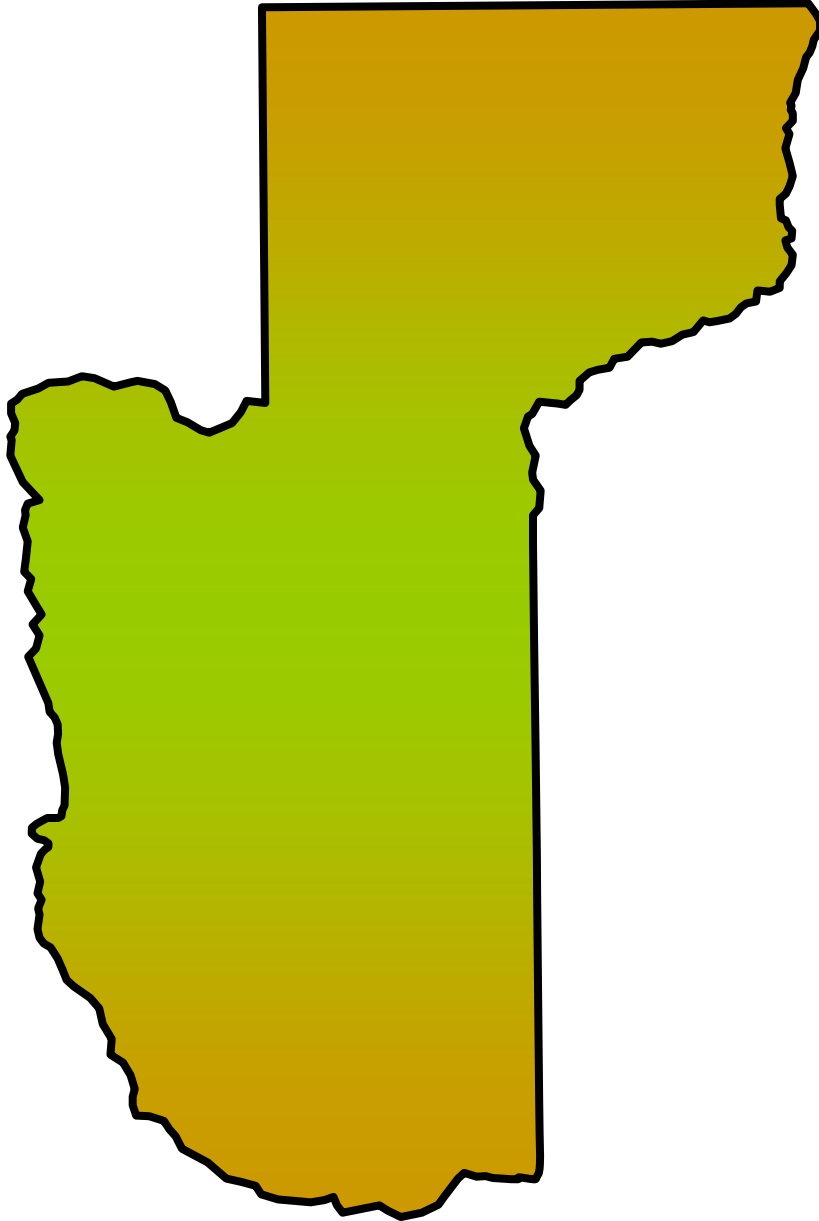


# Mohave County Land Division Regulations



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# Mohave County Land Division Regulations

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# Chapter 1

# General Provisions

## 1.1 Title

This Ordinance shall be known, cited, and referred to as the Land Division Regulations for Mohave County, Arizona.

## 1.2 Purpose of Regulations

- A. The purpose of these provisions is to provide for the orderly development and processing of land divisions, subdivisions and improvements of unsubdivided land in Mohave County; to ensure adequate light, air, open space, drainage, transportation, public utilities and other needs; to assure the maintenance of health, safety, and an attractive and efficient community; and to encourage the economical use of human and natural resources.
- B. Land divisions and subdivision of land is the first step in the process of urbanization of an area. The arrangement of land parcels for residential, commercial, and industrial uses, and for roads, alleys, schools, parks, and other public purposes provides the basic framework for the uses of land.
- C. These regulations are intended to be administered to:
  - 1. Implement the Mohave County General Plan and any applicable adopted Area Plan.
  - 2. Conserve and promote the public health, safety and general welfare of the citizens of Mohave County.
  - 3. Plan and provide for the orderly and regulated growth and development of the unsubdivided areas of the county in accordance with the General Plan and any adopted Area Plans.
  - 4. Establish minimum design standards for a parcel being subdivided and developed.
  - 5. Establish and maintain adequate and accurate records of land subdivision.

## 1.3 Authority

This Ordinance is enacted pursuant to the authority vested in the Mohave County Board of Supervisors by Arizona Revised Statute 11-821, 11-822, and 11-831, as amended, which provide authority for the regulation of subdivision development.

A. Jurisdiction and Amendment.

1. These subdivision regulations herein shall apply to all subdivisions of land, as defined herein, located within the unincorporated areas of the county. No land shall be considered subdivided within the unincorporated areas of the county until a county-approved plat is filed with the County Recorder.
2. The Mohave County Board of Supervisors may amend, replace, or change any of these regulations as state law or statutes and amendments require, or amend, replace, change, or update according to public initiative, or as may be necessary to modernize or conform to current data and trends, or by a majority vote. All amendments approved by the Board of Supervisors shall be by ordinance.

B. Policies and Purposes. These regulations are adopted to:

1. Provide a logical, practical, efficient process for the processing of land divisions and subdivisions.
2. Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of the population.
3. Protect and conserve land values, structures, and improvements throughout the county, and to minimize land use conflict.
4. Provide for adequate provision of transportation, water, sewer, electric, and telephone service, drainage, schools, parks, playgrounds, recreational, and public facilities.
5. Coordinate the provision of roads within subdivisions and minor land divisions with existing and planned roads, and with other features of the General Plan, any approved Area Plan, and any official county road system.
6. Encourage the reduction of pollution of air, land, and water; ensure adequate drainage and floodplain protection measures; safeguard the water table; encourage the proper use and management of natural resources and the environment; and preserve the natural beauty of the county.
7. Recognize the differences between land divisions with ready access to infrastructure as opposed to those developing the infrastructure.

## **1.4 Applicability**

- A. Upon the adoption of these regulations by the Board of Supervisors, every owner or subdivider of any lot, tract or parcel of land situated within the unincorporated area of Mohave County who seeks to subdivide land into two (2) or more parts for the purpose of laying out or creating any subdivision, or minor land division, or any additions thereto, shall comply with the provisions of these regulations, unless otherwise exempted pursuant to this section.

- B. The following activities do not require subdivision or minor land division approval or review by the county. However, Mohave County is not obligated to provide public access, nor issue a building permit to any lot, parcel or tract created outside of the subdivision process defined by these regulations when the lot, parcel or tract does not comply with minimum zoning requirements or creates a subdivision by acting in concert.
1. The public acquisition of land for streets, highways, and rights-of-way.
  2. Any lot, parcel or tract of land located within the area governed by these regulations which has been subdivided, resubdivided, or replatted and recorded prior to the adoption of these regulations.
  3. A division of property through inheritance, the probate of an estate, or by court order.
  4. Leasehold offerings of one (1) year or less, or leasing of agricultural lands, or of apartments, offices, stores, hotels, motels, pads or similar space within an apartment building, industrial building, rental recreational vehicle community, rental manufactured home community, rental mobile home park or commercial building.
  5. Lot line adjustments do not require county review when such adjustment will not alter the current zoning for the parcel, nor create a lot that is not in compliance with the Mohave County Zoning Ordinance.
  6. Divisions of land that create parcels or lots thirty-six (36) acres or larger.
  7. Subdivision into or development of parcels, plots or fractional portions within the boundaries of a cemetery that has been formed and approved pursuant to A.R.S. 32-2101.

## **1.5 Conformity with the Zoning Ordinance**

All plats reviewed under the provisions of these regulations shall conform to all zoning regulation provisions for the district in which the plat is to be located. When the subdivision of property requires rezoning action, the rezoning shall not become effective until the recordation of the final plat of the subdivision to which the zoning corresponds. The rezoning of property for phased subdivisions shall only become effective for each phase of the subdivision, upon the recordation of that phase.

## **1.6 Interpretation, Conflict, Severability, Effect, and Repeal**

- A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- B. Conflict with Other Laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

- C. Severability. These regulations and the various parts thereof are hereby declared to be severable. Should any section, clause or provision of these regulations be declared invalid by any court of competent jurisdiction, such invalidity shall not affect nor impair the validity of any other provision or remainder of these regulations, including any chapter, section, subsection, clause, phrase or word.
- D. Effect. These regulations shall apply to all new subdivision proposals received by Mohave County on or after March 20, 2001.
- E. Repeal. Upon the adoption of these regulations by the Board of Supervisors all previous subdivision regulations as amended, prior to the date of the approval of these regulations are hereby repealed.

## **1.7 Revocation of Plat Approval and Seizing of Assurances**

- A. The Board may revoke and declare null and void all approvals of the final plat and any associated Preliminary Plan, General Plan, Area Plan Amendment, and Rezone, or portions thereof, upon finding that:
  - 1. Within twenty-four (24) months of recording of the final plat, or as extended, no lots in the recorded final plat have been sold.
  - 2. If only a portion of a Preliminary Plan is being rescinded, each remaining phase must be able to stand alone and function, in the determination of the County Engineer.
- B. In revoking the approval for the Final Plat, associated Preliminary Plan, General and Area Plan amendments and Rezone, the Board shall:
  - 1. Hold a duly noticed public hearing
    - a. The public hearing shall be noticed in a newspaper per state statute, A.R.S. 11-251.
    - b. The applicant and project engineer shall be noticed via certified letter.
  - 2. Any associated rezone shall be revoked and reverted to the previous zoning per A.R.S. 11-814.
- C. If the Board chooses not to take action to extinguish inactive recorded plats per Section 1.7.A, it shall enforce all provision of Chapter 4 and cause the completion of the improvements. If non-financial assurances were posted, including but not limited to property escrow trusts, the Board shall cause the plat of record to be revoked per Chapter 1.7.A.
- D. If any lots have been sold in said subdivision at the time of the expiration of the approval of the assurances, the Board shall enforce Chapter 4 by seizing such assurances and completing the improvements,

- E. Where a final plat is revoked, the property within the boundary of a plat that has been revoked shall assume the same (undivided) status as prior to the recordation of the subdivision final plat.
- F. The Board of Supervisors may revert to acreage recorded subdivisions that are ten (10) or more years old, in which no lots have been sold, and in which no physical improvements have been completed. In conjunction with a reversion of a subdivision plat, the Board may also revert the project zoning, per State law. Properties included in reverted plats assume their prior, undivided status. Grubbing and clearing, and the submittal of plans, reports, plats, and other supporting documents, are not considered physical improvements. If reversion action is initiated, the property owner will be notified, by certified letter, of the date, time and place of all related public hearing items. After reversion action, any subsequent proposal to subdivide all or any part of the subject property shall constitute a new submittal and shall be reviewed under these regulations.

## **1.8 Abandonment**

The abandonment of public roadway right-of-way, public roadway easements, public utility easements, or portions thereof, created by recorded subdivision plats, shall require the submittal of a Petition of Abandonment to the Board of Supervisors via the Development Services Department. All other abandonments shall be submitted to the Public Works Department for processing. Mohave County may not process abandonments of private roads or easements. The processing of requests for abandonment of public roadway right-of-way, or public roadway easements, or any other public easement shall require:

- A. Submittal Requirements. The following items shall be submitted with any abandonment request:
  - 1. A petition (the form of which may be obtained from the Development Services Department) signed by ten (10) or more resident taxpayers of Mohave County, requesting the abandonment of a County highway, or other public roadway, public easement, or portion thereof, any private roadway or easement, as outlined above, including a description of the beginning, end, general course and direction, nature, and approximate condition of the roadway or easement to be abandoned. The petition should also cite the record reference of any known instruments which established the road or easement to be abandoned.
  - 2. An 8½ x 11 inch copy of the current Mohave County Tax Assessor's map(s), Mohave County GIS map, a map in .pdf format, or other map acceptable to the county, of the Township, Range, and Section, or detailed portion of the Section(s) thereof, showing the location and the extent of the portion of road or easement to be abandoned. The County Engineer may require a survey conducted by a Registered Land Surveyor licensed in the State of Arizona, as needed.
  - 3. Processing fees per Chapter 8.
  - 4. Notification letters. As a part of the abandonment process, the applicant is required to provide notification to the public and to affected individuals or entities as follows:

- a. Notification letters (the form may be obtained from the Development Services Department) will be prepared by the applicant(s) and given to the Development Services Department upon submittal of the abandonment petition and map. Each notification letter will include a copy of the petition, reason for the abandonment, and a map or diagram showing the full alignment, course, and direction of the road, right-of-way, or easement and the portion to be abandoned clearly marked. Each notification letter shall be accompanied by a first class postage stamped envelope, and shall be addressed to all property owners who own property along the entire alignment of the roadway or easement to be abandoned, to any other property owner whose permanent legal or physical access would be eliminated by the abandonment, and to affected utility companies, if any. It is the responsibility of the applicant to demonstrate to the county that the number of notification letters provided is sufficient for the intended action.
  - b. Pursuant to A.R.S. 28-7215, a roadway shall not be vacated if any land adjoining the roadway is left without an established public road connecting the land with another established public roadway unless there is expressly reserved in the conveying instrument the roadway rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees, and persons lawfully conducting business on the land.
  - c. Roadways or easements to be abandoned which were not established by the recordation of a Board of Supervisors-approved subdivision final plat, or by a County-approved Parcel Plat, or by an independent survey, such as a written property description included on a deed, and approved by the County Surveyor, shall require the applicant to provide a survey of the portion of roadway or easement being abandoned, which shall be performed by an Arizona Registered Land Surveyor prior to approval of the abandonment.
5. Title to vacated roadway or portions thereof shall vest as provided in A.R.S. 28-7205 and 28-7206, as amended.

B. Processing. The processing of Petitions of Abandonment shall be as follows:

1. Upon receipt by the Development Services Director of a Petition of Abandonment, the Board of Supervisors, if it chooses to consider the petition, shall schedule the request for public hearing, and approve or deny the request.
2. The abandonment request shall be posted and advertised in accordance with state law.
3. The Board of Supervisors may not approve an abandonment if it finds that:
  - a. The abandonment of roadway rights-of-way or roadway easements will deny the sole permanent legal access to any property.
  - b. The abandonment is likely to be injurious to the public safety and welfare.

C. Action.

1. If, in the opinion of the Board, the abandonment appears reasonable and the roadway right-of-way, roadway or other easement, or portion thereof is no longer needed for public use, and if the abandonment would not deny the sole access to any lot or parcel, and if the request complies with the requirements of these regulations and state law, the Board may approve the abandonment by resolution.

## 1.9 Reversion to Acreage

The reversion to acreage of existing lots or parcels shall require the submittal of an application for reversion to acreage to the Director. The reversion to acreage of lots or parcels typically will be encountered when an applicant wishes to subdivide or divide by minor land division land that has previously been platted or otherwise split, and which needs to be cleared of such boundaries to avoid superimposing the new lot or parcel lines over the existing land division. The processing of requests for reversion to acreage shall require:

A. Submittal requirements. The following items shall be submitted with any reversion to acreage request:

1. A written request (the form of which may be obtained from the Development Services Department) signed by all owners of property, proposed to be reverted to acreage, including a specific identification of the lots or parcels included in the request. If the lots or parcels were established with the recordation of a subdivision, or another instrument of record, the lots or parcels shall be referenced to record to that document.
2. An 8 ½ x 11 inch copy of the current Mohave County Tax Assessor's map(s) of the Township, Range, and, or detailed portion of the Section(s) thereof, showing the lots or parcels to be reverted to acreage.
3. Processing fees as per Chapter 8.
4. Title report(s) for the property proposed to be reverted to acreage, for all lots or parcels included in the request. When more than one individual owns the property to be reverted, separate title reports for each piece of the property owned by each different owner must be submitted.
5. Except for "unsubdivided" property as defined by A.R.S. 32-2101, any portion of the subdivision remaining after the reversion to acreage must function as designed, except that any portion of a subdivision recorded prior to September 7, 1965 may be reverted to acreage.
  - a. If a phase of a subdivision is requested for reversion, the applicant, prior to the hearing by the Planning and Zoning Commission, must submit a written proposal detailing the intended use and development of the property to be reverted. If such a proposal requires rezoning of the property, the rezone application shall be submitted and heard prior to or concurrently with the request for the reversion.



3. The Board shall consider the following:
  - a. The recommendation of the Planning and Zoning Commission.
  - b. The recommendations of the Director, the County Engineer, and the County Attorney.
  - c. Input from any other department, agency, individual, or entity affected by the application.
4. The Board of Supervisors shall not approve a reversion to acreage if it finds that:
  - a. The reversion is likely to be injurious to the public safety, health and welfare.
  - b. The reversion adversely affects existing or proposed surrounding development officially submitted to the county for review.
  - c. The reversion to acreage of a phase of a subdivision would result in a fractionalized development which cannot reasonably stand on its own, nor in conjunction with existing contiguous development.

C. Action.

1. If, in the opinion of the Board, the reversion to acreage of the lots or parcels complies with the requirements of these regulations, the Board may approve the reversion to acreage by resolution.
2. Upon the reversion to acreage of lots or parcels, the zoning for the reverted property shall be processed for revocation and reversion to the prior zone per A.R.S. 11-814.
3. If the reversion to acreage application is denied by the Board, no further application for reversion to acreage for any of the same lots or parcels shall be allowed for one (1) year from the date of the Board denial, unless, per the determination of the Director, the reason for the denial of the request has been resolved.

## 1.10 Exceptions from Standard

Exceptions from the design standards Chapter 5 of these Land Division Regulations may be allowed if a developer demonstrates to the satisfaction of the County that the deviations proposed will not be detrimental to the public health, safety and welfare.

- A. Proposed exceptions from design standards may be administratively approved by the Director, upon concurrence from the reviewing county departments. The applicant shall provide, with their submittal of a Preliminary Plan or Final Plat, one (1) digital and one (1) physical copy of a written proposal outlining any instances of exception or deviation from these standards, along with justification for the need for the exceptions. The county may require additional documentation to better prove the need for a given exception, or to adequately mitigate issues that may arise from the proposed exception(s).

1. Proposed exceptions typically should involve circumstances of significant terrain or other site constraint beyond the control of the applicant that necessitate the exception. Additionally, exceptions may be considered reasonable if the applicant demonstrates that the use of an alternate design standard would result in a subdivision design better than that which would occur with compliance to the county standard.
  2. The Director may approve a design exception(s), upon the concurrence or statement of “no objection” from the County Engineer. Such approvals shall not require consideration by the Planning and Zoning Commission or Board of Supervisors.
  3. If either reviewing department does not support a proposed design exception, that exception request shall be considered by the Commission and Board, with their consideration of the Preliminary Plan for the project, or if no Preliminary Plan is required or the plat is at Final Plat, concurrently with scheduling a first phase Final Plat for consideration by the Board.
- B. Proposed exceptions from improvement requirements or improvement standards shall require approval by Board of Supervisors, after receiving recommendations from the Planning and Zoning Commission, for the exceptions to be allowed as a part of a proposed subdivision.

### **1.11 Violations**

- A. Any person causing a final plat to be recorded without first submitting the plat and obtaining approval of the Board shall be guilty of a class 2 misdemeanor, per A.R.S. 11-822, as amended. Sales in violation of these regulations or state statutes may be rescindable by the purchaser. A.R.S. 32-2183 and 32-2185, as amended. Notification of subdivision or minor land division violations shall be submitted to the Arizona Commissioner of Real Estate by the Director. No building permits or certificates of occupancy will be issued for lots for which required potable water, sewer treatment, electricity and paved road improvements have not been made.
- B. Anyone selling or offering for sale a lot or parcel of land by reference to a map or plat not prepared in accordance with these regulations and with the requirements of A.R.S. 9-474, as amended, as applicable to subdivisions located in whole or in part within three miles from the corporate limits of a city or town having an ordinance establishing minimum subdivision standards and controls, is guilty of a class 2 misdemeanor, per A.R.S. 9-479, as amended.

### **1.12 Administrative, Filing, and Processing Fees**

Fees for administrative actions are per Chapter 8.

## Chapter 2

## Definitions

The definitions contained in this Section are intended to define terms as they are used in this document. For terms not defined in this Section, the reader is referred to the Mohave County Drainage Control Manual, A.R.S. 32-2101, Mohave County Standards and Specifications, the Mohave County Zoning Ordinance and an English dictionary in common usage.

Arizona Revised Statutes: The laws of the State of Arizona, as amended. Also referenced as “A.R.S.”.

Abandonment: The process of vacating the ownership of a parcel of property or the right of occupation by the governing body as provided by law.

Access: The place, means, or ways by which pedestrians and vehicles shall have safe, adequate, and usable ingress/egress to a property or use. A private access is an access not in public ownership and created by means of a deed, dedication, or easement.

Access, road: A roadway existing or proposed, that provides a permanent or primary means of ingress and egress from a subdivision or developed area to an established state, federal, or county roadway.

Accumulation: Growth by continuous additions.

Acre: A measure of land area containing exactly 43,560 square feet.

ADA: Americans with Disabilities Act; handicapped persons accessibility requirements.

Addressing/Renumbering Program: The physical addressing or re-addressing (numbering) and street naming of all parcels and access ways in the county according to an overlay grid and numbering grouping style as determined by the County Addressing Official.

Adjacent: Properties that are near but do not share a common boundary line.

Adjoining: Different described properties that share a common boundary line.

Alley: Any roadway, at least twenty-five feet in width, for the use of pedestrians and/or of vehicles affording a secondary means of access to property; also: a dedicated public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal access is on another street.

Applicant: A person who requests the services provided by the Department by filing an application with the Department for such services.

Application: A form, document, or set of written instructions provided by the Department to the applicant for use by the applicant in making the applicant's request for services to the Department. The application authorizes the Department to take official action with respect to the applicant's request, upon the filing of the application with the Department. Application shall not include any oral or telephonic request for services, or any written request not made on a form or document provided by the Department, or in accordance with a set of written instructions provided by the Department.

Approval, Preliminary Plat: Conditioned or unconditioned approval of a development plan by the Board of Supervisors, as evidenced in their resolutions and constituting authorization to proceed with final engineering plans and final plat preparation.

Approval, Final Plat: Approval of a development plan by the Board of Supervisors and approved by a signed resolution or ordinance, as evidenced by signature of the Chairperson of the Board of Supervisors and Clerk of the Board authorizing recordation of the plat.

Area, Open: Land area on which there is no structure erected; empty or vacant land.

Area Plan: A guide for the future development of a specified community or area, usually determined by public input from the area's residents and property owners. Area Plans shall become part of the General Plan upon adoption by the county.

Arterial: A road characteristic of high design speed and level of service and providing minimum interference to through movements.

Assurance: Legally binding and enforceable instrument(s) securing development or some other action by the person(s) tendering the instrument.

Base Flood Elevation: Water surface elevation of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Block: Part of a legal description encompassing a group of lots of undetermined number; or an addressing- renumbering grid length; or that property abutting one side of a street and lying between the two nearest intersecting streets or nearest intersecting street on subdivided land.

Board of Supervisors: Also, referenced herein as "Board". The Mohave County Board of Supervisors.

Buildable Area: That portion of the lot remaining after deducting all required roadway easements and setbacks from the gross area of the lot.

Buffer: A controlled area or zoning device separating two or more uses or structures, buildings, lots, areas, for the sake of noise or sight control, or separating unlike activities, zones, and land uses with landscaping, walls, and earthworks. Some buffers, such as rivers, washes, and mountains, are natural.

Clear Title (Marketable Title): A title which is free from encumbrances, obstruction, burden or limitations, and any reasonable doubt as to its validity; such a title as is free from reasonable doubt in law and in fact; not merely a title valid in fact, but one which readily can be sold or mortgaged to a reasonably prudent purchaser or mortgagee; one that is free from material defects, and free from litigation.

Collector (street): A road characteristic of intermediate design speed and level of service and providing access between abutting property and arterials.

Common Area: An area designated to serve two (2) or more dwelling units or separate uses with convenient access to the area. Held in joint ownership, use and/or for maintenance by an entity other than the county.

Common Element Improvements: Improvements, other than public improvements, such as streets, sewer lines, water lines, drainage facilities that serve more than one lot within a subdivision and which are not maintained by the county.

Common Wall: A shared wall between property owners.

Conditions, Covenants, and Restrictions (CC&Rs): A set of recorded and written promises with a private right of enforcement binding property owners in a subdivision to certain requirements, design, and construction methods, conduct and use of their properties, and the ownership, use, upkeep, and perpetual maintenance of any commonly held parcels, facilities, structures, easements, or activities. These are enforced only by the property owners or property owners association of the development and not by the county.

Condominium (Townhouse): Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common or limited ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owner (A.R.S. 33-1202).

Contiguous: As defined according to Arizona Revised Statutes 32-2101.

Corner Lot: A lot situated at the intersection of two (2) or more existing or proposed streets.

County Engineer (or their designee, who shall be a registered engineer in the State of Arizona): A registered engineer in the State of Arizona appointed by the Board of Supervisors as County Engineer, and who is the authority and supervisor for all issues involving engineering or registered engineers for the county, and who handles those matters for the Board by assuming the responsibilities of County Engineer as set forth in A.R.S. 11-561 through 11-562.

County Road: A dedicated public right-of-way constructed to Mohave County standards and accepted for maintenance by the Mohave County Board of Supervisors.

Court: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Cul-de-sac: A local road open at one end only and providing a special turning area at the closed end.

Dedication: The conveyance of land by the owner to Mohave County, for the use of the public, and accepted by the Board of Supervisors for such use by or on behalf of the public.

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.

Department: Shall mean the Development Services Department.

