

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

## **12. SURVEY MONUMENTS IN SUBDIVISION**

Questions have arisen regarding when subdivisions must be monumented in the context of Section 8, Section 13 of the Arizona Boundary Survey Minimum Standards (adopted by the Board on June 15, 2001 and originally effective in Rules on February 12, 2002), and A.R.S. § 33-105(A). This substantive policy statement is offered as guidance to persons interpreting said Section 8, Section 13, and A.R.S. § 33-105 in complying with the Board's rules.

The Board's rules provide that Land Surveyors must adhere to the Arizona Boundary Survey Minimum Standards and with state laws pertaining to the surveyor's area of practice. (A.A.C.R4-30-301 (4) and (13)). The Arizona Boundary Survey Minimum Standards at Section 8 provides standards to ensure that land surveys are properly monumented. Section 13 provides standards to ensure that land surveys are recorded. A.R.S. § 33-105 concerns the requirement that land surveys be recorded. A.R.S. § 33 -105 (A) requires that a survey be recorded within 90 days after its completion.

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### **SUBSTANTIVE POLICY STATEMENT**

The Board interprets the term "subdivision" to mean those land divisions where the plat recording process follows rules and regulations defined by local government entities such as cities and counties. In many such cases, the requirement to set the corner monuments prior to recording the Final Plat cannot be complied with.

Board rule R4-30—301 (4) states "A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice" and R4-30-301(6) states "A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time".

If local subdivision regulations allow for the recording of a subdivision plat without having all of the survey monuments set, an acceptable interim practice would include placing all exterior boundary monuments at the time of filing the preliminary plat and recording a Record of Survey in compliance with state statutes. Interior property corners shall then be monumented as soon as completion of the infrastructure and improvements make it practical to do so. If such monuments should differ from the type described on the Final Plat, a Record of Survey shall be filed showing these differences.

All monuments set shall be under the direct supervision of the surveyor of record. If for any reason the surveyor of record is not available to supervise the setting of the interior corner monuments, subsequent to the recording of the Final Plat, the replacement surveyor shall set monuments with his/her identifying number and a Record of Survey shall be recorded in accordance with the state statutes.

## **APPLICABLE LAWS**

Arizona Revised Statutes § 33-105 (A)

Arizona Administrative Code, Title 4, Chapter 30, R4-30-301

Arizona Boundary Survey Minimum Standards – (adopted by the Board on June 15, 2001 and originally effective in Rules on February 12, 2002.)