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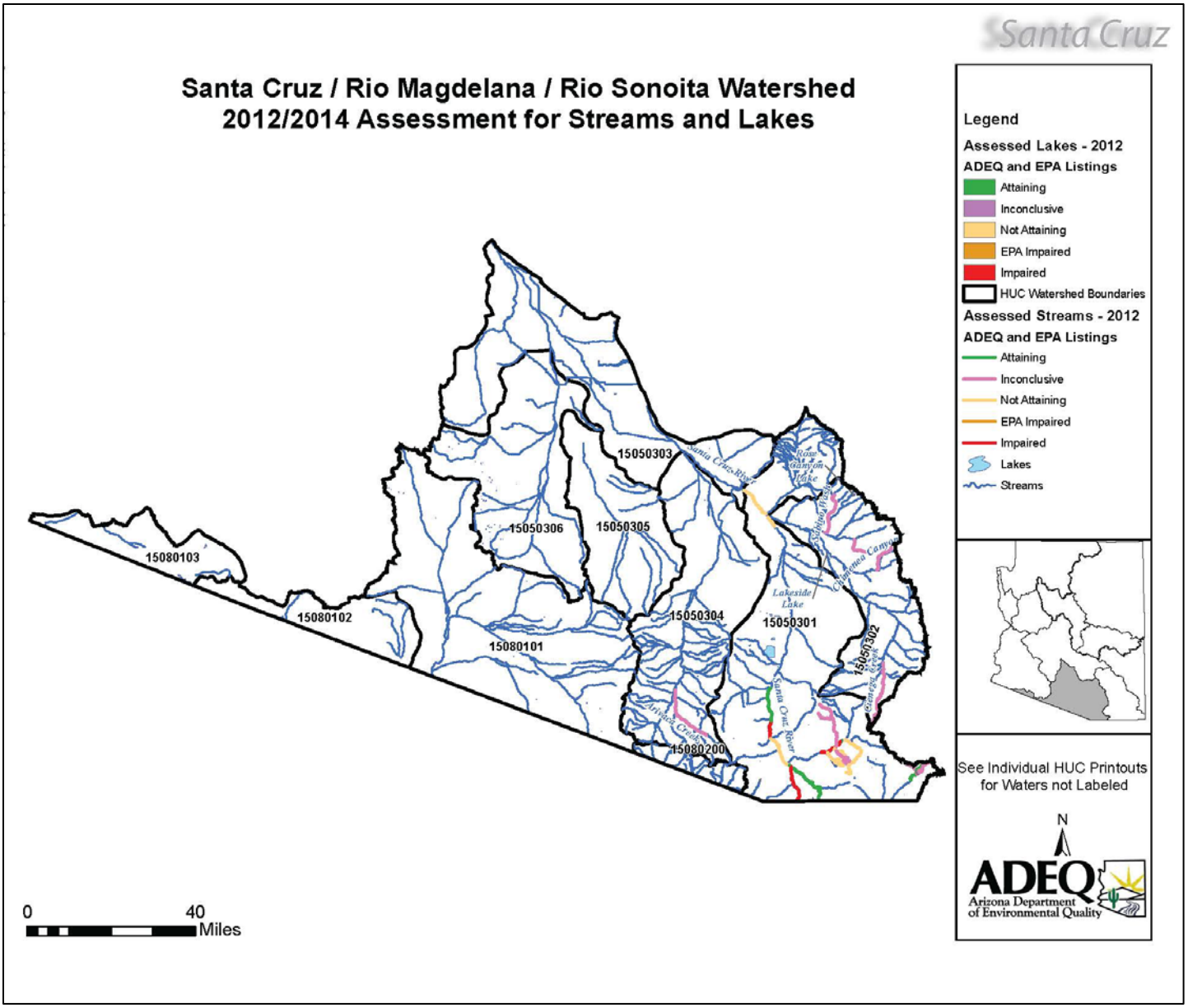


second consists of EPA 303(d) listings.

ADEQ'S 303(d) Impaired Waters

This list contains assessment units that were assessed as impaired by ADEQ during current and previous assessment listing cycles. The year each parameter was listed is located in parentheses after each parameter. The most current listings are in **bold.**

Assessment Unit	Size (acres/miles)	Cause(s) of Impairment	Category*	Status of TMDL Development
Bill Williams Watershed				
Alamo Lake 15030204-0040A	14,150 a	Ammonia (2004), High pH (1996) Low dissolved oxygen (**2006**)	5	Nutrient TMDL to be initiated in 2010.
Bill Williams River From Alamo Lake to Castaneda Wash 15030204-003	35.9 mi	Ammonia, low dissolved oxygen, and high pH (**2006**)	5	Nutrient TMDL to be initiated in 2010.
Santa Maria River From Little Sycamore Creek to Little Shipp Wash 15030203-013	6.8 mi	Mercury[(d)] (**2006**)	5	Alamo Lake TMDL may address mercury loadings affecting this reach. TMDL to be initiated in 2010.
Colorado – Grand Canyon Watershed				
Colorado River From Lake Powell to Paria River 14070006-001	16.3 mi	Selenium[(t)] (**2006**)	5	TMDL to be initiated in 2008.
Colorado River From Parashant Canyon to Diamond Creek 15010002-003	27.6 mi	Selenium[(t)] and suspended sediment (2004)	5	TMDL to be initiated in 2010.
Paria River From Utah border to Colorado River 14070007-123	29.4 mi	Suspended sediment (2004), *E. coli* (**2006**)	5	TMDL to be initiated in 2010.
Virgin River From Beaver Dam Wash to Big Bend Wash 15010010-003	10.1 mi	Selenium[(t)] and suspended sediment (2004)	5	TMDL to be initiated in 2011.
Colorado – Lower Gila Watershed				
Colorado River From Hoover Dam to Lake Mohave 15030101-015	40.4 mi	Selenium[(t)]	5	TMDL to be initiated in 2010.
Colorado River From Main Canal to Mexico border 15030107-001	32.2 mi	Low dissolved oxygen and selenium[(t)] (**2006**)	5	TMDL to be initiated in 2010.
Gila River From Coyote Wash to Fortuna Wash 15070201-003	28.3 mi	Selenium[(t)] and boron[(t)] (2004)	5	TMDL to be initiated in 2009.
Painted Rock Borrow Pit Lake 15070201-1010	185 a	Low dissolved oxygen (1992)	5	The low dissolved oxygen TMDL will be initiated when the lake refills and stabilizes.
Little Colorado Watershed				
Little Colorado River From Silver Creek to Carr Wash 15020002-004	6.1 mi	*E. coli* (2004)	5	To initiate in 2007.
Little Colorado River From Porter Tank Draw to McDonalds Wash 15020008-017	17.4 mi	Copper[(d)] and silver[(d)] (1992), suspended sediment (2004)	5	To initiate in 2007.
Middle Gila Watershed				
Alvord Lake 15060106B-0050	27 a	Ammonia (2004)	5	To initiate in 2007.
Chaparral Park Lake 15060106B-0300	12 a	Low dissolved oxygen and *E. coli* (2004)	5	To initiate in 2007.
Cortez Park Lake 15060106B-0410	2 a	Low dissolved oxygen and high pH (2004)	5	To initiate in 2007.

second consists of EPA 303(d) listings.

Assessment Unit	Size (acres/miles)	Cause(s) of Impairment	Category*	Status of TMDL Development
Gila River From San Pedro River to Mineral Cr. 15050100-008	19.8 mi	Suspended sediment (**2006**)	5	TMDL to be initiated in 2009.
Gila River From Centennial Wash to Gillespie Dam 15070101-008	5.3 mi	Boron[(t)] (1992), selenium[(t)] (2004)	5	To be initiated in 2012.
Hassayampa River From headwaters to Copper Creek 15070103-007A *Also on Not Attaining List	11 mi	Low pH (**2006**)	5	Mine remediation actions should also address low pH.
Mineral Creek From Devil's Canyon to Gila River 15050100-012B	19.6 mi	Copper[(d)] (1992), selenium[(t)] (2004), and low dissolved oxygen (**2006**)	5	Terms of consent decree should negate need for TMDL.
Queen Creek From headwaters to mining discharge 15050100-014A	8.8 mi	Copper (2002)	5	Copper TMDL in progress. To be completed in 2009.
Queen Creek From mining WWTP discharge to Potts Canyon 15050100-014B	5.9 mi	Copper (2004)	5	Copper TMDL in progress. To be completed in 2009.
Salt Watershed				
Apache Lake 15060106A-0070	2,190 a	Low dissolved oxygen (**2006**)	5	Salt River Reservoir nutrient TMDL to be initiated in 2010.
Canyon Lake 15060106A-0250	450 a	Low dissolved oxygen (2004)	5	Salt River Reservoir nutrient TMDL to be initiated in 2010.
Christopher Creek From headwaters to Tonto Creek 15060105-353 *Also on Not Attaining List	8 mi	Phosphorus (**2006**)	5	Nutrient reduction strategies should also address phosphorus.
Five Point Tributary From headwaters to Pinto Creek 15060103-885	2.9 mi	Copper[(d)] (**2006**)	5	Loadings from this tributary should be addressed in the Pinto Creek Phase II TMDL.
Pinto Creek From West Fork Pinto Creek to Roosevelt Lake 15060103-018C *Also on Not Attaining List	17.8 mi	Selenium[(t)] (2004)	5	To be initiated in 2009.
Salt River From Pinal Creek to Roosevelt Lake 15060106A-004	7.5 mi	Suspended sediment (**2006**)	5	To be initiated in 2010.
Salt River From Stewart Mountain Dam to Verde River 15060106A-003	10.1 mi	Low dissolved oxygen (2004)	5	Salt River Reservoir nutrient TMDL to be initiated in 2010.
Tonto Creek From headwaters to 341810/1110414 15060105-013A *Also on Not Attaining List	8.1 mi	Phosphorus (**2006**)	5	Nutrient reduction strategies should reduce phosphorus loadings. TMDL will be initiated in 2010 if needed.
San Pedro Watershed				
Brewery Gulch From headwaters to Mule Gulch 15080301-337	1 mi	Copper[(d)] (2004)	5	Copper loadings from this tributary will be addressed in the Mule Creek copper TMDL.
Mule Gulch From headwaters to above Lavender Pit 15080301-090A	3 mi	Copper[(d)] (1990)	5	Ongoing TMDLs to be completed in 2009 to establish site-specific criteria for copper.

second consists of EPA 303(d) listings.

Assessment Unit	Size (acres/miles)	Cause(s) of Impairment	Category*	Status of TMDL Development
Mule Gulch From above Lavender Pit to Bisbee WWTP discharge 15080301-090B	0.8 miles	Copper[(d)] (1990)	5	Ongoing TMDLs to be completed in 2009 to establish site-specific criteria for copper.
Mule Gulch From Bisbee WWTP discharge to Highway 80 bridge 15080301-090C	3.8 mi	Cadmium[(d)], copper[(d)(t)], low pH, zinc[(d)] (1990)	5	Ongoing TMDLs to be completed in 2009 to establish site-specific criteria for copper.
San Pedro River From Babocomari Creek to Dragoon Wash 15050202-003	17 mi	*E. coli* (2004)	5	Initiated TMDL in 2006. To complete in 2009.
San Pedro River From Dragoon Wash to Tres Alamos Wash 15050202-002	15.5 mi	Nitrate (1990)	5	Ongoing Superfund remediation and monitoring. Will initiate TMDL if WQARF cleanup is not effective.
San Pedro River From Aravaipa Creek to Gila River 15050203-001	14.8 mi	*E. coli* and selenium[(t)] (2004)	5	Initiated TMDL in 2006. To complete in 2009.
Santa Cruz Watershed				
Nogales Wash From Mexico border to Potrero Creek 15050301-011	6.2 mi	Ammonia (2004), chlorine (1996), copper[(d)] (2004), *E. coli* (1998)	5	Necessity of TMDL development will be based on outcome of current international remediation activities on infrastructure in Mexico.
Santa Cruz River From New Mexico border to Nogales Intl WWTP discharge 15050301-010	17 mi	*E. coli* (2004)	5	Will initiate TMDL when stream flow returns. (Current drought.)
Sonoita Creek From 750 feet below Patagonia WWTP discharge to Santa Cruz R. 15050301-013C	18.6 mi	Zinc[(d)] (2004), low dissolved oxygen (**2006**)	5	To initiate in 2006 and complete in 2009.
Upper Gila Watershed				
Blue River From Strayhorse Creek to San Francisco River 15040004-025B	25.4 mi	*E. coli* (**2006**)	5	To initiate in 2009.
Cave Creek From headwaters to South Fork Cave Creek 15040006-852A	7.5 mi	Selenium[(t)] (2004)	5	Initiated TMDL in 2006. To complete in 2009.
Gila River From New Mexico border to Bitter Cr 15040002-004	16.3 mi	*E. coli* and suspended sediment (**2006)**	5	Initiated TMDL in 2006. To complete in 2009.
Gila River From Bonita Creek to Yuma Wash 15040005-022	5.8 mi	*E. coli* (2004)	5	Initiated TMDL in 2006. To complete in 2009.
Gila River From Skully Creek to San Francisco River 15040002-001	15.2 mi	Selenium[(t)] (2004)	5	Initiated TMDL in 2006. To complete in 2009.
San Francisco River From Blue River to Limestone Gulch 15040004-003	18.7 mi	*E. coli* (**2006)**	5	To initiate TMDL in 2009. To complete in 2011.
Verde Watershed				
East Verde River From American Gulch to Verde River 15060203-022C	25.8 mi	Arsenic[(t)] and boron[(t)] (**2006)**	5	To initiate TMDL in 2009. To complete in 2011.
East Verde River From Ellison Creek to American Gulch 15060203-022B	20.3 mi	Selenium[(t)] (2004)	5	To initiate TMDL in 2011.
Oak Creek From headwaters to West Fork Oak Creek	7.4 mi	*E. coli* (**2006**)	5	Initiated Phase II bacteria TMDL in 2004. To complete in 2009.

second consists of EPA 303(d) listings.

Assessment Unit	Size (acres/miles)	Cause(s) of Impairment	Category*	Status of TMDL Development
15060202-019				
Oak Creek From West Fork Oak Creek to tributary at 345709/1114513 15060202-018A	5 mi	*E. coli* (**2006**)	5	Initiated Phase II bacteria TMDL in 2004. To complete in 2009.
Oak Creek From tributary at 345709/1114513 to downstream boundary of Slide Rock State Park 15060202-018B	1 mi	*E. coli* (1992)	5	Initiated Phase II bacteria TMDL in 2004. To complete in 2009.
Oak Creek From Slide Rock State Park to Dry Creek 15060202-018C	20 mi	*E. coli* (**2006**)	5	Initiated Phase II bacteria TMDL in 2004. To complete in 2009.
Oak Creek From Dry Creek to Spring Creek 15060202-017	10 mi	*E. coli* (**2006**)	5	Initiated Phase II bacteria TMDL in 2004. To complete in 2009.
Spring Creek From Coffee Creek to Oak Creek 15060202-022	6.4 mi	*E. coli* (**2006**)	5	To address bacteria loading from this tributary in the Oak Creek Phase II bacteria TMDL.

second consists of EPA 303(d) listings.

EPA'S 303(d) IMPAIRED WATERS

These assessment units were assessed as impaired by EPA and will remain on Arizona's list of impaired waters until EPA determines that they are no longer impaired or a TMDL is approved.

Assessment Unit	Size (acres/miles)	Cause(s) of Impairment	Status of TMDL Development
Bill Williams Watershed			
Alamo Lake 15030204-0040	14,150 a	Mercury in fish tissue (2002)	Initiated in 2004. To complete in 2009.
Boulder Creek From unnamed wash at 34°41'14"/113°03'34" to Wilder Creek 15030202-006B	14.4 mi	Mercury[(d)] (2004)	Initiate in 2011. Complete in 2013.
Boulder Creek From Wilder Creek to Butte Creek 15030202-005A	1.4 mi	Mercury[(d)] (2004)	Initiate in 2011. Complete in 2013.
Burro Creek From Boulder Creek to Black Canyon Creek 15030202-004	17.2 mi	Mercury[(d)] (2004)	Initiate in 2011. Complete in 2013.
Coors Lake 15030202-5000	230 a	Mercury in fish tissue (2004)	Initiate in 2011. Complete in 2013.
Colorado - Grand Canyon Watershed			
There are no listings of this type for this watershed. See other lists.			
Colorado – Lower Gila Watershed			
Painted Rock Borrow Pit Lake 15070201-1010	180 a	DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Little Colorado – San Juan Watershed			
Bear Canyon Lake 15020008-0130	55 a	High pH (2004)	Initiate in 2009.
Lake Mary (lower) 15020015-0890		Mercury in fish tissue (2002)	Initiated in 2003. To complete in 2009.
Lake Mary (upper) 15020015-0900		Mercury in fish tissue (2002)	Initiated in 2003. To complete in 2009.
Little Colorado River From Silver Creek to Carr Wash 15020002-004	6 mi	Suspended sediment (2004)	Initiated in 2007. To complete in 2009.
Long Lake (lower) 15020008-0820		Mercury in fish tissue (2002)	Initiated in 2003. To complete in 2009.
Lyman Lake 15020001-0850	1308 a	Mercury in fish tissue (2002)	Initiated in 2008.
Soldier's Annex Lake 15020008-1430		Mercury in fish tissue (2002)	Initiated in 2003. To complete in 2009.
Soldier's Lake 15020008-1440		Mercury in fish tissue (2002)	Initiated in 2003. To complete in 2009.
Middle Gila Watershed			
Gila River Salt River - Agua Fria River 15070101-015		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Gila River Agua Fria River - Waterman Wash 15070101-014		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Gila River Waterman Wash - Hassayampa River 15070101-010		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Gila River Hassayampa River - Centennial Wash 15070101-009		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.

second consists of EPA 303(d) listings.

Assessment Unit	Size (acres/miles)	Cause(s) of Impairment	Status of TMDL Development
Gila River Centennial Wash - Gillespie Dam 15070101-008		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Gila River Gillespie Dam - Rainbow Wash 15070101-007		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Gila River Rainbow Wash - Sand Tank 15070101-005		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Gila River Sand Tank - Painted Rocks Reservoir 15070101-001		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Hassayampa River Buckeye Canal – Gila River 15070103-001B		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Painted Rocks Reservoir 15070101-1020A		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Salt River 23rd Ave WWTP - Gila River 15060106B-001D		DDT metabolites, toxaphene and chlordane in fish tissue (2002)	Initiate in 2009. To complete in 2011.
Salt River Watershed			
Crescent Lake 15060101-0420	157 a	High pH (2002)	Initiate in 2010. To complete in 2012.
Tonto Creek From headwaters to unnamed tributary 15060105-013A	8.1 mi	Low dissolved oxygen (2004)	Initiate in 2010. To complete in 2012.
San Pedro – Willcox Playa – Rio Yaqui Watershed			
Brewery Gulch From headwaters to Mule Gulch 15080301-337	1 mi	Copper[(d)] (2004)	Copper loadings from this tributary will be addressed in the Mule Creek copper TMDL.
Mule Gulch From above Lavender Pit to Bisbee WWTP 15080301-090B	0.8 mi	Low pH (2002)	Initiated in 2000. Complete TMDL after site specific criteria are established (2009).
Santa Cruz – Rio Magdalena – Rio Sonoyta Watershed			
Parker Canyon Lake 15050301-1040	130 a	Mercury in fish tissue (2004)	Initiated in 2006. To complete in 2009.
Rose Canyon Lake 15050302-1260	7 a	Low pH (2004)	Initiate in 2009. To complete in 2011.
Upper Gila Watershed			
Cave Creek From headwaters to South Fork of Cave Creek 15040006-852A	8 mi	Selenium[(i)] (2004)	Initiated in 2006. To complete in 2009.
Gila River From Bonita Creek to Yuma Wash 15040005-022	6 mi	Sediment (2004)	Initiated in 2006. To complete in 2009.
San Francisco River From headwaters to New Mexico Border 15040004-023	13.1 mi	Sediment (2004)	Initiate in 2009. To complete in 2011.
Verde Watershed			
Granite Creek From headwaters to Willow Creek 15060202-059A	13 mi	Low dissolved oxygen (2004)	Initiate in 2010. To complete in 2012.
Watson Lake 15060202-1590	150 a	Nitrogen, low dissolved oxygen, high pH (2004)	Initiate in 2008. To complete in 2010.
Whitehorse Lake 15060202-1630	40 a	Low dissolved oxygen (2004)	Initiate in 2010. To complete in 2012.

second consists of EPA 303(d) listings.

*Assessment Categories:

Category 5 – Impaired surface waters where a Total Maximum Daily Load (TMDL) analysis is required.

Category 4 – At least one designated use is impaired or threatened but development of a TMDL is not needed (at this time). Note that these assessment units are considered impaired under permit requirements. Three subcategories exist in Arizona:

4A – The TMDL has been completed, is being implemented, and appears to be sufficient;
4B – Alternative pollution control requirements or actions are expected to result in the attainment of water quality standards;
4C – The impairment is caused by pollution but not a pollutant; or
4N – Impairment is caused *solely* due to natural conditions (no human contribution).

(Further information is provided in the *Surface Water Assessment Methods and Technical Support* document.)

Watershed	Surface Waters	Segment Description and Location (Latitude and Longitudes are in NAD 27)	Lake Category	Aquatic and Wildlife				Human Health				Agricultural	
				A&Wc	A&Ww	A&We	A&Wedw	FBC	PBC	DWS	FC	AgI	AgL
MG	Salt River (EDW)	City of Mesa NW WRF outfall at 33°26'45"/111°56'35" to Tempe Town Lake at 33°26'01"/111°54'55"					A&Wedw		PBC				
MG	Salt River	Below Tempe Town Lake to I-10 bridge				A&We			PBC				
MG	Salt River	I-10 bridge to the 23rd Avenue WWTP at 33°25'03"/112°06'41.6"			A&Ww				PBC		FC		
MG	Salt River (EDW)	23rd Avenue WWTP to confluence with Gila River at 33°22'55"/112°18'21.6"					A&Wedw		PBC		FC	AgI	AgL
MG	Siphon Draw (EDW)	Superstition Mountains WWTP outfall at 33°21'40"/111°33'30" to 6 km downstream at 32°21'01"/111°36'59"					A&Wedw		PBC				
MG	Sycamore Creek	Headwaters to confluence with Tank Canyon at 34°19'32"/111°50'12"		A&Wc				FBC			FC		AgL
MG	Sycamore Creek	Below confluence with Tank Canyon to the Agua Fria River at 34°19'30"/112°04'12"			A&Ww			FBC			FC		AgL
MG	Tempe Town Lake	At Mill Avenue Bridge at 33°26'30"/111°53'30"	Urban		A&Ww			FBC			FC		
MG	Tule Creek	Tributary to the Agua Fria River at 33°57'25"/112°14'13"			A&Ww			FBC			FC		AgL
MG	Turkey Creek	Headwaters to confluence with unnamed tributary at 34°19'28"/112°21'28"		A&Wc				FBC			FC	AgI	AgL
MG	Turkey Creek	Below confluence with unnamed tributary to Poland Creek at 34°14'20"/112°12'54"			A&Ww			FBC			FC	AgI	AgL
MG	Unnamed Wash (EDW)	City of Phoenix Cave Creek WRF outfall at 33°45'20"/112°00'59" to unnamed wash to 0.5 km downstream at 33°35'07"/112°01'12"					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Gila Bend WWTP outfall to the Gila River at 32°58'13"/112°43'46"					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Luke Air Force Base WWTP outfall to the Agua Fria River at 33°32'21"/112°19'15"					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Florence Gardens WWTP outfall at 33°03'49.54"/111°23'13.28" to confluence with Gila River at 33°02'59"/111°23'15"					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Prescott Valley WWTP outfall to the Agua Fria River at 34°35'16"/112°16'18"					A&Wedw		PBC				
MG	Unnamed Wash (EDW)	Queen Valley Sanitary District WWTP outfall at 33°17'38"/111°18'31" to the confluence with Queen Creek					A&Wedw		PBC				
MG	Wagner Wash (EDW)	Buckeye Festival Ranch WRF outfall at 33°39'14"/112°40'18" to 2 km downstream					A&Wedw		PBC				
MG	Vista Del Camino Park North	Urban Lake; 7700 East Roosevelt Street, Scottsdale at 33°27'33"/111°54'49.3"			A&Ww				PBC		FC		
MG	Walnut Canyon Creek	Tributary to the Gila River at 33°06'47"/111°05'20"			A&Ww			FBC			FC		AgL
MG	Weaver Creek	Tributary to Martinez Creek at 34°03'18"/112°46'48"			A&Ww			FBC			FC		AgL
MG	White Canyon Creek	Tributary to Walnut Canyon Creek at 33°09'25"/111°04'48"			A&Ww			FBC			FC		AgL
SC	Agua Caliente Lake	Urban Lake; 12325 East Roger Road, Tucson	Urban		A&Ww				PBC		FC		
SC	Agua Caliente Wash	Headwaters to Soldier Trail at 32°17'48"/110°42'58.5"			A&Ww			FBC			FC		AgL
SC	Agua Caliente Wash	Below Soldier Trail to Tanque Verde Creek at 32°14'35"/110°47'17"				A&We			PBC				AgL
SC	Aguirre Wash	Those reaches not located on the Tohono O'odham Indian Reservation				A&We			PBC				
SC	Alambre Wash	Tributary to Brawley Wash at 31°57'47"/111°23'28"				A&We			PBC				
SC	Alamo Wash	Tributary to Rillito Creek at 32°16'23"/110°54'18"				A&We			PBC				
SC	Altar Wash	Tributary to Brawley Wash at 31°57'47"/111°23'28"				A&We			PBC				
SC	Alum Gulch	Headwaters to 31°28'20"/110°43'51"				A&We			PBC				AgL
SC	Alum Gulch	From 31°28'20"/110°43'51" to 31°29'17"/110°44'25"			A&Ww			FBC			FC		AgL
SC	Alum Gulch	Below 31°29'17"/110°44'25" to Sonoita Creek at 31°30'58"/110°47'06"				A&We			PBC				AgL
SC	Arivaca Creek	Tributary to Altar Wash at 31°43'01"/111°25'41"			A&Ww			FBC			FC		AgL
SC	Arivaca Lake	31°31'50"/111°15'05"	Igneous		A&Ww			FBC			FC	AgI	AgL
SC	Atterbury Wash	Tributary to Pantano Wash at 32°10'52"/110°48'50"				A&We			PBC				AgL
SC	Bear Grass Tank	31°33'01"/111°11'32"			A&Ww			FBC			FC		AgL
SC	Big Wash	Tributary to Cañada del Oro at 32°24'47"/110°56'28"				A&We			PBC				
SC	Black Wash (EDW)	Pima County WWMD Avra Valley WWTP at 32°09'50"/111°10'49" to confluence with Brawley Wash at 32°15'00"/111°14'34"					A&Wedw		PBC				
SC	Bog Hole Tank	31°28'34"/110°37'07"			A&Ww			FBC			FC		AgL
SC	Brawley Wash	Tributary to Los Robles Wash at 32°21'54"/111°17'31"				A&We			PBC				

Watershed	Surface Waters	Segment Description and Location (Latitude and Longitudes are in NAD 27)	Lake Category	Aquatic and Wildlife				Human Health				Agricultural	
				A&Wc	A&Ww	A&We	A&Wedw	FBC	PBC	DWS	FC	AgI	AgL
SC	California Gulch	South of Ruby			A&Ww			FBC			FC		AgL
SC	Cañada del Oro	Headwaters to Highway 89 at 32°24'48"/ 110°56'14"			A&Ww			FBC			FC	AgI	AgL
SC	Cañada del Oro	Below Highway 89 to the Santa Cruz River at 32°19'30"/111°03'47"				A&We			PBC				AgL
SC	Cienega Creek	Headwaters to confluence with Gardner Canyon and Spring Water Canyon at 31°47'38"/ 110°35'17"			A&Ww			FBC			FC		AgL
SC	Cienega Creek (OAW)	From confluence with Gardner Canyon and Spring Water Canyon to USGS gaging station at 32°02'09"/110°40'34" (becomes Pantano Wash below this point)			A&Ww			FBC			FC		AgL
SC	Davidson Canyon	Headwaters to unnamed spring at 31°59'00"/ 110°38'46"				A&We			PBC				AgL
SC	Davidson Canyon (OAW)	Unnamed Spring to confluence with unnamed tributary at 31°59'32.5"/110°38'43.5"			A&Ww			FBC			FC		AgL
SC	Davidson Canyon (OAW)	From confluence with unnamed tributary to unnamed spring at 32°00'54"/110°38'54"				A&We			PBC				AgL
SC	Davidson Canyon (OAW)	From unnamed spring at 32°00'54"/ 110°38'54" to confluence with Cienega Creek at 32°01'05"/110°38'32"			A&Ww			FBC			FC		AgL
SC	Empire Gulch	Headwaters to unnamed spring at 31°47'14"/ 110°38'13"				A&We			PBC				
SC	Empire Gulch	From 31°47'14" / 110°38'13" to31°47'11" / 110°00'39"			A&Ww			FBC			FC		
SC	Empire Gulch	Below 31°47"11" / 110°00'39" to 31°47'18" / 110°36'57"				A&We			PBC				AgL
SC	Empire Gulch	From 31°47'18" / 110°36'57" to confluence with Cienega Creek at 31°48'32"/110°35'20"			A&Ww			FBC			FC		
SC	Flux Canyon	Tributary to Alum Canyon at 31°30'22"/ 110°46'41"				A&We			PBC				AgL
SC	Gardner Canyon Creek	Headwaters to confluence with Sawmill Canyon at 31°42'51"/110°44'43"		A&Wc				FBC			FC		
SC	Gardner Canyon Creek	Below Sawmill Canyon to Cienega Creek at 31°47'38"/110°35'17"			A&Ww			FBC			FC		
SC	Greene Wash	Tributary to the Santa Cruz River at 33°00'54"/111°59'46"				A&We			PBC				
SC	Harshaw Creek	Tributary to Sonoita Creek at 31°32'35"/ 110°44'42"				A&We			PBC				AgL
SC	Hit Tank	32°43'57"/111°03'18"			A&Ww			FBC			FC		AgL
SC	Holden Canyon Creek	Headwaters to Mexico border at 31°23'38"/ 111°15'54" in the Coronado National Forest			A&Ww			FBC			FC		
SC	Huachuca Tank	31°21'11"/110°30'12"			A&Ww			FBC			FC		AgL
SC	Julian Wash	Tributary to the Santa Cruz River at 32°11'20"/110°59'13"				A&We			PBC				
SC	Kennedy Lake	Urban Lake; Mission Road & Ajo Road, Tucson at 32°10'48.5"/111°00'27"	Urban		A&Ww				PBC		FC		
SC	Lakeside Lake	Urban Lake; 8300 East Stella Road, Tucson at 32°11'10.5"/110°49'00"	Urban		A&Ww				PBC		FC		
SC	Lemmon Canyon Creek	Headwaters to confluence with unnamed tributary at 32°23'47"/110°47'46"		A&Wc				FBC			FC		
SC	Lemmon Canyon Creek	Below unnamed tributary to Sabino Canyon Creek at 32°23'02"/110°47'28"			A&Ww			FBC			FC		
SC	Los Robles Wash	Tributary to the Santa Cruz River at 32°32'13"/111°23'53"				A&We			PBC				
SC	Madera Canyon Creek	Headwaters to confluence with unnamed tributary at 31°43'42"/110°52'50"		A&Wc				FBC			FC		AgL
SC	Madera Canyon Creek	Below unnamed tributary to the Santa Cruz River at 31°46'55"/111°00'58"			A&Ww			FBC			FC		AgL
SC	Mattie Canyon	Tributary to Cienega Creek at 31°51'31"/ 110°34'25"			A&Ww			FBC			FC		AgL
SC	Nogales Wash	Tributary to Potrero Creek at 31°24'07"/ 110°57'11"			A&Ww				PBC				
SC	Oak Tree Canyon	Tributary to Cienega Creek at 31°48'43"/ 110°35'24"				A&We			PBC				
SC	Palisade Canyon Creek	Headwaters to confluence with unnamed tributary at 32°22'34"/110°45'35"		A&Wc				FBC			FC		
SC	Palisade Canyon Creek	Below unnamed tributary to Sabino Canyon Creek at 32°21'54"/110°46'23"			A&Ww			FBC			FC		
SC	Pantano Wash	Tributary to Tanque Verde Creek at 32°16'23"/110°54'18"				A&We			PBC				
SC	Paradise Lake	32°44'18"/111°40'42"	Urban		A&Ww				PBC			AgI	
SC	Parker Canyon Creek	Headwaters to confluence with unnamed tributary at 31°24'17"/110°28'44.5"		A&Wc				FBC			FC		
SC	Parker Canyon Creek	Below unnamed tributary to Mexico border at 31°19'59"/110°33'58"			A&Ww			FBC			FC		
SC	Parker Canyon Lake	31°25'35"/110°27'15"	Deep	A&Wc				FBC			FC	AgI	AgL
SC	Patagonia Lake	31°29'30"/110°52'00"	Deep		A&Ww			FBC			FC	AgI	AgL

Watershed	Surface Waters	Segment Description and Location (Latitude and Longitudes are in NAD 27)	Lake Category	Aquatic and Wildlife				Human Health				Agricultural	
				A&Wc	A&Ww	A&We	A&Wedw	FBC	PBC	DWS	FC	AgI	AgL
SC	Peña Blanca Lake	31°24'12"/111°05'04"	Igneous		A&Ww			FBC			FC	AgI	AgL
SC	Potrero Creek	Headwaters to Interstate 19 at 31°23'24"/ 110°57'30"				A&We			PBC				AgL
SC	Potrero Creek	Below Interstate 19 to Santa Cruz River at 31°27'07"/110°57'40"			A&Ww			FBC			FC		AgL
SC	Puertocito Wash	Tributary to Altar Wash at 31°43'01"/ 111°25'41"				A&We			PBC				
SC	Quitobaquito Spring	(Pond and Springs) 31°56'39"/113°01'06"			A&Ww			FBC			FC		AgL
SC	Redrock Canyon Creek	Tributary to Harshaw Creek at 31°32'35"/ 110°44'13"			A&Ww			FBC			FC		
SC	Rillito Creek	Tributary to the Santa Cruz River at 32°18'50"/111°03'18"				A&We			PBC				AgL
SC	Romero Canyon Creek	Headwaters to confluence with unnamed tributary at 32°24'30"/110°50'35"		A&Wc				FBC			FC		
SC	Romero Canyon Creek	Below unnamed tributary to Sutherland Wash at 32°25'52"/110°53'56"			A&Ww			FBC			FC		
SC	Rose Canyon Creek	Tributary to Rose Canyon Lake at 32°23'10"/ 110°43'01"		A&Wc				FBC			FC		
SC	Rose Canyon Lake	32°23'13"/110°42'38"	Igneous	A&Wc				FBC			FC		AgL
SC	Ruby Lakes	Near the town of Ruby at 31°26'28.5"/ 111°14'19"	Igneous		A&Ww			FBC			FC		AgL
SC	Sabino Canyon Creek	Headwaters to confluence with unnamed tributary at 32°23'28"/110°47'00"		A&Wc				FBC		DWS	FC	AgI	
SC	Sabino Canyon Creek	Below unnamed tributary to Tanque Verde River at 32°15'40"/110°49'30"			A&Ww			FBC		DWS	FC	AgI	
SC	Salero Ranch Tank	31°35'42"/110°53'22"			A&Ww			FBC			FC		AgL
SC	Santa Cruz River	Headwaters to the International Boundary at 31°19'58"/110°35'48"			A&Ww			FBC			FC	AgI	AgL
SC	Santa Cruz River	International Boundary to the Nogales International WWTP outfall at 31°27'24"/ 110°58'05"			A&Ww			FBC		DWS	FC	AgI	AgL
SC	Santa Cruz River (EDW)	Nogales International WWTP outfall to the Tubac Bridge at 31°36'25"/110°02'00"					A&Wedw		PBC				AgL
SC	Santa Cruz River	The Tubac Bridge to Roger Road WWTP outfall				A&We			PBC				AgL
SC	Santa Cruz River (EDW)	Roger Road WWTP outfall to Baumgartner Road at 32°35'37"/111°28'08"					A&Wedw		PBC				
SC	Santa Cruz Wash	Baumgartner Road to the Ak Chin Indian Reservation				A&We			PBC				AgL
SC	Santa Cruz Wash, West Branch	Tributary to the Santa Cruz Wash at 32°12'07"/110°59'20"				A&We			PBC				AgL
SC	Santa Cruz Wash, North Branch	Tributary to the Santa Cruz Wash at 32°55'55"/111°53'10"				A&We			PBC				
SC	Santa Cruz Wash, North Branch (EDW)	City of Casa Grande WRF outfall at 32°54'57"/111°47'13" to 1 km downstream at 32°54'49"/111°47'48"					A&Wedw		PBC				
SC	Santa Rosa Wash	Below Tohono O'odham Indian Reservation to the Ak Chin Indian Reservation				A&We			PBC				
SC	Santa Rosa Wash (EDW)	Palo Verde Utilities WWTP outfall at 33°04'20"/112°01'47" to the Gila River Indian Reservation					A&Wedw		PBC				
SC	Soldier Lake	32°25'34"/110°44'41"		A&Wc				FBC			FC		AgL
SC	Sonoita Creek	Headwaters to the Town of Patagonia WWTP outfall at 31°32'15"/110°45'30"				A&We			PBC				AgL
SC	Sonoita Creek (EDW)	Town of Patagonia WWTP outfall to permanent groundwater upwelling point approximately 1600 feet downstream of outfall					A&Wedw		PBC				AgL
SC	Sonoita Creek	Below 1600 feet downstream of Town of Patagonia WWTP outfall to the Santa Cruz River at 31°29'43"/110°58'37"			A&Ww			FBC			FC	AgI	AgL
SC	Split Tank	31°28'15"/111°05'15"			A&Ww			FBC			FC		AgL
SC	Sutherland Wash	Tributary to Cañada del Oro at 32°25'05"/ 110°55'26"			A&Ww			FBC			FC		
SC	Sycamore Canyon	From 32°21'36" / 110°45'21" to Sycamore Reservoir			A&Ww			FBC			FC		
SC	Sycamore Canyon Creek	Headwaters to the U.S./Mexico border at 31°22'48"/111°13'19"			A&Ww			FBC			FC		AgL
SC	Sycamore Reservoir	32°20'57"/110°44'52"		A&Wc				FBC			FC		AgL
SC	Tanque Verde Creek	Headwaters to Houghton Road at 32°14'13"/ 110°46'04"			A&Ww			FBC			FC		AgL
SC	Tanque Verde Creek	Below Houghton Road to Rillito Creek at 32°16'08"/110°52'30"				A&We			PBC				AgL
SC	The Lake Tank	32°54'14"/111°04'14"			A&Ww			FBC			FC		AgL
SC	Three R Canyon	Headwaters to 31°28'35"/110°46'19"				A&We			PBC				AgL

Watershed	Surface Waters	Segment Description and Location (Latitude and Longitudes are in NAD 27)	Lake Category	Aquatic and Wildlife				Human Health				Agricultural	
				A&Wc	A&Ww	A&We	A&Wedw	FBC	PBC	DWS	FC	AgI	AgL
SC	Three R Canyon	From 31°28'35"/110°46'19" to 31°28'27"/110°47'12"			A&Ww			FBC			FC		AgL
SC	Three R Canyon	From 31°28'27"/110°47'12" to Sonoita Creek at 31°29'56"/110°48'54"				A&We			PBC				AgL
SC	Tinaja Wash	Headwaters to the Santa Cruz River at 31°32'58.4"/111°02'45.7"				A&We			PBC				AgL
SC	Unnamed Wash (EDW)	Oracle Sanitary District WWTP outfall at 32°36'54"/110°48'02" to 5 km downstream					A&Wedw		PBC				
SC	Unnamed Wash	5 km downstream of the Oracle Sanitary District WWTP outfall				A&We			PBC				
SC	Unnamed Wash (EDW)	Arizona City Sanitary District WWTP outfall at 32°45'47"/111°44'20" to confluence with Santa Cruz Wash at 35°45'45"/111°46'43"					A&Wedw		PBC				
SC	Unnamed Wash (EDW)	Saddlebrook WWTP outfall at 32°32'00"/110°52'59" to confluence with Cañada del Oro at 32°30'20"/110°52'27"					A&Wedw		PBC				
SC	Vekol Wash	Those reaches not located on the Ak-Chin, Tohono O'odham and Gila River Indian Reservations				A&We			PBC				
SC	Wakefield Canyon	Headwaters to confluence with unnamed tributary 31°52'47"/110°26'25"		A&Wc				FBC			FC		AgL
SC	Wakefield Canyon	Below confluence with unnamed tributary to Cienega Creek at 31°52'47.5"/110°26'25"			A&Ww			FBC			FC		AgL
SC	Wild Burro Canyon	Headwaters to confluence with unnamed tributary at 32°28'36"/111°05'18"			A&Ww			FBC			FC		AgL
SC	Wild Burro Canyon	Below confluence with unnamed tributary to Santa Cruz River at 32°28'34"/111°05'15.5"				A&We			PBC				AgL
SC	Williams Ranch Tanks	31°55'15"/110°25'30"			A&Ww			FBC			FC		AgL
SP	Abbot Canyon	Headwaters to confluence with Whitewater Draw at 31°33'32"/109°48'39.6"			A&Ww			FBC			FC		AgL
SP	Aravaipa Creek	Headwaters to confluence with Stowe Gulch at 32°52'10"/110°22'00"			A&Ww			FBC			FC		AgL
SP	Aravaipa Creek (OAW)	Stowe Gulch confluence to downstream boundary of Aravaipa Canyon Wilderness Area at 32°54'23"/110°33'40"			A&Ww			FBC			FC		AgL
SP	Aravaipa Creek	Below downstream boundary of Aravaipa Canyon Wilderness Area to the San Pedro River at 32°50'20"/110°42'50"			A&Ww			FBC			FC		AgL
SP	Ash Creek	Chiricahua Mountains, near Whitewater Draw at 31°50'28"/109°40'01.2"			A&Ww			FBC			FC	AgI	AgL
SP	Babocomari River	Tributary to the San Pedro River at 31°43'19"/110°11'35"			A&Ww			FBC			FC		AgL
SP	Bass Canyon Creek	Headwaters to confluence with unnamed tributary at 32°26'06"/110°13'18"		A&Wc				FBC			FC		AgL
SP	Bass Canyon Creek	Below confluence with unnamed tributary to Hot Springs Canyon Creek at 32°20'53"/110°15'14"			A&Ww			FBC			FC		AgL
SP	Bass Canyon Tank	32°24'00"/110°13'00"			A&Ww			FBC			FC		AgL
SP	Bear Creek	Headwaters to U.S./Mexico border at 31°19'59"/110°22'58.5"			A&Ww			FBC			FC		AgL
SP	Big Creek	Tributary to Pitchfork Canyon at 32°35'24"/109°57'07"		A&Wc				FBC			FC		AgL
SP	Blacktail Pond	Fort Huachuca Military Reservation at 31°24'13"/110°17'21"			A&Ww			FBC			FC		
SP	Blackwater Draw	Headwaters to the U.S./Mexico border at 31°20'02"/109°15'36" in the San Bernardino Valley			A&Ww			FBC			FC		AgL
SP	Booger Canyon Creek	Tributary to Aravaipa Creek at 32°54'54"/110°29'35"			A&Ww			FBC			FC		AgL
SP	Buck Canyon	Headwaters to Buck Creek Tank at 31°33'06"/109°52'43"			A&Ww			FBC			FC		AgL
SP	Buck Canyon	Below Buck Creek Tank to Dry Creek at 31°31'08"/109°18'25"				A&We			PBC				AgL
SP	Buehman Canyon Creek (OAW)	Headwaters to confluence with unnamed tributary at 32°24'31.5"/110°32'08"			A&Ww			FBC			FC		AgL
SP	Buehman Canyon Creek	Below confluence with unnamed tributary at 32°25'41"/110°29'53"			A&Ww			FBC			FC		AgL
SP	Bull Tank	32°31'15"/110°12'45"			A&Ww			FBC			FC		AgL
SP	Bullock Canyon	Tributary to Buehman Canyon at 32°23'00"/110°33'04"			A&Ww			FBC			FC		AgL
SP	Carr Canyon Creek	Headwaters to confluence with unnamed tributary at 31°27'00"/110°15'45"		A&Wc				FBC			FC		AgL
SP	Carr Canyon Creek	Below confluence with unnamed tributary to the San Pedro River at 31°30'32"/110°07'37"			A&Ww			FBC			FC		AgL
SP	Copper Creek	Headwaters to confluence with Prospect Canyon at 32°44'48"/110°30'18"			A&Ww			FBC			FC		AgL
SP	Copper Creek	Below confluence with Prospect Canyon to the San Pedro River at 32°41'17"/110°36'43"				A&We			PBC				AgL

OUTSTANDING ARIZONA WATERS (OAWs)

A.A.C. R18-11-112(G)

1. West Fork of the Little Colorado River, from its headwaters at 33°55'02"/109°33'30" to Government Springs at 33°59'33"/109°27'54" (approximately 9.1 river miles);
2. Oak Creek, from its headwaters at 35°01'30"/111°44'12" to its confluence with the Verde River at 34°40'41"/111°56'30 (approximately 50.3 river miles);
3. West Fork of Oak Creek, from its headwaters at 35°02'44"/111°54'48" to its confluence with Oak Creek at 34°59'14"/111°44'46" (approximately 15.8 river miles);
4. Peeples Canyon Creek, from its headwaters at 34°23'57"/113°19'45" to its confluence with the Santa Maria River at 34°20'36"/113°15'12" (approximately 8.1 river miles);
5. Burro Creek, from its headwaters at 34°52'46.5"/113°05'13.5" to its confluence with Boulder Creek at 34°374.5"/113°18'36" (approximately 29.5 miles);
6. Francis Creek, from its headwaters at 34°54'38"/113°20'30" to its confluence with Burro Creek at 34°44'29"/113°14'37" (approximately 22.9 river miles);
7. Bonita Creek, from its boundary of the San Carlos Indian Reservation at 33°03'08"/109°33'41" to its confluence with the Gila River at 32°53'36"/109°28'43" (approximately 14.7 river miles);
8. Cienega Creek, from its confluence with Gardner Canyon and Spring Water Canyon at 31°47'38.5"/110°35'21.5" to the USGS gaging station at 32°02'09"/110°40'34" (approximately 28.3 river miles);
9. Aravaipa Creek, from its confluence with Stowe Gulch at 32°52'10"/110°22'03" to the downstream boundary of the Aravaipa Canyon Wilderness Area at 32°54'23"/110°33'42" (approximately 15.5 river miles);
10. Cave Creek, from its headwaters at 31°50'30"/109°17'04.5" to the Coronado National Forest boundary at 31°54'38"/109°08'40" (approximately 10.4 river miles);
11. South Fork of Cave Creek, from its headwaters at 31°50'20"/109°16'33" to its confluence with Cave Creek at 31°53'04"/109°10'30" (approximately 8.6 river miles);
12. Buehman Canyon Creek, from its headwaters at 32°52'0.5"/110°39'54.5" to its confluence with unnamed tributary at 32°24'31.5"/110°32'08" (approximately 9.8 river miles);
13. Lee Valley Creek, from its headwaters at 33°55'49"/109°31'34" to its confluence with Lee Valley Reservoir at 33°56'28"/109°30'15.5" (approximately 1.6 river miles);
14. Bear Wallow Creek, from its headwaters at 33°35'54"/109°26'54.5" to the boundary of the San Carlos Indian Reservation at 33°37'52"/109°29'44" (approximately 4.25 river miles);
15. North Fork of Bear Wallow Creek, from its headwaters at 33°34'47.5"/109°21'59.5" to its confluence with Bear Wallow Creek at 33°35'54"/109°26'54.5" (approximately 3.8 river miles);
16. South Fork of Bear Wallow Creek, from its headwaters at 33°34'38.5"/109°23'58" to its confluence with Bear Wallow Creek at 33°35'54"/109°26'54.5" (approximately 3.8 river miles);
17. Snake Creek, from its headwaters at 33°37'21.5"/109°26'11" to its confluence with the Black River at 33°40'31.5"/109°28'58.5" (approximately 6.2 river miles);
18. Hay Creek, from its headwaters at 33°51'00"/109°28'48" to its confluence with the West Fork of the Black River at 33°48'30"/109°25'19" (approximately 5.5 river miles);
19. Stinky Creek, from the White Mountain Apache Indian Reservation boundary at 33°52'36.5"/109°29'45" to its confluence with the West Fork of the Black River at 33°51'21.5"/109°27'09.5" (approximately 3.0 river miles);
20. KP Creek, from its headwaters at 33°34'03"/109°21'19" to its confluence with the Blue River at 33°31'44"/109°12'04.5" (approximately 12.7 river miles);
21. Davidson Canyon, from the unnamed spring at 31°59'00"/110°38'46" to its confluence with Cienega Creek; and
22. Fossil Creek, from its headwaters at the confluence of Sandrock and Calf Pen Canyons above Fossil Springs at 34°26'48.7"/111°32'25" to its confluence with the Verde River at 34°18'21.8"/111°40'31.6" (approximately 17.2 river miles).

Summary of applicable Pima County Codes and Environmental Policies

PIMA COUNTY CODE	**Title**
P.C.C. 07.21.025	General Prohibitions
P.C.C. 07.33	Removal of Rubbish, Trash, Weeds, Filth and Debris
P.C.C. 07.45	Environmental Nuisances
P.C.C. 10.44.030.N	Construction in County Right-of-Way: Liability and work rules
P.C.C. 16.04.030.D	Floodplain Management; Contents and purpose of provisions
P.C.C. 16.28	Erosion Hazard Areas and Building Setbacks
P.C.C. 16.30	Watercourse & Riparian Habitat Protection & Mitigation Requirements
P.C.C. 16.42	Sediment and Erosion Control
P.C.C. 16.48	Runoff Detention Systems
P.C.C. 18.03	General Provisions
P.C.C. 18.07	General Regulations and Exceptions
P.C.C. 18.09	General Residential and Rural Zoning Provisions
P.C.C. 18.39	General Commercial Standards
P.C.C. 18.61	Hillside Development Overlay Zone
P.C.C. 18.67	Buffer Overlay Zone
P.C.C. 18.72	Native Plant Preservation
P.C.C. 18.73	Landscaping, Buffering and Screening Standards
P.C.C. 18.75	Off-Street Parking and Loading Standards
P.C.C. 18.78	Gateway Overlay Zone
P.C.C. 18.81	Grading Standards

POLICIES	**Title**
Environmental Policy No. (F 50.1) - Pima County Environmental Policy (PCEP)	
Technical Policy TECH-026 - Interim Regulated Riparian Habitat Mitigation Standards and Implementation Regional Flood Control Guidelines - Supplement to Title 16 - Chapter 16.30 of the Watercourses and District Technical Riparian Habitat Protection and Mitigation Requirements, Ordinance No. 2005-FC2, January 2010 Draft.	

DELEGATED AUTHORITY

	Delegation Agreement with ADEQ
A.R.S. § 49-801	Management of Used Oil (801, 803, 811,812)
40 CFR § 279.1	Standards for Management of Used Oil

7.21.025 - General prohibitions.

A. No person shall cause or allow sewage or industrial waste to flow into waters of the county or upon or under any lands within the county in any manner determined by the environmental officer to be detrimental to the environment or the health, safety or welfare of any person.

B. No person shall cause pollution by the improper design, construction, quality or materials, use, location or maintenance of any on-site disposal system.

C. No person shall use a cesspool for the disposal of sewage or industrial waste.

D. An on-site disposal system is prohibited where the environmental officer determines in writing that, due to topography or soil or subsurface conditions, the on-site disposal system:

1. May cause pollution of the groundwater supply; or
2. Cannot be expected to function satisfactorily.

E. No person shall begin construction of any on-site disposal system or make any change or repair of a failed system which may affect capacity, quality, flow or operational performance of an on-site disposal system prior to receiving a certificate of approval to construct from the environmental officer. If a certificate of approval to construct is required pursuant to this chapter, the certificate shall be obtained before any building permit will be issued for any structure utilizing the on-site disposal system.

F. No person shall operate an on-site disposal system that:

1. Does not meet all operational and maintenance requirements set forth in this title;
2. Does not conform to any construction plans submitted to and approved by the department or any other governmental regulatory agency;
3. Does not conform to all design criteria required by law at the time the on-site disposal system is constructed, replaced, reconstructed or significantly altered or repaired.

(Ord. 1991-137 § 13 (part), 1991)

Chapter 7.33 - REMOVAL OF RUBBISH, TRASH, WEEDS, FILTH AND DEBRIS*

- 7.33.010 - Definitions.
- 7.33.020 - Removal.
- 7.33.023 - Calculation of time.
- 7.33.025 - Opportunity to correct for weeds.
- 7.33.030 - Notice of abatement.
- 7.33.040 - Abatement by county.
- 7.33.050 - Assessments.
- 7.33.055 - Cost recovery for injunction.
- 7.33.060 - Penalties.
- 7.33.070 - Applicability.

7.33.010 - Definitions.

A. In this chapter, unless the context otherwise requires:

1. "Contiguous areas" means sidewalks, streets, trails and alleys dedicated and open to the public that are contiguous to property.
2. "Occupant" means an occupant of property, but does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States of America, either under contract or under federal law.
3. "Property" means real property including buildings, grounds and lots.
4. "Weed" includes any species of plant that is listed in Arizona Administrative Code R3-4-244, including Pennisetum ciliare (L.) Link-Buffelgrass

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.020 - Removal.

The owner, lessee or occupant of property shall remove all rubbish, trash, weeds, filth, debris, and dilapidated buildings that constitute a hazard to public health and safety from the property and contiguous areas.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.023 - Calculation of time.

A. Unless otherwise specified, time periods for actions involving an opportunity to correct for weeds shall be calculated as follows:

1. For time periods of fourteen days or less, only business days are included in calculating the total number of days;

2. For time periods of longer than fourteen days, each calendar day is included in calculating the total number of days;
3. For all time periods, the date on which the time period begins to run is excluded from the calculation of the total number of days.

B. Calculation of time for purposes of actions involving the opportunity to correct shall begin upon the signature date on the certified receipt or date hand delivered by the county.

C. Calculation of time for situations where the certified mail sent by Pima County is:

1. Refused by the recipient, the time shall begin on the date of refusal; or
2. Unclaimed, the time shall begin fifteen calendar days from the postal service's first attempt to deliver.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.025 - Opportunity to correct for weeds.

A. Upon reasonable belief that a violation of Section 7.33.020 has occurred with respect to weeds listed in Arizona Administrative Code R3-4-244, the county shall provide the owner, lessee or occupant an opportunity to correct the violation. The opportunity to correct shall be sent by certified mail or hand delivered.

B. The notice of opportunity to correct shall include the following:

1. A requirement that the owner, lessee, or occupant notify the county, in writing, that they have received notice within thirty days of receipt of the notice.
2. A requirement that the owner, lessee or occupant develop a written abatement plan to be submitted to the county within sixty days of receipt of the notice. The abatement plan shall include:
   a. A map identifying the property and extent of weed infestation
   b. A description and schedule of management and eradication techniques to be implemented
   c. An estimated cost of implementing the abatement plan. The basis for the cost estimate shall be specified.
   d. A statement of any other legal or physical factors or characteristics affecting the plan

C. The owner, lessee or occupant shall provide additional information as requested by the county to address deficiencies in a submitted abatement plan. The owner, lessee or occupant shall be allowed an opportunity to amend the abatement plan before denial. Failure to provide adequate information or respond to the county's request for information within the time frame specified by the county may result in the county issuing a notice of abatement.

D. The county shall approve or deny the abatement plan. If denied, the county shall state in writing the reasons for denial. Denial of an abatement plan may result in the county issuing a notice of abatement.

E. Pima County's decisions concerning a notice of opportunity to correct or an abatement plan are not appealable.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.030 - Notice of abatement.

A. A county department director, or designee, may issue a notice of abatement when:

1. The director reasonably believes that a violation Section 7.33.020 has occurred; or,
2. An acceptable abatement plan required by Section 7.33.030 is not submitted; or,
3. An approved abatement plan is not complied with.

B. The notice shall include the following:

1. A compliance date, which is not less than thirty calendar days from the notice date, to remove all rubbish, trash, weeds, filth, debris, and dilapidated buildings that constitute a hazard to public health and safety from the property and contiguous areas;
2. The estimated cost to the county for the removal if the owner, occupant or lessee, does not comply. The basis for the cost estimate shall be included in the notice.

C. Within ten business days of the date of the notice of abatement the owner, occupant or lessee may appeal the notice to the board of supervisors. All appeals shall be in writing and shall specify the grounds for appeal. The appeal shall be filed with the clerk of the board. The date of mailing of the appeal shall be the date of filing. The clerk of the board shall set a date to hear the appeal after receipt of a timely notice of appeal. Written notice of the hearing shall be provided to the appropriate county departments and to the owner and any lessee or occupant who is appealing. The board of supervisors' decision is final.

D. The notice of abatement shall be personally served or sent by certified mail to the owner and any lessee or occupant at their last known address, or at the address on file in the county treasurer's office to which the most recent property tax bill was mailed. If the owner of the property does not reside on the property, a duplicate notice shall be mailed to the owner at the owner's last known address. The notice of abatement should be mailed to any known lienholder.

E. The county may provide a copy of the notice of abatement to the local fire authority.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.040 - Abatement by county.

A. If the owner, lessee, or occupant fails to remove or abate all rubbish, trash, weeds, filth, debris, and dilapidated buildings by the compliance date determined in the Notice of Abatement, or the Board of Supervisors' final appeal hearing decision, the county may remove, abate, enjoin or cause the removal or abatement of the rubbish, trash, weeds, filth, debris, and dilapidated buildings by the county's employees, agents or contractors at the expense of the owner, lessee or occupant.

B. The county shall provide advance written notice identifying the scheduled date of abatement to the owner, lessee or occupant at their last known address, or at the address on file in the County Treasurer's office to which the most recent property tax bill was mailed. The notice shall be sent by certified mail or hand delivered. If the owner of the property does not reside on the property, a duplicate notice shall be mailed to the owner at the owner's last known address.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.050 - Assessments.

A. After the county, its employees, agents or contractors have removed, abated, or caused the removal or abatement of the rubbish, trash, weeds, filth, debris, and dilapidated buildings pursuant to this chapter, the county shall issue a written order of assessment. The order of assessment shall include the following:

1. The date of the assessment;
2. The common address, legal description and tax parcel number of the property; and
3. The amount of the assessment, including a detailed itemized list of costs for removal including all incidental costs, legal costs, and costs for any additional inspections;

B. The owner may request an informal review of the detailed itemized cost with the county department issuing the assessment. The request shall be made in writing, and received by the county department director within ten business days of the date of the order of assessment. Unless the director and owner agree otherwise, the informal review shall take place within twenty calendar days after the director's receipt of the request. The director shall arrange the date and location of the informal review with the owner at least ten business days before the informal review. The director shall review whether itemized costs including all incidental costs, legal costs, and additional inspection costs are correct and reasonable for the tasks involved. The director may adjust the costs based upon the informal review. The director shall mail his or her decision on the informal review to the owner within ten business days after the informal review date.

C. The owner, lessee, lienholder or occupant shall have ten business days from receipt of the order of assessment or the receipt of the director's written decision on an informal review to appeal the assessment to the board of supervisors as provided in subsection E of this section.

D. The order of assessment shall be recorded in the office of the county recorder when the time to appeal expires, if the owner agrees to the amount or on final decision on an appeal by the board of supervisors.

E. Within ten business days of the order of assessment or the decision on an informal review the owner, occupant, lienholder or lessee may appeal the amount of the assessment levied by the county to the board of supervisors. All appeals shall be in writing and shall specify the grounds for appeal. Only the amount of the assessment may be appealed. The board of supervisors shall not hear any appeals of violations upon appeal of an order of assessment. The appeal shall be filed with the clerk of the board. The date of mailing of the appeal shall be the date of filing. The clerk of the board shall set a date to hear the appeal after receipt of a timely notice of appeal. Written notice of the hearing shall be provided to the appropriate

county departments and to the owner, lessee, lienholder or occupant who is appealing. The board of supervisors shall determine whether the assessment was made in accordance with the provisions of this chapter and state statute and whether the amount actually represents the costs incurred by the county. The board of supervisors shall issue its determination in writing upholding or modifying the amount of the assessment. The board of supervisors' decision is final.

F. The assessment shall be paid to the county treasurer and any delinquent assessments shall bear interest at the legal rate from the date of delinquency. Interest will accrue at the rate stated in A.R.S. Section 44-1201(A).

G. A prior assessment under this chapter is not a bar to a subsequent assessment or assessments under this chapter, and any number of liens pursuant to this chapter may be enforced in the same action.

H. Assessments that are imposed under this chapter run against the property until they are paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

I. The county shall maintain a list of all delinquent assessments made pursuant to this chapter.

J. All assessments sixty calendar days delinquent shall be forwarded to the county administrator or his designee for review. If the county administrator or his designee determines that the value of the assessment and interest, together with the value of all other liens having priority over the assessment does not exceed the value of the property, the county attorney may commence legal action to foreclose the lien and request the superior court to order the property sold and the proceeds used to pay off all liens having priority and the assessment and interest.

K. If the county administrator or his designee determines that the value of assessment and interest, together with the value of all other liens having priority over the assessment exceeds the value of the property, legal action to foreclose the lien need not be commenced.

L. On payment in full of an assessment and interest, the county shall record a notice of satisfaction of assessment in the office of the county recorder. The notice shall contain the name of the owner of the property, the tax parcel number, the common street address and the legal description of the subject property. The notice shall refer to the date of the order of assessment and the docket and page number in the office of the county recorder where such order is recorded.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.055 - Cost recovery for injunction.

If the county obtains an injunction to compel compliance with Section 7.33.020, the court shall award attorneys' fees and all costs associated with securing or enforcing the injunction, including costs of additional inspections, to the county. An award of fees and costs by a court is not appealable to the board of supervisors. The court's order awarding fees and costs may be recorded as an assessment and may be collected in the manner provided for in this section and A.R.S. Section 11-268(E).

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.060 - Penalties.

A. In addition to the abatement and assessment procedure or injunction provided for by this chapter, any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation is guilty of a Class 1 misdemeanor.

B. The provisions of this section are cumulative and do not bar any other enforcement action provided for by law.

(Ord. No. 2008-117, § 1 (part), 2009)

7.33.070 - Applicability.

The provisions of this chapter apply to all unincorporated areas of the county.

(Ord. No. 2008-117, § 1 (part), 2009)

Chapter 7.45 - ENVIRONMENTAL NUISANCES

- 7.45.010 - Purpose—Delegation.
- 7.45.020 - Environmental nuisances.
- 7.45.030 - Prohibition.
- 7.45.040 - Order of abatement.
- 7.45.050 - Site security.
- 7.45.060 - Abatement by the department.
- 7.45.070 - Right of inspection.
- 7.45.080 - Standard for abatement of petroleum contaminated soil.

7.45.010 - Purpose—Delegation.

A. The purpose of this chapter is to preserve and secure the health, safety and welfare of the public by prohibiting the maintenance of and requiring the abatement of environmental nuisances and by providing for the recovery of public moneys expended to regulate, mitigate and abrogate environmental nuisances.

B. This chapter shall be effective when, and to the extent which, the state delegates task and enforcement responsibility for environmental nuisances, A.R.S. Chapter 1, Article 3 (A.R.S. Section 49-141 et seq.), to the department.

(Ord. 1996-49 § 46, 1996: Ord. 1991-137 § 20 (part), 1991)

7.45.020 - Environmental nuisances.

The director may take action under this section to abate environmental nuisances. As used in this section, an environmental nuisance is the creation or maintenance of a condition in the soil, air or water that causes harm to the public health or the environment and that is not otherwise subject to regulation under A.R.S. Title 49. Subject to this limitation, the following conditions may constitute environmental nuisances:

1. A condition or place in populous areas which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person;
2. A place, condition or building which is controlled or operated by any governmental agency, state or local, and which is not maintained in a sanitary condition;
3. Sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons;
4. A vehicle or container which is used in the transportation of garbage or human excreta and which is defective and allows leakage or spillage of contents;
5. The maintenance of an overflowing septic tank or cesspool, the contents of which may be accessible to flies;

6. The pollution or contamination of any domestic waters;
7. The use of the contents of privies, cesspools, or septic tanks or the use of sewage or sewage plant effluents for fertilizing or irrigation purposes for crops or gardens except by specific approval of the Arizona Department of Health Services or the Arizona Department of Environmental Quality;
8. The storage, collection, transportation, disposal and reclamation of garbage, trash, rubbish, manure and other objectionable wastes other than as provided and authorized by law;
9. Water, other than used by irrigation, industrial or similar systems for nonpotable purposes, which is sold to the public, distributed to the public or used in production, processing, storing, handling, servicing or transportation of food and drink and which is unwholesome, poisonous or contains deleterious or foreign substances or filth or disease-causing substances or organisms.

(Ord. 1996-49 § 47, 1996: Ord. 1991-137 § 20 (part), 1991)

7.45.030 - Prohibition.

No person shall maintain an environmental nuisance.

(Ord. 1991-137 § 20 (part), 1991)

7.45.040 - Order of abatement.

A. If the director determines that an environmental nuisance exists, the director may pursue enforcement in accordance with A.R.S. Sections 49-142, 49-143 and 49-261.

B. An order of abatement issued pursuant to this section may be appealed pursuant to A.R.S. Section 49-261.

(Ord. 1996-49 § 48, 1996: Ord. 1991-137 § 20 (part), 1991)

7.45.050 - Site security.

Reserved.

7.45.060 - Abatement by the department.

A. If an owner or occupant fails or refuses to comply with the terms of an order of abatement issued pursuant to Section 7.45.040 or if after reasonable attempts the director is unable to serve the order, the director may cause the environmental nuisance to be abated at the department's expense.

B. If an environmental nuisance is abated pursuant to subsection A of this section, the director shall be entitled to recover the reasonable costs of abatement incurred in accordance with any terms of the order that have been upheld after all rights to appeal or judicial review have been exhausted or waived.

(Ord. 1996-49 § 50, 1996: Ord. 1991-137 § 20 (part), 19910

7.45.070 - Right of inspection.

A. The department may, if the director deems it necessary, enter any land, building, or structure for the purpose of examining, destroying, removing or preventing an environmental nuisance.

B. If the department is refused entrance under subsection A, the director may file a complaint of the refusal under oath to a justice of the peace. The justice of the peace shall issue a warrant directing the sheriff or other peace officer accompanied by and under the direction of at least one employee of the department to examine, destroy, remove or prevent, between the hours of sunrise and sunset, the environmental nuisance.

(Ord. 1991-137 § 20 (part), 1991)

7.45.080 - Standard for abatement of petroleum contaminated soil.

If an environmental nuisance described in Section 7.45.010 consists in whole or in part of soil contaminated by petroleum, the nuisance shall be remediated in accordance with A.R.S. Section 49-152.

(Ord. 1996-49 § 51, 1996: Ord. 1991-137 § 20 (part), 1991)

10.44.030 - Liability and work rules.

A. The applicant assumes the responsibility and all liability for any injury or damage to any person or property caused by or arising out of the exercise of the permit. The applicant shall indemnify, defend and hold harmless Pima County, its officers, departments, employees and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature arising out of the exercise of the permit which are attributed to any act or omission of the applicant, its agents, employees or anyone acting under its direction, control or on its behalf. In the event suit shall be brought and Pima County is named as a defendant, all costs for counsel, either house counsel or retained counsel, and any other court costs associated with defending itself shall be paid by the applicant.

B. All work shall be at no cost and expense to the county and shall be done at such time and in such a manner as to be least destructive of the existing public improvements and for the shortest possible time, as directed by the county engineer or his authorized representative. Applicant must notify the permit section of the field engineering division, Pima County department of transportation and flood control district at least forty-eight hours prior to starting work. Once the work has begun it shall continue in a timely manner until completion. There shall be no significant gaps in the time between execution of the various phases of the work. In the case of an emergency requiring immediate work within Pima County right-of-way, the applicant shall make a diligent effort to telephone the permit section prior to commencement of work. Such emergency work shall be halted upon issuance of a stop work order by the county engineer. Emergency work shall not continue beyond twenty-four hours during the normal workweek or the next full work day following a weekend or holiday without the issuance of a written permit.

C. If the work performed under the permit or in emergency fails to pass final inspection, the applicant shall remove or replace the same within such time as specified by written notice from the county engineer, or his authorized representative; or if any material used by the applicant in replacing or reconstructing any part of the work, or workmanship performed under this permit proves defective, the applicant shall replace the same as specified by the county engineer or his authorized representative.

D. If the work requires cutting of existing pavement, temporary pavement repair must be completed prior to leaving the work site. Temporary pavement repair shall be maintained in a manner acceptable to the county engineer, or his authorized representative, by the applicant until permanent pavement repair is made. On newly constructed roadways, five years old or less, no open pavement cuts shall occur without the permission of the county engineer except in emergency situations. In this context, emergency situations are defined as any condition which poses an immediate or imminent hazard to people or property. Permission from the county engineer shall only be granted when the applicant has assured the county engineer that all other methods of accomplishing the work have been considered, and the county engineer in his sole discretion has found other methods to be impractical. Verification of pavement age may be obtained from the county engineer. When open pavement cuts are made pursuant to an emergency or by permission of the county engineer, the methods for repairing the roadway subgrade and pavement structure shall be reviewed and approved by the county engineer. Applicant shall deposit with the county engineer

amount equivalent to fifty dollars per square foot of open pavement cut, which the county engineer may use within ninety days of completion of the initial work for the sole purpose of repairing, replacing, or reconstructing open pavement cuts and the adjacent affected areas if the applicant has not done so to the satisfaction of the county engineer. Unused portions of the deposit shall be returned to the applicant. In lieu of a deposit, Pima County retains the option to invoice public service corporations for all costs her repairs have been made if such repairs are not done to the satisfaction of the county engineer.

E. Permanent pavement repairs shall be performed within fifteen working days of the completion of the initial work or sooner if required, in writing, by the county engineer or his authorized representative. The county engineer or his representative may grant an extension upon determining suitable cause.

F. If the applicant fails to maintain the temporary pavement repair, or if the permanent pavement repair is not performed within fifteen working days of the completion of the initial work and a extension has not been granted pursuant to subsection E. Pima County may select a contractor to perform all necessary work and the applicant shall be financially responsible for the costs associated with this work.

G. Permanent pavement repair shall be completed by a competent contractor qualified to make repairs in accordance with Pima County department of transportation requirements and standards.

H. The applicant shall be responsible for restoration of all permanent traffic-control devices, including, but not limited to, all pavement markings, signs, and signals. The restoration of traffic-control devices may be accomplished by the applicant or by Pima County if so requested by the applicant. In either case, the applicant shall be responsible for all of the costs of the restoration. All traffic-control devices shall be approved by the county engineer or his authorized representative before they are installed.

I. The applicant shall not allow any condition to exist in connection with the exercise of the permit which would be a hazard or source of danger to the traveling public. If the work presents or becomes a hazard to the traveling public, Pima County may take immediate corrective action and bill the applicant for the full cost incurred for such corrective action.

J. The applicant shall provide, install and maintain traffic-control devices as prescribed by the Traffic Control Manual for Highway Construction and Maintenance, Arizona department of transportation, August, 1981, and including all subsequent revisions thereof, and shall take such other measures of precaution as the county engineer or his authorized representative shall direct. The applicant shall submit, with his permit application, a traffic-control plan for approval.

K. The applicant shall be responsible for verifying the location of all underground utilities in accordance with the Blue Stake laws prior to the commencement of any excavation and shall protect said utilities from damage.

L. All work shall be accomplished in accordance with applicable requirements of the Pima County Articles for Issuance of Permits, Floodplain Management Ordinance, Grading Ordinance, Channel Design Standards Manual, and any other applicable engineering details, standards or specifications of Pima County on file in the office of the county engineer with the exception of plans prepared by public service corporations that are subject to federal and

state regulations concerning safety and design, all work shall be performed in accordance with plans prepared by a professional engineer. The applicant shall keep at the construction site, at all times, and available for inspection, copies of the permit and of the approved traffic-control plan. In addition, applicant will strictly comply with the Arizona Commission of Agriculture and Horticulture Native Plant Laws. All areas used by the applicant in which natural vegetation is disturbed by said work, or by his employees, will require vegetation in accordance with the Grading Ordinance.

M. If at any time the right-of-way of any portion thereof, occupied and used by the applicant in accordance with the permit is needed or required by the county, the applicant, upon receipt of notice and plans stamped Final Plans for Public Utilities Only, at no cost or expense to the county, shall remove, relocate, or abandon in place all property belonging to the applicant or placed in the right-of-way by the applicant within ninety days except when notification of a schedule conflict has been given by applicant within thirty days of receipt of notice and plans stamped Final Plans for Public Utilities Only and county accepts an alternate schedule. When providing such notification, applicant shall provide county with complete as-built locations of the facilities in question and a proposed alternate schedule for relocating its facilities. If applicant has removed, relocated, or abandoned in place its property pursuant to such Final Plans for Public Utilities Only, county shall bear the cost for any subsequent removal, relocation, or abandonment in place of applicant's property made necessary to accommodate changes made by the county in the design that produced the original Final Plans for Public Utilities Only. If the facilities are to be abandoned, the applicant must advise Pima County in writing of the extent of the abandonment.

N. Where work is performed in a drainageway, drainage easement or designated floodplain area, the applicant shall not at any time obstruct or diminish in any manner the ability of the drainageway, drainage easement or designated floodplain area to convey or pass stormwater. Prior to any work within a drainageway or designated floodplain area, the applicant shall obtain a permit in compliance with the Pima County Floodplain Management Ordinance, except in the case of an emergency, in which case the applicant shall make a diligent effort to telephone the permit section prior to commencement of work. Such emergency work shall be halted upon issuance of a stop work order by the county engineer. Emergency work shall not continue beyond twenty-four hours during the normal workweek or the next full work day following a weekend or holiday without the issuance of a written permit. Any and all existing bank protection, or any concrete structure or structures damaged or removed, shall, at no cost or expense to Pima County, be replaced immediately to the satisfaction of the county engineer or his duly authorized representative.

O. In the event the applicant performs work not authorized by the permit or under the provisions for commencing emergency repairs, the applicant shall be responsible for its removal within fifteen working days of being notified, or Pima County may have this unauthorized work removed by a competent contractor and the applicant shall be financially responsible for all the costs involved.

P. In the event the applicant does not repair the road and right-of-way to the conditions set forth by the county engineer after a thirty-day notice of any deficiencies, the applicant by the acceptance of a permit agrees to be responsible for all costs of completing such repair, and in the event suit is necessary, agrees to be responsible for all costs of collection including but not limited to court costs and attorney's fees.

Q. Applicant is placed on notice that the county may not own the particular property or property rights for which the permit is issued. Applicant assumes all liability resulting from any defect to the title of the land and no warranty of title to the underlying land is expressed or implied.

(Ord. 1988-181 § 1 (part), 1988: prior code § 35.48.030)

16.04.030 - Contents and purpose of provisions.

A. This title is one aspect of land and resource management planning in Pima County for watercourses, flood waters, drainage, and floodplains as well as those associated floodplain features relating to erosion, sedimentation, and riparian habitat. Floodplain management must be seen in perspective, not only as flood hazard minimization but also as one element of an integrated program of natural resource management and flood and erosion hazard reduction.

B. The Pima County Flood Control District recognizes that it is both necessary and desirable to maintain a balanced and cooperative relationship between human communities and the land and resources that sustain them. Maintaining the stability of the environment is essential.

C. It is the intent of the Pima County Flood Control District that:

1. The highest and best use of regulatory floodplains within the county is for maintenance of natural hydrologic and hydraulic stream flow processes, with consideration for groundwater recharge, aesthetics, natural open space, recreation areas, and flora, fauna, and other wildlife habitat resources;

2. Any human habitation or structural developments, which limit natural processes within floodprone or erosion hazard areas, be discouraged, and shall be limited to the extent allowable by law;

3. Lands within the regulatory floodplain including riparian habitat and erosion hazard areas are managed by the Pima County Flood Control District to preserve or enhance natural values and expressed resource management goals;

4. Regulatory controls for floodplain management emphasize overall watershed management, and prevention of unwise human occupation or encroachment into regulatory floodplain and erosion hazard areas; and

5. Natural floodplain areas, streams, washes, arroyos, rivers, and drainage courses should be preserved in their natural riverine condition, whenever possible, and any land-use proposal, that utilizes this approach, will be considered superior to all others.

D. The purpose of this title is to protect the public health, safety, and general welfare of the citizens of Pima County, and protect the natural character of our watercourses, water resources, and environment by adopting regulations designed to:

1. Minimize flood and erosion damages;

2. Meet or exceed state and federal requirements relating to floodplain management, thereby enabling Pima County residents to purchase low-cost flood insurance; receive disaster relief, should the need arise; and seek residential and commercial real-estate loans;

3. Establish minimum flood protection elevations and damage prevention requirements for structures and other types of development that may be vulnerable to flood and erosion damage;

4. Regulate encroachment and building development located within areas subject to flooding, or erosion, or located within riparian habitat areas, and assure that the flood-

carrying capacity within the altered and/or relocated portion of any watercourse is maintained;

5. Encourage the most effective expenditures of public money for flood control projects;
6. Minimize the need for rescue and relief efforts associated with flooding and erosion, which are generally undertaken at the expense of the general public;
7. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in regulatory floodplain and erosion hazard areas;
8. Help maintain a stable tax base by providing for the protection of regulatory floodplain and erosion hazard areas;
9. Inform the public where property lies within a regulatory floodplain, riparian habitat area or erosion hazard area;
10. Ensure that those who occupy areas within regulatory floodplain and erosion hazard areas assume the responsibility for their actions within those areas;
11. Protect, preserve and enhance groundwater recharge; and
12. Encourage the preservation of natural washes, riparian habitat, as well as preserve the riverine environment.

