



GILA COUNTY
MINOR LAND DIVISION AND LOT LINE ADJUSTMENT
ORDINANCE NO. 2025-04

AN ORDINANCE OF THE GILA COUNTY BOARD OF SUPERVISORS WHICH ADDRESSES REQUIREMENTS AND PROCEDURES FOR MINOR LAND DIVISIONS AND LOT LINE ADJUSTMENTS WITHIN THE UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA; AND WHICH REPEALS THE PREVIOUSLY ADOPTED ORDINANCE TITLED *MINOR LAND DIVISION ORDINANCE OF THE COUNTY OF GILA*.

WHEREAS, the Minor Land Division Ordinance of the County of Gila was adopted by the Gila County Board of Supervisors on March 13, 1989, and it was last amended on December 19, 2006; and

WHEREAS, the Minor Land Division Ordinance of the County of Gila needs to be repealed and replaced with Ordinance No. 2025-04 to incorporate significant updates regarding minor land divisions and lot line adjustments within the unincorporated areas of Gila County.

NOW, THEREFORE, the Gila County Board of Supervisors hereby repeals the Minor Land Division Ordinance of the County of Gila; and adopts Gila County Minor Land Division and Lot Line Adjustment Ordinance No. 2025-04, as follows:

ARTICLE I - TITLE, PURPOSE AND ADMINISTRATION

100.00 Intent and Purpose

.01 Intent: The intent of this Ordinance is to provide for the orderly growth and harmonious development of Gila County by prescribing certain minimum requirements regulating the conditions under which minor divisions of land within Gila County may be permitted, and by establishing a review procedure for minor divisions of land and lot line adjustments within Gila County.

.02 Purpose: The purpose of this Ordinance shall be to ensure that minor land divisions and lot line adjustments shall: comply with existing zoning regulations; provide for adequate legal access; not constitute a subdivision; not constitute an attempt to evade or circumvent the laws and regulations governing subdivisions; ensure compliance with related ordinances, laws and regulations; and provide for conveyance by accurate legal description.

101.00 Authority

The Gila County Minor Land Division and Lot Line Adjustment Ordinance is authorized by Title 11, Chapter 2, Article 4, Section 11-251.05 and Title 11, Chapter 6, Articles 2 through 4 of the Arizona Revised Statutes, as amended, and is hereby declared to be in accordance with all provisions of these statutes.

102.00 Title

The title of this Ordinance shall be the “Gila County Minor Land Division and Lot Line Adjustment Ordinance.”

103.00 Administration

The Gila County Community Development Department is hereby authorized to administer this Ordinance.

104.00 Jurisdiction

This Ordinance shall govern minor land divisions and lot line adjustments in those areas of Gila County lying outside the corporate limits of any municipality.

ARTICLE II - DEFINITIONS

200.00 Definitions

Conform To (Comply With) Zoning Regulations – Means conformance with all applicable requirements of the zoning ordinance including, but not limited to, minimum lot size, lot configuration such as lot width and lot depth, setbacks, distances between buildings, performance standards and property development standards.

Director - Shall be the duly appointed Director of the Community Development Department of Gila County or his designee.

Legal Access - A way or means of approach to provide physical entrance to a property which shall consist of a public street, federal, state or county road, or a private recorded easement for ingress and egress connecting with any of the above. Any internal easement for ingress or egress created as a result of a minor land division shall be a minimum of twenty-four (24) feet in width.

Minor Land Division - The dividing of one parcel of land into five or fewer separate parcels, lots or fractional interests, any of which is ten (10) acres or smaller in size.

Lot Line Adjustment - Adjustment of the boundary line between two abutting parcels or lots or transfer of land between two owners of abutting parcels or lots which does not result in the creation of any additional parcel or lots.

Subdivision - Means a subdivision as defined in Section 32-2101(58), Arizona Revised Statutes.

ARTICLE III - GENERAL REQUIREMENT AND PROCEDURES - MINOR LAND DIVISIONS

300.00 Permit Required Prior to Recordation

No parcel of land may be divided into five or fewer separate parcels, lots or fractional interests either by recordation of a contract of sale or deed of conveyance, or by requesting the creation of a separate tax parcel through the Gila County Assessor's Office, without first obtaining a Minor Land Division permit issued by the Director subject to the provisions of this ordinance. The approved application form will serve as the Minor Land Division Permit.