Developer: All legal or beneficial owner or owners of a lot or any land included in a proposed development, including a holder of an option or contract to purchase or other persons having enforceable, proprietary interests in such land.

Development: Any activity related to changing or adding to the appearance of land, or changing its current use, which is subject to regulation by the County through its zoning and subdivision codes.

Director: Shall mean the Development Services Director. The Director may delegate decisions to appropriate department employees.

Double Frontage Lot: Where a proposed subdivision adjoins a collector street or arterial, a lot that abuts both a collector (or arterial) and a parallel interior local street, usually by the front and rear yards.

Drainage Easement: An easement granted by the owner to the public for the purpose of drainage.

Drainage Report: A conceptual plan that establishes the drainage approach and system to be used for the entire development. It also establishes how and when the various drainage system components will be constructed.

Drainage Report, Final: A final drainage plan component providing final documentation of the detailed drainage design shown on contract construction drawings for the development project.

Easement: The right to use the property of another for some specified purpose(s).

Emergency Vehicle Access Road: An all-weather access road.

Encumbrance: Any right to, or interest in, land which may subsist in another to diminution of its value but consistent with the passing of the fee. A claim, lien, charge, or liability attached to and binding real property; e.g., a mortgage; judgment lien; mechanics' lien; lease; security interest; easement or right of way; accrued and unpaid taxes.

Engineering Plans: Drawings, profiles, cross-sections, specifications, and other details of construction of an improvement, prepared in sufficient detail by an Arizona registered engineer in compliance with county regulations.

Engineer of Record: See Project Engineer.

Existing Grade or Elevation: The vertical natural height of the ground surface.

Existing Use: The current use of a lot or structure.

Extension of Time: A distinct period authorized by the Board, after recommendation by the Commission, allowing an applicant time to conform to a previous condition beyond the original deadline for completion of the activity.

Exterior Wall: Any wall which defines the exterior boundaries of a building or structure.

Extra-territorial Area: Unincorporated land within three miles of any city or town. A city or town may place requirements on subdivisions located in whole or in part within a city or town's extraterritorial area pursuant to A.R.S. 9-474.

Fee Simple: Absolute and legal possession and ownership of a parcel of land.

FEMA/FIRM: Federal Emergency Management Agency/Flood Insurance Rate Map.

FEMA: The Federal Emergency Management Agency.

FHBM: Flood Hazard Boundary Map

Final Plat: A map of long-term reproducible material, describing the subdivision development of six (6) or more lots or parcels, prepared in accordance with these regulations and recorded in the office of the County Recorder, after approval by the Board of Supervisors.

Finished Floor Elevation: The elevation of the lowest floor, including the basement.

FIRM: Flood Insurance Rate Map.

Flexible Zoning: Zoning which allows for flexible development, and usually includes conservation of space and clustering techniques, providing for a more efficient use of land.

Flood Plain: Any land area susceptible to being inundated by water from any source.

Flood Plain Ordinance: The Mohave County Flood Control Ordinance – 2000.

Front Lot Line: The front edge of a piece of property adjacent to an access right-of-way.

Frontage: That portion of a parcel of property which is contiguous with a dedicated public street, highway, right-of-way, or approved access easement.

Frontage Road: A road segregating local traffic from the higher speed through traffic and intercepting driveways of residences and commercial establishments along the highway.

General Plan: A plan made and adopted by the Planning and Zoning Commission and adopted by the Board of Supervisors for the general physical development of Mohave County, and includes any unit or part of such plan separately adopted, of any amendment to such plan, or parts thereof. The same as the County Plan.

Grant: To bestow or confer, with or without compensation, a gift or bestowal by one having control or authority over it, as of land or money. A conveyance; transfer of title by deed or other instrument. Transfer of property, real or personal, by deed or in writing. To give or permit as a right or privilege.

Granting (clause): That portion of a deed or instrument of conveyance which contains the words of transfer of a present interest.

Gross Lot Area: Total area within the boundary lines of a lot. All of the land that is contained inside the lot boundaries including easements.

Gross Site Area: All of the land that is part of a development site, including street rights-of-way and/or easements.

Hillside: That portion of a hill between the summit and the base.

Hydrology Report: A report prepared by a registered engineer in the State of Arizona describing and presenting calculations concerning all aspects of sub-surface water for a parcel or area.

Impervious Surface: Those surfaces which do not absorb water, including, but not limited to: all buildings, parking areas, driveways and roadways, sidewalks, any areas of concrete or asphalt coverage, and roofs.

(Physical) Improvements: All on-site and off-site infrastructure required by these regulations as well as other services, amenities and facilities that may additionally be proposed by the subdivider.  
Improvement Plans, Subdivision, On-site/Off-site: Construction drawings of infrastructure and required improvements to a subdivision, submitted, stamped, and signed by a registered engineer in the State of Arizona.

Industrial Park: A planned development of land for industrial or industrial-commercial purposes. It may include a provision for streets or other access, railroad spurs, water, and sewage disposal facilities. It may also be a subdivision.

Infrastructure: Public and private services normally provided in a development, such as: water and water lines, tanks, sewer lines and manholes, electric service, gas service, roads, septic systems and wastewater treatment plants.

Ingress: Access or entry way to something.

Interior Lot: A lot having but one side abutting on a street or right-of-way.

Interior Lot Line: Property lines other than those fronting on a street or roadway.

Land Surveyor: A professional land surveyor registered in the State of Arizona.

Land Use: The occupation or utilization of land for any activity or purpose.

Legal Access: For the purposes of minor land divisions, a public right of vehicular ingress and egress between the lots, parcels or fractional interest herein created. A.R.S. 11-831.

Legal Description: For the purposes of these regulations, a legal description is a recorded written delineation of the exactly surveyed location and boundaries of a parcel of property tied to described monuments. It may include a tract number and/or description by metes-and-bounds, or by township, range, section, block, and lot.

Local Roads: A road characteristic of low design speed and level of service and providing property access.

Lot: Legally defined and delineated parcel of land.

Lot Coverage: The percentage of the area of a lot in relation to the area that is covered by all structures and buildings having a roof.

Lot Depth: The horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Lot, Double Frontage: A lot having roadway frontage on two opposite sides.

Lot Line: A legally describable boundary line which separates one lot from another, or from a public or private road right-of-way, public space, or alley.

Lot line, Front: See Mohave County Zoning Ordinance.

Lot Line, Rear: See Mohave County Zoning Ordinance.

Lot Plat: A site plan plat that defines and creates a lot within a recorded commercial-industrial subdivision by metes and bounds and describes the proposed intent and land uses thereon.

Lot Width: The average distance between the side lot lines.

1. If the side lot lines are parallel, the distance between these side lines.
2. If the side lot lines are not parallel, the width of the lot shall be the length of a line measured at right angles to the axis of the lot at a point which is equal to or greater than the required front yard setback for the district in which it is located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

Lot Split: See: Minor Land Division.

Main Building: A building, or group thereof, within which is conducted the principle use of the lot on which the building is erected.

Major Revision: A change to a subdivision plan or site plan that alters or deviates from the purpose, function and/or design as originally intended on the original plan or drawing, so that the originally intended character, effect, and use of the site have been changed.

Major Subdivision: A division of property into six or more lots, parcels or fractions thereof.

Manufactured Home Lot: A lot, as described in the Zoning Ordinance, either as an individual subdivision lot, or a rental lot within a manufactured home park.

Manufactured Home Subdivision: A manufactured home subdivision is designed and intended for residential use on individually owned subdivision lots, where dwelling structures are qualified manufactured homes which are recognized by the U.S. Department of Housing and Urban Development as the equivalent of standard frame homes.

Minimum Lot Width: The minimum number of feet required between side lot lines.

Minor Land Division: The splitting of a parcel(s) according to A.R.S. 11-831.

Minor Revision: A change to the drawing of a plat or report that does not constitute a major revision and alter the initial design, purpose, or intent of the development or report. (See: Major Revision.)

Mylar: Used as a general reference for a durable, permanent material used for the drawing plats, and which is easily reproducible.

Natural: The state or condition of land surface, vegetation, rocks, and other surface features which have not been moved, added to, or changed.

Natural Grade: The elevation of the ground surface in its natural state, before any alterations.

Net (Usable) Lot Area: All of the land contained inside a lot boundary, minus dedicated roadways, significant washes and arroyos, rivers and streams, public utility-interstate commerce transmission lines, railroads, and other conveyances, roadway easements, and attachments that run with the land.

Non-conforming Lot: A lot that does not conform to the current regulations and standards.

Non-Vehicular Access Easement (NVAE): An easement described along a parcel boundary allowing no vehicle access across the boundary, typically 2 feet in width.

Off-Site: Any area outside of the boundary of a subdivision tract or development.

Off-Site Improvements: Those improvements necessary under the subdivision regulations or other rules, requiring certain levels of completion, addition, or connection off-site that are related and necessary for the completion of a subdivision project. These improvements include, among others: streets, water and sewer lines, electric service, curb and gutters, storm drainage and other floodplain improvements, earthworks, traffic signs and lights, access road improvements, power poles, wastewater treatment facilities, and fire hydrants.

Off-Street Parking: Space provided for vehicular parking, not within the street right-of-way.

On-Site Wastewater System: A conventional septic tank or alternative system installed at a site to treat and dispose of wastewater, predominately of human origin generated at the site.

Open-Space: Any parcel or area of land or water essentially unimproved and vacant. Also, land set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining such area.

Outdoor Light Fixtures: Outdoor artificial light devices, fixtures, lamps, traffic signals, and other kinds, permanent or portable.

Owner (Property): Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any legal entity having fee title or other beneficiary interest evidenced by a recorded document(s) in the land to commence and maintain proceedings to control, divide, or otherwise deal with the same, under these regulations.

Owner's Agent: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any legal entity authorized to act for the owner by way of a signed statement from the owner authorizing the agent.

Package Treatment Plant: A modular, compartmentalized sewage treatment collection system assembled on site (see Sewage Treatment Facility).

Pad Elevations: The final grade of a site which conforms to the approved grading plan and use as a basis for the building site elevations.

Parcel: A fragment, portion or plot of land.

Park: A public or private parcel of land set aside for passive or active recreation and/or facilities.

Parking Lot: An off-street area specifically for the purpose of parking vehicles.

Parking Space: A space set aside for the parking of a vehicle.

Pedestrian Path: Exterior passage way designed for pedestrian use.

Permanent Access: Perpetual access from a subdivision to any federal, state or county highway. A.R.S. 32-2101.

Person/Entity: As defined by state law.

Phase: A portion of a subdivision processed as a separate Final Plat from the rest of the subdivision. The portion is independent of the rest of the subdivision and stands as a complete subdivision on its own, without being dependent on later development.

Phasing Plan: A map layout and narrative describing a development progression for a proposed subdivision in separate parts, for which each part will become an independent subdivision, or will be combined with previous recorded phases.

Physical Access: Where each lot, parcel or fractional interest has access that is traversable by a two-wheel drive passenger motor vehicle.

Planning Commission: Planning and Zoning Commission as defined by A.R.S. 11-802. Same as the Mohave County Planning Commission or the Commission.

Preliminary Plat: A map design, including supporting data, drawn to show the development of six (6) or more lots or parcels to create a subdivision, and as prepared in accordance with these regulations.

Preliminary Plat, Corrected: A Preliminary Plat that has progressed through the County review process and has been returned to the applicant for corrections, and the applicant has made the corrections based on the County review letters and resubmitted the plat for subsequent review.

Preliminary Plat, New: A plat depicting the general design for the subdivision, as originally submitted, based on the pre-application meeting.

Preliminary Plat, Revised: A Preliminary Plat that receives a new tract number, new preliminary title report, and new completion time lines.

Project Engineer: A professional engineer registered in the State of Arizona identified as the engineer for the project or development.

Project Surveyor: A professional land surveyor registered in the State of Arizona identified as the surveyor for the project or development.

Property: A piece of real estate, including the land and/or air space, any structures thereon, all improvements, easements, rights, and appurtenances belonging thereto.

Property Owner's Association: A legal entity or association, per Title 10 or Title 33 of the Arizona Revised Statutes, established for the purpose of owning and maintaining in perpetuity commonly-held private real property, or providing for the administration and development, or maintenance in perpetuity of a legally defined subdivision and/or commonly- held property and appurtenances, usually residential, and governed by a board selected to represent the homeowners.

Public Area: A portion of land, building, structure, or space designated for the use by the public.

Public Hearing: Public meeting held under the conditions of and for the purpose specified by A.R.S. 11-814, and these regulations.

Public Improvements: Those improvements required to be constructed for a given development which are necessary to make the development functional for the public benefit or use.

Public Right-of-Way Width: The distance between two boundary lines, usually parallel, which describe a public right-of-way.

Public Utility: Privately owned or municipal facility for distribution to the public of various services such as power, heat, light, water, sewage removal, and communication.

Recreation Facilities: Buildings, structures, or areas built or developed for the purpose of entertaining, exercising, or observing various active or passive activities of individuals or groups, or the participation therein.

Recreational Vehicle Subdivision (includes Park Models): A subdivision which creates lots for use by recreational vehicles, and provides human services typically required by these vehicles.

Regulatory Flood Elevation: An elevation one (1) foot above the base flood elevation for a watercourse, for which the base flood elevation has been determined and shall be as determined by the criteria developed by the Director of Water Resources for all other watercourses.

Re-subdivision (re-plat): A changing of the design, name, lot lines, size of lots, or road alignments of any recorded and/or approved subdivision in Mohave County.

Right-of-way: Any strip of land or area which is secured or reserved for public or private use, such as a street, roadway, utilities, or drainage purposes.

Rural Development Area: An area described by the General Plan as supporting a rural lifestyle consisting of low population, large parcels of land of five acres or greater, low-density neighborhoods, sparse development, ranches, farms, open spaces, and other low density uses.

Sanitary Sewer System: A raw sewage collection and treatment system, as approved by the Arizona Department of Environmental Quality.

Scenic Highway/Route: A highway, road or similar route that, in addition to its transportation function, provides opportunities for the enjoyment of natural and manmade scenic resources and access, or direct views to areas or scenes of natural beauty or historic or cultural interest.

Setbacks: The required minimum horizontal distance between a lot line and the nearest point of a building, structure, or use located on the lot.

Slope: Land gradient described as the vertical rise divided by the horizontal run.

Solid Waste: Any garbage, trash, rubbish, refuse, sludge from a wastewater treatment facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material, except for hazardous waste, which are discarded to an authorized landfill.

Special Flood Hazard Area: The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V.

Specific Plan: A zoning plan prepared according to A.R.S.11-807.

Standard Details: Industry recognized construction drawings, adopted by Mohave County, which are the minimum requirements to be used in the construction of subdivisions, and other public or private projects.

Standard specifications: Industry recognized construction methods adopted by Mohave County which are the minimum requirements to be used in the construction of subdivisions, and other public or private projects.

Stub Streets: Dead end streets planned to be continued along the same road alignment at a future date in a future development.

Subdivider: Any person who offers for sale or lease six or more lots, parcels, or fractional interests in a subdivision or who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to create subdivisions.

Subdivision (Subdivided Lands):

(a) Means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests.

(b) Includes a stock cooperative, lands divided or proposed to be divided as part of a common promotional plan and residential condominiums as defined in A.R.S. 33-1201.

(c) Does not include:

(i) Leasehold offerings of one year or less.

(ii) The division or proposed division of land into lots or parcels each of which is or will be thirty-six acres or more in area including to the centerline of dedicated roads or easements, in any, contiguous to the lot or parcel.

(iii) The leasing of agricultural lands or apartments, offices stores, hotels, motels pads or similar space within an apartment building, industrial building, rental recreational vehicle community, rental manufactured home community, rental mobile home park or commercial building.

Suburban Development Area: An area described by the General Plan to be intended for development of medium and lower density residential neighborhoods with many of the amenities of urban areas. Suburban lot sizes range from one to five acres in size. Neighborhood commercial uses will be permitted at appropriate locations where they are compatible with adjacent uses and infrastructure.

Timeshare: Real property ownership or right of occupancy in real property pursuant to A.R.S. 32-2197.

Topographical Map (Topo): A map depicting the configuration of the earth's surface, natural features, physical changes, and is the representation of the terrestrial relief by contoured intervals.

Tract: A piece of land divided into parcels and lots as a separate and distinct subdivision.

Tract Number: A number assigned to a subdivision plat at the Preliminary Plat stage for identification and recording purposes.

Type I Subdivision: A standard subdivision approval process as defined by these regulations.

Type II Subdivision: An abbreviated subdivision approval process available to small subdivision projects that qualify, per these regulations.

Unbuildable/Unusable lot: A lot that cannot support the required zoning setbacks for the zone, and/or the building lot coverage falls below the minimum requirements because of the intended use of the lot interfering with existing easements.

Unit, Condominium: A division of airspace depicted on the subdivision plat.

Urban Development Area: An area described by the General Plan intended to provide for more intense residential and commercial use and development near urban areas and some outlying communities. Urban designations may range up to 25 units per acre, and urban services and facilities will be required for both residential and non-residential development.

Usable Lot Area: The amount of a lot available for use after subtracting required setbacks, easements, roadways, walls, drainage ways, public easements, natural features, and terrain.

Vicinity Map: A map, showing the location of a proposed subdivision, its relationship to natural and manmade features, location of major roads and thoroughfares and other communities or developments, indicating the township, range and section lines.

Wall: An erected barrier around property or a structure.

Work Day or Working Day: The days during the year when Mohave County is open for business as determined by the State Legislature and the Mohave County Board of Supervisors.

Zone (Zoning District): A specific use classification established by zoning which limits or permits a particular land use or variety of uses, and some uses as approved specifically.

## **3.1 General Procedures**

Subdivision applications shall be processed according to the following: pre-application meeting, Preliminary Plat, and final plat. The Director shall receive all applications and review them for required elements and documents. The Board of Supervisors shall have final approval of preliminary and final plats.

## **3.2 Appeal**

If during the processing of a subdivision plat an applicant objects to the recommendations or determinations made by the Director, the applicant may appeal the decision to the Board of Supervisors. All appeals must be submitted to the Director within thirty (30) days of the date the decision was made. Upon receipt of a written statement of objection specifying the points of concern, the matter shall be scheduled for the next available meeting of the Board of Supervisors. Except as otherwise provided in these regulations (including Exceptions from Standards in Section 1.10), the Board, in considering an appeal by an applicant, shall enforce not less than the minimum, adopted regulations and ordinances of Mohave County, and any applicable state or federal law.

## **3.3 Change in Ownership or Project Engineer**

If the owner, project engineer, or the project surveyor changes, notification shall be made in writing, within 30 days of the change to the Department. Proper documentation as to new ownership or a change in project engineer or project surveyor of record, shall include new addresses and telephone numbers. Mohave County shall not be responsible for changes, incompleteness, or notifications to previous or current owners or project engineers where there are obsolete addresses and telephone numbers for which the county has no control.

## **3.4 Coordination with Applications for Rezones**

Applications for changes or amendments to the General Plan or Area Plans, Zoning District Boundaries, and Rezones, must be made concurrently with or prior to the submission of the Preliminary Plat and can be reviewed simultaneously with the Preliminary Plat.

### **3.5 Types of Land Divisions**

- A. Subdivisions
  - 1. Pre-Application Meeting (Chapter 3.6)
  - 2. Preliminary Plat (Chapter 3.7)
  - 3. Final Plat (Chapter 3.8)
  - 4. Type II Subdivision (Chapter 3.9)
  - 5. Non-Residential Subdivisions (Chapter 3.10)
- B. Minor Land Divisions (Chapter 7)
  - 1. Ministerial Review (Chapter 7.C)
  - 2. Parcel Plat Review (Chapter 7.D)

### **3.6 Pre-Application Meeting**

#### A. Purpose

Any proposed subdivision project shall require the developer to schedule a Pre-Application Meeting with the county before delivering any documents to the county for review.

#### B. Pre-Application Meeting Requirements

The pre-application meeting should include the owner and/or owner’s agent, the project engineer, the Director or their designee, the County Engineer or their designee, a representative from the Environmental Health Division, and other interested agencies, as stated in Section 3.6.A.

1. The owner and/or owner’s agent and the project engineer should be prepared to provide information and discuss compliance with the General Plan and adopted Area Plans; the Zoning Ordinances and requirements for submitting Rezones; applicability of site plan requirements; applicable provisions of these regulations; physical features of the proposed development; the availability of public facilities and services; the timing and placement of public improvements; transportation issues; assurances; environmental concerns; and subdivision design.
2. The owner/developer shall inform the Department of the process/project manager who will make all submissions to the County. Should the process/project manager change during the processing of the Preliminary Plat or final plat, the developer shall notify the Department in writing.
3. In order to request a pre-application meeting, the owner and/or owner’s agent must submit one (1) digital and one (1) physical copy of a conceptual layout, and a narrative accompanied by a request for a pre-application meeting to the Department, a minimum of two weeks prior to the pre-application meeting date. The conceptual layout should show the subdivision design, lot layout, and circulation patterns. Project names shall not duplicate names of existing or proposed developments, nor be so similar as to cause processing confusion.

4. Within ten (10) working days of the pre-application meeting, and following the receipt of recommendations from other reviewing agencies, if the Director find that the project can feasibly meet the requirements of the Land Division Regulations and other adopted plans and standards, the next available tract number will be assigned and given to the owner/developer to apply to their Preliminary Plat and improvement plans.

### **3.7 Preliminary Plat Application Procedures for Subdivisions**

#### **A. Purpose.**

A Preliminary Plat is made for the purpose of depicting the design of a proposed subdivision and showing any existing conditions in and around it. The Preliminary Plat shall be in sufficient detail to convey the applicant's ideas and intentions in platting the proposed subdivision. It shall contain a written description of the existing conditions on the project site and the necessary drawings and sketches, as required by this section, to convey the applicant's plan of development.

1. The Preliminary Plat shall depict at least the minimum standards for design and the requirements for construction of public improvements, as set forth by these regulations and other county specifications.
2. If during processing, significant deviations from the design and concept presented at the pre-application meeting, or deficiencies from these regulations are noted, the Director shall notify the applicant or authorized representative in writing of any appropriate action necessary to be taken for the continued review of the plan or possible cancellation of the process.

#### **B. Application Process.**

1.
  - a. No later than one (1) year, or as extended by the Director after the date of the issuance of the tract number, the applicant shall file the Preliminary Plat submittal, along with necessary documentation. The applicant may request a single one-year extension in writing which may be approved by the Director.
  - b. If the applicant fails to submit a Preliminary Plat for review within one (1) year of the issuance of the tract number, or at the end of the extension approved by the Director, a new pre-application meeting shall be held.
  - c. The developer and the project engineer shall be notified when a new pre-application meeting and additional fees are required.
2. Once all required information and fees have been received, as determined by the Director, the official review date shall be set. Copies of information shall be distributed to all concerned reviewing agencies for comments and recommended or required corrections.
3. The county will compile review comments from all reviewing agencies and will include them with the review letter. The applicant is responsible for addressing the review comments with the corrected submittal.
4. Initial Preliminary Plat submittals shall include one (1) physical and one (1) digital copy of each of the following unless otherwise noted or requested:

- a. A Preliminary Plat bearing the original seal and signature of the project surveyor and project engineer.
  - b. A narrative (written description) of proposed design and improvements, density, proposed land uses and other information related to the proposal.
  - c. Any additional information offered by the applicant, including, but not limited to, Exceptions from Standards per Section 1.10.
  - d. A preliminary drainage report prepared in accordance with the Drainage Design Manual for Mohave County by and containing a seal and signature of the project engineer.
  - e. Percolation tests reports and soil boring log reports, per ADEQ requirements, if individual on-site wastewater systems are proposed.
  - f. A traffic impact analysis, as required by and prepared in accordance with the Mohave County Traffic Impact Analysis Standards and Section 5.2.F.
  - g. A list of proposed street names. The proposed street name shall be shown on the Preliminary Plat.
  - h. Any required rezone or other necessary applications.
  - i. A letter and application requesting any necessary change to the General Plan and/or applicable Area Plan, to bring the development into conformity.
  - j. Any required application for the abandonment of roadways and/or easements, or Abandonment and Reversion to Acreage, where required as part of the platting process, or as proposed by the applicant.
  - k. A written statement from the appropriate jurisdictional fire district or department, as to fire protections levels of service and improvements needed.
  - l. Required fees.
  - m. Title Report prepared within 30 (thirty) days of the date the report is submitted.
5. The following agencies, as appropriate, will or may review any Preliminary Plat submittal or portions thereof for evaluation and recommendation:
- a. The Development Services Department.
  - b. The Public Works Department/County Engineer.
  - c. The Environmental Health Division.
  - d. The County Attorney's Office.
  - e. The appropriate electric, water, sewer, and gas utility companies.
  - f. The fire district which the development is in, or the State Fire Marshal and the nearest fire district that is within three miles, if not within a fire district.
  - g. Appropriate federal and/or state agencies.
  - h. School districts, as necessary.
  - i. Irrigation district, as necessary.
  - j. County Sheriff's Office, as necessary.
  - k. Any incorporated city within 3 miles of the development.
  - l. Other agencies as necessary.

- m. It is the responsibility of the applicant to contact the Army Corps of Engineers and other state and federal permitting agencies for requirements, submittals, reviews, and responses.

C. Preliminary plat.

The Preliminary Plat shall contain the following information. The information will be shown graphically or provided by notes on the plat. The plat may comprise several sheets showing various elements of required data.