E. In order to accomplish protection of public health and safety and reduction of flood losses, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in increased erosion, flood heights or velocities, or flood volumes;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters may increase flood hazards in other areas.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 2 (B), (C), 1988)

Chapter 16.28 - EROSION HAZARD AREAS AND BUILDING SETBACKS

- 16.28.010 - Building setback requirements.
- 16.28.020 - Setbacks near major watercourses.
- 16.28.030 - Setbacks from minor washes.
- 16.28.040 - Appeals and variances.

16.28.010 - Building setback requirements.

In erosion hazard areas where watercourses are subject to flow-related erosion hazards, building setbacks are required from the primary channel or channels as set forth in Sections 16.28.020 and 16.28.030.

(Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 12 (part), 1988)

16.28.020 - Setbacks near major watercourses.

For major watercourses with base flood peak discharges of two thousand cfs or greater, the following building setbacks shall be required where approved bank protection is not provided:

A. Along the following major natural watercourses, where no unusual conditions exist, a minimum (default) building setback shall be provided at the time of the development, unless an alternative setback is determined by an engineering analysis, prepared by an Arizona registered civil engineer, based on ADWR standards or other applicable engineering methods, which establishes acceptable safe limits for the development and is approved by the chief engineer.

B. Along natural channels where no unusual conditions exist (such as a pronounced channel curvature), the default building setback for erosion hazard protection shall be:

   1. A distance of five hundred feet along the Santa Cruz River, Rillito Creek, Pantano Wash, Tanque Verde Creek, San Pedro River, and the Canada del Oro Wash;

   2. A distance of two hundred fifty feet along major watercourses with base flood peak discharges greater than ten thousand cfs;

   3. A distance of one hundred feet along all major watercourses with base flood peak discharges of ten thousand cfs or less, but more than five thousand cfs; and

   4. A distance of seventy-five feet along all other major watercourses with base flood peak discharges of five thousand cfs or less, but more than or equal to two thousand cfs.

C. Along major natural watercourses where unusual conditions do exist that may increase or decrease the required erosion hazard setback, building setbacks shall be established on a case-by-case basis by the chief engineer using the standard adopted by the ADWR or other applicable engineering methods which establish safe limits for the development. Unusual conditions include but are not limited to historical meandering of

the watercourse, large excavation pits, poorly defined or poorly consolidated banks, natural channel armoring, proximity to stabilized structures such as bridges or rock outcrops, and changes in the direction, amount and velocity of the flow of waters within the watercourse.

D. When determining building setback requirements, the chief engineer shall consider the danger to life and property due to existing flood heights or velocities and historical channel meandering.

E. For constructed channels, structural bank protection to prevent erosion is required for major watercourses with base flood peak discharges of more than two thousand cfs unless a written waiver of the requirement is granted by the chief engineer. A waiver of the requirement for structural bank protection may be granted based on an acceptable engineering study, which has been prepared and sealed by an Arizona registered civil engineer, demonstrating an appropriate building setback for an earthen channel, based on soil and natural flow conditions.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 12 (A), 1988).

16.28.030 - Setbacks from minor washes.

A. For minor natural washes with a base flood peak discharge of less than two thousand cfs, the following building setbacks shall be required:

1. A distance of fifty feet for watercourses with base flood peak discharges of less than two thousand cfs, but more than five hundred cfs;

2. A distance of twenty-five feet for watercourses with base flood peak discharges of five hundred cfs to one hundred cfs;

3. Alternative safe limits for erosion setbacks approved in writing by the chief engineer based on an acceptable engineering study prepared and sealed by an Arizona registered civil engineer. However, at no time shall a setback of less than twenty-five feet from the top of channel bank be permitted in order to provide for reasonable access and stability of nearby structure foundations, except as allowed pursuant to subsection B of this section.

B. Along minor natural washes where unusual conditions exist, building setbacks shall be established on a case-by-case basis by the chief engineer, using ADWR standards or other applicable engineering methods or an acceptable engineering study is prepared and sealed by an Arizona registered civil engineer and approved by the chief engineer. When determining building setback requirements, the chief engineer shall consider danger to life and property due to existing flood heights or velocities and historical channel meandering. Unusual conditions include but are not limited to historical meandering of the watercourse, large excavation pits, poorly defined or poorly consolidated banks, natural channel armoring, proximity to stabilized structures such as bridges or rock outcrops, and changes in the direction, amount, and velocity of flow of the waters in the watercourse.

C. For constructed channels, channel banks are required to be stabilized to prevent erosion along minor watercourses with base flood peak discharges of less than two thousand cfs, but

greater than five hundred cfs. Stabilization is required unless a waiver to the requirement is granted by the chief engineer based on an engineering study prepared and sealed by an Arizona registered civil engineer which demonstrates an appropriate building setback for an earthen channel, based on soil and natural flow conditions. For constructed channels with a base flood peak discharge of less than five hundred cfs, channel stabilization may be required based on engineering analysis and assessment of soil conditions and flow velocities.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999-FC-1 §§ 1 (part) 1999; Ord. 1988-FC2 Art. 12 (B), 1988)

16.28.040 - Appeals and variances.

A. Appeals. Any applicant disputing a written finding of the chief engineer denying a permit or delineating an erosion hazard setback may appeal to the board as provided in Chapter 16.56 of this title.

B. Variances. Any property owner requesting a variance from the requirements of this title shall submit a request for a variance to the board through the chief engineer as provided in Chapter 16.56 of this title.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005)

Chapter 16.30 - WATERCOURSE AND RIPARIAN HABITAT PROTECTION AND MITIGATION REQUIREMENTS

- 16.30.010 - Purpose.
- 16.30.020 - Description.
- 16.30.030 - Applicability.
- 16.30.040 - Permits.
- 16.30.050 - Mitigation.
- 16.30.060 - Review process.
- 16.30.070 - Appeals and variances.
- 16.30.080 - Riparian classification maps.

16.30.010 - Purpose.

The purpose of this chapter is to promote stable flow and sediment transport conditions, preserve natural floodplain functions, and provide watercourse management by preserving and/or enhancing riparian vegetation and habitat along watercourses and floodplains and to:

A. Promote benefits provided by riparian habitat resources, including but not limited to, groundwater recharge, natural erosion control and protection of surface-water quality.

B. Ensure the long-term stability of natural floodplains and survival of the full spectrum of plants and animals that are indigenous to the county by:

1. Assuring riparian habitat acreage and existing or natural functional values are not diminishing during development;

2. Promoting continuity of riparian habitat along watercourses;

3. Providing land-use guidance for avoiding, minimizing and mitigating damage to important riparian areas; and

4. Providing ecological sound transmission between riparian habitat and developed areas.

C. Promote an economic benefit to the county by providing aesthetic, recreation and wildlife values of riparian habitat for the enjoyment of residents and visitors.

(Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1994 FC-2 (part), 1994: Ord. 1988 FC-2 Art. 10 (A), 1988)

16.30.020 - Description.

For purposes of this chapter, "a regulated riparian habitat" is defined by the riparian classification maps adopted by the board. These habitats are generally characterized by vegetation that is different in plant species composition or an increase in the size and/or density of vegetation as compared to upland areas and occur in association with regulatory floodplains through which waters flow at least periodically, as well as any spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water. These communities represent a continuum of plant species' response to available moisture, and can be subdivided into

hydroriparian, mesoriparian, and xeroriparian classifications as well as identification as important riparian areas providing ecological connectivity and biological corridors.

A. Hydroriparian. Riparian habitats generally associated with perennial watercourses and/or springs. Plant communities are dominated by obligate or preferential wetland plant species such as willow and cottonwood.

B. Mesoriparian. Riparian habitats generally associated with perennial or intermittent watercourses or shallow groundwater. Plant communities may be dominated by species that are also found in drier habitats (e.g., mesquite); but contain some preferential riparian plant species such as ash or netleaf hackberry.

C. Xeroriparian. Riparian habitats generally associated with an ephemeral water supply. These communities typically contain plant species also found in upland habitats; however, these plants are typically larger and/or occur at higher densities than adjacent uplands. Xeroriparian habitat is further divided into four subclasses for Class A, B, C, and D habitat as defined in the mitigation standards approved by the Board as maintained by the floodplain administrator. Mitigation in xeroriparian habitat is to be determined based at least on total vegetative volume (TVV) as provided within the mitigation standards as adopted by the board as well as replacement of other lost riparian habitat functions necessary to sustain riparian habitat.

D. Important Riparian Areas. Important riparian areas occur along the major river systems and provide critical watershed and water resources management functions as well as providing a framework for landscape linkages and biological corridors. Important riparian areas are valued for their higher water availability, vegetation density, and biological productivity, compared to adjacent uplands. Important riparian areas are essential for floodplain management and every effort should be made to protect, restore, and enhance the structure and functions of these areas including hydrological, geomorphological, and biological functions.

(Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1994 FC-2 (part), 1994: Ord. 1988 FC-2 Art. 10 (B), 1988)

16.30.030 - Applicability.

This chapter shall apply to all properties within unincorporated Pima County that contain riparian habitat, as delineated on riparian habitat maps adopted by the board. This chapter shall apply to the county, the district, and to all parties acting on behalf of the district and county. This chapter shall apply to individual building permits, including grading permits issued by the county, and land development permits associated with subdivisions and development plans. All requirements of this chapter shall apply to regulated hydroriparian, mesoriparian, important riparian areas, and, xeroriparian Classes A, B, C, and D habitat.

(Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1998 FC-1 Section 3, 1998; Ord. 1994 FC-2 (part), 1994: Ord. 1988 FC-2 Art. 10 (C), 1988)

16.30.040 - Permits.

As part of the floodplain use permit process for property subject to provisions of this chapter, the proposed development will be reviewed for impacts to mapped riparian habitat whenever more than 1/3 of an acre of a property's regulated riparian habitat is disturbed. In order to avoid such alteration of the riparian habitat or to mitigate disturbance on the subject property, an applicant may apply to the county for a modification of the development standards under Section 18.07.080 of the County Zoning Code. Such modifications may include reduction in building setbacks or approval to provide onsite mitigation and enhancement in natural areas.

A. Submittals. Permit applications shall include:

1. Evidence that no reasonably practicable alternative exists to the proposed impact on mapped habitat and evidence that the impact has been minimized to the maximum extent practicable.
2. A map delineating riparian habitat boundaries and clearly delineating areas of proposed disturbance to mapped riparian habitat;
3. A description of the vegetation that will be disturbed;
4. A habitat mitigation plan for disturbance to mapped riparian habitat areas as provided in 16.30.050 when required by the district; and
5. Such additional supporting information as the district determines to be necessary to carry out review under this chapter.

B. Permit Conditions. Conditions may be placed on the permit that, to the extent reasonably practicable, require preservation of, or mitigate the impact on, riparian habitat. If mitigation is required, compliance with an approved habitat mitigation plan shall be made a condition of the permit.

(Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1998 FC-1, Section 3, 1998; Ord. 1994 FC-2 (part), 1994; Ord. 1988 FC-2 Art. 10 (D), 1988)

16.30.050 - Mitigation.

A. Mitigation Plan. If an applicant demonstrates to the satisfaction of the district that alteration of regulated riparian habitat areas cannot reasonably be avoided, a mitigation plan shall be submitted to the district for approval when more than 1/3 of an acre of regulated riparian habitat is disturbed.

B. Mitigation plans shall be approved by the board for disturbance of hydroriparian, mesoriparian and/or important riparian areas whenever more than 5% of a property's regulated riparian habitat is disturbed, except for those disturbances that are less than 1/3 acre.

C. Mitigation Plan Requirement. The mitigation plan shall delineate all mitigation measures to be taken by the owner and shall include a schedule of completion. The mitigation plan shall be consistent with any riparian habitat mitigation standards adopted by the board, and shall be prepared in accordance with best available scientific or management practices. Mitigation may be incorporated into measures taken to satisfy other requirements of the district and county. Where appropriate, the mitigation plan shall at a minimum provide for:

1. Construction methods that identify and protect riparian habitat that is to be left unaltered;
2. Selective clearing or other habitat manipulation;
3. Replacement of affected vegetation with appropriate plant species in ratios that will result in simulation of the pre-alteration vegetation within 5 years;
4. Irrigation with passive water harvesting, where possible, or installation and maintenance of irrigation methods until plantings are established;
5. Periodic monitoring of mitigation features;
6. Maintenance and replacement of damaged plantings; and
7. Posting a performance bond or financial assurances.

D. Mitigation banking, or other alternative mitigation measures as approved by the board. At the request of the property owner, and with board approval, the mitigation plan requirement under this chapter may be waived by contributing funds to an account established and administered by the district for the purpose of offsetting damage to riparian habitat.

(Ord. 2005 FC-2 § 2 (part), 2005)

16.30.060 - Review process.

The application and any proposed mitigation plan shall be evaluated by their effectiveness in:

A. Avoiding the impact;

B. Minimizing the impact;

C. Rectifying the impact;

D. Reducing or eliminating the impact over time; and

E. Compensating for the impact.

(Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999-FC-1 § 1 (part) 1999; Ord. 1994 FC-2 (part), 1994: Ord. 1988 FC-2 Art. 10 (F), 1988)

16.30.070 - Appeals and variances.

A. Appeals. Any applicant disputing a written finding of the chief engineer may appeal to the board as provided in Chapter 16.56 of this title.

B. Variance. Any property owner requesting a variance from the requirements of this title shall submit a request for a variance to the board through the chief engineer as provided in Chapter 16.56 of this title.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1994 FC-2 (part), 1994: Ord. 1988 FC-2 Art. 10 (G), 1988)

16.30.080 - Riparian classification maps.

A. Riparian classification maps shall be adopted by resolution of the board and shall detail on a parcel level, the general location of riparian habitat and important riparian areas subject to the requirements of this chapter.

B. Where a question arises as to the location of any regulated riparian habitat or important riparian area, the question shall be decided by the chief engineer consistent with riparian habitat standards adopted by the board. The chief engineer's decision shall be final, except as provided for in Chapter 16.56 of this title. Any person contesting the location of any boundary shall be given a reasonable opportunity to present technical evidence, if so desired.

C. The riparian classification maps shall be kept on file and made available to the public in the offices of the district.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1995 FC-1 §§ 1, 2, 1995)

Chapter 16.42 - SEDIMENT AND EROSION CONTROL

- 16.42.010 - Application of chapter provisions.
- 16.42.020 - Soil investigations.
- 16.42.030 - Grading or alteration of watercourses.
- 16.42.040 - Grading or alterations in sheet flooding areas.

16.42.010 - Application of chapter provisions.

A. Within a regulatory floodplain or sheet flood zone, any activity that may have an effect on the flow of storm water runoff, flood water, storm water quality, or that may effect the erosion or the sediment carrying capacity of a watercourse, is subject to this title and to the provisions of this chapter.

B. Prior to receiving a floodplain use permit, both temporary and permanent measures for sediment and erosion control must be clearly delineated on plans or other written documents. The Grading Design Manual, prepared pursuant to Chapter 18.81 of the zoning code, and other design standards, as approved by the chief engineer, shall be used to prepare these plans or documents.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005)

16.42.020 - Soil investigations.

The chief engineer may require appropriate soil investigation reports for the purpose of determining the erosive properties of areas or lands to be graded or disturbed, and which may create sediment deposition or erosion in any floodplain or floodprone area regulated by this title.

(Ord. 2005 FC-2 § 2 (part), 2005)

16.42.030 - Grading or alteration of watercourses.

A. Any grading or the alteration of any watercourse regulated by this title shall be performed in a controlled manner in order to minimize the loss of soil through erosion from rainfall or storm water flow. Prior to granting a floodplain use permit for work in any floodplain, methods to control erosion and sedimentation during construction and post-construction must be demonstrated to be appropriate to the satisfaction of the chief engineer.

B. Due to the rapidly changing hydraulic characteristics of watercourses within the county, and the effects that sand and gravel mining and other excavations have on these hydraulic characteristics, floodplain use permits for grading and construction shall only be issued for a limited time period, not to exceed one year, subject to annual renewal and upon review by the chief engineer.

C. In addition to those conditions provided for elsewhere, floodplain use permits for excavations may impose conditions regarding the area and location in which excavations are

allowed, the maximum amount of material to be excavated, mining mitigation plans and other reasonable restraints on the methods of operating including time restraints.

D. The chief engineer may require hydrologic, hydraulic, geomorphic, and riparian habitat analyses that address both existing and future conditions, as well as the impacts that could potentially occur during grading and construction.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005)

16.42.040 - Grading or alterations in sheet flooding areas.

A. Grading or any alteration that diverts, obstructs, or retards the flow of flood waters is subject to the provision of this title and shall require permits as specified within this title.

B. Slope protection and terracing to control surface drainage, erosion, and debris on cut or fill slopes may be required in accordance with the floodplain use permit and the adopted Grading Design Manual.

C. In accordance with the Grading Design Manual, erosion control shall be implemented and maintained in order to prevent erosion of slopes and cleared, brushed, grubbed, or graded areas.

(Ord. 2005 FC-2 § 2 (part), 2005)

Chapter 16.48 - RUNOFF DETENTION SYSTEMS

- 16.48.010 - Runoff reduction required when—Specifications adopted.
- 16.48.020 - Balanced and critical basins—Development conditions.
- 16.48.030 - Structural flood control measures.
- 16.48.040 - Fee in lieu of detention requirements.
- 16.48.050 - Maps of balanced and critical basins.

16.48.010 - Runoff reduction required when—Specifications adopted.

Any new development shall provide some method of peak or volumetric runoff reduction, unless fees in lieu of detention are proposed pursuant to Section 16.48.040 and approved by the chief engineer. The amount of reduction is stipulated within the Storm Water Detention/Retention Manual. The peak runoff reduction should be provided through detention of storm water and storm water harvesting for supplemental irrigation, where possible. The Storm Water Detention/Retention Manual, approved for use by the board, or other applicable engineering standards for storm water control and/or storm water harvesting that is approved by the chief engineer shall be used for design. Any revisions to the Storm Water Retention/Detention Manual will be reviewed by the flood control district advisory committee, prior to adoption by the board as updated design standards for detention/retention.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 14 (part), 1988)

16.48.020 - Balanced and critical basins—Development conditions.

A. Balanced and critical drainage basins are watersheds that have been identified by the chief engineer as unsuitable for increased development because of the high probability of increased flooding with development and the potential for flooding of existing improvements or property. Critical and balanced basins may be developed further only upon the incorporation of adequate detention systems or flood control facilities, as reviewed and approved by the chief engineer. Drainage basins that have not previously been identified as unsuitable for additional urban development, shall be considered to be balanced basins, but upon study by the chief engineer, may be subject to the critical basin provisions of this chapter. These detention systems or flood control facilities shall be incorporated into any and all future basin-development proposals, regardless of size or land-use density, unless fees in lieu of detention are proposed pursuant to Section 16.48.040 and approved by the chief engineer.

B. Retention of storm water is not allowed without demonstrating that, over the long-term, the ponded waters will not cause a nuisance or a vector problem. In lieu of threshold retention, county requirements will be based upon additional detention requirements based on the guidance provided in the Storm Water Detention/Retention Manual.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 14 (A), 1988).

16.48.030 - Structural flood control measures.

A. Structural flood control measures may be proposed in conjunction with, or in place of, detention/retention systems if it can be clearly demonstrated that such measures will not alter the water and sediment equilibrium and storm water quality of the affected watercourse, and will mitigate environmental impacts.

B. Appropriate structural flood control measures, such as channelization to a logical conclusion downstream of the proposed development and/or improvements to existing offsite flood control systems within the applicable drainage or stream reach, shall be completed in accordance with plans reviewed and approved by the chief engineer.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 14 (B), 1988)

16.48.040 - Fee in lieu of detention requirements.

A fee may be collected by the county in lieu of a detention/retention system when it can be clearly demonstrated that detention at the site does not provide offsite flood relief due to the parcel size, location within the drainage basin, or other factors. The fees collected will be used to construct public flood control improvements that will mitigate the potential damage of flood waters originating from the property contributing the fees. In balanced and critical drainage basins, and where development is less than two units to the acre, use of a fee system will be encouraged in lieu of a detention system in order to preserve the natural drainage patterns. As appropriate, alternate post-construction best management practices for storm water quality will be required. The fee shall be equivalent to the cost of a detention system that would otherwise be constructed for the development to mitigate increased storm water runoff created by the proposed development.

(Ord. 2010-FC5 § 1 (part), 2010; Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 14 (C), 1988)

16.48.050 - Maps of balanced and critical basins.

The chief engineer shall prepare, and retain for public inspection and use, an official map designating balanced and critical drainage basins within the county.

(Ord. 2005 FC-2 § 2 (part), 2005; Ord. 1999 FC-1 § 1 (part), 1999; Ord. 1988 FC-2 Art. 14 (D), 1988)

Chapter 18.03 - GENERAL DEFINITIONS

- 18.03.010 - General usage.
- 18.03.020 - Definitions.
- 18.03.030 - Illustrations.

18.03.010 - General usage.

A. The definitions provided for in this chapter shall apply throughout this code, unless a different meaning is clearly indicated by the context or the term is defined differently in any other chapter.

B. When not inconsistent with the context:

1. Words used in the present tense include the future;
2. Words in the singular number include the plural; and
3. Words in the plural number include the singular.

C. The word "shall" is mandatory and not directory.

D. Terms found in uppercase type refer to definitions found elsewhere in this chapter.

(Ord. 2004-59 § 2, 2004; Ord. 1985-82 (part), 1985)

18.03.020 - Definitions.

A. Definitions "A."

1. Accessory building: A subordinate building on the same lot or building site as a main building, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main buildings or their nonpaying guests or employees.
2. Accessory structure: Any structure not defined as an "accessory building" on the same lot or site as a main building, the use of which is incidental and subordinate to that of the main building on the same lot or site.
3. Accessory use: A use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site.
4. Acre: A land area of forty-three thousand five hundred sixty square feet.
5. Adaptive reuse: The conversion of an existing one-family dwelling or portions of a one-family dwelling located on a lot abutting a major street, as designated on the major streets and scenic routes plan, to an office use or a use that is similarly low intensity and low traffic generating.
6. Adult activities facility: A retail, commercial, recreational or industrial establishment which includes, as a regular and substantial portion of its business, conduct or matter

distinguished or characterized by emphasis on specified sexual activities or specified anatomical areas. Adult activities facilities include, but are not limited to the following: adult arcades, adult bookstores, or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, and massage establishments that offer adult services or nude model studios.

7. Adult arcade: Any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

8. Adult bookstore or video store: A commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

    a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes or reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas.

    b. Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

9. Adult care home service: A home occupation providing care for up to ten elderly or functionally impaired adults in a protective setting for a portion of a twenty-four-hour day.

10. Adult live entertainment establishment: An establishment that features either:

    a. Persons who appear in a state of nudity.

    b. Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

11. Adult motion picture theater: A commercial establishment in which, for any form of consideration, films, motion pictures, videocassettes, slides or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

12. Adult oriented businesses: Adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, and massage establishments that offer adult services or nude model studios.

13. Adult oriented business manager: A person on the premises of an adult oriented business who is authorized to exercise overall operational control of the business.

14. Adult service: Dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or seminude during all or part of the time that the person is providing the service.

15. Adult service provider or erotic entertainer: Means any person who provides an adult service.

16. Adult theater: A theater, concert hall, auditorium or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.
17. Agriculture: The tilling of the soil, the raising of crops, horticulture, animal husbandry and uses customarily incidental thereto, but not including commercial slaughterhouses, stockyards, meat packing plants, fertilizer yards, bone yards, or plants for the reduction of animal matter.
18. Alley: A way dedicated to the public which affords a secondary means of access to abutting property.
19. Animal rescue and sanctuary facility: Those premises that provide humane care for domestic animal(s) and/or any other animal(s) not under the jurisdiction of the Arizona Game and Fish Department, operate as an animal welfare facility, and provide adoption services for adoptable animals. Animals maintained at such premises are not, for commercial purposes, bought, sold, intentionally bred, or traded. Individual residences where animals are fostered under the auspices of a third-party, non-profit 501(c)(3) animal welfare organization or Pima County animal care are not considered to be an animal rescue and sanctuary facility so long as they comply with any limits on the number of animals set forth in the applicable zone.
20. Apartment: One or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, whether the apartment is intended for use as a residence, office, for the operation of any industry or business, or for any other use permitted in the zone in which it is located.
21. Apiary: A place where bees are kept and permitted to propagate or produce honey.
22. Artisan: Person working at a craft such as ceramics, metalworking, woodworking, jewelry making, leatherworking, weaving, antique furniture repairing and the making of custom furniture.
23. Artist: Practitioner of drawing, painting, sculpting, writing, photography or similar activity.
24. Assisted living center: A state licensed residential care institution that provides or contracts to provide supervisory care services, or directed care services, for eleven or more residents on a continuing basis.
25. Assisted living home: A single housekeeping unit in a dwelling where lodging, meals, assistance and care can be provided to ten or fewer adult individuals who are elderly or have physical or mental disabilities and who are not related to the owner or manager.
26. Average finished grade: The mean average elevation of ground after site preparation, measured five feet from a building at five-foot intervals.

B. Definitions "B."

1. Basement: A space which is partly underground and has at least half of its height, from floor to finished ceiling, below the average finished grade. See also story.

2. Bed and breakfast establishment: A residential property that is occupied by an owner or a full-time resident as his or her principal residence and is also being used for short term commercial lodging or lodging for compensation and breakfast service for a limited number of overnight guests of not more than sixty consecutive days each stay.
3. Board: One of the boards of adjustment appointed under the authority of this code.
4. Boarding/rooming house: A building, other than a hotel, where lodging is provided, with or without meals, for compensation, for five or more persons and not primarily for transients.
5. Buildable area: The net portion of the lot remaining after deducting all required yards from the gross area of a lot or building site.
6. Building: A structure having a roof supported by columns or walls.
7. Building height:
   a. The vertical distance between the level of the average finished grade and:
      1) The highest point of the parapet of a flat roof,
      2) The deckline of a mansard roof, or
      3) The mean average point between the eaves and ridge of the highest gable, hip, gambrel or other such roof element; provided, that the ridge line of the roof shall not exceed four feet above the maximum permitted building height of the zone;
   b. The height of a stepped or terraced building shall be the maximum of any segment of such building, as measured from the average finished grade of that building segment;
   c. This definition shall not apply to Chapter 18.61 (HD hillside development overlay zone).
8. Building official: The county official or authorized representative of the county department of planning and development services charged with the administration and enforcement of the county building codes (Title 15).
9. Building site: The ground area of a building or buildings together with all open spaces adjacent thereto as required by this code.
10. Bulk station: A place where liquefied petroleum, gas, crude petroleum, gasoline, naphtha, benzene, benzol, kerosene or any other liquid, except such as will stand a test of one hundred fifty degrees Fahrenheit, closed cupped testers, are stored in wholesale quantities where the aggregate capacity of all storage tanks is more than ten thousand gallons.

C. Definitions "C."

1. Cabaret: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

2. Cargo container: A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.
3. Carport: A roofed structure, permanently open on at least two sides, designed for the parking of one or more motor vehicles.
4. Child care center: A facility providing compensated nonresidential care and supervision to more than four children and licensed by the state of Arizona. Also termed a day nursery.
5. Child care home service: A home occupation providing compensated nonresidential care and supervision to no more than ten children at the same time.
6. Church:
    a. A building or group of buildings used primarily as a place of communion or worship;
    b. Includes convents, religious educational buildings and parish houses, but not parochial schools.
7. Cistern: The storage component of a rainwater harvesting system. Cisterns are also known as water tanks or rain barrels.
8. Civil engineer: A professional engineer registered in the state of Arizona to practice civil engineering.
9. Club or lodge: A regularly constituted association of persons who are bona fide members paying regular dues, primarily organized for some common social purpose, and which derives not more than one-half of its revenue or income from the sale of goods and services to its members or others.
10. Code: The Pima County Zoning Code (Title 18).
11. Commercial vehicle: A vehicle designed or used primarily for business rather than personal transportation. This includes vehicles having a gross vehicle weight rating (GVWR) exceeding sixteen thousand one pounds, vehicles which have been modified for business use, or vehicles which are normally loaded with materials to support a business use and display any type of commercial signage.
12. Commission: The Pima County planning and zoning commission.
13. Communication tower: A free-standing structure including appurtenances used for the following communication purposes:
    a. VHF and UHF television;
    b. AM and FM radio;
    c. Two-way radio;
    d. Common carriers;
    e. Wireless communication;

f. Microwave.

g. Amateur (ham) radio towers over one hundred feet in height.

14. Communication tower co-location: Use of a single communication tower structure by more than one utility or wireless communication service, or both.

15. Communication tower equipment: The equipment, except antennas, necessary to the operation of a communication tower.

16. Communication tower equipment area: The area located on, at, or near a communication tower in which equipment necessary to the operation of the communication tower is placed.

    a. Equipment cabinets attached to the communication tower are included in the definition of a "communication tower equipment area."

    b. Flush mounted antennas and utility meters and pedestals are not included in the definition of "communication tower equipment area" and construction of such equipment does not, by itself, create a communication tower equipment area.

17. Communication tower - lattice type: A communication tower featuring an open framework of lateral cross members which stabilize the communication tower.

18. Communication tower - monopole type: A communication tower that consists of a single upright pole or antenna, engineered to be self-supporting that does not require lateral cross supports but may utilize guys.

19. Communication tower - flush-mounted antenna: An antenna mounted within eighteen inches of the pole or lattice framework is considered flush-mounted.

20. Communication tower equipment vault ("vault"): An underground structure containing a communication tower equipment area, having an entry hatch which does not exceed thirty inches above ground level.

21. Communication tower - monopalm: A communication tower monopole camouflaged to look like a palm tree.

22. Communication tower - monopine: A communication tower monopole camouflaged to look like a pine tree.

23. Community service agency: An organization such as an orphanage, home for the aged, Y.M.C.A., Y.W.C.A., Boy Scouts, C.Y.O., Y.M.H.A., Campfire Girls, or any similar organization organized as a nonprofit corporation or supported in whole or in part by public subscription and primarily established to serve the social or welfare needs of the community or any part thereof, and not organized for the personal profit of any individual, group of individuals, or corporation.

24. Condominium:

    a. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners.

b. If in existence before January 1, 1986, the ownership of single units or apartments with common elements located on property within a horizontal property regime recorded pursuant to former A.R.S. Section 33-551, et seq.

25. Contour line: A line on a topographic map comprising points of equal elevation.

26. Contractor's yard: Any land or building used for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

27. County: Pima County, Arizona.

28. County engineer: The director or authorized representative of the county department of transportation and flood control district.

29. Cut: The land surface which is shaped through the removal of soil, rock or other earth materials.

D. Definitions "D."

1. Discernibly turgid state: Means the state of being visibly swollen, bloated, inflated or distended.

2. Dwelling, duplex: A building containing only two dwelling units.

3. Dwelling, multiple: A building or portion thereof containing three or more dwelling units.

4. Dwelling, one-family: A building containing only a single dwelling unit.

5. Dwelling group: A group of two or more detached or semi-detached one-family, duplex or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house court and apartment court, but not including motel.

6. Dwelling unit: A room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking with internal unimpeded access to all kitchens, and no more than two kitchens.

E. Definitions "E."

1. Earth material: Rock, soil or sand, or any combination thereof.

F. Definitions "F."

1. Factory-built (modular) building:

a. A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, a multisectional manufactured home, trailer, recreational vehicle or mobile home, as defined in A.R.S. Section 41-2142 and this code.

b. A factory built building includes all the plumbing, heating, cooling and electrical systems of the building and shall bear the Arizona insignia of approval for factory-built building pursuant to A.R.S. Section 41-2142.

2. Family:
   a. Any number of individuals related by blood or marriage, or not more than five unrelated persons customarily living together as a single housekeeping unit, and using common cooking facilities, as distinguished from a group occupying a hotel or club.
   b. Family includes group homes certified by Pima County or the department of economic security as an adult foster care home.
   c. A family shall be deemed to include domestic servants.
3. Fertilizer yard/processing plant: A place where animal matter is collected, processed or stored on a commercial basis.
4. Fill: The placement of earth material upon an existing grade.
5. Floor Area Ratio (FAR): The gross floor area, as defined in Section T.020B, of all buildings or structures on a site divided by the gross area of the site.

G. Definitions "G."

1. Garage, private: An accessory building or portion of the main building, designed or used for the shelter or storage of self-propelled vehicles owned or operated by the occupants of the main building.
2. Garage, public: Premises, except those herein defined as a private garage or storage garage, used for the storage or care of self-propelled vehicles, or where such vehicles are equipped for operation, repaired, or kept for hire or sale.
3. Garage, storage: Premises, except those herein defined as a private garage or public garage, used exclusively for the storage of self-propelled vehicles, and for no other purpose whatever.
4. Gasoline service station: A retail establishment primarily engaged in selling petroleum products, but not including auto repair shops, body and fender works, similar repairing and painting uses, or mechanical or steam washracks.
5. Grazing: The feeding of domestic livestock on an open range or fenced pasture for commercial purposes and uses customarily incidental thereto, but not including commercial slaughter houses, stockyards, fertilizer yards, bone yards or plants for the reduction of animal matter.
6. Green building: A structure or elements of a structure that incorporate the principles of sustainable design - design in which the impact of a building on the natural environment or human health will be less than a building that solely meets the minimum requirements of the building code. Green buildings incorporate:
   a. Principles of energy and resource efficiency;
   b. Practical applications of waste reduction and pollution prevention;
   c. Good indoor air quality and natural light to promote occupant health and productivity; or
   d. Transportation efficiency in siting and construction, during use and reuse.

7. Green infrastructure (GI): Practices that use or mimic natural systems and processes to promote infiltration, evapotranspiration, and harvesting of stormwater for retention and use in the landscape, generally by using vegetation and soil to manage stormwater where it falls.
8. Group home: A licensed home suitable for accommodating more than five, but fewer than eleven minor children in addition to those minor children related to the operators in residence by blood or adoption; or a licensed home suitable for accommodating more than five but fewer than eleven persons who require special care for physical or mental reasons.
9. Guest house: A detached structure consisting of a minimum of two rooms and a bathroom, which may have a kitchen, used primarily by members of the family occupying the main dwelling and their non paying guests.
10. Guest room: Living quarters designed to provide lodging for compensation to short-term guests.

H. Definitions "H."

1. Hangar: See private aircraft hangar.
2. Home occupation: A commercial activity carried on by the occupant of a dwelling as a secondary use. Refer to Section 18.09.030.
3. Hospital: A building or group of buildings arranged, intended, designed or used for the housing, care, observation and treatment of sick human beings.
4. Hotel: A building containing six or more guest rooms, in which lodging is provided and offered to the public for compensation and which is open to transient guests, together with commercial accessory uses operated primarily for the convenience of the guests thereof.

I. Definitions "I."

1. Inoperable motor vehicle: Any non-commercial unlicensed and unregistered motor vehicle, including recreation vehicles and trailers that cannot legally or mechanically be operated on a public roadway, or a watercraft that does not meet safety requirements for operation on public waterways.

J. Definitions "J."

1. Junk yard:
   a. The use of more than two hundred square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, abandonment of automobiles or other vehicles or machines or parts thereof;
   b. Shall include salvage yards, auto wrecking yards, and impoundment storage yards.

K. Definitions "K."

1. Kennel, commercial: A structure, shelter, animal run, or fenced area used for the breeding, feeding, raising, keeping, training, boarding or selling on the premises of five or more dogs or cats for compensation.

2. Kitchen: Any room in a building which is used, intended or designed to be used for cooking or preparation of food.

L. Definitions "L."

1. Landscape architect: A professional registered with the state of Arizona to practice landscape architecture.
2. Large scale retail establishment: A single building that includes retail and related uses, occupying more than eighty thousand square feet under one roof and in one ownership. This includes wholesale clubs and related uses.
3. Lot: A parcel of land with fixed boundaries as reflected on a deed, subdivision plat, record of survey or court order.
4. Lot, corner:
   a. A lot located at the junction of two or more intersecting streets, having an interior angle of less than one hundred thirty-five degrees, with a boundary line thereof bordering on two of the streets;
   b. The point of intersection of the street lot lines is the corner.
5. Lot, interior: A lot which is not a corner lot.
6. Lot, key: A lot:
   a. Abutting along the entire length of at least one of its side lot lines, either directly or across an alley, the rear lot line of any other lot; or
   b. Situated between two such key lots.
7. Lot, through: An interior lot having frontage on two parallel or approximately parallel streets.
8. Lot, depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
9. Lot line: A property line bounding a lot.
10. Lot line, front:
    a. In the case of a lot abutting only one street, the line separating such lot from the street;
    b. In the case of a corner or through lot, the owner may elect any street lot line as the front lot line, provided such choice, in the opinion of the zoning inspector, will not be injurious to the existing or desirable future development of adjacent properties.
11. Lot line, rear:
    a. The lot line which is opposite and most distant from the front lot line;
    b. The rear lot line of an irregular, triangular or gore lot shall, for the purpose of this code, be a line entirely within the lot at least ten feet long and parallel to and most distant from the front lot line.
12. Lot line, side:

a. Any lot line not a front lot line or a rear lot line;

b. A side lot line separating a lot from a street is a street lot line;

c. A side lot line separating a lot from another lot is an interior side lot line.

13. Lot line, street or alley: A lot line separating a lot from a street or alley.

14. Lot width: The mean horizontal width of the lot measured at right angles to the lot depth.

15. Low impact development (LID): A land development or re-development approach that preserves or restores on-site natural systems and hydrologic functions, and reduces impervious or disturbed areas to manage stormwater as close to its source as possible.

M. Definitions "M."

1. Manufactured home:

a. A structure transportable in one or more sections which:

1) In the traveling mode, is at least eight body feet in width or forty body feet in length, or, when erected on a site, is three hundred twenty or more square feet, and

2) Is built on a permanent chassis, and

3) Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, which include the plumbing, heating, cooling, and electrical systems contained therein;

b. This definition applies only to units constructed after June 15, 1976, except that this term shall include any structure which meets all the requirements of the definition except the size requirements, provided such structure has received a special size reduction certificate pursuant to Section 603(b) of the Housing and Community Development Act of 1974, as may be amended.

2. Manufactured home, multisectional:

a. A multisectional dwelling unit, manufactured after June 15, 1976 built to HUD standards with a HUD seal affixed, that when joined measures twenty by forty feet or larger, does not exceed two stories in height, and is installed on a permanent foundation, provided that:

1) If a perimeter foundation wall is not installed, all sides of the home shall extend to meet the ground, or a facade with the appearance of a foundation wall shall be used on all sides of the home; and

2) Each side of the home shall have roofing and siding materials similar in appearance and kind to conventional homes and shall have one or more of the following:

a) A parapet roof style, or

b) A flat or pitched roof with eaves that overhang sixteen inches or more;

b. Building permits for these structures may be issued only in accordance with Section 18.09.070 (General residential and rural zoning provisions) or in those zones in which manufactured homes are a permitted use.

3. Manufactured home park: A site as defined in this section, under a single or unified ownership:

   a. containing spaces with required improvements and utilities that are leased for the long-term placement of four or more manufactured or mobile homes for dwelling purposes, or

   b. upon which four or more manufactured or mobile homes are occupied as dwellings, regardless of whether or not a charge is made for such accommodations. The development of manufactured or mobile homes on contiguous lots in a recorded subdivision is not a manufactured home park under this definition.

4. Massage establishment: An establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This paragraph does not apply to licensed physicians; registered nurses; licensed practical nurses or technicians who are acting under the supervision of a licensed physician; persons who are employed or acting as trainers for a bona fide amateur, semiprofessional or professional athlete or athletic team; or persons who are licensed pursuant to Arizona Revised Statutes, title 32, chapter 3 (barbers) or 5 (cosmetologists) if the activity is limited to the head, face or neck.

5. Medical marijuana designated caregiver cultivation location: An enclosed facility, that does not exceed two hundred fifty square feet of cultivation space, where a designated caregiver, as defined by A.R.S. Section 36-2801(5), cultivates marijuana if the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana. The location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.

6. Medical marijuana dispensary: A not-for-profit entity, defined in A.R.S. Section 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.

7. Medical marijuana dispensary offsite cultivation location: The additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in A.R.S. Section 36-2804(B)(1)(b)(ii).

8. Medical marijuana qualifying patient cultivation location: An enclosed facility, that does not exceed fifty square feet of cultivation space for each location, where a qualifying patient, as defined by A.R.S. Section 36-2801(13), cultivates marijuana if the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana. The qualifying patient cultivation location must be located in the CB-2 zone as a Type III conditional use or as an accessory use to the qualifying patient's primary residence. Medical marijuana cultivation as an accessory

use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. The qualifying patient cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.

9. Metallurgical: Includes the land used in treating and reducing metal-bearing ores by mechanical, physical or chemical methods on a commercial basis and uses incidental thereto, but does not include permanent residential housing or the fabricating of metals or metal materials.

10. Mining: Includes the land necessary or incidental to the digging, excavating or otherwise procuring of minerals and ores found in their natural state, but does not include permanent residential housing or the operating of a rock crusher.

11. Mobile home:

    a. A transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings;

    b. This definition applies only to units constructed prior to June 15, 1976. Compare with manufactured home.

12. Motel:

    a. A building or group of buildings on the same lot, whether detached or in connected rows, containing individual sleeping or dwelling units and designed for, or occupied by, automobile travelers or other transient tenants;

    b. Shall include tourist courts, autocourts, and automobile courts.

13. Motor Vehicle:

    a. A self-propelled vehicle.

    b. Does not include a motorized wheelchair, an electric personal assistive mobility device or a motorized skateboard.

N. Definitions "N."

1. Non-chartered financial institution: Means a business other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check-cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, "payday loan" businesses that make loans upon assignments of wages received, or businesses that function as deferred presentment services.

2. Notification area: A property subject to a public hearing on a planning or zoning matter and all properties, any portion of which is within a specified radius of the subject property, which receive mailed notice of the hearing from Pima County.

3. Nude model studio: A place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other consideration. Nude model studio does not include a proprietary school that is licensed

by this state, a college, community college or university that is supported entirely or in part by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, community college or university that is supported entirely or in part by taxation or a structure to which the following apply:

a. A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude person is available for viewing.

b. A student must enroll at least three days in advance of a class in order to participate.

c. No more than one nude or seminude model is on the premises at any time.

4. Nude, nudity or state of nudity: Means any of the following:

a. The appearance of a human anus, genitals, buttocks, or female breast below a point immediately above the top of the areola.

b. A state of dress that fails to opaquely cover a human anus, genitals, buttocks, or female breast below a point immediately above the top of the areola.

5. Nursery (plant nursery):

a. A place where young trees or other plants are raised for transplanting or for sale;

b. Does not include commercial fertilizer yard or processing plant.

O. Definitions "O."

1. Off-road vehicle: Any motorized vehicle when used off paved or unpaved roadways, including motorcycles, motorbikes, motor scooters, minibikes, pocket bikes, three-wheelers, quads, four-wheel drive vehicles, go-carts, sandrails, and other similar vehicles.

2. Off-road vehicle facility: A place where off-road vehicles are operated such as a track, vehicle jumping area, or any other constructed facility, generally with berms, hills, banked turns, and other grading. Off-road vehicle facility also includes any path or trail over which vehicles traverse repetitively for recreational or training purposes on any private real property within Pima County, other than a dedicated or private street, road, or alley.

3. Open space, functional:

a. Open space that is a designed element of the development and has a functionally described and planned use as an amenity for the direct benefit of the residents of a development, with not more than three percent of man-made impervious surface within such designated areas;

b. Examples include landscaped areas which provide visual relief, shade, screening, buffering and other environmental amenity; nature trails; exercise trails; open playgrounds, e.g., baseball, multiuse; picnic areas and facilities; recreation areas and facilities, e.g., swimming pools, tennis courts; and golf courses in accordance with Chapter 18.59 (Golf Course Zone.)

4. Open space, natural: Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces, except pedestrian and nonmotorized access trails, that is set aside, dedicated or reserved in perpetuity for public or private enjoyment as a preservation of conservation area.

P. Definitions "P."

1. Parking area: Area that contains parking spaces, associated drive lanes, and internal landscaping required by Section 18.75.040(3).
2. Pedestrian entry architectural feature: A doorway into a site, along with the architectural treatments that accompany it, that is used by people traveling on foot.
3. Planning director: The director or authorized representative of the county department of planning and development services.
4. Private aircraft hangar: An enclosed structure designed for the storage and routine maintenance of aircraft located on a lot that has recorded access to a private airport facility, ultra light facility, or general aviation airstrip.
5. Planning unit: A portion of a proposed development containing a unique land use, density, or residential or nonresidential building style separated from other planning units by a natural or manmade feature.
6. Professional means accountants, architects, chiropodists, chiropractors, dentists, engineers, lawyers, naturopaths, osteopaths, physicians, surgeons, surveyors.
7. Public assembly facility: A building or group of buildings arranged, intended, designed or used for indoor public assembly for social, recreational, entertainment, educational or religious purposes, such as an arena, coliseum, convention center, exhibition hall, auditorium or theater. A "public assembly facility" may include ancillary facilities and activities such as food and beverage preparation and sales, retail and service commercial uses, and recreational and health club.

Q. Definitions "Q." Reserved.

R. Definitions "R."

1. Railroad:
   a. Includes the land used for general railroad purposes, including mainline and switching trackage, repair shops, stations, communications equipment, roundhouses and storage facilities;
   b. Does not include railroad equipment (miniature or otherwise) operated by its owner as a hobby or as a part of the equipment of an amusement resort.
2. Rain barrel: A barrel used as a cistern to store rainwater.
3. Rainwater harvesting system: A system used to capture, convey, store, and release rainwater for future use. A rainwater harvesting system consists of the following primary subsystems: catchment area, first flush diverters (an optional system that diverts the initial pulse of rainfall to remove large debris), roof washer (an optional system that filters small debris), conveyance system (guttering, downspouts, piping, screen filtration, and transfer pump for use of remote cisterns), an above- or below-

ground storage tank(s) (typically a cistern or a simple barrel), cistern overflow device for down-gradient discharge, and distribution system (which may include a pump or pressure system if not gravity fed).

4. Renewable energy system—Ancillary scale: A system primarily intended for on-site use only to off-set part or all of a property owner's or occupant's electricity requirements. Selling energy to a utility is incidental.

5. Renewable energy system—Utility scale: A system that generates energy primarily intended for off-site consumption. Accessory uses may include buildings associated with electrical operational infrastructure such as inverters and transformers.

6. Research laboratory:

   a. An administrative, engineering, scientific research, design or experimentation facility;

   b. Shall include research on such things as electronic components, optical equipment, etc., but not research requiring the use of animal husbandry (including dogs, poultry, or monkeys), heavy equipment (such as construction equipment); and

   c. Shall be free of dust, smoke, fumes, odors, or unusual vibrations or noise. The waste from such facilities shall meet the requirements of the appropriate health authority.

7. Residential substance abuse diagnostic and treatment facility: A facility designed to diagnose and treat persons suffering from the abuse of chemical substances and alcohol subject to the licensure procedures of the Arizona Department of Health Services.

8. Resort:

   a. A building or group of buildings containing guest rooms, with a large portion of the site devoted to recreational activities such as tennis, horseback riding, swimming, and golf (Refer to Chapter 18.59, GC Golf Course Zone for golf course requirements).

   b. Shall include guest ranch.

9. Resort, major: A resort having fifty or more guest rooms.

10. Resort, minor: A resort having less than fifty guest rooms.

S. Definitions "S."

1. Safe routes: A program, based on the nationwide safe routes to school programs, that encourages and enables children to walk and bicycle to school and other associated public use facilities safely through the use of educational programs, by improving bicycle and pedestrian facilities and through careful subdivision layout and street design.

2. Sanatorium/rest home: A building or group of buildings, arranged, intended, designed or used for the housing, care or treatment of sick people or convalescents other than those mentally ill or afflicted with infectious, contagious or communicable diseases.

3. School, charter: A public school established by contract with a school district governing board, the state board of education or the state board for charter schools pursuant to

A.R.S. Title 15, Chapter 1 Article 8. Charter Schools are classified as public schools for the purpose of zoning and the assessment of zoning fees, site plan fees and development fees pursuant to A.R.S. Section 15-189.01.

4. School, parochial: A school, affiliated with a religious institution, comprising a building, or group of buildings, the use of which meets state requirements for elementary or secondary education, and which does not secure a major part of its funding from any governmental agency.

5. School, private: Any building, or group of buildings, the use of which meets state requirements for elementary or secondary education, and which does not secure any major part of its funding from a governmental agency.

6. Secondary dwelling: A mobile home or manufactured home, with kitchen facilities, used exclusively by an ill, handicapped, or elderly person in need of special care or supervision, or a care provider for such person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling.

7. Self-storage facility: A facility used only for the storing of household and personal property (no commercial storage) with no commercial transactions permitted other than the rental of the storage units.

8. Seminude: Means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

9. Semi-professional:

    a. Includes insurance brokers, photographic studios, public stenographers, real estate brokers, stockbrokers, and other persons who operate or conduct offices which do not require the stocking of goods for sale at wholesale or retail;

    b. Does not include barbers, beauty operators, cosmetologists, embalmers or morticians.

10. Setback lines: Such lines are established generally, but not always, parallel to the center line of a street between which no part of a building or structure or any part thereof may be erected or projected except as otherwise provided in this code.

11. Shopping center, neighborhood: A development that contains more than one retail or service use emphasizing neighborhood scale retail and services. The development employs similar access points and unified internal circulation and is approved under one or more associated development plans. No single building occupant shall exceed eighty thousand square feet and the aggregate square footage of the buildings on the site may not exceed one hundred fifty thousand square feet.

12. Shopping center, regional: A regional shopping development that may contain a major commercial anchor building or large scale retail establishment building and may contain one or more attached or detached buildings with permitted uses. The development uses coordinated access and internal circulation and is approved under one or more related

development plans. The aggregate square footage of the building on the site may exceed one hundred fifty thousand square feet.

13. Shopping center, small: A development that may contain one or more small scale commercial buildings. The development uses coordinated access and internal circulation and is usually approved under one development plan. No single building occupant may exceed thirty-five thousand square feet and the aggregate square footage of the building on the site shall not exceed one hundred thousand square feet.
14. Site: Refers to a single lot or a combination of contiguous lots, or a leased area on a lot that meets the minimum zoning standards of the applicable zone.
15. Specific plan: A zoning document adopted in accordance with Chapter 18.90 (Specific Plans) that includes text, maps or other exhibits regulating land use and development within a specified area of the county.
16. Specified anatomical areas are: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
17. Specified sexual activities are: (1) human genitals in a state of sexual stimulation or arousal; or (2) acts of human masturbation, sexual intercourse or sodomy, oral copulation; or (3) fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
18. Stable, commercial: A stable for horses which are let, hired, used or boarded on a commercial basis or for compensation.
19. Stable, community: A noncommercial stable for horses, operated by and for the exclusive use of the members of a nonprofit, incorporated community organization.
20. Stable, private: A stable for horses which are used by the owners of the property and their guests without compensation.
21. Stormwater harvesting system: A system for the on-site collection and retention of precipitation that has reached the ground, collected from paved, impervious or disturbed surfaces. System elements may consist of:
    a. Earthworks (including but not limited to depressed landscape areas, basins, berms, swales);
    b. Structures (including but not limited to curbs with inlets, scuppers or cuts, gabions, check-dams, permeable paving, rock mulch); and
    c. Other green infrastructure and low impact development elements to slow and disperse stormwater and promote its infiltration into the soil.
22. Story: The horizontal division of a building between a floor and the finished ceiling or finished undersurface of the roof directly above it. Shall include:
    a. A basement, if the vertical distance from the average finished grade to its ceiling is greater than five feet on any side of the building; and
    b. A mezzanine or loft.

23. Street: A way for vehicular traffic dedicated to the public or designated as subdivision common area which affords the principal means of access to abutting property.
24. Structure:
    a. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground;
    b. For the purposes of this ordinance, "structure" does not include:
        1) Items constructed or placed roughly parallel to and at the same elevation as the ground surface such as roads, driveways, alleys, uncovered slabs, and recreational courts.
        2) Mailboxes, hardscape features, fences, and other items traditionally associated with residential uses when such items are forty-eight inches or less in height.
        3) Items placed underground with no surface expression such as utility, water, and sewer lines.
        4) Amateur radio towers one hundred or less in height.
        5) Underground cisterns.
        6) Clothes lines seventy-two inches or less in height.
25. Structural alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists or roof joists, or which expands the height, bulk, or area thereof.
26. Studio: Place for the creation or retail sale of the works of an artist or artisan.
27. Substantial portion: As it relates to adult activities facility. Substantial portion of a retail adult activity facility establishment is defined as having 10 percent or more of gross floor area and/or stock in trade consisting of any one or more of the following:
    1) books, magazines, or other printed matter, or films, videos, DVD's, or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or specified anatomical areas; or
    2) devices, sexual/marital toys/aids or paraphernalia, which are designed for use in connection with "specified sexual activities;" or
    3) any business, conduct or matter distinguished or characterized by emphasis on "specified sexual activities" or "specified anatomical areas," for sale or display
28. Supervisors: The board of supervisors of Pima County.
29. Swap meets:
    a. A place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a daily basis for the purpose of the display and sale, exchange or barter of new or used merchandise;
    b. Shall not include occasional craft fairs and benefit sales.

30. Swimming pools: Shall be deemed to consist of the following classes:

    a. Private: When consisting of an accessory structure appurtenant to a one-family or duplex dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged as received for such use;

    b. Semi-public: When consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, private club, or country club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such church, club, country club or regular attendants at such school and by individual guests (as distinguished from groups of any kind) of the foregoing where admission to use the pool is included in consideration given for the primary use of the premises. Said pools are divided into the following classes:

        1) Type A membership pools: Which include those pools operated not for profit and not open to the general public; there being a limited number of members, and such members usually being limited to that general neighborhood, with the members paying a monthly or annual fee,

        2) Type B pools: Maintained by hotels, motels, and like establishments which cater to transient guests,

        3) Type C pools: Maintained by apartments, residential-type trailer courts, cooperative or condominium-type housing, for persons residing therein and their guests,

        4) Type D pools: Maintained by swim clubs, health clubs and athletic organizations, country clubs and other private organizations, wherein the pool is not open to the general public;

    c. Public: A swimming pool maintained and operated by a municipality or other unit of government for the general public, whether or not an admission fee is charged;

    d. Commercial: A swimming pool operated for profit, open to the public upon payment of a fee.

31. Swimming school: A school established for aquatic training and swimming instruction.

T. Definitions "T."

1. Tourist camp: An area or tract of land where space is rented or held out for rent to tent campers furnishing their own camping equipment or where free camping is permitted owners or users of tent camping equipment for the purpose of securing their trade.

2. Tourist court: See motel.

3. Townhouse: A duplex or multiple dwelling constructed as a series of dwelling units, all of which are attached to the adjacent dwelling units with no visible separation between walls or roofs, and with areas of individual and common ownership indicated on a subdivision plat.

4. Trailer: A recreational vehicle built on a chassis, designed for highway travel, pulled by a private vehicle and not requiring a special permit.

5. Trailer court: Any parcel of land used or offered for use in whole or in part for the parking or storage of two or more trailers used or intended to be used for living or sleeping purposes.

U. Definitions "U."

1. Ultralight aircraft: Any vehicle that:

   a. If unpowered, weighs less than one hundred fifty-five pounds; or

   b. If powered:

      1) Weighs less than three hundred fifty pounds empty weight, excluding floats and safety devices;

      2) Has a fuel capacity of not exceeding five U.S. gallons;

      3) Is not capable of more than fifty-five knots calibrated airspeed at full power in level flight; and

      4) Has a power-off stall speed which does not exceed twenty-nine knots calibrated airspeed.

2. Urban heat island: A developed urban or suburban area that is significantly warmer (two degrees to ten degrees Fahrenheit or one degree to six degrees Celsius) than surrounding rural areas due to the retention of heat by un-shaded buildings and paved surfaces. Urban heat islands can increase energy demands, air conditioning costs, air pollution and greenhouse gas emissions, and heat-related illness and mortality.

V. Definitions "V."

1. Vehicular entry architectural feature: An entry or a gate into a site, along with the architectural treatments that accompany it, that is used primarily by motor vehicles.

2. Vegetated roof: A roof partially or fully covered by vegetation, used to manage water runoff and provide additional insulation in the winter and cooling in the summer. The vegetation is typically grown in a growing medium above a waterproof membrane that is part of a multi-component engineered system, but can also be grown in containers. Also known as a green roof, eco-roof, or living roof, it can range from a tended roof garden to a low-maintenance ecology.

W. Definitions "W."

1. Wildlife rehabilitation facility: The premises where a licensed operator or their agent(s) and assistant(s), as authorized and licensed by the Arizona Game and Fish Department, rehabilitate orphaned, injured, sick, or otherwise debilitated wildlife to a physical condition whereby the wildlife can be restored to the wild. This term includes those premises where a licensed operator or their agent(s) and assistant(s), as authorized and licensed by the Arizona Game and Fish Department, hold wildlife for purposes of education, scientific collection, humane treatment, or other permissible uses under the Arizona Game and Fish Commission Rules, Title 12, Chapter 4.

2. Wireless communication tower and appurtenances: A structure and appurtenances used exclusively for wireless communication purposes, such as cellular telephone and paging services, which may include a monopole or a lattice tower with antenna, or an antenna

mounted on a building roof or facade or other existing structure, with or without an equipment area used to house equipment necessary for the operation of the wireless communication tower.

X. Definitions "X." Reserved.

Y. Definitions "Y."

1. Yard: An open and unoccupied space on a building site and, except as otherwise provided in this code, open and unobstructed from the ground to the sky.
2. Yard, front: A yard extending full width of the building site between the front lot line and the nearest line of the main building or the nearest line of any enclosed or covered porch.
3. Yard, rear: A yard extending across the full width of the building site between the rear lot line and the nearest rear line of the main building or the nearest line of any enclosed or covered porch.
4. Yard, side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building.

Z. Definitions "Z."

1. Zoning inspector: The county official or authorized representative of the county department of planning and development services charged with the enforcement of this code.

(Ord. 2015-7 § 1, 2015; Ord. 2013-42 § 2, 2013; Ord. 2012-71 § 1, 2013; Ord. 2012-15 § 1, 2012; Ord. 2012-22 § 1, 2012; Ord. 2011-60 § 1, 2011; Ord. 2011-59 § 1, 2011; Ord. 2011-2 § 2, 2011; Ord. 2010-59 § 1, 2010; Ord. 2009-101 § 1, 2009; Ord. 2009-98 § 1, 2009; Ord. 2009-70 § 1, 2009; Ord. 2008-118 § 1, 2008; Ord. 2008-70 § 1, 2008; Ord. 2007-81 § 1, 2007; Ord. 2007-3 § 1, 2007; Ord. 2006-92 § 1, 2006; Ord. 2006-85 § 1, 2006; Ord. 2006-30 § 1, 2006; Ord. 2005-105 § 1, 2005; Ord. 2005-87 § 1, 2005; Ord. 2005-85 § 1, 2005; Ord. 2005-34 § 1, 2005; Ord. 2004-59 § 2, 2004; Ord. 2003-85 § 1, 2003; Ord. 2003-42 § 1, 2003; Ord. 2002-67 § 1, 2002; Ord. 2001-165 § 1 (part), 2001; Ord. 2000-77 § 1 (part), 2000; Ord. 1999-78 § 1, 1999; Ord. 1998-51 § 1, 1998; Ord. 1998-37 § 1, 1998; Ord. 1998-36 § 1, 1998; Ord. 1997-74 § 1, 1997; Ord. 1997-40 § 1, 1997; Ord. 1997-28 § 1, 1997; Ord. 1997-20 § 1, 1997; Ord. 1997-1 § 1, 1997; Ord. 1996-59 § 1, 1996; Ord. 1994-136 § 1, 1994; Ord. 1994-114 § 1, 1994; Ord. 1994-112 § 1 (part), 1994; Ord. 1994-82 (part), 1994; Ord. 1992-93 (part), 1992; Ord. 1992-6 § 1 (part), 1992; Ord. 1991-33 § 1 (part), 1991; Ord. 1991-6 § 1 (part), 1991; Ord. 1990-11 § 1 (part), 1990; Ord. 1989-1 § 1 (part), 1989; Ord. 1988-78 § 1 (part), 1988; Ord. 1987-64 § 1 (part), 1987; Ord. 1986-215 (part), 1986; Ord. 1986-187 § 1 (part), 1986; Ord. 1986-188 § 1 (part), 1986; Ord. 1986-150 (part), 1986; Ord. 1986-67 (part), 1986; Ord. 1986-43 § 1 (part), 1986; Ord. 1986-42 § 1 (part), 1986; Ord. 1986-41 § 1 (part), 1986; Ord. 1986-19 § 1 (part), 1986; Ord. 1985-153 § 1 (part), 1985; Ord. 1985-152 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.03.030 - Illustrations.

A. Figure 18.03-1: Average Finished Grade.

B. Figure 18.03-2: Basement and Story.

C. Figure 18.03-3: Building Height.

(Ord. 1985-82 (part), 1985)

Figure 18.03-1
Average Finished Grade

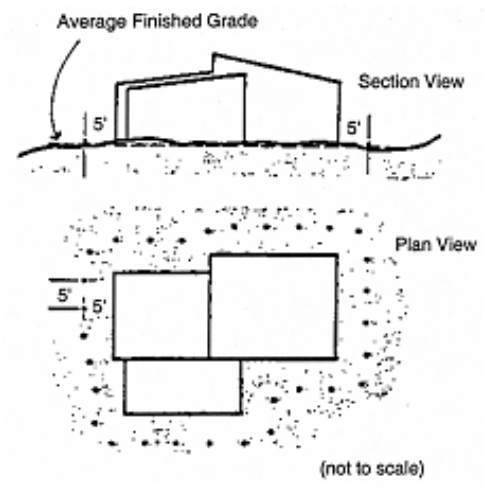


Figure 18.03-3
Building Height

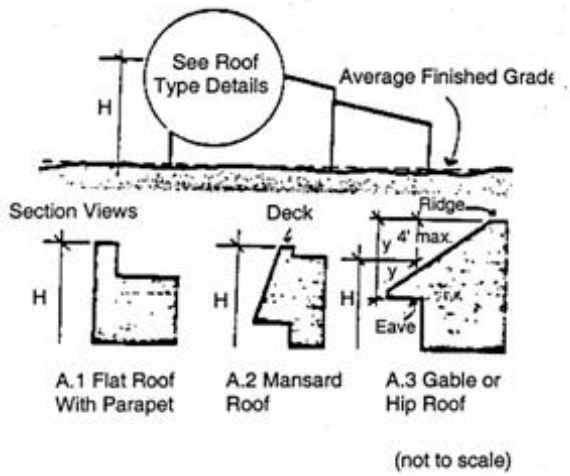
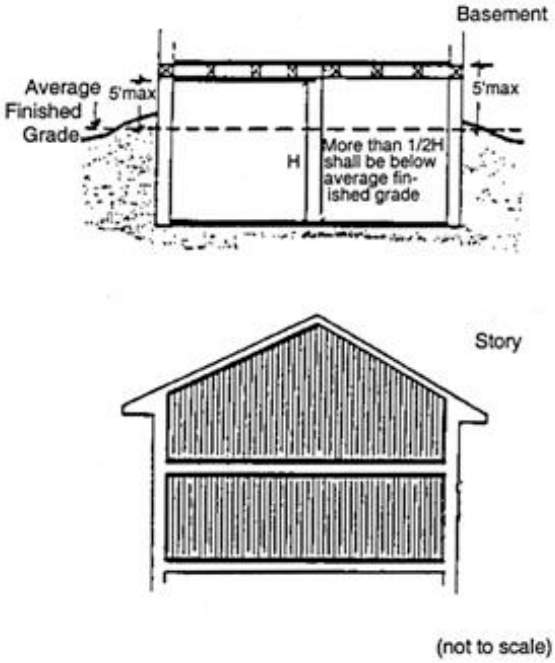


Figure 18.03-2
Basement and Story



Chapter 18.07 - GENERAL REGULATIONS AND EXCEPTIONS

- 18.07.010 - Purpose.
- 18.07.020 - Lots and parcels.
- 18.07.030 - Land use regulations.
- 18.07.040 - Land use exceptions.
- 18.07.050 - Development standards exceptions.
- 18.07.060 - Accessory buildings and accessory structures.
- 18.07.070 - Modification of setback requirements or lot coverage limits.
- 18.07.080 - Modification of development standards in riparian areas.

18.07.010 - Purpose.

Reserved.

18.07.020 - Lots and parcels.

A. Splitting of Lots.

1. No lot or parcel of land held under one ownership on February 16, 1953, shall be reduced in size below the minimum lot area or lot width required by this code; and
2. No building or use permit shall be issued for such deficient lot or parcel or portion thereof, except that on one street frontage of any one block of a subdivision, where lots having less than the minimum lot area or lot width existed prior to February 16, 1953, and existing unimproved lots so that minimum-size building lots may be used if split in accordance with the pattern previously established for the block; provided, that any new lot or building site so formed has not less than eighty percent of the minimum lot area and lot width required in the zone.

B. Exceptions for Lots of Records.

1. This subsection shall apply to any lot:
   a. Shown upon an official subdivision map duly approved and recorded prior to February 16, 1953; or
   b. For which a bona fide deed is on record in the office of the county recorder; or
   c. For which a valid, bona fide contract of sale was in full force and effect on February 16, 1953, and said map, deed or contract of sale was of record on said date; or
   d. Split in accordance with the exception of Section 18.07.020A.
2. Any such lot may be used as a building site; provided:
   a. The yard and other requirements of this code are complied with; or
   b. If private subdivision restrictions or regulations were of record and unexpired on February 16, 1953, establishing less restrictive yard and area requirements for said

lot, and at least one lot in said subdivision was improved in compliance with said private restrictions prior to said effective date, the zoning inspector may issue a permit under said private restrictions as to yard and area requirements for any use permitted by this code for said lot, but no permit shall be issued for more than one dwelling unit on any lot having less than the minimum area per dwelling unit of the zone in which said lot is located;

3. Each minimum side yard may be reduced by two inches for each one foot by which such lot is narrower than fifty-five feet; provided, that no minimum side yard shall be narrower than five feet;

4. The minimum rear yard may be reduced three inches for each one foot by which such lot is less than one hundred twenty-five feet in depth; provided, that no minimum rear yard shall be less than twenty feet.

C. Area, Screening and Setback Credits for Trails Access Dedications.

1. The area of a lot or parcel dedicated to the county for public trails access shall be credited to the lot or parcel to satisfy any area, screening or setback requirement of a rezoning, this code or any permit issued thereunder.

2. Requests for the implementation of an area, screening or setback credit for public trails access shall be initiated by or submitted for approval to the director of the parks and recreation department.

3. Dedications and requests so approved by the director of the parks and recreation department shall be forwarded to the board of supervisors for acceptance.

(Ord. 1993-80 § 1, 1993; Ord. 1985-188 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.07.030 - Land use regulations.

A. Filling Stations, Repair Shops and Public Garages.

1. No gasoline filling station or automobile repair shop shall have an entrance for exit for vehicles on the same side of the street within thirty-five feet of a residential zone, nor shall any part of a gasoline filling station or automobile repair shop be within fifty feet of the grounds of any school, public playground, church, hospital, sanatorium, public library or institution for dependents or for children.

2. No gasoline filling station or public garage shall have any oil draining pit or visible appliance for such purpose, other than filling caps, located within twelve feet of any street lot line or within fifty feet of any residential zone, unless such appliance or pit is within a building and at least twelve feet distant from any vehicular entrance or exit of such building.

B. Maintenance of Stock-Tight Fences. All livestock and poultry kept in any rural, residential, business or industrial zone shall be kept confined by fences or other restraints of sufficient strength and durability to prevent such livestock and poultry from roaming at large. In the IR, RH, SR, SR-2 zones and unsubdivided parcels zoned GR-1, SH and CR-1, such fences may be constructed of barbed wire. Use of barbed wire in any rural or residential zone is limited to containment of livestock and poultry.

1. Use of Barbed Wire. Barbed wire may be used on fences or walls for security purposes in the CB-2 general business district, and the MU, CI-1, CI-2 and CI-3 industrial districts, provided the wire is more than six feet above ground level.

C. Junk Storage in Residential and Commercial Zones. There shall be no open storage of used materials, appliances, furniture, machinery, etc., in any required yard in rural, residential, RVC, or CB-1 zones.

D. Swimming Pools.

1. Private swimming pools: All private swimming pools shall be regulated according to the following requirements:

   a. Swimming pools shall be subject to the front yard requirements of that zone in which they are permitted and shall be located no closer than four feet from any side or rear property line of said zone.

   b. Outdoor lighting shall be in accordance with the county outdoor lighting code (Title 15).

2. Public, semi-public and commercial swimming pools: All public, semi-public and commercial swimming pools shall be regulated according to the following requirements:

   a. Swimming pools shall be subject to the front, side and rear yard requirements of that zone in which they are permitted.

   b. Outdoor lighting shall be in accordance with the county outdoor lighting code (Title 15).

   c. No mechanical device for the reproduction or amplification of sounds and in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices or music which is loud enough to cause complaints from adjacent residential property owners.

E. Beekeeping is permitted in all zones subject to the requirements of this section:

1. Density. Except in the Institutional Reserve (IR), Rural Homestead (RH) and industrial zones (CPI, CI-1, CI-2, CI-3) wherein one colony is allowed per two thousand five hundred square feet, the following maximum number of colonies per lot area apply:

   a. One-quarter acre or less: Two colonies

   b. More than ¼ acre to less than ½ acre: Four colonies

   c. One-half acre to less than 36,000 square feet: Six colonies

   d. 36,000 square feet to one acre: Eight colonies

   e. Greater than one acre: Eight colonies plus one colony per additional two thousand five hundred square feet of lot area above one acre.

2. Bee hives shall be kept a minimum of thirty feet from any exterior lot boundary line.

3. Except for lots with an area greater than one acre, a barrier shall be erected that will prevent bees from flying through it. Such barrier shall:

a. Be at least six feet in height and shall consist of a dense plant or hedge or any opaque constructed material;

b. Extend at least eighteen feet beyond the hive(s) in both directions.

4. Fresh, clean watering facilities for bees shall be provided on said premises.

5. Upon determination by a zoning inspector that a property owner is not in compliance with the zoning standards for beekeeping, the Pima County health department shall be notified. If the same property owner is determined to be keeping a colony or colonies deemed a nuisance or hazard by the health department, the course of action shall be determined by the health inspector in cooperation with the zoning inspector.

6. Exceptions:

a. An exception to the provisions of this subsection shall be permitted for a period not to exceed sixty days for bees actively participating in commercial agricultural activities.

b. Nothing in this subsection shall be deemed or construed to prohibit the keeping of bees located or kept within a government facility, a school, or a university facility for the purpose of study or observation.

F. Minor Resort Regulations.

1. Scope: This subsection shall be applicable to minor resorts in any zone where permitted as a conditional use;

2. Intent: These regulations are intended to allow for minor resorts which meet the lodging, convention and recreational needs of short-term visitors to Pima County and are not intended to allow for the development of residential units for permanent or long-term residential use;

3. Accessory uses:

a. Permitted uses:

1) Meeting rooms;

2) Restaurants and drinking establishments;

3) Retail and service establishments, provided that the total floor area of all such establishments does not exceed five percent of the total floor area of the minor resort;

4) Swimming pools and spas;

5) Game courts such as tennis and racquetball;

6) Fitness and exercise centers; and

7) Equestrian facilities, provided:

a) There is not more than one horse for each ten thousand square feet of the site area; and

b) No stable or corral is within one hundred feet of any property line or within three hundred feet of any existing structure on an adjacent property.

b. Other provisions:

1) Accessory uses shall be operated primarily for guests of the minor resort;

2) No sign identifying an accessory use shall be visible from a public street; and

3) No entrance to an accessory use shall face a public street.

4) Development standards:

a) Minimum site area: ten acres.

b) Other development standards: In accordance with the zone where located.

G. Fire Stations.

1. Scope:

a. Fire stations and related facilities are permitted in all zones, subject to the requirements of this subsection.

b. The location of any proposed fire station shall be discussed with county staff prior to proceeding with the provisions of this subsection.

2. A Type 2 Conditional Use Permit with a hearing notification area of five hundred feet is required in accordance with Chapter 18.97.

3. Development standards.

a. Fire stations shall meet the requirements of the zone in which located, except that the minimum site area in:

1) CR-2 zoning shall be thirty-six thousand square feet;

2) CR-3, CR-4, CR-5, TR, CMH-1 and CMH-2 zoning shall be ten thousand square feet.

b. All fire station sites shall have a minimum one hundred feet of frontage for primary access on a road shown on the Major Streets and Scenic Routes Plan.

4. Performance standards:

a. Off-street parking: All parking for employees and visitors shall be off-street and shall be provided in accordance with Chapter 18.75 (Off-street Parking and Loading Standards).

b. Screening: An aesthetically pleasing visual screen shall buffer all outdoor facilities, including parking areas, when the site is either zoned for, or adjacent to, rural or residential zoning.

c. Traffic safety: The provision of access for emergency vehicles shall include appropriate methods to minimize the endangerment of passing vehicles.

5. Development review: A development plan shall be submitted and reviewed in accordance with Chapter 18.71 (Development Plan Standards).

H. Communication towers:

1. Purpose:

a. To regulate the placement, construction and modification of communications towers and related equipment areas in order to protect the health, safety and welfare of the public in accordance with the guidelines and intent of the Telecommunications Act of 1996 and other applicable federal, state and local ordinances;

b. To minimize the total number of communication towers throughout unincorporated Pima County by maximizing the use of existing communication towers in order to reduce the number of new towers needed;

c. To maintain and preserve the existing unique attributes of community character including, but not limited to, architecture, historic and cultural features, historic development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define the community identity of rural and residential neighborhoods, and to preserve property values in those neighborhoods;

d. To encourage the location of communication towers in business and industrial zones and in areas of compatible uses;

e. To minimize the adverse impacts of communications towers and related equipment areas on visually sensitive areas including, but not limited, to skylines, rock outcroppings, foothills, mountain backdrops, unique vegetation, streams and natural drainageways through the careful design, siting, landscape screening and innovative camouflaging techniques utilizing current and future technologies;

f. To promote and encourage shared use or co-location of communication towers and antenna support structures;

g. To protect the aesthetic quality of neighborhoods by encouraging the siting of communication towers to minimize negative aesthetic impacts and ensure to the extent possible that communications towers and related equipment areas are compatible with surrounding land uses;

h. To allow unincorporated Pima County access to the latest in wireless techonologies by collaborating with the wireless industry in developing sound siting policy.

2. Applicability:

a. Communication towers are permitted in any zone subject to the requirements of the Pima County Zoning Code.

b. Lattice-type communication towers intended for commercial uses are not permitted within public rights-of-way.

c. Towers over two hundred fifty feet in height are permitted only in business or industrial zones and shall comply with FAA painting and lighting (over one hundred ninety-nine feet in height) standards to provide for aircraft safety.

d. New communication towers in rural and residential zones, in gateway overlay zones and within two hundred feet of a designated scenic route shall be stealth design so as to minimize or mitigate the adverse visual impact through proper design and aesthetics to ensure that the communication tower is compatible with the built environment in which it is located. Because of differing circumstances

specific to each site, a communication tower that is considered to be stealth in one location may not be considered to be stealth in a different location. Methods of stealth design include, but are not limited to:

1) Design that mimics surrounding existing vegetation such as palm trees (monopalms), pine trees (monopines) and Saguaro cacti not to exceed forty feet in height. If monopalms are used in areas where palm trees are not naturally prevalent in the vicinity of the communication tower location, two palm trees shall be planted on the site. Each palm tree shall be equal to one-half of the height of the monopalm at planting but must be a species that will grow to a minimum height of thirty feet. Monopalms and monopines are not permitted in buffer overlay zones.

2) Mounting antennas on existing structures that blend with the architecture of the structure on which the antennas are located.

3) Using color schemes that make the communication tower less noticeable.

4) Using church steeples, clock towers, bell towers, roof features or other such vertical architectural elements to conceal antennas and equipment.

5) Placing antennas on new or existing street signs, outdoor lighting poles, flag poles, windmills (both functional and faux), chimneys, cupolas, silos, smokestacks and utility poles which are designed to match the context and color of the host structure.

e. Communication towers in all zones require approval of a Type III conditional use permit, except for the following:

1) A new communication tower in the CB-2, CI-1, CI-2 and CI-3 zones.

2) A new communication tower monopole in the CB-1 and CPI zones requires a Type I conditional use permit.

3) A new communication tower in the MU zone shall be permitted through the MU zone special use procedure as set forth in Section 18.37.020.

4) An antenna attached to an existing, non-residential building with a maximum height of sixteen feet (above roof line or highest point of the building), and a communication tower equipment area obscured from public view. The total height of the structure, including the antenna, shall not exceed two hundred feet.

5) A co-located, flush-mounted antenna attached to an existing utility pole, or attached to an existing, conforming structure within a public right-of-way, provided the co-located antenna does not increase the height of the existing structure more than sixteen feet. If a new communication tower equipment area is added or an existing communication tower equipment area is expanded, a Type I conditional use permit is required. Equipment placed inside a vault, or equipment placed inside an existing walled or existing screened compound (e.g. utility substation or existing, previously approved communication tower equipment area) or equipment placed in the right-of-way of a street with a

designation of an arterial or collector street or higher is exempt from the conditional use permit requirement.

6) A co-located antenna attached to an existing permitted communication tower, provided the tower height is not increased and the co-located antenna does not increase the height of the tower by more then two feet. And provided that the co-located antenna does not extend from the tower a distance that is greater than that of the existing antennas, or the co-located antenna is flush mounted. If a new communication tower equipment area is added or an existing communication tower equipment area is expanded, a Type I conditional use permit is required. Equipment placed inside a vault, or equipment placed inside an existing walled or existing screened compound (e.g. utility substation or existing, previously approved communication tower equipment area) or equipment placed in the right-of-way of a street with a designation of an arterial or collector street or higher is exempt from the conditional use permit requirement.