301.00 Filing of Application and Fee

Any applicant proposing a minor land division shall file an application for a Minor Land Division Permit with the Director on the form provided. A non-refundable fee of \$200.00 is to be paid at the time of filing.

.01 Required Information: The Permit application shall contain the following information:

- a. A scaled survey drawn by a qualified Arizona registrant as established by the Arizona State Board of Technical Registration showing the existing and proposed boundaries, access, and utility easements. The survey must also show the location

of all; existing improvements and structures (wells, septic tanks, fences, etc.), setbacks and distances between structures, on both the remaining parcels and parcels created by the proposed division

- b. Names and addresses of all parties of interest to the division.
- c. A description of access to the parcels proposed to be divided and method by which such access is to be granted.
- d. The current zoning of the parcels proposed to be divided.
- e. The survey must comply with state standards as outlined in Arizona Revised Statutes 11-481 and 33-105 and any applicable Gila County standards and adopted Ordinances.
- f. All fees must be paid.

302.00 Action of the Director

The Director shall review the completed application and shall issue a decision to approve or deny the permit within thirty (30) days from receipt of the completed application which includes any required additional information, corrections and/or clarifications, otherwise the minor land division shall be deemed approved as submitted. The Director will not approve the application if any of the following items have not been addressed:

- a. The parcels resulting from the division do not conform to the applicable zoning regulations.
- b. The proposed division constitutes a subdivision or conspiracy to subdivide as defined by this Ordinance
- c. One or more of the resulting parcels does not have legal access.
- d. The survey is found to be inaccurate or incomplete.
- e. The survey does not meet all Gila County adopted Ordinances.

.01 Director Review Denial. The Director shall review the decision to deny a minor land division upon the presentation of evidence that any deficiency in the application which resulted in denial has been complied with.

.02 Recordation Without Approval. Pursuant to the provisions of Arizona Revised Statutes, Section 11-831.E, recordation of a division of land may not be denied for non-compliance with the requirement for legal access or compliance with applicable zoning regulations. Should an applicant choose to record a Minor Land Division Survey without approval by the Director, the following statement shall be required to be placed on any deed or recorded survey in such a manner that it becomes a matter of public record related to the parcels, lots or fractional interests created by the division:

“Notice is hereby given that the parcel(s) of real estate created by this survey either does not conform to the zoning regulations in force at the time of recordation, or that no legal access exists in accordance with the provisions of the Gila County Minor Land Division and Lot Line Adjustment Ordinance. In consequence, any and all Gila County Community Development Department permits may be denied until such time as the deficiencies relative to this parcel are corrected.”

ARTICLE IV – GENERAL REQUIREMENTS AND PROCEDURES - LOT LINE ADJUSTMENTS

400.00 Lot Line Adjustment Record of Survey is submitted to the Director for review.

401.00 Filing of Application and Fee

Any applicant proposing a lot line adjustment shall file an application for a Lot Line Adjustment with the Director on the form provided. A non-refundable fee of \$200.00 is to be paid at the time of filing.

.01 Required Information: The application shall contain the following information:

- a. A scaled survey drawn by a qualified Arizona registrant as established by the Arizona State Board of Technical Registration showing the existing and proposed boundaries, access, and utility easements. The survey must also show the location of all; existing improvements and structures (wells, septic tanks, fences, etc.), setbacks and distances between structures, on all parcels proposed to be adjusted.
- b. Names and addresses of all parties of interest to the adjustment.
- c. A description of access to the parcels proposed to be adjusted and method by which such access is to be granted.
- d. The current zoning of the parcels proposed to be adjusted.
- e. The survey must comply with state standards as outlined in Arizona Revised Statutes 11-481 and 33-105, and any applicable Gila County standard and adopted Ordinances.
- f. All fees must be paid.