1. Plat data shall be clearly and legibly drawn to a standard engineering scale not smaller than one (1) inch equals two-hundred (200) feet.
2. Each plat sheet shall measure at least 24 by 36 inches, but no larger than 36 inches by 36 inches.
3. A vicinity map that clearly indicates the project location and its proximity to cities, highways, major roads and adjacent development and is legibly drawn.
4. The Preliminary Plat shall contain the following information:
  - a. Each sheet shall have a title block with the title 'Preliminary Plat', the name of the development, and the tract number. Include a legal description of the site, which includes township, range, and section, and portion thereof. The name, address, e-mail address, and telephone number of the applicant/owner; the name, address, e-mail address, and telephone of the project engineer/surveyor for the plat, their seals and registration numbers; a block for page and revision numbers; north arrow and scale; and match lines.
  - b. Project engineer/surveyor notes; a legend showing all symbols and abbreviations used on the plat; narrative statements; datum and source; and a general information listing.
  - c. Adjoining Assessor's Parcel Numbers, and the current zoning designation.
  - d. A topographical representation, using 2-foot contour intervals for slopes of 5% or less, and 5-foot contour intervals for slopes over 5%, to show all areas subject to flooding or overland flow. Include the width and locations of all water courses flowing continuously, intermittently, or sporadically; include drainage arrows indicating general water flow within all watercourses and streets. Include source datum based on U.S.C. & G.S., N.G.S., or other qualified source. Extreme terrain must be presented in a legible manner.
  - e. Show existing conditions on the plat:
    - 1) Show or describe benchmark locations with reference datum. All monuments found or set will be described.
    - 2) Show plat boundary line bearings in degrees, minutes, and seconds, with basis for bearings noted or shown.
    - 3) Show existing easements with recordation information. Easements proposed for abandonment should be indicated. Indicate locations and widths of all alleys.

- 4) Show any existing rights-of-way, parcels, and/or other dedications, and reference them to documents of record.
  - 5) Conditions on adjacent land that significantly affects the design of the subdivision, such as other subdivisions, drainage channels and terrain.
- f. Show proposed information on the plat:
- 1) Under general notes, identify the following:
    - a) Service providers for water, sewer or septic, system or other, electric, gas (if any), telephone, and solid waste disposal.
    - b) The fire district designation, if any.
    - c) The floodplain designation.
    - d) Total acreage of the site.
    - e) Total number of lots, parcels, units or timeshare interests for the subdivision, and for each proposed phase.
    - f) Average lot size, minimum lot size, densities proposed for each different use.
    - g) The proposed land uses for the development for each different zoning designation.
    - h) The provision for solid waste removal and location of community containment or collection areas, and distance to the nearest landfill.
    - i) Assessor's Parcel Number for the property.
  - 2) Depict all proposed lot lines with dimensions.
  - 3) Number all lots and blocks by consecutive numbers within the subdivision boundary.
  - 4) Label all common areas and specified parcels individually, with a separate letter designation. Show the acreage and proposed uses for all designated parcels and their dimensions.
  - 5) Proposed streets and roads, including typical street/road sections, horizontal center line and radius of curve dimensions; intersections and right-of-way return radii; proposed street names; right-of-way widths, drainage storage facilities and easements, proposed utility easements, and any other public or private easements.
  - 6) Include a typical building setback diagram.
  - 7) Show the entire subdivision and the proposed division of the tract into phases, if phasing is proposed, and the sequence of phase development. Include the overall acreage and acreage allotted to each different phase. The director may approve amendments to the phasing proposals and sequencing when each phase complies with these regulations as a separate distinct subdivision or in conjunction with other phases, unless otherwise stated in Board approval.
  - 8) Show boundaries of special flood hazard areas as designated by the FEMA FIRM maps.

- g. Provide a narrative statement describing all on- and off-site improvements to be constructed:
- 1) The use of the property being subdivided, densities proposed and the compatibility of the subdivision with the existing surrounding developments. This statement shall address the impact on neighborhood composition, traffic, roads, schools, infrastructure, and drainage. The statement shall also serve as a summary description of the proposal, including reference to the total number of acres, lots, different types of parcels, blocks, common areas, and a description of mixed uses in the proposed subdivision.
  - 2) A description of each on and off-site utility or other service proposed for the subdivision. Identify the providers for each utility or service and indicate the distance to each existing usable service line from the closest point of the proposed subdivision, and the direction thereto.
  - 3) A description of all proposed improvements, such as interior/exterior/access streets/roads and rights-of-way, drainage channels and storage basins, and other devices, curbs and gutter locations, street light placement, types of view obscuring barriers and fences, street/road surfacing, street signage and markings, gateways, fountains, landscaping, community mailboxes, public or semi-public buildings, and all other on- and off-site improvements and/or facilities proposed for the subdivision.
  - 4) A discussion relating to the suitability of the site for the development proposed, according to the Preliminary Plat checklist. Include proposed densities, availability, location and type of water and water source, method of sewage disposal, solid waste disposal, and improvements to the site, physical limitations of the property, if any, slope and terrain, floodplain determination and obligation, permanent legal access and expected traffic generation.
  - 5) The method and timing of the commencement and the completion of all improvements. The narrative shall state whether the developer proposes to complete improvements prior to final plat recordation, or whether an assurance will be posted for the completion of improvements, or a combination thereof.
  - 6) A description of the dust mitigation plan that will be used to reasonably prevent airborne dust from impacting neighboring structures and people during and after land clearing and construction, as a result of the land clearing and construction. During clearing, and until revegetation, stabilization, or complete construction on the parcel has taken place, dust shall be minimized through the application of generally acceptable dust suppressants. Water, although generally accepted, is not preferred. Unacceptable dust controls are those that would have an adverse effect on human, animal or plant life, or cause property damage. The dust mitigation plan must encompass the entire subdivision but may be divided into phases as development advances.

D. Application Dates, Processing, and Time lines.

1. Within five (5) working days, typically, of receiving the Preliminary Plat application, the Director shall determine whether the submittal is complete. The Director shall notify the applicant and the project engineer as to whether application is complete. Should the application be incomplete, the notification shall include an itemized list of any remaining items necessary to be submitted to complete the application.
2. If required documents and information have not been received within thirty (30) working days of the notification of deficiencies, the application will be refused and shall be returned to owner or owner's agent and may be mailed back at their expense. The official date of application for Preliminary Plat review will be the date that the complete submittal has been received, as determined by the Director.
3. The county shall distribute the Preliminary Plat submittal for review to county departments and other agencies. The county and all other reviewing agencies shall have thirty-two (32) working days from the official application date to determine whether the documents address and meet subdivision requirements, unless the county finds that in order to address public health, safety and welfare concerns, and to ensure compliance with adopted regulations, ordinances and standards applicable to the proposal, the county and other reviewing agencies may have additional review time. The applicant is responsible for addressing comments from those agencies regardless of when those comments are received.
4. The Director shall notify the applicant in writing and the project engineer when review will extend beyond the thirty-two (32) working days, and inform them of the expected completion date.
5. A Preliminary Plat that has been reviewed by the reviewing agencies shall be scheduled for consideration by the Planning and Zoning Commission when:
  - a. The review of the Preliminary Plat has been completed by all reviewing agencies, and
  - b. The reviewing agencies have determined that the Preliminary Plat is in compliance with these regulations and all other applicable requirements, and
  - c. Written recommendations of approval are received by the Director from all reviewing agencies prior to the agenda deadline for a given meeting for which the Preliminary Plat is scheduled to be considered.
6. All Preliminary Plat re-submittals (corrected submittals) must be received within one (1) year of the date of the previous Development Services Department or Public Works review letter, whichever is dated the latest.
  - a. Plat submittals made thereafter shall be considered as a new first submittal, after a new pre-application meeting is held, and if necessary, a new tract number is issued.
  - b. "Corrected" plat submittals (those subsequent to the initial submittal), shall include one (1) digital and one (1) physical copy of all necessary plats and documents, and shall address all regulatory requirements and all outstanding review comments.

- c. Corrected plat submittals (those subsequent to the initial submittal), shall include a response letter which explains how all applicable comments from each reviewing agency have been addressed.

E. Preliminary Plat Revisions:

1. The Director shall have the discretion to determine whether a revision to an approved Preliminary Plat constitutes a major or minor revision, as defined herein, as per this section.
2. A major revision is a change to a subdivision plan that alters or deviates from the purpose, function and/or design as originally presented at the pre-application meeting, so that the original character, effect and/or use of the site have been changed.
3. Minor revisions are any changes that are not considered major as defined below. Accumulative effects will be considered. Any revision criteria that does not appear on the major revision list shall be assumed to be a minor revision, but as determined by the Director. Minor revisions may be referred back to the Planning and Zoning Commission and Board of Supervisors if the county finds that the extent or nature of the revisions, even though minor, warrants that reconsideration.
4. Any one or more of the following changes to a Preliminary Plat, after its approval by the Planning and Zoning Commission, shall be considered a major revision. The change(s) shall require the plat to be returned to the applicable earlier stage of review, a new pre-application meeting, or a new Preliminary Plat submittal, at the discretion of the Director, and shall require new fees, involve a new tract number, and a new six (6) year period of approval, if approved:
  - a. The Preliminary Plat has received a substantial redesign that is different from the previous Preliminary Plat, instead of correcting deficiencies from the previous review.
  - b. The revised Preliminary Plat does not substantially conform to the design recommended by the Commission and approved by the Board of Supervisors.
  - c. Addition or subtraction of a block of lots, or parcel(s) that influence the design and effects on the plat, where the remaining elements must be redesigned to accommodate a change in density of ten percent (10%) or more.
  - d. An increase or decrease in size:
    - 1) Of the plat boundary affecting total acreage of the site by ten percent (10%) or more;
    - 2) Of ten percent (10%) or more in residential lot density;
    - 3) Of the total number of lots on the plat by ten percent (10%) or more;
  - e. Changing a land use on the plat in such a manner that the change creates design conflicts between residential and commercial uses.
  - f. The addition or subtraction of a through collector street, or greater classification, inside the plat boundary.
  - g. Noncompliance with required road specifications.

- h. Addition or subtraction of a golf course, lakes, canals, or parks, to the plat.
- i. Any denial of a Preliminary Plat by the Board of Supervisors.
- j. Any deliberately false or misleading representation on the plat or documents supporting the plat; falsification of records, legal description, or any proven fraudulent action affecting the plat; or legal/court determination requiring change as a result of false representation.
- k. The addition of new exceptions from standard that the reviewing county departments consider significant, or which may not be supportable.

F. Phasing.

1. Proposed phasing of a subdivision is to be depicted on the Preliminary Plat. Each subdivision phase must be able to function independently when constructed according to the Land Division Regulations from any other subdivision phase.
2. Phases that require improvements shall be designed and constructed with complete, independent infrastructure or adjoin a previously completed phase or phases.

G. Action on Preliminary Plats.

1. All Preliminary Plats considered by the Department to be complete per Section 3.7.D.5, shall be submitted to the Planning and Zoning Commission for its consideration and recommendation to the Board of Supervisors.
2. If a plat is disapproved by the Board of Supervisors, any resubmission of the same plat, or a portion thereof, shall be treated as a new submittal and shall be charged new fees.
3. Preliminary plats approved by the Board of Supervisors shall be approved for a six (6) year period, starting from the date of Board approval of the original Preliminary Plat, and may be extended for two (2) year periods by the Director for up to a total of twenty (20) years.
  - a. When the Director determines that two-thirds (2/3) of the phases or lots in the proposed subdivision tract have been recorded, no further Preliminary Plan extensions are necessary. Additionally, for subdivisions that have reached two-thirds (2/3) recordation status, there are no subsequent initial or corrected Final Plat submittal deadlines for any remaining unrecorded phases within the tract.
  - b. All phases of the remaining undeveloped subdivision must comply with the then current standards when submitting the final plat.
4. Within the period of approval per Section 3.7.G.3, or as extended, the developer shall submit, process and record the final plat, and/or all proposed phases.
5. Prior to the expiration of the Preliminary Plat approval per Section 3.7.G.3, the developer shall submit a written request to the Director requesting an extension of time for the Preliminary Plat approval. The request shall detail plat progress, recording, and construction within the subdivision or phases, as well as an explanation of circumstances which have delayed project completion justifying an extension of time, and show active resolution of those circumstances pending issues which have hindered subdivision processing progress.
6. The extension request shall be evaluated according to number 5 above, and the developer shall be notified in writing of approval or denial by the Director. Approval shall include a new expiration date, and denial shall state the reasons therefore. Extensions of time shall be in two (2) year increments from the date of Board approval of the Preliminary Plat.
7. If an extension request is denied the issue shall automatically be appealed to the Board. The Board may approve or deny the extension. If the Board approves the extension, it shall be for two (2) years. If the extension is denied, the developer may submit a new Preliminary Plat for the proposed subdivision.

8. It shall be the responsibility of developers to track their projects, processing timelines, and effective expiration dates. Requests for extensions of time shall be submitted to staff before the approved extension expiration date. If a request for an extension of time is not received by the previous expiration date, project processing shall cease without further notice and all documents will be returned to the developer or the project engineer. If after the expiration date, the developer wishes to continue the project, they may submit a new Preliminary Plat for review, which will require all necessary documents and new fees.
9. The subdivision plat shall, if extended, be subject to any new regulations, or changes to regulations, including but not limited to, new fees and processing requirements.

H. Action by the Planning and Zoning Commission.

The Commission shall consider the following criteria in making a recommendation on a Preliminary Plat:

1. Any report prepared by the Department, including replies and comments from all county departments and other agencies.
2. That the subdivision substantially conforms to any approved concept plat received and reviewed (and/or approved) by the county and other agencies.
3. The subdivision conforms to these regulations; the applicable provisions of the zoning ordinance; and other land use regulations.
4. The subdivision represents an overall development pattern that is consistent with the goals and policies of the General Plan, any related Area Plan, any official maps or capital improvements program, and any other applicable planning documents adopted by the county.
5. The subdivision contains a land design layout that is consistent with good land planning and site engineering design principles as recommended by the County Engineer.
6. The subdivision is served, or will be served at the time of development, with all necessary public utilities, where required, including, but not limited to: water, an approved sewage disposal system, electric and telephone services.
7. The subdivision is served, or will be served, with all necessary public facilities, as required, at appropriate levels of service standards as may be established in the General Plan, any related Area Plan, these regulations, and other applicable documents. Such facilities may include, but are not limited to: streets, fire protection, police protection, emergency medical services, schools, parks, recreation, open spaces, and libraries.
8. The subdivision satisfies all applicable storm drainage and floodplain regulations, ordinances and laws.
9. Each lot has adequate permanent access as defined by A.R.S. 32-2101.
10. The plat will be designed and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to: topography, slope, soils, geology, hydrology, floodplain, wetlands, vegetation, and trees.

11. The subdivision complies with A.R.S. 11-805.
12. The applicant agrees to dedicate land and rights-of-way, and to grant easements, as may be determined by and without costs to the County, to implement the purposes of these regulations and the standards and requirements incorporated herein.
13. Review and Recommendations.
  - a. The Commission shall hear and consider all evidence relating to the Preliminary Plat, and make recommendations to the Board of Supervisors.
  - b. Upon the Commission's recommendation, the plat shall be forwarded to the Board of Supervisors for consideration.
  - c. A Preliminary Plat may be continued or withdrawn from consideration upon the written and signed notification by the subdivider to the Director.

I. Action by the Board of Supervisors.

Upon recommendation by the Planning and Zoning Commission, the Board of Supervisors shall review the application and the recommendation of the Commission and either approve, conditionally approve, or disapprove the Preliminary Plat. The Board shall base its review and decision on the recommendation of the Commission and relevant information from the Development Services Department, the County Engineer, the Health Department, the County Attorney, the applicant, and other agencies, and such other factors as it deems relevant and applicable.

1. If the Preliminary Plat is approved with conditions, the applicant shall meet or arrange to comply with any and all conditions before or with the submission of a final plat.
2. If the Preliminary Plat is disapproved, the Clerk of the Board shall, within ten (10) working days of the Board action, state the reasons for disapproval in the minutes of the Board meeting and notify the applicant, in writing, of the action and the reasons therefore. The Clerk shall copy all such notifications to the Department.
3. If a plat is disapproved by the Board of Supervisors, any resubmission of the same plat, or any portion thereof, shall be treated as if it were a new submittal and shall incur new fees.
4. The decision of the Board of Supervisors may be appealed, directly to the Superior Court or as otherwise provided by State law, or as described by these regulations within 60 days of the Board's Decision.

### **3.8 Final Plat**

A. Purpose.

The final plat serves as the legal document that, upon recordation, establishes the official survey and platting of a subdivision. The final plat shall include all detail necessary to accurately and completely establish the lots, parcels, rights-of-way, easements, common areas, street names and numbering, dimensions, bearings, and monumentation of all elements included in the subdivision design, and shall also effect the dedication of any public roadways or parcels, any private roadways or parcels, and the granting of any easements.

B. Final Plat Processing.

1. The initial submittal of a Final Plat of a subdivision, or Final Plats for phases thereof, and corrected Final Plats, must be submitted for processing within six (6) years following the approval of a Preliminary Plat by the Board of Supervisors. Additional extensions of time to submit the initial or corrected Final Plats will be based on the Approved Preliminary Plat period of approval, as it may be extended. This Paragraph does not apply to Type II, Condominium or Commercial subdivisions.
2. Final Plats shall be prepared by or under the direction and supervision of the project surveyor and project engineer, and shall be issued under their seals and signatures.
3. The layout and design of the subdivision final plat shall substantially conform to the approved Preliminary Plat. These may include the correction of dimensions, bearings, and other technical information; the addition to or the deletion from the plat of minor easements; or other similar minor adjustments, which in the determination of the Director do not adversely impact or materially affect the subdivision design.
4. For each proposed phase in an approved Preliminary Plat (tract), a separate final plat must be submitted for review and processing.
5. A final plat shall be submitted for each proposed phase. Each subdivision phase must be able to function independently when constructed according to the Land Division Regulations. Each subdivision phase shall be identified by an alphabetical suffix starting with the letter "A," and with each final plat using the basic, assigned tract number. Sub-phasing of subdivisions (and any submittal component thereof), e.g., "Tract 1234-A1," is prohibited by these regulations.
6. The final plat shall be prepared in accordance with these regulations and any other applicable regulation, ordinance, state, or federal law.
7. The applicant shall submit the final plat to the Director along with all necessary supporting documentation and review fees. Processing of the final plat will not begin until the Director has received all required plats, documents, and fees, as outlined under Section 3.8.C.:
  - a. The Department shall have five (5) working days to determine completeness. The date of the completed submittal shall be considered the official start date of the review of the final plat. The Department will notify the applicant when the submittal is complete.
  - b. Incomplete submittals will not be distributed for review. When the Director determines that a submittal is incomplete, the Director shall notify the applicant and the project engineer, giving them thirty (30) working days to complete the application.
  - c. Should the application not be completed within the specified time, the Director shall return the submittal to the applicant, including, as a courtesy to the applicant, an itemization of any remaining documents necessary to complete the submittal. The applicant shall be responsible for any cost incurred in returning the incomplete submittal.

8. The county shall have thirty-two (32) working days to review the final plat and distribute final plat submittals for review to other departments and agencies. All non-county agencies reviewing final plats will have a minimum of fifteen (15) working days to return review comments to the county. The county will forward all comments received to the developer or the project engineer. The developer is responsible for compliance with applicable requirements of an outside agency, whether that agency has commented within the time period or not.
9. Final Plat submittal deadlines for Type II subdivisions are outlined in Chapter 3.9.
10. Condominiums and Commercial subdivisions do not have an approved Preliminary Plat period of approval which to base Final Plat deadlines. The initial and corrected Final Plat deadlines for Condominiums and Commercial subdivisions will be six (6) years from the date the tract number is issued for the project. Additional extensions of time may be requested by the developer and will be considered by the Director. Additional extensions of time may be requested by the developer and granted in two (2) year increments based on project activity and other special circumstances that apply as determined by the Director. Each request for an extension of tie will be reviewed on a case by case basis.

C. Final Plat submittal requirements.

1. Initial final plat submittals shall include one (1) digital copy and one (1) physical copy of the following unless otherwise noted or requested:
  - a. A final plat (one final plat per phase), as described below, signed and sealed by a licensed Arizona professional engineer/architect. Minimum font size for Final Plats is 0.11” per A.R.S.
  - b. The preliminary title report with Schedule A and B for the entire property, dated within the past thirty (30) days.
  - c. The form of assurance proposed by the applicant for subdivision improvements, in compliance with Chapter 4 of these regulations.
  - d. The proposed CC&Rs, or other proposed restrictions or agreements, if any. (Unsigned copies are acceptable with the first submittal of a final plat). The Department will only review for provisions for maintenance of parcels held in common.
  - e. A detailed (as-proposed or as-built) construction improvement plans, prepared, signed, and sealed by the project engineer-for all on-site and off-site improvements required of the project.
  - f. A detailed final drainage report, prepared, sealed, and signed by the project engineer, in accordance with the requirements and adopted standards of the Drainage Design Manual for Mohave County.
  - g. The project engineer’s cost estimate, prepared, signed, and sealed, for all subdivision improvements, including all required utility or other service lines and any other improvements not being as-built as outlined under Section 3.8.F.5 and a 15% contingency amount.
  - h. For projects in which the improvements have been constructed, letters from utilities or service providers confirming the completion of the improvements.

- i. A current Arizona Department of Environmental Quality “Approval of Sanitary Facilities for Subdivisions”, or current type of approval. (Copies of applications to ADEQ are acceptable with the initial submittal; the “Approval of Sanitary Facilities for Subdivisions” must be submitted prior to Board of Supervisors action on the Final Plat.)
- j. A current Arizona Department of Environmental Quality “Approval to Construct”, or equivalent, water and/or sewer improvements. (Copies of applications to ADEQ are acceptable with the initial submittal; all Approvals to Construct must be submitted prior to Board of Supervisors action on the Final Plat.)
- k. The Arizona Department of Environmental Quality “Approval(s) of Construction”, or equivalent, of all required and proposed subdivision sanitary facilities prior to scheduling as-built plans (record drawings) and prior to scheduling final plats for recordation, except that this document may be submitted after final plat recordation for subdivisions in which an acceptable assurance has been submitted to cover the sanitary facility improvements. For subdivisions requiring new or expanded wastewater treatment plants, a copy of a written statement from an authorized plant operator that the plant is completely constructed, and that they will operate the plant is required (for as-built systems) prior to Board action on the Final Plat, or (for assured systems) prior to assurance release.
- r
- l. Mohave County Environmental Quality Division’s approval of “County Approval of Subdivision to be served by Individual on-site Wastewater Treatment Facilities” (Appendix B), if on-site wastewater systems are proposed, a copy of the Arizona Pollutant Discharge Elimination System (AZPDS) or any other required permits, and a copy of an Aquifer Protection Permit, where required. (Copies of Aquifer Protection Permit applications to ADEQ are acceptable with the initial submittal; the Aquifer Protection Permit must be submitted to the Planning Director prior to Board of Supervisor action on the Final Plat.)
- m. Any 404/401 permits required by the Army Corps of Engineers (Nationwide or individual permit acknowledgment from the Corps). For projects not requiring these permits, the applicant shall provide one (1) digital and one (1) physical copy of a written determination from the Army Corp confirming their agreement with this finding, or a sealed, signed statement from the project engineer stating that such permits are not required. (An application for this document will be accepted with the initial submittal).
- n. Any required separate instruments of dedication or granting. Draft copies of this document are acceptable with the initial submittal.
- o. Any statements of consent and approval from all other requisite reviewing agencies or serving utilities, or statement of no objection. (For approvals and statements from State and Federal jurisdictions, an application for this document will be accepted with the initial submittal).
- p. The Articles of Incorporation (approved and stamped by the Arizona Corporation Commission) for any owners association established necessary, to the maintenance of common elements or private roadways of the subdivision (documentation that the articles have been submitted for processing with the ACC will be accepted with the initial submittal).

- q. Original signed letters showing authorization from the owner(s) of the property for agents to act on their behalf, as outlined under Section 3.8.F.15.
  - r. A set of the original mylars, as outlined under Section 3.8.F.10.
  - s. Any required County-approved franchise agreement for utility placement.
  - t. Any required Arizona Corporation Commission-approved Certificate of Convenience and Necessity for new utilities or any extension of utility boundaries. (An application for this document will be accepted with the initial submittal).
  - u. Completed, and signed application and checklist.
  - v. All other applicable documents, as outlined under Section 3.8.F.
  - w. Review fees per Chapter 8 and per the requirements of the other reviewing agencies.
  - x. Recordation fees for the final plat and any other document to be recorded. (To be submitted only upon the request of the Planning Director, or their designee). If recordation fees are submitted in the form of a check(s), the check(s) must be made payable to the Mohave County Recorder.
  - y. Documentation of any community facilities district; improvement district or other district formed or in process of being formed.
2. Final Plats are subject to review by any or all of the agencies, for evaluation and recommendation, as outlined under these regulations for Preliminary Plats, Section 3.7.B.5.
  3. “Corrected” plat submittals (those subsequent to the initial submittal), shall include one (1) digital and one (1) physical copy of all necessary plats and documents, unless more copies have been specified in the review. Only those documents requiring correction need to be submitted.
  4. The applicant must demonstrate notification to an incorporated municipality by the submittal of appropriate documentation, prior compliance with A.R.S. 9-474 through 9-479, or as amended, if any portion of the property to be platted is located within three (3) miles of corporate limits of a city having subdivision regulations.

D. Final Plat, Form.

The final plat shall contain the following information. The information required as part of the plat submittal will be shown graphically, or provided by notes on the plat.

1. Plat data shall be drawn to an engineering scale of not smaller than 1 inch equals 200 feet; or at other scales approved by the County Engineer in compliance with Arizona state law. If the final plat is comprised of more than one sheet, all sheets shall be at the same scale, with match lines indicated on each sheet. A key map, indexing the match line sheets and showing the relation of each sheet, shall be included. In addition to the paper copy, digital files shall be submitted in a form acceptable to the county.