7) A new communication tower replacing an existing communication tower or utility pole provided the new tower meets all the following conditions:

   a) Replaces the existing tower or pole;

   b) Is located not more than six feet from the existing tower or pole foundation, and is within the same alignment relative to property boundaries and adjacent poles;

   c) Is no higher than the existing tower or is no more than sixteen feet beyond the height of the existing utility pole, not to exceed a maximum total height of two hundred feet;

   d) Antenna(s) are flush-mounted or does not extend from the communication tower a distance that is greater than that of the existing antennas.

   e) If a communication tower equipment area is added or expanded, a Type I conditional use permit is required. Equipment placed inside a vault, or equipment placed inside an existing walled or existing screened compound (e.g. utility substation or existing, previously approved communication tower equipment area) or equipment placed in the right-of-way of a street with a designation of an arterial or collector street or higher is exempt from the conditional use permit requirement.

8) A communication tower together with any antenna and associated communication tower equipment area used solely for internal communication purposes at a utility substation as long as the height of the communication tower was specified in the legal advertisement and public notice for any required utility substation permit hearing. The structure and its height shall be shown on the substation site plan.

9) New antennas replacing existing antennas located on a permitted communication tower or utility pole as long as no changes are being made to the existing tower or pole, the communication tower equipment area is not

being expanded or added, and the replacement antennas are of the same type as the existing antennas.

10) A new communication tower fifty feet or less in height with flushed mounted antennas requires a Type I conditional use permit.

11) A new communication tower that places communication tower equipment inside a vault requires a Type I conditional use permit.

12) New antenna added to a communication tower that are not flush mounted or extend from the communication tower a distance that is greater than that of the existing antennas requires a Type I conditional use permit.

13) Any communication tower that does not qualify for exemption from the Type III conditional use permit requirement under subparagraphs 1 through 12 above and that is increased in height by less than five feet requires a Type I conditional use permit.

14) Speculative communication towers are not permitted.

3. Application procedures:

a. A site plan is required for a communication tower and appurtenances and a communication tower equipment area.

b. The applicant shall submit documentation detailing that applicable Federal Communications Commission and Federal Aviation Administration regulations have been reviewed and that the regulations are being complied with or that the communication tower is exempt from regulation prior to the issuance of the building permit.

c. The applicant shall submit with the site plan before and after photo simulations showing the tower and surrounding area.

d. Prior to the issuance of a building permit, the applicant shall submit a license agreement to use the public right-of-way and approval from the department of transportation as conditions of site plan approval for any communication tower or co-located antenna and associated communication tower equipment area to be located in a public right-of-way.

e. The minimum notification area for communication towers requiring a conditional use permit hearing is one thousand feet in the IR zone.

f. For new towers the applicant shall submit a narrative explanation describing the community necessity for the new tower and resulting increase in coverage. The narrative shall list, and include a discussion of, the pros and cons of each prospective new tower site and co-location opportunity considered (along with maps showing the locations of each site) and shall state the reasons why each of the alternative sites and co-locations was not considered to be feasible. The narrative report shall be accompanied by before and after propagation maps prepared and signed by a radio frequency engineer evidencing that a gap in coverage exists and demonstrating how the proposed tower will eliminate the existing gap.

g. Applicants for a communication tower for cellular phone antennas must provide evidence in writing that at least one cellular phone provider is committed to locate on the tower.

h. Upon completion of the construction of any communication tower activity requiring a permit or right-of-way license, the applicant shall submit two sets of as-built photographs of the completed project as evidence of compliance with the provisions of the permit or right-of-way license.

4. Development standards:

a. Lattice-type communication tower and associated equipment area not within the public right-of-way:

1) Minimum site area: None.

2) Minimum lot setbacks: A distance equal to the height of the tower.

b. Monopole communication tower and associated communication tower equipment area within the public right-of-way:

1) Minimum site area: None.

2) Minimum setbacks - tower: A distance equal to the height of the tower from a residence.

c. Monopole communication tower and associated communication tower equipment area not within the public right-of-way:

1) Minimum site area: None.

2) Minimum lot setbacks - tower:

a) Adjacent to a residential zone or use, or within the IR zone: A distance equal to the height of the tower.

b) Adjacent to a non-residential zone: A minimum of fifty feet to all lot lines except internal lot lines within the boundaries of an approved development plan. Exceptions to this requirement for side and rear setbacks may be obtained through an approved modification of setback requirements request. Monopole communication towers adjacent to an industrial zone shall meet the setback requirements of the zone in which the tower is located.

3) Minimum lot setbacks - communication tower equipment area: The communication tower equipment area shall meet the setback requirements for accessory structures in the zone in which the tower is located.

d. Co-located antenna(s) attached to an existing, conforming structure including replacement poles and associated communication tower equipment area within the public right-of-way:

1) Minimum site area: None.

2) Minimum site setbacks: None.

e. An antenna(s) attached to an existing, permitted structure, including replacement poles, and associated communication tower equipment area not located within the public right-of-way:

1) Minimum site area: None.

2) Minimum lot setbacks: None.

f. Communication monopoles and lattice towers located within two hundred feet of a designated scenic route shall be stealth design, so long as this is not in conflict with FAA standards. If a new utility pole is used for the communication tower and the new utility pole replaces an existing utility pole which is one of a line of utility poles, then the color of the replacement utility pole and the new antennas shall match the color of the adjacent utility poles.

g. Towers shall be located with access to a publicly maintained road.

h. Landscaping shall be in accordance with Chapter 18.73 and shall screen the communication tower equipment area from adjacent residential uses and public streets. This requirement is not applicable within public rights-of-way.

i. Barbed wire may be used on fences and walls for security purposes in nonresidential zones if the wire is a minimum of six feet above ground level.

j. The light source of any outdoor security lighting shall not be visible from adjoining residential properties and shall be arranged to eliminate glare towards adjoining residential properties.

k. A minimum of one parking space shall be provided for each tower either within the site area or off-site if demonstrated to be safe and reliable.

5. Termination of Use. Any tower, structure or antenna that ceases operation for a period of twelve consecutive months shall be deemed to have terminated use and shall be removed within ninety days at the property owner's expense.

I. Adult Activities Facility Standards.

1. Purpose. The purpose of this subsection is to provide for the uniform regulation of adult activities facilities by limiting the concentration of adult activities facilities through the imposition of spacing requirements, thereby mitigating crime, maintaining property values, protecting retail trade and preserving the quality of life in rural and residential neighborhoods.

2. Enclosure. An adult activities facility shall be conducted solely within an enclosed structure or building.

3. Spacing. An adult activities facility shall be at least:

a. One thousand feet from another adult activity facility;

b. Five hundred feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar schools where children may be enrolled;

c. Five hundred feet from a public park;

d. Five hundred feet from a church;

e. Five hundred feet from a zoning district other than CB-2, CI-1, CI-2, and CI-3.

4. Method of Measurement. The spacing requirement set by this subsection shall be measured from the lot line of the proposed facility to a zoning district boundary line or to the lot line of a church, school, park, or another adult activities facility.

5. There shall be no more than one adult activities facility per lot.

J. Holiday Outdoor Sales.

1. Holiday outdoor sales of pumpkins and Christmas trees are permitted in business and industrial zones subject to issuance of a temporary use permit by the zoning inspector.

2. The permit shall be valid for no more than sixty days from the date of issuance and shall be valid only for the uses as approved by the zoning inspector.

K. Environmental Hazards.

1. Applicability. Due to the potential for adverse environmental impact, nuisance or hazard greater than that of other permitted uses, the following uses of land and erection, moving, alteration or enlargement of a building or other structure for such uses shall comply with the provisions of this subsection:

a. Facilities requiring Class I or Class II air quality permits pursuant to A.R.S. § 49-426, § 49-479 or Pima County code Section 17.12.140;

b. Hazardous waste treatment, storage and disposal facilities, hazardous waste transporters and hazardous waste generators required by A.R.S. § 49-929 to register annually with the Arizona Department of Environmental Quality pursuant to A.R.S. § 49-929;

c. Hazardous waste resource recover facilities as defined in A.R.S. § 49-930;

d. Septic tank cleaners, liquid waste haulers and industrial waste haulers required to be permitted pursuant to Pima County code Section 7.21.150;

e. Uses which require an industrial wastewater discharge permit as required by Chapter 13.36 of the Pima County code and which are subject to categorical pretreatment standards as described in Pima County code Section 13.36.040.C;

f. Landfills;

g. Facilities with underground storage tanks subject to annual fees pursuant to A.R.S. § 49-1020, except gasoline filling stations, repair shops and public garages, which shall be regulated pursuant to Subsection 18.07.030K.1.a.

2. Exception. This subsection does not apply to uses located in the CI-3 zone. Within the CI-3 zone, the uses listed in Subsection 18.07.030K.1 above shall be governed by the requirements of Chapter 18.55 of this code.

3. Conditional use permit required. The uses listed in subsection 18.07.030K.1 above shall require a Type 1 conditional use permit in accordance with Chapter 18.97 if any of the following apply:

a. The use is situated less than one thousand three hundred twenty feet from the boundary of any zone other than CPI, CI-1, CI-2, or CI-3;

b. The use is situated less than one thousand three hundred twenty feet from a public, private or parochial school, adult assisted care facility, or day care center;

c. For purposes of this subsection only, the Type 1 conditional use permit process shall be modified as follows:

1) In lieu of meeting Subsection 18.97.030I, the applicant shall submit a site plan in accordance with 18.91.030E (Preliminary development plan);

2) The use shall meet all standards listed in 18.97.030F. The hearing administrator shall give special considerations to the health and safety of neighboring residents in the hearing administrator's review of the permit.

L. Factory-built (modular) buildings.

1. A nonresidential factory built building is permitted in any zone, provided that the use of the building is a permitted use in the zone.

2. A residential factory built building is permitted as provided in Section 18.09.020K of this code.

M. Off-road vehicle facilities:

1. Purpose:

a. To maintain residential property values, preserve the comfort, enjoyment, and privacy of residents of the county, and reduce the potential for dust and noise pollution, erosion, and destruction of vegetation caused by off-road vehicle use.

b. To regulate the construction and use of off-road vehicle facilities, requiring such facilities to meet development standards.

c. To restrict the zones in which off-road vehicle facilities are permitted.

2. Scope:

a. An off-road vehicle facility shall be permitted only in CB-2 or less restrictive zoning classifications subject to the development standards of the zone in which the facility is located and obtaining the proper permit and in the RH, GR-1, and SR zones as Type I conditional uses. The minimum notification area shall be one thousand three hundred and twenty feet from the subject property.

b. Conditional use permit approval for an off-road vehicle facility shall be valid for a period of three years. A renewal of the off-road vehicle facility permit shall be subject to the same application procedures as a first-use permit. The hearing administrator shall renew the permit if he determines that the off-road vehicle facility is in compliance with the initial permit standard requirements and conditions. The renewal fee shall be the same as the fee for a first-use Type I conditional use permit.

3. Development Standards for an off-road vehicle facility in the RH, GR-1, and SR zones. The development standards contained in this section constitute the minimum requirements which must be met for off-road vehicle facilities. The hearing administrator may on a case-by-case basis impose additional and/or more stringent conditions than those contained in subsections 3b through 3f if he or she determines

such conditions to be warranted given the surrounding environment and neighborhood concerns about a specific facility. The hearing administrator shall, as a component of his or her decision, state the reasons why such conditions are necessary and appropriate. Such additional conditions may include, but are not limited to, the following: restricting the hours of operation, imposing additional setback requirements, limiting the size and location of a facility, limiting the number of off-road vehicles permitted to use a facility at any one time, restricting the time duration of each use of the facility and requiring landscape screening of the facility.

a. Minimum lot size: Ten acres.

b. Minimum setbacks: Two hundred feet from any lot line. A setback of less than two hundred feet shall be permitted on the side and rear yards where the adjacent property owners have provided a written, recorded document agreeing to the reduced setback.

c. Use of the off-road vehicle facility shall be restricted to the hours of ten a.m. to seven p.m. seven days per week March 15th through September 14th, and the hours of ten a.m. to six p.m. seven days per week September 15th through March 14th. However, in no event shall the use exceed a total of three hours per day during the allowable time frames.

d. There shall be no outdoor lighting or other illumination of the facility.

e. There shall be no public address or other announcing or broadcast system allowed in conjunction with the off-road vehicle facility.

f. The off-road vehicle facility shall be for personal, non-commercial use only.

g. A site plan shall be submitted which clearly depicts how the development standards are being met. The site plan sheet size shall be 24″ × 36″ and shall be drawn at a standard engineering scale that will show all required details. A development plan in accordance with Chapter 18.71 is not required for the Type I conditional use permit.

h. The applicant for a conditional use permit for an off-road vehicle facility shall contact all property owners and affected neighborhood associations within the notification area and shall hold a meeting, with a specified date, for review of the proposed conditional use request. Notice of the meeting shall be mailed, via first class mail, to all property owners and homeowners associations of record with the development services department within the notification area ten business days before the meeting. At such meeting, the applicant shall review the proposed use and any measures designed to mitigate any adverse consequences of the use. The applicant shall provide written proof of the meeting to the zoning inspector at least thirty days prior to the date of the public hearing by the hearing administrator. The conditional use request shall not be set for public hearing without such written proof.

i. All standard zoning requirements and special conditions placed on the facility by the hearing administrator shall be posted on the property at a location and in a manner and that is easily visible to facility users.

j. The permit holder shall comply with all applicable Pima County ordinances regarding noise and dust control.

k. The holder of an off-road vehicle facility permit shall meet with neighboring property owners on an annual basis. The meeting shall be held within thirty days of the permit anniversary date. Notice of the meeting shall be sent to property owners and homeowners associations of record with the development services department within the notification area. The notice shall be sent by first class mail ten business days before the meeting. The meeting notice shall contain at a minimum the following wording:

1) This notice is provided pursuant to Section 18.07.030(M)(3)(j) of the Pima County Zoning Code regarding an established off-road vehicle facility on my property located at (property address).

2) The terms of the conditional use permit require the permit holder to offer to meet annually with property owners within one quarter mile of the facility.

3) The purpose of the meeting is to gather feedback from neighbors regarding the operation of the facility.

4) If you feel that the facility is not being operated in compliance with the terms of the conditional use permit, you may file a zoning complaint with the Pima County development services zoning enforcement division.

5) Copies of the conditional use permit will be available at the meeting or may be obtained from the Pima County development services department. The permit holder shall provide Pima County development services with a written summary of the meeting within ten days of the meeting.

4. The provisions of this section shall not apply to a vehicle being used for:

a. Ranching or agricultural purposes;

b. Access to hunting, fishing, camping, and other similar areas;

c. Grading, construction or building trade purposes;

d. Mining purposes;

e. Licensed business operations which require off-road travel such as land surveying, public utility companies, sand and gravel operations and other similar enterprises;

f. Authorized emergency purposes including towing services;

g. Governmental purposes by government employees;

h. Transportation on a golf course.

N. Cargo Container.

1. Cargo containers are permitted in all zones only in conjunction with an approved permitted commercial development plan.

O. Commercial Vehicle Parking. Parking commercial vehicles is permitted in all zones only in conjunction with a permitted use and commercial development plan or with a permitted home occupation subject to Section 18.09.030(A)(10).

P. Ancillary Scale Renewable Energy System.

1. Purpose:

   a. To encourage energy self-sufficiency on an individual scale through the use of ancillary scale renewable energy systems;

   b. To minimize to the extent possible adverse visual effects and any possible audio effects of renewable energy systems through appropriate development standards;

   c. To provide clear regulations for the use of ancillary scale renewable energy systems.

2. Applicability: Primarily intended for on-site use only to off-set part or all of a property owner's or occupant's electrical requirements; selling excess energy produced is incidental to the primary use. Ancillary scale renewable energy systems are considered accessory uses to be allowed in all zones subject to the following development standards.

3. Development Standards—Ancillary Scale Solar Energy Systems:

   a. Minimum site area: In accordance with the underlying zone.

   b. Setbacks:

      1) Ground-mounted solar energy systems six feet in height or less:

         i) Front: In accordance with the minimum front yard requirements for a main structure or building of the underlying zone.

         ii) Side: In accordance with the minimum side yard requirements for an accessory structure or building of the underlying zone.

         iii) Rear: In accordance with the minimum rear yard requirements for an accessory structure or building of the underlying zone.

      2) Ground-mounted solar energy systems greater than six feet in height:

         i) Front: In accordance with the minimum front yard requirements for a main structure or building of the underlying zone.

         ii) Side: In accordance with the minimum side yard requirements for a main structure or building of the underlying zone plus two feet.

         iii) Rear: In accordance with the minimum rear yard requirements for a main structure or building of the underlying zone.

      3) Roof-mounted solar energy panels: In accordance with the minimum yard requirements for the applicable structure (main or accessory) to which the panel is attached.

      4) Solar energy panels co-located on existing utility poles: In accordance with the underlying requirements for the existing pole.

   c. Height:

      1) Ground-mounted solar energy systems: Maximum ten feet, with the following exception that systems up to sixteen feet shall be allowed in the IR

(institutional reserve), RH (rural homestead), GR-1 (rural residential), SR (suburban ranch), and SR-2 (suburban ranch estate) zones and all commercial and industrial zones.

2) Roof-mounted solar energy panels:

i) Parapet or flat roof: The highest point of the solar device structure shall be no more than eight feet above the top of the parapet or roof line, and the combined height of the solar device structure and the structure to which it is attached shall comply with the maximum height of the underlying zone allowed for the applicable structure (main or accessory) to which the solar device structure is attached.

ii) Gable, hip or gambrel roof: The highest point of the solar device structure shall be no more than six feet above the roof, and the combined height of the solar device structure and the structure to which it is attached shall comply with the maximum height of the underlying zone allowed for the applicable structure (main or accessory) to which the solar device structure is attached.

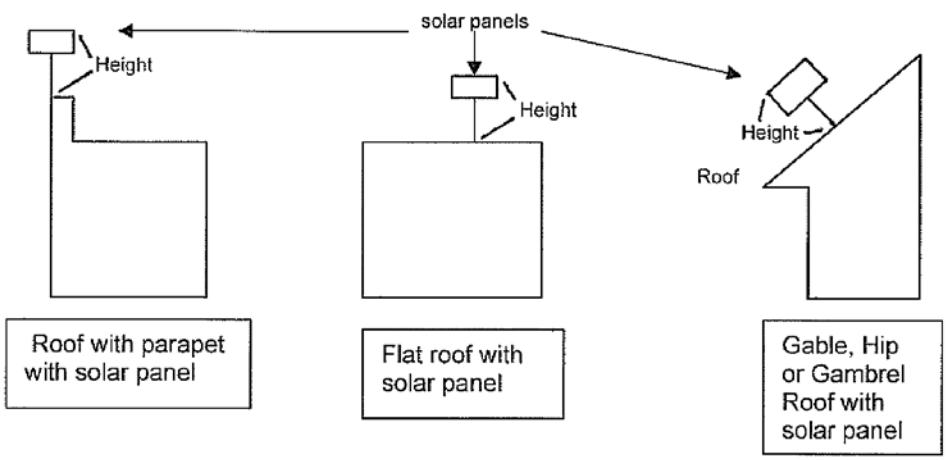


Figure 18.07-1
Measurement of Roof-mounted Renewable Energy Systems

3) Solar energy panels co-located on existing utility poles: In accordance with the underlying requirements for the existing pole.

4) Height is calculated as measured to the highest point of the solar device structure from the finished grade.

d. Ground-mounted solar energy systems located within the single residence zone (CR-1) or single residence zone (CR-2), and ground-mounted solar energy systems within the suburban ranch zone (SR) and suburban ranch estate zone (SR-2) if the system is set back less than fifty feet from the abutting properties, shall require a wall or opaque fence (no chain link fencing) on the side abutting the neighbor(s) or that portion of the side affecting the abutting neighbor as determined by the chief zoning inspector or their designee, equal to the height of the system up to six feet or vegetative screening capable of growing up to or greater than the height of the

system, be provided to help obscure the solar system from the abutting neighbors' ground-level views. The applicant may obtain an exception from this screening requirement to allow no fencing or chain link fencing with written consent from all abutting property owners submitted to the chief zoning inspector or their designee. The applicant must specify to the abutting property owners whether the exception is for no fencing or chain link fencing.

e. Lot coverage: Accessory structure maximum lot coverage shall not apply.

f. Solar energy panels co-located on existing utility poles are limited to sixteen square feet per pole.

g. An accessory structure proposed for roof-mounted solar energy panels must serve some other function (e.g. carport, shed) than to mount solar panels, otherwise the system is defined as "ground-mounted" and subject to Sections 18.07.030 (P)(3)(b)(1) or (2) and 18.07.030(P)(3)(c)(1).

4. Solar energy systems shall be located such that prolonged and/or substantial concentrated solar radiation or glare shall not be directed onto abutting properties or roadways.

5. Energy production: The chief zoning inspector or designee may request prior to issuing permits that the property owner provide written certification that the energy produced by the renewable energy system(s) is reasonably equivalent to the electrical usage of the property; any selling of excess energy is incidental.

6. An exception to the setback requirements may be made subject to approval of a modification of setback requirements (MSR) request in accordance with Section 18.07.070.

7. Any renewable energy system which becomes inoperable shall at the owner's expense be made operational or shall be removed from the property within one year of the date the system became inoperable.

Q. Utility Scale Renewable Energy System.

1. Purpose:

a. To encourage the use of renewable energy systems;

b. To provide clear regulations for utility scale renewable energy systems;

c. To minimize to the extent possible adverse visual effects of renewable energy system structures through appropriate development standards.

2. Applicability: A solar energy system that generates energy primarily intended for off-site consumption; selling energy produced is the primary purpose of the system. The facility may include accessory uses such as buildings associated with electrical operational infrastructure such as inverters and transformers.

3. Development Standards:

a. Utility scale solar energy systems are considered primary uses and are permitted in the general business zone (CB-2), light industrial/warehousing zone (CI-1), general

industrial zone (CI-2), and heavy industrial zone (CI-3) subject to the following requirements:

1) The equivalent development and performance standards as for a main structure or building of the underlying zone, with the exception of maximum lot coverage restrictions;

2) The submittal of an approved solar site development plan with the exception of roof-mounted systems; and

3) Subject to the general requirements listed in Section 18.07.030(Q)(4) below.

b. Utility scale solar energy systems are considered primary uses and are permitted in the multiple use zone (MU), local business zone (CB-1), and campus park industrial zone (CPI) subject to the following requirements:

1) Approval of a Type 1 conditional use permit;

2) Adherence to the performance standards in Section 18.43.020(B)(1);

3) The equivalent development standards as for a main structure or building of the underlying zone with the exception of maximum lot coverage restrictions and unless further expanded in setback or restricted in height in accordance with Section 18.07.030(Q)(4)(g);

4) Submittal of an approved solar development plan with the exception of roof-mounted systems; and

5) General requirements listed in Section 18.07.030(Q)(4) below.

c. Utility scale solar energy systems are considered primary uses and are permitted in the institutional reserve zone (IR), rural homestead zone (RH), rural residential zone (GR-1), suburban ranch zone (SR), suburban ranch estate zone (SR-2), and suburban homestead zone (SH) subject to the following requirements:

1) Approval of a Type I conditional use permit if the facility site is not within any of the following conservation land categories established in the regional environmental element of the comprehensive plan, as may be amended:

Important riparian area,

Biological core management area,

Multiple use management area,

Special species management area,

Scientific Research Area, or

2) Approval of a type II conditional use permit if the facility site is within any of the following conservation land categories established in the regional environmental element of the comprehensive plan, as may be amended:

Important riparian area,

Biological core management area,

Multiple use management area,

Special species management area,

Scientific research area;

3) Adherence to the performance standards in Section 18.43.020(B)(1);

4) The equivalent development standards for a main structure or building of the underlying zone with the exceptions of maximum lot coverage restrictions not being applicable, a minimum site area of two acres for the SH zone, and unless further expanded in a setback or restricted in height in accordance with Section 18.07.030(Q)(4)(g);

5) Submittal of an approved solar development plan with the exception of roof-mounted systems; and

6) Subject to the general requirements listed in Section 18.07.030(Q)(4) below.

4. General requirements for all utility scale solar energy systems:

a. The minimum required fencing for a ground-mounted system is a perimeter chain link fence (unless Section 18.49.040(G) applies, in which case another type of fencing/wall is required) meeting minimum setback requirements, however, the hearing administrator may recommend additional or alternative specific types of fencing, screening, and/or walls appropriate to the site and surrounding land use(s) and not otherwise prohibited by this title.

b. The site's permanent building, if any, shall utilize a southwestern color palette (desert tans, browns, rusts, greens) for those opaque surfaces that are not of indigenous or natural building materials. If the property is subject to the scenic route regulations of Chapter 18.77, the more restrictive requirements shall apply.

c. Solar energy systems shall be located such that prolonged and/or substantial concentrated solar radiation or glare shall not be directed onto abutting properties or roadways.

d. Suitable warning signs containing a telephone number for emergency calls shall face all access approaches to the facility. No advertising on the signs is allowed.

e. The site shall be maintained in a trash and debris free manner.

f. Any renewable energy system which becomes inoperable shall at the owner's expense be made operational or shall be removed from the property within one year of the date system became inoperable. An appropriate reclamation and closure plan, including recycling, subject to the planning director's approval shall be required prior to removal.

g. Any additional special conditions deemed necessary by the hearing administrator or the board of supervisors may be added.

5. An exception to the setback requirements may be made subject to approval of a modification of setback requirements (MSR) request in accordance with Section 18.07.070.

6. Barbed wire may be used on fences or walls for security purposes provided the barbed wire is greater than six feet above ground level. The barbed wire shall not count towards the maximum fence or wall height.

R. Rainwater Harvesting System.

1. Rainwater harvesting systems are permitted in all zones, subject to the requirements and exceptions of this subsection:

   a. Exposed openings to cisterns shall be screened with a corrosion resistant metallic fine mesh to prevent mosquitoes from entering.

   b. Large openings in cisterns shall be securely fastened to prevent accidental drowning.

   c. Overflow or discharge from rainwater harvesting systems must not have an adverse impact on adjacent property or rights-of-way.

   d. Cistern setbacks:

      1) Front: In accordance with the minimum front yard requirements for a main structure or building of the underlying zone.

      2) Side: In accordance with the minimum side yard requirements for an accessory structure or building of the underlying zone, except that zero lot line siting is permissible for cisterns eight feet or less in height, excluding piping, on lots of eight thousand square feet or less.

      3) Rear: In accordance with the minimum rear yard requirements for an accessory structure or building of the underlying zone.

   e. Exceptions for cisterns:

      1) Cisterns forty-eight inches or less in height and width excluding piping are exempt from minimum yard distance setback requirements of the underlying zone.

      2) Cisterns are exempt from maximum lot coverage requirements of the underlying zone.

      3) For single detached or one-family dwellings on lots of less than seventy-two thousand square feet, if more than two cisterns are visible within a front or side yard from a single point on an abutting street, the cisterns must be screened with a minimum five-foot-high wall, fence, or hedge.

S. Stormwater Harvesting System.

1. Purpose. The use of stormwater harvesting systems can:

   a. Increase on-site stormwater infiltration to reduce run-off and soil erosion;

   b. Improve stormwater quality by absorption, filtration and uptake of pollutants into natural systems;

c. Provide a low-cost, sustainable source of irrigation to augment and reduce use of groundwater resources;

d. Support landscaping to create shade, lessen urban heat island, improve air quality and beautify local development;

e. Provide wildlife habitat and preserve and enhance existing riparian corridors; and

f. Reduce the burden on and cost of building public stormwater control structures.

2. Stormwater harvesting systems are permitted in all zones, subject to the requirements and exceptions of this subsection:

a. Design, installation and use of stormwater harvesting systems should use as guidance, where applicable, Pima County Code Title 16-Floodplain Management, the Regional Flood Control District Manual "Design Standards for Stormwater Detention and Retention," the City of Tucson/Pima County "Low Impact Development-Green Infrastructure Guidance Manual," and other accepted stormwater harvesting principles and guidelines for arid climates approved by the floodplain administrator and planning official.

b. Stormwater harvesting shall be reviewed in conjunction with site improvement plan review.

c. Stormwater harvesting systems shall be designed to:

1) Collect stormwater from all on-site paved, impervious or disturbed surfaces, but may also collect off-site non-regulatory stormwater;

2) Drain directly into bufferyards, off-street parking, and other required landscape and screening areas, as well as detention basins and areas that augment existing riparian habitat; and

3) Allow the flow of stormwater between harvesting elements across the site — walls, hardscaping, and other structures shall also be designed to facilitate stormwater flow.

(Ord. 2015-7 § 2, 2015; Ord. 2013-42 § 3, 2013; Ord. 2012-72 § 1, 2012; Ord. 2012-15 § 2, 2012; Ord. 2011-45 § 2, 2011; Ord. 2011-2 § 3 (part), 2011; Ord. 2009-101 § 2, 2009; Ord. 2008-70 § 2, 2008; Ord. 2006-85 § 2, 2006; Ord. 2005-87 § 2, 2005; Ord. 2005-85 § 2, 2005; Ord. 2002-67 § 2, 2002; Ord. 1999-78 § 2, 1999; Ord. 1999-34 § 1, 1999; Ord. 1998-53 § 1, 1998; Ord. 1997-40 § 2, 1997; Ord. 1996-58 § 4 (part), 1996; Ord. 1994-147 § 2, 1994; Ord. 1994-114 § 2, 1994; Ord. 1993-150 § 1, 1993; Ord. 1992-6 § 1 (part), 1992; Ord. 1988-153 § 1 (part), 1988; Ord. 1986-19 § 1 (part), 1985; Ord. 1985-153 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.07.040 - Land use exceptions.

A. Additional Permitted Uses. The following accessory uses shall be permitted in any zone when the principal use itself is permitted:

1. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions;

2. Recreation, refreshment and service buildings in public parks, playgrounds and golf courses.

B. Public Utilities Permitted. Except as provided in Chapter 18.57:

1. Nothing in this code shall prevent the location, erection, alteration or maintenance of pipes, poles, wires, and similar installations necessary to distribute public facilities;

2. In addition to other provisions of this code, the uses of this subsection shall be permitted in any zone and shall not be subject to the minimum lot area requirements. Barbed wire may be used on fences and walls for security purposes, provided the wire is more than six feet above ground level;

3. Water pumping and storage facilities operated as part of a system serving two or more properties as a public, private or community utility:

   a. Subject to the requirements for accessory buildings in the zone in which located,

   b. Provided a wall or hedge is used to screen the site,

   c. Where a tower more than twenty feet in height is used in conjunction with such facilities, its center shall be located a distance from any lot line equal to not less than one-half its height;

4. Telephone, telegraph or power substations:

   a. Any building housing such substation shall be in keeping with the character of the zone in which located,

   b. A substation not enclosed within a building shall be subject to:

      1) The minimum front and side yards of the zone in which located; and

      2) Appropriate screen planting along any street frontage, which planting and any necessary fencing shall be set at a distance not closer to a street lot line than the minimum front and side yards of the zone;

5. Power substations with an input voltage of one hundred fifteen kilovolts or greater shall be subject to the following requirements:

   a. Setback: That the facility, including walls or equipment, is located no closer than two hundred feet to any existing residential property line,

   b. Screening:

      1) That the facility include a ten-foot high wall in an earth tone and vegetative landscaping when contiguous to a residential zone,

      2) Vegetative landscaping shall be located to preclude attracting athletic activities in the setback area,

   c. Height: That the facility observe the height restriction of the zone in which located,

   d. Notification: When the utility purchases land with the intent of constructing a power substation facility, the property must be posted stating that intent,

   e. Noise emissions:

1) That the sound level emitted by the facility shall not exceed forty-five DBA at the property line,

2) That there shall not be any TVI (television interference) or RIV (radio interference) on a continuous basis,

f. The board of supervisors may waive the minimum requirements of Section 18.07.040(B)(5)(a) through (e), or impose more restrictive requirements at an advertised public hearing if the supervisors determine such an action is in the public interest,

g. Power substation permit issued by the supervisors after a public hearing:

1) Notice shall be given by mail to all owners of record within six hundred feet of the substation and by posting the substation site,

2) An applicant for a permit shall pay a fee in accordance with the development services fee schedule.

h. The supervisors may approve or deny an application and may impose reasonable conditions upon the issuance of a substation permit and shall consider the following factors:

1) Existing plans of the state, local government and private entities for other developments at or in the vicinity of the proposed site,

2) Fish, wildlife and plant life and associated forms of life upon which they are dependent,

3) Noise emission levels and interference with communication signals,

4) The proposed availability of the site to the public for recreational purposes, consistent with safety considerations and regulations,

5) Existing scenic areas, historic sites and structures or archaeological sites at or in the vicinity of the proposed site,

6) The total environment of the area,

7) The technical practicability of achieving a proposed objective and the previous experience with equipment and methods available for achieving a proposed objective,

8) The estimated cost of the facilities and site as proposed by the applicant and the estimated cost of alternative facilities and sites, recognizing that any significant increase in costs represents a potential increase in the cost of electric energy to the customers or the applicant,

9) Any additional factors which require consideration under applicable federal, state and Pima County laws,

10) The supervisors shall give special consideration to the safety and health of neighboring residents,

i. The requirements of Section 18.07.040(B)(5)(g) and (h) shall be eliminated on those sites which are considered by the Arizona Power Plant and Transmission

Line Siting Committee when that committee contains adequate local representation. The determination of adequate local representation on the committee shall be made by the supervisors at a public hearing.

C. Clay, Sand or Gravel Pits, Rock or Stone Quarries, Gas or Petroleum Drilling Permitted. Clay, sand or gravel pits, rock or stone quarries and drilling for petroleum or natural gas may be permitted in any zone, except MU; provided, that said use is designed and located so as not to create any unusual hazard or nuisance in the immediate neighborhood of the proposed site of said use, and the zoning inspector is hereby authorized to issue a permit for said uses under the conditions set forth in Section 18.53.020(C) (CI-2 General Industrial Zone).

(Ord. 2011-2 § 3 (part), 2011; Ord. 2008-118 § 2, 2008; Ord. 2004-59 § 3, 2004; Ord. 1988-153 § 1 (part), 1988; Ord. 1985-117 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.07.050 - Development standards exceptions.

A. Individual Lot-size Reductions. The provisions for the lot reduction option (Section 18.09.050—General Residential and Rural Zoning Provisions) shall not affect the power of the board of adjustment to allow reduction of individual lot sizes on the standards provided in Section 18.93.030 (Board of Adjustment Variances, Temporary Use Permits and Interpretations).

B. Exception for Walls and Fences. The yard and setback requirements of this code shall not apply to perimeter walls, fences, pedestrian entry architectural features built into a wall or fence, or vehicular entry architectural features as follows:

1. Walls or fences six feet or less in height and designed as security, privacy or screening elements of the site or lot; or
2. Walls or fences eight feet or less in height, located on the side or rear yard, on one acre lots or greater in size; or
3. Pedestrian entry architectural feature eleven feet or less in height; or
4. Vehicular entry architectural features twenty feet or less in height, on one acre lots or greater in size; or
5. Walls or fences of any type or dimension when required or permitted in accordance with Chapter 18.73, Landscaping, Buffering and Screening Standards.

The location and height of any wall or fence shall meet all applicable sight visibility standards and requirements.

C. Projections Into Yards.

1. Stairways, unroofed and unenclosed above or below floor or steps, must not project more than three feet into any minimum side or rear yard. Roof eaves or overhangs, shade structures, and roofed porches must not project more than three feet into any minimum front, side, or rear yard for main structures, main buildings, and guest houses provided drainage from roofs and shade structures does not fall onto adjacent property. The projection is measured from the face of the supporting structure or wall.

2. Open terraces not over three feet high above the average natural grade and distant at least five feet from every lot line, may project into any minimum side or rear yard.

3. In any business or industrial zone, a marquee, canopy or awning, suspended or cantilevered from a building, either for the purpose of, or for giving the appearance of shelter or shade, may project not more than ten feet into any minimum front yard.

D. Exception for Slope. Parking spaces or detached garages may be occupied or built to within five feet of the street line on any lot where:

1. The slope of the front half of the lot is greater than one-foot rise or fall in a seven-foot run from the established street elevation at the property line; or

2. The elevation of the front half of the lot is more than four feet above or below the established street elevation at the property line.

E. Front Yard Exceptions for Existing Alignment.

1. In any rural or residential zone: Where a lot adjoins lots having existing front yards less than the minimum required by this code, the minimum front yard on said lot shall be the average of the existing front yards on the two adjoining lots, or, if only one of the lots is built upon, such front yard shall be the average of the existing front yard of the adjoining lot and the minimum front yard of the zone, provided no such front yard shall be less than ten feet.

2. In any CB-1 or CB-2 zone: Where one or more buildings used for commercial or industrial purposes and located on interior lots have existing front yards less than the minimum required by this code, the minimum front yard required on all other lots within the same block front and not more than five hundred feet from said existing building need not be greater than the least front yard existing.

3. In any zone: Any property fronting or abutting on a turnaround at the end of a cul-de-sac, or a similar increased radii of the street property line at the angle in a street, the minimum front yard required shall be one-half of the front yard required in the particular zone.

F. Rear Yard Adjoining Alley.

1. A minimum rear yard may be measured to the centerline of an alley adjoining such rear yard; provided, that the required rear yard shall not be reduced more than ten feet.

2. In any CR-2 or denser residential zone where a ten-foot half right-of-way for an alley is provided, the first five feet of such half right-of-way multiplied by the width of any lot where it abuts on the alley may be included as part of the overall lot area for the purpose of meeting the minimum lot area requirements; provided, that the net rear yard is not less than seventeen feet.

G. Rear Yard Exception on Corner Lot. On any corner lot in a CR-3, CR-4, CR-5, TR or CB-1 zone, the minimum rear yard may be reduced to not less than ten feet from the rear property line, provided the minimum side yard on the side street is increased by ten feet and the off-street parking provisions of Chapter 18.75 (Off-Street Parking and Standards) are complied with.

H. Height Limit Exceptions. The height limits of this code shall not apply to:

1. Barns, chimneys, conveyors, cupolas, derricks, flagpoles, parapet walls extending not more than four feet above the height limit of the building, silos, smokestacks, power transmission towers, windmills, power transmission poles, and vegetated roof systems beginning at the height above the waterproof membrane including safety railings, enclosed access stairway or elevator with a minimum twenty-foot setback from roof edges, vegetative containers, and vegetation;
2. Churches, hospitals, sanatoriums, schools or other public and semi-public buildings. Any such building may be erected to a height not exceeding forty-four feet, provided the minimum side and rear yards are increased by an additional foot in width or depth for each foot by which the height of such building exceeds the maximum height permitted in the zone in which such building is to be located;
3. Bulkheads, elevator penthouses, monitors, scenery lofts and water tanks; provided, that:
    a. Such structures above the height limits specified for the zone shall not in the aggregate occupy more than twenty-five percent of the area of the lot, and
    b. No linear dimension of any such structure shall be greater than one-half of the length of the corresponding street lot line if the structure is within twenty-five feet of such street lot line;
4. Towers, restricted to fire and hose towers, cooling towers for industrial operations, gas holders, grain elevators, sugar refineries or other structures where the manufacturing process requires a great height; provided, that such structures above the height limit specified for the zone shall:
    a. Not in the aggregate occupy more than twenty-five percent of the area of the lot,
    b. Be a distance not less than twenty-five feet from every lot line not a street lot line, and
    c. Be not less than one foot from the opposite side of each abutting street for each foot of the vertical height;
5. Natural convection towers except as provided in this subsection. A Type II conditional use permit shall be obtained for the tower and the proposed tower height must be approved by the board of supervisors at the conditional use public hearing. For the purpose of this paragraph, a "natural convection tower" means a chimney-like structure, which can be integrated with a main building and its HVAC (heating, ventilating and air conditioning) system, and uses natural convection to move air up or down the tower with the designed purpose and effect of cooling or heating the building with only limited, secondary use of fans or blowers. The following restrictions shall apply to such towers:
    a. A minimum of seventy-five percent of the height of the tower must be used for the natural convection chimney effect,
    b. A minimum of fifty percent of the cross-sectional area of the tower must be dedicated to airflow for the cooling operation,
    c. The minimum setback of the tower from any scenic route shall be three feet of horizontal distance for every foot of vertical tower height, with the setback

measured from the edge of the street right-of-way as designated on the Major Streets and Scenic Routes Plan;

d. The minimum setback of the tower from any property line shall be twenty-five feet, unless a greater building setback is required by the applicable zone, the Major Streets and Scenic Routes Plan, or subdivision (c) of this subsection.

(Ord. 2013-42, § 3, 2013; Ord. 2008-70 § 3 (part), 2008; Ord. 2006-92 § 2 (part), 2006; Ord. 1996-58 § 4 (part), 1996; Ord. 1994-112 § 1 (part), 1994; Ord. 1988-89 § 1, 1988; Ord. 1985-188 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.07.060 - Accessory buildings and accessory structures.

A. Accessory building adjacent to main building. When any portion of an accessory building is three feet or less from the main building, the accessory building shall comply in all respects with the development standards for the main building as if it were part of the main building.

B. Accessory building on corner lot.

1. On any corner lot an accessory building shall be not closer to the street side lot line than the width of the side yard required for the main building on that lot.

2. Where the rear of a corner lot adjoins a key lot, no part of an accessory building within ten feet of the rear lot line shall be nearer the street side lot line than the depth of the front yard required on the key lot.

C. Accessory structure height limits in Level II Protected Peak and Ridge areas. No accessory structure in a Level II Protected Peak and Ridge area may exceed the building height required by Level II Protected Peak and Ridge design standards.

D. Accessory building and accessory structures specifically regulated. When a specific type of accessory building or accessory structure is regulated by this code with development standards specific to that type of building or structure, those development standards supercede the general accessory building and accessory structure development standards for the zone in which the accessory building or accessory structure is located.

E. Exceptions for private aircraft hangars:

1. On lots zoned IR, RH, GR-1, SR, SR-2 or SH, the accessory structure size limitations shall not apply to private aircraft hangars that have recorded access to a private airport facility, ultra light facility, or general aviation strip.

(Ord. 2008-70 § 3 (part), 2008; Ord. 2006-92 § 2 (part), 2006; Ord. 2004-59 § 3 (part), 2004; Ord. 1988-188 § 1, 1988; Ord. 1985-82 (part), 1985)

18.07.070 - Modification of setback requirements or lot coverage limits.

A. Applicability. Front yard when the setback is not reduced to less than twenty feet, side and rear yard setbacks, distances between structures or buildings, or lot coverage limits by accessory structures or accessory buildings required by this code may be modified by the

zoning inspector in accordance with the provisions below. The approval of a modification under this section does not waive or modify building code or fire code regulations.

B. Application. Requests for modification of setback requirements or lot coverage limits for accessory structures or accessory buildings shall be made on application forms provided by the development services department.

1. The application shall include:

a. Legal description,

b. Signatures of the property owners of record or the authorized agent of the owner,

c. A letter of authorization if the property owner is represented by an agent,

d. A sketch plan showing existing and proposed buildings and structures, access, parking, and distances from buildings and structures to property lines and to other buildings and structures,

e. An elevation drawing, if determined necessary by the zoning inspector, showing the existing and proposed building or structure,

f. A statement describing the ability and intent of the property owner to apply for necessary county permits within nine months of receiving approval of the modification of the setback requirements or lot coverage limits for accessory structures or accessory buildings, and

g. A statement describing how the proposal complies with the standards in subsection D of this section,

h. Any other information reasonably necessary to evaluate the application which is required by the zoning inspector,

i. A fee as per subsection G of this section.

C. Notice to owners of affected properties.

1. Mailed notice including a sketch plan shall be sent to:

a. Property owners adjacent to the applicant's property,

b. Property owners within one hundred feet of the applicant's property line but separated by a public or private road or private common area, and

c. Property owners determined by the zoning inspector to be affected by the request.

2. The zoning inspector may waive the giving of notice if the applicant submits written consents to the modification signed by all owners of affected property as defined in paragraph 1 above.

D. Standards. The zoning inspector shall grant a modification of the setback requirements or lot coverage limits for accessory structures or accessory buildings only after a finding is made that the following standards have been met:

1. The reduced setback or increased lot coverage by accessory structures or accessory buildings will not substantially reduce the amount of privacy that would be enjoyed by nearby residences;

2. Significant views of prominent land forms, unusual stands of vegetation, or parks from nearby properties will not be obstructed any more than would occur if the setback was not modified or if the lot coverage limits for accessory structures or accessory buildings were maintained;
3. Traffic visibility on adjoining streets will not be adversely affected;
4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way;
5. Proposed buildings and structures will not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties;
6. The location or lot coverage of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

E. Action by the Zoning Inspector.

1. The zoning inspector shall review all the submitted information and provide a written response to the petitioner of the action.
2. The response shall state the reasons for the decision if the request is denied.
3. If granted, building permits may be issued for the building or structure and shall be in accordance with Section 18.93.050(A) and (B).

F. Appeals or Referral to the Board of Adjustment.

1. The applicant may elect to file directly to the board of adjustment for a variance.
2. The applicant may appeal the decision of the zoning inspector to the board of adjustment and be heard in accordance with Section 18.93.030.
3. If a protest to a setback modification or a modification to lot coverage limits for accessory structures or accessory buildings is submitted in writing within fifteen days of the date of the mailing of notice by an owner of affected property as defined in this section, the zoning inspector shall refer the application to the board of adjustment to be heard in accordance with Section 18.93.030. Protests may be based only upon characteristics of the development that would not be allowed by the zoning code without the modification.
4. The zoning inspector may refer an application to the board of adjustment to be heard in accordance with Section 18.93.030.

G. Fee. The fee shall be in accordance with the standard fee for variances as specified in the board of adjustment filing fee of the development services fee schedule.

(Ord. 2011-2 § 3 (part), 2011; Ord. 2008-70 § 3 (part), 2008; Ord. 1991-32 § 1, 1991)

18.07.080 - Modification of development standards in riparian areas.

A. Applicability. Whenever development requires a floodplain use permit to promote the protection of riparian habitat as defined by the Pima County flood control district pursuant

to Chapter 16.30 of the Pima County Code, development standards may be modified in accordance with this section. Any such modification shall be consistent with the purpose of Chapter 16.30, and may only be allowed:

1. When a mitigation plan required by Chapter 16.30 would be unnecessary if the modification is granted; or
2. When development within the riparian habitat area cannot reasonably be avoided and an application for modification is submitted as part of a mitigation plan submitted pursuant to Chapter 16.30.

B. Types of Modifications. Development standards may be modified consistent with section A above, including but not limited to the following:

1. Setbacks. The zoning inspector may modify any minimum setback or distance between structures. The modification shall be processed pursuant to the procedures and standards of Section 18.07.070, except that no fee shall be charged.
2. Subdivision Lot Size. Minimum lot size requirements for subdivision lots in the CR-l, CR-2, CR-3, GR-1 and CMH-1 zones may be modified at the time of plat approval in order to promote the protection of riparian habitat and undisturbed natural areas. Additional undisturbed natural area may be included in the preserved area if at least one acre or ten percent of the total preserved area is riparian habitat as defined in Chapter 16.30 of the Pima County Code. Such lot size modifications are available only where an area of riparian habitat and undisturbed natural areas will be owned by a homeowners association and preserved from alteration by recorded covenants running with the land enforceable by the county. The sum total of square feet by which the area of each lot in the subdivision is reduced shall not exceed the square feet of the preserved area. No more lots shall be allowed by the reduction than would be allowed without the reduction.
    a. Minimum lot size requirements for lots in a CR-1 or GR-1 subdivision may be reduced from thirty-six thousand square feet to eighteen thousand square feet;
    b. Minimum lot size requirements for lots in a CR-2 subdivision may be reduced from sixteen thousand square feet to twelve thousand square feet;
    c. Minimum lot size requirements for lots in a CR-3 or CMH-1 subdivision may be reduced from eight thousand square feet to seven thousand square feet.
3. Off-Street Parking. The subdivision and development review committee may modify off-street parking requirements, pursuant to Chapter 18.75, when it is demonstrated that such adjustment will not result in a danger to persons or property or in increased traffic.
4. Bufferyard Requirements. The number of trees in bufferyards required pursuant to Chapter 18.73 may be reduced up to fifty percent when riparian habitat in an area regulated by the Pima County flood control district pursuant to Chapter 16.30 is preserved. The number of required bufferyard trees may be reduced at the rate of one bufferyard tree per three hundred square feet of preserved riparian vegetation. Measurement of the riparian vegetation shall be done by aerial canopy coverage or an alternative means acceptable to the county. The measurement of the square footage of the riparian vegetation shall be rounded up or down to a whole number using three

hundred as the base number. (For example, four hundred thirty square feet shall equal one tree, while seven hundred eighty square feet shall equal three trees.)

5. An owner or a developer may request additional development standard modifications which promote the purposes of Chapter 16.30. Any such request shall be reviewed subject to statutory or ordinance provisions, including the appeals process or a development agreement approved by the board.

(Ord. 1998-52 § 1, 1998; Ord. 1994-113 § 1, 1994)

Chapter 18.09 - GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS

- 18.09.010 - Purpose.
- 18.09.020 - General requirements and exceptions.
- 18.09.030 - Home occupations.
- 18.09.040 - Cluster development option.
- 18.09.050 - Lot reduction option.
- 18.09.060 - Lot development option.
- 18.09.070 - Multisectional manufactured home subdivision option.
- 18.09.080 - Small lot subdivision option.
- 18.09.090 - Model home permits.
- 18.09.100 - Conservation subdivision.
- 18.09.110 - Two-story residential buffer setback.

18.09.010 - Purpose.

Reserved.

18.09.020 - General requirements and exceptions.

A. Uses Permitted in All Rural and Residential Zones.

1. The following uses shall be permitted in all rural and residential zones (except as noted in subsection (A)(2) of this section), subject to the requirements of the zone and any special conditions, as may be noted:

   a. Single detached or one-family dwelling;

   b. Accessory building or use;

   c. Church, providing the minimum off-street parking requirements, as set forth in Chapter 18.75 (Off-street Parking and Loading Standards), are met;

   d. Home occupation (refer also to Section 18.09.030);

   e. Public park;

   f. Public school;

   g. Parochial and private schools are permitted subject to the following development standards:

      1) Conditional use permit:

Parochial and private schools	Type I permit

2) Minimum site area: Five acres in all zoning districts except in the TR and MU zoning district, in which the minimum site area is one acre.

3) Maximum student population density: Fifty-five students per acre.

4) Maximum site coverage: Thirty percent of the site.

5) Minimum setback for playgrounds or athletic fields: One hundred feet from all property lines.

6) Screening and buffering: Bufferyard "D" along all property lines.

7) All driveways shall be dust proofed.

8) All outdoor lighting used in conjunction with the school use shall be in accordance with the county outdoor lighting code (Title 15).

9) All lighting for outdoor recreational areas shall cease no later than ten p.m.

10) As required by state statute, A.R.S. Section 15-189.01, an application for a charter school shall receive final determination from the county within ninety days of the beginning of the process.

11) Schools should be located as close as possible to residential areas. All schools should be built on site in a manner that promotes safe routes or similar pedestrian and bicycle oriented design.

h. Charter Schools:

1) On vacant lots or on lots with a single family residence greater than one acre or larger.

2) Charter schools on lots less than one acre with a single family residence require a Type I conditional use permit.

2. Exceptions. TH zone: All uses listed in subsection (A)(1) of this section are prohibited.

B. Parking of Unoccupied Trailers.

1. Any trailer not in use for residential purposes may be stored or parked in any SR, SR-2, CR-1, CR-2, CR-3, CR-4 or CR-5 zone only if said trailer is located to the rear of the principal dwelling on the lot, parcel or tract where said trailer is to be stored, and is stored in a garage or ramada or behind planting of sufficient height to shield said trailer from view from the adjoining properties; and

2. No more than one such trailer may be parked on any such residential lot, parcel or tract.

C. Requirements for Townhouses and Condominiums.

1. Townhouse developments shall be subject to covenants, conditions, and restrictions which shall, among other things, provide for the establishment of a homeowner's association which shall be responsible for the maintenance of building exteriors, landscaping, and common areas.

2. Condominium developments shall be subject to the formation of a unit owner's association pursuant to A.R.S. Section 33-1241 et seq., which shall, among other things, provide for the maintenance of building exteriors, landscaping, and common areas.

3. Building setback requirements shall be same as the setback requirements in the zone where the lots are created and shall be determined from the boundaries of the proposed development.

D. Rear Dwelling Requirements. In addition to other requirements of this code, the following shall apply to any dwelling in the rear of a principal building:

1. There shall be provided an unoccupied and unobstructed access way to a street, which access way shall have a width of at least fifteen feet for one dwelling unit and at least twenty feet for two or more dwelling units;

2. For the purpose of determining the front yard for a rear dwelling in any CR-1, CR-2, or CR-3 zone, the rear line of the rear yard required for the building in the front shall be considered the front lot line for the building in the rear.

E. Group Homes.

1. Scope: Group homes shall be permitted in the RH, GR-1, ML, SR, SR-2, SH, CR-1, CR-2, CR-3, CR-4, CR-5, CMH-2, MU, TR and CMH-1 zones, subject to issuance of a use permit by the zoning inspector showing compliance with the requirements of this subsection;

2. Requirements:

a. The establishment must be licensed to operate as a group home by the state of Arizona;

b. The establishment must obtain a certificate of occupancy if required by county building codes.

F. Operative Builder's Yard Provisions.

1. Any licensed residential building contractor may apply for a temporary and revocable permit for a builder's yard, warehouse, or real estate office, in any subdivision of record in any residential zone in which the applicant owns or controls ten or more commercial acres, provided the use is used exclusively to service a residential building project in the subdivision of that land.

2. The permit shall be for a period of twelve months, but the permit may be extended or renewed for an additional period of twelve months if fifty percent or more of the project area has been completely developed during the original permit period.

3. At the expiration of the permit period or any extension thereof, the builder's yard, warehouse, or real estate office shall be removed from the premises where located within sixty days from the date of expiration.

G. Guest House.

1. Shall be permitted on any residential or rural lot which has a minimum lot size of sixteen thousand square feet or more;

2. Shall be no larger than forty-five percent of the floor area of the main dwelling;

3. Only one guest house per lot shall be allowed;

4. Minimum yard requirements:

a. Front: In accordance with accessory building standards of the appropriate zone;

b. Side and rear: Twenty feet;

c. Distance to main structures: Three feet;

5. One additional on-site parking space shall be required for each bedroom within the guest house;

6. Shall use the same access which serves the main dwelling;

7. The guest house and the main dwelling shall not be served by separate utility meters; and

H. Child Care Center.

1. Child care centers in conjunction with existing church, private school or community service agency shall be a Type I conditional use permitted in all rural and residential zones, and subject to the issuance of a conditional use permit in accordance with the provisions of Chapter 18.97;

2. Requirements:

a. A decorative masonry wall, fence, or combination, at least four feet in height, shall be provided for the enclosure of the outdoor play area,

b. Existing off-street parking and loading areas may be utilized, however, they shall be in accordance with Chapter 18.75 (Off-street Parking Standards),

c. Hours of operation shall be between six a.m. to nine p.m.,

d. License: The child care center shall be licensed to operate as a child care center by the Office of Child Day Care of the Arizona Department of Health Facilities.

I. Assisted Living Home.

1. License: That the establishment is licensed to operate as an assisted living home by the state of Arizona.

2. Gross floor area: An assisted living home shall have a minimum gross floor area of two thousand square feet for six to ten residents.

3. Compliance review:

a. An assisted living home shall obtain a certificate of occupancy if required by county building codes.

b. An assisted living home is subject to issuance of a zoning use permit or zoning construction permit by the zoning inspector which establishes compliance with the requirements of this section.

J. Secondary Dwelling.

1. Application: In RH and GR-1 zones, a property owner may apply for a permit to allow a secondary dwelling for the use of an ill, handicapped, or elderly person in need of special care or supervision, or a care provider for such person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling. The application shall include:

a. Legal description,

b. Signatures of the property owners of record or the authorized agent of the owner,

c. A letter of authorization if the property owner is represented by an agent,

d. A sketch plan of the subject property showing existing and proposed structures, access, parking, and distances from structures to property lines and to other structures,

e. The names of persons who will occupy the secondary dwelling and a statement signed by a physician that special care or supervision is required by the ill, handicapped or elderly relative,

f. Any other information reasonably necessary to evaluate the application which is required by the zoning inspector,

g. A fee per subsection (J)(7) of this section.

2. Standards: A secondary dwelling permit shall be subject to the following standards:

a. Property owner shall provide a statement signed by the physician of the ill, handicapped, or elderly relative stating that special care or supervision is required by the affected person,

b. Only one secondary dwelling per lot is permitted,

c. Secondary dwelling shall meet the minimum setback requirements prescribed in the development standards—general of the property's zoning classification,

d. The same access which serves the main dwelling shall be used for the secondary dwelling,

e. The owner shall record a covenant running with the land stating that the secondary dwelling unit shall be removed from the property within ninety days of the date the secondary dwelling is no longer occupied by the person specified in the secondary dwelling permit, and

f. The secondary dwelling will not cause adverse effects to surrounding properties.

3. Additional conditions: The zoning inspector may attach additional conditions to the permits to mitigate possible adverse effects to surround properties.

4. Appeals: Prior to the issuance of a secondary dwelling permit, property owners within three hundred feet of the subject property shall be notified by mail and given fifteen days from the date of mailing of notice to file written protest with the zoning inspector.

a. The notification shall include the approved sketch plan and the procedure and requirements for submitting an appeal;

b. The written protest shall include the name and address of the person submitting the appeal and reasons why the application does not meet the secondary dwelling standards in subsection (J)(2) of this section;

c. The board of adjustment shall hear the appeal in accordance with Chapter 18.93 (Board of Adjustment Variances, Temporary Use Permits, and Interpretations).

5. Action by the zoning inspector: A secondary dwelling permit may be issued by the zoning inspector if no written protest is received and the standards in subsection (J)(2) above are met. The secondary dwelling permit shall be in accordance with Section 18.93.050(A) and (B).

6. Validity and renewal of permit: A secondary dwelling permit shall be valid for up to three years and may be renewed by the zoning inspector. A property owner requesting renewal of the permit shall submit to the zoning inspector evidence that the secondary dwelling is still needed and that conditions of the permit have been met.

7. Fee: The fee shall be in accordance with the standard fee for variances as specified in the board of adjustment filing fee of the development services fee schedule.

K. Factory-built (modular) buildings. Except as otherwise restricted by this code, residential factory-built buildings are permitted in all zones in which residential uses are permitted, except as follows:

1. Factory-built residential buildings are permitted in the SR, SR-2, CR-1, CR-2, CR-3, CR-4, CR-5, TR, ML, SP, CB-1 and CB-2 zones, subject to the following standards:

   a. The building shall not be designed to be moved once installed on the foundation.

   b. The building shall be designed only for installation on a site-built permanent foundation.

   c. The permanent foundation shall be constructed prior to placement of the building on the site, and inspected and approved by the county for compliance with this section.

2. Within the SR, SR-2, CR-1 and CR-2 zones, a factory built building, other than a caretaker's unit used in conjunction with a nonresidential use, shall not be used for residential purposes, unless the building is located within a subdivision approved after a public hearing by the board of supervisors for modular building development. Notice of hearing shall be sent by mail to all owners of record within three hundred feet of the exterior boundaries of the proposed subdivision, or, in the case of an existing subdivision, to all owners of record within the subdivision and within three hundred feet of the exterior boundaries of the subdivision.

L. Bed and breakfast establishments.

1. Bed and breakfast establishments are permitted in the TR, CB-1 and CB-2 zones and as a conditional use in the RVC zone and all rural and residential zones.

   a. Mailed written notice shall be sent to all property owners within one thousand feet of the proposed use when a conditional use permit is required.

   b. The hearing administrator shall approve the floor plan and site plan for the bed and breakfast establishment to be in compliance with the standards in subsection L of this section. A development plan in accordance with Chapter 18.71 is not required.

2. There shall be no alteration to the exterior residential appearance of the dwelling and subject property, including the creation of separate or exclusive business entrances.

3. Bed and breakfast establishments containing up to four guest bedrooms shall require a Type I conditional use permit in all rural and residential zones. Bed and breakfast establishments containing five to eight guest bedrooms shall require a Type II conditional use permit in all rural and residential zones.
4. There shall be two off-street parking spaces for permanent residents and one space per guest room. An additional parking space shall be provided if the bed and breakfast establishment has a non-resident employee. Spaces within garages and carports shall be counted toward the total number of spaces. All guest parking shall be screened from view from any adjacent properties by natural features, landscaping, fencing, or walls no more than six feet in height.
5. Not more than one full-time equivalent nonresident of the premises shall be employed in the bed and breakfast establishment use in addition to typical household contract labor.
6. Bed and breakfast establishments shall be located a minimum of twelve hundred feet apart as measured between the closest points of each property.
7. No social activities such as receptions, weddings, private parties, retreats or other similar events shall be held at bed and breakfast establishments for attendance by anyone other than overnight guests.
8. One free standing identification sign shall be permitted on the property. The sign area shall not exceed two square feet and the sign structure shall not exceed four feet in height.
9. Bed and breakfast establishments permitted as a home occupation prior to the adoption of this ordinance shall be legal nonconforming uses.
10. Except in the CB-1, CB-2, TR, RVC and ML zones, bed and breakfast establishments shall have a minimum lot size of one acre.

M. Wildlife Rehabilitation Facilities.

1. Scope: Wildlife rehabilitation facilities are permitted in any zone.
2. Requirements:
   a. The facility must be operated, maintained, and under the direct supervision of an individual who possesses a valid license from the state of Arizona to operate a wildlife rehabilitation facility or to operate a facility to hold wildlife for purposes of education, scientific or humane treatment when the animal is unable to meet its own needs in the wild.
   b. The facility must be in compliance with the development standards of the zone in which the facility is located.

N. Animal Rescue and Sanctuary Facilities.

1. Scope:
   a. Animal rescue and sanctuary facilities are allowed as conditional uses in the following zones: IR, RH, GR-1, SR, SR-2, SH, CR-1, CR-2, and MU. MU facilities shall be limited to dogs, cats and small household pets.

b. Animal rescue and sanctuary facilities are allowed as a permitted use in CI-1 and CI-2. CI-1 and CI-2 facilities shall be limited to dogs, cats and small household pets.

2. Requirements:

a. Facilities in the IR, RH, GR-1, SR, SR-2, SH, CR-1 and CR-2 zones must obtain a Type I conditional use permit in accordance with Chapter 18.97.

1) With the exception of animal limits under the applicable zoning district altered by the hearing administrator, the facility must be in compliance with the development standards of the zone in which the facility is located, or obtain approval for a variance or modification of setback requirements prior to submittal of the conditional use permit application.

2) A site plan shall be submitted which clearly depicts how the development standards will be met. A site plan of approximately 24″ × 36″ should be drawn at a standard engineering scale and show, at a minimum, the following information:

a) All existing and proposed structures on the property;

b) All animal housing, exercise, training and containment areas;

c) Setback distances for existing and proposed structures in the front, side and rear yards;

d) Animal waste handling and storage areas.

e) Any screening or buffering from adjacent properties.

A development plan in accordance with Chapter 18.71 is not required for the Type I conditional use permit.

3) The applicant is required to provide information that is sufficient for the hearing administrator to evaluate the following:

a) Type and number of animals proposed. The hearing administrator has the authority to: (i) set a limit on the number of animals cared for at the facility; and (ii) approve reasonable exceedances in the number of animals allowed under the applicable zoning district after considering the proposal in its entirety, its effect on surrounding land uses, and compliance with other sections of the Pima County Code, including Title 6, "Animals."

b) Any known space requirements and care standards for the type of animal(s) to be cared for on the property.

c) Possession of, or plans to acquire, accreditation or certification.

d) Facility operating procedures, including hours and staffing.

e) A disposal plan for animal waste that describes how waste will be handled, stored, and disposed of for the maximum number of animals at the facility. The plan shall include (i) frequency of animal habitat cleaning; (ii) methods of waste containment; (iii) storage capacity; (iv)

odor control; (v) vector control; (vi) drainage protection; (vii) disposal method; and (viii) disposal frequency.

f) Size of the property.

g) Existing land uses within the required hearing notification area.

h) Potential impacts to surrounding areas (e.g., noise and odor).

i) Procedures and measures that will be employed to mitigate potential impacts.

j) Information about other land uses on the property, including all animal-related uses.

k) Any other information that the hearing administrator determines necessary for evaluating the application in relation to Pima County Code requirements.

b. Facilities in the MU zone must obtain a conditional use permit in accordance with Chapter 18.37. Applications shall include the information required in subsection 18.09.020(N)(3) above.

c. Facilities in the CI-1 and CI-2 zones must obtain approval for a development plan in accordance with Chapter 18.71. Development plan submittals shall include the information required in subsection 18.09.020(N)(3) above.

3. Eligibility:

a. Any person who has been convicted of animal abuse, cruelty, neglect or abandonment, whether as a misdemeanor or felony, is prohibited from owning or operating an animal rescue and sanctuary facility.

b. To demonstrate eligibility to obtain a conditional use permit or development plan approval for an animal rescue or sanctuary facility, owners and operators must submit a notarized affidavit certifying that they have no misdemeanor or felony convictions for animal abuse, cruelty, neglect or abandonment.

4. Recordation of Conditional Use Approval. The applicant shall record the conditional use approval document with the county recorder and provide proof of such recordation prior to the issuance of the conditional use permit.

5. Change of Ownership or Operation:

a. A conditional use permit or development plan approval for an animal rescue and sanctuary facility shall continue to be valid upon a change of ownership or operation provided that the new owners and operators successfully demonstrate that they meet the eligibility requirements of subsection 18.09.020(N)(3). Prior to continuing the use of the premises as an animal rescue and sanctuary facility, the new owners and operators must provide a notarized affidavit to the chief zoning inspector certifying that they have no misdemeanor or felony convictions for animal abuse, cruelty, neglect or abandonment. If a new owner or operator does not meet the eligibility requirements of subsection 18.09.020(N)(3), the conditional use

permit or development plan approval for the Animal Rescue and Sanctuary Facility shall become null and void.

O. Combined Wildlife Rehabilitation/Animal Rescue and Sanctuary Facilities. Should any premises operate as both a wildlife rehabilitation facility and an animal rescue and sanctuary facility, the requirements of 18.09.020(N) apply to the extent that care is provided for domestic animal(s) and/or any other animal(s) not under the jurisdiction of the Arizona Game and Fish Department.

P. Home Auto Repair.

1. Non-commercial home auto repair of motor vehicles is permitted in TH, RH, GR-1, SR, SR-2, SH, CR-1, CR-2, CR-3, CR-4, CR-5, TR, CMH-1, CMH-2, and MU zones as an accessory use to a dwelling unit provided that the vehicle being repaired belongs to the resident of the dwelling unit and further provided that the vehicle and property are in compliance with this section.

2. No more than one unscreened, inoperable motor vehicle can be stored on a lot containing less than eight thousand square feet of lot area.

3. No more than two unscreened, inoperable motor vehicles can be stored on a lot containing more than eight thousand square feet of lot area.

4. An unscreened, inoperable motor vehicle may be stored for a period of time not to exceed sixty calendar days.

5. Inoperable motor vehicles stored longer than one period of sixty calendar days shall be screened by either mature vegetation as defined below or screened by a built or assembled self-supporting enclosure which has no openings through which a spherical object of one inch in diameter can pass. The screening must effectively block the view of the stored objects from an observer at adjacent grade five feet from the enclosure. For the purposes of this section an enclosure or screen must meet one or more of the following requirements:

   a. Be any mature non-deciduous vegetation.

   b. Be a built or assembled self-supporting structural screen or fence that is maintained and that is composed of one or more of the following materials:

      i. Slatted materials through which a one-inch sphere cannot pass, including: ocotillo, chain link with wood, metal or plastic slats, wood fencing, or metal fencing.

      ii. Masonry, rock or other material that would comply with Pima County building codes for fences over six feet in height.

   c. Tarps, hardware cloth, expanded metal, car covers, tires, or vehicle parts are not permitted as fence or screening materials.

6. Any motor vehicle fully enclosed within a garage is exempt from the requirements of this section.

7. Any motor vehicle subject to the provisions in Section 18.09.020(P) or (Q) shall remain locked or shall be rendered incapable of being locked.

8. Screened inoperable motor vehicles may be kept on a property in addition to the two hundred square feet of allowed open storage, notwithstanding Section 18.03.020(J)(1) provided that the following requirements have been met:
    a. The parcel is larger than one acre in size;
    b. No more than two screened inoperable motor vehicles may be kept per acre;
    c. No more than five screened inoperable motor vehicles are kept on any property regardless of its size.

Q. Open Storage.

1. The use of up to two hundred square feet of area of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap or used materials, or for the dismantling, demolition, abandonment of automobiles, inoperable motor vehicles or other motor vehicles or machines or parts thereof; provided that the items are screened as defined in this section by an enclosure that has no openings through which a spherical object of one inch in diameter can pass. The screening must effectively block the view of the stored objects from an observer at adjacent grade five feet from the enclosure.
2. For the purposes of this section an enclosure or screen must meet one or more of the following requirements:
    a. Be any mature non-deciduous vegetation.
    b. Be a built or assembled self supporting structural screen or fence that is maintained and that is composed of one or more of the following materials:
        i. Slatted materials through which a one-inch sphere cannot pass, including: ocotillo, chain link with wood, metal or plastic slats, wood fencing, or metal fencing.
        ii. Masonry, rock or other material that would comply with Pima County building codes for fences over six feet in height.

c. Tarps, hardware cloth, expanded metal, car covers, tires, or vehicle parts are not permitted as fence or screening materials.

R. Adaptive Reuse.

1. Purpose. Adaptive Reuse allows the reuse of a one-family dwelling located on a lot abutting a major street, as designated on the major streets and scenic routes plan, while:
    a. Protecting existing neighborhoods through the provision of low intensity uses as buffers between neighborhoods and major streets;
    b. Preserving the residential aesthetic along major streets; and
    c. Allowing, but not requiring, the continued one-family dwelling use in conjunction with the adaptive reuse.
2. Adaptive Reuse is permitted on any lot in all rural and residential zones abutting a major street, as designated on the major streets and scenic routes plan, as a Type I conditional use.

3. Development Standards.
   a. One-family dwelling located on a lot abutting a major street, as designated on the major streets and scenic routes plan.
   b. Minimum lot size: Thirty-six thousand square feet.
   c. Parking.
      i. Parking is limited to no more than six spaces;
      ii. All parking in conjunction with the use must be on the lot;
      iii. Parking spaces must retain a residential character and shall not include wheel stops, paving, parking lanes or striping;
      iv. No more than one commercial vehicle is permitted in conjunction with the use. Any commercial vehicle must comply with home occupation vehicle standards in Section 18.09.030.
   d. Notwithstanding any other provision of this title, one unlit, non-illuminated sign is permitted if the maximum sign area does not exceed four square feet and the maximum sign height does not exceed four feet. Any sign must be monument style.
4. Conditions.
   a. The adaptive reuse shall not cause any sustained, unpleasant, or unusual noises or vibrations, or noxious fumes or odors, or cause any traffic congestion in the immediate neighborhood.
   b. The residential character of the existing one-family dwelling and property shall not be changed by the adaptive reuse.
   c. Substantial remodeling of the existing one-family dwelling and accessory structures are prohibited unless it is in keeping with the existing residential architecture of the existing one-family dwelling.
   d. Removal of existing vegetation is not permitted unless removal is necessary for safety or general maintenance. Existing vegetation may be enhanced with drought tolerant vegetation.
   e. Equipment or material associated with the adaptive reuse must be stored in compliance with requirements for the zone and in a way that maintains the residential aesthetic of the property.
   f. The hearing administrator may impose limitations on business and delivery hours of operation.
   g. The hearing administrator may require submittal of a development plan.
5. Adaptive Reuse Review Procedure.
   a. Adaptive reuse requires a Type I conditional use permit, obtained in accordance with Chapter 18.97.

b. Submittal of a development plan in accordance with Chapter 18.71 is not required for the adaptive reuse unless it is required as a condition by the hearing administrator.

c. Compliance Certification. From the issuance of certificate of occupancy, every three years thereafter, the applicant must send a certification demonstrating that the terms of the conditional use permit are being complied with to the chief zoning inspector. The chief zoning inspector may revoke the adaptive reuse conditional use permit if a timely compliance certification is not received, or if there is evidence that the applicant is not in compliance with the terms of the conditional use permit.

S. Animal Shade Structure. An animal shade structure or shelter under two hundred square feet completely located in a corral is subject to the same setback as a corral located in that zone provided that the shade structure be located as far as possible within the corral from the neighboring properties.

(Ord. 2012-71 § 2, 2013; Ord. 2012-22 § 2, 4-17-12; Ord. 2011-60 § 2, 2011; Ord. 2011-2 § 4 (part), 2011; Ord. 2009-98 § 2 (part), 2009; Ord. 2009-70 § 2, 2009; Ord. 2008-70 § 4, 2008; Ord. 2007-81 § 2, 2007; Ord. 2007-3 § 2, 2007; Ord. 2005-1 § 1, 2005; Ord. 2004-59 § 4 (part), 2004; Ord. 2003-85 § 2, 2003; Ord. 2003-72 § 1, 2003; Ord. 2003-42 § 2 (part), 2003; Ord. 1999-78 § 3, 1999; Ord. 1998-36 § 2, 1998; Ord. 1994-147 § 3 (part), 1994; Ord. 1991-46 § 1, 1991; Ord. 1991-33 § 1 (part), 1991; Ord. 1990-11 § 1 (part), 1990; Ord. 1989-1 § 1 (part), 1989; Ord. 1986-125 § 1 (part), 1986; Ord. 1986-43 § 1 (part), 1986; Ord. 1985-187 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.09.030 - Home occupations.

A. General Standards. Home occupations are permitted so long as they meet the following standards:

1. A home occupation permit is required to be obtained from the chief zoning inspector:

   a. The home occupation permit shall apply only to a full time occupant of the dwelling.

   b. If there is a change in use, a new home occupation permit shall be required.

2. The home occupation must be conducted within a dwelling or an accessory building of not more than two hundred square feet.

3. There shall be no public display of stock-in-trade upon the premises.

4. Not more than one nonresident of the premises is employed.

5. Not more than one-fourth of the floor area of one story of the main dwelling or an accessory building of not more than two hundred square feet in area shall be used for the home occupation.

6. No equipment or material associated with the home occupation shall be stored outdoors.

7. The residential character of the dwelling, and subject property shall not be changed by said use.

8. Such occupation shall not cause any sustained, unpleasant, or unusual noises or vibrations, or noxious fumes or odors, or cause any traffic congestions in the immediate neighborhood.
9. All parking used in conjunction with the home occupation shall be on site and shall not include commercial parking features such as wheel stops, parking lanes or striping.
10. No more than one vehicle shall be used in conjunction with the home occupation. This vehicle shall not exceed eighteen feet in overall length and seven feet in overall height and must be parked on the private property. If the vehicle displays any advertising or other indication of the home occupation or any product or service, it shall be stored in a carport or garage, or shielded from view from any adjoining properties and the street by landscaping, fencing or any other suitable material.
11. Home occupations shall not provide overnight accommodations.
12. Home occupations shall serve no more than five clients in one day and no more than two clients at any one time.
13. The maximum sign area permitted shall not exceed two square feet. The maximum height of any ground sign shall be four feet.
14. The following uses shall not be permitted as home occupations:
    a. Auto repair and service.
    b. Veterinarian service, kennels, and pet grooming.
    c. Commercial food preparation.
    d. Mortuary or embalming service.
    e. Tattoo parlor.
    f. Welding service.
    g. Any commercial use not customarily associated with home occupations as a secondary use.

B. Child care home service and adult care home service conditions. A child care home service or adult care home service shall meet all of the conditions of subsection A of this section, except as modified as follows:

1. Child care home services or adult care home services shall be provided for no more than ten persons.
2. During the hours of activity of the child care or adult care use, the total amount of floor area of the dwelling and outdoor areas and equipment may be devoted to the use.
3. No more than two vehicles may be used in conjunction with the use. The vehicles must meet the requirements for a vehicle used in conjunction with a home occupation use.
4. For services providing care and supervision for seven to ten persons, or when additional employees up to a maximum of four, beyond the one allowed under Section 18.09.030(A) are required, the following additional requirements shall be met:
    a. The applicant shall apply to the office of the zoning inspector for approval.

b. The application shall include the following:

1) Signature of the property owners of record or the authorized agent of the owner,

2) A letter of authorization if the property owner is represented by an agent,

3) Legal description of the property,

4) Site plan,

5) Proposed hours of operation of the home service,

6) County assessor's map showing the property and all properties within three hundred feet,

7) Verification of ownership,

8) Fee, in accordance with the standard fee for hearings before the board of adjustment.

c. The area where outdoor activities and equipment will be located shall be shown on the site plan submitted with the application. If this area is less than twenty-five feet from an adjacent residential use, it shall be screened by an opaque five-foot fence or wall.

d. No more than one child or adult care home service shall be permitted per lot.

e. If the zoning inspector determines that the application meets both the general home occupation and the specific home service requirements of this section, the zoning inspector shall send notice of the intent to issue the use permit for the proposed use to property owners within three hundred feet of the subject property.

f. If written protest is received within fifteen days of the date of mailing the notice, the application shall be heard by the board of adjustment to determine whether the application meets all requirements for a home service.

g. The zoning inspector may issue the permit fifteen days after the date of mailing the notice, if no written protest is received.

h. Upon receipt of a license, or certification from the state of Arizona, a copy of the license or certification shall be provided to the zoning inspector. The child care or adult care provider shall comply with the state of Arizona licensing or certification requirements and provide proof of compliance to Pima County at or before the time of completing the zoning approval process.

(Ord. 2011-59 § 2, 2011; Ord. 2004-59 § 4 (part), 2004; Ord. 2003-42 § 2 (part), 2003; Ord. 1997-74 § 2, 1997; Ord. 1988-78 § 1 (part), 1988; Ord. 1985-82 (part), 1985)

18.09.040 - Cluster development option.