402.00 Action of the Director

The Director shall review the completed application and shall issue a decision to approve or deny the permit within thirty (30) days from receipt of the completed application which includes any required additional information, corrections and/or clarifications, otherwise the lot line adjustment shall be deemed approved as submitted. A denial can only be based on one of the following findings:

- a. The parcels resulting from the adjustment do not conform to the applicable zoning regulations
- b. The proposed adjustment constitutes a subdivision or conspiracy to subdivide as defined in this ordinance.
- c. One or more of the resulting parcels does not have legal access.
- d. The survey is found to be inaccurate or incomplete.
- e. The survey has not met all Gila County adopted Ordinances.

.01 Applicant Request for Director to Review Denial. The Director shall review the decision to deny a lot line adjustment upon the presentation of evidence that any deficiency in the application which resulted in denial has been complied with.

.02 Recordation Without Approval. Pursuant to the provisions of Arizona Revised Statutes, Section 11-831.E, recordation of a division of land may not be denied for non-compliance with the requirement for legal access or compliance with applicable zoning regulations. Should an applicant choose to record a Lot Line Adjustment survey without a permit approved by the Director, the following statement shall be required to be placed on any deed or recorded survey in such a manner that it becomes a matter of public record related to the parcels, lots or fractional interests created by the adjustment:

“Notice is hereby given that the parcel(s) of real estate created by this survey either does not conform to the zoning regulations in force at the time of recordation, or that no legal access exists in accordance with the provisions of the Gila County Minor Land Division and Lot Line Adjustment Ordinance. In consequence, any and all Gila County Community Development Department permits may be denied until such time as deficiencies relative to this parcel are corrected.”

.03 Recordation with Approval

“Notice is hereby given that this Minor Land Division meets the minimum requirements of Arizona Revised Statutes. Approval of this Minor Land Division does not warrant easements shown hereon are sufficient for future road maintenance by Gila County. Any request for road maintenance to Gila County will require that road widths and designs meet county standards as well as the requirements of state statutes.”

ARTICLE V - ENFORCEMENT AND EFFECTUATION

500.00 Violations

Henceforth, it shall be unlawful to create minor land divisions or lot line adjustments within the unincorporated areas of Gila County in violation of the terms of this Ordinance.

.01 Henceforth, it shall be unlawful for a person or group of persons acting in concert to attempt to avoid the provisions of this Ordinance or the subdivision laws of the State of Arizona by acting in concert to divide a parcel of land into six (6) or more lots for sell or lease six (6) or more lots by using a series of owners or conveyances.

501.00 Penalties

Failure to comply with the terms of this Ordinance shall result in the withholding of any Gila County permits for development until such time as deficiencies relative to the parcels created by the Minor Land Division or altered by the Lot Line Adjustment are corrected.

502.00 Separability

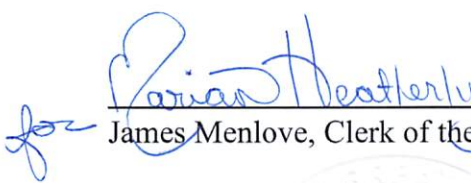
.01 If any article, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions. The Board hereby declares that it would have adopted this Ordinance and each article, section, subsection, sentence, clause and phrase thereof separately and irrespective of the fact that if any one or more of the articles, sections, subsections, sentences, clauses, or phrases be deemed unconstitutional or invalid.

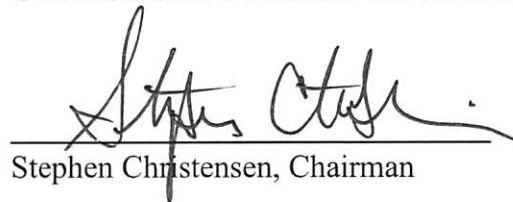
.02 If the application of any provisions of this Ordinance to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the intent that the effect of such decision shall be limited to that tract of land immediately involved. Such a decision shall not affect, impair, or nullify this Ordinance as a whole or in any part in its application to any other tract of land.

PASSED AND ADOPTED this 18th day of March 2025, at Gila County, Arizona.

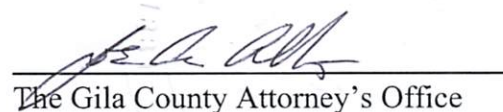
Attest:

GILA COUNTY BOARD OF SUPERVISORS

 *for* James Menlove, Clerk of the Board
clerk of the Board consultant


Stephen Christensen, Chairman

Approved as to form:


The Gila County Attorney's Office