2. Each page of the plat shall measure 24 x 36 inches, with one-inch margins along the top, right, and bottoms of the plat, and a margin of two inches along the left of the plat.
3. A vicinity map (see definitions). The vicinity map shall include a north arrow and shall appear on the face of the plat.
4. Prior to scheduling before the Board of Supervisors, the final plat shall be submitted on a transparent, durable, reproducible medium acceptable for recording. All written matter, including signatures, shall be opaque so that legible copies may be obtained from the reproducible material.
5. The plat shall comply with the Arizona Revised Statutes, the Manual of Surveying Instruction for Public Lands of the United States, and the Mohave County Standard Specifications and Details.
6. The final plat reproducible medium shall not include attachments nor any form of pasted-on information, and shall not include revision dates.
7. All sheets of the final plat shall bear the name of the subdivision (but need not bear the subtitle) and must include:
  - a. Scale.
  - b. North arrow.
  - c. Legend.
  - d. Date of plat preparation. (on cover sheet)
  - e. Sheet number and number of sheets comprising the plat.
  - f. The basis of bearing (on title or cover sheet).
8. All information that affects or is pertinent to a given lot or parcel shall be depicted on the same page of a final plat. This requirement does not however limit the number of pages that may comprise the final plat.
9. The title of each plat shall consist of the subdivision name and tract number, placed at the top of each sheet. Below the title on the first sheet shall appear a subtitle consisting of a general description of all the property being subdivided by reference to sections, township, and range; government lots or aliquot portion of a section; or by reference to subdivision plats previously recorded in the Office of the Mohave County Recorder, or other official plats.
10. The location and description of section or quarter-section corners, either found or set, and ties to such corners; all dimensions, angles, bearings, and similar data on the plat shall be referred to, indicated, and referenced. Other found monuments shall also be show, identified and referenced or, if no reference to a found monument, an indication on the plat relative to its acceptance by the surveyor should be shown.
11. Boundaries of the property being subdivided shall be shown on the plat with a dark heavy line that clearly identifies the boundary, and shall be fully balanced and closed, depicting all the bearings and distances determined by an accurate survey in the field. Corners of the subdivision shall be noted, monuments found or set shall be indicated and described. Two (2) corners to the subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners.

12. The presentation of the final plat shall be neat, clear, legible, and complete in all respects and shall be sufficiently detailed to include, but shall not be limited to, the following:
- a. Tract boundary lines, lot and parcel lines, blocks, easement lines and boundaries, street centerlines, right-of-way lines, and Section lines shall be clearly shown and dimensioned with bearings, distances, and curve data as applicable. Bearings shall be shown in degrees, minutes and seconds and include the applicable compass quadrant, with distances expressed in feet and decimals thereof, to the hundredth, and curve data shall include at least two of the following elements: central angle, radius, length of curve, chord length, and tangent distance.
  - b. Street rights-of-way and easement widths shall be shown along with all other dimensions needed to fully describe each including bearing and distances, and curve data. The name of each street shall be labeled and the use of each easement noted.
  - c. Location and description of existing, found, and set monuments, such as section corners and subdivision boundary corners, existing rights-of-way, and easements, if any, shall be noted. Easements shall be clearly dimensioned, labeled, and identified, and if already of record, properly referenced to the record. If any easement or right-of-way is not definitely traced to record, the title sheet shall include a statement indicating that no record reference was found for that easement or right of way. Elevation bench marks are required for condominium projects.
  - d. Contiguous development, showing the name, tract number, and reference to record, street lines, street names, and street width.
  - e. Contiguous existing easements, clearly dimensioned, labeled, identified, and referenced to record.
  - f. Any existing lot, parcel, right-of-way or easement located within the property being subdivided that are to be incorporated into or are being used in conjunction with the design of the subdivision, shall be depicted on the plat and referenced to record.
  - g. Type of monuments found and set shall be described in the legend.
  - h. Any excepted parcels within the subdivision boundary must be depicted by bearings and distances on the plat, and be labeled as “not a part” of the subdivision.
  - i. Each lot and block shall be numbered or lettered in sequential order.
  - j. All proposed streets shall bear a county approved name on the plat.
  - k. All property within the subdivision not designated as a lot or right-of-way shall be considered a parcel, and shall be lettered in sequential order.
  - l. All lots and parcels offered to the public for dedication for any purpose, and any private streets or common areas must be so designated on the plat.

- m. If any portion of any land within the boundaries shown on a subdivision final plat is subject to overflow, inundation, or flood hazard by storm water, such fact and said portion shall be clearly shown and bounded on each sheet of said plat.
13. The plat shall also show other data that is required by law.
14. The plat shall include the following certifications, acknowledgments, dedications, grantings, ratifications, acceptances, and all other statements required by these regulations. Such certificates and statements may be combined when appropriate. Minor variations of wording and form, specific to a given proposal, may be allowed or required as appropriate, if approved by the Director for any of the certifications or statements required on the final plat.
- a. A certificate for signature by the County Environmental Quality Division, County Engineer, and County Development Services Director, as follows:

Approval

This plat has been checked for conformance to the approved Preliminary Plat and any special conditions attached thereto, to the requirements of the Mohave County Land Division Regulations, and to any other applicable regulations, and appears to comply with all requirements within my jurisdiction to check and evaluate.

By \_\_\_\_\_ Date \_\_\_\_\_  
 Mohave County Department of Environmental Quality

By \_\_\_\_\_ Date \_\_\_\_\_  
 Mohave County Engineer

By \_\_\_\_\_ Date \_\_\_\_\_  
 Mohave County Development Services Director

- b. A certificate signed by the owner(s) of the property being subdivided, or the property owner's agent with appropriate power of attorney, followed by a notary acknowledgment, offering dedication to the public of all parcels intended for public use, and expressing the property owner's approval for the recordation of the subdivision being platted, their consent to the creation of the elements within the subdivision, and the terms ascribed to the plat, as follows:

Dedication

State of Arizona )  
 ) ss  
 County of Mohave)

Know all men by these presents, that \_\_\_\_\_, owner of the above-described property, has subdivided under the name of \_\_\_\_\_, Tract \_\_\_\_\_, the above-described property, as shown and platted hereon, and hereby publishes this plat as the plat of said \_\_\_\_\_, Tract \_\_\_\_\_, and hereby declares that said plat sets forth the location and gives the dimensions of the lots, parcels, blocks, and road names constituting same, and that each lot, parcel, block, and road shall be known by the number, letter or name given each respectively on said plat, and hereby dedicates to the public, for its use as such, the roads, and Parcels \_\_\_\_\_, shown on said plat and included in the above-described premises. Easements are hereby granted to the public for the purposes shown on the plat. I/we \_\_\_\_\_ the owner(s) of this property, hereby certify that I/we am/are the only person(s) whose consent is necessary to pass, through the dedication of rights-of-way shown hereon, clear title of said land to Mohave County, on behalf of the public, and to grant the easements shown hereon.

\_\_\_\_\_ Date \_\_\_\_\_

- c. A certificate(s) of ratification signed by all parties having any record or other title interest in the land being subdivided, other than the signer of the Dedication statement, followed by notary acknowledgments for each party ratifying the plat, consenting to the creation of the elements within the subdivision, the terms ascribed to the plat, and to the dedication and granting of all parcels, rights-of-way, and easements intended for public use, as follows:

Ratification and Consent

I (we) \_\_\_\_\_, the undersigned, as parties having record or other title interest in the above-described property, or being a lienholder on the property, do hereby ratify this final plat, and consent to the dedication of rights-of-way and other public parcels, and the granting of easements for use by the public.

\_\_\_\_\_ Date \_\_\_\_\_

d. A certificate for execution by the land surveyor, as follows:

Surveyor's Certificate

This is to certify that the boundary survey and monumentation of the above-described subdivision was made under my direction and supervision and is accurately represented on this plat.

\_\_\_\_\_  
Signature, date, State of Arizona registration number, and seal. Date \_\_\_\_\_

e. A certificate for execution by the project engineer, as follows:

Engineer's Certificate

This is to certify that the engineering and design of the above-described subdivision was made under my direction and supervision and is accurately represented on this plat.

\_\_\_\_\_  
Signature, date, State of Arizona registration number, and seal. Date \_\_\_\_\_

f. A certificate may be used in place of both the Surveyor's Certificate and the Engineer's Certificate, as required by Sections 3.8.D.14.d and 3.8.D.14.e, for those registrants certified in the State of Arizona as both a surveyor and an engineer and who serve in both capacities in the preparation of a final plat, as follows:

Surveyor's and Engineer's Certificate

This is to certify that the boundary survey and monumentation, and the engineering and design of the above-described subdivision was made under my direction and supervision and is accurately represented on this plat.

\_\_\_\_\_  
Signature, date, State of Arizona R.L.S. registration number, State of Arizona P.E. registration number, and seal. Date \_\_\_\_\_

g. A certificate to be signed by the Clerk of the Board of Supervisors, as follows:

County Clerk Certificate

I, \_\_\_\_\_, Clerk of the Board of Supervisors of Mohave County, hereby certify that said Board approved the within plat on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and accepted on behalf of the public all parcels of land offered for dedication and granted for public use in conformity with the terms of the offer of the dedication.

\_\_\_\_\_  
Clerk of the Board Date \_\_\_\_\_



- k. The Director shall have the discretion to allow the use of ratifications separate from the final plat under the following circumstances:
  - 1) Only secondary title holders, lien holders, mortgage holders, or other interest holders, as determined by the title report submitted with the final plat, may sign separate statements of ratification for a final plat. Primary property owners, developers, or their authorized agents must sign the final plat.
  - 2) When a separate ratification statement is proposed, the ratification document shall be submitted with the final plat to the Director for review. Upon approval of a ratification statement by the Director, the applicant shall have the ratification document recorded with the Mohave County Recorder, prior to the recordation of the final plat. The recording information of the ratification statement shall be included on the final plat prior to or with the recordation of the final plat.

E. Construction improvement plans.

A complete set of construction plans for those improvements proposed by the developer shall be submitted with the final plat. All plans shall be prepared and presented in a professional, accurate, and coordinated format. The plans shall contain all required information and be presented in sufficient detail to allow for the construction of the proposed improvements. The plans shall conform and comply with all applicable federal, state, and local laws, codes, and regulations. The plans shall be prepared using the criteria outlined in Chapter 5 of these Subdivision Regulations, other county-adopted standards, the Mohave County Standard Specifications and Details, and the Drainage Design Manual for Mohave County, and shall conform to the following format and requirements:

- 1. General for all sheets:
  - a. Complete title block including, but not limited to, subdivision name and tract number, plan title, date, revision blocks, and project engineer's name, address and telephone number.
  - b. Drawn on a reproducible medium acceptable to the County, including electronic media.
  - c. Drawn on 24 x 36 inch sheets.
  - d. Drawn to a standard engineering scale which shall be noted on each sheet in both numerical and graphic formats.
  - e. Lettering size, line weights, symbols, or other drawings, inscriptions and details in accordance with Mohave County Standard Specifications and Details, and other county-adopted standards; however, in any event, of sufficient size and weight to be easily read when reduced 50%. Minimum font size for Final Plats is 0.11" per A.R.S.
  - f. North arrow.
  - g. Signed and sealed by the project engineer. On initial submittals, the seal and signature may be replaced by a prominent note stating the same or similar to 'Preliminary Plans - Not for construction'.

- h. Numbered sheets, i.e., 1 of [total] sheets, etc., and shall include match lines as necessary.
  - i. Labeling of all road names, parcels, lots, and easements to include numbers, letters, or other approved designations.
2. Cover and note sheets.
- a. Owner's and developer's name, address, telephone number, and E-mail address.
  - b. Project engineer's name, address, telephone number, and e-mail, and project surveyor's name, address, telephone number, and e-mail.
  - c. Subdivision name and tract number at the top of the sheet.
  - d. Improvement type designation (grading, paving, etc.).
  - e. Vicinity map.
  - f. Sheet index map and/or table of contents.
  - g. Reference, by note, to any reports which impact the proposed improvements (soils, drainage, geology, etc.) to include the names, addresses, and telephone numbers of the individuals or firms preparing those reports.
  - h. Legend for standard symbols and abbreviations used.
  - i. Source and date of topography.
  - j. Location and description of permanent benchmark, including reference to source and datum.
  - k. List of estimated quantities for the improvements proposed.
  - l. The Mohave County Standard Notes, Conditions and Terms, as modified and approved by the County Engineer.
  - m. FEMA/FIRM Panel and flood zone(s) if available.

3. Plan View Sheets.

Plan view sheets (engineer may submit multiple sheets according to standard engineering practices) shall be required to be submitted as improvement plans for grading and drainage plans with supplemental cross sections provided, as needed, to adequately explain and allow for the construction of the grading and drainage; water plans and sewer plans for new subdivisions (unless otherwise required by the water company); street light plans (when required or proposed); proposed traffic signing and striping plan or when approved for use by the County Engineer, and shall include the following information:

- a. Existing topography by contours or spot elevations.
- b. Existing improvements; buildings, pavement, ditches, etc.
- c. Existing utilities; underground and aerial.
- d. Existing and proposed property lines, easements, and rights-of-way, properly and clearly dimensioned.
- e. Proposed improvements with stationing, dimensions, curve data, elevations, and notes relative to standard details, if applicable, or referenced to special details included in the plans.
- f. Line weights and types of the proposed improvements; sufficiently darker than existing information so it can be clearly identified.
- g. Centerline monuments for roadways at all points of curvatures, intersections, section corners, and quarter corners, and property boundaries.
- h. Limits of the FEMA flood zone boundaries shall be shown graphically on the grading plans.

4. Plan and Profile Sheets.

Plan and profile sheets shall (engineer may submit multiple sheets according to standard engineering practices) be provided for all proposed roads and streets, sanitary sewer systems, storm drains, bridges, culverts, drainage channels, water systems, and underground electric or gas services, as required by a serving utility, and/or when required by the County Engineer. In addition to the information required in Section 3.8.E.3, Plan and Profile Sheets shall be drawn at expanded scale in the profile view, and include the following information:

- a. Elevation and stationing grids clearly indicated.
- b. Profile of existing ground or surface over proposed construction.
- c. Existing and proposed utility crossing.
- d. Finished grade for the proposed street or roadway improvements, including control and spot elevations, slopes, grade breaks, vertical curve information, stationing, construction notations, etc.
- e. Graphic representation of the finished grade of other improvements plans is acceptable.

5. Detail Sheets.

Separate detail sheets shall be provided at the discretion of the project engineer and/or as required by the County Engineer, to show modified and special construction details necessary for the construction of the improvements, such as typical roadway and street sections, sign and utility installations, drainage improvements, retaining walls, ADA compliant sidewalks, etc. All details and sections shall be fully depicted and dimensioned to allow for construction. Depending on available space, construction details may be placed on the cover sheet.

6. General Notes.

The following general notes shall appear on the development plan. Additional notes specific to each plan shall be provided as and where applicable:

- a. All work shall be done in accordance with Mohave County Standard Specifications and Standard Details, and other county-adopted standards, unless otherwise approved by the County Engineer, or unless approved as a Petition of Exception by hearing of the Planning and Zoning Commission and the Board of Supervisors.
- b. The contractor shall obtain a Right-of-Way Use Permit for any work to be performed within right-of-way under the ownership or control of Mohave County.
- c. This set of plans has been reviewed for compliance with County requirements prior to issuance of construction permits. However, such review shall not prevent the County from requiring correction of errors in plans found to be in violation of any law or ordinance. Review and approval of plans does not release any developer or project engineer from responsibility for errors or omissions on said plans.

- d. Improvements will not be accepted until certified Record Drawings (as-builts), including all test results, have been submitted and accepted by the County.
- e. The developer, any successors, and assigns, will hold the County of Mohave, its officers, employees, and agents harmless from any and all claims for damages related to the use of this development as shown hereon, now and in the future, by reason of flooding, flowage, erosion, or damage caused by water, whether surface flood or rainfall.
- f. Drainage will remain in its natural state and will not be altered, disturbed, or obstructed other than as shown on this development plan.
- g. A Floodplain Use Permit and finished floor Elevation Certificate are required for all parcels located within the FEMA designated areas of special flood hazard for the 100-year storm.
- h. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the County.
- i. The contractor shall follow all Blue Stake laws and notify Blue Stake (1-800-STAKE-IT), before digging.
- j. All grading shall conform to the most recently adopted edition of the building codes, as adopted and modified by Mohave County.
- k. Where soil is to be removed from the site, the contractor shall designate the location where the fill will be placed and obtain a letter from the owner of that property allowing the placement of the material. Placement of this material shall be subject to the applicable requirements and permits of the governing jurisdiction.
- l. All required traffic control devices shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), latest edition.
- m. Except for the work performed under the terms of a franchise, or work performed by a governmental agency, the owner shall be responsible for insuring that all work is inspected and tested by or under the direct supervision of the project engineer.

F. Accompanying documents.

- 1. Preliminary title report issued by a title insurance company licensed in the State of Arizona within the proceeding thirty (30) days, including Schedules A and B covering all property within the plat boundaries and associated with off-site improvements.
- 2. Assurances will be required (as defined in Chapter 4) for the completion of improvements required by Chapter 5 of these regulations, or as required by the Board.
- 3. Conditions, Covenants, and Restrictions, (CC&Rs), or other restrictions or agreements proposed by the applicant for the lots and parcels in the subdivision that are held "in common" or held by the developer, and require maintenance by an entity other than Mohave County. Unsigned copies are acceptable for review; however, the signed, original document must be received, upon request, prior to

scheduling the final plat for consideration by the Board of Supervisors. Mohave County does not and will not enforce Conditions, Covenants and Restrictions for any purpose under any circumstance.

4. Construction improvement plans prepared, signed, and sealed by the project engineer for all on-site and off-site improvements required of the applicant, prepared in accordance with adopted Mohave County Standard Specifications, and other county-adopted standards per Chapter 3.8.E of these regulations. Subdivisions subject to Section 3.10 require improvement plans that reflect the increased design and improvement standards of that section.
5. Project engineer's sealed and signed cost estimate for the construction of all on-site and off-site subdivision improvements. Any improvements not included in the cost estimate must be demonstrated to be complete through the submittal of letters of completion from the utility or service providers, as detailed below in number eleven (11), or by the submittal of certified Record Drawings (as-builts) for non-utility/service improvements.
6. All required approvals from ADEQ (as outlined under Section 3.8.H.2), the County Environmental Health Division, County Flood Control District, Army Corps of Engineers (if necessary), and all other reviewing agencies.
7. Lot area sheets, if areas are not included on the plat, in the form of a memorandum, signed and sealed by a qualified registrant of the State of Arizona, showing the total area of the subdivision and of each lot and parcel. Lots and parcels under one (1) acre are to be shown in square feet. Lots and parcels one (1) acre and greater are to be shown in acres, to the nearest hundredth of an acre.
8. Document(s) in which the applicant makes clear provision for perpetual maintenance of any private roadways, public or common parcels, easements or other such elements that may be proposed. The applicant is responsible for providing for the perpetual maintenance of all such parcels and property unless and until such time as Mohave County accepts the maintenance. The applicant's provision for the required maintenance must be included in agreements for a property owners association or other legal entity.
9. Any on-site or off-site subdivision improvements required by Chapter 5 or by the Board of Supervisors, for which a cost is not included in the engineer's cost estimate, shall be completed by the applicant and witnessed by the submittal of record drawings, prior to scheduling the final plat for consideration by the Board of Supervisors. Each on-site or off-site utility or service improvements for which a verifiable cost is not included in the engineer's cost estimate, a letter from all service and utility providers serving the site stating that the construction of those improvements and services has been completed, to their satisfaction, and expressing no objection to the subdivision shall be submitted to the Director prior to scheduling the final plat for consideration by the Board of Supervisors.
10. The fully executed, durable, reproducible original of the final plat; submitted only at the request of the Director.
11. Review fees per Chapter 8. Fees are required with the each submittal of the final plat according to the fee schedule.
12. Recording fees, as required by the Mohave County Recorder's Office. Fees and the Mohave County Assessor's Office are to be submitted to the Director, upon

request, following the Board of Supervisors approval of the final plat, and are to include recording fees for any approved, accompanying documents.

13. Articles of Incorporation for any association proposed. Upon review and approval by Mohave County, the developer shall record in Mohave County any such articles, prior to the recordation of the final plat.
14. Separate instruments of dedication or granting to the public. Where separate instruments are required or proposed for on-site or off-site dedications or grantings, these must be submitted to the Director with the initial submittal of the final plat, or prior to consideration of the final plat by the Board of Supervisors. All dedications and easements shall include a legal description prepared by the project Surveyor.

Upon review and approval by the county of such separate instruments of dedication or granting, and upon notice of such approval to the applicant, the applicant must record the separate instrument with the Mohave County Recorder, and reference the document(s) of record on the final plat. It is the responsibility of the applicant to arrange scheduling with the county for required acceptances of separately-established public rights-of-way or easements, by the Board of Supervisors. Any Board acceptance of public rights-of-way or easements established by separate instruments must be effected prior to the recordation of the final plat.

15. Letters of authorization/Power-of-Authority. Owners, or parties having any title interest in the property being subdivided, must authorize in written, notarized form the agents which are intended as signatories of the final plat or any supporting separate documents, such as, but not limited to, a Certificate of Corporate Resolution. In addition to the requirements of Section 3.8.C.1.q, one (1) digital and one (1) physical copy of Power-of-Authority shall be provided, if the signatory is the attorney-in-fact for an individual or individuals owning the subdivision property, or having any title interest.

#### G. Compliance.

1. It is the responsibility of the applicant to comply with these regulations by submitting initial and corrected Final Plat packages within the approved Preliminary Plat period of approval, or as extended. In the event of non-compliance, the developer shall be notified in writing of the deficiency(s), their rights to complete corrections, ability to appeal, and method of appeal as outlined in Chapter 3.7.G.

#### H. Action on Final Plats.

1. Final Plats shall not be conditionally approved by the Board of Supervisors. No final plat shall be scheduled for consideration by the Board of Supervisors until it has been reviewed by the requisite agencies and found to include all of the information required by these regulations; all conditions of the Preliminary Plat approval have been fulfilled (except for the completion of subdivision improvements, where assurances have been posted); and the plat complies with these regulations and other applicable laws, ordinances, and requirements, and addresses all other issues of review.
2. No final plat shall be scheduled for consideration by the Board of Supervisors until the Director has received the following items for the subdivision and any other items required to comply with these regulations:

- a. All State and Federal permits required in Section 3.8 including, but not limited to, ADEQ (Arizona Department of Environmental Quality) Approval of Sanitary Facilities (all subdivisions); ADEQ approval to construct water and/or sewer improvements or equivalent (all subdivisions); ADEQ Aquifer Protection Permit (as needed).
  - b. ADEQ approval of construction of water and/or sewer improvements, or equivalent, for those subdivisions in which the applicant has proposed the completion of subdivision improvements prior to the recordation of the final plat.
  - c. A written statement from the appropriate jurisdictional fire district or department, noting fire protections levels of service and improvements provided.
  - d. Prior to recording the final plat, all boundary monumentation shall be set according to these regulations and state statute.
3. Prior to the scheduling of a final plat for consideration by the Board of Supervisors, the applicant must demonstrate compliance with Chapter 4 of these regulations:
- a. The completion of all subdivision improvements required by these regulations or by the approval of the Preliminary Plat, as evidenced by the submission of record drawings (as-builts) prepared by the project engineer certifying the completion of the improvements, and approval of the record drawings by the County Engineer, or
  - b. The submission to the Department of an assurance per Chapter 4 of these regulations, in an amount approved by the County Engineer and in a form approved by the County Attorney. The assurance must be effective and in full force prior to scheduling final plat for consideration by the Board of Supervisors.
  - c. The applicant may use a combination of recorded drawings for completed improvements and assurances for outstanding improvements. All provisions for each method per a and b above must be satisfied.
4. Any final plat which has been reviewed by the required agencies and has been determined by those agencies to be in compliance with these regulations, the conditions of the Preliminary Plat approval, and all other applicable requirements, shall, upon written notification to the Director, be scheduled for consideration by the Board of Supervisors. The written recommendations must be received by the Director no less than fifteen (15) working days prior to a regular or special meeting of the Board of Supervisors, for consideration by the Board at that meeting.
5. In making a decision to approve or deny a final plat, the Board of Supervisors shall consider:
- a. The final plat's substantial conformance to the approved Preliminary Plat,
  - b. The recommendations of the Director, the County Engineer, and other review agencies,
  - c. The offers of dedication and granting,
  - d. Any assurance agreements and guarantees for subdivisions improvements as required by Chapter 4.

6. If the Board determines that said plat is not in conformance with the Preliminary Plat, or if the plat does not sufficiently meet all other requirements, it shall disapprove said plat, specifying its reason or reasons.
7. All roads and parcels offered for dedication or easements granted for public use on the plat may be accepted by the Board of Supervisors, on behalf of the public, with the approval of a final plat. Such acceptance, if made, is not a representation or commitment by the County that it will at any time construct, establish, or maintain any roadway or other improvement of the subdivision, but is merely an acceptance of title on behalf of the public.
8. When a final plat has been approved by the Board of Supervisors for a subdivision in which the applicant has proposed the use of an assurance for the completion of subdivision improvements, it is the responsibility of the applicant to complete all such improvements per Section 4.4.E. of these regulations.
9. Once a final plat has been approved by the Board of Supervisors, no further changes, amendments, revisions, or any alterations to the approved layout and design of the subdivision may be made to the plat, other than necessary executions, except as provided for in Section 3.8.J.