A. Purpose.

1. The purpose of the cluster development option is to provide:

a. Site planning and unity of design in harmony with the natural features and constraints of specific sites, and particularly on sites possessing unique or severe topographic or hydrologic features;

b. Protection of natural, historic and man-made elements of scenic, environmental or cultural significance;

c. Design innovation;

d. Flexibility in the siting of structures and roadways;

e. More cost-effective development due to decreased grading and more efficient servicing of the development with utilities, roads and other essential services;

f. Additional open space for private or community purposes;

g. Protection of existing neighborhoods through the provision of open space buffers and the location of structures;

h. A preferred planning tool for the development of land within the buffer overlay zone, Chapter 18.67.

B. Definitions. Certain terms used in this section shall be defined, for purposes of this section only, as follows:

1. Cluster grouping: A designed contexture of residential units and their accessory facilities which may be used as a repetitive motif to form a cluster pattern. Each cluster grouping shall be separated by landscaped areas or natural open space to form the larger cluster development.

2. Cluster open space: Open space, either natural or functional, provided to compensate for lot size reductions from minimum lot area requirements in the applicable zone.

3. Common open space: Land area within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. Common open space may be either natural open space or functional open space, as defined in this section.

4. Contexture: A body or structure made by the interweaving or putting together of parts where the arrangements and union of the constituent parts form a characteristic, unified whole.

5. Public open space: Open space owned by a public agency, such as Pima County, and maintained by it for the use and enjoyment of the general public.

6. Review committee: Review committee means design review committee (refer to Section 18.99.030, DRC).

C. Scope: The cluster development option is permitted in the following zones:

1. RH: Refer also to Section 18.13.070 (RH rural homestead zone);

2. GR-1: Refer also to Section 18.14.060 (GR-1 rural residential zone);

3. ML: Refer also to Section 18.15.060 (ML mount lemmon zone);

4. SR: Refer also to Section 18.17.060 (SR Suburban Ranch Zone);

5. SR-2: Refer also to Section 18.18.050 (SR-2 suburban ranch estate zone);
6. SH: Refer also to Section 18.19.050 (SH suburban homestead zone);
7. CR-1: Refer also to Section 18.21.050 (CR-1 single residence zone);
8. CR-2: Refer also to Section 18.23.050 (CR-2 single residence zone);
9. CR-3: Refer also to 18.25.050 (CR-3 single residence zone);
10. CMH-1: Refer also to Section 18.33.060 (CMH-1 county manufactured and mobile home—1 zone).

D. Permitted uses and accessory structures.

1. Uses:
   a. Residential subdivided lots and units, as permitted in the zones listed in Section 18.09.040(C),
   b. Cluster open space, as defined in Section 18.09.040(B);
2. Accessory buildings and structures:
   a. In individual, subdivided lots:
      1) Permitted coverage: Ten percent of lot area,
      2) Maximum height: Fifteen feet,
      3) Minimum setback: In accordance with applicable county building codes (Title 15),
   b. In functional open space areas:
      1) Permitted coverage: Three percent of required area,
      2) Maximum height: Thirty-four feet,
      3) Minimum setback: In accordance with applicable county building codes (Title 15).

E. Development standards.

1. Minimum site area: None, all permitted zones.
2. Average site area per dwelling unit (maximum density factor):
   a. ML/CR-1/GR-1: Thirty-six thousand square feet;
   b. SR: One hundred forty-four thousand square feet;
   c. SH: Eighteen thousand square feet;
   d. SR-2: Seventy-two thousand square feet;
   e. CR-2: Sixteen thousand square feet;
   f. CMH-1: Eight thousand square feet;
   g. CR-3: Eight thousand square feet;
   h. RH: One hundred eighty thousand square feet.

3. Minimum lot area per dwelling unit (minimum allowable lot size):
   a. Sewered lots: No minimum lot size, as may be approved by the review committee.
4. Minimum setback requirements: As may be approved by the review committee, consistent with the requirements of major streets and scenic routes plan and the Arizona Department of Health Services.
5. Maximum height: Thirty-four feet.
6. Minimum distance between buildings: As may be approved by the review committee.
7. Minimum distance between cluster groupings: As may be approved by the review committee.
8. Cluster groupings:
   a. All residential units may be common-walled or detached, but shall not be formed into cluster groupings that exceed six common-walled residential units each, unless approved by the review committee.
   b. Cluster groupings shall be separated by cluster open space to provide spatial definition between groupings, and shall be as approved by the review committee.
9. Utilities:
   a. Utilities and sewers shall be located within the developed portion of the site wherever possible to reduce the future impact of maintenance and repair activities on cluster open space.
   b. Public sewers shall be designed such that manholes are located in paved areas which have paved access, unless otherwise approved by the director of the wastewater management department.
10. Excess cut and fill material shall be disposed of in accordance with Chapter 18.81 (Grading).
11. Roads: All streets and highways must have horizontal and vertical alignment consistent with an approved design speed, and roadway geometrics consistent with an approved design vehicle, as specified in criteria available from the department of transportation and flood control district.
12. Landscaping: In accordance with Chapter 18.73 (Landscaping Standards).
13. Buffers:
   a. Buffers shall be provided to protect existing neighborhoods by mitigating the adverse impacts of sound, visibility and traffic.
   b. Buffers may include landscaping, walls, fences, pathways, drainageways, natural features, existing vegetation and natural open space (refer to Chapter 18.73, Landscaping Standards).
14. Exterior lighting: Any lights used to illuminate parking spaces, drives and recreation facilities shall be in accordance with the county outdoor lighting code (Title 15).

F. Open space requirements.

1. Cluster open space area and ratio requirements: Cluster open space shall comprise at least thirty percent of the gross site area and be equal to or greater than the difference between the total area of the residential lots to be subdivided and the required average site area per dwelling unit total in the applicable zone.
2. Cluster open space ownership and control shall be only:
    a. As part of an individual, private lot with recorded covenants running with the land;
    b. By a homeowner's association, as specified in this section; or
    c. By Pima County, as legally dedicated to and approved by the board of supervisors.
3. Third-party ownership of cluster open space shall not be allowed. The association may enter into contracts or lease agreements to allow third-party operation of uses permitted within functional open space, as defined in this option.
4. Natural open space adjacent to public parks, preserves or county-maintained stream channels may be deeded to Pima County as public open space, if approved by the board of supervisors.
5. Cluster open space shall be an integral part of the site design and shall be within the boundaries of the cluster development it serves.
6. Phased developments shall provide cluster open space for each phase, so that each phase may stand alone in conformance with Section 18.09.040(K).
7. Cluster open space shall not include public or private streets, driveways, parking areas, channelized drainageways, and disturbed, unvegetated areas.
8. Final plats shall be delineated and annotated to reflect the cluster open space requirements.

G. Cluster development plan requirements.

1. A cluster development procedures checklist, to aid in the preparation of the plan, shall be available from the planning and development services department.
2. The development plan for cluster review shall include:
    a. A site analysis, in accordance with county "Site Analysis Requirements" document, Section IV, A through L;
    b. A preliminary development plan, in accordance with Section 18.91.030(E) (Zoning Code Amendments and Zone Changes);
    c. An evaluation of the effect of the proposed development, in accordance with county "Site Analysis Requirements" document, Section V, B through P;
    d. Architectural renderings, elevations and perspectives, as required, to present the style, color, materials and context of proposed structures;
    e. Delineation of cluster open space and calculations for its derivation;
    f. Landscape plan, in accordance with Section 18.73.030 (Landscaping Standards); and

g. Any descriptive data that may be appropriate, including drafts of the proposed covenants, conditions and restrictions that will apply to the cluster project.

H. Review committee. Proposed plans in a cluster development shall be reviewed by the design review committee (refer to Section 18.99.030, DR).

I. Cluster development review procedures.

1. Preliminary review:

a. Preliminary review by the development services department is required for all proposals prior to the submittal of a cluster development plan. The preliminary review procedures shall be as listed in the cluster development checklist in accordance with Section 18.09.040(G).

b. The developer shall consult with other agencies and parties potentially interested in the development, such as other county departments, all affected utility companies, and homeowners' and neighborhood associations, and property owners within the notice area as required by Section 18.09.040(I)(4)(a).

2. Submittal: Application for cluster development plan review shall be subject to the procedures and requirements listed in the checklist prepared by the development services department and submitted in writing together with required fees to the development services department, along with the required number of copies of the plan, as prepared in accordance with Section 18.09.040(G).

3. Compliance review: The development services department shall review the plan for compliance with the cluster development checklist and this section, and shall, in writing, either accept or reject the plan for further review within thirty days of plan submittal:

a. If accepted, copies of the plan shall be transmitted to appropriate county staff for review and comment. The plan shall be scheduled for the next regularly scheduled review committee meeting that is scheduled to occur at least thirty days after the date of acceptance. Notice of the public hearing shall be provided as required in this section.

b. If rejected, the developer may:

1) Resubmit the plan with the appropriate corrections and development services department staff shall, in writing, either accept or reject the plan for further review within thirty days of plan submittal; or

2) Appeal to the review committee at a regularly scheduled meeting. The review committee may then either accept or reject the resubmitted plan for review at a future meeting.

4. Review Committee notice and hearing:

a. Notice of the review committee hearing shall be mailed, at least fifteen days prior to the meeting, to owners of property within three hundred feet of the applicant's property line, except that notice shall be expanded to include owners of property within 1,000 feet if the existing zoning of the applicant's property is RH, SR, SR-2, GR-1 or CR-1. In addition, notice shall be sent to any affected neighborhood

association and to any affected homeowners' association, as defined by section 18.99.020(A)(1). Notice shall also be provided at least fifteen days prior to the meeting by publication once in a newspaper of general circulation in the county seat.

b. The review committee shall hold a public hearing on the request.

5. Review committee decision:

a. The review committee shall review the cluster development plan for conformance with the purpose and requirements of this section and of this code, and refer to design guidelines and standards contained in the cluster design review manual. In acting on a proposed cluster plan, the review committee shall give particular consideration to the following criteria:

1) Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural and historic site features and structures to be preserved.

2) The utility of functional open space shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the functional open space.

3) Cluster open space shall include irreplaceable natural features if located in the site (such as, but not limited to, watercourses, significant stands of vegetation and trees, individual trees and cacti of significant size, rock outcroppings, peaks, ridges and slopes).

4) Cluster open space intended for a recreation or common use shall be easily accessible to pedestrians, and accessibility shall meet the needs of the handicapped and elderly.

5) The suitability of cluster open space intended for scenic purposes shall be determined by its visual impact and quality as seen from a significant number of units, buildings or by its visibility along the nearest lengths of public or private streets, and shall be validated in the site analysis.

6) Suitability of individual building types and designs shall be determined by how well they function and relate to the natural constraints of the site.

7) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view of buildings, and to minimize the land area devoted to motor vehicle access.

8) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of pollution, noise, lighting and traffic on the residents of the site.

9) Sites, structures and landmarks having a potential for historic preservation shall be identified and, where possible, be integrated into the development plan as a designed feature of the project.

b. The review committee may deny the proposed project design; or approve the proposed project design, or approve the proposed project design with conditions; or

continue the hearing until a future meeting pending submittal of additional information.

c. If the review committee approves the cluster development plan with conditions the design review committee shall specify the general conditions and revisions that shall be met before the plan can be approved.

d. If approved without modification, the developer shall comply with Chapter 18.69 (Subdivision Standards) and submit the required documents and fees to the development services department subdivision coordinator.

e. If approved subject to modification, the developer may:

1) Submit the revised plan to the development services department for final compliance review; or

2) Appeal any review committee requirements in accordance with Section 18.09.040(I)(6).

f. If the plan approved by the review committee constitutes a substantial change from a preliminary development plan previously approved by the board of supervisors, the following applies:

1) The planning director shall schedule a duly noticed public hearing at which the board of supervisors shall be requested to consider the cluster development option plan in lieu of the previously approved preliminary development plan.

2) The request shall be at the fee established by the board of supervisors for an unadvertised public hearing and shall specifically cite the substantial change or difference between the two plans. The request shall provide the rationale for the review committee's recommendation.

3) The supervisors' directions shall be applied to the cluster option plan, which shall be further processed in accordance with Section 18.09.040(I).

g. Projects requiring a rezoning:

1) A cluster project requiring a rezoning shall first be heard by the planning and zoning commission at public hearing before being heard at a public hearing before the review committee.

2) Following a decision by the review committee, the board of supervisors shall review the project at a public hearing. If the board approves the rezoning with the design of the project per the review committee decision, the project shall comply with all requirements for approved rezonings. If the board approves the rezoning with modifications to the review committee decision, the board may remand the project back to the review committee for review at a regularly scheduled public meeting prior to approval of the final plat for conformance with the direction of the board and the requirements of Section 18.09.040.

h. Written decisions of the review committee shall be available within five working days of the meeting.

6. Appeal of review committee decision:

a. Decisions, conditions and requirements specified by the review committee may be appealed to the board of supervisors by the developer, by owners of property abutting (or across the street from) the project site, or by a homeowners' or neighborhood association of record that includes those properties abutting (or across the street from) the project site. A written appeal shall be directed to the planning director within ten working days of the review committee decision for scheduling of a noticed public hearing. Reasons for and evidence to support the appeal shall be stated in the written notice of appeal. Notice of the appeal hearing shall be provided to all who received notice of the review committee meeting at which the decision, conditions or requirements being appealed were established. The public hearing shall be scheduled for the next regularly scheduled board meeting that is scheduled to occur at least thirty days after the date the appeal is submitted.

b. The fee for the appeal before the board of supervisors shall be the same as for an advertised public hearing and shall be paid at the time the written request for appeal is submitted for review.

c. At the hearing to review the appeal, the board of supervisors may approve the design, conditions, or requirements of the project appealed, approve subject to modifications the design, conditions, or requirements of the project being appealed, or deny the design of the project being appealed.

d. If the board of supervisors approves the project design subject to modifications, the board may remand the project back to the review committee for review at a regularly scheduled public meeting prior to approval of the final plat for conformance to the directions of the board of supervisors and the requirements of Section 18.09.040.

e. If the board of supervisors denies the appeal, the applicant may resubmit a new application for a cluster project at any time, provided that the new submittal substantially differs from the project denied by the board. The new submittal must include a statement showing how the new project differs substantially from the project denied by the board. Review of the new submittal shall conform to all requirements of Section 18.09.040.

7. Final compliance review: All plans revised in conformance with the decisions of the review committee or the supervisors shall be submitted to the development services department for final compliance review prior to submittal of a tentative plat. A compliance decision shall be provided within five working days of the revised plan submittal.

8. Tentative plat submittal: Following final cluster development option compliance approval, the developer shall submit to the planning and development services department the following:

a. A tentative subdivision plat for review, in accordance with Chapter 18.69 (Subdivision Standards);

b. Approved cluster arrangements and schematic elevations, keyed to the approved cluster site plan;

c. A type 2 grading plan, in accordance with Section 18.81.060 (Grading);

d. Delineation of cluster open space;

e. Landscape plan, in accordance with Section 18.73.030 (Landscaping Standards);

f. Proposed covenants for the development; and

g. Documentation outlining the proposed percentage of development to be accomplished prior to the homeowners' association assuming responsibility for the maintenance of common areas and property (reference Section 18.09.040J2).

9. Time limits:

a. Approval of a cluster development plan shall be effective for two years from the date of final compliance approval, unless a tentative plat has been approved in accordance with Chapter 18.69 (Subdivision Standards).

b. Failure to record a final plat within four years of the review committee approval date shall require a project feasibility review and approval to proceed by the planning and development services director, who shall determine the need for additional cluster option review, based on land use changes surrounding the site area during the four-year period.

J. Homeowners' Association. The applicant shall submit for recording a set of covenants, running with the land, providing for the creation of a homeowners' association. The covenants shall contain the following provisions:

1. A hold-harmless clause assuring that Pima County is not responsible for maintenance or liability of the private and common areas of the development, which shall include, but not be limited to:

a. Cluster open space,

b. Parks,

c. Buffers,

d. Landscaping,

e. Recreational facilities,

f. Streets and trails, and

g. Private sewers, utilities and septic systems;

2. The association's structure and its operating rules and regulations must be documented and approved before any lots or residential units are sold. The developer shall present, for design review committee approval, a plan for the transfer of all common areas and facilities control to the homeowners. The transfer of control may be based on an elapsed time period or the number or percentage of lots sold.

3. All common open space and improvements shall be established and maintained in accordance with the following requirements:

a. The applicant or developer shall provide for and establish a nonprofit organization or other legal entity under the laws of Arizona for the ownership, care, and maintenance of all such lands and improvements,

b. Such organization shall be governed by covenants running with the land and shall be composed of all persons having ownership within the subdivision. Such organization shall be responsible for the perpetuation, maintenance and function of all common lands, uses, and facilities,

c. All common open space and improvements shall be described and identified as to location, size, use, and control in the covenants, and such covenant shall set forth the method of assessment for the maintenance of such land. The covenants shall be written so as to run with the land and be in full force and effect for a period of not less than twenty-five years, and shall be automatically extended for successive periods of twenty-five years unless terminated in a manner set forth hereinafter. The covenants shall become part of the deed to each lot or parcel within the development,

d. Such restrictive covenant and organization shall continue in effect so as to control the availability of the facilities and land thereby provided, to maintain the land and facilities for their intended function, and to protect the development from additional and unplanned densities or uses. Such organization shall not be dissolved, nor shall such organization dispose of any common open space, by sale or otherwise,

e. No common open space shall be denuded, defaced, nor otherwise disturbed in any manner not previously approved without the approval of the board of supervisors,

f. The covenants shall provide that in the event the homeowners' organization established to own and maintain such common open space and improvements shall at any time after establishment of the development fail to maintain the common open space and improvements in reasonable order and condition in accordance with the approved plans, the county may serve notice in writing upon such homeowners' organization or upon the homeowners within the development setting forth the manner in which the homeowners' organization has failed to maintain the common open space and improvements in reasonable condition, and said notice shall contain a demand that such deficiencies of maintenance be cured within thirty days thereof, and shall state the date and place of a public hearing thereon which shall be held within twenty days of the notice,

g. At such hearing the county may modify the terms of the original notice as to the deficiencies and may grant an extension of time within which they shall be cured,

h. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty days or any extension thereof, the county, in order to preserve the taxable values of the properties within the development and to prevent the common open space and improvements from becoming a public nuisance, may enter upon said common open space and maintain the same for one year,

i. Said entry and maintenance shall not vest in the public any rights to use the common open space and improvements, except when the same is voluntarily dedicated to the public by the owners,

j. Before the expiration of said one-year period, the county shall, upon its initiative or upon the request of the homeowners' organization responsible for the maintenance of the common open space and improvements, call a public hearing upon notice in writing to such organization or to the homeowners within the development, to be held by the supervisors, at which hearing the organization shall show cause why such maintenance of the county shall not, at the election of the supervisors, continue for a succeeding one-year period,

k. If the supervisors determine that such organization is ready and able to maintain the common open space and improvements in reasonable condition, the county shall cease to maintain the common open space and improvements at the end of said one-year period,

l. If the supervisors determine that such organization is not ready and able to maintain the common open space and improvements in a reasonable condition, the county may, in its discretion, continue to maintain the common open space and improvements during the next succeeding year, and subject to a similar hearing and determination in each year thereafter,

m. The covenants shall further provide that the cost of such maintenance by the county shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and improvements, and shall become a charge on said properties, and such charge shall be paid by the homeowners of said properties within thirty days after receipt of a statement.

K. Phased development.

1. Approval may be given for the development of delineated phases of the site, after submittal of a unified cluster site plan for the total project. The phased portions shall be shown on the subdivision plat.

2. Open space requirements for each phase shall be the same as stated in Section 18.09.040(F). Separate homeowners' associations with provisions for expansion or consolidation may be created. Prior to the sale of any lot, site, unit or dwelling in a phased portion, the open space and recreation areas in that portion shall be designated, recorded and developed or maintained in conformance with the approved development plan.

L. Amendments to final plan.

1. Unsubstantial changes in the location, siting or character of buildings may be authorized by the planning and development services director, if required by engineering or other circumstances not foreseen at the time of the final subdivision plat approval.

2. Substantial changes to the approved cluster site plan shall require a complete, new review of the entire project, to include additional fees, plan submittals and meetings in accordance with this section.

(Ord. 2011-2 § 4 (part), 2011; Ord. 2009-3 § 1, 2009; Ord. 1998-51 § 2, 1998; Ord. 1996-58 § 4 (part), 1996; Ord. 1994-147 § 3 (part), 1994; Ord. 1988-116 § 4, 1988; Ord. 1986-187 § 1 (part), 1986; Ord. 1985-187 § 1 (part), 1985; Ord. 1985-111 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.09.050 - Lot reduction option.

A. Scope:

1. Minimum lot size requirements for lots in a subdivision may be approved by the board of supervisors for reduction where the conditions of Section 18.09.050B exist and the planning and zoning commission finds and certifies them to the supervisors.
2. The lot reduction option is permitted in the following zones:
   a. CR-1: Refer also to Section 18.21.060;
   b. CR-2: Refer also to Section 18.23.060;
   c. CR-3: Refer also to Section 18.25.060.

B. Conditions:

1. That in total there are no more individual one-family lots than provided for in the lot reduction option provisions of the individual zones;
2. That the subdivision and all park, recreation areas, and drainage areas (CR-1 only) conform to this code, including area and neighborhood plans, as supplemented and amended;
3. That full and adequate provision is made for surface drainage, including dedication of rights-of-way for existing and natural watercourses; and
4. Recreation areas must be provided in accordance with Chapter 18.69.090 Residential recreation areas.

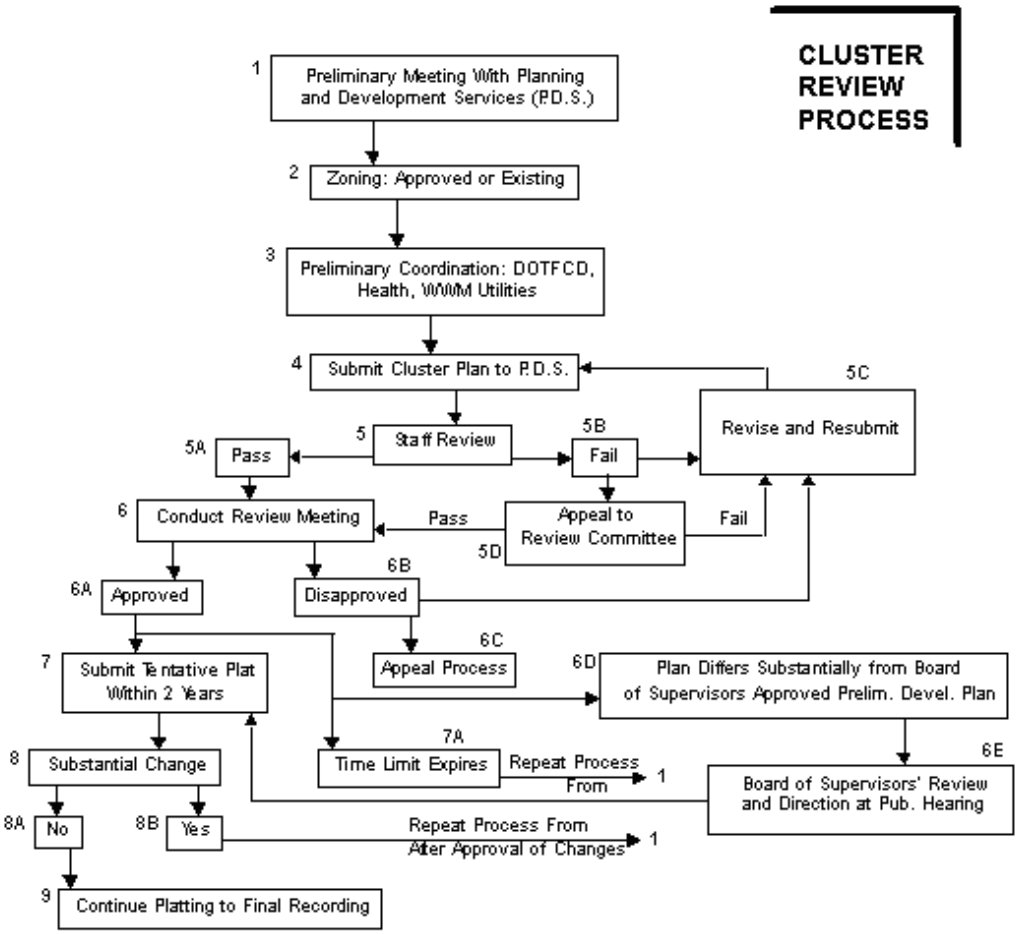
C. Approved plat recordation required: No approval on a minimum lot size reduction shall be effective until a subdivision plat complying with the commission's findings and certification and approved by the commission and supervisors is recorded in the office of the county recorder.

(Ord. 2003-16 § 2 (part), 2003; Ord. 1985-82 (part), 1985)

18.09.060 - Lot development option.

A. Purpose. The purpose of this option is to:

1. Permit the efficient use of land;



Ordinance No. 1985-111

2. Encourage originality, flexibility and innovation in site planning and architectural design; and
3. Permit building location and construction which conserve energy.

B. Yard Requirements.

1. Front and rear yards shall each be a minimum of twenty feet;
2. Side yards shall each be a minimum of eight feet; or
3. A main structure may be placed on a side lot line, if the distance between main structures is sixteen feet.

C. Application.

1. This option shall apply only to new developments which take place entirely under this option unless fifty percent of the owners of the developed lots within the subdivision approve the use of this option.
2. It shall apply to properties zoned CR-2, CR-3, CR-4, CR-5, MU, CB-1, and CB-2.
3. Structures shall be subject to all other setback requirements of the zone they are in. This option shall not waive any provisions of the county building codes (Title 15 of this code) or any other codes or policies.

D. Permits.

1. The zoning inspector shall issue lot development permits to applicants fulfilling the requirements of this section.
2. The applicant shall submit to the zoning inspector:
   a. A development plan showing to scale all proposed and existing structures on the lot or parcel and all structures on abutting lots or parcels;
   b. A covenant of record running with the land establishing the rights and responsibilities of abutting property owners where a main structure is on a common lot line; and
   c. A covenant providing for review by the zoning inspector of additions and modifications to structures in the development after the project is completed.
3. No permit shall be issued if:
   a. Drainage from the proposed structures will adversely affect adjoining property or public rights-of-way;
   b. Roofs will drain on abutting properties; or
   c. The location of and activities in the proposed structures will impose objectionable noise on adjoining property.
4. Structures other than patio walls shall not be placed on a lot line with another property not a part of the same development.

(Ord. 1985-82 (part), 1985)

18.09.070 - Multisectional manufactured home subdivision option.

A. Required Public Hearing.

1. Multisectional manufactured homes shall be permitted in all residential subdivisions recorded after June 15, 1981, if the designation "multisectional manufactured homes permitted" is approved by the board of supervisors at the time of conditional rezoning and is placed on the plat at the time of recording.

2. The provisions of Section 18.09.070A1 shall not apply to subdivisions recorded to satisfy the requirements of a conditional rezoning granted prior to June 15, 1981, unless approval is granted by the supervisors at an advertised public hearing.

B. Required Notice: Notice of hearing shall be given by mail to all owners of record within three hundred feet of the subdivision.

(Ord. 1985-82 (part), 1985)

18.09.080 - Small lot subdivision option.

A. Scope: This option is permitted in the following zones:

1. CR-4: Refer also to Section 18.27.050;

2. CR-5: Refer also to Section 18.29.050.

B. Procedure.

1. Public hearing:

a. Single detached dwellings shall be permitted on individual lots with area less than that required by the zone in a subdivision of five acres or greater, recorded after April 4, 1983, if the designation "small lot single detached dwelling permitted" is approved by the board of supervisors at an advertised public hearing and is placed on the final plat at the time of recording,

b. The provisions for single detached dwellings on individual lots with area less than that required by the zone shall not apply to subdivisions recorded to satisfy the requirements of a conditional rezoning granted prior to April 5, 1983, unless approval is granted by the supervisors at an advertised public hearing.

2. Notice: Notice of hearing shall be given by mail to all owners of record within three hundred feet of the subdivision.

C. Development standards: As provided for in the small lot subdivision option provisions of the individual zones.

D. Recreation areas must be provided in accordance with Chapter 18.69.090 Residential recreation areas.

(Ord. 2003-16 § 2 (part), 2003; Ord. 1985-82 (part), 1985)

18.09.090 - Model home permits.

A. Scope: Building permits for not more than ten model units may be issued prior to the adoption of a rezoning ordinance if the property has been conditionally approved for rezoning subject to acceptance of a subdivision plat or development plan.

B. Issuance of permits. The permits may be issued when the following conditions are met:

1. The tentative plat and model home landscape plan have been approved by the subdivision review committee;

2. The site and setbacks of the model units are in conformance with the approved tentative plat and the proposed rezoning;

3. Written approval has been granted by the directors or authorized representatives of:

a. The planning and development services department,

b. The department of transportation and flood control district,

c. The wastewater management department, and

d. The property management division;

4. The applicant for such model permits shall acknowledge in writing that:

a. Such permitted models shall not be sold or occupied for residential purposes until the proposed zoning ordinance has been adopted by the board of supervisors,

b. The issuance of model permits shall not be construed as a commitment by the county to approve the subdivision plat or grant the proposed zoning, and

c. The applicant is solely responsible for any financial expenditures or obligations made as a result of the issuance of such model permits.

(Ord. 1985-171 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.09.100 - Conservation subdivision.

A. Purpose. The purpose of this section is to encourage, and provide incentives for, innovative site planning of residential subdivision lots that are designed in harmony with the natural features and constraints of property. This section establishes subdivision development standards which allow a landowner to achieve full density under the existing zoning of the land, and which also provide substantial preservation of natural open space and natural and cultural resources.

The goal of conservation site planning is to protect conservation features such as designated peaks and ridges, riparian areas, native plants and plant communities, areas near public preserves, wildlife habitat areas, biological corridors, and sites of archaeological and cultural value. Conservation subdivisions promote the establishment of conservation natural areas and, where possible and practicable, support interconnected, continuous, and integrated open space systems within an area, particularly when located contiguous to public preserves.

B. Applicability. These standards may be used to develop subdivisions on land containing undeveloped indigenous habitat and conservation features identified by the property owner

in a conservation subdivision plat through aerials and supporting documentation, and certified as containing undeveloped indigenous habitat by the planning official. Any dispute about applicability of these standards to a particular parcel of land shall be reviewed at a public hearing before the planning and zoning commission. Except as noted in this section all other requirements of the Pima County Zoning Code shall apply.

C. Definitions. The following definitions apply to this section:

1. Conservation subdivision. A residential subdivision that is designed according to the procedures set forth in this section. A conservation subdivision allows a property to be developed to the full residential density permitted under the existing zoning classification, while also providing for the permanent conservation of substantial amounts of environmentally and culturally valuable open space areas, such as designated peaks and ridges, riparian areas, native plants and plant communities, areas near public preserves, wildlife habitat areas, biological corridors, and sites of archaeological and cultural value.

2. Conservation natural areas. Those areas within a conservation subdivision that are permanently designated and deed restricted to natural open space use by a conservation easement or owned in fee.

3. Conservation easement. A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes.

4. Conservation purposes. Any of the following activities which yield a significant public benefit:

   a. Protecting a relatively natural habitat of wildlife, plants, similar ecosystem, or conservation natural area.

   b. Preserving open space, including natural open space and conservation natural area, if the preservation is either:

      1) For the scenic preservation of the natural area.

      2) Pursuant to a clearly delineated federal, state or county governmental conservation policy.

   c. Protection of archaeological and cultural resources.

5. Designated homesite area. That portion of a lot not restricted by a conservation easement.

6. Disturbed, disturbance. Refers to a significant visible man-caused change to an undisturbed natural area, site or conservation feature such as the ground surface, geology, vegetation, riparian area, or nesting habitat; and wherein such change results in (a) the degradation of the undisturbed natural area, site or conservation feature and (b) a corresponding reduction in the resource value of the natural area, site or conservation feature. Intrusive activities which degrade undisturbed natural area, site or conservation features, and reduce resource value include dumping, burning, toxic spills, plant pruning and removal, planting invasive and/or high water usage plant material that endangers or threatens the survivability of existing or introduced native plants and low water use, drought tolerant plant material, man caused erosion, grading, grubbing,

scarifying, storage, vehicular, motorized and wheeled activity, grazing, pasturing, farming, and other similar intrusive activities.

7. Holder. Either:

   a. A governmental body empowered to hold an interest in real property under the laws of this state or the United States.

   b. A homeowners association, nonprofit charitable corporation or trustee of a charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, and assuring the preservation, maintenance, and management of real property, and protecting and enhancing the undisturbed character and quality of conservation natural areas.

8. Indigenous habitat. Undeveloped areas consisting of plant communities that grow naturally in and are native to Pima County.

9. Primary conservation features. Those parts of the site which contain primary resource value natural features such as:

   a. Lakes, ponds, wetlands, floodway and erosion hazard setback areas;

   b. Riparian areas, prominent hilltops, peaks or ridges, and prominent rock outcroppings extending from public preserves;

   c. Riparian habitat corridors and riparian areas of hydroriparian, mesoriparian, and xeroriparian A, B, and C, and any segments of riparian areas that are hydroriparian and mesoriparian according to Riparian Habitat Regulations in Article X of the Pima County Floodplain and Erosion Hazard Management Ordinance;

   d. prominent vegetative and geologic features of a site, including saguaros and ironwoods, mesquite bosques, prominent hilltops and prominent rock outcrops, and peaks or ridges;

   e. habitat with plant species listed as Highly Safeguarded by the Arizona Native Plant Law;

   f. areas of undisturbed native upland vegetative communities adjacent to primary riparian area; and

   g. slopes of twenty-five percent (25%) or greater.

10. Private living area. That portion of a designated homesite occupied by buildings, walls, patios, vehicular parking and circulation areas, and connecting pedestrian walks.

11. Riparian area. A geographically delineated area with distinct resource values that is characterized by deep-rooted plant species that depend on having roots in the water table or its capillary zone and that occurs within or adjacent to a natural perennial or intermittent stream channel, or within or adjacent to a lake, pond or marsh bed maintained primarily by natural water sources, or in or adjacent to ephemeral stream channels. Riparian areas routinely include hydroriparian, mesoriparian, and xeroriparian A, B, and C, any segments of riparian areas that are hydroriparian and mesoriparian. Riparian habit area does not include artificially created stockponds, man-made storage reservoirs constructed primarily for conservation or regulatory storage, municipal and

industrial ponds or man-made water transportation, distribution, off-stream storage and collection systems.

12. Restored, restoration, mitigation. The process of repairing a previously disturbed, damaged, or graded site area or site feature and replicating its previously undisturbed, undamaged, or ungraded condition of vegetation, plant communities, geologic structures, grade, drainages, and riparian area that historically existed on site or in the neighborhood. Restoration of previously disturbed or graded areas will include revegetation, and may include corrective grading, natural and artificial rock, and top dressing.

13. Secondary conservation features. Those parts of a site which contain the secondary resource value natural features such as:

    a. Segments of riparian area not connected to or extending from a public preserve;

    b. Riparian areas not designated as primary conservation features;

    c. Areas of undisturbed native upland vegetation communities;

    d. Habitat with plant species listed as Salvage Restricted per the Arizona Native Plant Law;

    e. Areas between fifteen percent (15%) and up to but not including twenty-five percent (25%) slopes;

    f. One hundred year floodplain areas; and

    g. Sites and features of archaeological and/or cultural value.

14. Third party right of enforcement. A right granted in a conservation easement to enforce any of its terms granted to a governmental body, nonprofit charitable corporation, charitable trust, or foundation, which, although eligible to be a holder, is not a holder.

15. Wildlife friendly fencing. Shall be a maximum 42″ high fence using T-posts and 12-gauge wire as installed, maintained and further provided, and revised in conformance with the requirements and specifications of the Arizona Game and Fish Department for Standard Game Fence, or any subsequent revisions.

D. Permitted zones. This applies to subdivision development in the following zones: IR, RH, GR-1, SR, SR-2, SH, and CR-1, and specific plan development areas with land use designations that are comparable to IR, RH, GR-1, SR, SR-2, SH, or CR-1 zones.

E. Development standards.

1. Maximum density yield: Maximum density yield is obtained by dividing the minimum area per dwelling unit standard allowed under the zone of the property into the gross area of the subdivision site. SH shall use the same minimum area per dwelling unit as GR-1.

2. Minimum lot size:

    a. GR-1, SH, and, CR-1: eighteen thousand (18,000) square feet, however, twenty percent (20%) of the lots may be smaller than eighteen thousand (18,000) square feet provided that the smaller lots are located on the interior of the project and provided that no lot is smaller than twelve thousand (12,000) square feet;

b. SR-2: thirty thousand (30,000) square feet;

c. IR, RH, SR: forty-three thousand five hundred and sixty (43,560) square feet;

d. All lots using a septic system shall meet all county requirements pertaining to lot size and septic use.

3. Minimum building setback:

a. Subdivision site setbacks for the entire subdivision are the same as the setbacks permitted in the zone for a single lot, but in no case shall a subdivision site setback be less than thirty feet (30′);

b. Front yard setbacks of individual lots shall be a minimum of twenty feet (20′);

c. Rear yard setbacks of individual lots shall be a minimum of ten feet (10′);

d. Side yard setbacks along an internal subdivision street frontage and between adjoining subdivision lots shall be a minimum of ten feet (10′);

e. The provisions of Section 18.07.070 (modification of setback requirements) apply to a conservation subdivision. For the purposes of this section, site setbacks and front yard setbacks in a conservation subdivision may also be reviewed for modification.

4. Domestic animals: the subdivision plat shall have covenants regulating the keeping of domestic animals as follows:

a. Domestic pets shall be confined to private living areas or accompanied on a leash outside private living areas by a resident or trainer, except as provided in the following subsection b. Domestic pets are domestic animals whose nature is consistent with the residential character of the neighborhood or the adjoining conservation natural area.

b. Fenced dog runs may be located outside private living areas within the designated homesite area;

c. Livestock may be kept in SR, RH, & IR Conservation Subdivisions and such livestock shall be confined in barns, sheds or fenced enclosures all within the designated home site areas.

d. No wild animal, as defined in Chapter 6.04 Pima County Code shall be kept.

e. The number of domestic animals on a lot shall be consistent with the residential character of the neighborhood.

5. Fencing and walls are permitted as follows:

a. Fencing and walls in private living areas on individual lots;

b. Wildlife friendly fencing that is required to protect cultural and natural resources from negative impacts such as human trespass and adjacent grazing areas;

c. Fencing and walls for livestock enclosures in the designated homesite area.

6. Driveway widths shall be limited to twelve feet (12′) with a maximum six-foot (6′) graded area on each side of the driveway where required to accommodate sloping site conditions.

F. Conservation natural area standards. The planning official, or the planning official's designated representative qualified in such matters, shall review the subdivision's conservation natural area to ensure that it protects natural area connections and important habitat features. A conservation subdivision shall comply with the following standards:

1. Minimum conservation natural area designation:

   a. A minimum of fifty percent (50%) of the area of the subdivision site after deducting major streets and scenic routes rights-of-way dedications shall be set aside and restricted to conservation natural areas. When the best available scientific information confirmed by the planning official, or his designated representative qualified in such matters, indicates that a higher percentage of conservation natural area or conservation easement is required, such additional area shall be provided to the maximum extent practicable. Primary conservation features shall be the highest priority feature to be included in conservation natural areas within the subdivision. After all primary conservation features are designated as conservation natural area, any remaining required percentage of natural area shall include secondary conservation features.

   b. On lots containing two (2) or more acres, or in low density subdivisions with a density less than one (1) dwelling unit per two (2) acres, up to thirty percent of the conservation natural areas required in the preceding subsection 1.a. may be located within individual subdivision lots, provided they are restricted to natural area use through recorded conservation easements.

   c. No graded or disturbed area shall be part of the conservation natural area calculation.

2. Grading and conservation natural areas.

   a. Grading of a subdivision site is permitted only for roadways, utilities and within the approved development areas.

   b. The maximum grading area on lots smaller than one (1) acre shall be twenty thousand (20,000) square feet plus the area of a single lane twelve foot (12′) wide driveway that extends from the lot property line to the garage or carport.

   c. The maximum grading area on lots one (1) acre or larger shall be thirty thousand (30,000) square feet plus the area of a single lane twelve foot (12′) wide driveway that extends from the lot property line to the garage or carport.

   d. To the fullest extent possible, improvements shall be sited to minimize disturbance in conservation natural areas and of the primary and secondary conservation features within them.

   e. The design of the development area shall be done so the grading has the least impact on the primary conservation features.

f. Mitigation of disturbed conservation features shall be done in accordance with the purpose of this section, as approved by the planning official, or his designated representative qualified in such matters.

g. Mitigated areas are not counted or included in the calculation of the percent of conservation natural area required for a subdivision site.

h. Washes. Within washes that are primary or secondary conservation features, only that grading for roadways and utilities that is necessary to provide access to approved development areas is permitted in accordance with Chapter 16.54 (Riparian Habitat Ordinance) of this code. Wash disturbance shall be minimized and all utilities shall be installed within roadway easements, except that where a roadway easement is not a practicable location for the utility as confirmed by the planning official, or his designated representative qualified in such matters, then the utility may cross a wash using the least intrusive construction methodology and subject to mitigation and revegetation of the wash disturbance. Wash areas so disturbed and subsequently mitigated shall not be included as part of any open space or natural area requirement.

i. Native plants. To the fullest extent possible, buildings and other improvements shall be sited so as not to disturb primary and secondary conservation features such as saguaros and ironwood trees. Transplantation of existing indigenous plant material shall be within the subdivision. Transplanting or mitigation shall be conducted as follows:

1) Mitigation including transplanting and revegetation for roadways, utilities, and siting of dwellings and private living areas must be done in accordance with Chapter 18.72 (Native Plant Preservation Standards).

2) Grading and disturbed areas in designated homesite areas located outside private living areas, fenced dog runs, and livestock enclosures shall be revegetated with plant material indigenous to the site or subdivision that replicates the understory, midstory, and canopy of adjoining conservation natural areas; except that native, drought-tolerant, low-water use plants (including trees shrubs, cacti, ground cover, grasses and seed mixes) approved by the planning official, or his designated representative qualified in such matters, may also be used.

j. Except as otherwise provided in subparagraph i. above, revegetation of graded or disturbed areas shall be with indigenous trees, shrubs, and ground cover to simulate understory, midstory, and canopy of adjoining natural areas.

k. Site development shall include reduction of runoff by means of stormwater harvesting, erosion control through benign grade stabilization, and careful siting of improvements to minimize negative impacts in conformance with accepted local green infrastructure and low impact development practices and concepts.

3. To assure the most beneficial natural area design, conservation natural areas shall provide, where possible and practicable, connections to public preserves, undisturbed riparian areas, and natural areas on adjoining properties, and protection of undeveloped indigenous habitat.

4. Long thin strips of natural areas shall be avoided unless the feature is linear, such as a wash or the configuration is necessary to connect with other washes or trails. The conservation natural areas shall generally abut existing or potential natural areas on adjacent parcels. Where possible, such subdivision conservation natural areas shall be designed as part of a larger contiguous and integrated open space system of undeveloped indigenous habitat.

G. Infrastructure standards.

1. Conservation subdivisions may use the more flexible street development standards established in the standards and policies of the department of transportation and flood control district for conservation subdivisions and shall emphasize protection of wildlife corridors and minimization of traffic killings of wildlife.

2. Notwithstanding the restriction on the length of cul de sacs contained in Section 18.69.040.A2.l (Subdivision Standards), there is no restriction on cul de sac length in a conservation subdivision. However, no cul-de-sac may serve more than one hundred dwellings or any use that would generate one thousand or more average daily vehicle trips.

3. Existing ingress and egress easements adjacent to or within the subdivision boundaries and which serve lots within the subdivision shall be designated as common area. Existing ingress and egress easements within the subdivision that do not serve lots within the subdivision but only serve parcels outside the subdivision may remain as part of a subdivision lot. Existing ingress and egress easements connected to subdivision boundaries may serve subdivision lots.

H. Site planning procedure.

1. Pre-application meeting: Prior to the submittal of a tentative subdivision plat, the applicant shall prepare a tentative plat sketch proposal which shows the proposed conservation natural areas, the lot pattern, streets, and trail linkages of development areas and to meet with the planning official, or the planning official's designated representative, to discuss how the conservation subdivision standards can be applied to the subject property.

2. Tentative plat. The tentative plat shall be prepared in compliance with the following design process:

a. Determine the maximum density yield.

b. Identify conservation natural areas. All potential conservation natural areas are to be identified. Lands shall be considered for designation as conservation natural areas in the following order:

1) Areas which qualify as primary conservation features;

2) Areas which qualify as secondary conservation features;

3) Areas the property owner may want to preserve.

c. Identify development areas. The areas that are not identified as conservation natural areas and are available for development.

d. Locate building sites. The approximate sites of individual buildings are tentatively located.

e. Align streets. Streets shall be laid out in a way that avoids, or at least minimizes, adverse impacts on conservation natural areas to the greatest extent practicable. Wash crossings and streets traversing existing slopes greater than fifteen percent (15%) are discouraged.

f. Draw the lot lines. The lot lines should, where possible, be located approximately midway between house locations and may include L-shaped lots which meet county standards.

3. County evaluation of tentative conservation subdivision plat. Development services shall review the plat to ensure that the design is appropriate to the site's natural, historic, and cultural features and the purposes of this section. Diversity and originality in lot layout are encouraged to achieve the best possible relationship between development and conservation natural areas. To the greatest extent possible and practicable, the layout of a tentative plat shall meet the following standards:

a. Protects and conserves riparian areas, slopes greater than fifteen percent (15%), and designated peaks and ridges from clearing, grading, filling, or construction except as may be approved for essential infrastructure;

b. Creates buffer areas to minimize conflicts between residential uses, public preserves, and wildlife habitat;

c. Locates development on the least environmentally sensitive areas of the site with the least intrusion into primary and secondary conservation features and is least disruptive to connections with public preserves and surrounding undeveloped indigenous habitat;

d. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U. S. Fish and Wildlife Services, Arizona Game and Fish Department, and the adopted Sonoran Desert Conservation Plan.

e. Minimizes development impacts on ironwoods, saguaros and their understory, and large clusters of sensitive plant groups protected by the native plant preservation standards (Chapter. 18.72);

f. Avoids siting dwellings on prominent hilltops or ridges by taking advantage of lower topographic forms;

g. Designs around and preserve sites of historic, archeological, or cultural value and their environs insofar as needed to safeguard the character and integrity of the feature;

h. Improves public safety and protects the character of scenic routes by avoiding lot development which directly accesses onto scenic routes that are also major routes;

i. Where trails are provided, they shall be designed as a pedestrian circulation path system to ensure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system;

j. Provides natural areas that are contiguous and whose configuration minimizes fragmentation of natural areas within the development;

k. Incorporates a water harvesting plan.

l. Revegetation shall be indigenous trees, shrubs, and ground cover to simulate when practicable understory, midstory, and canopy of adjoining natural areas.

I. Lot development. Lots thirty-six thousand (36,000) square feet or greater with grading areas greater than fourteen thousand (14,000) square feet shall, at the time the lot is developed, incorporate a thirty percent natural area set aside into the lot design, if not already delineated by the plat. The natural area set aside should, when possible, provide connections to adjoining common or individual lot conservation natural areas, and building area footprints should be minimized. To the maximum extent possible, open space areas adjacent to streets that are located on individual lots shall be left natural.

J. Conservation natural areas ownership and maintenance. Conservation natural areas shall be restricted to natural open space in perpetuity. The conservation natural areas shall remain undivided. Conservation natural areas located outside of individual residential lots shall be owned and managed by either a homeowners' association, the county, or a recognized land trust or conservancy.

1. Conservation natural areas located outside of individual lots shall be preserved by one of the following methods:

a. Dedication. Conservation natural areas may be dedicated to the county, either in fee simple or as a conservation easement, by a form of instrument approved by the county. The county may, but is not required, to accept conservation natural areas.

b. Transfer to a private conservation organization, land trust, or conservancy. Conservation natural areas may be transferred either in fee or by easement to a private nonprofit organization, among whose purposes it is to conserve conservation natural areas and/or natural resources provided that:

1) The organization is acceptable to the county;

2) The organization is a bona fide conservation organization with perpetual existence;

3) The conveyance contains appropriate provisions for the transfer of the conservation natural area to the county, an appropriate homeowners association, or another private nonprofit organization acceptable to the county, if the original organization becomes unwilling or unable to continue carrying out its function; and

4) A maintenance agreement approved by the county is entered into by the owner of the subdivision site and the non profit conservation organization.

c. Transfer to a homeowners' association and maintenance standards. If the conservation natural areas are to be owned and maintained by the homeowners' association of the subdivision, the subdivider shall record covenants, conditions and restrictions including maintenance and preservation standards, running with the

land, providing for the creation of a homeowners' association. The covenants shall contain the following provisions:

1) A clause assuring that Pima County is not responsible for maintenance or liability of the common natural areas but that Pima County may enforce the maintenance and preservation standards;

2) A clause stating the common areas designated natural area on the subdivision plat shall be restricted to natural areas in perpetuity and maintained by the homeowners association and a requirement that the county is a third party beneficiary with a third party right of enforcement to such clause, and that the clause cannot be amended or repealed without the written consent of the county.

3) The developer shall present to the development services department a plan for the transfer of control of all common natural areas to the homeowners association;

2. Conservation natural areas on individual lots shall be preserved as recorded conservation easements. The conservation easement shall include a statement that all area within the conservation easement shall be preserved as natural open space and shall not be graded or disturbed except that previously graded or disturbed areas within the conservation easement shall be restored, and revegetated in conformance with the provisions of the following subsection 3.

3. Maintenance of conservation natural areas on individual lots:

a. Conservation natural areas shall be preserved as natural open space and shall not be graded or disturbed, except for restoration and the mitigation of previously disturbed area.

b. Existing grading or disturbance within the conservation natural area shall be restored, and mitigated subject to the following:

1) The existing grading and disturbance occurred two (2) years or more before the effective date of the ordinance that establishes this provision, and

2) The existing grading and disturbance was not created during the current owner's ownership of the lot, parcel, or project site.

3) An application for a building or grading permit on a lot, parcel, or project site that meets the preceding conditions in subparagraphs 1) and 2) shall be accompanied by a mitigation and revegetation plan which mitigates the existing grading and disturbance in conformance with the revegetation requirements of Section 18.61.100.F.2.i.2)

4) If the existing grading and disturbance does not meet one (1) or both of the preceding conditions in subparagraphs 1) and 2), then supplemental mitigation requirements may be established by the planning official or a hearing officer.

(Ord. 2015-7 § 3, 2015; Ord. 2001-22 § 1, 2001; Ord. 2000-66 § 1, 2000)

18.09.110 - Two-story residential buffer setback.

A. Purpose.

1. To mitigate the impact of two-story development on adjoining one-story residential development by reducing views into the side and rear yards of existing adjoining developments.

2. To encourage less intrusive siting of two-story development in residential zones.

B. Definitions. For purposes of this section only:

1. Existing dwelling: A permitted residence that has had a final inspection.

2. Two-story residential buffer setback: The sixty-foot setback between a proposed two-story development and existing one-story residential development's property line. The setback shall be measured from the two-story portion of the proposed new development.

C. Applicability.

1. A two-story residential buffer setback shall be required adjacent to all two-story development adjoining to RH, GR-1, SH, SR, SR-2, CR-1, CR-2, CR-3, MU residential and CMH-1 zones or adjacent to any zone in another jurisdiction with a lot size approximately equivalent to the above named zones where the lot or lots in question are adjacent to existing one-story dwellings. The buffer setback applies to property zoned SP only when the SP lots are at the edge of the SP zone.

2. A two-story residential buffer setback shall be required when a new two-story dwelling is being constructed on a vacant lot in a subdivision that was recorded more than ten years ago, and the subdivision contains existing one-story dwelling units.

D. Exceptions. The following are exceptions to this section:

1. The applicant obtains an approved mitigation plan. The applicant shall prepare a mitigation plan showing how the proposed two-story dwelling units or buildings will not intrude on the privacy of existing one-story residences. The mitigation plan is subject to review by, and must receive approval from, the planning and zoning commission and thereafter must be implemented subject to all conditions of approval; or

2. The applicant obtains the consent of adjacent property owners. The applicant shall submit to the development services department a recorded agreement among adjacent property owners of lots having an existing one-story dwelling stating a two-story building is acceptable; or

3. The applicant provides documentation that non-consenting adjacent property owners do not have an existing one-story home within 100 feet from the proposed two-story development. The applicant shall submit a site plan prepared by a registered surveyor, registered architect, or other similar registered professional showing that the distance between the closest point of an existing one-story dwelling on adjoining property and the proposed two-story dwelling is at a minimum 100 feet, measured from the closest point of the two-story portion only; or

4. The applicant shall demonstrate that the highest point of the proposed two-story structure is equal to or below any non-consenting adjacent property owner's existing one-story residence's finished grade; or

5. The proposed two-story development is on a lot within the internal area of a subdivision when the subdivision is developed under the cluster development option, lot reduction option, lot development option, or conservation subdivision and both the two-story development and the existing one-story residence are located on lots under one acre in size.

E. Mitigation Plan Review Process. The Mitigation Plan Review Process is as follows:

1. Within the two-story residential buffer setback, a mitigation plan shall be approved by the planning and zoning commission at a public hearing after notice has been provided by mail fifteen days prior to the hearing to all owners of property within three hundred (300) feet. The mitigation plan shall be submitted to the development services department and must meet department submittal policies.

2. A mitigation plan shall include screening or siting elements as needed that may include vegetative screening, walls, siting of buildings or windows, and eliminating balconies or similar features to reduce views towards the existing dwellings.

3. Appeal from a decision of the planning and zoning commission may be made to the board of supervisors within thirty days of the decision.

4. If a two-story residential buffer setback mitigation plan is approved by the board of supervisors as a condition of rezoning or of a special action, then the two-story residential buffer setback requirement may be satisfied so long as that plan is implemented.

F. Fees. A review fee that is the equivalent to the fee for a board of adjustment variance is required for mitigation plan review.

(Ord. 2007-101 § 1, 2007; Ord. 2004-20 § 1, 2004)

Chapter 18.39 - GENERAL COMMERCIAL STANDARDS

- 18.39.010 - Purpose.
- 18.39.020 - General Requirements.
- 18.39.030 - Large Scale Retail Establishment.
- 18.39.040 - Regional Shopping Center.
- 18.39.050 - Neighborhood Shopping Center.
- 18.39.060 - Small Shopping Center.
- 18.39.070 - Expansion of Existing Development.
- 18.39.080 - Exceptions.

18.39.010 - Purpose.

A. Establish a scale of commercial intensity.

B. Provide standards to reduce potential adverse effects on adjacent residential uses.

C. Provide a reasonable connection to the adjoining transportation network.

D. Encourage innovative site planning for the region.

E. Encourage architecture that is compatible with the surrounding neighborhood.

F. Encourage locating large scale retail establishments in areas planned as Regional Activity Centers, Community Activity Centers, Multi-functional Corridors or Urban Industrial.

(Ord. 2001-165 § 1 (part), 2001)

18.39.020 - General Requirements.

A. General Requirements.

1. The development standards of this chapter apply to development within the TR zone where:

a. A development plan for of any of the uses listed in Section 18.39.030 through and including Section 18.39.060 is submitted for land adjacent to a TR zone; and

b. The development plan includes proposed development on the TR zoned land.

(Ord. 2003-32 § 1 (part), 2003; Ord. 2001-165 § 1 (part), 2001)

18.39.030 - Large Scale Retail Establishment.

A. Permitted Zones. CB-2, CI-1, and CI-2.

1. Exception: CB-1 pursuant to 18.39.080A3.

B. Development Scale. A single building that includes retail and related uses under one roof and in one ownership occupying more than 80,000 square feet.

C. Development Standards.

1. Circulation:

a. Access shall be provided onto a roadway with not less than four lanes or through a commercial or industrial subdivision with access to at least one four-lane roadway or onto a roadway with less than four lanes if Pima County has plans to construct improvements to provide for four or more lanes within five years of the date on which the large retail establishment opens for business.

b. A traffic impact analysis must be submitted to development services. This analysis must be prepared using the Institute of transportation engineers' trip generation guidelines and must be prepared by a traffic engineer or similar transportation professional;

c. Sidewalk standards:

1) Sidewalks along sides of the large scale retail establishment abutting a public street shall be at least four feet in width.

2) Sidewalks along the building facade with the primary customer entrance shall be at least eight feet in width.

3) From the public sidewalk or right-of-way to the principal customer entrance, an internal walkway shall be at least four feet in width.

2. Setbacks:

a. For any building with a loading area directly facing the residential use, 200-foot setback from the property line on the same side as the loading area contiguous to an existing residential use;

b. For any building without an exposed loading area, 100 foot setback from the property line contiguous to an existing residential use;

c. For temporary outdoor sales displays, 250-foot setback from the property lines contiguous to existing residential use;

d. For trash collection or compaction, 100-foot setback from property line contiguous to an existing residential use;

e. For permanent outdoor sales, 100-foot setback from property line contiguous to an existing residential use;

f. For commercial or industrial, zero setback; and

g. For illustration of a and b, see the commercial design manual.

3. Landscaping and screening:

a. When the large scale retail establishment is contiguous to a residential use, a minimum 60-foot landscape bufferyard, with a minimum of 15 canopy trees per 100 linear feet shall be required. A six-foot decorative masonry wall, which may be placed at the property line, is required unless height and location are otherwise agreed upon by a signed agreement with the contiguous property owners;

b. Landscaping within the parking lot shall conform to the requirements of Section 18.75.040B3;

c. The landscaping plan shall include stormwater harvesting features to be used in the development;

d. Permanent outdoor sales displays, trash collection containers and trash compaction shall be screened from adjacent residential view with opaque materials;

e. The internal walkway from the public sidewalk or right-of-way to the principal customer entrance shall be parallel to a six-foot minimum total width landscaped area using the landscaping standards of the parking lot; see the commercial design manual;

f. Outdoor storage shall be screened from view with opaque materials and be adjacent to the building; and

g. Loading area wall: When required under this Chapter 18.39, a loading area screening wall shall be a fourteen-foot high wall measured on the dock side and shall include an extended cap detail that is a minimum of two-brick courses of eight inches each. See the commercial design manual for illustration.

4. Noise: When the large scale retail establishment is adjacent to an existing residential use, the following noise restrictions shall apply:

    a. Deliveries, loading, idling, or similar operations shall not occur between ten p.m. and six a.m. unless the activity occurs within a loading bay or on the street side of the building; and

    b. Trash removal or compaction, or similar operations, shall not be allowed between seven p.m. and seven a.m.

5. Noise plan option: To the extent that the proposed development does not meet the applicable development standards contained in Section 18.39.030(C)(2)(a) (exposed loading area), (C)(3)(g) (loading area wall height), (C)(4)(a) (hours of deliveries) and (C)(4)(b) (hours of trash removal and compaction), then a noise plan shall be prepared to evaluate the potential noise impacts in context with the surrounding ambient noise characteristics and shall specify how the proposed development will mitigate noise generation. The required setback for a loading or delivery bay and trash removal or compaction enclosure is a minimum of one hundred feet.

    a. Noise level restrictions of the noise plan shall not exceed the following decibel (dB) limits as measured at any adjoining residential property line of the property receiving the sound based on the reference sound pressure and measured with a sound level meter:

        1) Large scale retail and shopping center adjacent to residential use: daytime (six a.m. to ten p.m.) sixty-five dB, nighttime (ten p.m. to six a.m.) forty-five dB.

        2) Office/commercial use adjacent to residential use: daytime (six a.m. to ten p.m.) sixty-five dB, nighttime (ten p.m. to six a.m.) forty-five dB.

        3) Large scale retail and shopping center adjacent to office/commercial use: daytime (six. a.m. to ten p.m.) seventy-five dB, nighttime (not applicable).

    b. A noise plan must be prepared and implemented to address all noise including but not limited to the noise resulting from loading and unloading of trucks, dynamic vehicle braking devices, truck waiting/idling, motor vehicle sound amplification equipment, warning devices (i.e. backup alarms), store paging, music systems, mechanical equipment, air-conditioning units, loading and unloading areas, garbage/dumpster/trash compactor and forklift operations. The noise plan shall be prepared in compliance with the commercial design manual.

6. Odor: When the large scale retail establishment is adjacent to an existing residential use, an odor plan shall be required to evaluate the potential odor emissions from food preparation or chemicals that may be offensive or that may create a nuisance beyond the property line. The odor plan shall be prepared in compliance with the commercial design manual.

7. Light: All outdoor lighting shall be in accordance with the county outdoor lighting code (Title 15).

8. Commercial Design Manual: The commercial design manual, adopted by resolution of the board of supervisors, shall provide guidelines and procedures for implementation of the standards of Chapter 18.39.

9. Submittal requirements for building design: Submittals shall be made through the subdivision coordination office and shall include the following:
    a. Illustrations depicting two traverse sections of the entire site (generally north-south and east-west) that include the height and relationships of structures and that are drawn at the same scale as the development plan; and
    b. Identification and description of all design features on the traverse sections, including those listed in the commercial design manual.

D. Additional Standards.
    1. An economic impact statement shall be submitted with the site plan which assesses the impact the cost of emergency services, and the ratio of existing and potential commercial development available to the target population.
    2. Food and beverage sales areas shall not in total exceed ten percent of the general merchandise and retail sales areas of the establishment.

(Ord. 2015-7 § 4 (part), 2015; Ord. 2011-2 § 10, 2011; Ord. 2003-32 § 1 (part), 2003; Ord. 2001-165 § 1 (part), 2001)

18.39.040 - Regional Shopping Center.

A. Permitted Zones. CB-2, CI-1, and CI-2.
    1. Exception: CB-1 if no single building occupies more than eighty thousand square feet.

B. Development Scale. A large scale retail establishment or regional shopping center in which the aggregate square footage of the buildings on the site may be greater than one hundred fifty thousand square feet.

C. Development Standards. Shall be in accordance with 18.39.030(C).

(Ord. 2001-165 § 1 (part), 2001)

18.39.050 - Neighborhood Shopping Center.

A. Permitted Zones. RVC, CB-1, CB-2, CI-1, and CI-2.

B. Development Scale. No single building occupant within this use shall exceed eighty thousand square feet. The aggregate square footage of the buildings on the site shall not exceed one hundred fifty thousand square feet.

C. Development Standards.
    1. The commercial design manual shall be used as a guideline for the site plan.
    2. Setbacks: The minimum setback for any building shall be sixty feet from a property line contiguous to an existing residential use as measured from the building.
    3. Loading: If a loading area is perpendicular to, and opens towards, the property line of a contiguous residential use, the development standard in 18.39.030(C)(5) shall apply.
    4. Landscaping and screening:

a. A minimum thirty-foot landscape bufferyard is required at a property line contiguous to an existing residential use with a minimum of ten canopy trees per one hundred linear feet. A six-foot decorative masonry wall, which may be placed at the property line, is required unless height and location are otherwise agreed upon by a signed agreement with the contiguous property owners;

b. The development shall provide for stormwater harvesting with the features shown on the landscape plan submittal; and

c. Landscaping within the parking lot shall conform to the requirements of Section 18.75.040(B)(3).

5. Noise, odor and light trespass plans shall be in accordance with Section 18.39.030(C)(4), (5), (6) and (7).

(Ord. 2015-7 § 4 (part), 2015; Ord. 2003-32 § 1 (part), 2003; Ord. 2001-165 § 1 (part), 2001)

18.39.060 - Small Shopping Center.

A. Permitted Zones. RVC, CB-1, CB-2, CI-1, and CI-2 zones.

B. Development Scale. No single building occupant within this use shall exceed thiry-five thousadn square feet. The aggregate square footage of the buildings on the site shall not exceed one hundred thousand square feet.

C. Development Standards.

1. The commercial design manual shall be used as a guideline in the site planning of this use.

2. Setbacks: The minimum setback for any building shall be forty feet from any residential property line. When single or multiple attached buildings or occupants total thirty-five thousand square feet, any additional attached building or building occupant shall be setback an additional twenty feet from the residential property line. See the commercial design manual.

3. Landscaping and screening:

a. A minimum fifteen-foot landscape bufferyard is required at a property line adjacent to an existing or conditionally approved residential or rural zoning district, with a minimum of six canopy trees per 100 linear feet, with a maximum six foot decorative masonry wall, which may be placed at the property line, unless another location is agreed upon by signed agreement with the contiguous residential property owners;

b. The development shall include stormwater harvesting features to be used in the development;

c. Landscaping within the parking lot shall conform to the requirements of Section 18.75.040B3.; and

4. Noise, odor, and light trespass plans shall be in accordance with Sections 18.39.030C4, 5, 6 and 7.

D. Exceptions.

1. Uses permitted in commercial zoning districts less than 45,000 square feet of aggregate buildings are exempt from development standards in 18.39.060C2 and 3a. but shall comply with the development standards of the applicable zoning district and all other applicable development standards. A commercial use without specific development standards and in a commercial district not defined as a shopping center that is greater than 45,000 square feet aggregate building area shall meet the small shopping center development standards.

(Ord. 2015-7 § 4 (part), 2015; Ord. 2003-32 § 1 (part), 2003; Ord. 2001-165 § 1 (part), 2001)

18.39.070 - Expansion of Existing Development.

A. Expansion of Existing Development.

1. If a proposed expansion of an existing development will exceed 25 percent of the gross floor or lot area, the property shall be subject to the provisions of this chapter except that:

   a. The setback requirements contained in this chapter shall not apply;

   b. The bufferyard requirements contained in this chapter shall be complied with whenever space on the property allows and exempted only when it is demonstrated that it is not possible to meet these standards;

   c. If the individual proposing the expansion does not control the area of the approved plans and development, the provisions of this chapter shall not apply to the approved plans and development if the individual proposing the expansion provides the following:

      1) A written statement that the individual proposing the expansion has requested in writing that any owner or owners of the area of the approved plans or development comply with the provisions of this chapter and that such owners have rejected the request;

      2) A copy of the written request to any owner of the area of the approved plans and development and a copy of the written response, if any.

2. Lack of control over the area of the approved plans and development may be demonstrated by nonownership, existence of a lease, rental agreement or other agreement that prevents or significantly inhibits alteration of the property in conformance with the provisions of this chapter.

(Ord. 2001-165 § 1 (part), 2001)

18.39.080 - Exceptions.

A. Exceptions.

1. Design Review Committee (DRC). The DRC may grant exceptions to some of the large scale retail establishment, regional, neighborhood, and small shopping center

development standards sections of this chapter if the DRC finds that the alternative plan provides the same or greater mitigation upon the development's impact upon surrounding properties, traffic and the community as the current standards. Examples of physical site constraints that may warrant an exception include the protection of riparian habitat, undisturbed natural area, prominent stand of vegetation, topographic features or the existence of a residence that is setback greater than the current setback standard.

a. The DRC decision accepting alternative mitigation may be appealed to the board of supervisors within 20 days of the of the committee's decision by the applicant or by property owners within 300 feet.

2. Self-storage. When a large scale retail establishment or a regional, neighborhood, or small retail center is combined with a self-storage use, the self-storage use shall not be calculated as part of the large scale retail establishment or regional, neighborhood, or small retail center's development scale standard.

3. Board of Supervisors.

a. The board of supervisors may allow a large scale retail establishment or regional retail center in the CB-1 zone after a noticed public hearing as defined in section 18.91.060B, Public Notice. Consideration should include:

1) Whether the subject property meets the development standards contained in 18.39.030C.

2) Whether the development generates traffic which causes adjacent roadways and intersections to exceed level of service "D."

4. Specific Plans. To the extent the development standards contained in the specific plan conflict with the standards in Chapter 18.39, the specific plan's development standards shall control.

5. Existing Development: The following shall be exempt from the development standards and provisions in Chapter 18.39:

a. Development for which a building permit has been issued and substantial construction commenced prior to the effective date of this chapter;

b. Development completed in compliance with a building permit; and

c. Development plans approved by Pima County or under review on or before the effective date of this Chapter 18.39.

(Ord. 2001-165 § 1 (part), 2001)

Chapter 18.61 - HILLSIDE DEVELOPMENT OVERLAY ZONE*

- **18.61.010 - Purpose.**
- **18.61.020 - Definitions.**
- **18.61.030 - Applicability.**
- **18.61.040 - Protected peaks and ridges designations.**
- **18.61.041 - Protected peaks and ridges standards.**
- **18.61.042 - Special use permits and addition permits for protected areas of level one peaks or ridges.**
- **18.61.043 - Application and public notice for special use or addition permit in protected areas.**
- **18.61.050 - Development mitigation and performance standards.**
- **18.61.051 - Average cross slope calculations.**
- **18.61.052 - Slope density requirements.**
- **18.61.053 - Natural areas.**
- **18.61.054 - Grading requirements.**
- **18.61.055 - Site restoration requirements.**
- **18.61.056 - Color requirements.**
- **18.61.057 - Minor modifications.**
- **18.61.060 - Hillside development manual.**
- **18.61.070 - Review procedures.**
- **18.61.080 - Exceptions.**
- **18.61.090 - Conflict, enforcement, and interpretation.**
- **18.61.100 - Illustrations and maps.**

18.61.010 - Purpose.

A. The purpose of this chapter is to establish standards for hillside areas which conserve and maintain the character, identity, and image of Pima County and promote the public health, safety, convenience and general welfare by:

1. Conserving the unique natural resources of hillside areas;
2. Permitting intensity of development (density) compatible with the natural characteristics of hillside terrain, such as steepness of slope and significant land forms;
3. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring more intense restoration of graded areas;
4. Minimizing disturbance of existing drainage patterns and soil erosion problems incurred in development alteration of hillside terrain;
5. Providing safe and convenient access to hillside development; and
6. Ensuring the efficient expenditure of public funds.

B. The purpose of the Hillside Development Manual, a companion document adopted by resolution of the board of supervisors, is to promote compliance with this chapter by establishing technical requirements, implementation standards, guidelines, and procedures.

(Ord. 2000-52 § 1 (part), 2000)

18.61.020 - Definitions.

A. Certain terms used in this chapter shall be defined for purposes of this chapter only, as follows:

1. Development. Any human alteration to the existing state of the land, including its vegetation, soil, geology, topography or hydrology for any commercial, industrial, residential or accessory facilities, or any other use, including any and all utilities, sewers, septic systems and circulation areas, such as streets, private roads, parking areas or driveways.
2. Divide. To separate an existing land parcel into two or more land parcels.
3. Grading. The clearing, brushing, grubbing, excavating, or filling of a site.
4. Land parcel. An area of land with boundaries recorded in the Pima County recorder's office.
5. Mitigation. The replacement and/or restoration of a damaged or disturbed site feature or a high resource value element on-site to a condition that replicates the natural undisturbed condition that historically existed on-site or in the neighborhood. (See also Restoration).
6. Natural area. A land area, unimproved and not occupied by any structures or man-made elements, set aside for the conservation of permanent, undisturbed open space.
7. No practicable alternative. When used, the term means that the property owner has demonstrated to the satisfaction of the planning official that due to physical conditions existing on the property, compliance with the requirements of a section cannot reasonably be practically or functionally achieved.
8. Peak point. The single highest elevation spot of a peak from which the protected area is measured.
9. Perimeter exposed fill slope. For a development category 1 or 2 project on the grading requirements table, the outward most, outward facing exposed fill slope located on or adjacent to the project property line, or located on the perimeter of the project's mass graded area.
10. Perimeter wall. For a development category 1 or 2 project on the grading requirements table 18.71.054-1, the outward most, outward facing free standing wall which may be located on or adjacent to the project property line, within a bufferyard, on or adjacent to a perimeter exposed slope, or on the perimeter of a mass graded area.
11. Practicable alternative. When used shall mean an alternative that is functionally and environmentally acceptable, can be practically and functionally achieved, and in conformance with the purpose provisions of Section 18.61.010 as demonstrated to and confirmed by the planning official.
12. Project site. An area consisting of one or more land parcels that is planned, reviewed and developed as a unified project, including designated natural areas.
13. Protected area of a peak. The circular area defined by a 150-foot radius (map distance) from the peak point.

14. Protected area of a ridge. The oval area defined by lines running parallel to and on either side of the ridge line at a map distance of 150 feet, combined with and terminating at a 150-foot radius (map distance) from the end points. For all previously adopted ridge lines, the protected area is the area depicted on the maps.
15. Restoration. The process of repairing a previously disturbed, damaged, or graded site area or site feature and replicating its previously undisturbed, undamaged, or ungraded condition of vegetation, plant communities, geologic structures, grade, drainages, and riparian habitat that historically existed on site or in the neighborhood. Restoration of previously disturbed areas will include enhanced revegetation, and may include corrective grading, natural and artificial rock, and top dressing.
16. Ridge line. A ground line running center and parallel to the long axis of a ridge, designated by the identification of two end points.
17. Structural development perimeter. A generally contiguous area on site defined by the outer surfaces or edges of curbs, walls, paving areas, utilities, and individual septic systems.
18. Twenty-five percent (25%) or greater slope(s). When the term is used it shall apply to any twenty-five percent (25%) or greater sloped area on a parcel, lot, or project site which is both longer than 50 feet when measured in any horizontal direction and greater than 7.5 feet when measured vertically.

(Ord. 2003-17 § 1 (part), 2003; Ord. 2000-52 § 1 (part), 2000; Ord. 1998-50 § 1, 1998)

18.61.030 - Applicability.

A. Applicable Lands.

1. This chapter applies to any land parcel, lot, or project site containing slopes of fifteen percent (15%) or greater, which are both longer than fifty feet (50′) when measured in any horizontal direction and higher than seven and one-half feet (7.5′) when measured vertically.
2. This chapter does not apply to a lot that is located within a subdivision for which a complete tentative plat was filed with the county between August 11, 1998, and July 7, 2000, and for which the final plat has been recorded within 18 months after July 7, 2000. All lots on the final recorded plat shall comply with the grading requirements of Chapter 18.61 in effect prior to July 7, 2000, except that grading on all lots in a nonmass graded subdivision are subject to the grading requirements of section 18.61.054G of this ordinance.

B. Prohibited Development.

1. A rezoning to TR, RVC, CB1, CB2, CPI, CI1, CI2 or CI3 zone is not permitted on a land parcel, lot, or project site having an average cross slope of fifteen percent (15%) or greater.
2. Nonresidential conditional uses (refer to Chapter 18.97) within a rural or residential zone are not permitted on land parcels, lots or project sites having average cross slopes of fifteen percent (15%) or greater.

3. A rezoning for residential uses with overall densities greater than 1.20 residences per acre is not permitted on land parcels with an average cross slope greater than fifteen percent (15%) prior to the exclusion of any natural area.

(Ord. 2003-17 § 1 (part), 2003; Ord. 2000-52 § 1 (part), 2000)

18.61.040 - Protected peaks and ridges designations.

A. Initiation of Protection for Peaks and Ridges. The designation of protected areas for certain peaks and ridges shall be initiated by the board of supervisors or the planning and zoning commission or as part of the comprehensive plan update program (refer to Section 18.89.050).

B. Criteria for Evaluation. Peaks and ridges shall be evaluated for designation as protected areas using the following criteria:

1. The peak point or ridge line lies within one mile of a public preserve;
2. The peak point or ridge line is within 300 feet of land subject to the buffer overlay zone (Chapter 18.67);
3. The peak or ridge is a dominant feature in the surrounding landscape or constitutes a significant linking element of such geographic feature;
4. The peak or ridge is an extension of a mountain, major hill or ridge, or other significant terrain feature, from a designated public preserve.
5. The peak or ridge is visible from a scenic route or a road leading to a designated trailhead;
6. The peak or ridge is visible to the community at large.

C. Level One and Level Two Designation. The board of supervisors shall designate protected peaks and ridges as level one or level two protected areas based upon their prominence and visibility to the community at large, with level one protected peaks and ridges being the most prominent and dominant.

1. A level one peak or ridge has communitywide viewshed significance based on the criteria one through six.
2. A level two peak or ridge may meet one or more of the criteria one through six. A level two peak or ridge shall include a topographic feature that has dominance in a local neighborhood area and has some degree of local viewshed significance. However, unlike a level one peak or ridge, a level two peak or ridge does not have communitywide view-shed significance or the likelihood for future inclusion into a public preserve.
3. Development is prohibited in level one protected areas, except as permitted by this chapter.
4. View mitigation standards shall be complied with for all development in level two protected areas in accordance with this chapter.

5. All protected peaks and ridges adopted prior to the effective date of this ordinance are designated as level one protected areas.

D. Public Notice Procedure for Designation.

1. Planning and zoning commission public hearing: A minimum of fifteen (15) days prior to the hearing, the planning division shall provide notice by:

   a. Publication once in a newspaper of general circulation in the county seat;

   b. Posting of the property or area to be considered at the hearing; and

   c. Mailing written notice to all property owners of the proposed protected peak or ridge, as defined by its proposed protected area, and all property owners within a minimum 1,000 feet of the proposed protected area.

2. Board of supervisors public hearing. As required for the commission.

3. Expansion of notice. The commission or supervisors may expand the notification area to greater than 1,000 feet, which shall be noticed prior to a public hearing.

4. Failure to provide notice. Notice is based on the ownership of the property as shown on the county assessor records. The unintentional failure to give written notice to a property owner or the unintentional omission of the name of a property owner shall not invalidate an action of the commission or supervisors.

E. Map Notation. Protected peaks and ridges, and their protected areas, shall be shown on county zoning maps by their underlying zone designation plus the suffix PR-1 for level one features and PR-2 for level two features.

(Ord. 2003-17 § 1 (part), 2003; Ord. 2000-52 § 1 (part), 2000)

18.61.041 - Protected peaks and ridges standards.

A. Development Restrictions in and near Protected Areas.

1. All development is prohibited within the protected area of a peak or ridge except with a special use permit, level two permit, or addition permit as provided in this chapter.

2. On land parcels approved for rezoning after August 11, 1998, all development is further prohibited within one hundred fifty feet (map distance) from a level one protected area.

3. All development within a level two protected area must comply with the level two protected area mitigation standards as provided in this chapter.

