



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES

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Monty M. Stansbury, AICP
Director

MEMORANDUM

TO: Department of Development Services Division Heads
Maggie Carrasco, Community Planning Section Manager
Jack Amaral, Senior Deputy Zoning Inspector
CC: Monty Stansbury, DDS Director
Ed Feheley, Dept. County Attorney
Cathy Gardner, Records/Admin Manager
FROM: Paul Melcher, Planning Director
SUBJECT: Lot Split Applications for Illegal Subdivisions; Zoning Inspector Powers
DATE: February 17, 2009

In cases where the owner of a parcel of land submits a land division permit application as per Section 507.00 of the Yuma County Zoning Ordinance (Ordinance) for a parcel for which either: a) the Arizona Department of Real Estate (ADRE) has issued a ruling or order declaring that the parcel was created in violation of Arizona Revised Statutes; and/or b) the Yuma County Hearing Officer (Hearing Officer) has determined that the parcel was created as a result of a violation of Section 507.00 of the Ordinance, it is the Planning Director's determination that the Department of Development Services may reject the land division permit application for any or all of the following reasons.

- 1) Any further divisions would create parcels greater in number than what is allowed by statute and ordinance triggering compliance with the Ordinance and Yuma County Subdivision Regulations. For example, Fig. 1 below represents six (6) parcels labeled A-F that were created as a result of unlawful or unauthorized division of a parcel. If the owner of Parcel F attempts to divide it two more times as indicated by the dashed lines, that division constitutes additional divisions of the parcel, now totaling eight (8) parcels created, and does not meet the intent of Section 507.00(E)(1) of the Ordinance that a proposed division shall result in the creation of five (5) or fewer parcels.

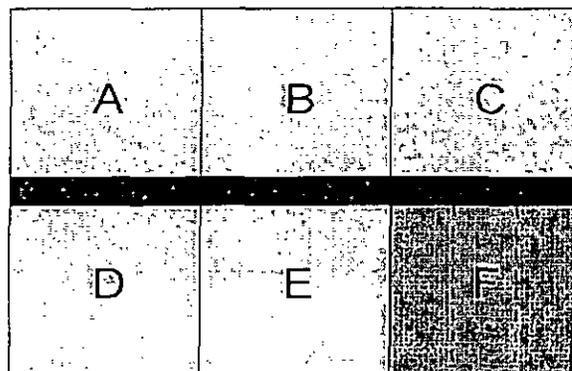


Fig.1

- 2) Any further divisions of the parcel as described in the previous paragraph would be in violation of ADRE orders or rulings. The Planning Director should notify ADRE in writing, providing supporting documentation, of any additional attempts to divide parcels under these circumstances.
- 3) Assuming that the owner of the parcel has not taken steps to comply with the Ordinance after the Hearing Officer determined that person to be in violation as described in Item b) in the first paragraph, the Planning Director deems that any further attempts to divide the parcel would constitute an additional violation of Section 507.00 of the Ordinance.
- 4) Section 1208.00 of the Ordinance states: *It shall be unlawful to knowingly petition for and/or obtain any permit which conflicts with or violates the provisions of any federal, state, county or local statute, ordinance, rule or regulation relating to, but not limited to health regulations or sanitary and wastewater facilities, fire, building, plumbing, electrical, mechanical codes; and drainage, Flood plain, or right-of-way encroachments regulations.* Since written notification is provided by ADRE and the Hearing Officer pertaining to any rulings, orders, or determinations of violation, it stands to reason that a person petitioning for a land division permit to further divide a parcel under the circumstances described in the first paragraph would do so knowing that the act would be in further conflict of Arizona Revised Statutes and the Ordinance.

It is also the Planning Director's determination that any violation of Section 507.00 of the Ordinance after September 24, 2006, is subject to any enforcement provisions in the Ordinance in addition to any actions the ADRE may take once the information is sent to ADRE. The Planning Director shall forward to the ADRE for its review any violations committed prior to September 25, 2006.