I. Recordation of the Final Plat.

1. Upon confirmation of compliance with all requirements, the Director will cause the final plat to be recorded within ninety (90) calendar days after approval by the Board of Supervisors.
2. Any final plat that has not been recorded within ninety (90) calendar days of the date of the Board approval of the final plat, processing of the final plat shall be terminated. Any further proposal to subdivide will begin processing with a pre-application conference, require the submission of a Preliminary Plat, as appropriate, and be assessed new fees.
3. No subdivision final plat will be recorded unless it has been approved by the Board of Supervisors and has been signed by the requisite county agencies.
4. No subdivision final plat shall be recorded unless it has been signed and/or ratified by all required owners, agents and other interested parties. This will be for the purpose of passing a good and clear title to Mohave County, to be held in trust for the public, for dedications of right-of-way and to establish a public interest in the grantings of easements. Notarized signatories and/or endorsements of beneficiaries and trustees may also be made by separate instrument, as outlined under Section 3.8.D.14.k.
5. For any supporting document to be recorded with the final plat, having first been reviewed and approved by Mohave County, the original, signed document shall be submitted to the Director with appropriate recordation fees.
6. No subdivision final plat shall be recorded unless all current and back taxes, and any other type of assessments, have been paid in full by the property owner of the land being subdivided, and evidence of such payment has been received by the Director within thirty (30) calendar days prior to the recordation of the plat.
7. Upon receipt of acceptable evidence from the applicant that all terms of approval and requirements have been met, the Director shall request the submittal of the executed reproducible plat with original signatures, along with three sets of copies

of the final plat and upon request from the Director the appropriate recording fees, to be determined by the Mohave County Recorder. The final plat tracings shall not be submitted to Mohave County without the request of the Director.

8. Upon receipt of these documents, the Director shall circulate the original plat for final verification and signature of the requisite county agencies. Upon the return of the signed, original plat, the Director shall cause the recordation of the subdivision final plat. Should all documents be received by the Director prior to the meeting at which the Board considers the plat, the requisite county agencies shall sign the plat prior to the Board meeting.
9. If, prior to the recordation of a final plat, the applicant has submitted copies of the plat for conformance, the copies will, upon recordation of the original final plat, be conformed and returned to the applicant. The applicant shall submit any fees required by the Mohave County Recorder for this service.

J. Modification of Final Plats.

1. Corrected Final Plats:

Except as may otherwise be provided by law, following the recordation of a subdivision final plat, any error in plat dimensions or bearings or other similar scrivener's error or technical omission may be corrected by the submittal of a reproducible original, recorded subdivision plat to the County Engineer.

- a. The project surveyor or project engineer shall include on the corrected final plat reproducible original all corrections made, and shall note the exact nature and extent of the corrections, as well as providing a new statement of approval for the signature of the County Engineer.
- b. The applicant shall submit necessary fees for the recordation of the corrected plat.
- c. Upon review of the document, and if finding that the only changes made to the plat are those corrections authorized herein, the County Engineer shall certify this by signing the corrected final plat reproducible original and causing the plat to be recorded with the Mohave County Recorder. Thereafter, the corrected plat shall be titled "First Corrected Final Plat of \_\_\_\_\_." Subsequently, if additional corrections are necessary, the successive corrected plats shall be titled in numerical sequence.

2. Replat of a Final Plat

- a. Changes to the recorded subdivision final plat that are limited to the following:
  - 1) Relocation of any lot or parcel line.
  - 2) The addition or deletion of any lot or parcel line.
  - 3) The addition or deletion of no more than two lots or parcels in a logical location that does not affect the function of the subdivision.
- b. All lots or parcels must comply with the minimum lot size per the Mohave County Zoning Ordinance.
- c. Submission of the Replat of the Final Plat shall be made to the Director, or their designee, and include the following:

- 1) A plat prepared per the requirements and standards in Section 7.E of these regulations.
  - 2) Any supporting documents required in Section 3.8.F required by the Director or the County Engineer.
- d. Replats of subdivision Final Plats shall be processed by Department and approved by the Board of Supervisors in the same manner as the Final Plat and shall be subject to the same fees.
- e. Replatted final plats, processed in compliance with these regulations, and approved by the Board of Supervisors, upon recordation shall thereafter be titled "Replatted Final Plat of \_\_\_\_\_." Subsequently, if additional replats are proposed, the successive amended plats shall be titled in numerical sequence.
- f. f. Except for the adjusting or relocating of lot lines, the replatting process shall not be used:
- 1) To replat a previously replatted portion of the subdivision.
  - 2) More than once every five (5) years.
  - 3) To replat in the same subdivision phase more than two (2) times.
3. Amended Final Plats:
- a. Any change to a recorded subdivision final plat other than modifications authorized by Section 3.8.J.1 or 3.8.J.2 shall require the submittal of an Amended Final Plat. Typical changes requiring the amendment of a final plat include, but are not limited to:
- 1) Relocation of any roadway right-of-way line.
  - 2) Relocation of any easement line or change in easement use.
  - 3) Changes in any subdivision improvements. Except that if the only change to the subdivision is the addition of improvements encouraged or expected by these regulations or the Mohave County General Plan, an amended plat may not be required, per the determination of the Director. Other documents may however be required (for example, improvement plans, drainage reports, applicable sanitary facilities approvals, cost estimates, assurances etc., deemed necessary in the determination of the County Engineer).
  - 4) Changes in the amount of land reserved for public use or the common use of lot owners.
  - 5) Change in designation from private roadways to public, or public to private.
- b. All amended final plats shall be forwarded to the Director, and shall be processed in accordance with and subject to the same procedures, time lines, fees, Board of Supervisors consideration, and all other regulations of Section 3.8, as for original final plat submittals.
- 1) Except that, the Director, upon the submittal of an amended final plat, may exclude supporting documents defined under Section 3.8.F.
  - 2) This decision would be based on the determination that supporting documents already on file with the original recorded final plat are sufficiently current and remain valid and unaffected by the changes being made to the final plat or to the subdivision thereof.

- 3) Under no circumstances, shall the requirement for the submittal of review fees or compliance with the requirements of Chapter 4 be waived.
  - c. Only minor final plat amendments may be processed under these provisions. Major or significant changes or amendments, to be determined by the Director, shall require a pre-application meeting and the submittal of a new Preliminary Plat, depending on the extent of the changes, and shall start over processing as outlined under these regulations and specific to those stages of subdivision review.
  - d. Amended final plats, if processed in compliance with these regulations, and if approved by the Board of Supervisors, upon recordation shall thereafter be titled "First Amended Final Plat of \_\_\_\_\_." Subsequently, if additional amendments are proposed, the successive amended plats shall be titled in numerical sequence.
4. Roadway Plats:
- a. Roadway Plats may be used for the following:
    - 1) To widen and/or improve, including realigning, the roadway right-of-way in subdivision recorded prior to March 20, 2001 to comply with current standards.
    - 2) To establish or accommodate roadway rights-of-way, in conformance with A.R.S. 11-805, but outside of the subdivision process. Roadways must be constructed to a Mohave County standard acceptable to the County Engineer.
    - 3) This process shall not be used where 10% or more of the lots or parcels from which dedications will be obtained become deficient in minimum lot size as required by the zoning ordinance.
  - b. Roadway Plat submittal requirements.

One (1) digital and one (1) physical submittal shall be made to the Mohave County Engineer and shall include the following documents:

- 1) A 24 inch by 36 inch plat showing existing roadway rights-of-way, rights-of-way being dedicated by the plat, existing roadway, and adjacent lot, parcels and easements.
- 2) A title report covering any property being dedicated as roadway right-of-way.
- 3) Signed and notarized statements of concurrence from all property owners adjacent to the roadway who are dedicating property for widening or realignment.
- 4) Any abandonment applications necessary to accommodate the changes made on the plat, including realignment.
- 5) Construction details and project engineer's cost estimate to be approved by the County Engineer for any proposed construction in the existing or proposed right-of way and any proposed drainage infrastructure. The County Engineer may also require a detailed

drainage report conforming to Drainage Design Manual for Mohave County.

- 6) Fees per Chapter 8 of these regulations. No fees shall be charged where the only improvement or change proposed is the widening of roadways, within existing right-of-way, to meet current County roadway width standards.

c. Roadway Plat Form.

The Roadway Plat shall contain the following information. The information required as part of the plat submittal will be shown graphically, or provided by notes on the plat.

- 1) Plat data shall be drawn to a legible engineering scale in compliance with Arizona state law. If the plat consists of multiple pages, all pages shall include match lines and be drawn to the same scale.
- 2) Each page of the plat shall measure 24 inches by 36 inches, and be in a form that can be recorded with the Mohave County Recorder.
- 3) The plat shall contain a depiction of all rights-of-way being dedicated via the plat or the roadway being recognized, and all change in roadbed or pavement.
- 4) The plat shall show existing lots, parcels, rights-of-way and easements present in the subdivision which lie contiguous to new roadway areas, as well as those lots and parcels which may otherwise be affected by the changes made on the plat.
- 5) The plat shall contain notes and narrative sufficient to fully document the existing lots, parcels, rights-of-way and easements of record, and to denote the changes made by the plat.
- 6) The plat shall contain statements of dedication, signature blanks for those making the dedication, ratification statements, if necessary, as well as statements from the project surveyor who prepared the plat, and statements of county approval, to be signed by the County Engineer or Surveyor, the Development Services Director, and the Environmental Quality Division. Required notarizations shall appear on the plat.
- 7) The plat shall identify the original subdivision, the roadway(s) of which are being widened, by referencing the recorded subdivision name (as appropriate), the township, range and section where the subdivision is located, and the date of recordation of the subdivision plat as it appears at the time of the roadway widening.
- 8) Each lot or parcel which has been altered in any way due to the dedication of new right-of-way on the plat shall show on the Plat the resulting net acreage or square footage of that lot or parcel.
- 9) The plat shall provide bearings and dimensions for all roadways, easements, lot and parcels within the boundary of the plat.

- 10) The boundary of the plat shall be depicted in a thicker line that is readily distinguishable.
- 11) The plat shall also contain all other information as required of Parcel Plats, per Section 7.E of these regulations, except as otherwise provided for herein.

d. Roadway Plat: Processing.

- 1) The Mohave County Public Works Department, the Development Services Department, the Environmental Health Division, and any other agency with an interest shall review the plat for conformance with these regulations. The plat shall be distributed for review, with comments due back to the County Engineer within fifteen (15) working days.
- 2) Corrected plat submittals shall be submitted along with any required supporting documents to the County Engineer.
- 3) The County Engineer, the Director, and the Manager of the Environmental Quality Division may require additional documents and apply appropriate requirements to protect the public health and safety, or to accommodate the variables encountered in redevelopment of said property that would ensure lots, parcels and roadways are usable. Applicants, who object to any decisions made by any of the reviewing departments, may appeal a decision within thirty (30) days of notification of the decision to the Planning and Zoning Commission.
- 4) The Arizona Department of Environmental Quality Approval of Sanitary Facilities form shall be required for any property redeveloped through this procedure, prior to scheduling the Right-of-Way Plat for consideration by the Board of Supervisors.
- 5) When the plat complies with these regulations and the requirements imposed by reviewing departments and agencies, the County Engineer will schedule the plat for consideration by the Board of Supervisors.
- 6) The Board of Supervisors may either approve or deny the plat. Upon approval, the plat shall be recorded by the County Engineer within thirty (30) working days of approval. Plat approval by the Board of Supervisors includes the acceptance of all dedicated rights-of-way established via the Right-of-Way Plat.

e. Other requirements.

- 1) All proposed construction roadways shall be completed prior to the recordation of the plat. Assurances shall not be used for the construction of such improvements for projects based on Roadway Plats.
- 2) If a roadway widening or realignment results in more than ten percent (10%) of all residential lots in the subdivision becoming deficient of zoning minimum lot sizes, the Plat shall be processed as

an amended subdivision Final Plat per the procedures of Article 3.9.J.3 of these regulations.

- 3) Pursuant to applicable State statutes, Mohave County and other governmental agencies shall be exempt from compliance with these regulations in the processing of a public project which affects or amends any subdivision plat, except as provided herein.
- 4) Mohave County shall, in instances where it initiates a public works project, prepare a Right-of-Way Plat containing the information required herein and it shall be prepared under the review of the County Surveyor, and the county shall record said Roadway Plat.
- 5) Lots or parcels which are deficient of the minimum lot size required by the Mohave County Zoning Ordinance shall be considered “lots of record” and building permits may be issued to those lots when in compliance all other requirements of the Zoning Ordinance and Environmental Quality rules.

### **3.9 Type II Subdivisions**

#### **A. Purpose.**

To provide an abbreviated subdivision process for eligible proposals, which allows a possible waiver of the Preliminary Plat, consistent with Arizona State Law.

#### **B. Type II Subdivisions Definition and Eligibility.**

1. All provisions of the Mohave County Land Division Regulations shall apply to Type II Subdivision proposals, unless stated otherwise in this Chapter. In the event of any conflict of regulations, the higher standard shall apply.
2. Type II Subdivision proposals shall include from six (6) to twenty-five (25) lots.

#### **C. In order to be eligible for processing as a Type II Subdivision, a subdivision proposal must meet all of the following conditions:**

1. The proposal does not require a major amendment to the General Plan or applicable Area Plan.
2. The proposal provides all of the improvements required by these regulations, except those which may have been waived through the process outlined herein.
3. The proposal includes only single-family residential lots.
4. The proposal is not phased.
5. All improvements will be as-built or all improvements will be assured with the Mohave County standard forms of assurance the Performance Bond or Property Escrow Trust Agreement, as outlined in Chapter 4 of these

regulations. A combination of as-builts and assurances may not be used with Type II Subdivisions.

6. Except as provided in Section 3.9.B.1, the proposal does not require processing as a planned unit or master planned development, or compliance with provisions of Chapter 6 of these regulations.
7. Type II subdivision may be used to create large parcels to accommodate the future development of the property in a Special Development, Planned Area Development (PAD) or flexible zoning.
8. The proposed subdivision shall be within the Arizona Corporation Commission certificated services area(s) for all required utility services.
9. Except for electric service, the proposal is able to tie into existing utility infrastructure by extending existing systems.
10. Other proposals may be found to be ineligible for processing as a Type II Subdivision if they appear to require additional review scrutiny due to complicating factors that are likely to prolong overall review, or proposals that require lengthy permits or approvals (typically six or more months) from review jurisdictions.

#### D. Type II Subdivision Processing

The processing of a Type II Subdivision will begin with a pre-application meeting, at which the eligibility and feasibility of the Type II Subdivision proposal will be determined. The applicant and project engineer shall participate at the pre-application meeting with Mohave County and other agencies, as appropriate.

1. Pre-application meeting requirements:
  - a. The applicant will present the concept drawing and any supporting documents (such as a written narrative detailing the proposal).
  - b. The applicant will submit an 8½ X 11-inch concept drawing showing the land in relation to adjoining and adjacent properties and major thoroughfares, including any proposed roads.
  - c. Type II Subdivision development is not an alternative to subdivision phasing, and all adjoining property held by the applicant shall be taken into consideration at the pre-application conference, to determine whether it appears the Type II Subdivision application intent is to defeat the standard phasing process for subdivisions. Development programs for adjoining property owned by the applicant shall be submitted for review at the pre-application conference.

2. After the pre-application meeting, proposals determined by Mohave County to be eligible for processing as a Type II Subdivision will continue processing as follows:
  - a. A rezone application (if required) must be scheduled for hearing before the Planning and Zoning Commission and the Board of Supervisors.
  - b. Plat submittal:
    - 1) The applicant may, upon receipt of a tract number from the Director, submit the Final Plat package for the Type II Subdivision, conforming to Chapters 3, 4, 5, and 8 of these regulations, and others as applicable.
    - 2) The applicant shall also include with the Final Plat submittal any plats, documents, or other information required at the Preliminary Plat stage of review which would not otherwise be provided by the standard Final Plat submittal package. Final Plat processing commences upon the completion of this combined submittal.
3. Period of plat processing:
  - a. The Final Plat for a Type II Subdivision must be submitted, processed, approved and recorded within two (2) years from the date of the assignment of a tract number. If the plat is not recorded within this two (2) year period, the tract number and any approvals the project may have received to date will be automatically rescinded without notification, except as provided for below.
  - b. If the Final Plat for the Type II Subdivision is not recorded within two (2) years of the issuance of the tract number for the project, processing as a Type II Subdivision shall terminate. Any additional processing for this subdivision shall commence with the submittal of a Preliminary Plan application, as a Type I (standard) Subdivision plat.
  - c. Upon the recordation of a Final Plat for a Type II Subdivision, the applicant shall have two years from the date of plat recordation to complete all subdivision improvements to the satisfaction of the County Engineer, and to have secured Board of Supervisors approval for the acceptance of the as-built plans, or the release of the assurance.
4. Other provisions:

- a. Improvements for Type II subdivisions shall be the same as those for standard subdivisions, not less than the requirements defined in Chapter 5 of these regulations.
  - b. All subdivision proposals shall provide, to each lot, all other improvements which may be required by other jurisdictional agencies.
  - c. If during processing deviations from the regulations the Director shall determine whether the processing of the plat may be continued, as detailed in these regulations, or determine another action as necessary.
5. Type II Subdivision applications shall be limited to one (1) submission every five (5) years for the same parent parcel or adjoining parcel(s) held by the applicant. The five (5) year period shall commence with the recordation date of the previous final plat, if any. The applicant may submit more than one (1) Type II Subdivision at a time, as long as each subdivision is not physically adjoining.
  6. Required lot sizes for Type II Subdivisions will follow the same requirements as for Type I (standard) Subdivisions, as defined in Section 5.1.b of these regulations.
- E. Decisions of the Director may be appealed to the Board of Supervisors.

### **3.10 Commercial/Industrial Subdivisions**

Proposed commercial/industrial subdivisions consisting entirely of non-residential lots (i.e., commercial or industrial zoned land) shall be processed per the following requirements. Commercial/industrial subdivisions may not include any residential lots or parcels.

- A. Final Plat.
1. Processing and submittal requirements
    - a. Commercial/industrial subdivisions do not require Preliminary Plats. The Final Plat shall show all the information required of standard subdivision Final Plats, as defined in Section 3.8 of these regulations, except as may be further outlined herein.
    - b. Where a developer proposes more than one zoning designation within the subdivision, the plat shall be segmented into the various zoning designations requested, the individual lots can then be platted according to Section 3.10.E.
    - c. Where rezoning is required, or is proposed by an applicant, rezone applications, shall proceed consideration of the plat, or be considered at the same Board meeting as the Final Plat.
    - d. Upon receipt by the Director of a complete Final Plat submittal for a non-residential subdivision, the Director process the plat consistent with the

processing of standard subdivision Final Plats contained in these regulations.

- e. The Final Plat submittal shall include all of the plats and documents required of standard Final Plats, as defined in Section 3.8 of these regulations, except that:
  1. A standard detailed drainage report shall be included with the submittal for the entirety of the property proposed for subdivision.
  2. A draft Department of Real Estate report is not required.
  3. Include a site and area transportation impact report.
- f. Fees for the review of non-residential subdivision submittals with lots or lot plats shall be as defined in Chapter 8 of these regulations.

B. Other processing provisions:

1. A pre-application meeting shall be held prior to the submittal of a Final Plat for review. If the county finds that the subdivision is in conformance with these and other applicable regulations, the Mohave County General Plan, and Area Plans, the Director will issue a tract number for use with the final plat.

C. Improvements for base subdivision Final Plat

1. Off and on site improvements required of developers for commercial/industrial subdivisions shall be no less than those for urban subdivisions, as defined by these regulations, except that the design of all roads shall be acceptable to the County Engineer for the uses intended and electric service shall be extended to the property boundary. Water, sewer, electric, and all other improvements shall be sufficient to accommodate the anticipated build-out of the development. Subsequent lot splits and development may require expansion, addition or modification of improvements including but not limited to roadways, drainage devices, utilities and other services.

D. Recordation of the base subdivision Final Plat

Upon approval by the Board of Supervisors of a commercial/industrial subdivision tentative plat, the Final Plat for that subdivision shall be recorded following the same provisions as for standard Final Plats, as defined in Section 3.8.

E. Subsequent platting of subdivision lots

1. Lot Plat. Upon the recordation of the base commercial/industrial subdivision Final Plat, a developer may submit a Lot Plat, according to requirements of the Final Plat, to the Director, showing one or more lots per Lot Plat, for those lots being created out of the undivided portion of the original subdivision plat. The proposed Lot Plat shall include the following:
  - a. The Lot Plat shall conform to the requirements for Parcel Plats, as defined by Section 7.E of these regulations.
  - b. The Lot Plat shall show the overall original subdivision boundary, and the Lot Plat location within that boundary, and the proximity to previously recorded Lot Plats within 300 feet (if any) in the same subdivision.

- c. Number the lots being created in a logical and uniform manner, and reference to record the name, tract number, legal description, and recording information of the original subdivision Final Plat.
- d. The Lot Plat shall be accompanied by a site plan (as defined by Section 37.N of the Mohave County Zoning Ordinance) for each lot being platted on the Lot Plat, for which it shall be reviewed by the same agencies and per the same procedures as for regular site plans and Parcel Plats.
- e. The Lot Plat will not require the consideration of the Planning and Zoning Commission or the Board of Supervisors, and shall be processed administratively by the Director, or their designee.
- f. If and when the Lot Plat meets the requirements necessary for approval, the Lot Plat will be recorded in the same manner as for Parcel Plats.
- g. Separate and additional dedications, grantings, and assurances, if required or proposed, shall be processed for public acceptance through established procedures, and the Lot Plat shall be recorded and referenced to record upon the original subdivision Final Plat or upon individual Lot Plats.

F. Additional Provisions.

- 1. Commercial/industrial subdivisions may be phased.
- 2. Core subdivision improvements required of a developer in conjunction with the original subdivision plat shall be as-built (demonstrated with record drawings) if the engineer's cost estimate for such improvements is less than \$50,000. Pre-approved forms of subdivision assurances, as defined in Chapter 4 of these regulations, may be used by a developer if the cost of the core subdivision improvements will be \$50,000 or more.
- 3. All roads established within or as a part of commercial/industrial subdivisions shall be dedicated as public roadway rights-of-way. Private roads are prohibited within or as a part of non-residential subdivisions.

## 4.1 Completion of Improvements

- A. All on-site and off-site subdivision improvements required of and proposed by a developer, shall be completed by the developer prior to the consideration of a final plat by the Board of Supervisors, as outlined under Section 3.8.H.
- B. In lieu of compliance with Section 4.1.A, if a developer proposes the completion of all or part of the subdivision improvements after the recordation of the subdivision final plat, the developer must use one of the methods of assurance defined in Section 4.2, to ensure the completion of those improvements.
- C. Applicants using assurances shall have subdivision improvement plans (construction plans) approved by the County Engineer, and/or other appropriate agency, prior to commencing construction.

## 4.2 Methods of Assurance

- A. Pre-approved forms. The only pre-approved forms of assurance in Mohave County are the Performance Bond and the Property Escrow Trust Agreement per Exhibits A & B, Chapter 4.10A.
- B. Alternate forms of Assurance.
  - 1. A developer may propose the use of forms of assurance other than the pre-approved assurance listed above, and any such proposal will be considered an alternate form of assurance.
    - a. All proposed alternate assurances shall be submitted to the Director with the initial submittal of the subdivision final plat as an unexecuted draft. The Director shall forward the proposal to the County Attorney and the County Engineer for review. An executed document is required prior to scheduling the assurance or the final plat for Board approval.
    - b. Upon the completion of review, the Director shall schedule the proposal for the consideration of the Board of Supervisors.
  - 2. The Board of Supervisors shall not approve the use of any alternate assurance without a recommendation of approval from the County Attorney's Office for the form and content of the assurance.
  - 3. The assurance must guarantee for Mohave County a readily available fund equal to or exceeding the County Engineer-approved cost estimate for all on-site and off-site subdivision improvements.

### **4.3 Assurance Agreement**

1. A written agreement shall be entered into between the county and the developer to provide the format for implementation of an assurance to complete improvements for a subdivision. Included in the agreement shall be an identification of parties, definitions, and certifications; duration of the assurance and terms of release; provisions necessary to guarantee to Mohave County a dollar amount equal to or exceeding any expenses that may be incurred by Mohave County in administering the terms of the assurance; any expenses for collecting the assurance when forfeited by the developer in the event of developer default; and any other elements in accordance with these regulations.
2. Agreement forms for the Performance Bond and Property Escrow Trust Agreement are attached to these regulations as Exhibits A & B. These forms have been pre-approved by the County Attorney's Office.

### **4.4 General Requirements**

All forms of assurance are subject to the following requirements:

- A. All types of assurances shall be satisfactory to the County Attorney as to form.
- B. Performance Bonds shall be confirmed to be in effect by Mohave County Risk Management.
- C. All subdivision assurances complying with paragraphs A and B of this subsection shall be executed and in effect prior to the date of Board of Supervisors approval of the final plat for which improvements are assured.
- D. One (1) assurance form shall be posted for each subdivision phase separately, or for the subdivision in its entirety if no phasing is proposed. Subphasing of a phase is not allowed. Therefore, multiple assurances are not allowed to be posted for one phase.
- E. All subdivision improvements shall be completed within twenty-four (24) months of the recordation of the final plat, or as extended pursuant to these provisions. The duration of all assurances shall cover a period beginning prior to the date of Board of Supervisors approval of the final plat, and ending not less than thirty (30) months after the recordation of the final plat. The period of duration shall be incorporated into all documents constituting the assurance.
- F. Extensions of Time. Extensions of time for the completion of subdivision improvements may be considered by Mohave County under the following circumstances:
  1. The developer, prior to the second anniversary date of the recordation of the final plat, must submit a written request for an extension of time to the County Engineer with a copy to the Director. The extension request shall include a revised engineer's cost estimate for all improvements that remain incomplete and/or all improvements for which as-built (record) drawings have not been approved by the County Engineer.
  2. The developer shall provide such documentation necessary to justify an extension of time within which the developer must complete the subdivision improvements and proof of the extension of the assurances.