B. Color Requirements in and near Protected Areas. All exposed exterior walls and roofs of buildings (unless a roof is screened by a parapet wall extending at least three feet above the building), retaining walls, accessory structures, roads and utility structures located within the protected area of a peak or ridge or within a horizontal radius (map distance) of three hundred fifty feet from the protected area of a peak or ridge shall be earthtone in color to blend with the natural setting. Colors shall not exceed a light-reflective value of thirty-eight percent. The earthtone color palette is below in Section 18.61.041(C)(7).

C. Level Two Protected Area Mitigation Standards. All development within the level two protected area shall be reviewed for a level two permit with the following standards:

1. Native trees and shrubs shall be planted and spaced in at most twenty foot intervals to screen all building walls. An alternative vegetation that would achieve the same results may be used if approved by the planning official or his assigned designee. In all cases, fifteen-gallon plants or larger shall be used, and they must be connected to an irrigation system;
2. Roadway edges shall be revegetated in accordance with Section 18.61.055;
3. Building height shall not exceed eighteen feet;
4. Roof mounted antennas shall not be visible above the roofline;
5. Development activity shall comply with Section 18.61.042(C)(3)(c) through (f);
6. Lighting shall be in accordance with the county outdoor lighting code (Title 15); and
7. Building wall colors shall be earthtone and selected from a color palette of browns, adobes, rusts, tans, beiges, sepias, olives, mauves, and grays.
8. The width of a private driveway that must cross the protected area of a level two protected peak or ridge shall not exceed ten feet, and the width of a private roadway providing two-way access that must cross the protected area of a level two protected peak or ridge shall not exceed eighteen feet.
9. All utilities that cross the protected area of a level two peak or ridge shall be underground, with no accessory utility structures allowed within the protected area of the peak or the ridge, and the pathway to construct and install the utilities shall be completely revegetated.

D. Development Review Adjacent to Protected Peaks or Ridges.

1. When development is proposed within three hundred fifty feet of a level one or level two protected area, the developer shall submit to the development services department a topographic map (scale no smaller than one inch equals one-hundred feet with ten-foot contour intervals) delineating the protected area of the peak or ridge, the peak point or ridge line, and elevations.
2. This map shall be submitted in conjunction with a grading plan for building permit review purposes, tentative plat or development plan. This requirement shall also apply when a road or development is proposed within a protected area, subject to the granting of a special use or an addition permit in accordance with Section 18.61.042.

E. Site Design Guidelines for Level Two Peaks and Ridges. Development within the level two protected area shall be guided by the adopted Site Design Guidelines for Level 2 Peaks and Ridges.

(Ord. 2011-2 § 14, 2011; Ord. 2004-21 § 1 (part), 2004; Ord. 2003-17 § 1 (part), 2003)

18.61.042 - Special use permits and addition permits for protected areas of level one peaks or ridges.

A. Special Use Permit within Level One Protected Areas of Peaks or Ridges.

1. The board of supervisors may grant a special use permit for development within the protected area of a level one protected peak or ridge when such development can be proven by the developer to serve a need that outweighs the need for the restrictions of Section 18.61.041(A).

2. No permit shall be issued that:

   a. Is contrary to the purpose and intent of this chapter;

   b. Allows a use not allowed on a property by other chapters of this code; or

   c. Allows a use that substantially injures the use of adjacent property conforming to the restrictions of this chapter.

3. Grounds for issuing a special use permit shall not include:

   a. That the issuance of the permit would allow a more profitable use; or

   b. Any condition resulting from a division of land parcels made after July 1, 1976.

4. The supervisors may place conditions on the permit to carry out the purpose and intent of this chapter.

5. The permit shall be void if not used to obtain building permits within two years of its issuance. The permit shall run with the land, but only after the construction of any authorized structures.

B. Addition Permit within Level One Protected Areas of Peaks and Ridges.

1. An addition permit may be granted so long as the main use is permitted and is a legal nonconforming use within a level one protected area.

2. An addition permit applies to an addition to the property such as additions to the main use, accessory structures and uses, including guest houses, swimming pools, walls and similar structures within level one protected areas of protected peaks or ridges in accordance with the provisions of this subsection if the main structure or use is a permitted dwelling. The granting of an addition permit shall not waive or modify any applicable building or fire codes.

3. Standards. The director of the development services department or an assigned designee may grant an addition permit only after a finding is made that the visual impact can be minimized by applying all the following standards and only conditioned upon all the standards being addressed:

   a. The height of the property addition shall not exceed the highest point in elevation of the main dwelling;

   b. The addition shall be located in such a manner that views of the prominent land forms, unusual stands of vegetation, and public preserves are not obstructed. If the addition cannot be reasonably and practicably located as required by this section, the addition shall result in the least reasonably possible obstruction of such viewshed;

c. Drainage from the property addition shall not adversely affect adjoining properties and public rights-of-way;

d. The property addition shall not significantly interfere with the air temperature/solar radiation orientation of buildings on adjoining properties;

e. The location of the property addition shall not impose objectionable noise levels or odors on adjoining properties;

f. No additional utility poles shall be erected. All utilities shall be underground.

4. Notice to owners of affected properties.

a. Mailed notice including a sketch plan shall be sent to property owners within one thousand feet of the subject property;

b. The director of the development services department or an assigned designee may waive the giving of notice, if the applicant submits written consent of the addition permit by all property owners of affected property as defined in Section 18.61.042(C)(4)(a) above.

5. Decision by the director of development services or an assigned designee.

a. The director of the development services department or an assigned designee shall review all the submitted information and provide a written response to the applicant;

b. The response shall state the reasons for the decision if the request is denied;

c. If the director of the development services department or an assigned designee approves the permit, it may be issued for the property addition.

6. Appeals or referrals to the board of adjustment.

a. The applicant may appeal the decision of the director of the development services department or an assigned designee to the applicable board of adjustment in accordance with Section 18.93.030 to be treated as a variance request.

b. If a protest to a proposed addition within the protected area of a peak or ridge is submitted in writing within fifteen days of the date of the mailing of notice by an owner of affected property, as specified above, the director of the development services department or an assigned designee shall refer the application to the board of adjustment to be heard in accordance with Section 18.93.030. Protests shall be based solely upon characteristics of the proposed property addition.

7. The director of the development services department or an assigned designee may refer any application to the board of adjustment to be heard in accordance with Section 18.93.030.

8. A separate fee is required for appeals filed with the board of adjustment in accordance with the standard fee for variance applications (as specified in the Planning and Development Services Fee Schedule).

(Ord. 2003-17 § 1 (part), 2003)

18.61.043 - Application and public notice for special use or addition permit in protected areas.

A. Submittal Requirements. A request for a special use permit or addition permit for development within a level one protected area of a peak or ridge shall be made on an application form provided by the development services department. The application shall include the following:

1. A legal description of the subject site;
2. Signatures of the property owners of record or the authorized agent of the owner;
3. Letter of authorization if the property owner is represented by an agent;
4. A site plan showing color of proposed development, existing and proposed buildings and structures, access driveways, parking, utility easements, and distances from buildings and structures to property lines as well as to other buildings and structures;
5. An elevation drawing showing all existing and proposed buildings or structures and their building heights;
6. A revegetation plan (including rip-rapping) showing existing vegetation, graded areas to be revegetated, the manner of revegetation and revegetation time schedule;
7. A statement describing the ability and intent of the property owner to apply for necessary county permits within nine months of receiving approval of an addition and within two years of receiving a special use permit;
8. A statement describing how the proposal complies with the applicable standards in Section 18.61.042C for an addition permit and in Section 18.61.042A for a level one special use permit;
9. Any other information required by the development services department as reasonably necessary to evaluate the application;
10. An application fee in accordance with the planning and development services fee schedule.

B. Public Notice for Special Use or Addition Permits within Level One Protected Areas of Peaks and Ridges.

1. Public notice and meeting for level one special use permit. The request for a level one special use permit shall be considered by the board of supervisors at an advertised public hearing with mailed notice to owners of property within 1,000 feet of the subject protected area.
2. Public notice for level one addition permit. Pima County shall mail notice, including copies of the submitted sketch plan, to owners of property within 1,000 feet of the applicant's property lines. The director of the development services department or an assigned designee may waive the giving of notice if the applicant submits written consents to the modification signed by all owners of property within 1,000 feet of the applicant's property lines.

3. Failure to provide notice. Notice is based on the ownership of the property as shown on the county assessor records. The unintentional failure to give written notice to a property owner or the unintentional omission of the name of a property owner shall not invalidate an action of the committee, commission, or supervisors.

(Ord. 2003-17 § 1 (part), 2003)

18.61.050 - Development mitigation and performance standards.

Unless otherwise expressly excepted by this chapter, the development mitigation and performance standards set forth in Sections 18.61.051 to and including 18.61.057 apply to any and all development on lands subject to this chapter.

(Ord. 2000-52 § 1 (part), 2000)

18.61.051 - Average cross slope calculations.

A. Average Cross Slope. A method of determining the cross slope of a parcel or project site, by using the following equation:

$$\frac{I \, x \, L \, x \, 0.0023}{A}$$

Where:

I	=	Contour interval (maximum 10′) in feet;
L	=	Combined length in feet of all contour lines measured on the parcel or project site;
0.0023	=	Conversion of square feet into acres × 100;
A	=	Project site or parcel area in acres.

B. The average cross slope shall be rounded off to the nearest whole number. When .5 or higher is computed, the number shall be rounded off to the next highest whole number.

C. The average cross slope of a parcel or project site proposed for residential purposes only may be reduced by establishing a natural area on the parcel or project site and revising the average cross slope calculation to delete the natural area from the equation.

D. Natural areas set aside in any division of land shall not be included in the average cross slope calculation, neither in the combined length of contour (L) nor in the project site area (A). The total acreage of the project site may be used to calculate the number of dwelling units based on allowable density, provided that all other applicable provisions of this section are met.

E. The average cross slope is used for determining slope density requirements for residential development only.

(Ord. 2000-52 § 1 (part), 2000)

18.61.052 - Slope density requirements.

A. On land parcels or project sites with average cross slopes of fifteen percent (15%) or greater, dwelling unit density shall not exceed that allowed by either the existing zoning on the parcel or the following table 18.61.052-1, whichever is more restrictive.

Average Cross Slope (%)	Average Area (acres) per Dwelling Unit (density)
15	1.0
16	1.12
17	1.25
18	1.37
19	1.5
20	2.0
21	2.25
22	2.5
23	3.5
24	4.5
25	6.0
26	7.0
27	8.6
28	10.4

29	12.8
30	16.0
31	23.5
32	31.0
33 and greater	36.0

B. The provisions of Section 18.61.052A. do not apply to residential development on unsubdivided land parcels recorded in the county recorder's office prior to July 1, 1976.

C. If land parcels are divided or used for multifamily development after July 1, 1976, all appropriate provisions of this chapter shall apply.

D. Land parcels recorded with the county recorder's office after July 1, 1976, and prior to August 11, 1998, that are less in area than the required area per dwelling unit may be developed with a single dwelling unit, provided that all other applicable requirements of this chapter and code are met including the set-aside of natural area set forth in Section 18.61.053. All of the land area on the parcel outside of the allowable amount of grading shall be restricted as natural area in conformance with the requirements of 18.61.053C.

E. The slope density requirements shall not apply when the cluster development option (refer to Section 18.09.040) is used on land parcels with an average cross slope of less than twenty percent (20%), as calculated prior to the exclusion of natural areas.

F. The slope density requirements in Table 18.61.052-1 shall not apply to Conservation Subdivisions (Section 18.09.100) with an average cross slope of twenty percent (20%) or less provided that such Conservation Subdivisions have a minimum average area per dwelling unit of one (1) acre.

(Ord. 2001-22 § 2, 2001; Ord. 2000-52 § 1 (part), 2000)

18.61.053 - Natural areas.

A. Grading or development shall not be permitted within the legally described boundaries of a natural area except as follows:

   1. If utility or sewer trenches cannot reasonably be provided without crossing natural areas of the project site, such trenches may be permitted, provided they are revegetated in accordance with Section 18.61.055.

   2. Development within previously disturbed parts of a natural area for the purposes of plant enhancement and mitigation is permitted in conformance with the natural area mitigation provisions in Section 18.61.055.D.5.

B. Natural areas are to be established as large contiguous areas, rather than small, disconnected areas scattered over the site. Natural areas are permanent, once established and recorded.

C. Natural areas shall be surveyed and clearly delineated in a surveyable manner on all final plats, development plans, and grading plans submitted with building permit applications, and shall be sealed by a registered land surveyor. Natural areas shall be clearly labeled "HDZ Natural Area" on final plats, development plans and grading plans, and the plat or survey shall be recorded.

D. Natural areas shall be incorporated into a subdivision plat as either a portion of privately owned lots or as land parcels under the ownership of a homeowners' association. Where natural areas are located adjacent to major public parks, such areas may be deeded to Pima County, subject to approval by the county parks and recreation department and acceptance by the board of supervisors.

E. Land parcels which include a natural area designation shall not be further divided.

(Ord. 2000-52 § 1 (part), 2000)

18.61.054 - Grading requirements.

A. Except as otherwise provided herein, the following requirements of this Section 18.61.054 shall apply to grading on any land that is subject to this chapter, as determined by Section 18.61.030. A.1 and A.2.

B. Exceptions. Grading on a land parcel, lot or project site is not subject to the requirements of Section 18.61.054C., G.1., G.2., G.4., G.5., and H.1 if any one of the following apply:

1. Exclusion of fifteen percent (15%) slopes. When all of the fifteen percent (15%) or greater slopes are excluded from that portion of the parcel, lot or project site proposed to be graded.

2. Incidental encroachment. If the grading or disturbance of fifteen percent (15%) or greater slopes does not exceed 100 square feet on an individual graded residential lot or 1,000 square feet on a mass graded subdivision or a "Development Category 1" project, as shown in the Grading Requirements Table 18.61.054-1.

3. Vehicular access. If the grading or disturbance of fifteen percent (15%) or greater slopes is limited to grading for vehicular access as follows:

a. Within an unsubdivided, single residential lot or a single residential lot not located in a mass graded subdivision:

1) A single lane, twelve feet (12′) wide driveway, with a maximum six feet (6′) wide graded area on either side of the driveway, that extends from the property line to the garage or carport, and no possible practicable access alternative exists that will avoid grading slopes of fifteen percent (15%) or greater; or

2) A recorded vehicle access easement that provides access to two (2) or more residential lots.

b. For a mass graded subdivision or a Development Category 1 project as set forth in the Grading Requirements Table 18.61.054-1, grading is for an access street(s) that provides access from the property line to the mass graded area. This exception does not apply if the access street(s) encroaches into twenty-five percent (25%) or

greater slopes, unless there is no practicable alternative to grading twenty-five percent (25%) or greater slopes for the access street(s).

4. Existing grading. When the grading or disturbance of slopes of fifteen percent (15%) or greater is limited to areas of existing, non-permitted grading and disturbance on a lot, parcel, or project site, provided that all of the following apply:

   a. The existing grading and disturbance occurred two (2) years or more before the effective date of the ordinance that establishes this provision, and

   b. The existing grading and disturbance was not created during the current owner's ownership of the lot, parcel, or project site.

   c. An application for a building or grading permit on a lot that meets the preceding conditions in 1) and 2) shall be accompanied by a mitigation and revegetation plan which mitigates the existing grading and disturbance in conformance with the requirements of Section 18.61.055D.

5. Building envelopes delineated on a recorded plat. If a grading envelope or building envelope is described on a lot in a subdivision plat recorded prior to July 7, 2000, the platted lot is exempt from the grading requirements of Section 18.61.054C., G.1., G.2., G.4., and G.5. However, grading within a platted building envelope on a lot is subject to the six foot (6′) grading limitation in Section 18.61.054G.3.e.

6. When a lot to be individually graded is located within a CR-1 cluster development option subdivision (Section 18.09.040) or a CR-1 lot reduction option subdivision (Section 18.09.050) recorded prior to August 11, 1998; provided, however, that grading on the lot complies with the horizontal grading limitations in Section 18.61.054G.4.

   a. Natural open space is required by the plat; and

   b. Such natural open space is described on the plat as a common area, or an easement or a dedication to the public, or any combination thereof; and

   c. The natural open space so reserved has been maintained in a substantially undisturbed condition.

C. The total area of all grading shall conform with the grading requirements in the Grading Requirements Table 18.61.054-1 except as modified by other provisions in Section 18.61.054:

Grading Requirements Table 18.61.054-1

Development Category	Parcel/Lot Size Per Dwelling Unit	Grading Calculation	Maximum Grading
1. Multiple dwellings/business offices/existing commercial and industrial (mass graded)	varies	80% of the project site	80% of the project site

2. Single attached or detached dwelling units (mass graded subdivisions)	<20,000 sq. ft.	50% of the project site *	50% of the project site *
3. Single detached dwelling units (individually graded lots)	<20,000 sq. ft.	50% of the lot	50% of the lot
4. Single detached dwelling units (individually graded lots)	20,000 sq. ft. to 43,560 sq. ft. **	10,000 sq. ft. or 40% of lot, whichever is greater	10,000 - 17,424 sq. ft.
5. Single detached dwelling units (individually graded lots)	>43,560 sq. ft. to 72,000 sq. ft.	17,425 sq. ft. or 30% of lot, whichever is greater	17,425 - 21,600 sq. ft.
6. Single detached dwelling units (individually graded lots)	>72,000 sq. ft. to 144,000 sq. ft.	21,601 sq. ft. or 17% of lot, whichever is greater	21,601 - 24,480 sq. ft.
7. Single detached dwelling units (individually graded lots)	>144,000 sq. ft. to 180,000 sq. ft.	24,481 sq. ft. or 15% of lot, whichever is greater	24,481 - 27,000 sq. ft.
8. Single detached dwelling units (individually graded lots)	>180,000 sq. ft.	27,001 sq. ft. or 10% of lot, whichever is greater.	27,001 sq. ft.

* Under Section 18.61.054.H.1., grading may be increased in 5% increments for each 10% of the site that is not on 15%+ slopes, up to a maximum of 70% of the site.

** Minimum lot size: cluster option and standards in riparian areas have their own set-aside calculations.

D. All grading shall be performed in accordance with Chapter 18.81, except as modified by this Chapter 18.61 and the Hillside Development Manual. The exceptions set forth in 18.81.020(D) do not apply to fifteen percent (15%) or greater slopes.

E. The portions of the parcel, lot or project site to be left ungraded are to remain undisturbed and are not to be used for stockpiling of materials or excess fill, construction vehicle access, storage of vehicles during construction, or similar uses. Temporary fencing shall be installed in conformance with the Hillside Development Manual at the perimeter of the area to be graded in order to prevent encroachment into the undisturbed area.

F. Cut and Fill Requirements: General Requirements:

1. Except as modified by Sections 18.61.054G, H, or I, the vertical distance of an exposed slope shall not exceed fifteen feet (15′) as measured in:

   a. Fill areas. Lowest adjacent finished floor elevation (F.F.E.) to bottom of slope; or

   b. Fill areas. Lowest adjacent finished elevation of a deck, step or other non-vehicular paving area to the bottom of slope. The exposed slope shall be a minimum horizontal distance of twenty feet (20′) from any building roof and not a part of another structure higher than five feet (5′); or

   c. Cut areas. Lowest adjacent finished floor elevation (F.F.E.) to top of slope; or

   d. Cut areas where finished floor elevation has been placed below natural grade: Natural grade (N.G.) to top of slope.

2. No cut and fill shall encroach upon any floodplain, except as provided for in the floodplain management regulations (Title 16) or any adjacent properties except by the mutual written consent of all parties affected. Such consent is to be filed with the development services department.

3. Excess cut or fill material shall not be disposed of over the sides of hills or ridges, or on a project site, but instead shall be hauled off the site in accordance with the requirements of Chapter 18.81 (Grading Standards).

G. Individually Graded Lots. The following provisions apply on single, unsubdivided residential lots or single residential lots not located within a mass graded subdivision:

1. Grading increases. Except as provided in paragraph G.2 of this section, the maximum grading area in the Grading Requirements Table 18.61.054-1 may be increased for:

   a. Grading areas located on less than fifteen percent (15%) slopes for the following:

      1) roof area of a dwelling and accessory buildings meant for human occupancy subject to a fifty percent (50%) area limitation for that portion of a roof overhang or cantilever that extends more than six feet (6′) beyond exterior walls;

      2) septic field, and utility areas.

   b. Grading within a utility easement or a vehicular access easement that provides the only legal access to the subject lot and one (1) or more additional lots.

   c. One (1) single lane, maximum twelve feet (12′) wide driveway except that an increase for grading into fifteen percent (15%) or greater slopes shall be allowed only when there is no other practicable alternative to the encroachment.

2. Grading increases permitted under subsection G.1. above are prohibited when grading encroaches into a twenty-five percent (25%) or greater slope, except that the following grading of twenty-five percent (25%) or greater slopes does not prohibit the grading increases:

   a. A maximum five hundred (500) square feet;

b. A single lane twelve foot (12′) wide driveway with a maximum six foot (6′) wide shoulder that encroaches into twenty five percent (25%) or greater slopes and there is no practicable alternative to the encroachment;

c. A utility easement, if the development services department determines that a utility trench in the driveway is not a practicable alternative;

d. A recorded vehicular access easements that provides the only legal access to 2 or more lots.

3. Cut and Fill Requirements.

a. The cut and fill requirements in Section 18.61.054F. apply, except that any exposed slope with a vertical distance greater than ten feet (10′) shall include planting areas and terraced plant benches as follows:

1) a minimum six foot (6′) wide planting area at the toe of the exposed slope; and

2) a minimum six foot (6′) wide terraced plant bench at the ten foot (10′) height of the exposed slope; and

3) planting areas and plant benches shall extend the length of the exposed slope; and

4) the planting areas and plant benches shall be vegetated with plants in conformance with the revegetation standards in Section 18.61.055D.5.

b. Exposed fill slopes shall be separated by a minimum twenty-foot (20′) wide enhanced natural area buffer, except that the exposed fill slopes may be connected by a maximum six-foot (6′) wide walkway in the natural area buffer.

c. Any combination of exposed slopes on a lot with a combined vertical distance greater than ten feet (10′) shall have:

1) a minimum six-foot (6′) wide planting area adjacent to the toe of each exposed slope; and

2) planting areas shall extend the length of their adjacent exposed slopes.

d. All planting areas shall be vegetated in conformance with the requirements of Section 18.61.055D.5.

e. The vertical distance of a driveway exposed slope shall not exceed six feet (6′) measured from the outer edges of the driveway and shoulders cross section, except that the six foot (6′) vertical limitation may be increased if the planning official confirms that there is no practicable alternative to the increase.

4. Grading shall not extend more than six feet (6′) horizontally beyond the structural development perimeter and six feet (6′) on either side of the center line of a utility trench. The six foot (6′) horizontal limitation beyond the structural development perimeter may be increased to a maximum of twelve feet (12′) on slopes greater than fifteen percent (15%) that extend upward and are perpendicular to the structural development perimeter.

5. Additions and expansions. New grading required for an addition or expansion on a lot inclusive of temporary access roads and construction roads shall comply with the requirements of Chapter 18.61 subject to the following provisions:

    a. If new grading encroaches into 15% or greater slopes, then the grading requirements of Section 18.61.054C., G.1., and G.2. apply for the total grading area inclusive of new and existing grading.

    b. If new grading does not encroach into 15% or greater slopes, then new grading is exempt from the requirements of Section 18.61.054C., G.1., and G.2.

6. Freestanding walls and retaining walls not a part of a building:

    a. In a yard abutting a street, the total height of freestanding walls, retaining walls, or any vertical combination thereof that are separated horizontally from each other by less than six feet (6′), shall be a maximum six feet (6′); and

    b. The total vertical distance between the highest point of a building's parapet, mansard roof, or roof ridgeline and the lowest natural grade adjacent to the building or adjacent to a freestanding wall, retaining wall, or riprap slope located less than twelve feet (12′) from the building shall not exceed the maximum building height permitted by the zone.

    c. The top of any freestanding wall or retaining wall not located in a yard abutting a street and not a part of the dwelling, shall not exceed ten feet (10′) above the highest first floor elevation of the dwelling, except that a retaining wall more than ten feet (10′) above the highest first floor elevation that is finished with a veneer rock facing is allowed.

    d. All other freestanding walls and retaining walls not regulated in subsection a. through c. above shall be a maximum ten feet (10′) high from existing natural grade to top of wall.

7. Mitigation of walls and riprap. Freestanding walls, retaining walls, and riprap allowed by sections 18.61.054G.6. and 18.61.055, that are more than four feet (4′) high that face outward from a dwelling and are located in a yard abutting a street, and all other walls and riprap higher than six feet (6′) located in other yards and that face outward from a dwelling shall include the following minimum plantings:

    a. One 15-gallon can tree spaced at an average twenty five (25) horizontal feet; and

    b. Four 5-gallon can shrubs between every two trees and all planting areas shall be hydroseeded;

    c. These plantings shall be added within six (6) horizontal feet beyond the toe of the wall or riprap. All plantings shall be in conformance with the revegetation plants in Section 18.61.055D.5. and the requirements of the Hillside Development Manual.

8. Riprap placement. Riprap shall not be placed on slopes less than 3:1, except as part of an access bridge, apron, or flood control structure or channel that conveys runoff from off-site.

H. Mass-graded residential subdivisions. The following provisions apply to mass-graded residential subdivisions:

1. Grading increases. For each ten percent (10%) of a project site that is on less than fifteen percent (15%) slopes, the maximum grading area permitted in the Grading Requirements Table 18.61.054-1 on the project site may be increased in five percent (5%) increments, up to a maximum seventy percent (70%) of the project site, provided that:

    a. The maximum amount of grading of fifteen percent (15%) or greater slopes does not exceed fifty percent (50%) of the area on the project site containing such slopes;

    b. The five percent (5%) incremental increase does not apply to project sites on which any grading encroaches into twenty-five (25%) or greater slopes with the following exception:

        1) When the grading and disturbance of twenty-five percent (25%) or greater slopes does not exceed five hundred (500) square feet.

        2) The five percent (5%) incremental project site grading increases permitted above may apply to grading of twenty-five percent (25%) or greater slopes in excess of five hundred (500) square feet for internal project streets, but only if there is no practicable alternative to encroaching in excess of five hundred (500) square feet, and the encroachment into twenty-five percent plus (25%+) slopes for internal project streets is reviewed and approved by the DRC.

        3) When the grading and disturbance of twenty-five percent (25%) or greater slopes is for access roads from the subdivision boundary to the mass graded area and there is no practical alternative to grading of 25% or greater slopes for access roads.

2. Cut and fill requirements for mass graded subdivisions. The cut and fill requirements in Section 18.61.054F. apply subject to the following provisions:

    a. The vertical distance between adjacent finish floor elevations (F.F.E.) on two (2) adjoining residential lots shall be a maximum fifteen feet (15′), and

    b. An exposed slope greater than ten feet (10′) high shall include a minimum six foot (6′) wide planting area running the length of the toe of the exposed slope; and

    c. The planting area shall be planted in conformance with the vegetation requirements of Section 18.61.055D.5. and the Hillside Development Manual.

    d. Exception. The cut and fill requirements in this Section 18.61.054H.2.a. through c. above and Section 18.61.054F. do not apply to Perimeter Exposed Slopes and Perimeter Walls.

3. Perimeter Exposed Fill Slopes And Perimeter Walls:

    a. The height of a perimeter wall shall not exceed six feet (6′) from finished grade;

    b. The height of a perimeter exposed fill slope shall not exceed six feet (6′) above the average natural grade, except that the height from natural grade shall not exceed eight feet (8′) over a maximum eighty feet (80′) horizontal section and the horizontal section shall have a minimum six foot (6′) wide planting area adjacent to the bottom of the horizontal section in conformance with the vegetation

requirements of Section 18.61.055D.5. and the type and amount of planting specified for a hillside bufferyard in the HDZ Manual;

c. The combined heights of a perimeter exposed fill slope plus a connected or adjacent perimeter wall shall not exceed twelve feet (12′) above the average natural grade;

d. Wherever the combined height of a perimeter exposed fill slope and a connected or adjacent perimeter wall exceeds twelve feet (12′) above natural grade, the perimeter exposed fill slope and the perimeter wall shall be separated by a minimum six feet (6′) wide planting area in conformance with the vegetation requirements of Section 18.61.055D.5. and the type and amount of planting specified for a hillside bufferyard in the Hillside Development Manual. The planting area and the adjacent or connected perimeter exposed fill slope may be included in the required bufferyard;

e. Except for retaining walls, perimeter exposed fill slopes shall be no steeper than three horizontal to one vertical (3:1) and vegetated in conformance with Section 18.61.055D.5. and the type and amount of planting specified for a hillside bufferyard in the Hillside Development Manual.

4. A Hillside Bufferyard in conformance with the requirements of the Hillside Development Manual is required along:

a. The boundary of a mass graded area exposed to a down-slope view from a public or private street; and

b. That portion of a mass graded subdivision that fronts on a public or private street.

5. Riprap placement. Riprap shall not be placed on perimeter exposed slopes or within a bufferyard except that riprap may be placed:

a. To stabilize 3:1 or steeper slopes adjacent to streets that access the subdivision; or

b. As part of a bridge, apron, or flood control structure or channel.

I. Development Category 1 Projects. The following provisions apply to development of multiple dwellings, business offices, commercial and industrial uses, which are described as Development Category 1 projects in the Grading Requirements Table 18.61.054-1:

1. Cut and fill requirements. Compliance with Section 18.61.054H.2.

2. Perimeter exposed slopes and perimeter walls. Compliance with Section 18.61.054H.3.

3. Hillside bufferyard. Compliance with Section 18.61.054H.4.

4. Riprap placement. Compliance with 18.61.054H.5.

(Ord. 2003-17 § 1 (part), 2003; Ord. 2000-88 § 1, 2000; Ord. 2000-52 § 1 (part), 2000)

18.61.055 - Site restoration requirements.

A. The restoration of a site shall be in accordance with Section 005 of the Grading Design Manual (refer to Chapter 18.81, Grading), the Hillside Development Manual and the additional requirements of this subsection.

B. All slope treatment for subdivision streets shall be completed prior to the release of assurances for the subdivision.

C. All slope treatment and color requirements for residential lots and commercial developments shall be completed and approved by Pima County prior to the request for final inspection.

D. Vegetation retention and revegetation:

1. Vegetation retention and revegetation shall be in accordance with the requirements of this section, the vegetation and revegetation requirements of Chapter 18.72 (Native Plant Preservation), Chapter 18.73 (Landscaping, Buffering, and Screening Standards) and the Hillside Development Manual. In the event of a conflict between the requirements of this section, the Hillside Development Manual, Chapter 18.72 and Chapter 18.73, the most restrictive requirement shall apply.

2. Existing viable trees with four-inch or greater trunk diameter and viable cacti six feet (6′) or greater in height shall be preserved in their original locations, except for building locations and associated access, on site septic, and utilities.

3. When retention of the above viable trees and cacti in their original locations is not possible due to building, access, on-site septic and utility locations, trees and cacti with a medium to high rate of transplantability shall be salvaged and transplanted in areas requiring revegetation.

4. Cacti between one foot (1′) and less than six feet (6′) in height shall be preserved in their original location, except when retention of viable cacti between one foot (1′) and less than six feet (6′) in height is not possible in their original locations due to site grading and development, cacti with a medium to high rate of transplantability shall be salvaged and transplanted in areas requiring revegetation.

5. All exposed cut or fill slopes and all areas of grading and disturbance that are no steeper than three horizontal to one vertical (3:1) and all utility trenches or septic leaching fields that are not located in parking or driveway areas shall be revegetated. All plants used in revegetation shall be the same genus and species as the native vegetation on the site or any adjacent site prior to grading or clearing, except that plants listed in the buffer overlay zone approved plant list (refer to Chapter 18.67) and low-water use, drought-tolerant ground cover and seed mixes approved by the planning official, may also be used in revegetation. Plant benches and planting areas required by Section 18.61.054G.3 shall be planted in conformance with the revegetation requirements of this subsection.

E. Slope Stabilization. All slopes steeper than a ratio of three horizontal to one vertical (3:1), with the exception of retaining walls, shall be stabilized with properly engineered stone riprapping or sculptured rock as follows:

1. Stone riprapping shall be hand-placed on the slope;

2. The stabilization material used shall blend in with the natural appearance of the site or lot and the surrounding terrain;

3. Vegetation retention and revegetation shall be used in conjunction with riprapping, through the use of planting pockets on the stabilized slope.

(Ord. 2000-52 § 1 (part), 2000)

18.61.056 - Color requirements.

A. All exposed exterior walls and roofs of buildings (unless a roof is screened by a parapet wall extending at least three feet above the building), retaining walls, and accessory structures that are visible from outside the land parcel boundary shall be earthtone in color and shall blend in with the natural setting. Colors shall not exceed a light-reflective value of 60 percent.

(Ord. 2003-17 § 1 (part), 2003; Ord. 2000-52 § 1 (part), 2000)

18.61.057 - Minor modifications.

A. The planning official may grant minor modifications not exceeding ten percent (10%) of the area, height, and width requirements of the development mitigation and performance standards Section 18.61.054 subject to the following:

1. The applicant's demonstration to the satisfaction of the planning official that the proposed alternative complies with the purpose of the HDZ chapter and the criteria for evaluating minor modifications in the hillside.

2. A request for a minor modification shall be made on application forms provided by the planning division and accompanied by a non-refundable modification fee in accordance with the fee schedule adopted by Pima County ordinance.

B. Exceptions. The planning official shall not grant a minor modification to the following:

1. The conditions of an exception granted by the DRC.

2. The requirements of Sections 18.61.040 through and including 18.61.053, 18.61.054A., B., D. through F., 18.61.054G.1. and 2., 18.61.054H.1. and 2., 18.61.054I., 18.61.055, 18.61.056, Grading Requirements Table 18.61.054-1 for development category 1 projects and development Category 2 projects (mass graded subdivisions).

(Ord. 2000-52 § 1 (part), 2000)

18.61.060 - Hillside development manual.

A. The Hillside Development Manual, a companion document to the HDZ Ordinance, contains technical requirements, implementation standards, guidelines, and procedures to promote compliance with this chapter.

B. The Hillside Development Manual is adopted by the board of supervisors' resolution and may be amended by resolution of the board of supervisors after a noticed public hearing and subject to the provisions of paragraph C below.

C. The board of supervisors shall refer all Hillside Development Manual amendments to the planning and zoning commission for the commission's recommendation which shall at the minimum determine whether or not the amendment complies with the purpose of the HDZ Ordinance Section 18.61.010. The commission may refer the amendment to the DRC for its review, comment, and a recommendation back to the commission.

(Ord. 2000-52 § 1 (part), 2000)

18.61.070 - Review procedures.

A. Subdivision Plats and Development Plans.

1. In addition to the requirements of Chapters 18.69 (Subdivision Standards) and 18.71 (Development Plan Standards), tentative subdivision plats and development plans submitted for county review shall depict all 15 percent or greater sloped areas, average cross slope (both before and after the exclusion of any natural areas), natural areas, and protected peaks and ridges. All plats and plans shall be prepared in conformance with the standards of the subdivision and development review committee (SDRC) and shall demonstrate conformance with this chapter.

2. Final plats. All final plats shall show natural areas and protected peaks and ridges, with the resultant protected area, in a surveyable manner. A note shall be placed on the plat indicating that the site is subject to the HDZ Overlay Zone.

B. Building Permits. A grading plan shall be submitted with a building permit application for any parcel subject to this chapter. A grading plan that includes grading on fifteen percent (15%) or greater slopes shall also require a building permit application for a dwelling unit or for an addition or expansion on a lot with an existing dwelling unit. When all proposed grading is on slopes less than fifteen percent (15%), the grading plan may be submitted separately from the building permit. In addition to the requirements of Chapter 18.81 (Grading Standards), the grading plan shall contain the following information:

1. Existing topography, with a minimum of two-foot (2′) contours within graded areas and ten-foot (10′) contours outside graded areas;

2. Average cross slope (for unsubdivided parcels only);

3. Natural area, if applicable;

4. Height and steepness of cut and fill slopes;

5. Plan for landscaping and stabilization of graded areas and slopes in conformance with Section 18.61.055.

C. Compliance. The chief zoning inspector shall enforce the provisions of this chapter.

(Ord. 2003-17 § 1 (part), 2003; Ord. 2000-52 § 1 (part), 2000)

18.61.080 - Exceptions.

A. Exceptions to Development Mitigation and Performance Standards (Section 18.61.053 through and including 18.61.056).

1. The design review committee (DRC) (refer to Chapter 18.99) may grant exceptions to the requirements of the development mitigation and performance standards of Sections 18.61.053 through 18.61.056, if the proposed alternative complies with the intent of this chapter and if the material, method or work offered meets equivalent standards prescribed in this chapter for quality, effectiveness, durability and safety.
2. The decision of the DRC may be appealed to the applicable board of adjustment in accordance with the standards and procedures of Chapter 18.93 (Boards of Adjustment).

B. Board of Supervisors' Exceptions to Slope Density Requirements (Section 18.61.052).

1. The board of supervisors may grant an exception to the slope density requirements of Section 18.61.052, other than for the protected area of a peak or ridge, if the requirements prevent the reasonable development of the parcel, lot or project site.
2. The request for an exception shall be considered by the Supervisors at an advertised public hearing with mailed notice to owners of property within a minimum of three hundred feet (300′) of the subject area.

C. Submittal Information. Applications for an exception shall be submitted to the planning division and shall be accompanied by at least the following:

1. A legal description of the project site;
2. A site plan depicting the location of all existing structures, if any, and the location, dimensions, design and color of all proposed development and subject to the following:
   a. A revegetation plan (including rip-rapping) showing existing vegetation, graded areas to be revegetated, manner of revegetation and revegetation time schedule;
   b. An HDZ variance fee payable to the Pima County treasurer in accordance with the fee schedule adopted by Pima County ordinance.
   c. An application submitted for an HDZ exception for a property for which an exception had been previously denied by the DRC shall include a new application, submittal, and fee, and a detailed and precise response to the DRC's basis for the previous denial as confirmed by the planning official. Applications that do not include a detailed and precise response shall be considered incomplete and not placed on an agenda for the DRC's review, and the incomplete application shall be returned to the applicant without refund of the fee.

D. Applicant Conformance with DRC Approval of an HDZ waiver: Prior to the issuance of a brushing, clearing, grubbing or grading permit, the planning official shall certify site plan and grading plan conformance with the DRC's approval except that grading area (square footage) requirements shall be certified by the county authority that issues grading permits.

(Ord. 2003-17 § 1 (part), 2003; Ord. 2000-52 § 1 (part), 2000)

18.61.090 - Conflict, enforcement, and interpretation.

A. In the event of a conflict between this chapter 18.61 and another zoning code chapter, the more restrictive requirement shall apply in conformance with one (1) or more purpose provisions in Section 18.61.010.

B. In the event of a conflict between a waiver granted by the DRC, a minor modification granted by the planning official, or any other county requirement or regulation, the more restrictive requirements shall prevail.

C. Whenever a conflict arises in the enforcement of this chapter or more than one interpretation is possible, the purpose provision Section 18.61.010 shall serve as a guideline in resolving the conflict or interpretation.

D. A waiver granted by the DRC or the granting of a minor modification by the planning official shall not waive or modify building code or fire code regulations.

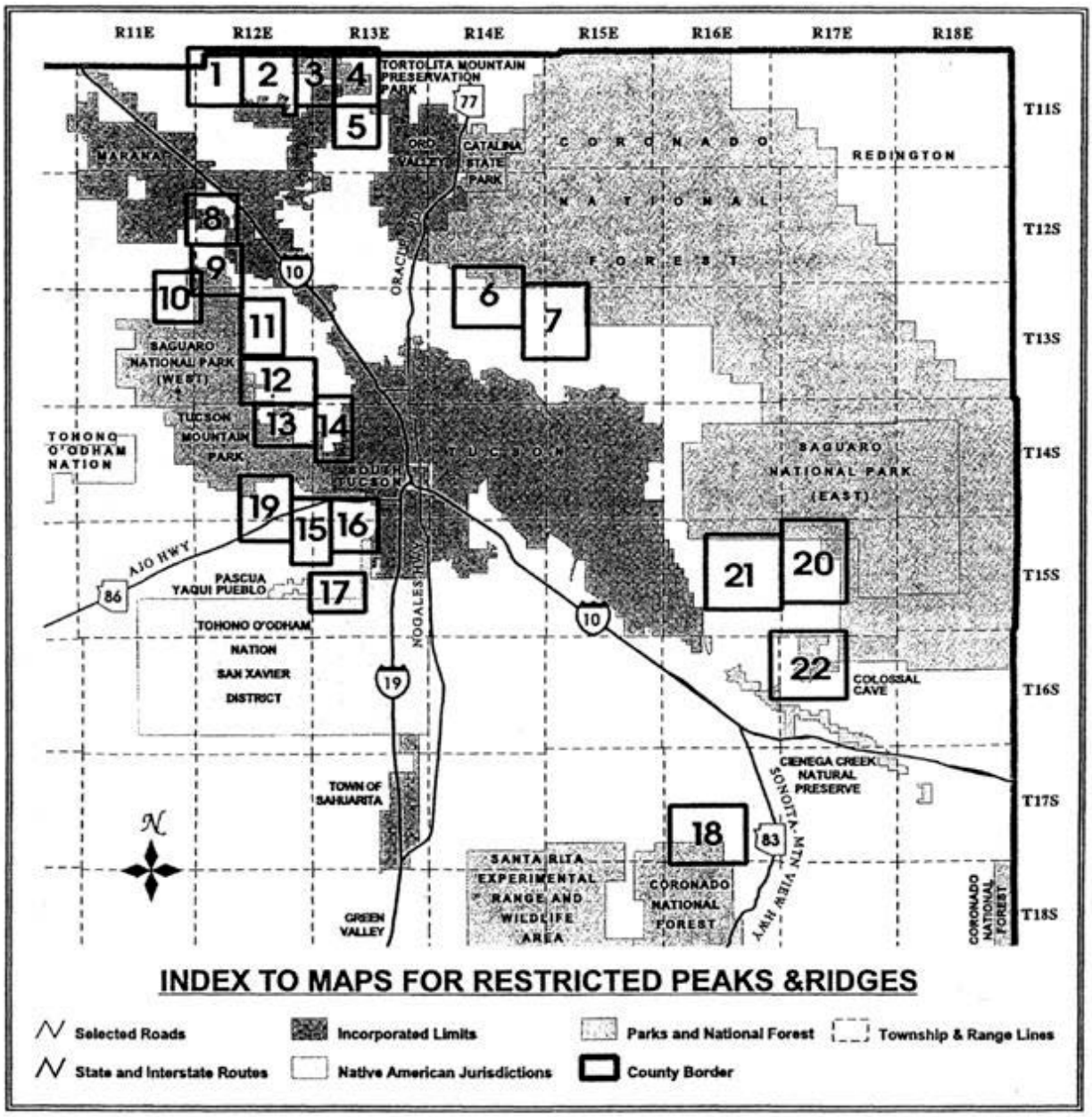
(Ord. 2000-52 § 1 (part), 2000)

18.61.100 - Illustrations and maps.

A. Illustrations. Reserved.

B. Maps. Index to maps for restricted peaks and ridges (See Index To Maps For Restricted Peaks & Ridges and Maps).

(Ord. 2000-52 § 1 (part), 2000)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CATALINA STATE PARK
ORO VALLEY
MARANA
CORONADO NATIONAL FOREST
REDINGTON
SAGUARO NATIONAL PARK (WEST)
TUCSON MOUNTAIN PARK
TOHONO O'ODHAM NATION
SOUTH TUCSON
TUCSON
SAGUARO NATIONAL PARK (EAST)
AJO HWY
PASCUA YAQUI PUEBLO
TOHONO O'ODHAM NATION SAN XAVIER DISTRICT
NOGALES HWY
COLOSSAL CAVE
CIENEGA CREEK NATURAL PRESERVE
TOWN OF SAHUARITA
SONOITA-MT VIEW HWY
SANTA RITA EXPERIMENTAL RANGE AND WILDLIFE AREA
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State and Interstate Routes
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Chapter 18.67 - BUFFER OVERLAY ZONE

- 18.67.010 - Purpose.
- 18.67.020 - Definitions.
- 18.67.030 - Applicability.
- 18.67.040 - Critical and sensitive biological communities maps.
- 18.67.050 - Performance standards for issuance of permit.
- 18.67.060 - Exceptions and variances.
- 18.67.070 - Rezoning and specific plan procedural requirements.

18.67.010 - Purpose.

A. The purpose of this chapter is to:

1. Preserve and protect the open space characteristics of those lands in the vicinity of the public preserves while at the same time permitting the economically reasonable use of lands;
2. Protect and enhance existing public preserves in Pima County as a limited and valuable resource;
3. Establish mechanisms that will protect the public preserves and result in an ecologically sound transition between the preserves and more urbanized development;
4. Assure the continued existence of adequate wildlife habitat and foster the unimpeded movement of wildlife in the vicinity of Pima County's public preserves;
5. Provide for an aesthetic visual appearance from and to Pima County's public preserves;
6. Promote a continued economic benefit to the region by protecting the public preserves for the enjoyment of residents and visitors alike; and
7. Neither promote nor discourage changes in underlying zoning, but rather provide continuing performance standards for the unique lands within the buffer overlay zone.

(Ord. 1998-51 § 3, 1998; Ord. 1988-16 § 1 (part), 1988)

18.67.020 - Definitions.

A. Certain terms used in this chapter shall be defined, for the purpose of this chapter only, as follows:

1. Class I habitat. The areas identified on the Critical and Sensitive Biological Communities Maps as Class I habitat.
2. Class II habitat. The areas identified on the Critical and Sensitive Biological Communities Maps as Class II habitat.

3. Fence or wall: A structure intended for confinement, prevention of intrusion, boundary identification or screening of an activity or land use—includes fences and walls of four feet or less.
4. Land parcel: An area of land with boundaries recorded in the Pima County Recorder's Office.
5. Master plan development: An area consisting of one or more land parcels or a portion of a land parcel for which a master subdivision plat is to be recorded with the general intent that, in a phased manner, individual lots are to be resubdivided or be subject to a development plan.
6. Native: Growing in the Arizona portion of the Sonoran Desert, without cultivation, and not introduced after 1920. A plant which occurs within the range of Sonoran Desert plants, but only in Mexico, is not native.
7. Private area: A land area adjacent to a residential structure, enclosed by a fence, wall or native vegetative screening, and not exceeding one-half acre.
8. Public preserve: An area under public ownership and management that is designated at the federal, state, or county level as a special status recreation or conservation area.
9. Riparian habitat: An association of plant and animal communities containing a high density and diversity of species, occurring in, on or immediately adjacent to a watercourse. It is typically composed of mesquite, catclaw acacia, desert broom, whitehorn acacia and blue palo verde, providing uninterrupted vegetative cover.

(Ord. 1998-51 § 3, 1998; Ord. 1998-38 § 1 (part), 1998; Ord. 1988-116 § 1 (part), 1988)

18.67.030 - Applicability.

A. Public Preserves.

1. The following lands are designated as public preserves for the purpose of this chapter:
   a. Saguaro National Park (Rincon Mountain and Tucson Mountain districts);
   b. Tucson Mountain County Park;
   c. Coronado National Forest (Santa Catalina Mountains unit);
   d. Coronado National Forest (Santa Rita Mountains unit);
   e. Catalina State Park;
   f. Tortolita Mountain Park;
   g. Coronado National Forest (Whetstone Mountains unit) (rural);
   h. Coronado National Forest (Tumacacori Mountains unit) (rural);
   i. Coronado National Forest (San Luis Mountains unit) (rural);
   j. Cienega Creek Preservation Area;
   k. Colossal Cave Mountain Park;

l. Empire/Cienega Resource Conservation Area;

m. Santa Rita Experimental Range and Wildlife Area;

n. Buenos Aires National Wildlife Refuge (rural);

o. Organ Pipe Cactus National Monument (rural);

p. Cabeza Prieta National Wildlife Refuge (rural);

q. Coyote Mountains Wilderness Area (rural);

r. Baboquivari Peak Wilderness Area (rural).

2. The boundaries of the above designated public preserves, for the purposes of this chapter, are the administrative boundaries of the public preserves as they existed on August 11, 1998.

3. Public preserves listed above that are noted "rural" are designated as rural public preserves.

B. Applicable Lands. The buffer overlay zone applies to:

1. That portion of a land parcel of 25 acres or more on August 11, 1998, which is located within one mile of a public preserve, except as noted in Subsection 18.67.030.C;

2. That portion of a land parcel of 25 acres or more on August 11, 1998, that is classified as either resource conservation (RC) or resource transition (RT) in the area adjacent to the Tucson Mountain section of Saguaro National Park and Tucson Mountain Park, lying within special area 5-01 Tucson Mountains North, as described in the document entitled Comprehensive Plan Regional and "Special Area" Plan Policies and as designated on the comprehensive plan land use plan;

3. Land parcels of 25 acres or more on August 11, 1998, located within the administrative boundary of a designated public preserve;

4. A rezoning request or a specific plan request, any portion of which is subject to the buffer overlay zone.

C. Excluded lands:

The buffer overlay zone does not apply to:

1. Any portion of a land parcel that is located more than one mile from a designated public preserve, except as noted in Subsection 18.67.030.B;

2. That area within the Mount Lemmon community plan as adopted by the board of supervisors on April 7, 1980;

3. Any portion of a land parcel that is located more than one-quarter mile from the Cienega Creek Preservation Area as shown on Exhibit 1 to Ordinance 1998-51 and county zoning maps.

D. Allowed uses: All uses of the underlying zone are allowed in the buffer overlay zone, except as may be restricted by a condition of rezoning or specific plan. The development standards of the underlying zone apply except when in conflict with this chapter, in which case, this chapter applies.

E. Map notation: Land subject to the buffer overlay zone shall be shown on county zoning maps by its underlying zone designation plus the suffix "BZ," except that subject land adjacent to a rural public preserve shall be shown on county zoning maps by its underlying zone designation plus the suffix "RBZ."

(Ord. 1998-51 § 3, 1998; Ord. 1998-38 § 1 (part), 1998; Ord. 1992-96 § 1 (part), 1992; Ord. 1988-116 § 1 (part), 1988)

18.67.040 - Critical and sensitive biological communities maps.

A. The board of supervisors shall by resolution adopt three critical and sensitive biological communities maps. They are:

1. Critical and Sensitive Biological Communities Map—Northeast Sector;
2. Critical and Sensitive Biological Communities Map—Southeast Sector;
3. Critical and Sensitive Biological Communities Map—Western Sector.

B. The maps may be amended by resolution of the board of supervisors after review by the planning and zoning commission.

C. Procedure for an amendment of a critical and sensitive biological communities map requested by an applicant for rezoning or specific plan:

1. If a site analysis is not required, the applicant shall submit a report containing, at a minimum, responses to all vegetation and wildlife sections in the site analysis guidelines.
2. The site analysis or report shall establish that the natural conditions of the site differ from that depicted on the map.

D. Class I habitat: Areas identified on the critical and sensitive biological communities maps as Class I habitat include:

1. Deciduous riparian woodlands: Vegetative communities associated with perennial stream flows and generally composed of cottonwood, willow, ash, walnut, sycamore, and mesquite species;
2. Mesquite bosques. Nearly continuous forest canopies of mesquite trees growing in association with water tables near the surface of annual or perennial streams: Blue palo verde and catclaw acacia also commonly occur in mesquite bosques;
3. Lakes, ponds, and wetlands with adjacent plant cover;
4. Important wildlife movement corridors: Desert or riparian habitats providing uninterrupted vegetative cover extending from a public preserve; and
5. Major extensions of riparian habitat from public preserves: Riparian habitats are typically composed of mesquite, catclaw acacia, desert broom, whitehorn acacia and blue palo verde.

E. Class II habitat: Areas identified on the critical and sensitive biological communities maps as Class II habitat include:

1. Major segments of riparian habitat not extending from a public preserve, containing a high density and diversity of plant and animal species;
2. Palo verde-saguaro vegetation community: The upland habitat which is the dominant plant association in most of the foothills regions of the Tucson basin; and
3. Ironwood plant community: A community in which ironwoods are the dominant species in association with saguaros and palo verde trees:

(Ord: 1998-51 § 3, 1998; Ord: 1998-38 § 1 (part), 1998; Ord: 1988-116 § 1 (part), 1988)

18.67.050 - Performance standards for issuance of permit.

A. Applicability.
   1. The performance standards of this section shall apply to new building construction of one thousand square feet or greater, except as specifically exempted in this section.
   2. Requests for rezonings and specific plans that include land subject to this chapter shall be evaluated for conformance to the performance standards of this chapter as part of the rezoning staff report to the planning and zoning commission.

B. Reserved.

C. Building color, reflective finish: All exposed exterior walls and roofs of buildings (unless a roof is screened by a parapet wall extending at least three feet above the building), retaining walls, and accessory structures that are visible from outside the land parcel boundary, shall be earthtone in color and shall blend in with the natural setting: Colors shall not exceed a light-reflective value of sixty percent: Mechanical equipment shall be screened and painted to reduce visibility.

D. Fences and walls:
   1. Height: A fence or wall shall not exceed four feet in height unless it encloses an area of less than one-half acre, or a horse corral, dog kennel, swimming pool or spa.
   2. Location: A fence or wall shall not be constructed:
      a. To delineate property boundaries unless the fence or wall is four feet or less in height; or
      b. In a location or manner that impedes wildlife movement through natural open space from and to off-site locations.
   3. Barbed wire: If barbed wire fences are used, the fence shall contain no more than four strands of wire: The bottom and top wires shall be barbless and the middle wires may be barbed: The top wire shall be no more than forty-eight inches from the ground surface, and the bottom wire shall be no lower than sixteen inches from the ground.
   4. Barbed wire fences not to exceed five feet in height are allowed for ranching or agricultural activities in areas adjacent to a rural public preserve: The fence shall not be structural.

E. Lighting.

1. External lighting shall be limited to that necessary to provide the functional requirements of safety, security and identification, and shall be in accordance with the county outdoor lighting code (Title 15).
2. Except for lighting that is attached to a building, light standards for roads, parking lots, driveways and all other outdoor areas shall not exceed forty-two inches in height and shall be in accordance the county outdoor lighting code (Title 15).
3. Tennis court and horse corral exception: Lighting for tennis courts and horse corrals shall be exempt from the restrictions of subdivision 1 of this subsection, but shall be in accordance with the county outdoor lighting code (Title 15).

F. Parking lots: Parking lots for nonresidential uses shall be located and screened by vegetation so that visibility from roadways and public preserves is reduced to the greatest extent possible.

G. Setback: No structure, parking lot, private driveway or road shall be placed within one hundred fifty feet of a public preserve, except that the setback shall be three hundred feet for any land parcel subject to a specific plan or a rezoning approved on or after August 11, 1998: An exception may be sought in accordance with Section 18.67.060.

H. Utilities:

1. All new or relocated utility lines shall be placed underground, unless the relocated line is a one hundred fifteen kilovolt (or greater) transmission line: All utility lines relocated due to improvement projects shall be placed underground unless such relocated line is a forty-six kilovolt (or greater) transmission line.
2. Location of underground utility lines (including sanitary sewers) shall be planned, joint-trenched where possible, and located beneath the paved portions of roadways or within twenty-five feet of the edge of the paved portions whenever possible so as to minimize vegetative disruption.
3. When making upgrades and reinforcements to existing utilities, existing poles shall be used wherever possible to provide the required transition to underground service to new developments: However, a new pole, set in line with the existing overhead system, shall not be deemed to be a new utility when necessary to serve approved new developments: Upgrades and reinforcements of existing overhead utilities are allowed to the extent that the total number of cables is not increased.
4. Areas adjacent to a rural public preserve are exempt from the regulations of this subsection H.

I. Vegetation:

1. Approved and prohibited plant lists: A buffer overlay zone approved plant list and a buffer overlay zone prohibited plant list, adopted by resolution, are incorporated in the landscape design manual, pursuant to Section 18.73.030.
   a. The approved plant list shall include only native plants.
   b. The prohibited plant list shall include species that are incompatible with natural areas and public preserves or incompatible because of their mature height expectations.

2. Approved plants: Plants not on the approved plant list shall not be planted in the buffer overlay zone outside private areas, except that:

   a. All native species of cacti may be planted; and

   b. Native species not included on the approved plant list may be planted with the prior written approval of the planning director or authorized representative.

3. Private areas: Any plant not on the prohibited plant list may be planted in a private area, except for nonnative species of plant whose mature height may reasonably be expected to exceed the ridgeline of the highest adjacent structure.

4. Common areas: Only those plants on the approved plant list, or approved pursuant to subdivision 2 of this subsection, shall be planted in recorded common areas: A landscape or revegetation theme shall be established emphasizing the preservation and enhancement of native plant species: Natural open space common areas shall be further limited to on-site species.

5. Golf courses may be planted with Bermuda grass.

6. To the fullest extent possible, buildings and other improvements shall be sited so as not to disturb native trees, shrubs or cacti: Where removal of this plant material cannot be avoided, all reasonable efforts shall be made to relocate this plant material in to other areas located within the buffer overlay zone: Nursery-grown native species may be planted in lieu of salvaging mature on-site material at a 3:1 ratio, however at least thirty percent of the on-site material shall be salvaged when physical conditions permit: Should revegetation and replanting be necessary, only plant material listed in the approved plant list, or approved pursuant to subdivision 2 of this subsection, shall be used in public, recreation, or common areas.

7. The restrictions of this subsection shall be imposed as covenants running with the land for subdivisions and other development resulting from rezonings or specific plans approved in the buffer overlay zone.

8. Areas adjacent to a rural public preserve are exempt from the restrictions of this Subsection I.

J. Trails Access. Public access to trails identified in the Pima Regional Trail System Master Plan Map or successor shall be reserved in subdivisions in accordance with Section 18.69.040(D) (subdivision standards).

K. Washes. Washes identified on the critical and sensitive biological communities maps, and other washes identified by the criteria applied in the maps, shall be left in their predevelopment state, subject to the following exceptions and requirements:

1. Disturbance within the wash area deemed critical and sensitive shall be permitted in association with roadway, utility and trail crossings, however:

   a. Encroachment for these crossings shall not reduce the width of the critical and sensitive wash area by more than twenty percent at any cross-section of the critical and sensitive area.

   b. Additional reduction may occur only where necessary to provide floodwater retention requested by the Pima County flood control district or to provide for

larger drainage structures so as not to impede movement of wildlife as approved by the Arizona Game and Fish Department; and

c. Erosion protection shall only be permitted within the critical and sensitive wash area to protect fill slopes required for roadway, utility and trail crossings: Erosion protection measures shall be designed so as to not hinder the movement of wildlife.

2. Mitigation Plans for Construction Impacts.

a. Construction impacts may affect up to ten percent of the low-flow channel length where defined channels exist, or up to ten percent of the length of the centerline of flow where braided or undefined channels exist, provided that a mitigation plan for any construction impacts within the critical and sensitive wash area shall be submitted to the Pima County flood control district together with a site plan, tentative plat or development plan.

b. The mitigation plan shall reflect predevelopment wildlife habitat and visual conditions as a baseline, and provide for post-development replacement with species on the approved plant list, or approved pursuant to subsection I.2 of this section, with a similar spatial arrangement that will result in re-establishment of predevelopment habitat conditions.

L. Functional Open Space.

1. Functional open space which does not impede wildlife movement and is within or immediately adjacent to an interconnected natural open space system shall be credited as natural open space at fifty percent.

2. Functional open space which does not impede wildlife movement, is part of an interconnected open space system and creates wildlife habitat opportunities shall be credited as natural open space at one hundred percent.

3. All other functional open space, including golf courses, shall receive no credit towards natural open space requirements.

4. On those parcels where no Class I or Class II habitat is present, or have no areas eligible to be designated as natural open space, one hundred percent of designated functional open space shall be credited as natural open space.

M. Reserved.

N. Natural Open Space. Thirty percent of the land subject to the buffer overlay zone shall be preserved as natural open space, except that fifty percent of the land subject to the buffer overlay zone shall be preserved as natural open space for any land parcel subject to a specific plan or a rezoning approved on or after August 11, 1998. The landowner may, and is encouraged to, preserve a greater percentage of natural open space. The natural open space shall form an interconnected system. The selection and treatment of lands comprising the natural open space requirement shall consist of the following:

1. One hundred percent of all Class I habitat area;

2. Any balance of acreage needed to achieve the natural open space requirement shall be composed primarily of Class II habitat areas, if available, or functional open space to be credited pursuant to subsection L of this section.

3. Boundaries of designated natural open space shall be surveyed and identified on the final plat or, where a plat is not required, may be described in:
   a. Covenants running with the land; or
   b. Conservation easement pursuant to Arizona Revised Statutes Section 33-271, et seq.; or
   c. Dedication to and acceptance by the county for the county parks system as natural open space;
   d. The building permit or zoning permit, where not otherwise designated by plat, covenant or conservation easement.
4. Master Planned Development. Boundaries of designated natural open space shall be surveyed and identified on a master subdivision plat. Minor alterations of the boundary may be allowed in a resubdivision of one or more lots of the master subdivision plat with the consent of the planning director provided that in so doing:
   a. The new boundaries are surveyed and identified on the resubdivision plat;
   b. The resubdivision does not create any less total amount of natural open space than shown on the master subdivision plat;
   c. The performance standards of this chapter are in no way diminished; and
   d. No special condition of a rezoning or specific plan is violated.
5. For land parcels located within the buffer overlay zone of the Cienega Creek Preservation Area, the one hundred-year floodplain and erosion hazard setback area shall be preserved as natural open space.

O. Visual Quality Standards.
1. This subsection shall apply only to the rezoning of land subject to this chapter.
2. All development in areas identified as having high visual sensitivity, according to the procedures set forth in county site analysis requirements, shall have minimal visual impact. Development in these areas shall be designed to be in harmony with the form, line, color, texture and scale of the existing landscape.
3. All development in areas identified as having medium visual sensitivity, according to procedures set forth in county site analysis requirements, shall remain subordinate to the existing landscape when viewed in the middle ground (one-fourth to two miles). Development in these areas shall be designed to be in harmony with the form, line, color and scale of the existing landscape.
4. Nothing contained in the visual quality standards shall limit uses or lessen densities otherwise allowed, but may govern specific location and design of the development.

(Ord. 2011-2 § 16, 2011; Ord. 2011-1 § 2 (part), 2011; Ord. 1998-51 § 3, 1998; Ord. 1998-38 § 1 (part), 1998; Ord. 1988-116 § 1 (part), 1988)

18.67.060 - Exceptions and variances.

A. General requirements for exceptions:

1. Exceptions to the requirements of the performance standards in Section 18.67.050 may be granted by the Pima County design review committee (DRC), except as otherwise noted in this section, when, due to the natural conditions of the site or other conditions beyond the control of the property owner, the performance standard would impose an undue hardship.

2. Procedure:

   a. The applicant for an exception shall document and justify requested exceptions. The planning director, in consultation with the county engineer and the adjacent public preserve manager, or their authorized representatives, shall review the request and make a written recommendation to the DRC.

   b. The DRC may grant exceptions to performance standards after a public hearing with notice to owners of property within 300 feet of the site.

   c. The decision of the DRC may be appealed to the board of supervisors at a noticed and advertised public hearing. Written notice shall be provided to owners of property within 300 feet of the site.

3. Standards. An exception may not be granted unless:

   a. The application demonstrates that the wildlife habitat value or visual quality of a land parcel is not diminished;

   b. The exception will not be detrimental to the nearest public preserves; and

   c. The exception is in harmony with the purpose of this code and chapter as well as the provision of this chapter from which the exception is requested.

4. Conditions. Conditions may be imposed on an exception that will:

   a. Secure the purpose of this code and chapter as well as the provision of this chapter from which the exception is granted; and

   b. Provide adequately for the protection of the nearest public preserves.

B. Exceptions to setback requirement (Section 18.67.050.G).

1. If a land parcel existing on August 11, 1998, and legally conforming to the development standards of the underlying zone, cannot be used because of the structure setback, then the land parcel shall be allowed a single dwelling unit, provided that all other applicable requirements of this chapter and code are met.

2. If a land parcel existing on August 11, 1998, and legally conforming to the development standards of the underlying zone, does not have reasonable access because of the setback, the private driveway or road may be located closer to the public preserve, provided that the planning director, after consultation with the manager of the nearest public preserve, determines that it is the minimum setback necessary to afford relief.

3. The property owner may appeal the decision of the planning director to a board of adjustment in the same manner as an appeal from a decision of the zoning inspector (refer to Chapter 18.93).

4. Signage within the setback shall conform to Chapter 18.79 (Sign Standards). Internally illuminated signs shall be designed to allow only the illumination of the sign copy. The source of illumination for internally illuminated signs shall not be visible from the public preserve.

5. A structure within three hundred feet of a public preserve shall have minimal visual impact and shall be designed to be in harmony with the form, line, color, texture and scale of the existing landscape.

C. Exceptions for Habitat Restoration or Enhancement.

1. Where determined to be biologically appropriate because of ecological benefits, requests for special exceptions to the performance standards of Section 18.67.050, including limited reductions in natural open space requirements, may be granted by the board of supervisors, after review by the adjacent public preserve manager, in exchange for restoration or enhancement of Class I and II riparian or upland habitat, which provides, in the opinion of the Board, an equivalent satisfaction of the purposes of this chapter.

2. Detailed plans for proposed restoration or enhancement shall be provided. The plans shall include:

a. A description of existing habitat and quantification by a standard biological technique of biological value;

b. A proposed restoration/enhancement program;

c. The quantification of biological value of the proposed plan as compared to the existing situation pursuant to paragraph a of this subdivision;

d. Short-term and long-term maintenance plans; and

e. Specific known examples of the successful application of such techniques as they relate to the species proposed for planting in a given location such as riparian or upland habitat.

3. Such requests, and a determination of appropriate incentives, if any, shall be considered pursuant to Section 18.67.060.A.

D. Variances to natural open space requirements (Section 18.67.050.N). A request for a variance may be made to the board of adjustment to reduce the minimum natural open space requirement for a single-family detached dwelling on a lot or parcel of five acres or less in accordance with the standards and procedures of Chapter 18.93 (Boards of Adjustment).

(Ord. 1998-51 § 3, 1998; Ord. 1988-116 § 1 (part), 1988)

18.67.070 - Rezoning and specific plan procedural requirements.

A. Applicability. This section applies to a rezoning or to a specific plan request, any portion of which is subject to the buffer overlay zone.

B. Notice.

1. Copies of the application for a rezoning request or for a specific plan request, any portion of which is subject to the buffer overlay zone, shall be sent to the managers of those public preserves within one mile of the land parcel and those neighborhood associations within one mile of the land parcel registered with the planning division.
2. Managers of public preserves and registered neighborhood associations within one mile of the land parcel shall be notified fifteen days prior to the date that the proposed exceptions under Section 18.67.060 go to the board of supervisors or the board of adjustment.

(Ord. 2009-59 § 6, 2009; Ord. 1998-51 § 3, 1998; Ord. 1998-38 § 1 (part), 1998; Ord. 1988-116 § 1 (part), 1988)

Chapter 18.72 - NATIVE PLANT PRESERVATION

- 18.72.010 - Purpose and scope.
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- 18.72.130 - Harvesting process.
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- 18.72.150 - Amendments.

18.72.010 - Purpose and scope.

A. Purpose. The purpose of this chapter is to promote the preservation of individual plants and plant communities of protected and primarily upland plant species native to Pima County, Arizona, by adopting comprehensive requirements for the preservation-in-place, transplanting on-site, and mitigation of protected native plants and native plant communities.

B. Scope. This chapter provides requirements and regulations for the preparation and implementation of native plant preservation plans. These requirements promote protection of the public health, safety, and general welfare by reinforcing the findings in Section 18.72.020 of this chapter. Standards and procedures for implementing the requirements of this chapter are located in the native plant preservation manual adopted by resolution of the board of supervisors. Reference materials, guidelines, and administrative procedures for this chapter are available at the planning division.

(Ord. 1998-39 § 1 (part), 1998)

18.72.020 - Findings.

A. The preservation of protected native plants and native plant communities:

1. Promotes a sense of place and enhances community appearance;
2. Helps maintain a region's identity, which contributes to economic development by attracting tourism, new businesses, and business expansions;
3. Promotes and sustains property values, improves and helps maintain the quality of life, and supports life-styles which the community values and enjoys;

4. Contributes to the stabilization of desert soils, decreases erosion, and maintains original features of habitats that are important to native wildlife species;
5. Promotes water conservation by retaining established, existing drought-tolerant vegetation that requires no supplemental irrigation and minimal maintenance after establishment, and assists in climate modification to reduce energy costs;
6. Contributes to the reduction of nonnative plant allergens and the improvement of air quality by not requiring the preservation of nonnative allergen producing plants.

B. Native plants and native plant communities can be preserved by the following methods:
1. The preservation-in-place and set-aside of existing native plants and native plant communities;
2. The transplanting of native plants existing on-site to a new location on-site or the transplanting of existing native plants from an adjacent lot to a location on-site.
3. The mitigation of plants destroyed or removed from the site.

C. The most effective methods for preserving protected native plants are the set-aside of native plant communities and the preservation-in-place of individual protected native plants. Both methods minimize the disturbance of existing native plants, their understory plantings and animal habitats; and maximizes the preservation and beneficial effects of existing native plants and native plant communities. Transplanting and mitigation methods are progressively less effective but have merit. Transplanting and mitigation methods may be used in combination with the preservation in-place and set-aside methods.

(Ord. 1998-39 § 1 (part), 1998)

18.72.030 - Definitions.

A. The following definitions in addition to the definitions in Chapter 18.03 will apply to this chapter:
1. Caliper: A measurement of diameter taken on a circular tree trunk at twenty-four (24) inches above the highest natural grade at the tree trunk base; for a noncircular specimen, use the average of the shortest and longest measurements of diameter twenty-four (24) inches above the highest natural grade at the tree trunk base and for a multi-trunked specimen, use the sum of the measurements of diameter of the two (2) largest trunks twenty-four (24) inches above the highest natural grade at the tree's multi-trunk base.
2. Damaged: The condition of a viable inventoried plant previously identified on the approved native plant preservation plan as a preserved-in-place, salvage and transplant, replacement, or supplemental plant, which has little chance of survival in a healthy and attractive manner due to injury, infestation, or disease as confirmed by the monitor or the county.
3. Destroyed or destruction: The condition of an existing plant after it has been demolished or eliminated as shown on the approved native plant preservation plan.
4. Development: Any permitted or nonpermitted human alteration to land and its vegetation, soil, geology, drainage, hydrology and surface features; changing the

appearance and character of land; and including but not limited to the acts of grubbing, clearing, and grading of land, and placing improvements on the land such as buildings, structures, signs, paving, vegetation, and outdoor use areas.

5. Drip line: For cacti, an area around the plant that overlays the mature root system: For trees and shrubs, an area under the undisturbed canopy of the tree or shrub.

6. Endangered Species Act Of 1973: A federal law enacted for the protection of endangered and threatened species in the continental United States, also referred to in this chapter as "Endangered Species Act."

7. Mitigation: The replacement of a specimen(s), an inventoried plant(s) rated medium to high viability, that is destroyed or removed from the site as shown on the approved plant preservation plan with a plant(s) of the same genus and species from off site in good physical condition with a high rating for health, age, and form.

8. Native plant preservation plan: A plan for the preservation of protected native plants prepared and submitted in conformance with this chapter, also referred to as "preservation plan."

9. Native plant preservation manual: The standards and procedures for implementing the requirements of Chapter 18.72, Native Plant Preservation, also referred to as "preservation manual" or "manual."

10. Plant community: A biologic grouping of vegetation frequently found under natural conditions due to their common soils, moisture, climate and orientation requirements; also means a plant association.

11. Preservation-in-place: No disturbance of one or more plants and the associated understory plants, or no disturbance of a plant community as in the set-aside method: Preservation-in-place is promoted by site planning and design that retains existing plant genus and species in their current location, grade, and configuration and promotes their future health and growth.

12. Property owner, developer, applicant: The person(s) or legal entity that has fee title to the site or a legal right to control development of the site, or a designated representative on the property owner's behalf.

13. Protected native plant: Any living plant on the protected native plants list found in Table 18.72.040-1 Protected Native Plants: For the purpose of this chapter, also referred to as "native plant(s)."

14. Regulated riparian habitat areas: Also referred to as "riparian habitat" shall mean riparian habitat areas identified on the county's riparian habitat maps as established by Article X of the "Pima County Floodplain and Erosion Hazard Management Ordinance."

15. Riparian regulations: When used will mean Article X of the "Pima County Floodplain and Erosion Hazard Management Ordinance," entitled "Watercourse and Riparian Habitat Protection and Mitigation Requirements" which includes approved hydroriparian, mesoriparian, and xeroriparian plant and seed lists.

16. Safeguarded plants: All species listed in the "highly safeguarded" category of the Arizona native plant law, A.R.S: § 3-901 et seq.; also referred to as "safeguarded species."
17. Set-aside: A method of plant preservation identified in this chapter; shall also mean the permanent protection of land and all vegetation in an undisturbed state within an area designated as a set-aside area.
18. Site: Refers to a single lot or a combination of contiguous lots (or parcels), or a leased area on a lot that meets the minimum zoning standards of the applicable zone.
19. Specimen or specimen plant: A single inventoried plant (native plant or safeguarded plant) rated medium to high viability.
20. Transplantability: The relative ability of a native plant to be successfully transplanted.
21. Viable plant, also a viable inventoried plant: An inventoried native plant in good physical condition with a medium or high rating for health, age and form, but which may or may not meet the "transplantability" standards of this chapter.

(Ord. 1998-39 § 1 (part), 1998)

18.72.040 - Protected native plants and safeguarded species.

A. For the purpose of this chapter, the plants in the following Table 18.72.040-1 Protected Native Plants are categorized as protected native plants and may be referred to as "native plant(s)."

B. For the purpose of this chapter, the plants in the following Table 18.72.040-1B Arizona Safeguarded Species have been categorized as Arizona safeguarded species in conformance with the requirements of the Arizona native plant law. For the purpose of this chapter, Arizona safeguarded species may be referred to as "safeguarded species." The board of supervisors may, from time to time, revise this table as required to comply with changes to the list of safeguarded species in compliance with the Arizona native plant law after first giving notice of the required change.

TABLE 18.72.040-1
PROTECTED NATIVE PLANTS

NO.	GENUS	SPECIES	VARIATION	COMMON NAME
1	Acacia	constricta		whitehorn acacia
2	Acacia	greggii		cat's claw acacia
3	Agave	species list[1]		century plant
4	Carnegiea	gigantea		saguaro/crested saguaro
5	Celtis	pallida		desert hackberry
6	Celtis	reticulata		canyon hackberry
7	Cercidium	floridum		blue palo verde

8	Cercidium	microphyllum		foothills palo verde
9	Chilopsis	linearis	arcuata	western desert-willow
10	Corypantha	scheeri	valida	needle-spined cory cactus
11	Corypantha	screeri	robustipina	pima pineapple cactus
12	Echinocactus	horizonthalonius	Nicholii	blue barrel cactus
13	Echinomastus	erectrocentrus	acunensis	
14	Echinomastus	erectrocentrus	erectrocentrus	needle-spined pineapple cactus
15	Ferocactus	species list[2]		compas barrel cactus
16	Fouqueria	splendens		coachwhip ocotillo
17	Mammillaria	thornberi		thornber clustered pincushion
18	Olneya	tesota		ironwood
19	Peniocereus	greggi	transmontanus	desert thread cereus
20	Peniocereus	striatus		dahlia-rooted thread cereus
21	Prosopis	velutina		velvet mesquite
22	Prosopis	pubescens		screwbean mesquite
23	Stenocereus	thurberi		thurber organ pine cactus
24	Yucca	species list[3]		soaptree yucca
	[1]Agave species list			
	Agave	chrysantha		century plant
	Agave	deserti	simplex	simple-rosetted desert agave
	Agave	murpheyi		hohokam agave
	Agave	palmeri		palmer agave
	Agave	parryi	parryi	parry agave
	Agave	parviflora		santa cruz striped agave
	Agave	schottii	treleasei	trelease agave
	[2]Ferocactus species list			
	Ferocactus	cylindraceus	eastwoodiae	cliff barrel cactus
	Ferocactus	cylindraceus	lecontei	leconte barrel cactus
	Ferocactus	emoryi		red-spined barrel cactus
	Ferocactus	wislinzenii		fishhook barrel cactus

	[3]Yucca species list			
	Yucca	arizonica		Arizona yucca
	Yucca	elata	elata	soaptree yucca
	Yucca	schottii		mountain yucca
	Yucca	thornberi		thornber yucca

TABLE 18.72.040-1B
ARIZONA SAFEGUARDED SPECIES*

NO.	GENUS	SPECIES	VARIATION	COMMON NAME
E	Agave	arizonica		Arizona agave
E	Amsonia	kearneyana		Kearney's blue-star
T	Asclepias	welshii		Welsh's milkweed
E	Astragalus	cremnophylax	cremnophylax	Sentry milk-vetch
T	Carex	specuicola		Navajo sedge
E	Coryphantha	scheeri	robustispina	Pima pineapple cactus
T	Coryphantha	robbinsorum		Cochise pincushion cactus
T	Cycladenia	humilis	jonesii	Jones cycladenia
E	Echinocactus	horizonthalonius	nicholii	Nichol's Turk's head cactus
E	Echinocereus	triglochidiatus	arizonicus	Arizona hedgehog cactus
E	Lilaeopsis	schaffneriana	recurva	Huachuca water-umbel
E	Pediocactus	bradyi		Brady pincushion cactus
T	Pediocactus	sileri		Siler pincushion cactus
E	Pediocactus	peeblesianus	peeblesianus	Peebles Navajo cactus
E	Purshia	subintegra		Arizona cliffrose
T	Senecio	franciscanus		San Francisco Peaks groundsel
E	Spiranthes	delitescens		Canelo Hills ladies' tresses

* As approved by the Department of the Interior in compliance with the Endangered Species Act of 1973

(Ord. 1998-39 § 1 (part), 1998)

18.72.050 - Applicability and exceptions.

