

**PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY  
TECHNICAL PROCEDURE**

POLICY NO.: Technical Procedure, TECH-206

EFFECTIVE DATE: April 5, 2002

**POLICY: MINIMUM LOT SIZE REQUIREMENT FOR ON-SITE DISPOSAL SYSTEMS**

The Pima County Department of Environmental Quality (PDEQ) protects the environment by determining the effective acreage of a residential lot for the purpose of installing an on-site disposal system.

**PURPOSE:** The purpose of this policy is to establish procedures to consistently apply the one acre (43,560 square feet) requirement to single family residential lots which propose to use on-site disposal systems (Pima County Code 7.21.027 & 7.21.030).

**PROCEDURE:**

1. These rules apply only to single family residential lots that have been recorded pursuant to law after December 5, 1985. Lots recorded prior to that date may be less than one acre. A waiver must be obtained prior to permitting an on-site disposal system on a lot, recorded prior to 1985, that is less than one acre.
2. If recorded after December 5, 1985, the lot must be one acre and may include easements and rights-of-way. When determining the amount of right-of-way or easement to be used, up to one-half of the easement/right-of-way width may be used. This allows the other half to be used by the other parcel(s) adjacent to that easement/right-of-way. In certain cases, the Department may allow the entire easement/right-of-way to be used.
3. If the lot plus all allowable easements and rights-of-way still do not equal one acre, a percolation easement can be created in order to meet the one acre requirement. In essence this is an agreement between the lot owner, and an adjacent property owner with land that is not already being used to meet their own one acre lot size requirement to establish a percolation easement. The land would remain under current ownership with the easement established to assure that the one septic system per acre disposal density is maintained. In order to create a percolation easement, the property owner shall follow the steps of the "*Percolation Easement Acquisition Checklist*" (Attachment 1).
4. If the lot is less than one acre, including easements and rights-of-way, and a percolation easement cannot be obtained. On-site disposal cannot be permitted in accordance with Pima County Code 7.21.027.

APPROVED BY:

  
\_\_\_\_\_  
Director

4.5.02  
\_\_\_\_\_  
Date

Original Policy Approved: September 8, 1997  
Date(s) Revised: March 10, 2000, April 5, 2002



## DEPARTMENT OF ENVIRONMENTAL QUALITY

130 West Congress Street  
Tucson, Arizona 85701-1317

(520) 740-3340  
FAX (520) 882-7709

DAVID M. ESPOSITO  
Director

### PERCOLATION EASEMENT ACQUISITION CHECKLIST

1. Ensure that there is a need to record a percolation easement (i.e. if both of the conditions below apply):
  - (a) Is lot size of the property, including all easements and designated rights-of-way, less than 43,560 sq.ft.?
  - (b) Was the lot recorded pursuant to law after December 5, 1985?
2. Select and determine the configuration of percolation easement to be recorded:
  - (a) Contact property owners of adjacent lots for permission to record an easement. Note that areas within adjacent lots which are already being used to meet the minimum lot size requirements for their own or other septic systems, cannot be used in recording a percolation easement for a new lot.
  - (b) Adjacent property owned by Pima County or other municipalities may be used in recording a percolation easement. Contact the appropriate agency.
  - (c) Lot areas to be used as percolation easements must be contiguous to the subject parcel, and must realistically provide a contribution to the effluent disposal area. Easements that result in a regular design of the overall lot (such as rectangular shape) will be readily approved. Lot owners must sufficiently demonstrate that the easement to be recorded will contribute to the effective operation of the septic system to be installed.
3. Record the percolation easement:
  - (a) Complete the percolation easement form, and have both parties sign the agreement.
  - (b) Have the percolation easement form notarized.
  - (c) Obtain a proper and accurate legal description of the lot (such as a recorded survey).
  - (d) Draw an accurate and to-scale plot plan indicating the easement being obtained.
  - (e) Record the easement with the Pima County Assessors Office.
4. Submit request for waiver percolation easement documentation to PDEQ for approval, including:
  - (a) Completed request for waiver form.
  - (b) Completed percolation easement form.
  - (c) Record of survey and plot plan.
  - (d) Recordation approval and receipts from Pima County Assessors Office.
  - (e) Pima County Public Works Activity permit documentation.

Your request will be processed within 5 working days by PDEQ.

F:\FIELD\WATER\0-DOCS\PERCCHKLIST



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PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

150 W. Congress, Tucson, Az 85701 Tel No. 740-8618

REQUEST FOR WAIVER

Date: \_\_\_\_\_

Phone No. \_\_\_\_\_

Owner/Applicant: \_\_\_\_\_ X \_\_\_\_\_  
(Print name) (Signature)

Property Location - Address \_\_\_\_\_

Legal description \_\_\_\_\_

A waiver is requested for  Septic system installation on lot less than 1 acre.

Boring to determine groundwater depth

Installation of septic system where sewer is within 200 ft.

Other \_\_\_\_\_

Reason for request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide sufficient information/data to warrant issuance of the requested waiver. (Examples: soil borings, percolation tests, well drilling logs, sewer profile and location maps, water quality data, cost estimates, deeds showing recording dates for lot splits, etc.)

\*\*\*\*\* OFFICE USE ONLY \*\*\*\*\*

Review Date: \_\_\_\_\_ Sanitarian/Engineer: \_\_\_\_\_

Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommendations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Waiver:  Warranted  Not Warranted

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Division Manager

Return this request to the Department of Environmental Quality for processing.

PERCOLATION EASEMENT

\_\_\_\_\_, the Grantors, due hereby grant unto \_\_\_\_\_, the Grantee, a permanent easement to enable the Grantee the ability to install and maintain an individual on-site disposal system within accordance of Pima County Environmental Code Title 7.21.027.A, on real property described on the attached "Exhibit A", (the "Easement"). This percolation easement is subject to the following conditions:

- 1. Nothing herein contained shall be construed as granting title to the land belonging to Grantor.
2. Grantee shall use the Easement only to meet minimum lot size requirements for the placement of an on-site disposal system. This easement may not subsequently be used by Grantor or other parties to meet this requirement.
3. Grantor may use the Easement for any purpose consistent with the actual use of the land as limited by other County, State, and Federal regulations.

THIS EASEMENT granted this \_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
\_\_\_\_\_

STATE OF ARIZONA)
) ss
COUNTY OF PIMA )

The foregoing instrument was acknowledged before me the undersigned authority on this the \_\_\_\_ day of \_\_\_\_\_, 1998, by \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

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