3. The County Engineer may forward a recommendation of approval or denial of the request, to the Director.
  4. The County Engineer shall provide a written determination as to whether extension is granted to the applicant, project engineer and agent (if any), and a copy of the determination to the Director.
  5. If the extension is granted, it will be in two (2) year increments from the anniversary date of the recordation of the final plat, or from the previously approved extended deadline, and shall not require the consideration of the Board of Supervisors, except as provided in this Chapter. The total extensions of time which may be granted for a project will be determined on a case by case basis by the County Engineer.
  6. If the extension request is denied, the request shall automatically be appealed to the Board of Supervisors. The Board, in their consideration of the appealed extension request, may approve or deny the request.
  7. If at the end of the term of that extension improvements are not completed, or the developer needs additional time to submit or process record drawings, or testing results, as may be required by the County Engineer to demonstrate the completion of the improvements, the developer shall automatically have an additional "cure period" of sixty (60) calendar days, beginning immediately upon the expiration of the extension, within which to resolve all remaining improvement/assurance matters to the satisfaction of Mohave County, in an effort to avoid having their assurance declared in default of these regulations.
  8. If at the end of the cure period the subdivision improvements are not completed as required by these regulations, the Director shall recommend that the Board of Supervisors declare the assurance for these improvements to be in default, per the provisions of these regulations.
  9. When an extension of time is granted for the completion of subdivision improvements, it is the responsibility of the developer to ensure that the assurance is renewed by the issuing entity, (prior to requesting an extension by Mohave County), for a term covering at least six (6) months past the County-extended period of approval. The developer shall provide evidence of this renewal to Mohave County.
- G. The Board of Supervisors, after receiving a recommendation for approval from the County Attorney and Director, may at any time during the effective duration of the assurance, accept a different form of assurance as a replacement for an existing assurance held by the County. Any such proposed amendment must be approved by the Board of Supervisors, and subject to all restrictions of these regulations. This paragraph does not apply to substitution of assurances (partial releases of assurances) outlined in Section 4.7.
- H. All forms of assurance shall guarantee to Mohave County a dollar amount equal to or exceeding the County Engineer-approved cost estimate of all on-site and off-site subdivision improvements, to ensure the completion of those improvements in the event of developer default. All assurances (except the Property Escrow Account Trust Agreement) shall, in addition to the approved cost estimate amount, include a contingency amount not less than fifteen percent (15%) of the total cost estimate.

- I. Regardless of the assurance form used, Mohave County shall in all cases retain the right to determine developer default.
- J. If a change of ownership occurs due to foreclosure, the new property owner is required to submit a valid assurance within 30 calendar days from the date of the recorded deed. If the new property owner fails to submit a valid assurance, the County may determine the developer (the new owner) to be in default and proceed with Section 4.9, default process.

#### **4.5 Restrictions**

All forms of assurance are subject to the following restrictions:

- A. Land, and any improvements that may be contained thereon, shall not be used as an assurance guarantee in any form, except that this restriction is not intended to prohibit the use of Property Escrow Trust Agreements.
- B. No form of assurance may be withdrawn, reduced in amount or released (except as provided in Section 4.7), or otherwise amended or altered without the approval of the Mohave County Board of Supervisors.
- C. Property Escrow Trust Agreements may not be used for subdivisions where certificates of occupancy are not required, such as Condominium or Timeshare subdivision proposals.

#### **4.6 Responsibility for Review**

- A. Review and Inspection.

The project engineer shall provide sufficient documentation to the County Engineer who shall make a determination of the completion of all subdivision improvements, including appropriate construction testing. If the County Engineer finds upon inspection that any of the improvements have not been constructed in accordance with the approved improvement plans, or requires maintenance to reestablish as-constructed conditions, the subdivider shall be responsible for completing or replacing such improvements, or such improvements shall be corrected or amended to the satisfaction of the County Engineer.

- B. Acceptance of Improvements.

The county will not accept improvements, including those scheduled for dedication to the public, nor reduce, nor release any assurance, until the County Engineer determines that such improvements have been satisfactorily completed. Upon such determination and recommendation to the Board of Supervisors, the Board shall accept the improvements dedicated with the recordation of the subdivision final plat, and those dedicated by approved separate instruments, to comply with the conditions of the Preliminary Plat, in accordance with established procedures.

#### **4.7 Partial Release of Assurances**

- A. Upon receipt of a certification from the project engineer that portions of the required improvements are completed, according to these regulations and according to the approved construction details, along with a revised engineer's cost estimate for all improvements that remain incomplete and/ or all improvements for which as-built (record) drawings have not been approved by the County Engineer, the Director may accept a substitute

performance bond or property escrow trust agreement for the engineers cost estimate of the remaining improvements.

- B. Upon receipt of the substitute performance bond and confirmation from Risk Management of the bond's good standing, the original performance bond may be released.
- C. Upon receipt of the substitute Property Escrow Trust Agreement and confirmation from the County Attorney that the form is satisfactory, the original property escrow trust agreement may be released.
- D. A minimum of 20 lots or 20 percent of the recorded lots of a phase may be requested for release. Parcels for drainage, private roads, parks, and other common space parcels do not count as a part of the minimum number of lots to be released.
- E. In the event that the applicant requests a partial release of assurance for commercial or multi-family lots only, that partial release request may be processed if the commercial or multi-family lot included in the request is at least five (5) acres in area.

#### **4.8 Complete or Final Releases of Assurances**

- A. Upon the full completion of all subdivision improvements, a developer may request the complete or final release of assurances for that subdivision. All such requests for complete or final assurance release shall be accompanied by the submittal of a letter from the developer, along with the record drawings prepared by the project engineer, showing all improvements completed and including reports on any necessary required testing. An electronic form acceptable to the County Engineer may also be submitted.
- B. Upon receipt of a written finding, signed by the County Engineer, that all subdivision improvements are complete and comply with these, and all other applicable, regulations and standards, the Director shall schedule the final release of assurances for consideration by the Board of Supervisors.
- C. If the County Engineer determines any noncompliance with these or other required regulations, standards or specifications, they shall notify the developer of such deficiencies.
- D. Any acceptance of the subdivision improvements and release of assurances shall not absolve or release the developers, owners, or the project engineers, contractors, sub-contractors or other agents from full responsibility for full completion of improvements and compliance with all laws, including these regulations.
- E. The institution providing or holding the assurance shall not release the assurance without the expressed written permission of Mohave County. Should an assurance be released contrary to these regulations, legal action may follow, and Mohave County shall notify the Commissioner of the Arizona Department of Real Estate.

#### **4.9 Default**

- A. It is the responsibility of the developer of a subdivision to complete all the on and off-site subdivision improvements in a manner consistent with the timelines outlined in these regulations. The developer is also responsible for providing to Mohave County a complete set of record drawings (as-built improvement plans) of all subdivision improvements at least ninety (90) calendar days prior to the expiration of the period of assurance approval

(or as extended), to allow the County Engineer sufficient time to review the improvements, and if necessary to comment on corrections.

- B. If the developer has not completed all subdivision improvements within twenty-four (24) months of the date of recordation of the subdivision final plat, or as extended per these regulations, the County Engineer shall recommend that the Board of Supervisors declare the development improvements or portion thereof to be in default of these regulations.
- C. If the condition of materials and/or workmanship in the improvements of a subdivision show unusual depreciation upon inspection (as determined by the County Engineer), or if the improvements do not comply with County or other required standards, the County Engineer shall recommend that the Board of Supervisors declare the development improvements or portion thereof to be in default of these regulations.
- D. If the Board of Supervisors declares the subdivision improvements or a portion thereof to be in default, the developer/owner shall forfeit assurances for the default. The Board shall, if it has chosen not to revoke, or is prohibited (per the provisions of Section 1.7 of these regulations) from revoking the subdivision, seize assurances in a dollar amount equal to the cost of the completion of any outstanding improvements, and/or the cost of replacing or amending any improvements which are not in compliance with the approved improvement plans, the standards and specifications required for those improvements, and the cost to Mohave County of administering and collecting the forfeited assurances to complete the improvements. The Director, thereafter, shall notify the Arizona Department of Real Estate of the default, as well as the bonding agent for the assurance.

#### **4.10 Assurance Forms**

- A. Assurance formats acceptable to the Mohave County Attorney's Office are included in these regulations by reference and are attached as Exhibits A and B.
- B. When a developer uses the county-approved standard assurance form referenced, that assurance does not require review or approval by the County Attorney, or Board of Supervisors. However, if the assurance proposed deviates in any way from the pre-approved form, the assurance shall require approval by the County Attorney and Board of Supervisors, with County Attorney approval required prior to scheduling the assurance for the consideration of the Board, and Board approval of the assurance shall be required prior to the consideration of the subdivision final plat covered by the assurance.
  - 1. If an assurance is seized by the county, all funds therein will be used to complete all required improvements referenced in the assurance agreement, and the approved cost estimates to complete the subdivision project, per Section 4.1 of these regulations.
  - 2. When a Property Escrow Trust Agreement is proposed by the applicant, the account shall be set up by the applicant with a title insurance company, whereby no lots may be offered for sale until the required subdivision improvements have been completed and the Board of Supervisors has released property for sale. The County Engineer shall review the improvements and forward a report to the Board, recommending whether or not the lot should be released for sale. Subdivisions using this type of assurance are subject to the revocation provisions of Section 1.7 of these regulations.

## 5.1 Minimum Improvement Requirements

### A. General Conditions.

It is the developer's responsibility to design, furnish, install, and otherwise provide the property being subdivided with adequate public infrastructure and utilities, as required by these regulations, in accordance with other regulations of the county and state, and as disclosed by the developer to the Arizona Department of Real Estate in the public report. Land shall not be approved for final plat use unless and until adequate public infrastructure and utilities have been provided and have been adequately assured for by the developer, in accordance with the minimum requirements for assurance stated in these regulations. Minimum required improvements, as described herein, must be designed in conformance with adopted county plans, policies, standards, and specifications for those types of development areas described in the General Plan and any relevant Area Plan.

Mixed use developments must provide full urban improvements, as defined by Chapter 5 of these regulations.

### B. Development Areas.

Lot sizes in subdivisions will be determined by the Mohave County Zoning Ordinance and the Mohave County General Plan.

### C. Improvement Plans.

Engineered improvement plans and detailed cost estimates shall be submitted by the developer for the minimum improvements required by these regulations. The approval of improvement plans and detailed cost estimates shall be valid for a period of twenty-four (24) months from the date of final plat approval by the Board of Supervisors, unless extended. For any unrecorded subdivision or phase thereof, any work not completed within the twenty-four (24) months period shall have plans and cost estimates resubmitted for approval by the County Engineer.

This requirement may be further defined or supplemented through the standards contained herein, and such standards as are required by other departments and agencies. All required improvements described herein, must be designed in conformance with adopted county plans, policies, and specifications, and shall be provided by the applicant and at no cost to the county.

The developer or his agent shall notify the Mohave County Public Works Department forty-eight (48) hours prior to commencement of construction of improvements. This notice shall be in written form and shall be hand delivered or mailed to the Department, Design and Review Division. Failure to notify may result in delays in processing the Final Plat and/or delays in release of assurances.

Mohave County may inspect required improvements during construction to ensure their satisfactory completion. If County inspections reveal that any of the required

improvements have not been constructed in accordance with the approved plans and other county-adopted standards, the developer shall be responsible for correcting and completing the improvements according to the plans and specifications.

D. Minimum Required Improvements.

1. Water Supply.

a. The developer shall provide an ADEQ or applicable agency approved public or semi-public or private water system with adequate pressures for fire flows at 100 percent (100%) occupancy:

1) All lots within a subdivision containing any lots less than five (five) acres in size,

b. Where required, action shall be taken by the developer to expand or create a water supply district, and/or water company for the purpose of providing a water system and supply.

2. Water Line Connection and Distribution System.

a. For proposed subdivisions where an ADEQ or applicable agency approved potable water supply system is required, the water system shall be installed with a service line and meter to each lot to provide safe and potable water in sufficient volume for the projected 100 percent (100%) occupancy. The developer shall be required to install the water system in such a manner that the lot owner can make the connection at the street utility easement, or alley abutting the lot, without cutting any new residential pavement or surfacing. Water system installation shall include any off-site improvement necessary to provide the above service conditions, including booster pumps, lines, stations, rights-of-way, easements, or other requirements.

b. For proposed subdivisions where an ADEQ or applicable agency approved potable water supply system is required and the subdivision is not located within an ADEQ or applicable agency approved provider district and an acceptable service connection is not within 1,320 feet of the proposed subdivision, provisions for an appropriate water supply shall be constructed within the subdivision, and shall conform to all ADEQ or applicable agency and county franchise and incorporation regulations and procedures.

c. For proposed subdivisions where an ADEQ or applicable agency approved potable water supply is required, and the proposed subdivision is not within an approved ADEQ or applicable agency approved provider service area, but is within 1,320 feet of an approved potable water system and at or near an appropriate connection point, the developer shall petition the water provider to extend the district boundary to include the subdivision or allow the proposed subdivision to connect to the existing service lines. If the request is rejected by the water provider to extend the district boundary to include the proposed subdivision, or to allow the proposed subdivision to connect to existing service lines, then the previous paragraph (b) above shall apply.

d. For proposed subdivisions where an ADEQ or applicable agency approved potable water supply is required and an ADEQ or applicable agency approved potable water supply is within 1,320 feet of the proposed subdivision and inside the water supply provider's ACC approved service

area, the subdivision shall be required to obtain right-of-way, if necessary, and construct water lines to connect to the water service provider at an appropriate connection point.

3. Fire Hydrants/Service Requirements.

Wherever a water supply system is required for a proposed subdivision, fire hydrants that conform to the minimum requirements of the applicable fire code shall be installed. Hydrants shall be located according to the fire code requirements of the fire district the project is in. To eliminate future street openings, all underground facilities for hydrants, together with the hydrants themselves and all other water line improvements, shall be installed before any final construction of roadways when utilities are to be located in the improved portion of roadway rights-of-way. Where hydrants are required, the applicant is required to establish a fire service district, or cause an existing district to be extended to include the subdivision site, if the site is not already in a district. The county may require the applicant to provide additional facilities toward the establishment of actual service to the project.

4. Sewer Disposal Service.

Proposed subdivisions in any Development Area shall connect all lots, except those set aside for open space or recreational purposes, to an approved public or private sewer system or other wastewater treatment facility where required by the Mohave County Environmental Quality Division, Arizona Department of Environmental Quality or U.S. Environmental Protection Agency.

- a. All subdivisions with any urban size lots (less than one acre in size) shall be provided with approved, central sewage collection and treatment service to all lots.
- b. Subdivisions with no urban lots may use on-site individual wastewater systems conformant to all applicable state and local regulations.

5. Electric Service.

Electric service is required according to the following:

- a. Any proposed subdivision located partially or fully in an Urban Development Area or Suburban Development Area, or which contains any lot less than five (5) acres in size, shall provide electric service to each individual lot.
- b. All proposed subdivisions containing lots five (5) acres or greater in size shall provide standard residential electric service to the nearest accessible boundary of the subdivision, except that electric service is not required for Rural Development Area subdivisions containing all lots 10 acres or greater in size, if all of the following are met:
  1. The proposed subdivision site is five (5) or more miles distant from an existing utility-connected electric service line, and
  2. Any objection to the lack of electric service received from the serving fire district or State Fire Marshal, shall be noted on the subdivision Final Plat(s), and
  3. The subdivision is for single-family residential uses only, and

4. The subdivision Final Plat(s) contain a note documenting the lack of electric service to the project, and
5. The subdivision is located in an area designated “Rural Development Area” by the Mohave County General Plan.

c. Electric power lines shall be installed in accordance with the requirements of the serving utility.

6. Telephone Service.

Telephone service that is compatible with the County’s Enhanced 9-1-1 system is required according to the following:

Any proposed subdivision located partially or fully in an Urban Development Area or Suburban Development Area, or which contains any lot less than five (5) acres in size, shall provide telephone service access to each individual lot.

7. Sidewalks.

Sidewalks on both sides of streets except where half or partial improvements have been approved, with ADA access ramps, are required within an Urban Development Area as follows:

- a. Within any proposed residential subdivision of three (3) units or more per acre.
- b. Within any subdivision that has 40 or more gross acres in size, or which is located within one-quarter mile of an existing school.
- c. Where sidewalks are required, and residential lots adjoin commercial or industrial lots located within the subdivision, the sidewalks shall extend across or through the commercial or industrial lot.
- d. Where sidewalks are required or provided on private property, provision for perpetual maintenance either by the developer, a home owners association, or individual lot owner, shall be provided. Where sidewalks are approved by the County Engineer to be constructed in the public right-of-way, they will be constructed according to county standards and will need to be accepted for permanent maintenance by the Board of Supervisors.

8. Street Lighting.

Street lighting is required for subdivisions that will have sidewalks as follows:

- a. On commercial or industrial lots within Urban Development Areas subdivisions.
- b. When street lights are required, the developer shall install lighting pedestals and foundations outside county rights-of-way, but in Public Utility Easements.
- c. Street lights may take the form of yard lights, meeting any standards that may be adopted by the county, or other standards that the county reviewing departments may approve. If yard lights are used, they must be located on private property, and achieve the same purposes of illumination as street lights would, under maintenance of an improvement district or owners association.

- d. Path lights may additionally be required along walkways in subdivisions requiring street lighting. Such lights must be located on private property, to be maintained by an improvement district or owners association.
- e. If an exception from standard is approved to eliminate a requirement for sidewalks, street lighting is still required, unless also eliminated via a separate petition item.

9. Roadway Improvements.

Roadway improvements are required according to the following:

- a. Minimum roadway improvements for proposed subdivisions containing lots greater than five (5) acres in size shall be constructed in accordance with other county-adopted standards for an aggregate base road and to the minimum cross-sectional requirements shown therein for the required functional classification of roadway.
- b. Minimum roadway improvements in proposed subdivisions containing lots one (1) acre to five (5) acres in size shall be paved in accordance with other county-adopted standards for an asphalt-concrete surfaced road and shall be constructed to the minimum paved rural cross-sectional requirements shown therein for the required functional classification of the roadway.
- c. Minimum roadway improvements in proposed subdivisions containing lots less than one (1) acre in size, or located within one-quarter mile of an existing elementary or middle school, or an acquired site, or adjacent to any commercial or industrial lots within the subdivision, shall be paved in accordance with other county-adopted standards for an asphalt-concrete surfaced road and shall be constructed to the minimum paved urban cross-sectional requirements shown therein for the required functional classification of the roadway.
- d. In all cases, minimum roadway improvements in proposed subdivisions located within a three (3) mile radius of an identified PM-10 Non-Attainment Area shall be paved in accordance with other county-adopted standards for an asphalt-concrete surfaced road and shall be constructed to the minimum paved urban cross-sectional requirements for this roadway classification or greater and other standards as required.
- e. Higher road construction standards may be required by the County Engineer to adequately provide for unusual situations and conditions, such as, but not limited to, soils, drainage, or traffic volumes or loads.
- f. For all subdivisions of any density, culvert cross drains, or if possible, hardened roadway crossings (concrete or asphaltic concrete, to adopted standards) shall be provided to allow for all-weather access to and through the subdivision, to the satisfaction of the County Engineer.

10. Drainage.

The developer shall be required to provide all drainage-related improvements necessary to ensure the proper drainage into, around, through, and out of the subdivision, to ensure building sites are free from the 100 year storm event, and emergency vehicles have access to all lots within the development, and to not adversely impact adjacent or downstream properties. These drainage-related

improvements shall be designed and constructed to withstand the impact of the maximum 100-year storm, meet policies and standards set forth in the Drainage Design Manual for Mohave County, and be in accordance with the approved detailed drainage report and drainage improvement plans.

These necessary improvements shall include, but not be limited to, underground pipes, inlets, catch basins, open drainage ditches, retention/detention, storm sewers, bridges, culverts, low-water crossings, curb and gutter, lined channels, and erosion protection. Where drainage control devices are planned, that may periodically create instances of standing water, the Mohave County Environmental Health Division may require a vector abatement plan.

11. Grading Improvements.

Grading plans shall be required for all property which is submitted for subdivision purposes, and such plans shall be based upon the International Building Code as adopted and amended by Mohave County.

No grading shall be performed without an approved grading plan. Any grading performed on the proposed subdivision site prior to the approval of the Preliminary Plat and improvement plans shall be 'at the risk of the developer/owner'. The developer/owner may, after grading, be required to re-grade, cut, and/or fill to satisfy the requirements of the approved plat and plans.

12. Solid Waste Disposal.

Subdividers shall comply with the regulations of the Mohave County Environmental Quality Division, Mohave County Health Division, and State Health Departments for the disposal of solid waste.

13. Street Signs.

Street signs shall be required and installed with one street sign for each intersection within the limits of the subdivision, showing the names of all streets at the intersections, including the block numbers when block numbers are available. All street name signs shall conform to other county-adopted standards and all street names shall be approved by the county.

14. Off-Site Improvements.

Developers shall be responsible for all off-site improvements in support of the development of the subdivision, including:

- a. Acquisition of required right-of-way for dedication to the public from the nearest paved public right-of-way to the subdivision. Required right-of-way shall be determined by the County Engineer. In providing the required roadway right-of-way access(es) to the site, and where possible, the applicant shall obtain right-of-way that is evenly divided along both sides of a section line (or mid-section line, et.al), avoiding staggered or zig-zag roadways. It is the applicant's responsibility to secure this right-of-way from private or public sources, and their obligation to document and demonstrate when and why it is not possible to do so.
- b. Paving of the required right-of-way from the nearest paved public right-of-way to the subdivision, including development and construction of any required curbs, gutters, drainage and grading according to MAG standards and Mohave County Road Development Specifications.

- c. Required water, sewer, and electric services from attachment to required off-site sources to the subdivision, including acquiring all required rights-of-way, purchase of all supporting equipment and materials, all construction costs, and related appurtenances, as determined and approved by the County Engineer.
- d. Required drainage improvements and grading as determined by the County Engineer.
- e. Any required street lighting, sidewalks, pavement markings, crosswalks, traffic signs and signals, improvements and upgrades to adjoining properties, coordination with outside agencies, environmental requirements, storm drains, flood control, rip-rap and/or gunite construction, drainage channel improvements, monuments and other ancillary or supporting improvements.

## 5.2 Design Specifications

### A. Planning.

Design of the development shall take into consideration all existing local and regional plans for the county, its outlying communities, and incorporated areas. The design of those elements of a subdivision involving structural matters, location, design, alignment, buildings, roads, drainage provisions, water and sewage systems, and other required improvements, except for those provided by publicly franchised utility companies, shall be made by the project engineer.

Except for work performed under the terms of an Arizona Corporation Commission approved utility, work performed by a governmental agency, or by a resident owner in front of his own property, the designing or engineering details and the preparation of plans and specifications for all works to be constructed within existing or proposed public rights-of-ways or easements, shall be done by or under the direct supervision of the project engineer.

### B. Site Analysis.

Development of the site shall be based on the site analysis. To the maximum extent practical, subdivision design, lot layout, public and private improvements, and proposed development in general, shall be located to preserve the natural features of the site, to avoid degradation of areas of environmental sensitivity and to minimize negative impacts to and alteration of natural features.

Be aware the Planning and Zoning Commission may not recommend approval of the division of land as submitted if, from investigation, it has determined that said land is not reasonably suitable for the kind of development proposed. Factors would include, but are not limited to, flooding, fire hazards, erosion, bad drainage, terrain, inadequate infrastructure, or design features likely to be harmful to the health, safety, and welfare and convenience of future residents, unless corrections acceptable to the Commission and the Board of Supervisors, as recommended by the County Engineer, are submitted by the developer.

### C. Preservation.

The following specific areas should be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of the land in the proposed subdivision as a whole, and in accordance with applicable state or local regulations:

1. Unique and/or fragile areas, including wetlands as defined in Section 404 of the Federal Water Pollution Control Act Amendments of 1972, and delineated on wetland maps prepared by the U.S. Fish and Wildlife Service, field verified by on-site inspection.
2. Lands in floodplain areas which are designated as flood ways.
3. Historically significant structures and sites, as designated by appropriate federal, state, or local regulations.

D. Site Design.

The development shall be designed to minimize adverse affects on ground water and aquifer recharge; to minimize cut and fill; to minimize unnecessary impervious cover; to minimize erosion; to prevent flooding from a 100 year storm event; to provide adequate access to lots and sites; and to reduce adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

The developer shall provide coordination of roads within the subdivision with existing or planned roadways, in conformance with the General Plan. In addition, portions of any contiguous property owned by the developer shall not be excluded from within the boundaries of a subdivision when it is needed or required for any traffic, drainage, flood control, or wastewater facility pertinent to said subdivision.

All work and materials pertinent to improvements within the public rights-of-ways shall conform to these regulations and to engineering standard specifications and details of the county. Other methods, materials or designs and specifications may be substituted as satisfactory alternates, subject to prior submission of structural design, laboratory test, and/or other supporting data indicating that such substitutions and specifications are at least equal to the standards and specifications herein contained, and included in the county-adopted standards.

The owner or developer may formally request approval by the County Engineer for changes in construction methods or materials when they can be determined to meet or exceed county standards and specifications. The County Engineer may authorize such a proposal when it can be satisfactorily demonstrated that the proposed methods and materials meet or exceed current county standards and/or specifications.

E. Drainage.

Sufficient drainage rights-of-way or easements shall be provided to adequately accommodate the 100-year flows entering into, passing through, and exiting from the development. In the event that the subdivision is traversed by or is contiguous to any lakes, washes, streams, or other bodies of water, the subdivider shall provide adequate rights-of-way or easements for storm drainage, conforming substantially with the lines of such natural water courses, channels, streams, or waterways, or provide for an acceptable realignment of said watercourses. Adequate drainage rights-of-way or easements shall also be provided for all drainage-related improvements or water courses necessary, to ensure that all lots within the development are free from a 100 year storm event impact, and that the creation of this development will not adversely impact the drainage on upstream, adjacent, or downstream properties.

Any significant drainage channels or water courses deemed by the County Engineer to be necessary for public purposes, shall be designated as drainage parcels and dedicated to the public for drainage purposes.

All drainage channels, water courses, or drainage-related improvements shall be designed and constructed to withstand the impact of the 100-year storm; be in accordance with the Drainage Design Manual for Mohave County and Mohave County Flood Control ordinance, and any requirements, amendments or specifications adopted thereof; and any standards and specifications adopted thereof.