A. Applicability. Except as provided in paragraph B below, the requirements of this chapter apply to all development for which any of the following conditions apply:

1. On sites for which a grading plan is required or the total area covered by all grading permits is fourteen thousand (14,000) square feet or more;
2. On sites for which approval of a development plan or subdivision plat is required and for which a tentative plat or development plan is first submitted:
   a. After the effective date of this chapter; or
   b. Prior to the effective date of this chapter and for which a final plat or development plan is not approved within one (1) year of the effective date of this chapter.
3. On sites with a subdivision plat or development plan that was approved more than one (1) year prior to the effective date of this chapter and for which permitted on-site infrastructure construction for at least one (1) of the following major site improvement categories has not commenced prior to the effective date of this chapter and has not been completed within one (1) year of the effective date of this chapter:
   a. Mass grading and drainage improvements;
   b. Water or sewer mains or treatment facilities; or
   c. Major streets.
4. On sites for which a preservation plan has been approved prior to the effective date of this chapter, except that only the requirements of Sections 18.72.120 and 18.72.140 apply to such sites.

B. Exceptions. The requirements of this chapter do not apply to the following:

1. Utility construction within a public utility easement or public right-of-way associated with a development plan, subdivision plat, or lot development.
2. Development on a lot recorded prior to the effective date of this chapter which meets the following conditions:
   a. A development plan or subdivision plat is not required and the total area covered by all grading, grading permits, and ground disturbance is less than fourteen thousand (14,000) square feet; or
   b. A development plan or subdivision plat is required and for which an analysis submitted by the property owner and approved by the planning official confirms that the net area of the lot is thirty-six thousand (36,000) square feet or less excluding the following:
      1) Pima County requirements for setbacks, open space, bufferyards. The required bufferyards may be increased up to fifty percent (50 percent) at the applicant's discretion subject to approval by the planning official. Plants added for the bufferyard increase will be from on-site native plants and/or selected from Table 18.72.040-1 Protected Native Plants List;
      2) Public rights-of-way, dedications, and easements;

3) Set-asides to meet the requirements of other county, state, and federal regulations, ordinances and statutes.

3. Development on a recorded lot which is thirty-six thousand (36,000) square feet or less in size, approved prior to the effective date of this chapter, and not requiring a development plan or subdivision plat.

C. Administrative exception. The requirements of this chapter may be waived by the planning official under the following conditions as demonstrated by the applicant's submittal of confirming documents in conformance with the requirements of Section 18.72.S07 of the native plant preservation manual:

1. The applicant demonstrates that development on his site will not disturb, damage, destroy, alter, or result in the removal or relocation of any specimens in Section 18.72.040 that existed on the site prior to the effective date of this chapter plus those specimens that have been introduced to the site since that date; or

2. The applicant demonstrates that the site on which his development is proposed did not contain any specimens before the effective date of this chapter and does not currently contain any specimens.

(Ord. 1998-39 § 1 (part), 1998)

18.72.060 - General requirements.

A. The following general requirements apply to all development as required in Section 18.72.050:

1. No person shall destroy, mutilate, remove from a site, or relocate on a site any native plant, except in conformance with the requirements of this chapter.

2. Grubbing, grading, or clearing permits shall not be issued, and no person may grub, grade, or clear a site or any portion of a site having one or more native plants existing prior to the effective date of this chapter, except in conformance with an approved grading plan and after the preservation plan approval requirements in this chapter have been met, and the required permits have been issued.

3. No plans for a site with one or more native plants shall be approved and no permits shall be issued by Pima County for any development prior to submittal and approval of a preservation plan except as provided in Subsections 18.72.050 B and C.

4. A preservation plan and its implementation shall comply with this chapter, the preservation manual, and the Arizona Native Plants Statute (A.R.S. § 3-901 et seq.)

(Ord. 1998-39 § 1 (part), 1998)

18.72.070 - Professional qualifications.

A. Preservation plans shall be produced and stamped, sealed or certified by a qualified practitioner with one or more of the following qualifications:

1. An arborist with International Society of Arboriculture certification;

2. A landscape architect with Arizona state technical registration as a landscape architect;
3. A biologist, horticulturist, or botanist with a minimum B.A. or B.S. in a plant oriented natural resource field.

(Ord. 1998-39 § 1 (part), 1998)

18.72.080 - Preservation plan submittal, review, and appeal.

A. Consultation. Prior to the submittal of a preservation plan, the property owner is encouraged to consult with the planning division regarding specific submittal requirements.

B. Submittal. For projects requiring a preservation plan, submittals shall be made in conformance with the following requirements:

1. A preservation plan application shall be filed with the office of the subdivision coordinator for processing concurrently with the filing of grading plans and tentative plats or development plans for the same project.
2. All preservation plan applications shall include at a minimum all of the following:
   a. Two (2) hard paper copies of all preservation plan documents;
   b. One (1) integrated electronic copy of all reports, text, charts, graphs, tables, analyses, and calculations in an electronic format and media acceptable to the planning division;
   c. Number of copies as determined during preliminary consultation with the planning division for all other plan submittals; and
   d. The required preservation plan fee payable to the Pima County treasurer.
3. Incomplete submittals that do not comply with the submittal and preparation requirements of this chapter will not be reviewed. Incomplete submittals will be returned to the property owner with comments from the planning division explaining the area(s) of incompleteness.

C. Preservation plan review.

1. The planning division shall review the preservation plan for compliance with the requirements of this chapter and other applicable codes, regulations and special requirements.
2. Within ten (10) working days of a complete submittal, the planning division shall complete its review of the preservation plan and then notify the applicant in writing regarding any required revisions, corrections, or resubmittals, except that the ten- (10) day review period will not begin until the property owner has first submitted a grading plan and tentative plat or development plan for the project for county review. Preservation plans are reviewed by the planning division in the same manner and concurrent with other reviews for project grading plans, tentative and final plats and development plans. Comments regarding requirements for preservation plan corrections, revisions or resubmittals are coordinated with the preparation of comments for project grading plan, development plan, and tentative and final plat submittals to

include the incorporation of plat and development notes and covenants, conditions, and restrictions (CC&Rs) to assure the continued preserved status of set-aside areas and preserved-in-place and transplanted specimens in a healthy and vigorous condition.

3. The applicant shall resubmit revised plans required by the planning division for final compliance review. The planning division shall complete its review of revised plans within five (5) working days of resubmittal and then provide the applicant with a written decision.

4. Any change to the underlying grading plan, development plan, tentative plat, or subdivision plat may require resubmittal of a new or revised preservation plan as determined by the planning official.

D. Variances and appeals.

1. A request for a variance of the requirements of this chapter or an appeal of an interpretation of this chapter by the development services department may be filed by a petitioner to the board of adjustment and processed as required by Section 18.93 of the Pima County zoning code.

a. The design review committee or a subcommittee established by the design review committee shall review variance requests and appeals of the requirements of this chapter and prepare an analysis and recommendation to the board of adjustment. The analysis and recommendation shall be submitted along with a staff report to the board of adjustment and presented by county staff at the board of adjustment's public hearing for the appeal.

b. The design review committee's analysis and recommendation to the board of adjustment shall consider the basis of the appeal and any extenuating circumstances due to no fault on the part of the applicant and the design review committee's recommendation will promote the purpose and findings of this chapter.

(Ord. 1998-39 § 1 (part), 1998)

18.72.090 - Native plant preservation plan methods.

A. Any of the following three methods, or any combination of the following three methods may be used to prepare a preservation plan, except as required in paragraph C. below:

1. Selective Plant Preservation Method.

a. Description. The selective plant preservation method is based on the preservation-in place and salvage and transplanting-on-site of specimens and the mitigation of specimens destroyed or removed from site.

b. Components. The preservation plan for the selective plant preservation method shall be prepared as an integrated, single document and shall include the following components. The requirements of each component are described in the following Section 18.72.100:

i. An inventory of the native plants and safeguarded species on the site;

ii. A site and plant evaluation of the viability and transplantability of the inventoried native plants;

iii. A calculation of preservation and mitigation requirements;

iv. A native plant location/preliminary site plan which shows the location of preserved-in-place specimens, salvaged and transplanted specimens, replacement and supplemental plants, and specimen plants to be destroyed or removed from site on a preliminary site plan for the subject site.

2. Plant Appraisal Method.

a. Description. The plant appraisal method is based on the (1) preservation-in- place, (2) salvage and transplanting-on-site of specimens, and (3) the mitigation of specimens destroyed or removed from the site with specimens of the same size or appraised value.

b. Components. The native plant preservation plan for the plant appraisal method shall be prepared as an integrated, single document and shall include the following components. The requirements of each component are described in the following Section 18.72.100:

i. An inventory of the native plants and safeguarded plants on the site;

ii. A site and plant evaluation of the viability and transplantability of the inventoried native plants;

iii. A calculation of preservation and mitigation requirements;

iv. An appraisal of specimens proposed to be destroyed or removed from on-site;

v. A native plant location/preliminary site plan which shows the location of preserved-in-place specimens, salvaged and transplanted specimens, replacement and supplemental plants, and specimen plants to be destroyed or removed from site on a preliminary site plan for the subject site.

3. Set-aside Method.

a. Description. The set-aside method is based on an evaluation of the resource value of the specimens on-site, the designation of a minimum of thirty percent of the site with the highest resource value as a set-aside area as permanently protected natural open space, wherein development shall not occur, and the preservation in place or salvaging and transplanting on-site of safeguarded plants and specimen saguaros and ironwoods.

b. Components. The native plant preservation plan for the set-aside method shall be prepared as an integrated, single document and shall include the following components. The requirements of each component are described in the following Section 18.72.100:

i. An inventory of all plants protected as safeguarded plants, all saguaros and all ironwood with a caliper of four inches or greater;

ii. A site and plant evaluation of the viability and transplantability of the inventoried safeguarded species, saguaro and ironwood;

iii. A calculation of preservation and mitigation requirements;

iv. A resource value report;

v. A native plant location/preliminary site plan which shows the location of the thirty percent set-aside areas, and the preserved-in-place or transplanted location of safeguarded plants and specimen saguaros and ironwoods outside of the boundaries of the set-aside areas.

B. Off-site mitigation option.

1. An applicant can request to provide off-site mitigation to satisfy a portion of the mitigation required by this chapter provided the applicant submits:

   a. A concept plan for the off-site mitigation;

   b. A narrative that demonstrates that the off-site mitigation provides more consistency with the purposes and findings of this ordinance than the allowable on-site alternatives, and that full compliance with on-site mitigation creates unsustainable and non-viable plant communities;

   c. Description of the mechanism(s) that will provide perpetual management of the off-site mitigation; and

   d. Authorizations, as necessary.

2. In the case where off-site mitigation is to be accomplished by participation in a conservation bank, submittal requirements shall also include:

   a. The location(s) of the conservation bank;

   b. The number of bank credits that will be provided for mitigation of each species; and

   c. Demonstration that the number of bank credits is proportional to the number of individuals requiring mitigation.

3. The planning director or designee is authorized to allow off-site mitigation when it has been found that the request is in keeping with the purpose and findings of this chapter. Off-site mitigation may be used only in combination with one or more of the three mitigation methods listed above.

C. Regulated Habitat. All regulated riparian habitat areas as identified on the county's riparian habitat maps shall be established as set-aside areas in compliance with the set-aside requirements in this chapter with the following exception. When it can be demonstrated that there is no "reasonable practical alternative" to disturbing the riparian habitat, that part of the riparian habitat so disturbed shall be excluded from the set-aside requirement. Riparian habitat so disturbed shall be mitigated in conformance with riparian regulations.

Table 18.72.090-1
Preservation Requirements & Preservation Credits

(ft = feet, C = caliper, D = diameter, H = height,
PIP = preserved-in-place, TOS = transplanted-on-site)

Protected Native Plants		Safeguarded Species	Saguaros	Other Cacti	Ocotillos	Other Succulents & Shrubs	Ironwood Trees	Other Trees
Inventory of Viables		All	All	2+ ft H or D	2+ ft H or D	2+ ft H	4+ in. C	4+ in. C
Minimum PIP or TOS		[1] 100%	[2] 80%	50%	50%	50%	80%	50%
Preservation-in-place (PIP) credits		n/a	3 Saguaro credits/ each > 10 ft H saguaro PIP 2 saguaro credits/ each 6-10 ft H saguaro PIP	2 cacti credits/ each > 4 ft H same species	2 ocotillo credits/ each > 6 ft H ocotillo PIP	2 succulent credits/ each > 4 ft H succulent PIP same species	3 ironwood credits/ each 12-in. C ironwood PIP 2 ironwood credits/ each 6-12-in. C ironwood PIP	3 tree credits/ each > 12-in. C tree PIP 2 tree credits/ each 6-12-in. C tree PIP
Plant Replacement Ratios & Plant Additions								
Selective Plant Preservation	Each plant damaged, destroyed, or removed from site	n/a (plants are PIP or TOS[1])	[1, 2, 4] replaces 3:1	replace 2:1	replace 2:1	replace 2:1	replace 3:1	replace 3:1
	Each plant transplanted on site	[3] 1 additional plant	2 additional plants/ each ≥ 6 ft H 1	1 additional plant	1 additional plant	1 additional plant	2 additional plants	2 additional plants

			additional plant/ each < 6 ft H					
Plant Appraisal Method	Each plant destroyed or removed	n/a	[4] replace 1:1 (same size)	replace 1:1 (same size	replace 1:1 (same size)	replace 1:1 (same size)	replace 1:1 (same size)	replace 1:1 (same size)
	Each plant transplanted on site	[3] 1 additional plant	2 additional plants/ each ≥ 6 ft H // 1 additional plant/ each < 6 ft H	1 additional plant	1 additional plant	1 additional plant	2 additional plants	2 additional plants
Outside Set Aside Area								
Set Aside Method	Each plant damaged, destroyed, or removed from site	n/a	[4] replacement 3:1	n/a	n/a	n/a	replace 3:1	n/a
	Each plant transplanted on site	1 additional plant	[1] 2 additional plants/ each ≥ 6 ft H 1 additional plant/ each < 6	n/a	n/a	n/a	2 additional plants	n/a

			ft H					
Replacement Sizes								
Selective Plant Preservation Method & Set Aside Method		n/a	[5] 2 ft H (from site) 4 ft H (from off-site or from nursery)	[5] 2 ft H or D	2 ft H (from site) 4 ft H (from nursery)	5 gallon	15-gallon can size [6] for supplemental trees (2) 15-gallon cans plus (1) 24-in. box for 3:1 replacement trees	15-gallon can size [6] for supplemental trees (2) 15-gallon cans plus (1) 24-in. box for 3:1 replacement trees
Plant Appraisal Method		Same size or 2+ plants with total appraised value equal to plant being replaced						

All crested saguaros 18 feet in height or greater or with arms six feet or greater in height will remain in place.

All saguaros 18 feet in height or greater or with arms six feet or greater in height will remain in place.

See Arizona native plant law.

Except that all crested saguaros shall be preserved in place or salvaged and transplanted on site.

Except blue barrel cactus, pineapple cactus, needle-spined pineapple cactus, desert night-blooming cereus, and thornber pincushion which have a minimum replacement size of four inches in height or diameter.

Commercial nursery sizing.

(Ord. 2009-59 § 7, 2009; Ord. 1998-39 § 1 (part), 1998)

18.72.100 - Components of native plant preservation plan methods.

The plant preservation plan methods described in 18.72.090 shall include the following components:

A. Plant inventory: All methods require a plant inventory map and a plant inventory list prepared in conformance with the requirements of Section 18.72.S03 of the preservation plan manual and showing the following plants:

1. All existing native plants in Table 18.72.040-1 that meet the following standards:

a. All saguaros;

b. All trees with a caliper of four (4) inches or greater;

c. All succulents and shrubs two (2) feet or greater in height or diameter;

d. Other cacti equal to two (2) feet in height or diameter or greater except that blue barrel cactus, fish hook cactus, compass barrel cactus, needle-spined pineapple cactus, desert night-blooming cereus, and thornber pincushion equal to four (4) inches or greater in height or diameter shall be inventoried; and

2. All existing plants listed as safeguarded plants.

3. Exceptions: Where the set-aside method is used, the following are not required to be listed in the inventory:

a. Any trees other than specimen ironwood;

b. All cacti, succulents and shrubs listed in 1.c. and 1.d. of this section.

B. Site and plant evaluation: All native plant preservation plan methods require a comprehensive analysis and evaluation of the undisturbed site and its native plants and safeguarded plants which shows the following:

1. The condition of each inventoried native plant, plant community, and safeguarded species listed in the plant inventory based on the viability and transplantability rating criteria and standards specified in Section 18.72.S04 of the preservation manual.

2. The criteria and standards used to determine which plants and plant communities will be set-aside, preserved-in-place, salvaged and transplanted-on-site, or destroyed or removed from the site.

C. Calculations: Preservation and mitigation requirements. Protected native plants and safeguarded plants shall be preserved-in-place, transplanted on-site, or mitigated as required by this paragraph and the following paragraphs D through and including G and as demonstrated by Table 18.72.090-1.

1. Safeguarded plants and "crested" saguaros: One-hundred percent (100%) of safeguarded plants and "crested" saguaros shall be preserved-in-place or salvaged and transplanted on-site, except that all "crested" saguaros eighteen (18) feet in height or greater and "crested" saguaros with arms six (6) feet or greater in height shall remain in place, and

2. For the selective plant preservation and plant appraisal methods, the minimum requirements for the preservation-in-place, salvage and transplanting-on-site, and mitigation of inventoried native plants and safeguarded plants are:

   a. All other saguaros and ironwoods: A minimum of eighty percent (80%) of the inventoried saguaros and specimen ironwood trees shall be preserved-in-place or salvaged and transplanted-on-site, except that all saguaros eighteen (18) feet in height or greater and saguaros with arms six (6) feet or greater in height shall be preserved-in-place or remain on-site.

   b. Other native plants: a minimum of fifty percent (50%) of all specimens, except safeguarded plants, shall be preserved-in-place or salvaged and transplanted on-site.

   c. Mitigation requirements for the remaining specimens rated medium to high viability that are destroyed or removed off-site as shown on the preservation plan shall be mitigated by replacement with plants of the same genus and species in conformance with the replacement and size requirements of the following subparagraphs E and G.

3. For the set aside method: Thirty percent (30%) of the site shall be set-aside and the minimum requirements for preservation in place, salvage and transplanting on-site of safeguarded plants, "crested" saguaros, other saguaros, and ironwood trees outside set-aside areas shall be in conformance with the requirements of subparagraphs 1 and 2.a above.

D. Calculations: Bonus credits. For the selective plant preservation and the plant appraisal methods, a bonus credit shall be allowed as follows for specimens, except safeguarded plants, that are preserved-in-place:

1. Each specimen saguaro greater than ten (10) feet in height and fenced in conformance with 18.72.S05 E.8 in the preservation manual may be credited as three saguaros.

2. Each specimen saguaro six (6) to ten (10) feet in height may be credited as two (2) saguaros.

3. Each specimen ocotillo greater than six (6) feet in height may be credited as two (2) ocotillos.

4. Other specimen cacti, succulents and shrubs greater than four (4) feet in height may be credited as two (2) of the same species.

5. Each specimen tree, measuring greater than twelve (12) inches in caliper and fenced in conformance with 18.72.S05 E.8 in the preservation manual, may be credited as three (3) of the same species.

6. Each specimen tree, measuring six (6) to twelve (12) inches in caliper, may be credited as two (2) of the same species.

E. Calculations: Minimum replacement requirements. Specimens destroyed or removed from the site shall be mitigated by replacement plants of the same genus and species

according to the following replacement requirements and the size requirements in the following paragraph G:

1. For the selective plant preservation method, the following minimum replacement requirements apply:

    a. Each specimen saguaro destroyed or removed from the site shall be replaced on-site with three saguaros, three to one (3:1).

    b. Other specimen cacti, yucca, ocotillo, succulents and shrubs destroyed or removed from the site shall be replaced on-site with two plants (2:1) of the same genus and species.

    c. Each specimen tree destroyed or removed from the site shall be replaced with three plants (3:1) with trees of the same genus and species.

2. For the plant appraisal method, each specimen plant destroyed or removed from the site shall be replaced one for one (1:1) with plants of the same genus and species.

3. For the set-aside method, all specimen saguaros and ironwoods outside the set-aside area(s) that are destroyed, or removed from the site shall be replaced in conformance with the plant replacement requirements for the selective plant preservation method in subparagraph 1.a and 1.c above.

F. Calculations: Minimum supplemental requirements. Specimens salvaged and transplanted on-site shall be supplemented with an additional plant or plants of the same genus and species according to the following supplemental requirements and the size requirements in the following paragraph G:

1. For the selective plant preservation method and the appraisal method, the following minimum supplement requirements apply:

    a. Each specimen saguaro, six (6) feet or greater in height salvaged and transplanted on-site, shall be supplemented with two (2) additional saguaro planted on-site; each specimen saguaro less than six (6) feet in height salvaged and transplanted on-site shall be supplemented with one (1) additional saguaro planted on-site.

    b. Other specimen cactus, yucca and ocotillo and any safeguarded plants of any size, salvaged and transplanted on-site shall be supplemented with the planting on-site of one (1) additional plant of the same genus and species. NOTE: See the Arizona native plant law for any provisions which supersede or supplement these regulations as they apply to safeguarded plants.

    c. Each specimen tree, except for safeguarded plants, transplanted on-site shall be supplemented with two (2) additional trees of the same genus and species.

2. For the set-aside method, all specimen saguaros outside set-aside areas, except crested saguaros, and all specimen Ironwoods and all safeguarded plants outside set-aside areas that are transplanted on-site shall be supplemented in conformance with the plant supplement requirements for the selective plant preservation method in paragraph 1 above.

G. Minimum replacement and supplemental sizes.

1. For the selective plant preservation method, the following minimum standards apply for all specimens:

   a. Saguaros: Two (2) feet in height from on-site or four (4) feet in height from off-site or from a plant nursery.

   b. Tree: Commercial nursery sizing for supplemental trees shall be fifteen- (15) gallon can size. The size of three to one (3:1) replacement trees shall be two (2) fifteen- (15) gallon cans and one (1) twenty-four- (24) inch box.

   c. Other native cacti and succulents. Two (2) feet in height or diameter, except that blue barrel cactus, fish hook cactus, compass barrel cactus, needle-spined pineapple cactus, desert night-blooming cereus, and thornber pincushion shall have a minimum replacement size of four (4) inches in height or diameter.

   d. Ocotillo: Two (2) feet in height (from on-site) or four (4) feet in height (from nursery).

   e. Yucca and other native shrubs. Five- (5) gallon.

2. For the plant appraisal method, supplemental plant sizes shall be the same as in paragraph 1 above. The size of a replacement plant shall be equal to or greater than the caliper and no less that three quarters (¾) of the height and spread of the specimen being replaced, or a destroyed or removed specimen may be replaced with two (2) or more native plants with a minimum fifteen- (15) gallon can size and which have a total appraised replacement value no less than the appraised value of the plant being replaced.

3. For the set-aside method, replacement and supplemental size requirements for specimen saguaros, except crested saguaros, and specimen ironwood, outside set-aside areas shall be in conformance with the plant replacement and supplement requirements for the selective plant preservation method in subparagraph 1.a and 1.b above.

H. Native plant location/preliminary site plan. A native plant location/preliminary site plan, prepared in conformance with the requirements of 18.72.S05 in the plant preservation manual shall promote the preservation and enhancement of the site's native vegetation and undisturbed natural environment. The plan shall minimize disturbance of native vegetation and promote the preservation-in-place of significant specimens, plant communities, animal habitats and set-aside areas. Compliance with the minimum requirements of Sections 18.72.090 and 18.72.100 is required.

1. Site design and plant preservation shall support the following objectives:

   a. The preservation-in-place of tall saguaros and large trees, in particular saguaros six (6) feet and greater in height and trees eight (8) inches and greater in caliper.

   b. The protection from removal, relocation, or destruction of the understory vegetation of specimen plants and plant community(ies) to be preserved-in-place.

c. The continuity and linkage of on-site resources that extend beyond the site (i.e., natural open spaces, vegetative and animal habitat, hiking, riding, and equestrian trails).

d. To minimize the fragmentation and destruction of plant communities for the purpose of preserving wildlife and riparian habitat.

e. To limit the size of site development areas and building envelopes in order to preserve the site's natural features and amenities.

f. To locate salvaged and transplanted specimens on the site within common areas or landscape bufferyard areas as required by Chapter 18.73 and within the front yards of residential lots for the purpose of improving public and private streetscapes and to limit the net loss of native plant diversity and volume, and wildlife habitat on the site.

g. To encourage the preservation of specimens in excess of the specimens required to meet the minimum requirements of this chapter.

h. To encourage the harvesting of salvageable native plants in excess of the specimens required by this chapter, an approved preservation plan, other applicable regulations, and specimens not otherwise used by the property owner, for projects and programs which benefit the public, such as parks, schools, public streetscapes, community native plant banks, public works projects, and the surrounding neighborhood consistent with the requirements of Section 18.72.130.

2. The native plant location/preliminary site plan shall comply with the following requirements for riparian habitat areas, washes and floodplains:

a. Riparian habitat established as set-aside areas shall not be removed, altered, enhanced, or disturbed;

b. Riparian habitat outside set-aside areas and natural open space that is disturbed shall be mitigated in conformance with riparian regulations;

c. Native plants that occur on plant lists in riparian regulations may be salvaged and transplanted to disturbed riparian habitat in compliance with riparian mitigation requirements;

d. Disturbed washes and disturbed floodplain areas (areas outside set-aside and riparian habitat areas) may be enhanced by the salvage and transplanting, or mitigation of native plants. Those portions of washes and floodplain areas so disturbed and/or enhanced are categorized as functional open space;

e. Those portions of washes and floodplains which are either disturbed or enhanced or both by drainage improvements or those portions of washes and floodplains with a significant increase or decrease in historic hydrological characteristics of velocity or volume as a result of development, disturbance, or enhancement either inside or outside of a wash or floodplain, may be categorized as functional open space. Development, disturbance, enhancement, or a significant increase in the historical hydrological characteristics of a wash

or floodplain shall prevent that portion of a wash so affected from being categorized as natural open space or set-aside area.

I. Plant appraisal. For the plant appraisal method only, a plant appraisal will be prepared in conformance with the following requirements:

1. Each specimen plant identified in the native plant preservation plan to be removed from the site or destroyed must be appraised for its market value by a certified plant arborist and replaced with native plants of the same species and variety with a total market value equal to or greater than the market value of the plant removed or destroyed. The appraisal shall be prepared using market values and techniques published by the Council of Tree and Landscape Appraisers. The appraisal shall be current within six (6) months prior to submittal of a preservation plan and will be valid for a period of two years from the date of preservation plan approval. The subsequent submittal of a new or revised preservation plan may require the submittal of an updated plant appraisal as determined by the planning official.

2. A revised appraisal value is required after the two- (2) year time limit has expired, and each two- (2) year period thereafter until such time as the approved preservation plan is implemented. Compliance with the plant appraisal method requires the establishment of monetary assurances such as a bond or letter of credit. The assurances shall have a monetary value equal to the market values of all specimen plants to be removed from the site or destroyed.

J. Resource value report. For the set-aside method only, a resource value report shall be submitted together with the native plant location/preliminary site plan. The boundaries of natural open space area(s) set-aside in the resource value report shall be delineated as natural open spaces area(s) on all site plans, development plans, tentative plats, subdivision plats and grading plans for the subject site and will be described as undisturbed natural open space area(s) in all covenants, conditions, and restrictions (CC & As) for the development. The resource value report shall include all of the following:

1. An analysis prepared for the entire site to determine the general viability of native plants and plant communities on the site. The analysis shall include an assessment and prioritization, on a graduated scale from most significant to least significant, of the undisturbed natural desert areas based on the resource value of the existing native plants. The resource value shall be determined by factors such as health, size, density, and variety of native plant species, the visual resource value of the undisturbed natural desert areas, and the potential to maximize the preservation of contiguous areas of undisturbed natural desert with native plants both on and off site. The highest resource value shall be given to riparian habitat areas.

2. A minimum of thirty percent (30%) of the site or that portion of the site for which the set-aside method is utilized, shall be shown on the attached native plant location/preliminary site plan as an area set-aside as undisturbed natural open space. The set-aside areas shall consist of the site areas with the highest resource value as determined by the report.

3. An inventory and analysis of the viability and transplantability of all plants protected as safeguarded plants, all saguaros, and all inventoried ironwoods which

are outside of the boundaries of the set-aside areas. Calculations for preservation requirements and credits shall conform to the requirements of this chapter.

4. Boundaries of all set-aside areas clearly delineated on an aerial photograph of the site.

K. Supplementary information. The planning official may require additional information to reasonably insure that the purpose of this chapter is fulfilled.

(Ord. 1998-39 § 1 (part), 1998)

18.72.110 - Tagging, color-coding, plant protection and planting operations.

A. Identification numbering. All specimens shall be tagged with identification numbers and color coding in conformance with 18.72.S06 color-coding and tagging standards in the manual, except that specimens within a designated and fenced natural open space or set-aside area need not be tagged.

B. Protection and identification of specimens. Specifications included in the preservation plan and all transplanting and construction contracts for the project shall include language requiring the protection of preserved-in-place and transplanted specimens; and the identification, accounting and replacement of damaged, dead, or dying preserved-in-place and transplanted specimens, all in conformance with the requirements of this chapter and the preservation manual.

C. Planting and transplanting. The planting of replacement and supplemental plants and the salvage and transplanting of specimens shall be done by bonded professionals qualified in the identification, planting, salvage, transplanting, and maintenance of native plants.

D. Irrigation and maintenance. Preserved-in-place and transplanted specimens and replacement and supplemental plants shall be irrigated and maintained as required by Section 18.72.S05 and in conformance with established irrigation and maintenance practices as required to promote the survival of plants in a healthy condition.

E. Salvage permits. Permitted plants shall be salvaged and transplanted in compliance with the requirements of this chapter, the preservation manual and the Arizona Native Plants Statute (A.R.S. § 3-901 et seq.).

(Ord. 1998-39 § 1 (part), 1998)

18.72.120 - On-site monitoring and replacement of dead, damaged, or dying plants.

A. On-site monitoring of all aspects of preservation, salvaging and transplanting, planting, and associated mitigation operations, including harvesting, permit compliance, site clearing, grading, plant marking, color-coding, and plant protection shall be provided by the property owner during project construction.

B. On-site monitoring shall be performed by an independent monitor, not an employee of the property owner, who is a qualified professional and practitioner in native plant identification and protection with qualifications equal to or exceeding those in 18.72.070. The monitor will be under contract with and at the expense of the property owner.

C. The monitor shall be authorized by the property owner to require contractors and developers to demonstrate and verify that all aspects of preservation, salvage, mitigation, and plant protection activities are performed in conformance with the approved preservation plan and this chapter and the preservation manual.

D. Immediately after the monitor's initial site visit, the monitor shall prepare a report on the status of specimens identified on the approved preservation plan and specimens tagged as preserved-in-place or to be salvaged and transplanted-on-site. The report shall include the general condition of specimens, the identification of specimens under stress, damaged, dying, or dead, and the appropriate techniques to relieve the stress and damage, and recommendations for the replacement of specimens that are dead or dying.

E. The monitor shall conduct periodic on-site inspections and provide periodic progress reports to the property owner and the planning division no later than forty-eight (48) hours after the on-site inspection. The progress report will outline the status of plant preservation plan work accomplished to date, any problems encountered, and any noncompliance with the requirements of the approved preservation plan and this chapter.

F. A preserved-in-place, transplanted, replacement, or supplemental plant identified in the monitor's status report or the county's field inspection report as dying or as having died during project development will be replaced by the property owner within three (3) months of the report's completion. The plant(s) will be replaced with a viable plant(s) of the same genus and species in good condition, of uniform shape, and representative of the species and equal or greater caliper as the replaced plant; or, replaced with two (2) or more plants of the same species with a minimum fifteen- (15) gallon can size and total appraised replacement value equal to or greater than the appraised value of the replaced plant. The owner will take action within a shorter period of time if required to improve the health of stressed plants and to prevent plant loss. These requirements will apply to all supplemental and replacement plants and to no less than ninety percent (90%) of all plants salvaged and transplanted on-site.

G. The monitor shall conduct an assessment of the condition of the site's specimens and replacement and supplemental plants one year after final inspection has been performed on the site, and the monitor shall thereafter certify as to whether or not the requirements of the approved preservation plan and this chapter have been complied with.

(Ord. 1998-39 § 1 (part), 1998)

18.72.130 - Harvesting process.

The harvesting process in whole as described in this section is strongly encouraged, but not required. If a property owner allows harvesting of plants not identified for preservation in place or salvaging and transplanting on-site, the following procedures shall apply:

A. The property owner shall, at the time of his first submittal to the county of a preservation plan for the subject site, mail a notice regarding a forty-eight- (48) hour harvesting process to the planning division, all abutting property owners and those agencies identified in Section 18.72.100.H.1.h who have previously notified the planning division of their interest in the harvesting process. The planning division shall

provide the property owner with a harvesting list of agencies and individuals who have previously notified the planning division of their interest in the harvesting process.

B. After preservation plan approval and at least five (5) calendar days prior to the commencement of grubbing, site clearing, and grading operations, the property owner shall mail a notice to the planning division and to individuals and organizations on the harvesting list who have notified the property owner of their interest in harvesting plants on the subject site. The notice shall establish a forty-eight- (48) hour harvesting period during which existing plants not shown on the approved preservation plan as preserved-in-place, salvaged and transplanted-on-site, located in a set-aside area, or otherwise reserved at the discretion of the developer may be harvested by harvesters.

C. The harvesting of native plants shall be done by bonded professionals qualified in the identification, salvage and transplanting of native plants and whose harvesting services shall be provided for and paid by the harvesting individual(s) or organization(s). The harvesting process shall be monitored by the property owner's monitor to assure that harvesting of native plants is limited to plants without an identification tag and located outside all set-aside areas.

D. Permits required by the Arizona Native Plants Statute (A.R.S. § 3-901 et seq.) shall be secured by the harvesting individual or organization.

(Ord. 1998-39 § 1 (part), 1998)

18.72.140 - Compliance, conflict, violations, penalties, assurances.

A. Compliance and conflict with county, state, and federal regulations.

1. This chapter does not replace, supersede, or in any way affect or change requirements for compliance with the Federal Endangered Species Act and the Arizona Native Plants Statute (A.R.S. § 3-901 et seq.). In the event of a conflict between the requirements of this chapter and the requirements of the Federal Endangered Species Act or the Arizona Native Plants Statute, the requirement which provides the most protection for native plants will prevail.

2. Requirements for compliance with this chapter and other Pima County regulations will be calculated and applied separately. Compliance with this chapter may be considered for the purposes of compliance with other chapters, if the primary purpose to preserve native plants and plant communities is not jeopardized. In the event of a conflict between two (2) or more requirements in this chapter, or conflicts between the requirements of this chapter and the requirements of another chapter, the more restrictive requirement will prevail, except the highest resource value for the establishment of set-aside areas shall be given to previously designated riparian habitat areas.

3. Planning division staff, qualified in preservation plan review and the identification of native plants and safeguarded species, may periodically provide spot-inspections to confirm compliance with this chapter and approved preservation plans.

B. Violations and penalties. In addition to the provisions of Chapter 18.95 Compliance and Enforcement, violations of this chapter are subject to the following enforcement, penalties, fines, and other remedies:

1. No person shall, individually or through acts of another person, intentionally or negligently damage, destroy, or remove from the site any native plant except as authorized by an approved native plant preservation plan.

2. A fine for the damage, destruction, or removal from the site of each native plant will be based on the following schedule:

   a. For each viable saguaro. two hundred dollars ($200) per foot of main trunk and two hundred dollars ($200) per foot of each arm with a maximum not to exceed two thousand five hundred ($2,500) per saguaro;

   b. For each specimen tree or shrub. three hundred dollars ($300) per caliper inch measured twenty-four (24) inches above grade level for trees and six (6) inches above grade for shrubs with a maximum not to exceed two thousand five hundred dollars ($2,500) per tree or shrub.

3. A fine of not less than five hundred dollars ($500) nor more than two thousand five hundred dollars ($2,500) if native plants are damaged, destroyed, or removed from the site prior to approval of a preservation plan.

C. Additional penalties. Any person who individually or through acts of another person, intentionally or negligently damages, destroys, or removes from the site any native plant, except as authorized by an approved preservation plan, may be subject to one or more of the following in addition to any fines imposed by paragraph B above as determined by the hearing officer pursuant to Chapter 18.95 of this code:

1. Mitigation of specimens damaged, destroyed, or removed from the site which may include:

   a. One hundred percent (100%) replacement with plants of the same genus and species and of equal or greater size as the specimens being replaced and the replacement will be completed within ninety (90) days of the violation, and

   b. Any supplemental mitigation and site improvements determined to be necessary to restore the natural habitat and plant communities which have been damaged, destroyed, or removed from the site,

   c. In the event replacements are not made as required by the preceding subparagraph C.1.a and b, then payment to the county by the property owner of an amount equal to the certified appraised replacement value of the specimens damaged, destroyed or removed from the site and not subsequently replaced as required by this paragraph. The certified appraised replacement value will be based on the type, size, and original condition of the specimens prior to the violation as shown in the plant inventory. The certified appraisal will be provided by and at the property owner's expense.

2. Supplemental mitigation, maintenance and monitoring requirements for native plants following the final inspection. This requirement shall be performed for a period of time as determined by the hearing officer, but not to exceed eight (8) years.

3. Suspension by the director of the development services department of any permits issued by the county for development of the site. Any such suspension shall remain in effect unless and until the violation is mitigated in conformance with this chapter as approved by the planning official.

D. Suspension lifted. Where any permit issued by the county is suspended until its expiration pursuant to paragraph C.3 above, no new permit shall be issued for the site until all fines issued pursuant to paragraphs B.2 and B.3 above have been fully paid and all mitigation required by paragraph C.1 and C.2 above has been fully performed.

E. Maintenance agreement. Prior to the subsequent issuance of permits for development of the site on which a violation occurs, the property owner shall provide the county with proof, such as an agreement with a landscape installation and maintenance service, that procedures are in place to ensure replacement of damaged or destroyed plants and follow-up maintenance of those plants replaced for a period determined by Pima County, but not to exceed eight (8) years.

F. Other violations and penalties. Violations of the Arizona native plant law are subject to the penalties and sanctions in the law.

G. Assurances. Implementation and completion of an approved preservation plan and all associated mitigation standards and maintenance requirements, all in conformance with this chapter and the requirements of the preservation manual, shall be guaranteed by assurances acceptable to Pima County, as specified by Pima County policy and regulations and consistent with Section 18.69.070. Assurances shall include the following provisions:

1. Assurances will be submitted prior to preservation plan approval and will be released when final inspection by the professional on-site monitor certifies compliance with and completion of the preservation plan as confirmed by Pima County except as provided in the following subparagraph 2.

2. Maintenance and preservation assurances. The final approval of any subdivision plat or development plan that includes an approved preservation plan will require covenants or assurances which ensure the continued preservation of set-aside areas and the continued maintenance and preservation of specimens preserved-in-place or transplanted on-site.

(Ord. 1998-39 § 1 (part), 1998)

18.72.150 - Amendments.

A. This chapter may be amended by the board of supervisors in conformance with the provisions in Section 18.01.070.

(Ord. 1998-39 § 1 (part), 1998)

Chapter 18.73 - LANDSCAPING, BUFFERING AND SCREENING STANDARDS*

- 18.73.010 - Purpose and scope.
- 18.73.020 - Definitions.
- 18.73.030 - Performance standards.
- 18.73.040 - Screening and bufferyard requirements.
- 18.73.050 - Amenity landscaping requirements.
- 18.73.060 - Landscape plan requirements.
- 18.73.070 - Landscape plan review and appeal.
- 18.73.080 - Maintenance provisions.

18.73.010 - Purpose and scope.

A. The purpose of this chapter is to provide landscaping requirements and performance standards which:

1. Enhance and promote the image of the community's desert environment;
2. Conserve groundwater resources in conformance with the Arizona Groundwater Code, Title 45, Chapter 2, by:
   a. Specifying the use of arid landscape design principles and standards,
   b. Helping utilize stormwater, and control and reduce runoff,
   c. Specifying the use of plant materials from approved lists,
   d. Encouraging the use of effluent;
3. Protect the public health, safety and general welfare by:
   a. Minimizing noise, air, water, dust and visual pollution,
   b. Screening and buffering incompatible land uses,
   c. Preserving property values and the character of neighborhoods,
   d. Reducing the heat and glare absorbed and radiated by development,
   e. Conserving energy resources,
   f. Helping to control soil erosion,
   g. Controlling the spread of invasive and noxious plants,
   h. Increasing traffic safety, and
   i. Protecting air quality by reducing dust emissions.

B. The intent of this chapter is to ameliorate adverse impacts between potentially incompatible uses and zones by requiring a minimum level of buffering and screening. This chapter does not determine the compatibility of two different uses or zones, which is determined by the board of supervisors.

C. Scope.

1. The provisions of this chapter shall apply to all development, unless excepted elsewhere in the Code, except development within the ML zone and RVC zone adjacent to the ML zone, and conversions of apartment complexes to condominiums with landscape plans that were approved with the apartment development plan.
2. New development. The provisions of this chapter apply to all new tentative plans and development plans submitted after October 1, 1985;
3. Expansion of existing uses. Approved plans and development existing prior to October 1, 1985 shall comply with the regulations under which approval was given, and shall be subject to the provisions of this chapter if proposed expansion will exceed twenty-five percent of the gross floor or lot area of the existing development.
4. Landscape plan submittal. A landscape plan shall be submitted to the planning division of the development services department for the following:
    a. Any development plan or subdivision plat that requires ten or more parking spaces, except for development within the ML zone and RVC zone adjacent to the ML zone, development of single-family dwellings where all parking is contained within structures and carports on individual, subdivided lots, and development plans for apartment conversions to condominiums that have landscape plan that were approved by the planning division and development services department.
    b. When screening, buffering or landscaping is required by the chapter,
    c. When screening, buffering or landscaping is required by the board of supervisors as a condition of rezoning or other reason,
    d. Reserved.
    e. Any landscaping requiring review by the planning division required to fulfill requirements of the General Commercial Standards (Chapter 18.39), Golf Course Zone (Chapter 18.59), Hillside Development Overlay Zone (Chapter 18.61), Historic Overlay (Chapter 18.63), Major Resort Zone (Chapter 18.40), Sign Standards (Chapter 18.79) or Grading Standards (Chapter 18.81).

(Ord. 2015-7 § 5 (part), 2015; Ord. 2006-97 § 1 (part), 2006; Ord. 2003-72 § 4 (part), 2003; Ord. 1986-187 § 1 (part), 1986; Ord. 1985-171 § 1 (part), 1985)

18.73.020 - Definitions.

A. Certain terms used in this chapter shall be defined as follows:
    1. Amenity landscaping. Any landscaping that is required to mitigate for the negative environmental affects to a site caused by paving and impervious structures;
    2. Bufferyard. Landscaping elements, screening devices, and landforms used for reduction of the potentially adverse impacts of adjoining, dissimilar land uses as depicted in the Landscape Design Manual;
    3. Effluent. Reclaimed wastewater;

4. Environmental zone design principle. The landscape management and design principle of identifying planting areas throughout the site that have, or will be designed to have, similar maintenance, irrigation and exposure requirements. Zones may range from arid to wet. The plant palette for each zone should clearly reflect the function and design objective of the zone. Application of this principle promotes rational site planning and efficient, attractive, cost-effective landscaping;

5. Gross parking area. The total square footage of the development site minus the first floor square footage of all buildings and storage yards, bufferyards and drainage structures;

6. Landscaping. The combination of landscape elements in a designed, specific application that meets the purposes of this chapter. Landscape elements may include vegetation, such as trees, cacti, shrubs and groundcovers and other elements such as walls, earth berms, planters, and other architectural or structural elements;

7. Mini-oasis design concept. The landscape design technique of allocating a generous portion of a site's landscape water where it will return maximum benefit in terms of cooling, aesthetic pleasure and exposure to people;

8. Plant size.

    a. Gallons, in regard to plant size is the container size generally accepted by trade professionals to denote or specify plant materials size;

    b. Caliper shall refer to tree trunk size measured as follows:

        i. For 15 gallon and 24 inch box containers, measure the trunk at the widest point within the first four to six inches above ground.

        ii. For 36 inch box and larger containers, measure the trunk at the widest point six to twelve inches above ground.

        iii. For multiple stem trees, measure the second largest stem within the first six inches above the origination point, or six inches above ground if all stems originate from the soil. The caliper for multiple stem trees shall be determined by averaging no more than the diameter of three of the largest stems.

        iv. Trees with all branches above twelve inches from the ground are classified as single stem trees.

9. Screening element. Any landscaping or structure used to conceal or reduce the negative visual and audio impacts of certain land uses or activities from streets or adjacent development. The height of a screening device is measured from the highest finished grade abutting the element to be screened;

10. Walls or fences. Any structure intended for confinement, prevention of intrusion, boundary identification or screening of an activity or land use.

11. Decorative masonry wall. Masonry wall that is stuccoed and painted, has a textured, colored surface, or contains other elements that improve the aesthetic appearance of gray slump block walls, as approved by the planning director.

12. Natural Desert Bufferyard. A bufferyard that is composed of undisturbed areas in which disturbance is prohibited except to enhance small areas by planting the same plant material and density as undisturbed areas endemic to the site area.

(Ord. 2006-97 § 1 (part), 2006; Ord. 1985-171 § 1 (part), 1985)

18.73.030 - Performance standards.

A. Scope. This section provides general standards for bufferyards, landscape designs and landscape plans. Specific design references, standards and plant lists in the form of a landscape design manual are hereby adopted to ensure compliance with this chapter. The landscape design manual may be amended by resolution of the board after a noticed public hearing. The planning director may approve minor changes to the landscape design manual. Landscape reference materials and plant lists are available at the planning and development services department.

B. General Standards.

1. Landscape designs shall be in harmony with the environmental context of the development site. Preservation of native, on-site vegetation shall be a primary objective of site planning for development. Specimen plants shall be given particular consideration for retention on site. Property owners shall comply with the provisions of Arizona Revised Statutes, Section 3-904;

2. Wherever the undisturbed natural desert landscape cannot be preserved, or has been disturbed through past land use and is no longer representative of the native habitat, landscape design and construction shall promote the use of transplanted, on-site desert plants, container plants, seeded desert plants and inorganic groundcovers. This standard shall be particularly emphasized on all landscaped areas abutting public rights-of-way, scenic routes and landscaping having high public visibility;

3. The environmental zone design principle of appropriate plant selection and placement, based on the function, water requirement and most suitable environmental exposure of the plant materials, shall be used in all proposals. The mini-oasis design provision may be permitted when proposed water-intensive planting designs are found by the planning director to substantially meet criteria found in the landscape design manual;

4. Turf applications over ten acres, except as required by the Pima County department of natural resources, parks and Recreation, including parks and recreational facilities, cemeteries and school grounds shall be irrigated with reclaimed water, effluent, or CAP water. Golf course design and its use of turf within Pima County is regulated by the Golf Course zone (Chapter 18.59);

5. Plants shall be selected from the approved plant lists within the Landscape Design Manual. Requests for changes in the plant lists may be made to the planning director, who shall review the request and enter all approved changes to the plant list addendum which shall be available from the planning department;

6. Trees and shrubs.

a. Trees shall be at least five gallons in size, or of comparable height if bare-rooted, at planting time,

b. Shrubs shall be at least one gallon in size at planting time,

c. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines, traffic sight lines and the property rights of adjacent property owners, and

d. Trees planted near public sidewalks or curbs shall be provided with suitable root diverters to minimize heaving of those improvements;

7. Groundcovers.

a. When inorganic groundcovers are used, they shall be in combination with live plants and not exceed two-thirds of the total area of applied groundcovers,

b. Turf use, except as required by Pima County Department of Natural Resources, Parks and Recreation, shall be for functional use only, not to exceed an area that is equal to fifteen percent of the required landscaped area, and shall be located, when used, on the development site:

1) To mitigate glare and reduce heat near buildings and their openings, windows and patios,

2) To enhance a mini-oasis,

3) To enhance a pedestrian entryway,

4) In an environmental zone compatible with the context of the landscape and architectural design,

5) To conserve water and demonstrate this ethic to the public;

c. Unpaved areas in any plant bed, median or tree understory within a planter shall be planted with shrubs, accents or vines, or covered with appropriate organic and inorganic groundcovers;

8. Irrigation and water accent features:

a. All water use for landscape irrigation and enhancement shall conform to the Arizona Groundwater Code (Title 45, Chapter 2) and the adopted groundwater management plan for the Tucson active management area, except areas located outside of the Tucson active management area, which must adhere to the requirements of this chapter,

b. Each introduced planting shall be served by a water-conserving, underground irrigation system that incorporates rain sensors and is capable of seasonal adjustments, unless otherwise approved by the planning director. Stormwater harvesting and drip irrigation are the preferred irrigation methods,

c. Required landscape areas shall use a separate reclaimed ready irrigation system to promote the use of effluent to irrigate landscaped and turf areas. A note describing effluent use feasibility shall be included on landscape plans indicating briefly: cost-effectiveness, potential sources and availability,

d. Landscape designs shall be integrated with improvement plans for the site and shall make maximum use of site stormwater runoff for irrigation purposes, and

e. Water design features that use groundwater or CAP water, such as ponds and fountains, shall not exceed more than fifty square feet in size unless approved by the design review committee with a suitable justification to demonstrate why the water design feature requirements cannot be met within fifty square feet.

9. Natural features:

a. Earth berms shall be designed to transition to existing grades, shall not exceed a slope of 2:1, and shall be adequately covered with plant material, groundcovers or rip-rap to control erosion,

b. Natural drainageways and existing, natural vegetation may be used for screening and amenity landscape credit if approved by the planning director, provided such uses are consistent with the county floodplain management ordinance;

10. Streetscape sculpture and furniture: Streetscape bufferyards wider than ten feet may be reduced by ten percent of their required width, for each one hundred linear foot section that includes an, approved public sculpture or furniture piece installed and maintained within the bufferyard. Public sculpture and furniture shall be approved by the design review committee (reference Chapter 18.99), subject to standards contained in the landscape design manual;

11. Safety design standards:

a. Walls, fences, signs, landscaping and other potential obstructions to view in excess of two feet in height shall be placed in accordance with the requirements of Section 18.77.020;

12. Public right-of-way standards:

a. Landscaping in publicly owned or controlled areas shall be consistent with the purpose and requirements of this chapter, design requirements as specified in the county development standards code, the department of transporation's subdivision street standards, the scenic routes ordinance and the Pima County landscape design manual;

b. A right-of-way use permit and maintenance agreement must be obtained from the Pima County Real Property Division prior to installation of any landscaping within the public right-of-way.

13. Plant materials spacing: Plants may be grouped, clustered or unevenly spaced to prevent the creation of an unnatural appearance in the landscape, provided that screening and mitigation of site development from streets and adjoining lots is provided and the design complies with the Landscape Manual.

C. Stormwater Harvesting Option.

1. Stormwater harvesting in bufferyards. When stormwater harvesting systems meet requirements in Section 18.07.030(S)(2) and cover at least three-quarters of the required bufferyard area:

a. The height of walls required in the Landscape Design Manual for Bufferyards A through D only may be reduced to three and one-half feet; and

b. The density of canopy trees required in the Landscape Design Manual for all bufferyards may be reduced by fifty percent.

(Ord. 2015-7 § 5 (part), 2015; Ord. 2006-97 § 1 (part), 2006; Ord. 1985-171 § 1 (part), 1985)

18.73.040 - Screening and bufferyard requirements.

A. Scope:

1. Land use zones permitted by this code are ranked according to their land use intensity and restrictiveness (reference Section 18.05.010B). Ranking is based on the type and degree of nuisance or negative impact the more intensive use is likely to impose on less intensive, adjacent land uses. Bufferyards shall be provided between uses to minimize the negative effects of their dissimilarity.

B. Bufferyards:

1. Purpose: Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to ameliorate nuisances between adjacent land uses or between a land use and public street or road, yet to be designed to promote appropriate linkages to compatible land uses and public streets or roads. Appropriate linkages include, but are not limited to design that promotes pedestrian and bicycle path connectivity including safe routes.

C. Location of bufferyards:

1. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.

2. Portions of required bufferyards shall not be located on an existing or dedicated public or private street right-of-way. However, portions of bufferyards in excess of the bufferyard requirement as determined by Table 18.73-1 and the bufferyard standards illustrated in the Landscape Design Manual may be located on an existing or dedicated public or private street or right-of-way in accordance with the department of transportation's adopted subdivision street standards, board of supervisors Policy F 54.1 Planting in Pima County Right-of-Way, as amended, which includes review and approval of a right-of-way use permit or licensing through the Pima County Department of Transportation Real Property Division.

D. Determination of bufferyard requirements:

1. To determine the type of bufferyard required between the project site and adjacent parcels, or between the project site and an adjacent street, the following procedure shall be followed:

a. Identify the land use zone category of the proposed use on Table 18.73-1, "Bufferyard Requirements," codified in this chapter, and located in the landscape design manual,

b. Identify the land use zone category of the existing land use zones adjacent to the proposed use on Table 18.73-1,

c. Identify any adjacent street as private, public, major route, and/or scenic route.

d. Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring the indicated letter designation from Table 18.73-1 to the bufferyard standards illustrated in the landscape design manual.

2. Bufferyard specifications detailed and illustrated in the manual constitute the bufferyard required between the two adjacent land uses. Any of the options contained in the letter designated bufferyard shall satisfy the requirement of buffering between the adjacent land uses. The width of the bufferyard can vary, or meander, provided that the average bufferyard width is not less than the required bufferyard width when measured along any single lineal bufferyard. If a developer is providing pedestrian or bicycle connectivity through a bufferyard to an adjacent site, street or right-of-way, the required wall height within the bufferyard can be lowered to forty-two inches.

3. Responsibility for bufferyard:

a. When a use is the first to develop on two adjacent vacant parcels, this first use shall provide the required buffer,

b. The second use to develop shall, at the time it develops, provide any additional plant material and land necessary to provide any additional bufferyard required between those two uses.

4. Existing plant material, structures and land located on the preexisting (first developed) land use which meets the requirements of this chapter may be counted as contributing to the total bufferyard between it and the second (adjacent) land use to develop.

E. Use of bufferyards:

1. A bufferyard may be used for passive recreation; it may contain sculpture, furniture and pedestrian, bike or equestrian trails, provided that:

a. No plant material is eliminated,

b. The total width of the bufferyard is maintained, and

c. All other regulations of this chapter are met.

2. In no event shall the following uses be permitted in bufferyards:

a. Playfields,

b. Stables,

c. Swimming pools,

d. Racquetball and tennis courts.

F. Bufferyard options:

1. Where the bufferyard originally required between a land use and vacant land turns out to be greater than that bufferyard subsequently required between the first use and the subsequently developed use, the following applies:

a. The subsequent establishment of compatible adjacent land uses, as indicated in Table 18.73-1, may eliminate the requirement for a bufferyard. If the requirement is reduced, but not eliminated, the existing use may expand into the excess buffer area, provided that the resulting total bufferyard between the two uses meets the revised bufferyard requirements;

2. Property owners may enter into agreements, subject to the approval of the county, with abutting landowners to use adjoining land to provide some or all of a required bufferyard. The total buffer shall equal the requirements of this chapter. Nonconforming uses and plats shall not be created, expanded or allowed by this option, nor shall designated, platted open space be compromised. Agreements must run with the land, be approved by the planning department, and be recorded with the county recorder.

3. Contractual reduction of a bufferyard abutting vacant land. When development requiring a development plan or subdivision plat is proposed adjacent to vacant land and the owner of that vacant land enters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be provided by the first use, provided that: the contract contains a recorded agreement whereby that vacant landowner shall assume all responsibility for any additional buffer, if needed by the subsequent development of a more or less intense use on the vacant property.

4. A bufferyard is not required in either of the following cases, provided, however, a six-foot-high decorative masonry wall is constructed in lieu of the bufferyard, and the wall requirement is noted on the approved subdivision plat and landscape plan:

   a. Where a proposed residential development has the same or less density or where the individual lot size along the abutting lots is equal to, or less than the adjacent residential property;

   b. Where a bufferyard is required along the side or rear yard of an individual residential lot abutting an internal street.

(Ord. 2009-98 § 2 (part), 2009; Ord. 2006-97 § 1 (part), 2006; Ord. 2005-35 § 4, 2005; Ord. 1996-59 § 4, 1996; Ord. 1994-147 § 8, 1994; Ord. 1994-133 § 1, 1994; Ord. 1990-1 § 1 (part), 1990; Ord. 1987-92 § 1 (part), 1987; Ord. 1985-171 § 1 (part), 1985)

18.73.050 - Amenity landscaping requirements.

A. Scope. Amenity landscaping shall be provided for certain specific plans, development plans and land uses in addition to the screening requirements of Section 18.73.040 of this chapter. For example, amenity landscaping can be required as a condition of rezoning, as a requirement of cluster option approval or other action of the design review committee (historic, campus park industrial, rural village center, major resort, scenic routes, etc.), or for Hillside Development zone revegetation compliance. Buffer areas provided to satisfy screening requirements may be used to reduce site gross area in calculating the amenity landscaping for these land uses. Where amenity landscaping is required or used, but is not determined by parking area calculations, the area, type, density and height of the amenity landscaping shall be approved by the specific review body assigned the review function (e.g. design review committee; subdivision and development review committee).

B. Parking Area Amenity Landscape Requirements.

1. Scope. Any development that requires ten or more parking spaces (except for development within the ML zone and RVC zone adjacent to the ML zone and development of single-family dwellings where all parking is contained within structures or carports on individual, subdivided lots);

2. Standard. An area equal to at least ten percent of the gross parking area shall be devoted to amenity landscaping. Required buffer areas may be subtracted from the gross parcel area in order to determine the gross parking area for purposes of landscaping calculations only;

3. Amenity options. The ten percent requirement may be satisfied with the use of combinations of the following elements:

   a. Pedestrian median walkways within parking lots,

   b. Twenty-five percent of the area of standard nondecorative concrete sidewalks on site,

   c. One hundred percent of the area of decorative sidewalks (embossed concrete, exposed aggregate, tile, brick, etc.) on site,

   d. Landscaped traffic islands, planters or medians within parking areas not required by Chapter 18.75,

   e. Interior project landscaping; such as building foundation planting, planters, mini-oases, landscaped entryways and assembly areas, sculpture gardens, fountains, demonstration gardens,

   f. Courts, ramadas and covered walkways,

   g. Vegetated roofs, limited to plants selected from the approved plant lists within the Landscape Design Manual available at the development services department, pursuant to Section 18.73.030(A).

4. For additional requirements, refer to Chapter 18.75, Off-Street Parking and Loading Standards.

C. Stormwater Harvesting Option.

1. Amenity landscaping reduction for stormwater harvesting. The ten percent amenity landscaping requirement may be reduced by half when the following stormwater harvesting elements are installed:

   a. All pedestrian walkways and sidewalks shall use accepted porous/pervious pavement, pavers or bricks, or similar water-permeable surface; and

   b. All landscaped traffic islands shall meet stormwater harvesting requirements for landscape planters in Section 18.75.040(F).

(Ord. 2015-7 § 5 (part), 2015; Ord. 2013-42, § 5, 2013; Ord. 2006-97 § 1 (part), 2006; Ord. 2003-72 § 4 (part), 2003; Ord. 1985-171 § 1 (part), 1985)

18.73.060 - Landscape plan requirements.

A. Submittal and approval of a landscape plan shall be required prior to approval of a development plan and final plats except for development within the ML zone and RVC zone adjacent to the ML zone.

B. Landscape plans shall comply with all requirements listed in the Subdivision and Development Review Committee approved checklist.

(Ord. 2006-97 § 1 (part), 2006; Ord. 2003-72 § 4 (part), 2003; Ord. 1985-171 § 1 (part), 1985)

18.73.070 - Landscape plan review and appeal.

A. Submittal.

1. Prior to the submittal of a landscape plan, the petitioner should consult with the department of planning and development services concerning specific submittal requirements.
2. Landscape plans for subdivision plats and development plans shall be submitted to the office of the subdivision coordinator for further processing. All other landscape plans shall be submitted to the planning division. A minimum of two copies are required.
3. Within thirty working days of plan submittal, the planning division shall notify the petitioner in writing as to any further requirements or amendments necessary for final approval.
4. The petitioner shall resubmit any revised plans for final compliance review.
5. Review fees shall be as determined by the Board of Supervisors.

B. Landscape Plan Review.

1. The planning division of the development services department shall review the landscape plan for compliance with all code and special requirements.
2. The petitioner shall resubmit any revised plans for final compliance review. A written decision will be provided the petitioner within thirty working days of resubmittal.
3. Any change to the underlying development plan or subdivision plat may require resubmittal of a new or revised landscape plan as determined by the planning director.

C. All landscaping shall be completed before the certificate of occupancy can be released, if the landscaping is required for a development plan, or before subdivision assurances can be released, if the landscaping is for a subdivision plat. If a project is developed in phases, landscaping and screening requirements shall be completed in sequence with phased development. The planning director may authorize or require the use of assurances in accordance with Section 18.69.070 for phased development, delayed construction projects or to accommodate petitioners requesting to postpone installation of bufferyards along property lines that abut vacant, undeveloped property.

D. Appeals. Appeals to the decisions or requirements of the planning division of the development services department may be directed, in writing by the petitioner or other affected individuals, to the design review committee. The appeal must be made within fifteen working days of the date of the departmental decision.

(Ord. 2006-97 § 1 (part), 2006; Ord. 1985-171 § 1 (part), 1985)

18.73.080 - Maintenance provisions.

A. Maintenance of approved landscaping shall consist of regular watering, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of irrigation systems and architectural features.

B. Maintenance Assurances. The final approval of any subdivision plat or development plan that includes an approved final landscaping plan shall require covenants or assurances which:

1. Ensure the continued maintenance of required landscaping, buffering and associated irrigation systems; and

2. Assign the responsibility of maintenance to the property owner or agent, a homeowners' association or other liable entity as approved by the planning director.

C. Compliance. Planning division personnel, qualified in landscape architectural review will periodically spot-inspect landscape installations for compliance with this chapter and approved landscape plans.

(Ord. 2006-97 § 1 (part), 2006; Ord. 1985-171 § 1 (part), 1985)

Proposed Use/Zone	IR	GC	SRa	SR-2	RH	CR-1	ML	GR-1	CR-2	CR-3	SH	CR-4	CR-5	CMH-1	CMH-2	TRa	TH	MR	RVC	CB-1a	CB-2a	MUa	CPI	CI-1	CI-2	CI-3	Public Street-Front Yard	Public Street - Side or Rear Yard	Scenic Route	Gateway Route	Major Highway
IR Institutional Residential[2]	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]			D[2]a	D[2]a	D[2]a					A[2]	C[2]	D[2]	D[2]	D[2]
GC Golf Course																											B	B	B	B	B
SR Suburban Ranch[2]	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	C[2]	C[2]	C[2]a	C[2]a	C[2]a	C[2]		C[2]	C[2]a	C[2]a	C[2]a					B[2]	C[2]	D[2]	D[2]	D[2]
SR-2 Suburban Ranch Estate[2]	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	C[2]	C[2]	C[2]a	C[2]a	C[2]a	C[2]		C[2]	C[2]a	C[2]a	C[2]a					B[2]	C[2]	D[2]	D[2]	D[2]
RH Rural Homestead[2]	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]		C[2]	C[2]a	C[2]a	C[2]a					A[2]	C[2]	D[2]	D[2]	D[2]
CR-1 Single Residential	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]		C[2]	C[2]a	C[2]a	C[2]a					A[2]	C[2]	D[2]	D[2]	D[2]
ML Mount Lemmon																															
GR-1 Rural Residential[2]	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]		C[2]	C[2]a	C[2]a	C[2]a					A[2]	C[2]	D[2]	D[2]	D[2]
CR-2 Single Residential	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]		C[2]	C[2]a	C[2]a	C[2]a					A[2]	C[2]	D[2]	D[2]	D[2]
CR-3 Single Residential	Ca	C	Ca	Ca	Ca	C	C	C	C	C[2]a	C																A[2]	C	C	C	C
SH Suburban Homestead	D[2]a	D[2]	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]a	D[2]		C[2]	C[2]a	C[2]a	C[2]a					A[2]	C[2]	D[2]	D[2]	D[2]
CR-4 Mixed Dwelling	Ca	C	Ca	Ca	Ca	C	C	C	C	C	C			C													A	C	D	D	D
CR-5 Multiple Residence	Ca	C	Ca	Ca	Ca	C	C	C	C	C	C	C		C													A	C	D	D	D
CMH-1 Manufactured and Mobile Home[1]	C[1]a	C[1]	C[1]a	C[1]a	C[1]a	C[1]	C[1]	C[1]a	C[1]	C[1]	C[1]																A	D	D	D	D
CMH-2 Manufactured and Mobile Home[1]	D[1]a	D[1]	D[1]a	D[1]a	D[1]a	D[1]	D[1]	D[1]a	D[1]	D[1]	D[1]	D[1]	D[1]	D[1]													B	D	D	D	D
TR Transitional	Da	D	Da	Da	Da	D	D	Da	D	D	D	D	D	D	D		D										B	C	D	D	D
TH Trailer Homesite[1]	D[1]a	D[1]	D[1]a	D[1]a	D[1]a	D[1]	D[1]	D[1]a	D[1]	D[1]	D[1]	D[1]	D[1]	D[1]	D[1]	D[1]			D[1]								B	D	D	D	D
MR Major Resort	Da	D	Da	Da	Da	Da	Da	Da	Da	Da	Da	Da	Da	Da	Da	Da	D			Da	Da	Da					B	D	D	D	D
RVC Rural Village Center	Da	D	Da	Da	Da	D		Da	Da	Da	Da	Da	Da	Da	Da	Da	D			Ca	Ca	Da					A	D	D	D	D
CB-1 Local Business	D	D	Da	Da	Da	D	D	Da	D	D	D	D	D	D	D	Da	D	D	D	Ca		Da					A	D	D	D	D
CB-2 General Business	D	D	Da	Da	Da	D	D	Da	D	D	D	D	D	D	D	D	D	D	D	Da	Da	Da					B	D	D	D	D
MU Multiple Use	D[2]a	D	Da	Da	D[2]a	Da	Da	Da	Da	Da	Da	Da	Da	Da	Da	Da	D	D	D	Da	Da	Da					A	D	D	D	D
CPI Campus Park Industrial	D	D	Da	Da	Da	D	D	Da	D	D	D	D	D	D	D	Da	D	D	D	Da	Da	Da					B	D	F	F	F
CI-1 Light Industrial	F	F	Fa	Fa	F	F	F	Ea	F	F	F	F	F	F	F	F	F	E	E	E	E	Ea	F				B	E	G	G	F

Existing Adjacent Use/Zone

Streetscape Bufferyards

	IR	GC	SRa	SR-2	RH	CR-1	ML	GR-1	CR-2	CR-3	SH	CR-4	CR-5	CMH-1	CMH-2	TRa	TH	MR	RVC	CB-1a	CB-2a	MUa	CPI	CI-1	CI-2	CI-3	Public Street-Front Yard	Public Street - Side or Rear Yard	Scenic Route	Gateway Route	Major Highway
CI-2 General Industrial	F	G	Ga	Ga	F	G	G	F	G	G	G	G	G	G	G	G	G	F	F	F	F	F	F	F			B	F	H	H	G
CI-3 Heavy Industrial	G	H	Ha	Ha	G	H	H	G	H	H	H	H	H	H	H	H	H	G	G	G	G	G	F	F	E		B	G	I	I	H
115 K VA Substations	J	I	Ja	Ja	J	J	J	J	J	J	J	J	J	J	J	J	J	H	I	I	I	J	I	H	G	F	J	J	J	J	J

Existing Adjacent Use/Zone

Streetscape Bufferyards

1 - Proposed Mobile Home Park or Subdivision

2 - Proposed Nonresidential Use

a - Adjacent Residential Use/Zone

Notes:

- The letter designations in this table refer to the bufferyard requirements and standards found within the Landscape

Design Manual.

- See Section 18.73.040F for bufferyard options.

(Ord. 1996-59 § 5, 1996)

Chapter 18.75 - OFF-STREET PARKING AND LOADING STANDARDS

- 18.75.020 - Definitions.
- 18.75.030 - Off-street parking requirements.
- 18.75.040 - Development standards.
- 18.75.050 - Modification or waiver of requirements.
- 18.75.060 - Off-street loading requirements.
- 18.75.070 - Exceptions.

18.75.010 - Purpose.

A. This chapter provides standards for the development of parking and loading facilities, in order to:

1. Enhance public safety;
2. Minimize traffic congestion;
3. Provide for the parking of vehicles at appropriate locations, other than on streets;
4. Permit safe passage of pedestrians to and from parked vehicles and their destinations; and
5. Expedite the safe passage of moving traffic.

B. In addition, the criteria of this chapter are intended to promote the enhancement of:

1. Medians, parking areas and property line edges for pedestrian safety and convenience;
2. Streetscape plantings in order to provide shade, screening, sound attenuation and other environmental benefits; and
3. The community identity and the appearance of county roadways and development areas.

(Ord. 1985-112 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.75.020 - Definitions.

A. Certain terms in this chapter shall be defined, for purposes of this chapter only, as follows:

1. Bicycle rack: A device for the secured temporary storage of one or more bicycles, which permits convenient locking of the bicycle frame and both front and rear wheels.
2. Gross parking area: The total square footage of the development within property lines, minus the total square footage first floor area within any buildings and storage yards.
3. High-intensity parking area:
   a. A parking area with average vehicular turnover of less than two hours;
   b. Examples include fast food restaurant and grocery store parking lots.
4. Low-intensity parking area:

a. A parking area with average vehicle turnover of more than four hours;

b. Examples include employee parking lots and airport long-term parking lots.

5. Manual: Where used shall mean Subdivision and Development Street Standards Manual:

6. Medium-intensity parking area: A parking area with average usage for time periods of two to four hours.

7. Reserved.

8. Parking area: Any public or private land area designed and used for off-street parking.

9. Parking area, private:

a. A parking area for the private use of the owners or occupants of the lot on which the parking area is located; this does not include parking on sidewalks or streets;

b. This includes "reserved" designations.

10. Parking area, public: A parking area available to the public, with or without compensation, or used to accommodate clients, customers, employees, guests or visitors.

11. Parking bay: The parking module consisting of one or two rows of parking spaces and the aisle from which vehicles enter and leave the spaces.

12. Parking lot: An improved off-street ground level area, usually surfaced and improved, for the temporary storage of vehicles.

13. Parking space: A space for the parking of a vehicle within a public or private parking area.

14. Parking structure: A building designed for temporary storage of motor vehicles.

15. Turnover: The number of different vehicles that park in a given space during an average day.

(Ord. 2005-35 § 5 (part), 2005; Ord. 1985-112 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.75.030 - Off-street parking requirements.

A. General Provisions.

1. For uses not specifically mentioned, the requirements are based on a listed use which is similar in type and intensity. Such determination shall be made by the subdivision and development review committee.

2. Where a fractional space is computed, the requirement will be based on the nearest whole number.

3. Where the number of employee parking spaces is unknown at the time of application, the applicant shall provide the number of required employee spaces based on typical employee floor area needs for similar uses.

B. Minimum Dimensions for Parking Space Types.

1. Standard car space: Nine feet by twenty feet equals one hundred eighty square feet.
2. Handicapped space: Twelve feet by twenty feet equals two hundred forty square feet.
3. Motorcycle space: Six feet by nine feet equals fifty-four square feet.
4. Bicycle space: Three feet by eight feet equals twenty-four feet.

C. Parking Area Requirements.

The parking area requirements for any given land use shall be based on the type of land use and lot intensity factor, as provided for in Table 18.75-1.

D. Handicapped Parking.

1. Handicapped spaces shall be functionally located as near as possible to the main entrances of the establishments served, with a barrier-free path, and shall be posted with permanent signs in accordance with the Manual on Uniform Traffic Control Devices (Federal Highway Administration).
2. All parking lots shall require one handicapped space plus one per fifty spaces located as close as practical to the building entrance and with a barrier-free path.

E. Bicycle Parking.

1. Bicycle parking shall be located to promote security for parked bicycles and convenient use. Locations adjacent to pedestrian walks, in view of building occupants, and located away from motor vehicle driveways provide best security.
2. All parking lots shall require two bicycle rack spaces plus one per fifteen parking spaces.

F. Site Access. Proper siting of parking areas and access points in relationship to streets and nearby land uses shall be required.

G. Revision of Approved Plans. All approved development plans or subdivision plats, even for developed projects, may be revised to conform to changes in the number of parking spaces required (refer to Table 18.75-1, Parking Spaces Required).

H. Review. The subdivision and development review committee shall be responsible for the review of off-street parking proposals and may allow modification of specific requirements in certain site instances consistent with the purpose of this chapter.

(Ord. 2008-93 § 1, 2008; Ord. 2005-35 § 5 (part), 2005; Ord. 1985-153 § 1 (part), 1985; Ord. 1985-112 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

Table 18.75-1
PARKING SPACES REQUIRED

	Type of Uses	Employee or Resident Parking	Visitor or User Parking	Parking Lot Intensity	Loading Bay Intensity

1.	Residential:				
a.	Dwelling units, including houses, mobile homes, mobile home parks, and manufactured housing	One for each 1 bedroom or studio dwelling unit, 1.5 for each 2 bedroom unit, 2.0 for each 3 bedroom unit, 2.5 for each 4 or more bedroom unit	One for each four dwelling units	Low	Low, if used
b.	Group Quarters: Rooming houses, residence halls, dormitories, membership lodging, religious quarters	One per bedroom or bed	One for each 8 bedrooms or beds	Low	Low, if used
c.	Group care retirement quarters; convalescent homes, in-patient hospitals	One for each two persons employed	One for each 4 beds	Low	Low
d.	Motels and hotels	One for each two persons employed	One per unit	High	Medium
e.	Resorts	One for each two persons employed	One per guest room	Low	medium
2.	Manufacture:				
	Including processing and assembly	Two for each three employees	One for each 1,000 sq. ft. floor area	Low	Medium
3.	Wholesale and business services:				
	Storage warehouse, mail order house	One for each two employees plus one for each	One for each 2,000 sq. ft. of gross area	Low	High

		company vehicle			
	Laundry and dry cleaning plants, auto and truck rentals, medical and dental labs, lumber yards (excluding hardwares), building supplies, machine shops, welding shops, plumbing shops, ice sales	One for each two employees plus one for each company vehicle	One for each 1,000 sq. ft. of gross floor area	Medium	Medium
4.	Offices:				
	Medical and dental offices	one for each employee or physician	One for each 200 sq. ft. of gross floor area	High	Low
	Insurance, real estate, general offices, accountants, architects, utility companies, charitable organizations	One for each two persons employed	One for each 300 sq. ft. of gross floor area	Medium	Low
	General and home offices and charitable organizations not providing face-to-face customer services	One for each two persons employed	One for each 400 sq. ft. of gross floor area	Low	Low
5.	Commercial, retail:				
	Groceries, drugs, sundries, liquor	Included in visitor or user parking	Five for each 1,000 sq. ft. of gross floor area	High	Medium
	Department stores	Included in visitor or user parking	One for each 200 sq. ft. of gross floor area	Medium	Medium
	General retail, such as book stores, dry goods, hardware, secondhand sales, stationery, varieties and notions, hobby stores, clothes, sporting goods,	Included in visitor or user parking	3.5 for each 1,000 sq. ft. of gross floor area	Medium	Low

	toys, jewelry, and pet shops, auto parts and other general merchandise				
	TV and radio repair; appliance repair, tailors and cleaners, art galleries and studios	Included in visitor or user parking	One for each 300 sq. ft. of gross floor area	Medium	Low
	Furniture and appliances, photo studios	Included in visitor or user parking	One for each 400 sq. ft. of gross floor area	Medium	Medium
	Home improvement superstores	Included in visitor or user parking	3.5 spaces for each 1,000 sq. ft. of gross floor area	High	Medium
	Discount superstores/clubs (freestanding)	Included in visitor or user parking	5.0 spaces for each 1,000 sq. ft. of gross floor area	High	Medium
	Shopping centers (a) under 400,000 sq. ft.; (b) 400,000 to 600,000 sq. ft.; (c) over 600,000 sq. ft.	Included in visitor or user parking	(a) 4.0 for each 1,000 sq. ft. of gross floor area; (b) 4.25 for each 1,000 sq. ft. of gross floor area; (c) 4.5 for each 1,000 sq. ft. of gross floor area	High	Medium
	Banks	Included in visitor or user parking	Three for each teller's window plus one for each service desk; or if no teller windows, two for each service desk	High	Low
6.	Commercial eating and drinking:				

	Cafes, restaurants, cafeterias, bars	Included in visitor or user parking	10 spaces for each 1,000 sq. ft. of gross floor area	High	Medium
	Drive-ins, food bars, juice stands and other outside establishments	Included in visitor or user parking	15 spaces for each 1,000 sq. ft. of gross floor area	High	Low
7.	Commercial, automotive:				
	Service station (fuel dispensing)	One for each company vehicle	Two for each service bay	Medium	Low
	Auto repair	One for each two persons employed	Two per service island	High	Low
		One for each company vehicle, one for each two persons employed	One for each 100 sq. ft. auto service area	Low	Low
	Auto agencies—new/used	One for each two persons employed	One for each 500 sq. ft. of showroom area plus one for each 10 vehicles displayed (or stored)	Medium	Low
	Auto and truck rental	One for each two persons employed, one for each company vehicle	One for each 10 vehicles stored on premises		
	RV, mobile home and motorcycle sales and repair	One for each two persons	One for each 10 vehicles displayed (or stored) plus 2		

		employed	for each repair bay		
8.	Commercial outdoor uses:				
	Wrecking yards, junk yards	One for each two persons employed, one for each company vehicle	One for each 1,000 sq. ft. of gross use area for the first 10,000 sq. ft., one for each 3,000 sq. ft. of gross area	Medium	Low
			Exterior thereafter		
	Equipment rental	One for each two persons employed One for each company vehicle	One for each 400 sq. ft. of floor area and one for each 1,000 sq. ft. of exterior area for the first 10,000 sq. ft. and one for each 3,000 sq. ft. of exterior area thereafter	Medium	Low
	Public utility yards, substations, trucking yards	One for each two persons employed, one for each company vehicle	one for each 1,000 sq. ft. of gross use area for the first 10,000 sq. ft., one for each 3,000 sq. ft. of gross exterior area thereafter	Medium	Low
	Distribution stations, delivery yards	One for each person employed, One for each company vehicle			
9.	Public assembly: Entertainment, sports, religious, recreation centers, and athletic fields:				

	Seated activities (including churches)	One for each 4 employees	One for each 4 seats in the main auditorium; or one for each 50 sq. ft. of floor area usable for seating if seating is not fixed	High	Low
	Cultural and active indoor sport or dance activities (nonseated)	One for each 4 employees	One for each 150 sq. ft. of gross floor area	High	Low
	Drive-in theaters	One for each two employees	Parking or "waiting" space equal to 30% of the vehicular capacity of the theater	Low	Low
	Fairgrounds/amusement parks/carnival or transient show	One for each 4 employees	One for each 75 sq. ft. of exhibit and amusement area, whether enclosed or not	Medium	Low
	Miniature golf	One for each 2 employees	three per hole	Medium	Low
	Golf driving ranges	One for each 2 employees	One per practice tee	Medium	Low
	Golf courses	One for each 2 employees	Ten per hole plus additional for gallery designed courses	Medium	
	Tennis and racquet ball	One for each 2 employees	One per court plus additional parking	Medium	Low

			for associated uses		
	Skating rinks	One for each 2 employees	One per 400 sq. ft. of gross floor area	Medium	Low
	Bowling alleys	One for each 2 employees	Four per lane	Medium	Low
	Swimming pools	One for each 2 employees	One for each 300 sq. ft. of deck area plus one for each 100 sq. ft. of pool area	Medium	Low
	Swap meets	One for each 2 employees or retail space	One for each 100 sq. ft. of use area	High	Low
10.	Educational:				
	Colleges, junior colleges	One for each 2 employees	One for each 2 students	High	Low
	Sr. high school	Two for each 3 employees	One for each 4 students	High	Low
	Elementary and junior high school	Two for each 3 employees	One for each 4 auditorium seats	Medium	Low
	Nursery and preschool	Two for each 3 employees	One for each 8 students	Medium	Low
11.	Miscellaneous:				
	Funeral and crematory services	One for each company vehicle, one for each 2 employees	One for each 4 seats in all assembly rooms	Medium	Medium

	Air passenger terminals	One for each 2 persons employed	One for each 3 departing passengers based on each travel day	Medium	Low
	Bus and railroad terminals	One for each 2 persons employed	One for each 10 departing passenger cars based on average travel day	Medium	Low
	Beauty and barber shops	One for each 2 persons employed	2 spaces per chair	Medium	Low
12.	Public:				
	Government agencies	One for each 2 persons employed, one for each company vehicle	One for each 400 sq. ft. of gross floor area	Medium	Low
	Post office	One for each 2 persons employed; one for each company vehicle	One for each 100 sq. ft. of customer service area	High	High
	Libraries	One for each 2 persons employed	One for each 4 seats including assembly and reading rooms	High	Low

18.75.040 - Development standards.

