

**Fifth Annual  
AZ CREW  
Golf Classic**

**Tuesday,  
April 4, 2006**

**Legacy Golf Resort  
6808 S. 32<sup>nd</sup> St.  
Phoenix, AZ**

**7:30 am Shotgun  
Start  
Lunch and Awards  
to Follow**

**Register on-line:  
[www.arizonacrew.org](http://www.arizonacrew.org)**

**For more  
information, contact  
Laura Martini at  
602-277-5626  
or Debbie Waitkus  
at 602-840-0607**

**Proceeds benefit  
CREW Foundation  
and SARRC  
Southwest Autism  
Research &  
Resource Center**



## **Featured Industry: Law**

### **Lot Splitting**

By Melissa Noshay Petro of Chandler & Udall, L.L.P

In the past, a landowner splitting her property needed only to record the deeds. On March 15, 2005, Pima County changed that by adopting ordinance 2005-34, establishing Chapter 18.70: Minor Lands Division ("MLD"). As of September 15, a landowner must obtain a Minor Lands Division permit before she can legally divide her property.

Before the MLD, only subdivisions – generally, divisions of property into six or more parcels - were subject to review. The MLD, however, mandates a review of *all* non-exempt lot splits. The review applies to residential or rural property in Pima County lying outside an incorporated city. 18.70.030 specifically states that "no land may be divided into five or fewer lots, parcels, or fractional interests, any of which is ten acres or smaller," unless Pima County first issues a land division permit.

The review protects the public's "health, safety, and welfare" by ensuring that each new lot provides for (i) minimum lot size; (ii) legal access; (iii) physical access; and (iv) utility easements. To ensure compliance, Pima County will no longer issue a building or use permit on any lot failing to meet the terms of the MLD.

To obtain the MLD permit, a landowner submits her application to the Pima County Planning and Development Department and pays a fee: \$150.00 for each lot created. The application, available at <http://www.pimaxpress.com/Planning/default.htm>, must include the following:

- A) A sealed survey depicting boundary lines, existing structures, legal access, and utility easements for each lot. An ALTA survey meets this requirement;
- B) A standard preliminary title report demonstrating legal access to each lot from a public right-of-way;
- C) A statement from an engineer or surveyor affirming that the lots will have physical access; and
- D) Identification of all conditions to a building permit, including cross slope, and areas lying within a "hillside development overlay zone" or regulatory floodplain, as defined by the Federal Emergency Management Agency ("FEMA").

While the foregoing may seem onerous to the average person, the applicant may use existing information available online from FEMA to complete the application. If she still does not have all required information, the applicant may submit an acknowledgment stating that no building or use permit will be issued until the newly created lots meet the minimum zoning requirements, have legal and physical access, and have utility easements reserved. The acknowledgment form is provided by the Planning and Development Department and must be recorded with the Pima County Recorder's Office. Thus, a landowner wanting to record the splits before her application is approved may do so by making public that she will not develop the new lots until her application is approved.

Once submitted, planners have thirty days to review the application and either 1) approve it outright; 2) conditionally approve it; or 3) return it and request additional information. Any application not reviewed within thirty days is deemed approved. However, the clock does not start ticking until Pima County determines the application is complete.

Obtaining the permit does not signify compliance with other state or local requirements. This review is only designed to guard against wildcat subdivisions and to prevent the creation of landlocked property. Anyone wishing to divide her land should consult with her real estate attorney before moving forward.