All developments will provide adequate space and mechanisms to retain all on-site flows generated by the developed condition. Detention/retention of on-site flows generated by the proposed development will not exceed pre-developed flows impacting the development site.

F. Traffic Impact Analysis (TIA) and Road Signing and Striping Plan.

A traffic impact analysis, prepared in accordance with the Mohave County Traffic Impact analysis standards, shall be required for any residential subdivision consisting of 100 or greater dwelling units. If any exterior roadway bordering any part of the subdivision site exhibits a measured daily traffic volume equal to 5,000 vehicles per day or greater during the year of subdivision application, then a traffic impact analysis shall be required for any residential subdivision producing 500 or greater trips per day.

The TIA shall be used as a tool for early identification of potential traffic problems such as:

1. On-site congestion, as well as congestion on adjacent roadways.
2. Inadequate capacity to accommodate traffic entering and leaving the site during peak hours.
3. Intersection safety and operations deficiencies.
4. Existing and planned road infrastructure impacts on traffic safety, such as safe operating speed and available sight distance.

As part of the final subdivision construction plans, a signing and striping plan, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and any policies and standards adopted thereof, shall be submitted for review and approval by the Mohave County Traffic Safety Committee. The plan shall show all proposed regulatory, advisory, and street signs and proposed striping, including but not limited to stop bars, turn lane demarcation, crosswalks and school crossings.

Developers shall erect temporary traffic control devices to effect closure of roadways subject to improvement.

G. Roadways:

1. The arrangement, character, extent, grade, width, and location of all roadways shall conform to these regulations, the General Plan, any adopted Area Plans, other county-adopted standards, and any Preliminary Plats approved by the Commission, pursuant to Arizona Revised Statutes.
2. The arrangement of roadways shall provide continuation of appropriate projections of existing roadways in surrounding areas. All roadway alignments shall be a continuation of the alignments of existing roadways in adjoining property. In cases where straight continuations are not physically possible, such alignments may be continued by curves.
3. Roadways, whenever possible, will be arranged in relation to existing topography to produce desirable lots of maximum utility; roads and alleys of reasonable gradient; and to facilitate adequate drainage that will compliment natural drainage and not impede it. Residential or local roads shall be so designed as to discourage through traffic.
4. Each subdivision design shall provide for adequate traffic circulation that incorporates the adopted roadway functional classification system, to handle the projected traffic volumes on the roads.
5. Subdivisions containing any lot less than one (1) acre shall have as a minimum one collector-classified roadway for each 80 acres (as well as for any portion of the first 80 acres that a traffic impact analysis or the County Engineer find warrants a

collector) that are subdivided, and one arterial classified road for each 320 (as well as for any portion of the first 320 acres that a traffic impact analysis or the County Engineer find warrants an arterial) acres that are subdivided within or adjacent to the subdivision. For subdivisions with all lots greater than one (1) acre, the acreage shall be 160 acres or 640 acres, respectively, for collectors and arterials. Collector-classified roadways shall be provided along all center section lines and arterial-classified roadways shall be provided along all section lines, unless alternate alignments are otherwise approved. These possible alternate roadway locations may be used, with the approval of the County Engineer, to work around significant terrain constraints, or in conjunction with curvilinear subdivision designs meeting other provisions of this ordinance.

6. Adequate drainage of the subdivision public rights-of-way shall be provided by means of structures, culverts, or by other approved means, in accordance with these regulations. When the road right-of-way is to be used as a channel to convey storm runoff, the following shall apply:
  - a. Improvements shall meet policies and standards set forth in the Drainage Design Manual for Mohave County.
  - b. Adequate provisions shall be made in the design of subdivisions for access to each lot and parcel, and for access to adjoining properties.
7. Full-width rights-of-way shall be provided for all interior and exterior roadways and access roads from the subdivision boundary, to the nearest county or city maintained roadway and in accordance with county standards for that classification of roadway. If matching right-of-way is not available for interior or exterior streets, roadways shall be designed so that full-width rights-of-way will be provided by the developer on property owned or under their control.
8. All roadways shall be improved to the minimum widths shown on Mohave County Standard Details No. 60 Series, and to the base course thickness as determined through laboratory tests and Standard Details or approved equal, or better. Pavement structural design shall be performed in accordance with the Mohave County Pavement Structural Design Standards.
9. Provisions shall be made for existing railroad and other public or private utility crossings necessary to provide access to, or circulation within the proposed subdivision. The developer will obtain all necessary permits from the public or private utilities involved and any regulatory agencies having jurisdiction. The cost of development and maintenance of such crossings shall not be assured with the County, but shall be by and between the developer and the affected utility or agency.
10. In all cases, where a proposed subdivision abuts or contains an existing or proposed arterial-classified roadway, or where a residential development abuts or contains a collector-classified roadway, the developer shall provide non-access easements along these roadways, or such other treatments as may be justified, for protection of these properties from the nuisance and hazard of high volume traffic, and to preserve the traffic function of the thoroughfare route. In addition, a non-access easement shall be required along all federal and state highways, with limited entrances to the main roadway in order to minimize the intersections on the roadway and help maintain the through traffic flow. Subdivisions contained within or adjacent to a road that is part of the county roadway system shall provide an alignment consistent with the roadway system and shall have a right-of-way width appropriate to its classification.

H. Cul-de-Sac Streets.

Dead-end streets are prohibited in subdivisions, except as a stub to permit future street extension into adjoining properties or when intentionally designed as a cul-de-sac street. In that event, a temporary turnaround shall be constructed equaling the dimensions of a cul-de-sac bulb or hammer head when the terrain requires it. Cul-de-sac streets shall provide a turnaround at its terminus, with a right-of-way of not less than fifty (50) feet and an outside curb radius of forty-five (45) feet, and the cul-de-sac shall be no longer than 800 feet from the nearest intersecting through street. Any cul-de-sac over 400 feet long shall have a “No Through Street” or “No Outlet” or “Dead End” sign posted at the entrance to the cul-de-sac.

I. Roadway Intersections.

1. Roadway intersections shall be designed to intersect as nearly as possible at right angles, except where terrain or other conditions justify variations. The minimum angle of any intersection shall be sixty degrees (60°). All intersections of collector roads and roads of higher classifications shall be within ten degrees (10°) of a ninety degree (90°) angle.

Property line and curb return radii at intersections with local roadways shall not be less than twenty-five (25) feet. When the angles of the roadway intersection is less than seventy-five degrees (75°), the radius shall not be less than thirty (30) feet.

Property line and curb or return radii at intersections of collector and/or arterial roadways per Table 5-1.

**Table 5-1**

**PROPOSED INTERSECTION CURB/RETURN RADII**

<b>Functional Class</b>	<b>Area Type</b>	<b>Maximum Skew</b>	<b>Minimum Radius Return</b>
Local/Local, Local/Collector, or Local/Arterial Intersection	Rural Residential	30°	25 feet (30 feet if skew > 15°)
	Urban Residential	30°	25 feet (30 feet if skew > 15°)
	Commercial	15°	30 feet
Collector/Collector, Collector/Arterial, or Arterial/Arterial Intersection	Rural Residential	10°	35 feet
	Urban Residential	10°	35 feet
	Commercial	10°	45 feet

2. All roadway intersections, other than directly opposing roads or extensions of the same roads, shall be offset a minimum of 200 feet, as measured from the center line.
3. Two-leg, “L” intersections shall be designed only for the intersection of two local interior roadways and shall be designed per Figure 5-1.

J. Alleys.

Alleys shall be provided in commercial and industrial zoned areas, and where residential development is proposed to abut commercial or industrial areas that do not already have alleys. This requirement may be waived where other definite and assured provisions are made for service access, as determined by the County Engineer, and if also compliant with applicable provisions of Section 37.N, et al, of the Mohave County Zoning Ordinance, as determined by the Development Services Director. Alley rights-of-way and paved improvements shall be no less than 25 feet in width. Alley intersections and acute change in alignment shall be cut back at least ten (10) feet along each side to permit safe vehicular movement. Half, partial width, or dead-end alleys, shall not be permitted.

K. Street Grades.

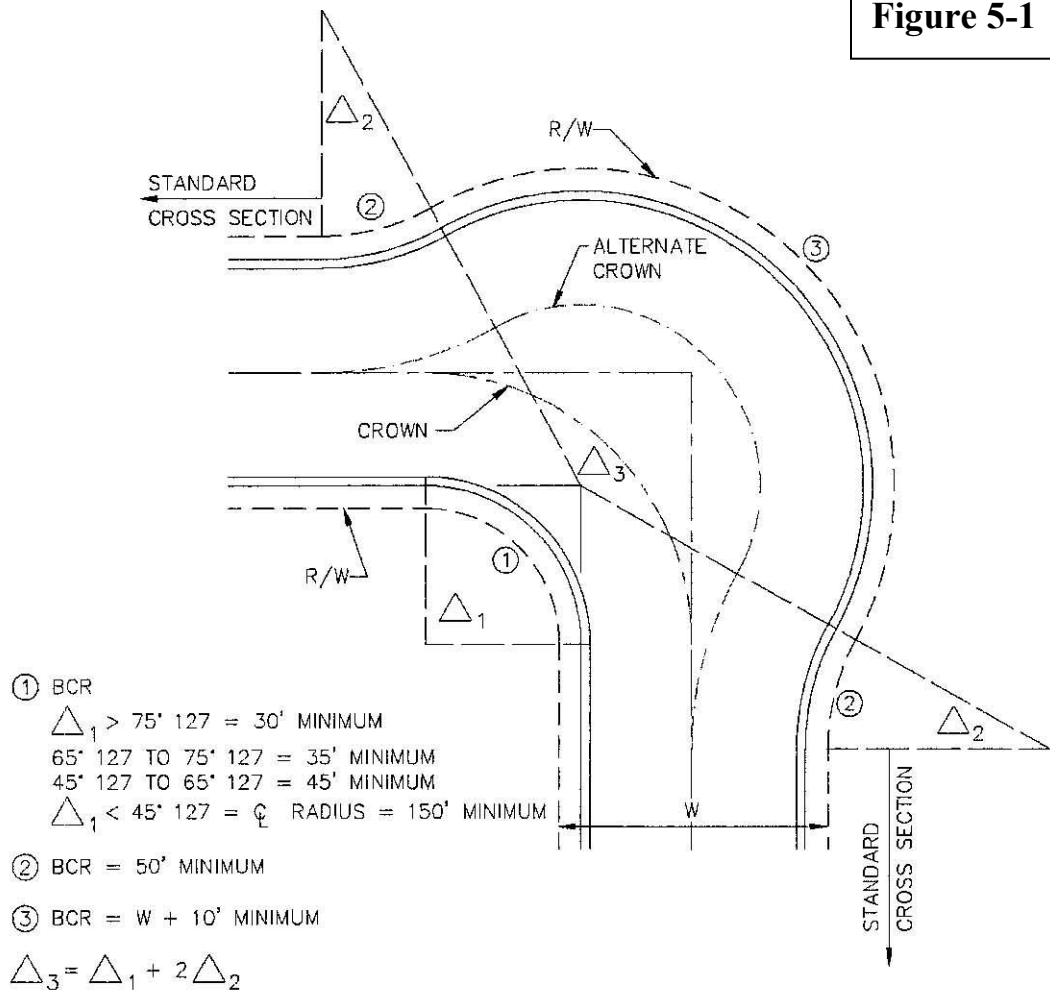
The County Engineer may require a greater minimum grade to facilitate drainage according to paving type or other provisions. The grades of all streets shall be kept as low as possible; however, paved local streets shall not have a grade exceeding fourteen percent (14%) at any time. Paved collector streets shall not have a grade exceeding twelve percent (12%) at any time or more than a ten percent (10%) grade for greater than five hundred (500) feet in length. Gravel local and collector streets shall not have a grade more than twelve percent (12%) and ten percent (10%) at any time, respectively.

L. Median Barriers and Planned Breaks.

Medians and breaks are an optional feature for roads, and may be provided on designated roads, where space permits, with prior approval of the County Engineer for acceptance by the county. Medians may be either painted or barrier type. Barrier type medians may be one of three types:

1. Raised Median/Barrier Curb; landscaped, paved or unimproved median area.
2. Depressed Median/Optional Curb; landscaped, paved or unimproved median area; often used for runoff detention.
3. Safety Barrier/No Curb; integral guard rail or concrete barrier to separate traffic flows; utilized in high-speed, high-volume locations.

**Figure 5-1**



NOTES:

1. USE 2% SLOPE FROM INNER CURB TO CROWN LINE.
2. FROM CROWN LINE TO OUTER CURB, THE STANDARD SLOPE IS 0.90% (MIN).
3. KNUCKLES ARE ALLOWED ON RESIDENTIAL STREETS ONLY.
4. MINIMUM SLOPE ALONG THE BACK OF CURB OF CURVES (2) AND (3) SHALL BE 0.60% (MIN).

Median design shall be in accordance with the Mohave County Standard Specifications and Details. Any landscaping proposed within the public rights-of-way requires a right-of-way permit from the County Engineer, and approved landscaping shall not present a traffic safety hazard, in the form of a sight and/or physical obstruction, as the landscaping matures, or from irrigation runoff. Landscape shall be maintained by developer or other entity such as the property owner's association.

Islands, obelisks, monuments with a subdivision name, Mohave County approved advertising devices or any other structures shall not be permitted to be constructed within the public rights-of-way or roadways without a right-of-way permit from the County Engineer and provisions made for perpetual maintenance either by the developer, a property owners association, individual lot owners, or as accepted by the county.

M. Roadway Improvements.

Roadways shall be constructed in accordance with the Mohave County Standard Specifications and Details for the classification and type of roadway, as required by these regulations.

N. Blocks.

1. General.

The length, width, and shape of blocks shall be determined with due regard to provisions for adequate building sites; zoning requirements, as to lot area and dimensions; limitations and opportunities of topography; and needs for convenient access and circulation, control and safety of streets, and pedestrian traffic. A block is any portion of a subdivision tract delineated by street rights-of-way or by the rights-of-way and boundary of the subdivision conforming to the requirements for length and depth.

2. Length.

Blocks shall not be more than 1,320 feet in length, except in blocks with lots averaging 20,000 square feet or more, this maximum may be exceeded by 440 feet. The minimum block length shall be 500 feet. When fronting on collector or higher road classifications, longer blocks shall be provided in order to reduce the number of intersections. These blocks shall not be less than 1,320 feet in length nor more than 2,000 feet in length. Rectangular and curvilinear-shaped block lengths shall be measured along the back lot line. Irregular shaped block lengths shall be measured along a straight line connecting the extreme corners of the block. The Director may waive these requirements via the Exception from Standard, per Section 1.10, when lots are adjacent to the subdivision boundary.

3. Depth/Width.

Residential blocks shall normally be of sufficient depth to accommodate two (2) tiers of lots, except where lots border on a freeway, parkway, expressway, collector or arterial roadway, drainage way, railroad right-of-way, or other similar barrier. Commercial blocks may be single-tiered. There shall be no lots with double or triple frontage; except a corner lot may be fronted on two sides, as outlined in these regulations. If terrain warrants, or a large lot such as a church or school site is planned, double or triple frontage may be allowed.

A typical method of acceptably mitigating double-fronted or single-tiered lots, if requested and approved through the exception to standards provisions of these regulations, is by the construction of a six (6) feet tall block wall (or depending on whether the wall is also used for visual screening or as a noise barrier, other forms of wall acceptable to the reviewing county departments). Each proposal will be evaluated on a case by case basis, depending on the project design and other variables.

4. Pedestrian Crosswalks.

Pedestrian crosswalks, with a right-of-way width of not less than ten (10) feet and appropriate pavement markings, may be required along long blocks or when determined to be necessary by the County Engineer to provide circulation or access to schools, playgrounds, shopping centers, or other community facilities.

O. Lots.

1. Arrangement

All lot areas, widths, depths, shapes, and orientations shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform to the requirements of these regulations.

2. Access.

All subdivision lots and parcels shall have legal access, as defined by Arizona Revised Statutes.

3. Lot Sizes.

The minimum lot size shall be governed by the zoning ordinances, and applicable state laws except where on-site sewage disposal is proposed, larger lots may be required by the Mohave County Environmental Quality Division on the basis of topography and site investigations per ADEQ rules or standards.

4. Street Frontage.

All proposed residential subdivision lots shall have a minimum 25-foot frontage abutting on a public or private street.

5. Lot Lines.

Front lot lines should be as straight as possible. Side lot lines shall be perpendicular to front lot lines, or as close as is practical. All lot lines should be straight, unless otherwise dictated by terrain or another justifiable physical or design reason. Well-designed projects with some curvilinear roads, or cul-de-sacs are not prohibited by these regulations, but the use of those design elements must meet with the approval of the County Engineer, and minimize the need for exceptions to standards necessary due to those designs.

6. Suitability.

Each lot shall contain a usable, free from a 100 year storm event, building site or area, and be suitable for the purpose for which it is intended.

7. Parcel Remnants.

Parcel remnants which fail to meet the minimum lot size requirements for the applicable zoning district, shall not be allowed to remain after subdividing. These remnants shall be added to other lots or parcels in the subdivision; be deeded to adjoining property; or be designated as parcels for public or private use. They will not be maintained by the county.

8. Lot Numbering.

- a. If Block designation letters are not used, subdivision lot numbering shall begin with the number "1" and all lots in the subdivision shall be numbered sequentially until all lots have been assigned a number. Lot numbering may start over with each phase of a subdivision, if blocks are not lettered, however, in these instances the developer should attempt to have the subdivision designed so that blocks are not divided over phase lines, whenever possible.
- b. When Block designations are used, numbering shall be in consecutive sequence within each Block area commencing with the number "1" for each different Block.
- c. Numbering sequences may follow in continuity from one tract to another when lying contiguous to one another; or when separate or contiguous, if the same name is used for successive tracts.
- d. Parcels shall be designated by capital letters and be designated in sequence within a tract starting with the letter "A."
- e. Lot numbers shall be consecutive along the street line for each block.

9. Lot Width and Depth.

- a. Lot depth shall mean the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines. For lots with more than four (4) sides, the sides contiguous to the front lot line shall be the side lot lines, and a line connecting the centers of the remaining lot lines shall be used to measure lot depth.
- b. Each lot shall have a minimum width at the front lot line of twenty-five (25) feet for residential lots, thirty (30) feet for commercial lots, and forty (40) feet for industrial lots, measured in a straight line between the front yard lot corners, or as required by the zoning ordinance. No lot shall be less than eighty (80) feet in depth for residential lots or as allowed by the zoning ordinance, and 100 feet for commercial-industrial purposes.
- c. No lot shall be designed with a depth to width ratio greater than three to one (3:1) for the usable area; except for lots located on a knuckle or the end of a cul-de-sac, which may have a four to one (4:1) ratio.

10. Corner Lots.

All corner lots in subdivisions with lots whose average lot size is less than 10,000 square feet, shall be sufficiently wide to allow a side yard building setback of at least ten (10) feet, from the roadway side of the lot and provide adequate site distance.

P. Easements and Utilities.

1. Except as otherwise provided by these regulations, public utilities (water, sewer, electric, gas, telephone, cable, transmission lines, etc.) shall be placed in road rights-of-way or in separate easements adjacent to the rights of way in accordance with county-adopted policies for placement and minimum cover.
2. Where existing or proposed public utilities conflict with a proposed subdivision design, it shall be the developer's or owner's responsibility to provide for the installation, relocation, or removal of such utility or otherwise resolve the conflict.

Q. Monuments.

Monuments shall be installed in a reasonable manner, in accordance with county-adopted standards, at all street right-of-way lines, tract, lot, and subdivision corners, angle points, and points of curvature or tangency, and at all street intersections. Where new streets intersect existing streets, monuments shall be placed on the centerline intersection point of the new street and the existing street.

After the streets are improved, centerline survey monuments will be required to be installed at all street intersections, angle points, and at the point of curvature and point of tangency of all curves. On all roadways, survey monuments described in county-adopted standards shall be used.

Survey monuments shall conform to these regulations, and other county-adopted standards, and Arizona Boundary Minimum Survey Standards, and shall be furnished and caused to be set by the developer at locations herein specified and as shown on the approved Final Plat. Subdivision boundary monuments, and block monumentation shall be installed, and demonstrated to have been completed according to the Survey Monumentation Certification outlined in Section 3.8 of these regulations, prior to the consideration of the Final Plat by the Board of Supervisors, and assurances shall not be used.

### 5.3 Water Improvements

A. Adequacy

The developer shall submit plans for the provision of an adequate subdivision potable water supply where required, regardless of lot sizes, to the Arizona Department of Water Resources or equivalent agency, in accordance with A.R.S. 45-108.

A report from the ADWR or equivalent agency on the adequacy of the water supply for the subdivision shall be submitted with the Final plat. If the ADWR issues a finding of water inadequacy, a note to that effect shall appear on the Final Plat, and in the public report for the sale of the lots in the subdivision, despite the findings of any other source.

B. Water System Design and Capacity

All subdivisions required to provide potable water supply shall provide improvement plans for that system describing the water line system design, line sizes and types and associated hardware and their locations, including valves, thrust blocks, fire-hydrants, back-flow prevention valves, sewage line cross-overs, meter

locations, stubs, and all other elements of the system design and equipment, as required by ADEQ and utility provider.

#### **5.4 Utilities**

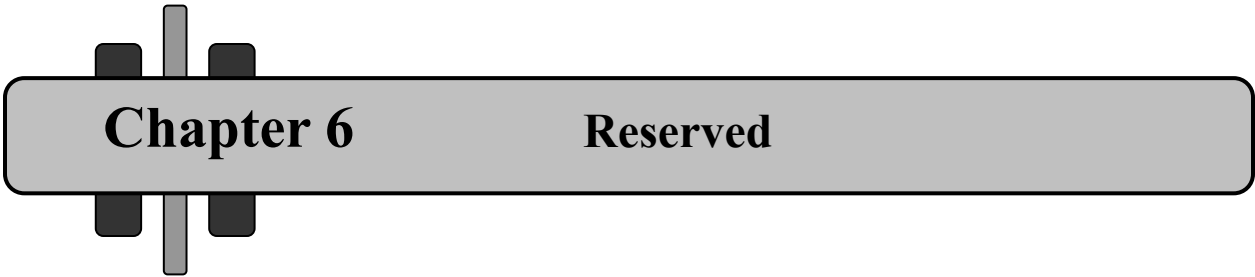
When one or more utilities, such as electricity, telephone, other communications, street lighting, or cable television lines are to be provided by the developer, they must be provided in accordance with the specifications of these regulations, conditions of any franchise agreement, and in accordance with the Arizona Corporation Commission regulations. The developer is responsible for cooperating with the servicing agencies for the installation of such utilities.

#### **5.5 Exceptions for Existing Improvements**

If the proposed subdivision is a re-subdivision, or is in an area with any or all required improvements as determined by the regulations, and are in good condition as determined by the County Engineer, no further provision need be made by the applicant to duplicate such improvements. If the existing improvements do not meet said requirements, the applicant shall provide for the correction, repair, or replacement of such improvements, so that all improvements will meet the requirements of these regulations and as specified by the County Engineer.

#### **5.6 Coordination of Subdivision Improvements with the General Plan**

These regulations promote the goals and objectives of the current Mohave County General Plan, and A.R.S. 11-805, and require subdivisions at a minimum to provide improvements to implement those goals and objectives and those of any relevant accompanying Area Plan. If discrepancies exist between the General Plan, Area Plans, and these regulations, the greater standard shall apply and subdivision applicants shall provide the higher standard improvement requirement.



**Chapter 6** **Reserved**

Reserved for future use per Mohave County Ordinance 2015-06

## 7.00 Minor Land Divisions

### A. Purpose.

To ensure that minor land divisions comply with the minimum applicable zoning regulations, have legal access and do not create a subdivision. Certain basic improvements and design standards may be necessary and desirable in order to ensure proper development of an area experiencing an increase in density. These provisions are necessary to prevent circumventing the intent and spirit of these Land Division Regulations and to ensure responsible development. This section establishes two routes for review. Which route each proposal would follow is determined by whether or not the proposal includes a rezone that allows an increase in land use intensity or density.

### B. Applicability.

The provisions of this section shall apply to the division of any land, lot, or parcel for the purpose of sale or lease, whether immediate or in the future, into: Five (5) or fewer lots, parcels, or fractional interests; any one (1) or more of which is less than thirty-six (36) acres. “Sale” or “lease” includes every disposition, transfer, or offer or attempt to dispose of or transfer land or an interest or estate thereof. “Fractional interest” means an undivided interest in land, lots, or parcels, in which, for the purpose of sale or lease, such interest is created and is evidenced by receipt, certificate, deed, or other document conveying such interest.

Two routes are provided in this section:

1. Proposals which do not require or do not propose a change in the zoning classification or rezone may apply using the ministerial review process described in Section 7.C, below.
2. Proposals which require or propose a change in zoning classification or rezone, shall apply using the parcel plat process, as described in Section 7.D.

### C. Ministerial Review.

1. Any minor land divisions that do not require or do not propose a change in zoning may comply with the provisions of this subsection.
2. Permit Application.
  - a. Any person dividing land in Mohave County into five (5) or fewer lots, parcels, or fractional interests, any one or more of which are less than thirty-six (36) acres and that does not involve or require a change in zoning, shall submit an application for a minor land division to the Public Works Department. The application shall include the following:
    - 1) A parcel plat conforming to Section 7.E of these regulations.

2) Processing fee according to Chapter 8 of these regulations.

b. The applicant shall submit five copies of the plan and documents.

3. Action by the County Surveyor

The County Surveyor shall review the presented information and shall, in writing, within 30 days, make a determination.

4. Denial by the Director

The Director may withhold approval if the land division would result in a subdivision as defined in A.R.S 32-2101. The Director may also withhold approval if the land division is not in compliance with minimum county zoning requirements, as defined in A.R.S. 11-831, or lacks legal access and those deficiencies are not noticed on the deeds conveying divided lots.