A. Scope. This section provides general criteria and requirements for the development of off-street parking areas. Specific design standards are provided to ensure sound engineering and aesthetic design for the development of off-street parking.

B. Site Improvement Standards.

1. Slope and Grading. The finished slope and grade of off-street parking and loading facilities shall conform with county standards inclusive of the requirements of Chapter 18.81 (Grading) and the Manual.

2. Drainage. In addition to county drainage requirements, stormwater shall be considered a resource and be designed to benefit landscaped areas on the development site. Erosion control measures shall be designed and implemented to control drainage flow from hard-surfaced areas onto abutting soil surfaces.

3. Landscaping. In accordance with the requirements of Chapter 18.73 (Landscaping Standards):

    a. A minimum of ten percent of the gross parking area shall be devoted to amenity landscaping (refer to Chapter 18.73, Landscaping Standards);

    b. Landscaping planters no less than four feet wide shall be placed at the ends of parking rows to define driveways with at least one canopy tree per parking aisle and appropriate ground cover.

    c. Signage, landscaping and screening materials shall not obstruct sight distances or vehicle turning movements.

    d. When single parking rows occur, canopy trees shall be placed every four un-shaded parking stalls. When double aisles of parking occur, canopy trees shall be placed every eight un-shaded parking stalls.

    e. When the placement of trees in the required location among single or double row parking stalls is made impracticable by the location of a building, access area, drainage area or similar site constraint, the required parking area trees in the problem area may be reduced to one tree for every ten spaces in a four-foot wide median planter the length of the parking spaces. The remainder of the required trees may be placed within the bufferyard, stormwater harvesting area, retention/detention area or other landscaped area of the site.

    f. Parking canopy structures may be used for all parking stalls. All parking canopy structures must be constructed with a heat reflective roofing material. Where used, photo voltaic cells or other solar technology may substitute for the heat reflective roofing material.

4. Screening. Screening (refer to Chapter 18.73, Landscaping Standards) shall buffer parking areas from the following general land uses:

    a. Residential Areas. Parking facilities adjacent to property zoned, planned or used for residential purposes shall be separated from such property by a minimum five-foot wide landscaped buffer, which shall consist of either a minimum six-foot high decorative masonry wall or fence, permanently maintained vegetation, earth berms, or a combination of these elements. An opaque screen is required to provide noise, light, and access barriers between the dissimilar uses. If a wall or fence is used, at least fifty percent of the required vegetation shall be maintained on the external side of the wall or fence to provide visual relief when viewed from the residential side. Refer to Chapter 18.73 (Landscaping Standards) for specific requirements.

b. Streets. Parking facilities containing ten or more spaces, any of which abut a public right-of-way, shall be separated from the street right-of-way by a minimum five-foot wide landscaped buffer, as listed above, consisting of a minimum three and one-half foot high wall, earth berms, plant material or combination thereof. Refer to Chapter 18.73, Landscaping Standards, for specific requirements. The objective of this screening is visual relief; a fifty percent visual screen is acceptable. Landscaping within public rights-of-way requires a use permit and license agreement from the department of transportation and flood control district prior to installation.

c. Screening areas for off-street parking may use the landscape bufferyard stormwater harvesting option found in Section 18.73.030(C).

5. Any lights used to illuminate parking spaces and drives shall be in accordance with the county outdoor lighting code (Title 15).

6. Emergency and Service Vehicle Access. All parking areas shall be designed to permit free access by emergency and service vehicles commonly in use by public and private emergency and service operators.

7. Shading. Required landscape planters, and canopy trees in particular, should be designed and installed with an emphasis on maximizing shading of paved surfaces. Linear planters should be installed as near as possible to north-south orientation to maximize shade.

C. Entrance Drives.

1. Drives are to be located and designed in conformance with the requirements of the Manual and the following provisions to permit adequate ingress and egress:

a. Curbs, walls, berms, landscaping, or other barriers shall be provided to prevent ingress or egress at any point other than at designated entrance or exit drives.

b. Signage shall be allowed at entrance or exit drives in accordance with Chapter 18.79 (Sign Standards).

c. Parking areas shall not be designed to require or encourage vehicles to back into a street, pedestrian access way, or alley in order to leave the lot or maneuver out of a parking space.

D. Parking Lot Design.

1. Dimensions of Parking and Access Areas. In accordance with Section 18.75.030, and the Manual.

2. Passenger Drop-off Points. Drop-off points, separated from street traffic and readily accessible without hazardous maneuvering, shall be provided in conjunction with the uses described in the manual.

3. Car Pools. Off-street parking provided for commercial office and industrial facilities requiring eighty or more spaces shall provide at least ten percent of the total parking area as designated for use by car pools, and be clearly signed and managed to that end.

4. Emergency and Service Vehicle Access. All parking lots shall provide unrestricted access by emergency and service vehicles in conformance with the Manual.

E. Parking Lot Improvements Standards.

1. Pavement Marking. Parking spaces in paved parking areas shall be permanently marked with striping in accordance with the Manual on Uniform Traffic Control Devices.

2. Barriers.

a. Parking areas and spaces shall be provided with bumper barriers, wheel stops or wheel stop curbing, designed in conformance with the manual to prevent parked vehicles from extending beyond the property lines, damaging walls or buildings, or overhanging sidewalk areas. Wheel stops or wheel stop curbing shall be located three feet from the front of the parking space.

b. Landscape planters shall be provided with a protective barrier (wheel stops, bollards, non-continuous curbing, or similar hardscaping) to prevent vehicles from damaging landscaping.

3. Paving. All open parking areas shall be paved with a durable asphalt, concrete, stone, tile or brick surface, in conformance with the manual and consistent with pavement design principles and engineered according to soil conditions and wheel loads.

F. Stormwater Harvesting Option.

1. Stormwater harvesting in off-street parking. Landscape planters for stormwater harvesting in off-street parking areas shall meet requirements in Section 18.07.030(S)(2), and shall also have:

a. At least the same number, area and dimensions, and density of canopy trees and other vegetation as landscape planters required in Section 18.75.040(B)(3);

b. Surface gradually depressed a minimum of six inches below the surrounding paved grade;

c. Protected edges, headers or other means slopes to prevent undermining and erosion by in-flowing stormwater; and

d. Curbing with inlets, scuppers, notches or cuts, depressed curbing, wheel stops, bollards, or similar non-continuous protective barrier to prevent vehicles from damaging landscaping and allow the flow of stormwater into planters.

2. When at least three-quarters of site's required parking area landscape planters and screening areas meet stormwater harvesting requirements in Section 18.75.040(F)(1):

a. The length of walls required for screening in Section 18.75.040(B)(4) may be reduced by half, provided walls are spaced intermittently and strategically placed to provide needed screening.

(Ord. 2015-7 § 6, 2015; Ord. 2011-2 § 18, 2011; Ord. 2008-93 § 2, 2008; Ord. 2005-35 § 5 (part), 2005; Ord. 2003-32 § 1 (part), 2003; Ord. 2001-165 § 1 (part), 2001; Ord. 1986-187 § 1 (part), 1986; Ord. 1985-112 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.75.050 - Modification or waiver of requirements.

A. Administrative Modifications. Requirements for off-street parking may be modified provided that the modifications are noted on tentative and final subdivision plats or development plans in the following cases:

1. Motorcycle Parking. Motorcycle spaces may be provided in place of required car spaces in parking lots of thirty or more spaces, at a maximum of one motorcycle space for every thirty required car spaces.

2. Shared On-Site Parking. If more than one separate use or business is located on a site, the combined number of parking spaces required may be reduced by one percent for each separate use or business, up to a maximum of twenty percent for such combined uses or businesses.

3. Tandem Parking. Required parking spaces within a parking area or garage shall be individually accessible, except that vehicles may be parked in tandem in the following instances:

a. In a public parking area that provides attendants who park vehicles and who are present at all times the area is open for use;

b. In a garage or carport serving a duplex dwelling, multiple dwelling or mobile home park or subdivision, provided that both spaces are for the same dwelling unit, that required aisle widths are maintained and the tandem parking is not more than two cars in depth; or

c. For all-day restricted employee parking located on the same site as a commercial or office establishment, provided that required aisle widths are maintained and no more than twenty percent of the required spaces are so utilized for tandem parking.

B. Subdivision and Development Review Committee Modifications. The subdivision and development review committee may grant the following modifications of off-street parking requirements but in no case may the cumulative parking reduction options exceed thirty percent of the entire parking area:

1. Quantifiable standards of this chapter may be modified up to a maximum of ten percent, when it is demonstrated that an unusual site or use condition exits and when such adjustment will not result in danger to persons or property or in increased traffic.

2. Shared Peak-Hour Parking. The number of parking spaces required for two or more contiguous uses may be reduced up to a maximum of twenty percent of the total spaces required provided all of the following standards are met:

a. The contiguous uses have distinct and differing peak-hour usage, as determined by the subdivision and development review committee;

b. All parking spaces in the shared parking area are located within one thousand two hundred feet of an entrance to each contiguous use;

c. An agreement, to run with the land, is recorded between the separate owners for the shared parking; and

d. There is physical and legal access from the shared parking area to each of the contiguous uses.

3. Reserved.

4. Reserved.

5. Landscaping Increase. The number of parking spaces may be reduced for every two hundred square feet of landscaped bufferyard or amenity landscaping increased above the amount required by Chapter 18.73 up to a maximum of thirty percent of the total spaces required.

C. Individual Parking Reduction Plan. An individual parking reduction plan may reduce the total spaces required. There is no limit to the number of required spaces that may be reduced provided the following standards are met:

1. The plan shall be prepared by a traffic engineer or similar transportation professional and approved by the county's subdivision and development review committee;

2. The plan includes a road impact study for the development;

3. The plan includes a traffic generation study and land use profile of the development;

4. The plan shows that the reduced parking will ensure sufficient parking for the proposed uses;

5. The plan does not impede safe passage of moving traffic and does not increase traffic congestion;

6. A covenant runs with the subdivision plat or development plan noting adherence to the range of uses covered by the reduction plan;

7. A future revision to the covenant restricting uses may require submittal of a revised plan or an increase in parking spaces; and

8. Covered parking shall not be applied toward the total building square footage allowed.

(Ord. 2008-93 § 3, 2008; Ord. 2005-35 § 5 (part), 2005; Ord. 2003-32 § 1 (part), 2003; Ord. 2001-165 § 1 (part), 2001; Ord. 1985-112 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.75.060 - Off-street loading requirements.

A. Scope. This section provides general criteria and requirements for the development of off-street loading areas. Refer to Table 18.75-3.

B. Applicability. The following criteria shall be used in determining the need for and number of loading spaces:

1. Intensity of the use; and

2. Development floor area.

C. Siting. Loading spaces shall be located:

1. Not more than one hundred feet from the facility they are designed to serve;

2. No closer than thirty feet to any property used or zoned, or officially planned by Pima County, for residential purposes.

D. Minimum dimensions (exclusive of aisles and maneuvering area):

1. Length: Forty-five feet;
2. Width: Twelve feet;
3. Overhead clearance: Fourteen feet.

TABLE 18.75-3
OFF-STREET LOADING SPACES REQUIRED

Combined square feet of floor area and outdoor storage and use areas	Loading space intensity number of spaces required		
	High	Medium	Low
Less than 10,000	1	1	0
10,000—29,999	2	1	1
30,000—59,999	3	2	1
60,000—99,999	4	3	2
100,000—149,999	5	4	3
Each additional 50,000	1	½	¼

E. Access. Each loading space shall be accessible from a street or from an aisle or drive connecting with a street. Such access may be combined with access to a parking lot if designed in a manner that will not disrupt normal traffic flow within the parking lot.

F. Maneuvering. No vehicles shall be permitted to maneuver in a public right-of-way, including public walkway easements.

G. Marking. Each loading space shall be striped or permanently designated by other suitable methods and permanently posted with a sign restricting its use to loading. Signage is to be based on the Manual on Uniform Traffic Control Devices (Federal Highway

Administration). Bumper rails are to be provided where needed for safety or protection of property.

H. Paving. All loading areas shall be surfaced with a durable asphalt, concrete, stone, tile or brick surface, in conformance with the Manual and consistent with pavement design principles and engineered according to soil conditions and wheel loads.

I. Screening. In addition to provisions of Chapter 18.73, Landscaping Standards, loading areas shall be screened from adjoining properties and public thoroughfares with a minimum five-foot wide landscaped area and a six-foot high opaque screen, consisting of either a decorative wall, earth berms, vegetation or a combination of such elements (refer to Chapter 18.73, Landscaping).

J. Multiple Service. Loading spaces may be designed to serve two or more establishments located on the same or adjacent site, except that the total combined number of spaces provided shall not be less than fifty percent of the combined total required for all such combined users. Each user shall have access to loading zones, at grade, without having to cross or maneuver on public streets, alleys, or walkways.

K. Restrictions. Loading spaces shall not be used for repair work, vehicle storage or to satisfy area requirements for off-street parking.

L. Modification of Requirements for Unusual Sites. The subdivision review committee may reduce the number or location of required loading spaces where they determine an unusual situation exists.

(Ord. 2005-35 § 5 (part), 2005; Ord. 1985-112 § 1 (part), 1985; Ord. 1985-82 (part), 1985)

18.75.070 - Exceptions.

The requirements of this chapter do not apply to the ML zone or the RVC zone adjacent to the ML zone.

(Ord. 2003-72 § 5, 2003)

Chapter 18.78 - GATEWAY OVERLAY ZONE

- 18.78.010 - Purpose.
- 18.78.020 - Applicability.
- 18.78.030 - Development Standards.
- 18.78.040 - Site Planning Review.
- 18.78.050 - Rezonings and Comprehensive Plan Amendments.
- 18.78.060 - Designated Gateway Overlay Zones.

18.78.010 - Purpose.

A. Protect and enhance the scenic quality of entry points into metropolitan Tucson and nearby public preserves;

B. Reduce the visual impact of development on scenic vistas and entry points by providing design guidelines and by requiring more intensive restoration of graded areas;

C. Provide an appropriate visual transition between natural preserves and more highly urbanized areas through the implementation of screening or siting of developmental elements;

D. Protect and enhance the southwest character of Pima County;

E. Encourage well designed buildings and sites;

F. Communicate to land use development applicants the goals of the Gateway Overlay Zone and the role the Design Review Committee takes in implementing the gateway standards and guidelines;

G. Provide for safe interaction between motorized vehicles, non-motorized vehicles and pedestrians;

H. Encourage pedestrian scale developments that take advantage of the visual values of on-site architectural and landscape aesthetics and off-site scenic qualities; and

I. Maintain and encourage economic growth and health.

(Ord. 2006-30 § 2 (part), 2006; Ord. 2001-162 § 2 (part), 2001)

18.78.020 - Applicability.

A. This chapter applies to the following unless otherwise stated in 18.78.030:

1. New residential development requiring a development plan, new non-residential development, or substantial expansion of an existing development subject to Chapter 18.71, on any land within a GZ-1 (Urban Gateway Overlay Zone) and GZ-2 (Public Preserve Gateway Overlay Zone). Substantial expansion occurs whenever a new development plan is required. When a new substantial expansion occurs and a new development plan is required, the standards of this chapter will apply except that:

a. The bufferyard requirements contained in this chapter shall be complied with whenever space on the property allows, and exempted only when it is demonstrated to the design review committee that it is not possible to meet these standards;

b. If the individual proposing the expansion does not control the area of the approved plans and development, the provisions of this chapter shall not apply to the approved plans and development if the individual proposing the expansion provides the following:

(1) A written statement that the individual proposing the expansion has requested in writing that any owner or owners of the area of the approved plans, or development, comply with the provisions of this chapter and that such owners have rejected the request;

(2) A copy of the written request and any of the written responses.

c. Lack of control over the area of the approved plans and development may be demonstrated by non-ownership, or existence of a lease, rental agreement or other agreement that prevents, or significantly inhibits alteration of the property in conformance with the provisions of this chapter.

2. New signs and replacement of existing signs.

3. A rezoning request or a comprehensive plan amendment request, on any land within a GZ-2 (Public Preserve Gateway Overlay Zone).

4. New residential subdivisions. Applicable development standards for new residential subdivisions are limited to bufferyard standards in 18.78.030(C)(2)(c) and architectural color standards in 18.78.030(F)(2)(b).

B. If there is a conflict between this Chapter and Chapters 18.61 (Hillside Development Overlay Zone); 18.67 (Buffer Overlay Zone); 18.73 (Landscaping, Buffering and Screening Standards); 18.75 (Off-Street Parking and Loading Standards); 18.79 (Sign Standards) or Section 18.77.040 (Scenic Routes), the most restrictive applies unless otherwise indicated in this chapter.

(Ord. 2006-30 § 2 (part), 2006; Ord. 2001-162 § 2 (part), 2001)

18.78.030 - Development Standards.

A. Scope. This section provides general standards for parking and circulation, landscaping, site design, signs, and architectural design. Development must be consistent with the Gateway Development Guidelines Manual.

B. Parking and Circulation.

1. Design Objective. Provide functional, efficient, parking facilities and circulation corridors that are visually attractive and unobtrusive from off-site. Use landscape and other design features to interrupt large expanses of paving in large parking lots to create smaller areas of connected parking facilities.

2. Standards.

a. Parking facilities shall be designed in compliance with Chapter 18.75.

b. Pedestrian facilities are required adjacent to or within the arterial or collector rights of way and shall be designed in accordance with County Subdivision and Development Street Standards Manual.

c. Internal pedestrian facilities shall be designed according to the following:

(1) Pedestrian facilities adjacent to buildings shall be connected to pedestrian facilities within parking lots.

(2) Internal and adjacent off-site pedestrian facilities shall be interconnected.

d. Parking lots for non-residential and multiple dwelling uses shall be screened by a minimum three-foot-high decorative masonry wall placed at the inside boundary of any required bufferyard. Minor variations may be allowed. This wall shall satisfy any Chapter 18.72 bufferyard structure requirement.

C. Landscaping Standards.

1. Objective.

a. To provide for physical, and visual buffers and transition between different land uses.

b. To break up large expanses of paving within large parking lots by creating small scale areas of connected parking facilities.

c. To create an aesthetically attractive site design.

2. Standards.

a. Gateway Overlay Zone setback areas shall be landscaped in accordance with Chapter 18.73 (Landscaping, Buffering and Screening Standards) unless otherwise indicated in this chapter.

b. Emphasis shall be placed on retaining and enhancing any existing indigenous vegetation. Introduced landscape plants must be chosen from the Buffer Overlay list of plants contained in the Landscape Design Manual.

c. Bufferyards.

(1) In no case shall bufferyards along arterials and collectors be less than 20 feet in width.

(2) Bufferyards shall be in common areas for residential subdivisions.

(3) Slopes in bufferyards may not exceed a ratio of four-to-one horizontal to vertical distance, except in natural bufferyards.

(4) Splash pads and other limited areas of stormwater drainage structures may be allowed with the approval of the planning official and the county engineer, unless a natural bufferyard option specified by the Pima County Landscape Design Manual is utilized.

(5) Non-hard surface trails required by Pima County Natural Resources Department may be located within bufferyards, provided that the width of the trail does not exceed eight feet.

d. Internal Site Landscaping.

(1) All disturbed areas not used for buildings, parking, access, approved trails, or stormwater drainage structures shall be landscaped with a minimum of 1 tree, 4 shrubs, and 10 accent plants per every 200 square feet and shall be curbed or otherwise protected when adjacent to vehicular use areas, unless otherwise required.

(2) A landscaped area with an average width of five feet shall be provided along the frontages of buildings visible from off-site. The area shall be located between main building entries and parking areas. The landscaped area shall contain a minimum of 8 shrubs, and 10 accent plants for every 40 linear feet and may be used to meet amenity landscape requirements.

D. Site Design.

1. Objective.

a. Improve the quality of commercial, industrial, multi-family, and single-family development design through comprehensive site design that provides internal and external connectivity.

b. Connect the building and pedestrian pathways to the street and adjacent sites by coordinating its placement with properties that conform to these design standards and guidelines.

c. Encourage creativity and design through the use of guidelines.

2. Standards.

a. Parcels larger than five acres and under one ownership shall be planned as one development.

b. Non-residential development and parcels larger than five acres shall be designed to promote internal circulation for pedestrians.

c. Linkages shall be provided to adjacent preserves, parks, and trails where connections may be made.

d. Outdoor lighting shall conform to Chapter 15.12 of the Pima County Code.

e. All drainage structures shall be landscaped as required or recommended by the storm water drainage manual, and shall be shown on the landscape plan submitted with development plans and plats.

f. Utilities shall be underground. Utility plans shall be coordinated and consistent with development and landscape plans. Proposed utility easements may not be located within required bufferyards except to cross the bufferyard perpendicularly.

g. Sidewalks are required along all arterial and collector routes and shall be a minimum of four-feet-wide. If a sidewalk is located within the required bufferyard, a minimum six-foot-wide planting area containing 1 tree spaced at a minimum of

40 feet on center shall be located between the sidewalk and the right-of-way. This strip may be used to meet bufferyard width requirements, provided that all other requirements are met.

h. No parking area may be larger than 48,000 square feet on sites larger than five acres containing more than one building pad without separation, by a building pad or building's associated landscaping, from other parking areas by a minimum five-feet-wide curbed landscape strip containing a minimum of 1 tree, 4 shrubs, and 10 accent plants for every 40 linear feet. The landscape strip may contain site-lighting fixtures. The landscaped strip may contain pedestrian walkways to connect interior pedestrian circulation paths constructed perpendicular to the length of the landscape strip.

i. Parking lots adjacent to property lines closest to the nearest public preserve shall be screened using a minimum 20-foot-wide landscape buffer, planted at the density of a type D bufferyard as required by the Landscape Design Manual, except where the Design Review Committee determines that the additional bufferyard will not provide visual screening of the development.

E. Signs.

1. Objective.

a. Provide for an effective form of communication while minimizing visual impacts on and off-site.

b. Ensure that the signage is clear, and compatible with the character of the Gateway Overlay Zone.

c. Enhance the potential economic value and encourage quality development within the community.

2. Standards.

a. All signs shall be designed to be architecturally compatible with the development complex as approved by the Design Review Committee.

b. Illumination. Illumination of signs may be accomplished only by one of the following methods:

(1) Halo Illumination

(2) Internal illumination to the extent that only the sign characters and logos emit light.

c. Illumination time restriction.

(1) An illuminated wall sign shall be turned off no later than one hour after the closing of a business.

(2) An illuminated sign in the interior of a business, which is visible from the outside, cannot be illuminated when the business is closed.

d. Prohibited lighting. The following types of light sources are prohibited as means to illuminate or attract attention to any sign:

(1) Blinking, flashing, rotating and animated light sources.

(2) Search lights.

F. Architectural Design.

1. Objective. To improve the quality of development in the Gateway Overlay Zone through instituting design standards and guidelines for new construction and alterations. The design guidelines and standards are intended to reflect the historic, natural, southwestern, or rural character of Pima County.

2. Standards for non-residential developments.

a. Building Façades. All façades, except as noted, shall have visual elements designed to break up large scales and shall prevent a uniform appearance by:

(1) Incorporating wall plane projections or recesses with a depth of at least 3 percent of the length of the façade. Such features shall include at least 20 percent of the length of the façade.

(2) Limiting uninterrupted length of any façade to a maximum of 100 horizontal feet.

(3) Designing ground floor façades longer than 100 feet facing public streets with arcades, entry areas, awnings or other features along no less than 60 percent of the façade.

(4) Including no less than 3 of the following items in a pattern that repeats at intervals of no less than 30 feet:

(a) Color change;

(b) Texture change;

(c) Material module change;

(d) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an off-set, reveal, or projecting rib.

b. Architectural Colors.

(1) All exposed exterior walls and roofs of buildings, retaining walls, and accessory structures that are visible from a designated Gateway Overlay Zone shall be consistent with the natural colors of the surrounding area and shall blend in with the natural setting. Corporate colors are prohibited if they are not compatible with existing natural colors as outlined in Section 18.78.030(F)(2)(b)(2)

(2) Allowable colors include, but are not limited to, blues, greens, yellows, browns, rusts, sepias, sands, tans, buffs, olive and grey as they occur in nature at the site.

(3) Applicant shall demonstrate that colors complement and blend with surrounding development landscape colors.

(4) Colors shall complement and blend with surrounding vistas.

(5) Colors shall not exceed a light-reflective value (LRV) of 48 percent.

(6) These colors do not apply to a roof screened by a parapet wall extending at least three feet above the building or to building accessories with minor accent colors that are part of the architectural design such as decorative tiles, fixtures, striping, awnings, or decorative entryways.

c. Building Height.

(1) Commercial and multi-family building heights may not exceed 34 feet anywhere along the roofline and may not exceed an average height of 28 feet.

(2) Average building height shall be determined by measuring from finished grade five feet from the building to the highest point on the building at intervals of five feet around the building perimeter and then averaging the results.

(Ord. 2006-30 § 2 (part), 2006; Ord. 2001-162 § 2 (part), 2001)

18.78.040 - Site Planning Review.

A. Objective. To provide the Design Review Committee a process for reviewing projects subject to compliance with this chapter. For the purpose of this chapter, site planning means the arrangement of landscaping, open spaces, buildings, circulation elements and other features to support the goals of the development.

B. Standards. The Design Review Committee shall comprehensively review, at a regularly scheduled meeting, all proposed development subject to this chapter, except for single-family residences not within subdivisions, and shall approve, approve with conditions, deny, or continue the review to a later hearing to allow design revisions based on committee recommendations. The review shall include proposed site planning, architectural building design and colors, landscaping, parking lot design, and freestanding signs for compliance of the proposed development with the purpose, standards, and guidelines of this chapter and any design related conditions of rezoning.

1. Development proposals subject to committee review shall be submitted to Pima County for review and recommendation by planning staff, subject to the schedule and submittal requirements established by the Development Services Department to ensure a timely, efficient, and complete review by the committee.

2. The committee shall not approve any proposed development subject to its review without finding that it complies with the purpose, standards and the guidelines of this chapter.

3. Development proposals conditionally approved by the committee shall be submitted, by the applicant, to planning staff for determination of final compliance with the committee's decision within 30 days of the date of the hearing.

C. The decision of the Design Review Committee may be appealed to the board of adjustment. Appeals shall be submitted within 60 days of the date of the hearing, appeals received after that date shall not be considered.

D. Any change in site design that involves any committee approved color, architectural design, or more than ten percent of any area requirement must be approved by the committee subject to the review requirements of this chapter. All other changes may be approved by the planning official provided that proposed changes comply with the purpose, standards, and guidelines of this section.

E. Committee approval shall expire two years from the date of approval hearing. Approval may be extended for up to an additional two (2) years at the discretion of the planning official if the circumstances and basis, for the Design Review Committee's decision, have not significantly changed since the date of approval.

(Ord. 2006-30 § 2 (part), 2006; Ord. 2001-162 § 2 (part), 2001)

18.78.050 - Rezonings and Comprehensive Plan Amendments.

A rezoning or comprehensive plan amendment request within GZ-2 (gateway overlay zone - public preserve) to allow more intensive uses shall be reviewed by the board of supervisors and the planning and zoning commission to ascertain if the proposed change serves a community need that outweighs the need to keep the land use intensity category or zoning district at the existing intensity.

(Ord. 2001-162 § 2 (part), 2001)

18.78.060 - Designated Gateway Overlay Zones.

The designation and determination of a gateway shall be initiated by the board of supervisors based on exceptional scenic quality that helps define the community character. The scenic resources may be, but are not limited to, unique and significant views of mountains, vegetation, architecture, site design, or geologic formations.

(Ord. 2001-162 § 2 (part), 2001)

Chapter 18.81 - GRADING STANDARDS

- 18.81.010 - Purpose and interpretation.
- 18.81.020 - Applicability and exemptions.
- 18.81.030 - Definitions.
- 18.81.040 - General grading performance standards.
- 18.81.050 - Submittals and procedures: Type 1 (grading sketch).
- 18.81.060 - Submittals and procedures: Type 2 (grading plan).
- 18.81.070 - Inspections and performance defaults.
- 18.81.080 - Enforcement and penalties.
- 18.81.090 - Administrative modification.
- 18.81.100 - Waivers and interpretation review.
- 18.81.110 - Illustrations.

18.81.010 - Purpose and interpretation.

A. Purpose:

1. The purpose of this chapter is to protect the public health, safety, general welfare, and aesthetics by regulating grading (including initial clearing, brushing or grubbing, and subsequent excavating or filling) on private and public land, including county-owned land, within the unincorporated area of Pima County.

2. It establishes grading standards designed to:

   a. Regulate the development of potentially hazardous terrain;

   b. Conserve the general visual character of grading sites and settings;

   c. Enhance the value of new development; and

   d. Conserve the value of existing, affected properties.

3. The guidelines and standards of this chapter and the grading design manual have been prepared in the context of Pima County's specific desert environment. They are intended to complement the applicable provisions of Chapter 18.61 (Hillside Development Overlay Zone) and the Floodplain Management Ordinance, and not to authorize any grading activity prohibited by this chapter or any county ordinance.

B. Interpretation:

1. This section shall be used as a guide whenever a conflict arises in the interpretation or enforcement of this chapter. The design, implementation and mitigation of grading regulated by this chapter (refer to Section 18.81.020) shall be reviewed prior to the issuance of any grading permit, to ensure compliance with the guidelines of this section and the specific standards and requirements of this chapter.

2. The design and implementation of all grading shall:

   a. Minimize scars and other adverse visual impacts resulting from cut and fill;

b. Blend with the natural contours of the land;

c. Conserve the natural scenic beauty and vegetation of the site;

d. Be for purposes other than enabling buildings to penetrate the building height contour line; and

e. Restrict the areas and volumes to the minimum necessary to implement the planned development.

3. In all grading projects, measures shall be taken to:

a. Ensure that graded hillside, slopes or other areas subject to erosion are stabilized;

b. Reduce the erosion effects of stormwater discharge, preserve the flood-carrying capacity of natural or constructed waterways by limiting soil loss, and protect drainageways from siltation;

c. Minimize dust pollution and surface water drainage from graded areas during grading and development; and

d. Ensure that development activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures.

(Ord. 1986-187 § 1 (part), 1986)

18.81.020 - Applicability and exemptions.

A. Scope:

1. All development projects shall require a Type 1 or Type 2 grading permit, except as exempted in subsection D of this section. In general, small private grading operations do not require a grading permit; major grading for custom home development requires a Type 1 permit, and general grading for larger development projects requires a Type 2 permit.

2. County development project shall abide by the requirements of Section 18.41.040, general grading performance standards, of this chapter. The board of supervisors may grant a special exception at a public hearing to a requirement of said section for a county development project.

B. Type 1 (grading sketch) permit applicability: A Type 1 grading permit is required for:

1. Single dwelling residential development on a single lot with a development envelope of fourteen thousand square feet or greater.

2. Nonresidential development which does not require a subdivision plat or development plan.

3. Stockpiling of between one hundred cubic yards and fifty thousand cubic yards of material.

4. Grading which requires a permanent cut or fill slope greater than five feet in height and steeper than a 3:1 slope, or grading on slopes of fifteen percent or greater.

C. Type 2 (grading plan) permit applicability: A Type 2 grading permit is required for:

1. Residential development which requires a subdivision plat or development plan.
2. Nonresidential development which requires a subdivision plat or development plan.
3. Stockpiling of more than fifty thousand cubic yards of material.

D. Exemptions: The following activities are exempted from this chapter:

1. Residential development on a single lot, with a development envelope of less than fourteen thousand square feet;
2. The subsequent expansion, by less than twenty-five percent and not violating the spirit of this chapter, of an exempted or approved graded area;
3. The clearing, brushing or grubbing of an area of less than fourteen thousand square feet or for activities exempted in this subsection;
4. Stockpiling of less than one hundred cubic yards of material;
5. Resurfacing or maintenance of an existing paved surface;
6. New pavement of less than three thousand square feet;
7. Individual sewage disposal system with a county health department permit;
8. Excavation below finished grade for a basement, foundation, wall, or swimming pool authorized by a building permit or zoning construction permit (refer to Section 18.01.030(E), General Provisions);
9. Cemetery graves;
10. Refuse disposal site controlled by other regulations;
11. Exploratory excavation under the direction of a soil engineer or engineering geologist, provided all excavation is properly backfilled;
12. Archaeological exploration conducted under state permit by a qualified archaeologist;
13. Removal of selected individual plants for storage and replanting;
14. Underground utility installations under a paved roadway surface or a continuously-maintained unpaved roadway surface;
15. Grading for the maintenance of an existing private access road or driveway, provided that if either existed prior to adoption of, or was established in conformance with, this chapter. Proof of such may be required by the county engineer;
16. Grading for an appurtenant access or utility easement;
17. Land uses under statutory exemption (refer to Section 18.01.030(C), General Provisions).

(Ord. 2011-2 § 20 (part), 2011; Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

18.81.030 - Definitions.

A. General usage: The definition and usage of terms in this chapter are as contained within this code, except that the definition and usage of terms describing drainage are as contained within the county Floodplain Management Ordinance.

B. Definitions: For purposes of this chapter only, the following words and terms shall mean:

1. Access road: A road within one mile of the grading side, designated on the approved grading plan, and used, during grading, for the transport of grading equipment, hauling of fill and other equivalent vehicular traffic to and from the grading site.

2. Approval: Written notice by the county engineer approving the design, progress or completion of work.

3. Approved plan: The most current grading sketch or grading plan which bears the authorized signature of approval of the county engineer.

4. Approved testing agency: A facility which is equipped to perform and certify the tests required by this chapter and whose testing operations are controlled and monitored by a civil engineer.

5. Borrow: Earth material acquired from an off-site location for use in grading a site.

6. Brushing: The selective removal of vegetation.

7. Building height contour line: A contour elevation line set at the existing grade elevation, plus the maximum building height permitted by site rezoning conditions or this code and fifty percent of the additional height added by permitted fill. Refer to Illustration 18.81-1 (Section 18.81.110).

8. Clearing: The substantial removal of vegetation.

9. Envelope, building:

   a. A dwelling unit and all attached roofed structures, including carports or patio ramadas;

   b. For nonresidential development, the building envelope shall be the main building and all attached roofed structures.

10. Envelope, development: The sum of the areas of the permit holder's land to be graded, including the building envelope, accessory buildings, and areas of related parking, driveways, swimming pools, walls and other accessory structures, but excluding individual sewage disposal systems.

11. Erosion: The wearing away of the ground surface as a result of the movement of wind, water or ice.

12. Excavation: The artificial (i.e., mechanical, manual, blasting or other such) means for removal of earth material.

13. Final inspection: Field inspection conducted by the county engineer prior to project acceptance or release of assurances (if required).

14. Grade: The vertical location of the ground surface.

15. Grade, existing: The actual, current ground surface as of the date of adoption of the ordinance codified in this chapter.

16. Grade, finished: The final grade conforming to the approved grading sketch or plan.
17. Grade, rough: The stage at which grading substantially conforms with the approved grading sketch or plan.
18. Grading: The clearing, brushing, grubbing, excavating, or filling of a site.
19. Grading permit: An official document issued by the county engineer authorizing the grading activity specified by the grading permit conditions.
20. Grading permit conditions: The specifications and requirements of the approved grading sketch or grading plan, grading statement, soils report or other documents necessary for grading permit approval.
21. Grubbing: The removal of trees and other large plants by their roots.
22. Inspector: A person authorized by the county engineer or building official to perform inspection on grading work.
23. Retaining wall: A wall designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding, and which is two feet or greater in height from the lowest point of earth at the foundation to the top of the wall.
24. Revegetation: Placement of living plant material on sites or cut and fill slopes where the natural vegetation has been removed.
25. Site: Any lot or parcel of land, or contiguous combination of lots and parcels under the same ownership or unified control, where grading is to be performed.
26. Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance (refer to Illustration 18.81-2, Section 18.81.110).
27. Soil: Naturally occurring deposits overlying bedrock.
28. Stabilization: Treatment with mitigation measures in accordance with the grading design manual, and approved by the county engineer that contribute to the erosion or siltation resistance, or the structural strength, of a graded area.
29. Stockpile: The storage of uncompacted earth material.

(Ord. 1998-50 § 2, 1998; Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

18.81.040 - General grading performance standards.

A. Scope:

1. The performance standards of this section are general grading performance requirements. A companion grading design manual elaborates minimum performance standards referenced by this section and includes nonregulatory guidelines for superior grading performance.
2. The grading design manual shall be adopted and amended in accordance with Section 18.01.070 (General Provisions).* The commission may hold the preliminary and public hearings concurrently. The technical review committee (refer to Section 18.99.040,

Review Committees) shall provide a recommendation prior to commission public hearing.

B. Site revegetation and stabilization: All graded areas except those to be used for agriculture or livestock purposes, not revegetated, stabilized or constructed on upon expiration of the grading permit shall be revegetated or stabilized within sixty days of permit expiration in accordance with the grading design manual, and furthermore, in cases where the purpose of the grading permit is not met, shall be designed to restore the native vegetative community.

C. Slopes: All exposed cut or fill slopes shall be revegetated or stabilized in accordance with the grading design manual and the approved grading sketch or plan.

D. Terracing: Terracing to control surface drainage and debris on cut or fill slopes may be required in accordance with the grading design manual. The width of a terrace shall be a minimum of six feet.

E. Fill: Fill shall be compacted and soil tested in accordance with the grading design manual.

F. Setbacks: The following setbacks shall be increased by the county engineer if considered necessary for safety or stability, or to prevent possible damage from water, soil or debris:

1. Top of Cut Slope: The top of cut slopes shall be made not nearer to a site boundary line than one fifty of the vertical height of cut, with a minimum of two feet and a maximum of ten feet. The setback may need to be increased for any required interceptor drains.

2. Toe of Fill Slope: The toe of fill slope shall be made not nearer to the site boundary line than one-half the height of the slope, with a minimum of two feet and a maximum of twenty feet.

3. Buildings: Buildings shall be set back from the toe and top of slopes in accordance with the county building codes (Title 15), Illustration 18.81-3 in Section 18.81.110 or the approved soils report. This shall not reduce the required building setback from property line.

4. Rights-of-way: The required setback of a slope toe adjacent to a public right-of-way may be reduced with the approval of the county engineer, if there will be no adverse effect and:

a. Easements are not required; or

b. Retaining walls are used.

G. Building height: The finished grade and building pads shall be established so that the maximum building height shall not exceed the building height contour line (refer to Illustration 18.81-1, Section 18.81.110).

H. Drainage control systems:

1. Permanent systems:

a. Erosion control shall be constructed and maintained to prevent erosion of slopes, and cleared, brushed, grubbed or graded areas, in accordance with the grading design manual.

b. Where cut slopes are not subject to erosion due to the erosion-resistant character of the native materials, erosion control may be omitted upon approval by the county engineer.

c. Erosion control devices to prevent erosion or sediment deposition on off-site property may be required in accordance with the grading design manual.

d. The shoulders of a paved public or private roadway shall be protected against erosion wherever curbing or constructed spillways are not provided, in accordance with the Grading Design Manual.

e. Surface drainage:

1) Cut and fill slopes shall be provided with approved surface drainage for stability and erosion protection of affected properties in accordance with the Grading Design Manual;

2) Surface drainage interceptors shall be provided at the top of cut and fill slopes where there is surface runoff and erosion potential in accordance with the Grading Design Manual;

3) Drainage slopes to protect foundations shall be provided in accordance with the Grading Design Manual.

f. Subsurface drainage: Subsurface drainage for stability and protection of affected properties from ground water seepage may be required in accordance with the Grading Design Manual.

2. Interim systems: Interim drainage control systems shall be provided in accordance with the Grading Design Manual.

I. Import and export of earth material:

1. Loading of earth material shall occur only within the time limits of subsection J of this section, and dust palliatives shall be applied in accordance with the Grading Design Manual.

2. The transportation of earth material on public rights-of-way shall be in a manner that minimizes blowing soil and other hazards.

J. Hours of grading:

1. Grading equipment operation within one-half mile of a structure occupied by humans shall not be conducted between sunset and seven a.m.

2. Normal equipment maintenance involving lights, motors or generators, and occurring within six hundred feet of a structure occupied by humans, shall not be conducted between nine p.m. and seven a.m.

3. The county engineer may allow grading equipment operation or maintenance during other hours if such operations are not detrimental to the health, safety or welfare of the inhabitants of the structure.

4. Permitted hours of operation or maintenance may be shortened by written notice, if the county engineer finds a substantial adverse effect on the health, safety or welfare of the surrounding community.

K. Restriction of vehicles:

1. No vehicles shall be driven over "natural open space areas," as designated on the approved grading sketch or grading plan.
2. Points-of-entry to the site during grading shall be only as designated on the approved grading sketch or grading plan.
3. For Type 2 permits, access roads to the site during grading shall be only as designated on the approved grading plan.

L. Additional requirements:

1. During grading, and until revegetation or stabilization has taken place, dust shall be minimized through application of approved dust controls in accordance with the Grading Design Manual.
2. Public rights-of-way, sidewalks and other improvements shall be maintained during grading in a neat and clean condition, free of loose soil, construction debris and trash.
3. Debris, fill or equipment shall not be stored within a public right-of-way without the written approval of the county engineer.
4. Cut or fill material in excess of that allowed by the grading permit shall be disposed of in accordance with the Grading Design Manual.

(Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

* Editor's note: Section 2 of Ordinance No. 1990-61 states as follows: "The Grading Design Manual, which is attached to and incorporated in this ordinance as Exhibit A, and which contains technical requirements for grading, is hereby adopted and shall have all of the force and authority of an ordinance. The Grading Design Manual shall not be published as a part of the Pima County Zoning Code, but shall be published as a separate booklet."

18.81.050 - Submittals and procedures: Type 1 (grading sketch).

A. Scope: A Type 1 application for a grading permit requires a completed grading permit application, grading sketch and grading statement. A survey sealed by a registered land surveyor is not required.

B. Grading sketch requirements:

1. The existing and proposed finished grade of the area to be graded, based on spot elevations or two-foot contour interval maps;
2. The extent of graded areas, shaded and labeled "graded area," and, where structures are to be constructed:
   a. The existing grade at the primary building corners and proposed finished floor elevations; and
   b. The proposed building heights, shown to conform to the building height contour line requirements;

3. The location of proposed mitigative measures, such as revegetation or retaining walls;
4. The exterior boundaries of the site;
5. Access roads and points-of-entry to the grading site.

C. Grading statement: A written grading statement shall be submitted with an application for a grading permit. The statement shall include, where applicable:

1. A description of stabilization, erosion and drainage control measures;
2. The off-site disposal location and estimated quantity of earth material and vegetation to be removed from the site during grading;
3. Estimated starting and completion dates;
4. A description of the dust control method to be used during grading and until revegetation or stabilization has been completed.

D. Documents preparation:

1. Documents shall be prepared in accordance with the Grading Design Manual; and
2. Information shall conform with rezoning conditions (when applicable and shall be consistent with the rezoning site analysis (refer to Section 18.91.030(F), Rezoning Procedures) and other applicable regulations.

E. Application:

1. The grading permit application, grading sketch and other required materials shall be submitted for review to the central permits division of the county planning and development services department.
2. When desired, a letter of intent to exercise the inspection certification option (refer to Section 18.81.070B) shall be submitted with the application.
3. The grading permit application shall be completed and signed by the owner or authorized representative.
4. Fees are payable to the county treasurer in accordance with the fees schedule adopted by county ordinance.

F. Application review:

1. The grading sketch and statement shall be reviewed for consistency with applicable regulations and standards, and, if approved, a grading permit shall be issued within five working days of application.
2. If determined inadequate, the application shall be returned within five working days and the owner may resubmit, without additional fees, an amended grading sketch or statement.
3. The county engineer shall require that plans and specifications be modified to make them consistent with this code or other applicable regulations. A grading permit may be issued with additional conditions.

G. Grading permit issuance and expiration:

1. Issuance: Grading permits are issued by the county engineer. A copy of the grading permit and approved grading sketch shall be kept in an easily accessible location on the site.
2. Expiration: A grading permit shall be null and void if the authorized work has not been completed within one year of permit issuance.

H. Grading permit extension and reapplication:

1. Extensions: Upon written request by the permit holder, the county engineer may approve a single one-hundred-eighty-day time extension of a grading permit.
2. Reapplication: Reapplication for a grading permit may be made in accordance with this chapter. Assurances of additional conditions may be imposed by the county engineer on a permit, as a consequence of reapplication.

I. Changes to grading permit:

1. Hazardous conditions: If drainage problems, flood hazards or other hazards occur that were not considered at the time the permit was issued, the county engineer shall require that any substantial engineering modifications be submitted in a report and that the grading design be modified.
2. Nonhazardous conditions: If unanticipated nonhazardous conditions are encountered during grading and are beyond the scope of the grading permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the county engineer.

(Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

18.81.060 - Submittals and procedures: Type 2 (grading plan).

A. Scope: A Type 2 application for a grading permit requires a completed grading permit application, grading plan, grading statement and soils report. Where applicable and not otherwise submitted, drainage improvement plans shall be required also.

B. Grading plans requirements:

1. The existing and proposed finished grade contours, or sufficient spot elevations (except as amended in subdivision 2 of this subsection) of the area to be graded, at a minimum of two-foot contour intervals for slopes up to fifteen percent. Slopes over fifteen percent shall be shown in accordance with Chapter 18.61 (Hillside Development Overlay Zone).
2. The extent of graded areas, shaded and labeled "graded area," and, where structures are to be constructed:
   a. Spot elevations may be shown for the finished grade within the building envelope;
   b. All building pads, showing the existing grade at the primary building corners and proposed finished floor elevations; and
   c. The proposed building heights, shown to conform to the building height contour line requirements.

3. The general topography for one hundred feet, or as specified by the county engineer, outward from sites greater than five acres; the county engineer may determine that such information is necessary for smaller sites.
4. A description of the mitigation methods, specifying elevations, dimensions, quantities and locations, to be used during grading and until revegetation or stabilization has been completed.
5. The exterior boundaries of the site, the basis of bearing and a benchmark to establish the vertical datum.
6. The extent and manner of preserving, relocating, clearing and disposing of vegetation.
7. The final ground cover, revegetation (if any), erosion control and proposed methods for cut or fill stabilization, based upon the soils report (refer to subsection C of this section).
8. Access roads, haul routes and points-of-entry to the grading site.
9. Where drainage improvement plans have not been submitted separately or where interim drainage conditions exist because of project phasing, plans for:
    a. Drainage or other protective devices to be constructed as part of the grading;
    b. The drainage area and estimated runoff of the area served by drains.
10. A general description of potential paleontological, archaeological or historical resources, and proposed mitigation measures from a qualified archaeologist or archaeological institute.
11. The off-site disposal location and estimated quantity of earth material to be removed from the site during grading.
12. Estimated starting and completion dates for each grading phase.
13. For superior project design and grading performance, it is encouraged that the project designer prepare for project design use an existing site inventory, identifying and quantifying vegetation, soils, on- and off-site viewshed constraints, slope analysis and drainage.

C. Grading Statement: Refer to Section 18.81.050C.

D. Soils report:

1. The report shall contain all geotechnical engineering information and recommendations applicable to the project, in accordance with the Grading Design Manual, and shall be sealed by the soils engineer prior to submittal.
2. The civil engineer or qualified registrant responsible for preparing the grading plan shall incorporate all report recommendations into the plan and statement.
3. Approved report recommendations shall become conditions of the grading permit.
4. The civil engineer or soils engineer of the developer shall be required to provide written certification to the building official that the foundation sub-base requirements have been met.

E. Documents preparation:

1. Documents shall be prepared in accordance with the Grading Design Manual.
2. Information shall conform with rezoning conditions (when applicable) and shall be consistent with the rezoning site analysis (refer to Section 18.91.030F, Rezoning Procedures) and other applicable regulations.
3. Grading plan preparation: The plan shall be prepared by, or under the direction of, a civil engineer or qualified registrant (who may consult with, or submit information in conjunction with, a landscape architect or other qualified person with expert knowledge of the subject).

F. Application:

1. The grading permit application, grading plan and other required materials shall be submitted to the county department of transportation for distribution to the applicable county review agencies.
2. When desired, a letter of intent to exercise the inspection certification option (refer to Section 18.81.070B) shall be submitted with the application.
3. The grading permit application shall be completed and signed by the owner or authorized representative.
4. Fees are payable to the county treasurer in accordance with the fees schedule adopted by county ordinance.
5. At the discretion of the county engineer, grading assurances may be required in the form of a performance bond or other security acceptable to the county engineer. The assurances shall be applied only to:
   a. Eliminate potential hazardous conditions; or
   b. Mitigate the effects of dust, drainage, erosion, visual scars or hazardous conditions, in accordance with the Grading Design Manual;

G. Application review:

1. Grading plans and related submittals shall be reviewed concurrent with the tentative plat or development plan review process for the project;
2. Plans and reports shall be reviewed for consistency with applicable regulations and standards, and the approved rezoning site analysis (if required). If determined inadequate, they shall be returned within five working days.
3. Written review comments shall be provided to the applicant within twenty working days for the first submittal, and within five working days of each resubmittal, until approved and permits issued.
4. Prior to approval of the grading plan, the county engineer shall inspect the site to determine that the submittals are current and reflect existing conditions.

H. Preliminary grading:

1. Preliminary grading approval: A preliminary grading permit for clearing, brushing, grubbing, preliminary excavation or filling may be issued in special circumstances at the discretion of the county engineer, provided:
    a. The county engineer finds that the proposed grading is consistent with this chapter and code;
    b. The county engineer finds that the proposed grading will not have an adverse effect on the existing site and surrounding area;
    c. Preliminary grading shall occur in accordance with an approved preliminary grading plan, and shall occur no less than twenty feet from the boundaries of the future development envelope, exclusive of approved points-of-entry; and
    d. Preliminary grading assurances have been provided in accordance with subdivision 2 of this subsection.
2. Preliminary grading assurances:
    a. When approval has been granted for preliminary grading, grading assurances shall be posted in an amount not to exceed the approved preliminary grading cost estimate made by a civil engineer;
    b. The assurances shall be applied only to:
        1) Eliminate potential hazardous conditions; or
        2) Mitigate the effects of dust, drainage, erosion, visual scars or hazardous conditions, in accordance with the Grading Design Manual;
    c. The assurances shall be released by the county when the preliminary grading has been inspected and received the written approval of the county engineer. Final approval of a grading permit shall not require the release of the assurances in the event of preliminary grading noncompliance.

I. Grading permit issuance and expiration:
1. Issuance: Grading permits shall be issued by the county engineer no earlier than at the time of written staff approval of the tentative subdivision plat or development plan. A copy of the grading permit and approved grading plan shall be kept in an easily accessible location on the site.
2. Expiration: A grading permit shall be null and void if the authorized work has not been completed within one year of permit issuance.

J. Grading permit extension and reapplication:
1. Extensions: Upon written request by the permit holder, the county engineer may approve a single one-hundred-eighty-day time extension of a grading permit.
2. Reapplication: Reapplication for a grading permit may be made in accordance with this chapter. Assurances or additional conditions may be imposed by the county engineer on a permit, as a consequence of reapplication.

K. Changes to grading permit:

1. Hazardous Conditions: If drainage problems, flood hazards or other hazards occur that were not considered at the time the permit was issued, the county engineer shall require that any substantial engineering modifications be submitted in a report and that the grading design be modified.
2. Nonhazardous conditions: If unanticipated nonhazardous conditions are encountered during grading and are beyond the scope of the grading permit, the permit holder may submit the necessary engineering modifications in a report to be reviewed and approved by the county engineer.

(Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

18.81.070 - Inspections and performance defaults.

A. General inspections:
   1. All grading which requires a permit shall be inspected by the county engineer in accordance with the grading permit:
      a. The inspection schedule shall be prepared in accordance with the Grading Design Manual. Fees shall be based on the inspection schedule and payable to the county treasurer in accordance with the fees schedule adopted by county ordinance.
      b. The permit holder shall provide notification twenty-four hours prior to an inspection request, or as specified on the grading permit;
      c. The county shall provide an inspector within two working days of the requested time.
   2. If the county engineer finds site conditions are not as stated in the approved grading permit conditions, the county engineer may order work authorized by the grading permit to stop until a revised grading sketch or plan has been approved.
   3. Whenever grading work requiring county inspection is concealed by additional work without first having been inspected, the county engineer may require, by written notice, that such work be:
      a. Exposed, for inspection by the county; or
      b. Certified by the project civil engineer as being in conformance with applicable regulations.
B. Inspection certification option:
   1. The owner may retain a civil engineer to:
      a. Perform the required grading construction inspections; and
      b. Certify, upon notification of completion, that grading has been performed in conformance with approved plans and permit conditions.
   2. The owner shall submit a letter of intent to invoke the certification option, which shall include a written agreement of certification responsibility from a civil engineer, with the grading permit application.

3. Inspection fees are waived, with the exception of the final grading inspection fee.
4. The civil engineer shall maintain project logs and records consistent with accepted engineering practice for a minimum of three years after project completion.
5. The county engineer may periodically inspect the grading to determine that adequate control is being exercised by the civil engineer.
6. The county engineer shall conduct a final inspection and the owner shall be liable for any corrective action deemed necessary.

C. Final inspection of rough grade:

1. All rough grading shall be completed in accordance with the grading permit prior to final rough grade inspection by the county engineer.
2. The final inspection shall be conducted by the county engineer prior to issuance of a certificate of substantial grading conformance or release of grading assurances (if required). The permit holder shall provide a minimum of twenty-four hours' notice to the county engineer when any phase of rough grading is ready for final inspection.
3. The county engineer may approve completed rough grading prior to completion of related work in cases of extreme hardship or where grading has been designed to be completed in phases, provided that no hazards exist and a performance bond has been posted to ensure completion of remaining grading work of that phase.
4. The soil report and certification of sub-base requirements shall be submitted to the building official prior to any foundation inspections.

D. Final grading inspection:

1. All required grading work shall be completed in accordance with the grading permit prior to final grading inspection by the county engineer and issuance of a certificate of final grading approval.
2. Where the conditions of a grading permit include the establishment of vegetation or other final site grading work that extends beyond the expiration of the grading permit, the county engineer shall make a post-grading inspection within six months of permit expiration or as required by the grading permit.

E. Maintenance of revegetation: The maintenance of revegetated graded areas shall be in accordance with Section 18.73.080 (Landscaping, Buffering and Screening Standards).

(Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

18.81.080 - Enforcement and penalties.

A. Grading permit enforcement:

1. The enforcement of this chapter and conditions of the grading permit shall be in accordance with this section and Chapter 18.95 (Compliance and Enforcement).
2. When the county engineer determines a substantial noncompliance with the conditions of the grading permit, the county engineer shall issue a stop-work order and hold in

abeyance, by written notice, the county review of other submittals related to the development project and the issuance of county permits for any aspect of the development project until remedial actions have received the written approval of the county engineer.

B. Stop-work orders:

1. Whenever the county engineer determines that grading does not comply with this chapter or the grading permit conditions, or that the soil or conditions are not as stated on the permit, the county engineer may order the work stopped by written notice served on any person engaged in doing or causing such work to be done.

2. Any such person shall immediately stop such work until authorized by the county engineer to proceed with the work.

C. Penalties:

1. Failure to obtain grading permit: Unless exempted by this chapter (refer to Section 18.81.020(D)), failure to obtain a grading permit prior to commencement of grading shall be a violation of this code. However, the county engineer may issue an exception permit if the county engineer finds that an emergency existed which made it impossible first to obtain a permit.

2. Violations: A violation shall result in issuance of a stop-work order and penalties in accordance with Section 18.95.040 (Compliance and Enforcement). Payment of a fine shall not relieve any person from complying with the requirements of this chapter.

D. Special Investigation and Special Investigation Fee; Work without a Permit.

1. Special Investigation. Whenever work for which a grading permit is required is done without a grading permit, a special investigation shall be made by the development services department before a grading permit may be issued to determine whether to allow such grading to remain without remediation and to confer retroactive approval. In the event the special investigation determines that remediation is required, it may be made a condition of the issuance of a grading permit and may be required even if the application for a grading permit is denied.

2. Special Investigation Fee. The development services department shall assess a special investigation fee in accordance with the development services fee schedule, in addition to the permit fee, whether or not a permit is then or subsequently issued. Payment of the special investigation fee is required prior to the issuance of a grading permit or any other permit for the property on which the special investigation fee is assessed. The payment of the special investigation fee shall not exempt the property on which the special investigation fee is assessed from compliance with all other provisions of this code nor from any penalty prescribed by law.

(Ord. 2011-2 § 20 (part), 2011; Ord. 2001-167 1, 2001; Ord. 1986-187 § 1 (part), 1986)

18.81.090 - Administrative modification.

A. Quantifiable requirements of Section 18.81.020(B) Type 1 (grading sketch) permit applicability, Section 18.81.040 general grading performance standards, and Section 005

grading mitigation on the Grading Design Manual, may be modified up to a maximum of twenty percent by the county engineer when it is demonstrated that an unusual site or use condition exists and when such adjustment will not result in a danger to persons or property.

B. In determining whether to grant the adjustment, the county engineer shall follow the board of adjustment standards for granting variances set forth in Section 18.93.030(B), and enumerated below:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the code and the provision from which the variance is requested;
9. The variance does not violate state law or other provisions of Pima County ordinances;
10. No condition attached to the variance by the board is personal to the appellant.

(Ord. 1990-61 § 1 (part), 1990)

18.81.100 - Waivers and interpretation review.

A. Waivers:

1. Scope: A waiver from a provision of this chapter may be granted by the technical review committee (refer to Section 18.99.040, Review Committees) when the strict application of the provision would require work by the permit holder detrimental to the purposes of this chapter and cause an unnecessary hardship which substantially limits the preservation and enjoyment of property rights.
2. Standards: A waiver shall not be granted unless:
   a. The hardship is not generally caused to other properties subject to the provision;
   b. The waiver is the minimum necessary to afford relief;
   c. The waiver will not be materially detrimental to the rights of owners and residents of other affected properties; and
   d. The waiver is in harmony with the intent and purposes of this code and the provision of this chapter from which the waiver is requested.
3. Conditions: Conditions may be imposed on a waiver that will:

a. Secure the intent and purposes of this code and the provision of this chapter from which the waiver is granted; and

b. Provide adequately for the protection of surrounding property owners and residents.

4. Application: The request for waiver shall be made on a form provided by the planning and development service department and shall be heard within sixty days. Hearing fees shall be required.

5. Review and notice: The committee shall hold a hearing on the waiver request and, within five working days, notice of the decision shall be mailed to all property owners within three hundred feet of the grading site. Failure to provide notice shall not invalidate an action of the committee.

6. Appeal: A decision of the committee may be appealed within fifteen days of the decision to the board of adjustment in accordance with Chapter 18.93.

B. Interpretation review:

1. Scope: Upon request by an affected person who believes there has been a misinterpretation, the technical review committee shall review an interpretation of a provision of this chapter made by a county official.

2. The request for review shall cite:

a. The disputed interpretation made by the county official; and

b. The words alleged to have been misinterpreted.

3. Application: The request shall be made on a form provided by the planning and development services department and shall be heard within sixty days. Hearing fees shall be required.

4. Review and notice: The committee shall hold a hearing on the waiver request and, within five working days, notice of the decision shall be mailed to all property owners within three hundred feet of the grading site. Failure to provide notice shall not invalidate an action of the committee.

5. Appeal: A decision of the committee may be appealed within fifteen days of the decision to the board of adjustment in accordance with Chapter 18.93.

C. Appeal to superior court: Appeal from a decision of the board of adjustment may be made to the superior court by the owner or affected persons.

(Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

18.81.110 - Illustrations.

See Illustrations 18.81-1, 18.81-2, and 18.81-3.

(Ord. 1990-61 § 1 (part), 1990; Ord. 1986-187 § 1 (part), 1986)

Illustration 18.81-1
BUILDING HEIGHT CONTOUR LINE

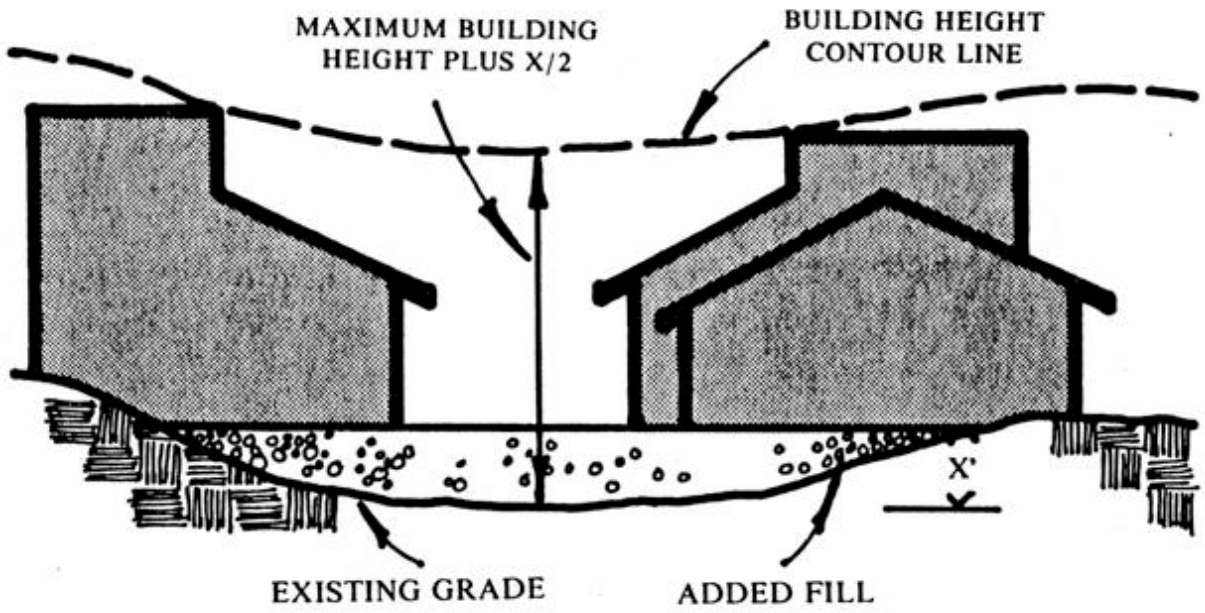


Illustration 18.81-2
SLOPE DETERMINATION

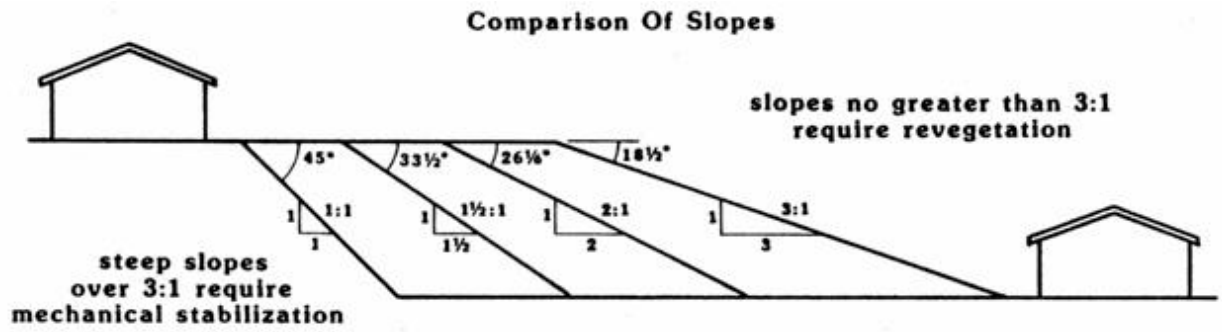
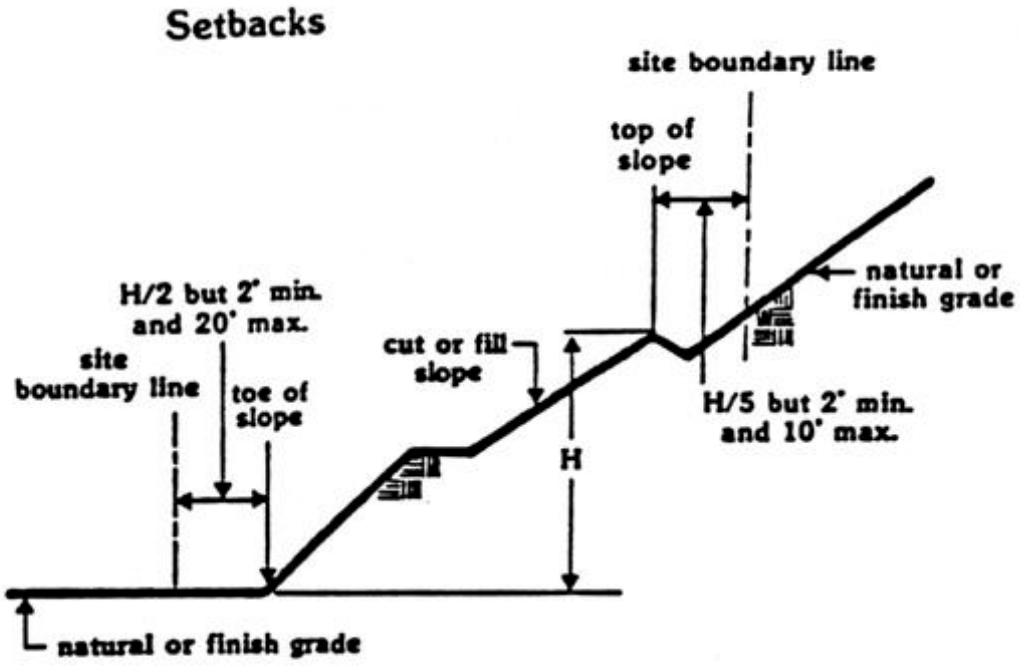
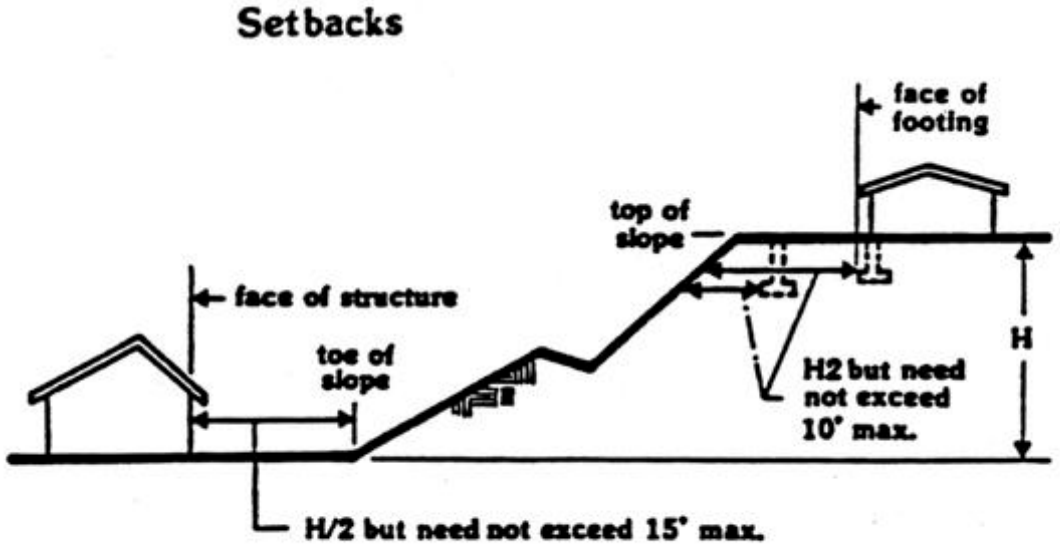


Illustration 18.81-3
SETBACKS



refer to section 18.81.040F.1 and 2



refer to section 18.81.040F.3

PIMA COUNTY, ARIZONA

BOARD OF SUPERVISORS POLICY

Subject:	Policy Number	Page
PIMA COUNTY ENVIRONMENTAL POLICY (PCEP)	F 50.1	1

PURPOSE: To establish Pima County policy regarding environmental exposure to which the County is subjected. This policy shall emphasize Pima County's commitment to environmental protection and to the mitigation of any negative effects of Pima County's operations on the environment. This will be done to the extent possible within budgetary constraints.

BACKGROUND: Pima County recognizes the ramifications and impact of environmental damage on its operations. This impact reflects on the quality of life in Pima County and on the increasing costs of environmental risk to Pima County. The basic premise of this policy shall be to:

When ever possible, preclude, minimize or remediate the effects of environmental damage on Pima County properties and operations.

Give priority to a safe, clean environment.

Emphasize compliance with all federal and state regulations.

Develop administrative procedures to assist all County departments in achieving the County's environmental goals and objectives.

POLICY: It shall be the policy of the Board of Supervisors of Pima County to ensure that:

1. All departments and units of Pima County Government shall comply with applicable environmental laws, statutes, regulations, rules and guide lines promulgated by Federal, State and Local law in a consistent, uniform and timely basis.

2. Pima County shall endeavor to eliminate or minimize its risk of loss from environmental damages by:

   Ensuring that prior assessments be conducted of properties being acquired to preclude acquisition of environmentally damaged properties or to minimize the adverse financial effects of such acquisition and comply with due diligence requirements.

Subject: PIMA COUNTY ENVIRONMENTAL POLICY (PCEP)	Policy Number	Page
	F 50.1	2

Conducting environmental audits of owned properties as appropriate to determine the extent of environmental damages if any and to remediate properties where environmental damages are found.

Provide environmental training to Pima County employees as necessary.

Pursue recovery of remediation costs from other parties responsible for environmental damages whenever possible.

Actively pursue federal and state assistance in remediation projects and whenever it is in the best interests of the County to have such projects assumed by the federal or state authorities under applicable statutes.

3.a. Pima County departments involved in the acquisition of properties shall establish pre acquisition environmental assessment programs to ensure protection under "due diligence" standards.

3.b. Departments subject to environmental exposure shall conduct environmental audits to determine the nature of these exposures. Where environmental damage is discovered, remediation activities shall be prioritized based on severity of exposure and budgetary considerations.

4. Risk Management and the Pima County Attorney Civil Division Environmental Unit shall assist departments having exposures to environmental issues and problems or who are subject to environmental regulations. Such departments shall provide for the position of environmental officer, either separately or in conjunction with their safety officer position.

5.a. All Pima County departments and units are charged with the duty to become and remain knowledgeable regarding Pima County's Environmental Policy and, when needed seek assistance with environmental questions or problems. Accordingly, the Pima County Manager shall establish, by appointment, a Special Environmental Committee to review environmental cases, assist in environmental decision making and serve as environmental consultants to Pima County, the Board of Supervisors and departments. Upon request, the Special Environmental Committee shall render such services to any unit of Pima County Government requiring assistance. Pima County Risk Management

Subject: PIMA COUNTY ENVIRONMENTAL POLICY (PCEP)	Policy Number	Page
	F 50.1	3

Department and the Environmental Unit of Pima County Attorney's Office shall assist the SEC and Pima County's departments in understanding and implementing the Environmental Policy and in complying with all relevant and applicable environmental laws, state or federal.

5.b. Each department shall annually review its facilities, operations and activities with respect to environmental risk, and provide a written inventory of said risk as well as a written operating plan designed to manage and minimize said environmental risk in accordance with this policy. Further, the environmental risk inventory and operating plan shall be submitted to and approved by the Risk Management Department.

SUNSET PROVISION: This policy statement shall be reviewed by June 30, 1994.

PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT
TECHNICAL POLICY

POLICY NO.: Technical Policy, TECH-026 **EFFECTIVE DATE:** January 27, 2010

POLICY NAME: Interim Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines – Supplement to Title 16 – Chapter 16.30 of the Watercourse and Riparian Habitat Protection and Mitigation Requirements, Ordinance No. 2005-FC2, January 2010 Draft.

PURPOSE: To allow use of the January 2010 Draft Guidelines on an interim basis (Mitigation Guidelines for disturbance of riparian habitat regulated under Section 16.30 of the Floodplain and Erosion Hazard Management Ordinance No. 2005-FC2 (Ordinance).)

BACKGROUND: Section 16.30, *Watercourse and Riparian Habitat Protection and Mitigation Requirements*, of the Ordinance requires mitigation for unavoidable disturbances to regulated riparian habitat (RRH). RRH areas are defined by the *Riparian Classification Maps* adopted by the Pima County Board of Supervisors (Board) effective October 21, 2005. *The Regulated Riparian Habitat Mitigation Standards and Implementation Guidelines* (Guidelines) were created to address revisions to the Ordinance. The Guidelines provide detailed onsite mitigation requirements when greater than 1/3 acre of RRH is altered due to activities that reduce vegetation volume or diminish the value of the habitat on a project site or property. Disturbances include (but are not limited to):

- Mass or partial grading
- Clearing/thinning of vegetation
- Planting of non-native or noxious plant species within RRH
- Other modifications that may reduce vegetation volume or diminish the value of the RRH (e.g., turf areas, livestock use and play areas within RRH, fencing, roads, structures, etc.)

Section 16.30 applies to all property within unincorporated Pima County that contains RRH as shown on the Riparian Classification Maps, and applies to all building, right-of-way, and grading permits, and land use development permits associated with plats and development plans governed by Pima County. The Ordinance also applies to all Pima County public works projects or any activity occurring on Pima County or Flood Control District land or right-of-way.

POLICY:

The January 2010 draft onsite Guidelines were developed to incorporate changes adopted under the Ordinance. Revised Guidelines are being developed by staff and a group of stakeholders; the *Mitigation Working Group.* In a parallel process to the development of onsite guidelines, offsite mitigation guidelines are being developed. Once completed, both will be presented to the Pima County Board of Supervisors for adoption. The draft onsite Guidelines are to be used by applicants in the interim period until onsite and offsite Guidelines are presented to the Board of Supervisors for adoption.

APPROVED BY:

Suzanne Shields 1/27/2010

Suzanne Shields, P.E. Date
Director

Original Policy Approved:
Date(s) Revised:

ARIZONA REVISED STATUTES

49-801. Definitions
In addition to the definitions in 40 Code of Federal Regulations, part 279, the following definitions apply to this article:
1. "Off-specification used oil" means used oil which exceeds any of the allowable levels in 40 Code of Federal Regulations section 279.11.
2. "On-specification used oil" means used oil that is not off-specification used oil.
3. "Used oil" includes oil that has been contaminated as a result of handling, transportation or storage.

49-803. Prohibited practices
A. Used oil shall not be used or disposed of by any of the following methods:
1. Discharge into sewers or waters of the state as defined in section 49-201 except pursuant to a permit issued by appropriate regulatory authorities.
2. Incineration except at a facility authorized to incinerate hazardous waste under section 49-922 or the federal act. Burning for energy recovery is not considered incineration for purposes of this section, unless the director determines pursuant to rule that the purpose of the burning is for destruction of listed or characteristic hazardous waste rather than energy recovery.
3. Disposal on land unless the used oil is disposed of in a landfill that is subject to 40 Code of Federal Regulations part 257 or 258 and that has an approved solid waste facility plan. This prohibition does not apply to used oil that is used as an ingredient in an explosive material.
4. Dispersal as a dust suppressant or contact herbicide.
B. For the purposes of subsection A, paragraph 3 of this section, normal minimal leakage from properly maintained vehicles and equipment shall not be considered disposal on land.