5. Notice by the County Surveyor

The County Surveyor shall inform the applicant in writing of the following:

a. Whether the parcels resulting from the land division are in compliance with the minimum applicable county zoning requirements.

b. Whether the parcels resulting from the land division appear to have public right of vehicular ingress and egress in accordance with A.R.S. 11-831.

1) For the purpose of this section, legal access is a public right of vehicular ingress and egress between the lots, parcels or fractional interests being created.

Easements granted, or rights-of-way dedicated to provide legal access to lots or parcels created by the minor land division, shall meet the following standards:

2) For all minor land divisions granted easements or dedicated rights-of-way shall be twenty-four (24) feet in width, whether located entirely on one property or split between adjoining properties. The applicant may volunteer a wider roadway.

6. Review Period

If verification of the zoning, access, and subdivision status is not completed within thirty (30) calendar days of receipt of the parcel plat, the land division shall be deemed approved.

7. Prohibited Action by the County

a. The County may not deny approval of any land division that meets the requirements of A.R.S. 11-831 or where noncompliance with minimum zoning regulations or legal access have been noticed in the deed.

b. The County may not require a public hearing on a request to divide five (5) or fewer lots, parcels, or fractional interests, or the parcel plat. Public hearings will be held on rezone requests in conformance with state statute.

8. Notice on the Deed

If legal access is not available, the legal access does not provide access by emergency vehicles, or the county zoning requirements are not met, the access and/or zoning deficiencies shall be noticed on the deed.

9. Appeals

If the County Surveyor or the Director denies approval of the minor land division, the owner or agent may appeal the decision to the Planning and Zoning Commission. If the Planning and Zoning Commission denies the approval of the minor land division, the owner or agent may appeal the decision to the Board of Supervisors. Deadlines for action contained in this section do not apply to appeals. The appeal shall be placed on the agenda for the next regular meeting of the Commission or the Board.

10. Waivers

a. Purpose and Authority

The purpose of this section is to grant authority to the Director to take action on requests for minor waiver(s) to the zoning requirements. This authority applies to the consideration of minor land divisions only.

b. Permitted Waivers

The Director may approve waivers to allow the creation of a lot that is not more than .03 of an acre or one percent (1%), whichever is greater, below the required minimum lot size. This waiver shall apply only to areas that are zoned for a minimum lot size of one (1) acre or more. The approval of Environmental Health is required prior to the granting of this waiver.

c. Application

An application for a waiver must be filed with the Director on a form prescribed by the Director. The application must be accompanied by the following:

- 1) Name and address of the applicant.
- 2) Address and legal description of the property.
- 3) Statement of the precise nature of the waiver being requested.

d. Findings

In approving a waiver request, the Director shall make a finding that the request complies with Section 7.C.9.b.

e. Appeals

If the Director denies a request for a waiver, the applicant may apply for an appeal before the Board of Supervisors. Deadlines for action contained in this section do not apply to appeals. The appeal shall be placed on the agenda for the next regular meeting of the Board.

D. Parcel Plat Required with a Rezone.

1. Parcel plat: The Board of Supervisors, after receiving a recommendation from the Planning and Zoning Commission, may require as a condition for changing the zone to allow a smaller lot size or more lots for the purpose of minor land division, a parcel plat complying with these regulations.
2. Pre-application Meeting: Before proceeding with any division of land or the preparation of a parcel plat, the owner or his agent should meet with the County Surveyor or staff for an informal discussion on the proposed land division.
3. Parcel Plat Submission Requirements: Upon approval of the rezone by the Board of Supervisors, a parcel plat conforming to Section 7.E, as may be required by the Board, may be prepared and five prints submitted to the Public Works Department. The County shall review the parcel plat, as it relates to the following:
  - a. Provision for Utility Easements.
  - b. The applicable requirements of these Regulations, and any other BOS requirements.
  - c. Zoning Requirements.
  - d. Provisions for access to each parcel.
  - e. Minimum usable lot requirements.

A copy of the parcel plat shall be submitted by the County Surveyor to the Development Services Department, Cartography Department, and other agencies as determined by the County Surveyor, for evaluation and recommendation. Interested agencies shall have a maximum of twenty calendar (20) days from the date the application is deemed complete by the County Surveyor, to submit their report. No reply by an agency shall be interpreted as having no objections.

4. Determination by the County Surveyor: Within a reasonable period of time, from submittal of the parcel plat, the County Surveyor shall review the reports submitted by other departments and shall determine whether or not the parcel plat meets the requirements of these regulations and make specific recommendations, where it is deemed necessary, in writing, to be incorporated by the owner on a revised parcel plat. Upon written approval from the County Surveyor, the tracings and appropriate recording fee(s) shall be submitted to the County Surveyor.
5. If the County Surveyor does not approve the parcel plat for recordation, the owner or their agent may appeal the decision to the Planning and Zoning Commission. Should the Planning and Zoning Commission also disapprove the parcel plat, the owner or their agent may appeal the decision to the Board of Supervisors.
6. Upon approval and certification that all parcels have been surveyed and monumented, the County Surveyor shall have the Parcel Plat recorded. If a dedication is included, the Clerk of the Board of Supervisors shall acknowledge the plat, after the dedication is accepted by the Board of Supervisors.
7. Recordation of documents: The approved parcel plat shall be recorded with the Mohave County Recorder's Office.

E. Specifications for Parcel Plats.

1. Parcel plats shall be prepared in accordance with this Chapter of the Land Division Regulations and the following:

- a. The parcel plat shall be a map, legibly drawn with black ink, printed or reproduced by a process guaranteeing a permanent record in black ink, on mylar, in a size of 18 x 24 inches. A one-half ( $\frac{1}{2}$ ) inch blank margin shall be left at all edges of the map, except that the left, 18-inch side shall have a two (2) inch margin for binding purposes. Five prints of the plat shall be submitted to the County Surveyor for checking purposes. Do not send originals until requested by the County Surveyor.
  - b. Digital or electronic files in a format acceptable to the County may be submitted in addition to the reproducible plat.
  - c. Parcel plats will not be recorded until all conditions of approval have been met and all parcels have been staked.
  - d. Field surveys are not advised until after conditional approval of the land division is received from the Public Works Department. Allowable field survey error of closure is on one (1) foot in 10,000 feet, or plus or minus 0.03 foot, whichever is greater.
2. Parcel plats shall show:
- a. A description of monuments found, set, reset, replaced, or removed in surveying the parcels. The description should include the kind, size, and locations, and other pertinent data.
  - b. Ties to witness monuments and/or adjoining lots or parcels basis of bearings, bearing and length of lines, North indicator, scale of plat, date or period or survey, existing property lines, areas involved, and owner of the property being divided.
  - c. Names and legal designation of the original lot or parcel in which survey is located. If the parcels are to be sold under a common name, the name shall appear on the plat as "Parcel Plat of \_\_\_\_\_."
  - d. The owner's name, address, telephone number, e-mail, and FAX number, if any.
  - e. Name, address, telephone number, e-mail, and FAX, if any, of the person who prepared the plat.
  - f. The proposed method of sewage disposal and source of water supply for each parcel.
  - g. All existing roadways, utilities, easements, and dedications within or contiguous to the area being surveyed and their names, if any, shall be shown on the plat. Items listed above, if of record, shall be so referenced.
  - h. Each parcel shall be numbered or designated in some logical manner.
  - i. The land being divided shall be indicated by a clearly seen border.
  - j. Dedications may be made by a parcel plat. Certificates required are as defined in this subsection. All existing dedications or easements within or adjacent to the area being surveyed and their names, if any, shall be shown on the plat. Items listed above, if of record, shall be so referenced.

- k. Offers of dedication or granting of easements shall be identified and dimensioned.
- l. Proof of ownership, if a dedication is included on the plat.
- m. Notes required:
  - 1) Basis of bearings
  - 2) (R) = Record information (if more than one, so indicate)
  - 3) (M) = Measured distance or bearing
  - 4) Symbol to indicate monuments set (give type and size)  
Symbol(s) to indicate monuments found (give type, size, and cite the reference as appropriate)
- n. Any other data necessary for the interpretation of the various items and location of the points, lines, and areas shown.
- o. A statement of the flood zone designation according to FEMA/FIRM maps.
- p. Certificates which shall appear on the plat are as follows:

1) Surveyor's Certificate:

The survey and monumentation of the above described property was made under my direction and supervision and is based upon an actual field survey. The monuments described as found were found; the monuments described as set were set, this plat meets the requirements of A.R.S. 33-105. The parcels shown hereon have/do not have (choose one) legal access.

\_\_\_\_\_  
Signature, Date, Registration No., Seal

2) County Surveyor's, or County Engineer's Certificate:

COUNTY ENGINEER, OR COUNTY SURVEYOR:

This map has been examined this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for conformance with the requirements of Chapter 7 of the Mohave County Land Division Regulations.

\_\_\_\_\_  
County Surveyor, or County Engineer, County of Mohave, Arizona

3) Recorder's Certificate:

Filed and Recorded at the Request of \_\_\_\_\_  
of \_\_\_\_\_ on (date) \_\_\_\_\_, in Book \_\_\_\_\_ of Parcel Plats,  
Page \_\_\_\_\_, Records of Mohave County, Arizona.

By \_\_\_\_\_  
Deputy Recorder Recorder

Reception No. \_\_\_\_\_



F. Conspiracy to Subdivide.

It shall be unlawful for a person or group of persons acting in concert to attempt to avoid the provisions of these regulations or the subdivision laws of the State of Arizona, to divide a parcel of land into six (6) or more lots, or sell or lease six (6) or more lots, by using a series of owners or conveyances. This prohibition may be enforced by the County Attorney's Office or the Arizona Department of Real Estate, or both, pursuant to A.R.S. 32-2101.



## Chapter 8

## Fees

**Fees for services contained in these regulations shall be adopted by resolution or ordinance by the Board of Supervisors each budget year.**

EXHIBIT A

Bond Number: \_\_\_\_\_  
Premium Amount: \_\_\_\_\_  
Renewal Date(s): \_\_\_\_\_

PERFORMANCE BOND FOR  
SUBDIVISION IMPROVEMENTS  
FOR MOHAVE COUNTY, ARIZONA

The Principal, \_\_\_\_\_, a/an \_\_\_\_\_  
Name of Principal State of Formation  
\_\_\_\_\_ and Surety, \_\_\_\_\_, a corporation  
Type of Entity Name of Surety

existing under the laws of the State of \_\_\_\_\_, and licensed to do business in the State of Arizona, as Surety, are bound to Mohave County, a body politic and corporate of the State of Arizona ("hereinafter referred to as **Mohave County**"), in the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) the payment of which shall be made to Mohave County in the event that subdivision improvements are not complete or otherwise in default by the Principal of the Obligations described herein.

**OBLIGATIONS:**

The purpose of this Bond is to assure the timely completion of all Subdivision Improvements required for the \_\_\_\_\_,  
Name of Subdivision

Mohave County, Arizona, ("**Subdivision**") as set forth in the Cost Estimate of the Project Engineer and approved by the Mohave County Engineer. The Subdivision Improvements are described in **Exhibit "A"** attached hereto and incorporated herein by reference.<sup>1</sup>

This Obligation is to assure the Principal completes the Subdivision Improvements within the time specified by Mohave County to the satisfaction of the Mohave County Engineer and the Board of Supervisors ("**BOS**"). All Subdivision Improvements shall be completed in accordance with all applicable Federal, State, and Mohave County laws, statutes, ordinances, regulations, and rules ("**Laws**").

This Obligation shall remain in full force and effect until the Subdivision Improvements are fully and properly completed in compliance with applicable Laws, unless this Obligation is earlier released in writing by Mohave County. Upon the completion of the Subdivision Improvements, the Principal's Project Engineer shall furnish the Mohave County Engineer with one (1) set of sealed prints and one (1) reproducible set of "As-Built" drawings. The sealed prints shall be marked "As-Built" and shall bear a certification of the Project Engineer that the work was completed in accordance with the approved plans, specifications, and details, and have complied with all applicable Laws. The Project Engineer shall also furnish the Mohave County Engineer with all required inspection reports, testing results, and any required approvals or certifications of construction or conditions. Prior to termination of the Obligation, the Project Engineer's certification must be acknowledged and approved by the Mohave County Engineer and Subdivision Improvements accepted by the BOS as completed. Thereupon, the BOS will formally release the Obligation.

<sup>1</sup> Attach a signed and sealed itemized Engineer's Cost Estimate as approved by the Mohave County Engineer.

**DESCRIPTION OF PROJECT WORK AND TIME FOR COMPLETION:**

The Project Engineer’s Itemized Cost Estimate for the Mohave County, Arizona, Subdivision known as \_\_\_\_\_, which is approved by the Mohave County Engineer is attached hereto as **Exhibit “A”** and incorporated by this reference, which, together with the approved Preliminary Plan, the approved final Subdivision Plat and any conditions set by the BOS shall constitute the Project Work, and time(s) for performance, unless such time(s) is/are extended by approval of Mohave County. These items define the scope of Project Work for the completion of the Subdivision Improvements, all of which are guaranteed by this Bond.

The Principal, Surety, and Underwriter agree to immediately provide written notice to Mohave County of any claims on this Bond, and shall immediately, in writing, notify Mohave County of any nonpayment of premium or other occurrence which could jeopardize the integrity or continuation of this Bond.

**AGREEMENT FOR PAYMENT:**

In the event that subdivision improvements are not complete or otherwise any default or breach of this agreement by the Principal or Surety, the Principal and Surety agree that within thirty (30) days receipt of written notice of default or breach, the Surety shall pay to Mohave County all amounts required to complete the Project work, which includes all Subdivision Improvements, and insofar as possible within the amount of the Bond, to thereafter make full payment of monies unpaid for the Project Work to any contractor, subcontractors, or material suppliers, plus any damages or costs including reasonable attorney’s fees incurred by Mohave County as a result of a default or breach.

**SIGNED, SEALED AND DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

**PRINCIPAL<sup>2</sup>:** \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**SURETY:** \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

SEAL:

\_\_\_\_\_  
<sup>2</sup> See proposed signature forms. Use appropriate form.

STATE OF \_\_\_\_\_ )  
 )ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_, \_\_\_\_\_, of  
Name of Officer or Agent Title  
\_\_\_\_\_, a/an \_\_\_\_\_  
Name of Corporation Acknowledging State of Incorporation

corporation, on behalf of the corporation<sup>3</sup>.

My Commission Expires:

\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ )  
 )ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_, \_\_\_\_\_, of  
Name of Officer of Agent Title  
\_\_\_\_\_, a/an \_\_\_\_\_  
Name of Corporation Acknowledging State of Incorporation

corporation, on behalf of the corporation.

My Commission Expires:

\_\_\_\_\_  
Notary Public

<sup>3</sup> Use appropriate notary form(s). Additional statutory short forms are provided herewith. You may also use statutory long forms.

**SIGNED SEALED AND DATED** as of \_\_\_\_\_, 20\_\_.

[If an entity is signing, Principal must provide an original signed, sealed and notarized Certificate or other appropriate certified documentation showing authority.]

[See signature forms following]

\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
SURETY

\_\_\_\_\_  
SEAL

By \_\_\_\_\_

\_\_\_\_\_  
AGENCY OF RECORD  
AGENCY ADDRESS:

\_\_\_\_\_  
(ATTACH AGENT'S POWER OF ATTORNEY)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINTED OR TYPED NAME

\_\_\_\_\_  
ATTORNEY-IN-FACT FOR

\_\_\_\_\_  
PRINTED OR TYPED NAME OF ATTORNEY-IN-FACT

[Note: Signatures to be notarized using statutory long form or permitted short forms. (See attached samples of short forms.)]

**APPROVED AS TO FORM:**

**MOHAVE COUNTY ATTORNEY'S OFFICE**

\_\_\_\_\_  
Date Signed

By: \_\_\_\_\_  
Deputy County Attorney

**PRINCIPAL SIGNATURE FORMS**

**[Individual(s)]  
Unmarried Person**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed or Typed Name

**Married Person Sole and Separate**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed or Typed Name

**Married Couple**

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Signature

**[Proprietorship]**

(All owners should sign - if married, both husband and wife. Satisfactory evidence provided that the signatories are binding.)

\_\_\_\_\_  
Business Name  
By: \_\_\_\_\_  
Signature (Owner)  
\_\_\_\_\_  
Printed or Typed Name

By: \_\_\_\_\_  
Signature (Owner)  
\_\_\_\_\_  
Printed or Typed Name

**[Corporation]**

\_\_\_\_\_  
Corporate Name  
By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed or Typed Name  
Its: \_\_\_\_\_  
Title

**[Limited Liability Company]**

\_\_\_\_\_  
Limited Liability Company Name  
By: \_\_\_\_\_  
Signature  
\_\_\_\_\_

Printed or Typed Name  
Its: \_\_\_\_\_  
Title  
**[Partnership]**

Partnership Name  
\_\_\_\_\_  
A/An [State and Type of Partnership]  
By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed or Typed Name

**[Trust]**

Name of Trust  
By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed or Typed Name  
Trustee or Personal Representative for

\_\_\_\_\_  
Name of Trust  
**[Estate]**

Name of Estate  
By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed or Typed Name  
Personal Representative/Executor/Executrix for  
\_\_\_\_\_  
Name of Estate

**[Attorney-In-Fact]**

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed or Typed Name  
Attorney-In-Fact for  
\_\_\_\_\_  
Printed or Typed Name of Principal



**[Partnership]**

STATE OF ARIZONA )  
 )ss.  
County of \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Name of Acknowledging Partner or Agent, partner (or agent), on behalf of Name of Partnership, a/an State of Jurisdiction partnership.

My Commission Expires: \_\_\_\_\_  
Notary Public

**[Trust]**

STATE OF ARIZONA )  
 )ss.  
County of \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Name of Acknowledging Person, Trustee (or Personal Representative), of the Name of Trust, a/an State trust.

My Commission Expires: \_\_\_\_\_  
Notary Public

**[Estate]**

STATE OF ARIZONA )  
 )ss.  
County of \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Name of Acknowledging Person, Personal Representative (Executrix or Executor), of the Name of Estate, of County and State.

My Commission Expires: \_\_\_\_\_  
Notary Public

**[Attorney-in-Fact]**

STATE OF ARIZONA )  
 )ss.  
County of \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Name of Person, as attorney-in-fact on behalf of Name of Principal.

My Commission Expires: \_\_\_\_\_  
Notary Public

**EXHIBIT B**

**PROPERTY ESCROW TRUST AGREEMENT  
FOR SUBDIVISION IMPROVEMENTS  
FOR MOHAVE COUNTY, ARIZONA**

THIS AGREEMENT is made and entered into by and between the ("Subdivider"),  
\_\_\_\_\_ ("Trustee"), \_\_\_\_\_ as  
trustee under Trust No. \_\_\_\_\_ and Mohave County, Arizona ("County").

**1. RECITALS**

1.1. Subdivider is the beneficiary and Trustee is the trustee of a trust which owns land ("the Land") located in Mohave County, Arizona and described in paragraph 2.1 of this agreement.

1.2. County, Subdivider and Trustee wish to establish specific terms, conditions, and guidelines relating to the subdivision of the Land and construction of related improvements to comply with the Mohave County Land Division Regulations.

**2. AGREEMENT**

Based on the foregoing recitals, which are incorporated here as the intent of the parties, and in consideration of County's approval of a final plat for the Land, County, Subdivider and Trustee agree as follows:

2.1. *Property Description.* The Land is all of the real property which is the subject of the subdivision plat ("the Subdivision Plat") identified as \_\_\_\_\_ recorded in the Office of the Mohave County Recorder.

2.2. *Construction of Subdivision Improvements.* As a condition of subdivision approval, Subdivider hereby agrees to construct all required subdivision improvements.

2.3. *Existing Utilities.* Any relocation or modification of existing utilities or public improvements required in order to construct the Subdivision Improvements shall be done at no expense to the public. Subdivider's performance of this requirement shall be considered in determining whether to release assurances under paragraphs 2.5 and 2.6.

2.4. *Assurance of Construction.* This agreement is submitted as an assurance that Subdivider will construct the Subdivision Improvements, as required by the Mohave County Land Division Regulations.

2.5. *Limitation on Transfer of Title.* Trustee shall not convey title to any of the Land without obtaining prior written approval from the County in the form of a Release of Assurance. The County will not approve a release of assurance until the Subdivision Improvements are completed in accordance with paragraph 2.11. In the case of a sale or foreclosure of the property, the Trustee will notify the County within 30 days of the title transfer.

2.6. *Partial Release of Assurances.* The County shall issue a Release of Assurance for some of the lots depicted on the Subdivision Plat if all of the following have occurred:

- A. All of the Subdivision Improvements required in connection with the released lots have been completed in accordance with paragraph 2.11, and
- B. County finds that the released lots and the Subdivision Improvements required in connection with them can be used and maintained separately from the Subdivision Improvements not yet completed in accordance with paragraph 2.11.
- C. A minimum of 20 lots or 20 percent of the recorded lots, may be released (parcels for drainage, private roads, parks, and other common space parcels do not count as a part of the minimum number of lots to be released).
- D. In the event that the applicant requests a partial release of assurance for commercial or multi-family lots only, that partial release request may be processed if the commercial or multi-family lot included in the request is at least five (5) acres in area.

2.7. *Deposit Receipt Agreements.* Notwithstanding paragraph 2.5, Trustee may enter into a deposit receipt agreement for the sale of the Land or any portion of it if the agreement clearly states that no portion of the Land shall be conveyed until Subdivider performs its obligations under this agreement.

2.8. *Bulk Sales.* Notwithstanding paragraph 2.5, Trustee may sell and convey all of the Land in one transaction to a single purchaser who has entered into a satisfactory assurance agreement with County, assuring completion of the Subdivision Improvements.

2.9. *Conveyance Out of Trust for the Purpose of Encumbrance.* Notwithstanding paragraph 2.5, Trustee may convey all or part of the Land to the Subdivider for the sole purpose of encumbering the Land by the recording of mortgages or deeds of trust, provided that the Land is thereafter immediately re-conveyed into the trust.

2.10. *Substitution of Assurances.* Subdivider may submit substitute assurances as outlined in Section 4.7 of the Mohave County Land Division Regulations in a form and amount acceptable to County at any time during which Subdivider is not in default under this agreement.

2.11. *Completion of the Subdivision Improvements.* The Subdivision Improvements shall be completed by Subdivider not more than two years after the date of Final Plat recordation. Extensions of Time to complete the improvements may be requested as outlined in Section 4.4.F of the Mohave County Land Division Regulations. The Subdivision Improvements shall not be considered completed until after they have been constructed in accordance with all applicable plans and after the County has inspected them and the County Engineer finds them to be in compliance with the plans.

2.12. *Acceptance of the Subdivision Improvements.* County shall not accept maintenance responsibility for any of the Subdivision Improvements unless and until all of the following have occurred:

- A. They have been completed in accordance with paragraph 2.11.
- B. The Final Plat has been approved by the Mohave County Board of Supervisors and recorded.
- C. The dedication has been accepted by the Mohave County Board of Supervisors as evidenced by approval of the dedication on the Subdivision Plat or by some other formal action.

2.13. *County's Option to Revoke the Final Plat Upon Default.*

At County's sole option, if Subdivider or Trustee defaults in its obligations under this agreement, County may revoke all or a portion of the Land for the purpose of returning the portions of Land which are the subject of the revocation to approximately the same boundary configurations of record which existed before the recording of the Subdivision Plat. Subdivider hereby authorizes County to execute on behalf of Subdivider the revocation process described in this section. The Final Plat revocation may exclude any dedications to the public which were made on the Subdivision Plat which are deemed necessary to serve either portions of the Land which are not revoked, or to serve the public. Subdivider shall pay the reasonable costs incurred in the revocation of all or a portion of the Final Plat. First class mailed notice to the last known address of Subdivider and Trustee shall be given not less than thirty days before County exercises its option to revoke the Final Plat under this paragraph.

2.14. *Incorporation and Annexation.* If the Land is incorporated as or annexed by a city or town, the city or town shall automatically succeed to all benefits and duties of County under this agreement.

2.15. *Termination.* This agreement shall remain in full force and effect until one of the following has occurred:

- A. The Subdivision Improvements have been completed and accepted by County in accordance with paragraph 2.11 and a Release of Assurances with respect to all the Land has been recorded in the Office of the Mohave County Recorder in accordance with paragraph 2.5; or
- B. A new subdivision plat has been recorded for the Land in compliance with any and all applicable laws and regulations; or
- C. A substitute assurance agreement has been executed by and between Subdivider and County in accordance with paragraph 2.10.

2.16. *Effective Date.*

This agreement is effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, which is the date of approval of this agreement by the Mohave County Board of Supervisors.

MOHAVE COUNTY, ARIZONA

SUBDIVIDER:

\_\_\_\_\_  
\_\_\_\_\_  
Chair, Board of Supervisors  
\_\_\_\_\_

By:

Its:

ATTEST:

TRUSTEE:

\_\_\_\_\_  
\_\_\_\_\_  
Clerk of the Board  
\_\_\_\_\_

By:

Its:

STATE OF ARIZONA            )  
  ) SS.  
County of Mohave            )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_

("Subdivider"), a \_\_\_\_\_ corporation, on behalf of the corporation.

My Commission Expires:  
Public

\_\_\_\_\_  
Notary

\_\_\_\_\_

STATE OF ARIZONA )  
 )  
SS. )  
County of Mohave )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_, by  
\_\_\_\_\_ of \_\_\_\_\_

(“Trustee”), a \_\_\_\_\_ corporation, on behalf of the  
corporation.  
, as trustee under trust number \_\_\_\_\_.

My Commission Expires:  
Public

\_\_\_\_\_

\_\_\_\_\_  
Notary

APPROVED AS TO FORM:

MOHAVE COUNTY ATTORNEY’S OFFICE

\_\_\_\_\_  
Date signed

By: \_\_\_\_\_  
Deputy County Attorney