49-811. Violation; civil penalty
A. Except as otherwise provided, a person who violates any provision of this article or a rule or order adopted or issued pursuant to this article is subject to a civil penalty of not more than ten thousand dollars per day for each violation.
B. The attorney general, at the request of the director, shall file an action in superior court to recover civil penalties provided by this section. This subsection shall not be construed to reduce the authority of the attorney general under any other provision of law.

49-812. Compliance orders; injunctive relief
A. If the director has reasonable cause to believe that a person is violating a provision of this article or a rule adopted pursuant to this article, the director may serve on the person an order requiring compliance with that provision or rule. The order shall state with reasonable particularity the nature of the violation and shall specify either immediate compliance or a time period for compliance which the director determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable legal requirements. The alleged violator has thirty days from the date of issuance of the order within which to request a hearing pursuant to title 41, chapter 6, article 10.
B. If the director has reasonable cause to believe that an order issued pursuant to this section is being violated or that a person is engaging in an act or practice which constitutes a violation for which he is authorized to issue an order pursuant to this section, the attorney general at the request of the director may apply to the superior court in the county in which the violation is

occurring or in which the department maintains an office for a temporary restraining order, preliminary injunction or permanent injunction. Such action has precedence over all other matters pending in the court.

C. If the director has reasonable cause to believe that a person is engaging in an act or practice which violates any provision of section 49-811, the attorney general at the request of the director may apply to the superior court for a temporary restraining order, preliminary injunction or permanent injunction. Such action has precedence over all other matters pending in the court.

D. No provision of this section shall be construed to reduce the authority of the attorney general under any other provision of law.

E. The court, in issuing any final order in any civil action brought under this section may award costs of litigation, including reasonable attorney and expert witness fees, to any substantially prevailing party if the court determines such an award is appropriate.

Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

SOURCE: 57 FR 41612, Sept. 10, 1992, unless otherwise noted.

Subpart A—Definitions

§ 279.1 Definitions.

Terms that are defined in §§ 260.10, 261.1, and 280.12 of this chapter have the same meanings when used in this part.

Aboveground tank means a tank used to store or process used oil that is not an underground storage tank as defined in § 280.12 of this chapter.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Do-it-yourselfer used oil collection center means any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

Existing tank means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either (1) A continuous on-site installation program has begun, or

(2) The owner or operator has entered into contractual obligations—which cannot be canceled or modified without substantial loss—for installation of the tank to be completed within a reasonable time.

Household ''do-it-yourselfer'' used oil means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

Household ''do-it-yourselfer'' used oil generator means an individual who generates household ''do-it-yourselfer'' used oil.

New tank means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of the authorized used oil program for the State in which the tank is located.

Petroleum refining facility means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes (i.e., facilities classified as SIC 2911).

Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

Re-refining distillation bottoms means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

Tank means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

Used oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

Used oil aggregation point means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

Used oil burner means a facility where used oil not meeting the specification requirements in § 279.11 is burned for energy recovery in devices identified in § 279.61(a).

Used oil collection center means any site or facility that is registered/licensed/permitted/recognized by a state/

RFCD ID	Location	Structure	Area acres	Class	Inspection Date				
					11/12	12/13	13/14	14/15	15/16
1	Mission Rd/Holladay St., W. side of road	drainage to channel	Unk	Major		04/11/13	04/01/14	08/24/15	
2	6262 N Swan Rd (@ Skyline Plaza)	42" CMP	Unk	Major		04/16/13	04/09/14	08/24/15	
3	Catchbasin @ Kleindale/Richey to Dodge, N. to Rillito	42" RCP	Unk	Major		04/16/13	04/09/14	08/24/15	
4	Catchbasin @ Kleindale/Richey to Dodge, N. to Rillito	72" RCP	Unk	Unk		04/16/13	04/09/14	08/24/15	
5	River Terrace Dr/Rillito Cr, N side, ¼ mi W of Flowing Wells	60" CMP	Unk	Major	03/07/12	04/15/13	04/08/14	08/24/15	
6	Harmonia/Ruthrauff, W. to Sullinger, N. Rillito	8' x 5' RCBC	12.34	Major	03/07/12	04/15/13	04/08/14	08/24/15	
7	Flowing Wells/Rillito Cr, S. of river, 1/8 miles W. of bridge	30" CMP	Unk	Minor		04/15/13	04/07/14	08/24/15	
8	Flowing Wells/Rillito Cr, S. of river, 1/8 miles W. of bridge	30" RCP	Unk	Minor		04/15/13	04/07/14	08/24/15	
9	Flowing Wells/Rillito Cr, S. of river, W. of bridge	12" RCP	Unk	Minor		04/15/13	04/07/14	08/24/15	
10	Flowing Wells/Rillito Cr, S. of river, E. of bridge	54" RCP	Unk	Major	03/07/12	04/15/13	04/07/14	08/24/15	
11	Flowing Wells/Rillito Cr, N. of river, E. of bridge	42" RCP	Unk	Major	03/07/12	04/15/13	04/09/14	08/24/15	
12	Flowing Wells/Rillito Cr, N. of river, 1/4 mile E. of bridge	18" RCP	Unk	Minor		04/15/13	04/07/14	08/24/15	
13	Flowing Wells/Rillito Cr, N. of river, 1/4 mile E. of bridge	18" RCP	Unk	Minor		04/15/13	04/07/14	08/24/15	
14	La Cholla Blvd/Rillito Cr, S. of river, W. of bridge. E. 48" pipe closest to bridge.	48" RCP	Unk	Major	03/07/12	04/15/13	04/10/14	08/24/15	
15	La Cholla Blvd/Rillito Cr, S. of river, W. of bridge. E. 66" pipe closest to bridge.	66" RCP	Unk	Major	03/07/12	04/15/13	04/10/14	08/24/15	

Structure Codes: CB = Catch Basin; CC = Concrete Canal; CMP = Corrugated Metal Pipe; RCBC= Reinforced Concrete Box culvert, RCP = Reinforced Concrete Pipe
Unk - Unknown

RFCD ID	Location	Structure	Area acres	Class	Inspection Date				
					11/12	12/13	13/14	14/15	15/16
16	La Cholla Blvd/Rillito Cr, S. of river, W. of bridge. W. 66" pipe.	66" RCP	unk	Major		04/15/13	04/10/14	08/24/15	
17	La Cholla Blvd/Rillito Cr, S. of river, W. of bridge. 48"	48" RCP	Unk	Major		04/15/13	04/10/14	08/24/15	
18	Skyline E. of Campbell at Campbell W.	24" & 36" RCP	Unk	Minor		04/16/13	04/07/14	08/24/15	
19	Skyline Dr/Sunrise Dr., streets merge southside of Sunrise	24" RCP	Unk	Minor		04/16/13	04/07/14	08/24/15	
20	Sunrise Dr./just E. of Campo Abierto	24" RCP	Unk	Minor		04/16/13	04/07/14	08/24/15	
21	Coachlight Ln/Swan, E & W culverts under Swan	18" RCP	Unk	Minor		04/16/13	04/07/14	08/24/15	
22	Valley View W, 1/4 miles S of Sunrise, W side of Valley View Rd.	66" RCP	7.32	Major	03/13/12	04/16/13	04/07/14	08/24/15	
23	Catchbasin at Camino del Sol/Sunrise, end at W. side of Valley View W. immediately S. of Sunrise	54" RCP	41.55	Major	03/13/12	04/16/13	04/07/14	08/24/15	
24	I-10 frontage btw Verbena/Zinnia, W side of Hwy	drainage-way, 2 24"	Unk	Unk		04/15/13	04/08/14	08/24/15	
25	Columbia/Longfellow, E. of Contractors Wy at end of Longfellow	Street drainage to channel	Unk	Unk		04/11/13	04/01/14	08/24/15	
26	Columbia St/Country Club, east side, N. to alley btw Columbia&District	2 RCBCS	52.21	Major		04/11/13	04/01/14	08/24/15	
27	C. Esplendora/C. Barril	Curbcut	2.83	Minor		04/16/13	04/07/14	08/24/15	
28	Kain to Santa Cruz R., through pipe under Ruthrauff	78" RCP	Unk	Major		04/15/13	04/08/14	08/24/15	
29	La Linda Rama/ Swan to just N. of River Rd/Swan	42" RCP not 60"	Unk	Major		04/16/13	04/07/14	08/24/15	

Structure Codes: CB = Catch Basin; CC = Concrete Canal; CMP = Corrugated Metal Pipe; RCBC= Reinforced Concrete Box culvert, RCP = Reinforced Concrete Pipe
Unk - Unknown

RFCD ID	Location	Structure	Area acres	Class	Inspection Date				
					11/12	12/13	13/14	14/15	15/16
30	Inlet NE corner Tanque Verde/Sabino Canyon Rd, outfall W of Tanque Verde bridge. S. bank of Rillito	72" RCP	Unk	Major	08/18/11	04/16/13	04/07/14	08/24/15	
31	River/Swan, NE corner	24" RCP	Unk	Minor		04/16/13	04/07/14	08/24/15	
32	River/Swan, NE corner, S of 22A	18" RCP	Unk	Minor		04/16/13	04/07/14	08/24/15	
33	Alvernon/37th to Tucson Diversion Channel	2 48" RCPS	Unk	Major		04/11/13	04/01/14	09/18/15	
34	Oracle/Orange Gr, SE corner	36" RCP	Unk	Minor		04/15/13	04/07/14	08/24/15	
35	Ajo Wy/Randolph under bridge on southside	34" x 53" RCP	Unk	Major		04/11/13	04/01/14	08/24/15	
36	Ajo Wy/Randolph under bridge on southside	42" RCP	Unk	Major		04/11/13	04/01/14	08/24/15	
37	Ajo Wy/Randolph under bridge on southside	30" RCP	Unk	Major		04/11/13	04/01/14	08/24/15	
38	Ajo Wy/Palo Verde Rd, inlet at SE corner	48" RCP	Unk	Major		04/11/13	04/01/14	08/24/15	
39	Dodge Blvd/Kleindale, bridge on southside	30"RCP	Unk	Minor		04/16/13	04/07/14	08/24/15	
40	Swan Ave/Coachlight La, northwest corner	18" RCP	unk	Minor				08/24/15	
	Total				9	39	39	40	
	Percent				23%	100%	100%	100%	

Structure Codes: CB = Catch Basin; CC = Concrete Canal; CMP = Corrugated Metal Pipe; RCBC= Reinforced Concrete Box culvert, RCP = Reinforced Concrete Pipe
Unk - Unknown

Appendix D. County Facility Inventory

No	Type	Facility Name	Potential to discharge industrial pollutants	SWPPP* or MH&RRP Date	ADEQ Permit Obtained?	Inspections*									
						11/12	Follow-up	12/13	Follow-up	13/14	Follow-up	14/15	Follow-up	15/16	Follow-up
1	Airport	Eric Marcus Municipal Airport	Yes		Yes										
2	FLEET	Downtown Fueling Station	Yes	06/29/15	Not required							07/15/15	In progress		
3	FLEET	Green Valley Fueling Station	Yes	06/29/15	Not required							07/15/15	In progress		
4	FLEET	Houghton Road Yard	Yes		Yes										
5	FLEET	Marana Fueling Station	Yes	06/29/15	Not required							07/15/15	In progress		
6	FLEET	Mission Road Facility	Yes		Yes										
7	FLEET	Ina Fueling Station	Yes	06/29/15	Not required							07/15/15	In progress		
8	FLEET	Richey Road Fueling Station	Yes	07/22/13	Not required					07/10/13	None required	07/15/15	Complete		
9	FLEET	Sheriff's Fueling Station	Yes	06/29/15	Not required							06/26/15	In progress		
10	Office+	NRPR Home Office	Yes	06/30/15	Not required					07/15/13	Complete	07/15/15	Complete		
11	Landfill	Ajo Landfill	Yes		Yes										
12	Landfill	Catalina Landfill	Yes		Yes										
14	Landfill	Ina Rd Construction Debris Landfill	Yes		Yes										
17	Landfill	Sahuarita Landfill	Yes		Yes										
18	Landfill	Tangerine Landfill	Yes		Yes										
20	RECH	High Plains Effluent Recharge Project	Yes		Yes										
21	RECH	Lower Santa Cruz Constructed Recharge Project	Yes		Yes										
22	RECH	Lower Santa Cruz Managed Recharge Project	Yes		Yes										
25	REST	Ed Pastor KERP	Yes		Yes										
28	WRF	Arivaca Junction WRF	Yes		Yes										
29	WRF	Arizona Sonora Desert Museum WRF	Yes		Yes										
30	WRF	Avra Valley WRF	Yes		Yes										
31	Office+	Conveyance Division, RWRD	Yes	07/15/15	Not required	12/22/11	Complete			07/10/13	Complete	07/15/15	In progress		
32	WRF	Corona De Tucson WRF	Yes		Yes										
33	WRF	Green Valley WRF	Yes		Yes										
34	WRF	Ina Rd (Tres Rios) WRF	Yes		Yes										
35	WRF	Mt. Lemmon WRF	Yes		Yes										
36	WRF	Pima County Fairgrounds WRF	Yes		Yes										
37	WRF	Randolph Park WRF	Yes		Yes										
38	WRF	Roger Road WRF-Agua Nueve (Oct' 2013)	Yes		Yes										
40	WRF	RWRD Sewage Collection System	Yes		Yes										
41	REST	Bingham Cienega-San Pedro	Pending	NA	Not required							NA	NA		
42	Recycle	Catalina Transfer Station	Yes	06/23/15	Not required							05/27/15	In progress		
43	Recycle	Ryan Field Transfer Station	Yes	09/04/15	Not required							08/14/15	In progress		

* In accordance with Appendix A, Part IV. B, when a facility is already permitted, the SWPPP and inspections for the specific APPs or AZPDES permit shall govern and are reported independently of the 2011 MS4 permit.

NA - Not applicable

Pima County's Geographic Information System (GIS) maintains geographic data in ArcGIS and two web mapping systems. Pima County is transitioning from the current MapGuide system that uses Autodesk to PimaMaps that uses Geocortex software over an ArcGIS server with Microsoft Silverlight. PimaMaps offers greater functionality and a more robust interface than MapGuide. PimaMaps is currently available, but not all layers have been added. The area covered is Pima County within Universal Transverse Mercator (UTM) Zone 12. The coordinate system is based on the State Plane Project North American Datum of 1983 (NAD83) with High Accuracy Reference Network (HARN). The layers of information within GIS are maintained in the Stormwater theme of MapGuide and PimaMaps. Many layers are included in this theme, including the following layers identified in the permit:

- Points
  - Outfalls (Major, minor, unknown)
  - Storm drain inlets (catch basins, scuppers, stormdrains, culverts, stormdrain manholes)
- Lines
  - Stormdrain pipes
  - Streams (intermittent, perennial)
  - Streets (with or without names)
  - Topographic lines to determine the direction of flow
  - Washes with designation of flow rates
    - Unknown
    - 100 – 500 Cubic feet per second (CFS)
    - 500 – 1,000 CFS
    - 1,000 – 2,000 CFS
    - 2,000 – 5,000 CFS
    - 5,000 – 10,000 CFS
    - Greater than 10,000 CFS
  - Surface Water Designated Use
  - Surface Water Quality Standards (locations of attaining and impaired waters)
- Polygons
  - Detention and retention basins (known locations for private and public basins)
  - Stormwater Permit Areas for large and small MS4s within Pima County
    - Cities: South Tucson, Tucson
    - County: Pima County
    - Special categories: University of Arizona, Veterans Affairs Hospital, Davis-Monthan Air Force Base
    - Towns: Marana, Oro Valley
  - The boundary and name of each U.S. Geological Survey Hydrologic Units from the 6-digit watershed boundary to the 12-digit watershed boundary occurring within Pima County.
  - Zoning within Pima County (Developed land uses – major categories shown)
    - CB Business
    - CI Industrial

- CMH Mobile Home
- CPI Campus Industrial Park
- CR Single Residence
- GC Golf Course
- GR Rural Residence
- IR Institutional Reserve
- ML Mount Lemon
- MU Multiple Use
- RH Rural Homestead
- RVC Rural Village Center
- SH Suburban Homestead
- SP Specific Plan
- SR Suburban Ranch
- TH Trailer Homesite
- TR Transitional

o SWREGAP Provisional Digital Land Cover (Developed & undeveloped land use)
- Agriculture
- Apacherian-Chihuahuan Mesquite Upland Scrub Apacherian-Chihuahuan Piedmont Semi-Desert Grassland and Steppe Barren Lands, Non-specific
- Chihuahuan Creosotebush. Mixed Desert and Thorn Scrub
- Chihuahuan Mixed Salt Desert Scrub
- Chihuahuan Sandy Plains Semi-Desert Grassland Chihuahuan Stabilized Coppice Dune and Sand Flat Scrub Chihuahuan Succulent Desert Scrub
- Developed. Medium - High Intensity
- Developed. Open Space - Low Intensity
- Invasive Southwest Riparian Woodland and Shrubland
- Madrean Encinal
- Madrean Juniper Savanna
- Madrean Pine-Oak Forest and Woodland
- Madrean Pinyon Juniper Woodland
- Madrean Upper Montane Coniler-Oak Forest and Woodland
- Mogollon Chaparral
- North American Arid West Emergent Marsh
- North American Warm Desert
- Open Water
- Recently Burned
- Recently Mined or Quarried
- Rocky Mountain Aspen Forest and Woodland
- Sonora-Mojave Creosotebush White Bursage Desert Scrub
- Sonora-Mojave Mixed Salt Desert Scrub
- Sonoran Mid-Elevation Desert Scrub
- Sonoran Paloverde Mixed Cacti Desert Scrub
- Southern Rocky Mountain Pinyon Juniper Woodland

MapGuide and Pima Maps can be accessed on-line at http://gis.pima.gov/maps/mapguide/. Additional information is presented illustrating how and what information is presented within the GIS software.

The mapping layers include the drainage ways (blue lines for drainageways and red lines for roadways) that are defined by flow rates. At a closer view structural controls are illustrated and include detention basins (blue hatched area), stormdrain pipelines (pink line), catch basins (blue dot), culverts (grey dot), stormdrains (pink dot), scuppers (green dots), and stormdrain manholes (orange dots) (Figure H-1). Topographic lines can be selected to provide direction of flow within a drainageway (Figure H-2).

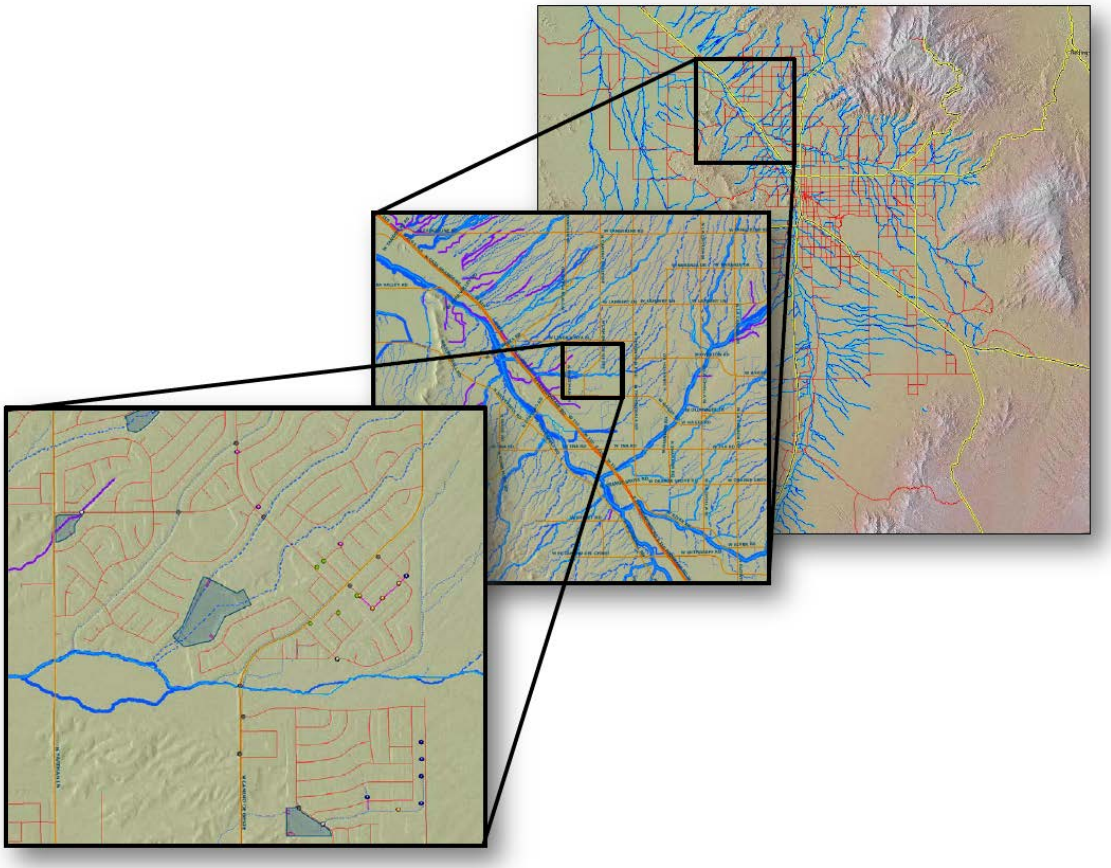


Figure H-1. Drainage Structures within Pima County including streets (red or yellow lines, channels and floodways (blue lines), retention/detention basins (dark blue polygons), inlets and catch basins superimposed on a colored hillshaded relief map

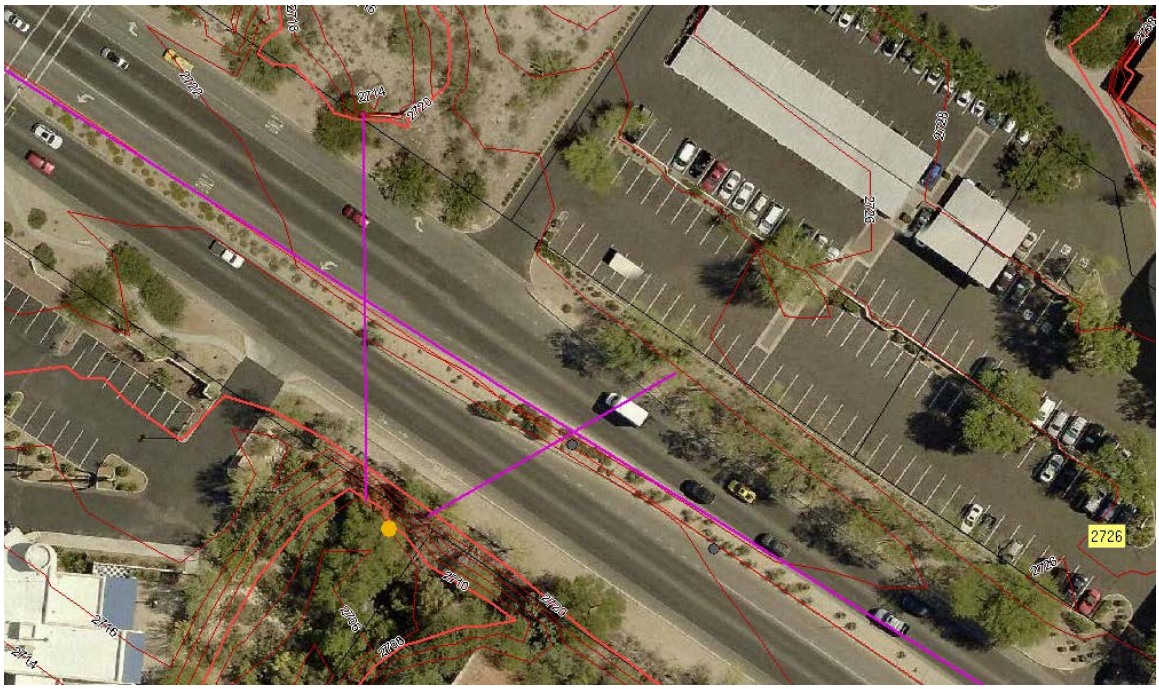


Figure H-2. Stormwater Conveyance System and Topographic Lines showing direction of Flow

Outfalls are characterized as major (red), minor (yellow) or unknown (gray) (Figure H-3). A major outfall discharges from a 36 inch pipe or its equivalent from a drainage area of more than 50 acres or a drainage area zoned for industrial activity. A minor outfall is an outfall that is not classified as a major outfall. Occasionally, an outfall is found and the drainage system has not been mapped and neither the area nor zoning is known.

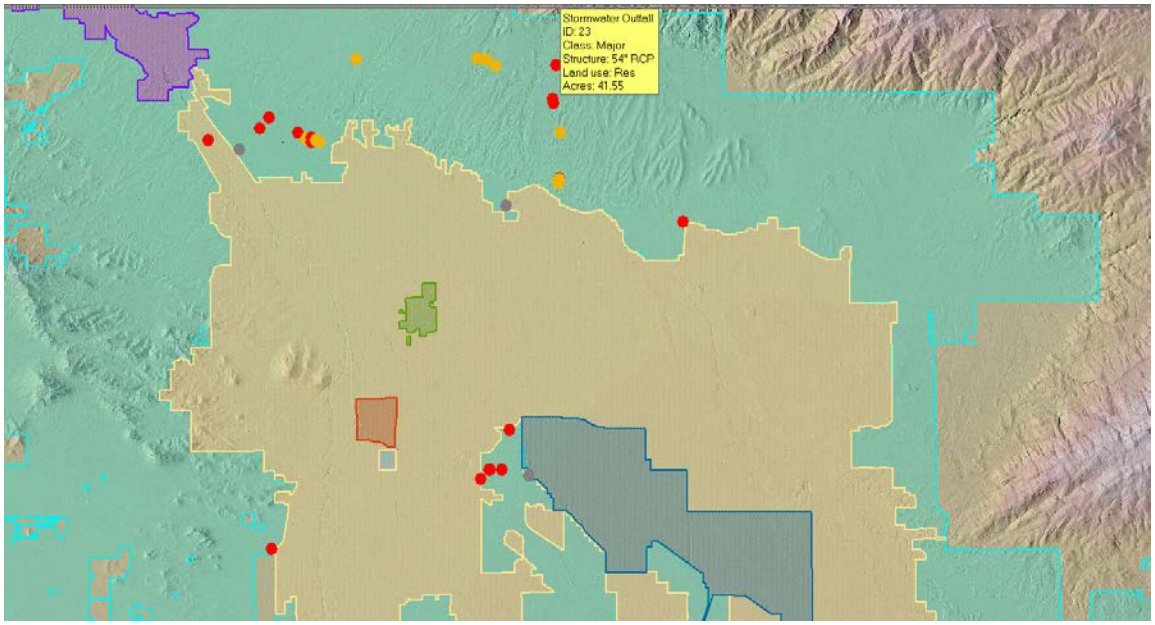


Figure H-3. Outfalls in a point layer

The drainage area of the wet weather monitoring sites illustrates the type of land use (Figure H-4). Sites were selected for low density residential land use (#1), medium density residential land use (#2), high density residential land use (#3), commercial (#4) and industrial (#5).

Site #1 Site #2A Site #3 Site #4 Site #5

Figure H-4. Drainage Areas of Monitoring Locations

Eight Municipal Separate Storm Sewer System jurisdictions cluster around the municipalities in eastern Pima County: Pima County (turquoise), City of Tucson (yellow), Town of Marana (purple), Town of Oro Valley (green), Davis Monthan Air Force Base (dark blue), University of Arizona (dark green), City of South Tucson (red) and Tucson VA Hospital (grey with yellow outline) (Figure H-5). The boundaries are portrayed in Pima County MapGuide which is available on-line at http://gis.pima.gov/maps/mapguide/ for any party interested in knowing where their project or facilities falls within the surface water regulations.

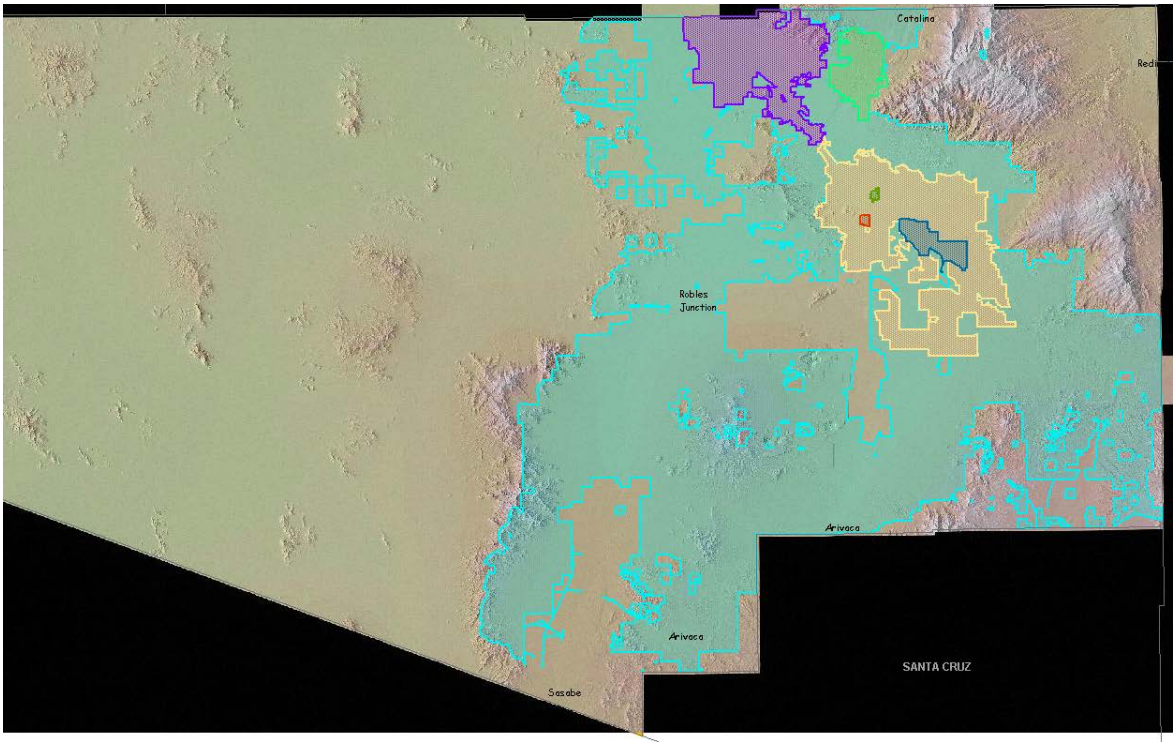


Figure H-5. Jurisdictional boundaries of MS4s within Pima County

Land use is zoned (Figure H-6). Each parcel has a designated zone used to characterize the potential for discharge of pollutants.

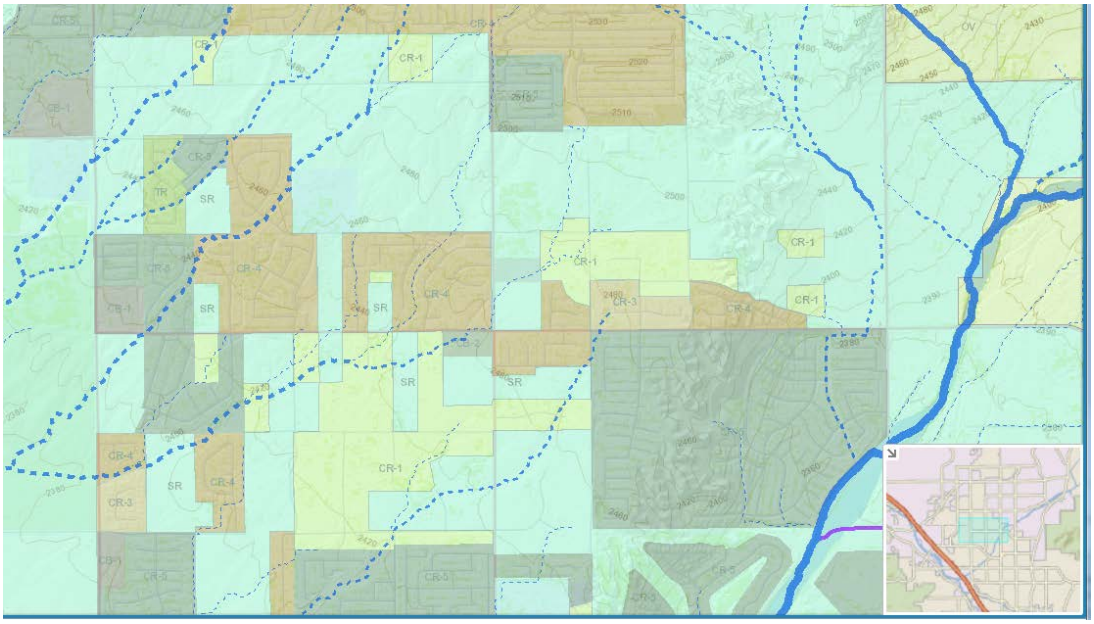


Figure H-6. Land Uses within Pima County

Nine of the ten designated uses occur within Pima County. The nine have been grouped into six categories and are illustrated using different colors (Figure H-7). An information box appears when a channel is selected showing if there is fish consumption or domestic water use as well as identifying which of the Aquatic and Wildlife, Body Contact and Agricultural designated uses have been assigned to the water body. Tributaries, shown in pale blue, have the same designated use as the main stem designated use.

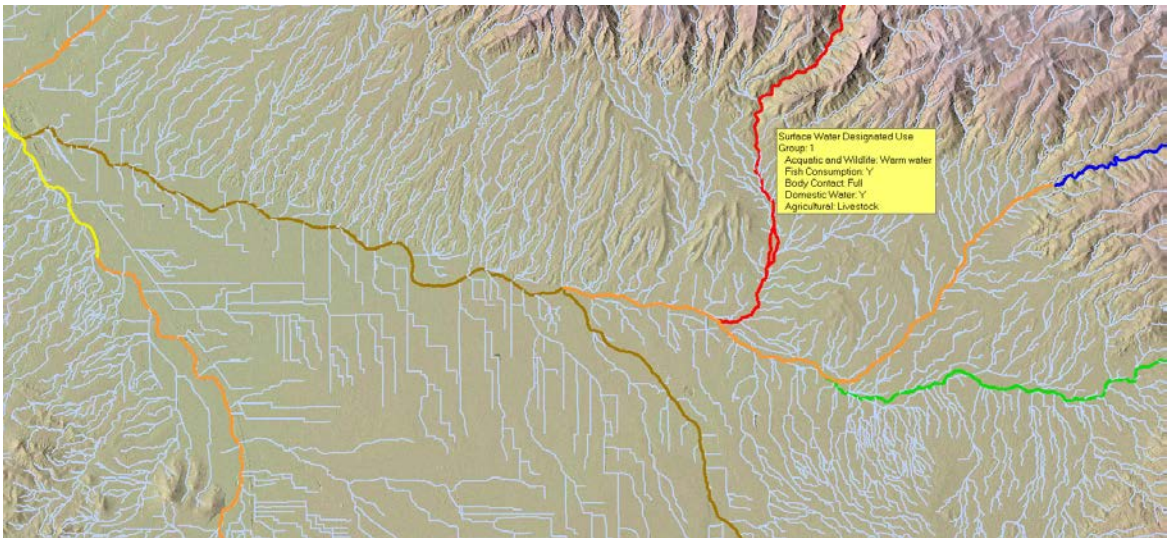


Figure H-7. Distribution of Surface Water Designated Uses within a subsection of Pima County

Reaches of streams monitored for Arizona surface water quality standards are identified as attaining (green), inconclusive (pink), not attaining (light orange), EPA impaired (tan), impaired (red), or none (gray) (Figure H-8).

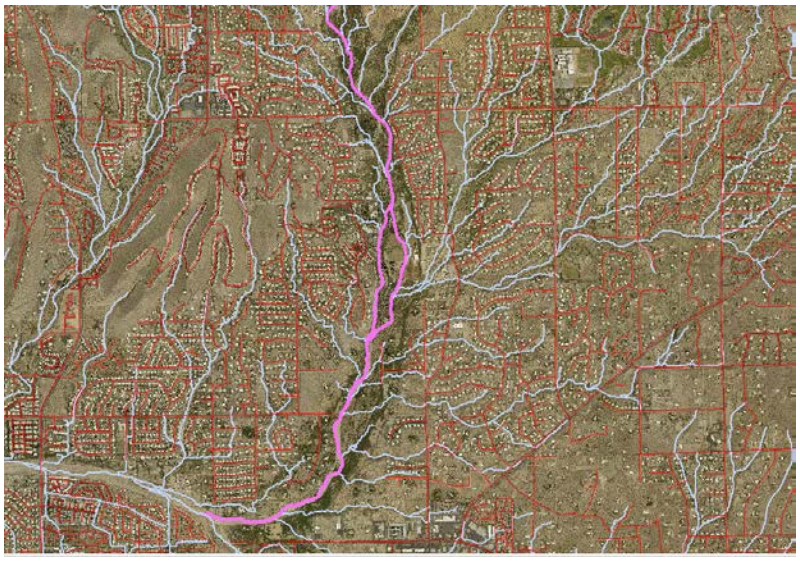


Figure H-8. Surface Water Quality Standard Attaining and Impaired Waters

Detention/retention basins are designated as county owned (blue) or privately owned (pink) (Figure H-9). The new *Design Standards for Stormwater Detention and Retention* (Pima County, 2015). Most function as detention basins to reduce peak flows in downstream channels as the basins allow 2-, 10- and 100-year predevelopment peak discharge rates (Figures H-10 & H-11).

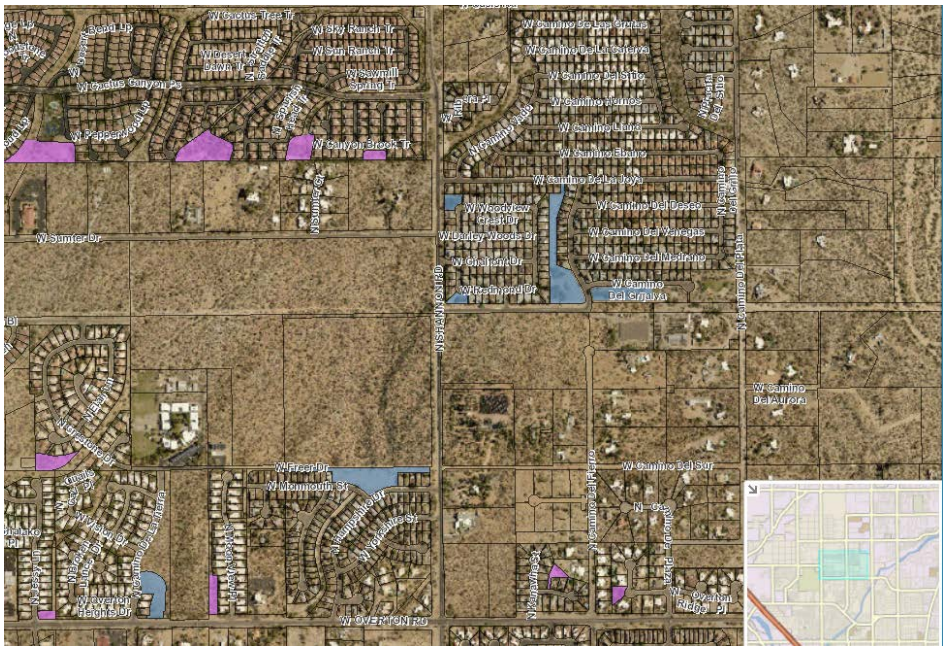


Figure H-9. Public and Private Retention and Detention Basins

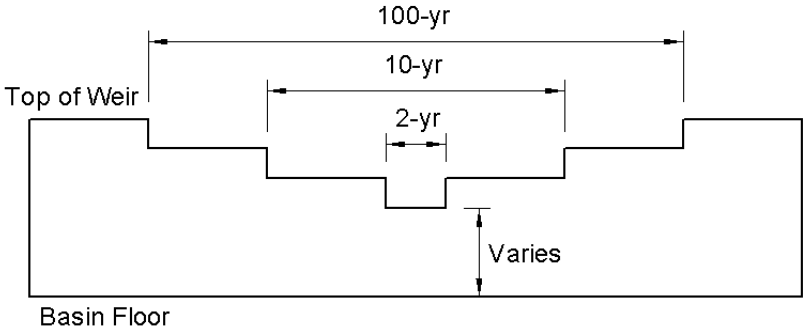


Figure H-10. Multi-level Weir Outlet

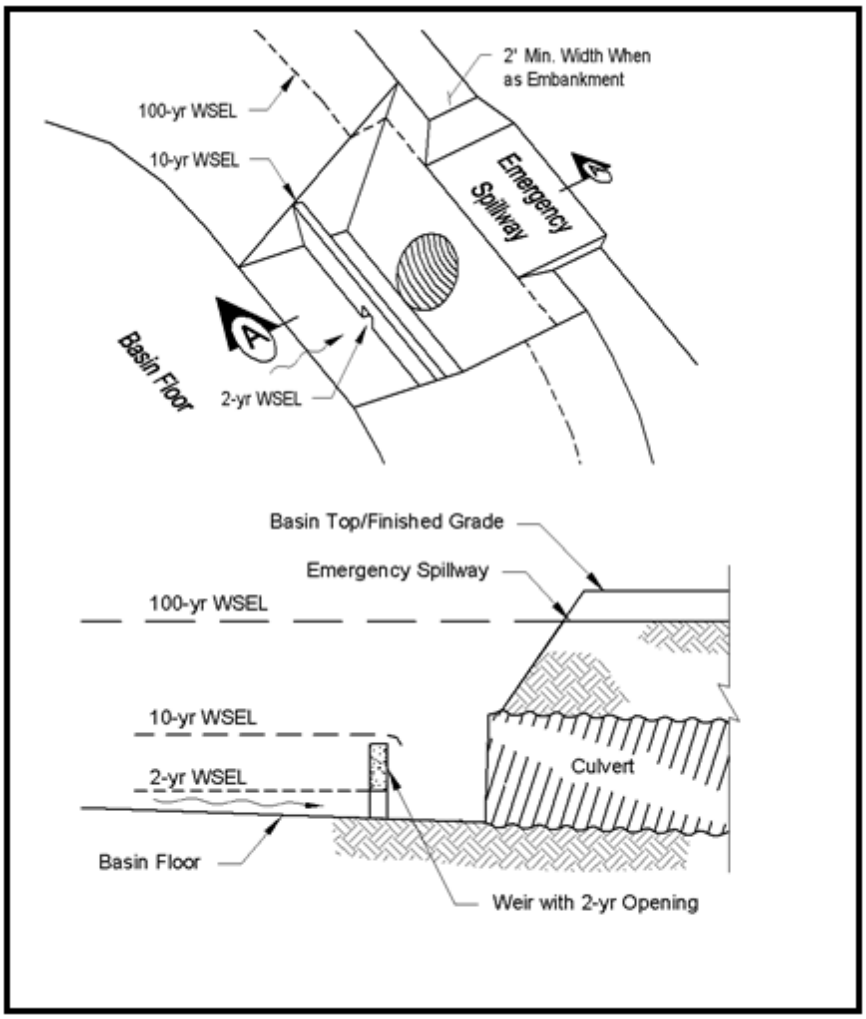


Figure H-11. Combination Weir-Culvert Outlet for 2-, 10- and 100-year storms

Property *(Location)*	Acres	Grazing Lease Acres	Acquisition Cost	Acquisition Date
A-7 Ranch *(San Pedro Valley Reserve)*	6,829	34,195	$ 2,041,933	09/01/04
Akers/Dailey *(Cienega Valley-Emprire Ranch Reserve)*	158		$ 1,222,720	10/01/99
Allen/Ball		45	$ 45,000	10/31/12
Alpher *(Cienega Valley-Emprire Ranch Reserve)*	147		$ 514,412	02/01/00
Amadon *(Cienega Valley-Emprire Ranch Reserve)*	39		$ 122,257	12/01/06
Baker (*Cienega Valley-Emprire Ranch Reserve)*	155		$ 226,342	10/01/04
Bar V Ranch* (*Cienega Valley-Emprire Ranch Reserve*)	1,763	12,674	$ 8,189,228	02/01/05
Baxter *(Tucson Mountains Reserve)*	33		$ 274,472	03/01/99
Bee *(Northern Altar Valley Reserve)*	120		$ 60,873	02/01/05
Belvedere *(Tucson Mountains Reserve)*	72		$ 615,972	01/01/06
Berard *(Tucson Mountains Reserve)*	7		$ 81,792	08/01/05
Bradley *(Cienega Valley-Empire Ranch Reserve)*	40		$ 266,036	10/01/99
Brandel		22	$ 33,000	10/23/12
Bruckner		17	$ 9,000	08/08/11
Buckelew Farms *(Northern Altar Valley Reserve)*	505	2,200	$ 5,080,467	10/01/06
Byron		15	$ 46,365	10/19/11
Canoa Ranch* (*Upper Santa Cruz-Southern Altar Valley Reserve)*	4,700		$ 6,150,000	05/01/01
Canoa Ranch II *(Upper Santa Cruz-Southern Altar Valley Reserve)*	33		$ 1,801,106	08/01/05
Canoa Ranch Phase III *(Upper Santa Cruz-Southern Altar Valley Reserve)*	52		$ 1,200,581	12/01/06
Carpenter Ranch *(Tortolita Reserve)*	200		$ 520,011	04/01/99
Carpenter Ranch Phase II *(Tortolita Reserve)*	360		$ 1,180,036	08/01/05
Cates *(Cienega Valley-Emprire Ranch Reserve)*	39		$ 132,957	05/01/06
Chess *(Cienega Valley-Emprire Ranch Reserve)*	37		$ 124,865	02/01/07
Clyne Ranch (*Cienega Valley-Empire Ranch Reserve*)	880		$ 4,979,434	01/10/10
Cochie Canyon *(Tortolita Reserve)*	290		$ 2,901,044	06/01/08
Continental Ranch Development LLC (*Wildlife Corridor*)	15		$ 750,448	07/01/07
Cortaro and Hartman* (*Tortolita Reserve*)	50		$ 1,175,000	08/09/09
Cradick		33	$ 65,000	01/30/12
Dailey	36	42	$ 165,900	03/06/13

* Acquisition costs include other funding sources such as grants or other county funds.

Property *(Location)*	Acres	Grazing Lease Acres	Acquisition Cost	Acquisition Date
Des Rochers *(Tucson Mountains Reserve)*	19		$ 294,028	10/01/06
Diamond Bell Ranch *(Northern Altar Valley Reserve)*	191	30,702	$ 897,730	03/01/08
Diocese of Tucson *(Tucson Mountains Reserve)*	216		$ 636,462	06/01/98
Dos Picos (Tucson Mountains Reserve)	60		$ 1,425,677	11/01/09
Doucette *(Agua Caliente Wash)*	21		$ 569,608	12/01/04
Dragich		20	$ 8,500	11/28/12
Drewes *(Agua Caliente Wash)*	11		$ 388,000	03/01/98
Empirita (*Cienega Valley-Emprire Ranch Reserve)*	2,746		$ 10,835,000	08/01/09
Firkins *(Tucson Mountains Reserve)*	1		$ 30,987	03/01/06
Fort Lowell Acq - Atkins Steel Acq		5	$ 145,065	FY2012/13
Fox		45	$ 75,700	02/02/12
Greenfield		23	$ 29,900	02/15/13
Habitat for Humanity* *(Tucson Mountains Reserve)*	80		$ 1,102,832	07/01/08
Heater *(Tucson Mountains Reserve)*	50		$ 991,743	09/01/05
Hiett *(Tucson Mountains Reserve)*	25		$ 721,863	09/01/05
Holsclaw *(Tucson Mountains Reserve)*	10		$ 159,969	06/01/99
Hyntington *(Tucson Mountains Reserve)*	4		$ 72,163	01/01/06
Jacobs Trust *(Tucson Mountains Reserve)*	80		$ 601,336	03/01/04
Joshua Tree II *(Tucson Mountains Reserve)*	40		$ 130,389	05/01/00
King 98 Ranch (*Northern Altar Valley Reserve)*	1,034	3,096	$ 2,102,921	03/01/05
Kino & 36th Street		20	$ 750,376	11/16/11
Knez *(Cienega Valley-Emprire Ranch Reserve)*	80		$ 240,967	08/01/06
L & F International *(Tucson Mountains Reserve)*	294		$ 2,589,225	06/01/99
Las Lomas 1 & 2 (*Tucson Mountain Park)*	50		$ 748,400	06/01/99
Lawson		31	$ 39,000	12/11/12
Leef *(Tortolita Reserve)*	80		$ 280,000	03/01/98
Lefkovitz/Lakia *(Tucson Mountains Reserve)*	115		$ 275,825	07/01/01
Linda Vista/Patrick *(Tortolita Reserve)*	9		$ 451,561	02/01/07
M Diamond Ranch	624	7,800	$ 400,000	12/18/12
Madera Highlands *(Upper Santa Cruz-Southern Altar Valley Reserve)*	366		$ 385,733	08/01/05
Marley Ranch Phase I *(Upper Santa Cruz-Southern Altar Valley Reserve)*	6,337		$ 20,006,112	04/01/09
Mary Henderson Tucson Mnt Park Donations		24	$ -	04/30/13
Matesich *(Tucson Mountains Reserve)*	4		$ 85,586	11/01/05

* Acquisition costs include other funding sources such as grants or other county funds.

Property *(Location)*	Acres	Grazing Lease Acres	Acquisition Cost	Acquisition Date
Mission and 33rd Street (*Tucson Mountains Reserve*)	9		$ 191,896	09/10/10
Mordka *(Northern Altar Valley)*	40		$ 20,265	02/01/05
Mumford Conservation Easement Donation	265		$ 1,178	12/13/14
Nature Conservancy (*Buehman Canyon*)	1,050			09/01/12
Nature Conservancy *(Sabino Creek)*	151		$ 8,000	06/21/12
Nunez *(Cienega Valley-Emprire Ranch Reserve)*	19		$ 68,502	05/01/06
Orach *(Tucson Mountains Reserve)*	3		$ 60,620	05/01/01
Pacheco *(Tucson Mountains Reserve)*	20		$ 241,010	12/01/05
Painted Hills	286		$ 8,500,000	09/18/14
Pearce		3	$ 122,000	01/11/12
Perper/Rollings *(Tucson Mountains Reserve)*	746		$ 5,975,258	02/01/00
Poteet *(Cienega Valley-Emprire Ranch Reserve)*	83		$ 275,820	08/01/05
Pucket - 20825057B thru F		33	$ 42,000	11/26/12
Rancho Seco *(Upper Santa Cruz-Southern Altar Valley Reserve)*	9,574	27,361	$ 18,503,948	05/01/05
Reid *(Tortolita Reserve)*	4		$ 316,920	03/01/07
Rincon Valley Limited Partnership		172	$ 1,008,750	06/11/12
Route 606 *(Tucson Mountains Reserve)*	22		$ 241,134	10/01/06
Ruddick *(Agua Caliente Wash)*	13		$ 369,993	09/01/00
Saguaro Cliffs *(Tucson Mountains Reserve)*	155		$ 1,548,244	11/01/98
Sands Ranch *(Cienega Valley-Emprire Ranch Reserve)*	5,040		$ 21,015,503	12/01/08
Selective Marketing *(Tucson Mountains Reserve)*	10		$ 92,372	10/01/05
Serr *(Tucson Mountains Reserve)*	10		$ 94,776	12/01/05
Six Bar Ranch *(San Pedro Valley Reserve)*	3,292	9,000	$ 11,525,322	08/01/06
Sneed/Carter		14	$ 455,000	09/22/11
Sopori Ranch Phase *(Upper Santa Cruz-Southern Altar Valley Reserve)*	4,135	10,480	$ 18,602,695	01/01/09
South Wilmot LLC *(Pima Pineapple Cactus Mitigation Bank)*	36		$ 112,690	07/01/06
Star Pass Tucson Mnt Park Donations 116271780		98	$ -	03/01/13
Sweetwater *(Tucson Mountains Reserve)*	695		$ 11,733,653	06/01/04
Tang *(Tortolita Reserve)*	40		$ 2,377,079	07/01/07
Tanque Verde & Houghton LLC (*Agua Caliente Wash*)	77		$ 1,558,137	09/10/10
Tanque Verde Creek (Adkins Steel IGA)		14	$ -	03/11/13

* Acquisition costs include other funding sources such as grants or other county funds.

Property ***(Location)***	**Acres**	**Grazing Lease Acres**	**Acquisition Cost**	**Acquisition Date**
Terra Rancho Grande (*Agua Caliente Wash*)	72		$ 1,376,628	01/01/10
Tortolita Mountain Park - Phase I	1,418		$ 3,780,000	03/19/13
Tortolita Mountain Park - Phase II*	818		$ 2,450,000	07/14/14
Trayers Family Trust		15	$ 189,000	10/31/12
Treehouse Realty (*Wildlife Corridor*)	13		$ 922,742	04/01/10
Tucson Mountain Park Expansion API (*Trails End*)	100		$ 1,175,000	02/11/15
Tumamoc Hill*	277		$ 5,209,640	02/01/09
Valenica Site*	67		$ 940,000	03/01/10
Walden* *(Cienega Valley-Emprire Ranch Reserve)*	477		$ 1,400,000	09/01/04
Warland		4	$ 12,350	11/21/11
Totals	58,124	138,202	209,967,034	

* Acquisition costs include other funding sources such as grants or other county funds.

Appendix G. Non-county Industrial and Commercial Facility Inventory

AZPDES AZMSG Number	Facility Name	Sector	Inspection Date of Fiscal Year				
			11/12	12/13	13/14	14/15	15/16
61755	ACTION AUTO AND TRUCK	M	06/20/12		07/17/13		
7828	ALASKA AIRLINES	S			02/19/14		
61557	AMCEP METALS INC	N	04/27/12		07/17/13		
63184	AMERICAN AIRLINES	S			11/19/13		
15591	ARIZONA U PULL & SAVE	M					
63206	ASCENT AVIATION SERVICES CORP	S			11/18/13		
63203	ATLANTIC AVIATION	S				06/03/15	
62828	AVIATION AUTO SALVAGE	M		09/27/12 02/19/13			
63197	BOMBARDIER AVIATION SERVICES	S			11/18/13		
63036	CATALINA AUTO RECYCLING	M		04/17/13			
63080	CEMEX - COLUMBIA PLANT	E	05/11/12				
61414	CONCRETE DESIGNS	E		03/18/13	07/12/13		
61703	CONSOLIDATED REBAR INC (CRI)	AA	06/07/12	10/18/12			
63185	DELTA AIRLINES	S			02/19/14		
61555	DESERT METALS RECYCLING INC	N	06/15/12		07/13/13		
84445	EVERGREEN RECYCLING						
63192	EXPRESS JET						
6235	FEDERAL EXPRESS	S			11/18/13		
63191	FRONTIER AIRLINES						
8696	HARVEY TRUCKING	P					
72457	HENDRIX & COMPANY LLC	N					
61705	HVF PRECIOUS METALS LLC	F	06/08/12				
76276	INTELLIGENCE & INFO SYSTEMS	S			11/18/13		
63196	LEADING EDGE AVIATION	S				06/03/15	
63201	MED-TRANS CORPORATION / AZ LIFELIN	S				06/26/15	
63208	MILLION AIR	S				06/04/15	
60126	PARTS FOR LESS	M		02/27/13	07/13/13		
62811	POLY PRINT, INC.	X					
7831	PREMIER AVIATION	S				06/04/15	
73875	PULL-A-PART OF TUCSON						
63200	RATLIFF AVIATION INC	S				06/04/15	
62854	SAFETY-KLEEN SYSTEMS INC	K	05/23/12		07/23/13		
62418	SAGUARO ENVIRONMENTAL SERVICES	P		10/04/12 01/21/13	07/19/13		
62596	SCRAP METALS RECYCLING, INC	N	04/04/12 05/04/12				
63135	SFPP LP TUCSON TERMINAL	P		05/02/13			
63188	SOUTHWEST AIRLINES	S			11/19/13		
63209	SOUTHWEST HELISERVICES	S				06/03/15	
61746	SUN VAN	P		04/04/13 06/27/13	09/20/13		
80083	SWISSPORT FUELING INC.	S				06/26/15	
60146	THE SCRAP YARD	N		03/08/13	07/12/13		
61789	THERMAL ENGINEERING OF ARIZONA	AA					
63235	THERMO FLUIDS INC	N	04/04/12 05/07/12				

Appendix G. Non-county Industrial and Commercial Facility Inventory

AZPDES AZMSG Number	Facility Name	Sector	Inspection Date of Fiscal Year				
			11/12	12/13	13/14	14/15	15/16
63224	TUCSON AIR NATIONAL GUARD	S				05/19/15	
62229	TUCSON INTERNATIONAL AIRPORT	S			02/19/14	06/04/15	
63211	TUCSON POLICE DEPT AIR SUPPORT UN	S				06/03/14	
62585	TUCSON SOUTH/VAIL ROAD HAULING	P		09/25/12			
62994	TUCSON U-PULL-IT AUTO PARTS INC	M	05/24/12		02/19/14		
63189	UNITED AIRLINES	S					
63183	US AIRWAYS	S			11/19/13		
62636	USF REDDAWAY INC (313/TUC)	P					
7825	VELOCITY AIR INC	S			11/20/13		
63204	VICTOR II LTD	S				06/04/15	
11795	WESTERN REFINING WHOLESALE INC	P		05/17/13	02/02/14		
62778	YOUNG BLOCK TUCSON	E					
	Total facilities inspected		10	11	22	12	
	Total new facilities inspected during the fiscal year		10	10	11	11	
	Percent inspected		20%	20%	22%	22%	

Code	Sector
AA	Fabricated metal products
E	Glass, clay, cement, concrete and gypsum products
F	Primary metals
K	Hazardous waste treatment, storage or disposal facilities
M	Automobile Salvage yards
N	Scrap Recycling Facilities
P	Land transportation and warehousing
S	Air transport facilities
T	Treatment Works
X	Printing and publishing

Appendix H. Inventory of Facilities with Potential for Hazardous Substances

No.	Facility	Physical Address	ZIP	NOI[1]	SARA Title III[2]	TSD[3]
1	162ND FIGHTER WING, AZANG	1500 E VALENCIA RD	85706	Y	Y	-
2	AHEARN RENTALS	4985 N. CASA GRANDE HWY	85743	---	Y	---
3	ALCOA FASTENING SYSTEMS	3724 E COLUMBIA ST	85714	N	Y	----
4	AMERIGAS-TUCSON	2455 W WETMORE	85705	----	Y	----
5	APC EQUIPMENT & MANUFACTURING	7291 S FRANCES AVE	85756	N	----	----
6	ARIZONA PRECAST SEPTIC CONCEPTS LLC	5550 S BEVERLY AVE	85706	N	----	----
7	ATLANTIC AVIATION SERVICES TUCSON	1921 E FLIGHTLINE DR	85706	Y	Y	----
8	AUTO & TRUCK SALVAGE CO	3207 E AJO WAY	85713	N	----	----
9	AVIS RENT A CAR SYSTEM-TUCSON INT'L-QTA	2620 E AIRPORT DR	85734	----	Y	----
10	AVIS RENT A CAR SYSTEM-TUCSON INT'L APO	6909 SOUTH PLUMER AVE	85734	----	Y	----
11	B & F MACHINERY SALES AND RENTALS	4761 E LOS REALES RD	85756	N	----	----
12	BUDGET RENT A CAR SYSTEM-TUCSON INT'L	2629 E FLIGHTLINE DR	85734	----	Y	----
13	CALPORTLAND - SWAN RD	9301 S SWAN RD	85706	N	Y	----
14	CATALINA AUTO RECYCLING	4811 E CINDRICH ST	85706	Y	Y	----
15	CEMEX - COLUMBIA PLANT	4100 E COLUMBIA AVE	85714	Y	Y	----
16	CHEVRON USA INC - TUCSON TERMINAL	3865 E REFINERY WAY	85713	Y	Y	----
17	CIRRUS LOGIC INC.	5980 NORTH SHANNON RD	85741	N	Y	----
18	CONCRETE DESIGNS INC	3650 S BROADMONT DR	85713	Y	Y	----
19	CONTRACTORS & ENGINEERS SUPPLY	5230 E CANADA ST	85706	Y	Y	----
20	DON'S TOWING & SALVAGE	4851 E LOS REALES RD	85756	N	----	----
21	GLAS-TEC INC	5041 E CORONA RD	85756	N	----	----
22	GRANITE CONSTRUCTION MAIN OFFICE-SHOP	4115 E ILLINOIS ST	85714	----	Y	----
23	HD SUPPLY CONSTRUCTION SUPPLY	4451 S COUNTRY CLUB RD	85714	N	Y	----
24	HERTZ CORP	6951 S PLUMER AVE	85706	----	Y	----
25	HOLLY ENERGY PARTNERS-TUCSON TERMINAL	3605 S DODGE BLVD	85713	Y	Y	----
26	HORIZON MOVING SYSTEMS, INC	3600 E 36TH ST	85713	----	Y	----
27	IBM	9000 S RITA RD	85744	N	Y	---
28	LAS LOMITAS (VERIZON)	613 W LAS LOMITAS	85704	N	Y	----
29	LEARJET (BOMBARDIER)	1255 E. AERO PARK BLVD	85706	Y	Y	---
30	MITT'S PRECAST	3862 W VALENCIA	85746	N	----	----
31	NORTHWEST MEDICAL CENTER	6200 N LA CHOLLA BLVD	85741	----	Y	----
32	PARSONS STEEL ERECTORS INC	4580 N HIGHWAY DR	85705	N	----	----
33	POORMAN ROAD FACILITY	6500 S OLD SPANISH TR	85714	----	Y	----
34	PROTOTRON	3750 E 43RD PL	85713	N	Y	----
35	QWEST - TUCSON CATALINA C O	5770 N SWAN RD	85718	----	Y	----
36	QWEST-TUCSON FLOWING WELLS CO/SOC	4425 N FLOWING WELLS RD	85705	----	Y	----
37	QWEST - TUCSON NORTH C O	1111 W MAGEE RD	85704	----	Y	----
38	QWEST - TUCSON TANQUE VERDE C O	3800 N HOUGHTON RD	85749	----	Y	----
39	QWEST - TUCSON VAIL NORTH CO	14110 OLD SPANISH TRAIL	85641	----	Y	----
40	QWEST - TUCSON WEST C O	3420 N EL MORAGA DR	85718	----	Y	----
41	R & L CARRIERS	3601 E FARNUM PL	85706	N	Y	----
42	RANACO CORPORATION	4345 E IRVINGTON	85714	----	Y	----
43	RAYTHEON MISSILE SYSTEMS-RITA RD	9030 S RITA RD	85747	N	Y	---
44	ROADSAFE TRAFFIC SYSTEMS	5254 N CASA GRANDE HWY	85743	----	Y	----
45	SAFETY KLEEN CORP	4161 E TENNESSEE ST	85714	Y	----	Y

1 - Notice of Intent
2 -Section 313 of Title III of Superfund Amendments and Reauthorization Act
3 - Treatment, storage, or disposal of hazardous waste

No.	Facility	Physical Address	ZIP	NOI[1]	SARA Title III[2]	TSD[3]
46	SAGUARO ENVIRONMENTAL SERVICES	5055 S SWAN RD	85706	----	Y	----
47	SBC DBA AT&T INC	3701 E COLUMBIA ST	85714	----	Y	----
48	SCHWAN'S HOME SERVICES, INC - 100200	3761 E TENNESSEE ST	85714	----	Y	----
49	SCRAP METAL RECYCLING	4408 E ILLINOIS ST	85714	Y	Y	----
50	SFPP, L.P. - TUCSON TERMINAL	3841 REFINERY WAY	85713	----	Y	----
51	SPLASH POOL CHEMICALS OF ARIZONA INC	3144 E 46TH ST	85713	----	Y	----
52	SUN VAN (FORMERLY KNOWN AS VAN TRAN)	3401 E AJO WAY	85713	Y	Y	----
53	SWAN RD FAC, GRANITE CONSTRUCTION	9301 S SWAN RD	85706	Y	Y	----
54	TUCSON INTERNATIONAL AIRPORT	7250 S TUCSON BLVD	85706	Y	Y	---
55	TUCSON STEEL FABRICATORS INC	4419 N HIGHWAY DR	85705	N	----	----
56	UNION DISTRIBUTING COMPANY	4700 N HIGHWAY DR	85705	N	Y	---
57	UNION DISTRIBUTING COMPANY	4000 E MICHIGAN ST	85714	N	Y	---
58	UNITED AGRI PRODUCTS 1135	4429 N HIGHWAY DR	85705	----	Y	----
59	UNIVAR TUCSON	3791 E 43RD PL	85713	----	Y	----
60	USAF PLANT 44	1151 E HERMANS ROAD	85756	Y	Y	----
61	USF REDDAWAY, INC. (TUC-R)	2350 WEST WETMORE	85705	N	Y	----
62	VULCAN MATERIALS CO-BLACK ANGUS FAC	6500 S OLD SPANISH TR	85747	Y	Y	----
63	WASTE MANAGEMENT OF ARIZONA, S TUCSON	7030 E OLD VAIL RD	85706	N	Y	----
64	YOUNG BLOCK	2200 W GARDNER LN	85705	N	Y	---

1 - Notice of Intent
2 -Section 313 of Title III of Superfund Amendments and Reauthorization Act
3 - Treatment, storage, or disposal of hazardous waste

5 FIELD METHODS AND PROCEDURES

5.1 Field Equipment Operation and Calibration

Table 5-1. Sampling Equipment Checklist

Field equipment to collect stormwater samples	***Quantity for Sample Sites***			
	1	**2**	**3 & 4**	**5**
Vehicle Equipment				
Pick	-	-	1	-
Depth gage and sample dipper on extended pole	-	-	1	-
5-gallon bucket and scoops	1	2	2	2
Flashlight(s)	2	2	2	2
Metric rulers	1	1	1	1
Sharpies and Rite-in-the-Rain pens	1	1	1	1
First aid kit	1	2	1	1
Tape measure	1	1	1	1
pH meter, calibrated	2	2	2	2
Distilled water bottle (for rinsing electrode & Field Blank)	1	1	1	1
Extra aliquots(1-L amber glass, clear glass, &HDPE)	9 sets	9 sets	18 sets	9 sets
Personal Equipment				
Calculator	1	1	1	1
Cellular phone and list of contacts	1	1	1	1
Clipboard	1	1	1	1
Gear (rain pants, rain coat, boots)	1	1	1	1
Head lamp, with fresh batteries	1	1	1	1
Sample Kit				
Ice chest, large	1	1	2	1
Ice chest, small	1	1	1	1
Aliquots (1-L, amber glass, clear glass, & HDPE)	5 sets	5 sets	10 sets	5 sets
100-mL bottles for *E. Coli*	1	1	2	1
40-ml septa vials	9	9	18	9
500-ml HDPE bottle for cyanide	1	1	2	1
1000-ml clear glass bottle for TPH, O&G	1	1	2	1
Sample Site Record Form	1	1	2	1
Stage-Discharge Table	-	1	2	1
COC-Discrete, COC-Micro & *COC-Composite*	2	3	4	2
Custody seals	1	1	2	1
Composite Sample Calculations & Instruction Form	1	1	2	1
Supplies on the Way				
Bags of ice	4	4	8	4

5.1.1 pH Meter (YSI Pro1030)

Store the pH meters in the Stormwater Cabinet during the non-sampling seasons with the pH sensor disconnected from the cable bulkhead (Figure 5-1 and 5-2). The meter cable, which has the temperature and conductivity sensor at the bulkhead, can remain connected to the terminal. During winter and summer sampling seasons, calibrate the meters prior to potential sampling events and store two in each vehicle to be used for stormwater sampling.

Figure 5-1. Storage-mode of pH meter

Figure 5-2 Meter cable and pH sensor stored disconnected

A. Installing the pH sensor (Figure 5-2):

1. Remove the plastic plug from the cable's port by unscrewing it. Retain the plastic plug for future use.
2. Remove the plastic cap from the pH sensor's connector by pulling it straight off. Retain the plastic cap for future use
3. Remove the long term storage bottle from the end of the pH sensor. Retain for the long term storage bottle for future use.
4. Add a small amount of the Krytoc GPL 205 lubricant to the o-rings
5. Ensure both the sensor connector and cable connector are clean and dry.
6. Grasp the pH sensor with one hand and the cable bulkhead in the other. Push the pH sensor into the cable port until it is firmly seated and only one (1) o-ring is visible.
7. Twist the sensor clockwise to engage threads and finger tighten. This connection is water-tight. Do NOT use a tool or over tighten. Stop if you feel any resistance.
8. For short term storage (<30 days), place the probe in the grey storage sleeve with a sponge moistened with tap water. Do not use distilled water.

Cable bulkhead and plug	Storage bottle	pH Sensor	Lubricant	Cable bulkhead aligned with pH sensor	pH sensor in storage sleeve
Step 1		**Steps 2-4**		**Step 6**	**Step 8**

Figure 5-3. Installing the pH sensor

B. Calibrate the pH Meter

Refer to the YSI Pro1030 User Manual for additional information. The manual is stored inside each meter case.

1. Press the ON/OFF button to turn the meter on. The main display will show the pH, conductivity, and temperature reading.
2. Pour fresh standard buffer solutions (pH 4, 7, 10) into three different plastic cups. (At the beginning of each sampling season, check that the buffers have not expired, replace if it has). The cups and buffers are kept in the pH meter case. The probe includes an ATC (Automatic Temperature Compensation) function that automatically adjusts pH according to temperature.
3. Press and hold Cal button for three seconds.
4. Highlight pH and press enter.
5. Highlight 3 point and press enter.
6. Rinse the sensor with pH buffer 7.
7. Place the sensor in pH buffer 7 and allow the temperature and pH readings to stabilize.
8. Once the temperature and pH readings have stabilized press enter. The meter will automatically move to the second point.
9. Rinse the sensor with pH buffer 4.
10. Place the sensor in pH buffer 4 and allow the temperature and pH readings to stabilize.
11. Once the temperature and pH readings have stabilized press enter. The meter will automatically move to the third point.
12. Rinse the sensor with pH buffer 10.
13. Place the sensor in pH buffer 10 and allow the temperature and pH readings to stabilize.
14. Once the temperature and pH readings have stabilized press enter to complete the 3-point calibration.
15. ‘Calibration Successful’ will display for a few seconds to indicate a successful calibration and then the instrument will return to the Run screen.
16. If the calibration is unsuccessful, an error message will display on the screen and the process must restart from the beginning.
17. Log the date and time of successful calibrations in the pH Log Book.

C. Measure pH (Figure 5-4)

1. Press the ON/OFF button to turn the meter on.
2. Install the sensor guard, the metal sleeve with cutout sections, if it is not already on.
3. Submerge the pH probe in either a collected sample or flowing water. Ensure that the temperature sensor at the lower end of the cable bulkhead is submerged.
4. Wait for the reading to stabilize.
5. Write down the pH and temperature readings or highlight Save and press enter to store the reading.
6. Hold the ON/OFF button for three seconds to turn off.

Collected Sample

Collected Sample **Flowing Water**

Figure 5-4. Measuring pH

D. Store the pH meter when not in use longer than 30 days

1. Ensure that the pH sensor and cable bulkhead are clean and dry.
2. Unscrew the pH sensor from the port on the cable bulkhead.
3. Screw in the plastic port plug into the cable bulkhead port.
4. Cover the pH sensor connecter with the plastic cap.
5. Place the end of the pH sensor into the long term storage bottle filled halfway with pH 4 buffer.

5.1.2 Depth Gage for Sample Sites 3 and 4

A PVC pipe is marked in centimeters for Sample Sites 3 and 4. One side is calibrated for Sample Site 3 and the other for Sample Site 4. When the depth gage rests on the floor of the reinforced concrete pipe (RCP), the reading is zero. As the gage is raised the markings reflect the centimeters above the floor of the RCP. When the depth gage is just touching the top of the flowing water, read the depth from the side of the depth gage calibrated for the site.

5.1.3 Rain Gauges

The Pima County Regional Flood Control District (RFCD) operates the Automated Local Evaluation in Real Time (ALERT), a network of real-time rainfall and runoff sensors in county watersheds. Transmitters send rainfall data from the sensors to a base station computer. The base station transmits a page to one virtual stormwater pager which sends a message to smart phones used by staff in the Stormwater Management Program (Table 5-3).

Table 5-2. Sample Sites and Rain Gauges

Sample Site	Rain Gauge Number	Rain Gauge Address
1, 3, 4	2100	2100 N. Swan Rd @ Calle del Pantera
2	2380	2380 N. Ruthrauff Rd @ La Cholla Blvd
5	6240	6240 E. Country Club Rd @ Columbia St

5.2 Readiness for Sampling

A. Check the accessibility of each sample site. Remove any vegetation in the concrete box beneath the grating at Sample Site 3. The manhole cover at Sample Site 4 must be removable.

B. Empty the on-site rain gauges (Sample Sites 1, 2, 3/4 and 5) and clean, if necessary.

C. Note any unusual conditions at the site that may indicate an illicit discharge.

D. Load three Sample Kits and associated field equipment (Table 6-1) in the stormwater vehicle and two Sample Kits and associated field equipment in the stormwater back-up vehicle.

E. Calibrate the pH meters prior to mobilization (5.1.1.C). Include extra batteries with each pH meter. Two meters should be taken for each sample site.

F. At the beginning of each sampling season, perform the following:
   1. Update contacts information of staff, volunteers and CRAO Laboratory.
   2. Verify the hours each volunteer is available.
   3. Review the procedures and safety activities with each new volunteer.
   4. Run a system check of the paging system by contacting Pima County Regional Flood Control District (RFCD) Water Resources Division Chief Hydrologist managing the ALERT system (Andy Wigg, 243-1855).

5.3 Team Mobilization

A. Make a weather forecast at the following websites:
   - Long-term: Unisys Weather Models at http://weather.unisys.com/nam/
   - Short-term National Weather Service - NWS Tucson.
   - Hourly: National Weather Service - NWS Tucson, scroll to *Hourly Weather Graph*

B. Each sampling event must be preceded by 72 hours with daily rainfall that is less than 0.2 inches. ALERT data may be accessed via Pima County Regional Flood Control District Alert System, at http://159.233.69.3/perl/pima.pl. Contact RFCD's Chief Hydrologist managing the ALERT system (Andy Wigg, 243-1855), if there are problems with the rain gauges.

C. Inform the on-call members of the status of rainfall and need to carry smart phones.

D. Contact the CRAO Lab to arrange for analysis of microbiologic sample(s) by 4:00pm on days with the potential for collecting a stormwater sample and alert them to carry the Stormwater Phone. If weather conditions indicate there will be inadequate rain for a stormwater sample, call the Microbiology Chemist on the Stormwater Phone at that time to end their on-call status.

E. Team leader contacts the team member(s) when rainfall is imminent:
- Summer time: about 1-1/2 hour before rainfall begins
- Winter time: about the time rainfall begins

5.4 Team and equipment Assembly at Sampling Sites

A. Team leader arrives at site with sampling equipment and supplies loaded in the vehicle.

B. Each team member reports to their assigned site.

C. In route, the team leader should purchase 3-4 bags of ice per sampling site.

5.5 Site set-up

A. On-Site Sampling Decision
1. Assess the local weather conditions, (i.e. wind, lightning, flash flooding).
2. Determine the safety of field conditions and do not sample if it is unsafe.
3. Remember that the first grab sample can be collected up to one hour after runoff begins.

B. Individual Sampler Preparation
Each team member should wear appropriate protective equipment (i.e., clothing, safety shoes, gloves, and safety glasses, as needed).

C. Establish a Safe and Efficient Working Area
1. At night, park the vehicle close enough to illuminate the area with the headlights.
2. Set up the traffic safety cones and traffic barricades around the area, as needed.
3. Set-up the spotlight or use flashlights, if dark.
4. Organize the sampling containers for convenient access.
5. Check the functioning of the meters.
6. Use the pick to open the manhole cover at sites 3 and 4.

D. Pre-Sampling Activities
At the time of arrival, fill-out the upper 1/3 of the *Sample Site Record* form with information on station, date, crew and field conditions.

5.6 Sample Collection

5.6.1 Discrete Samples

A. Collecting Discrete Samples

1. Collect discrete samples at the first time interval (Table 4-2). Discrete samples are taken within a short period, usually less than 15 minutes, to characterize the quality of stormwater discharge at a given time (EPA, 1992). Longer time periods for collecting samples may be needed due to extreme field conditions and are in accordance with sampling requirements defined in 40 CFR 122 *et seq.* (NPDES) and 40 CFR 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).
2. Filling the sample bottles

   a. *E. Coli* Sample

   Fill the sample bottle directly from stormwater flow. Fill to the level marked on the side of the bottle. Cap the bottle securely and mix the sample briefly by shaking. Place the PCRWRD Custody Seal over the top of the bottle, fill in the label, place in a ziplock plastic bag, and squeeze the air out of the bag.

   b. Total Cyanide sample

   Fill bottle directly from stormwater flow. Fill bottle from 250 to 500 ml full. This bottle contains a preservative so it can be filled only once.

   c. VOC samples

   Fill the vials directly from the stormwater flow. Be sure there is a bead of water over the lip of the vial. When the cap is place on top, there should be no air bubbles in the bottle. Turn the vial upside down and gentle tap the bottle with your finger. If there are bubbles, discard the sample and refill the bottle.

   d. Oil & Grease and Total Petroleum Hydrocarbons Samples

   Fill the sample bottle directly from the stormwater flow. Fill the bottle completely full.
3. Measure pH and temperature by filling an extra 1-liter bottle with stormwater or place the sensors directly in the stormwater flow. Allow sufficient time for the pH probe to stabilize.

B. Recording Sample Information

1. Fill-out the bottle ware labels on the *E. coli* sample bottle, cyanide sample bottle, VOC samples, and O&G-TPH bottle. Labels on the bottles have spaces to fill in the site number, sample date and time.
2. Record the pH and temperature on the *Sample Site Record* form within 15 minutes of collecting the water. The sample forms are printed on waterproof paper so use the "Rite in the Rain" pens to record data. Discard the water in the extra 1-liter glass bottle after recording is completed.
3. Check-off the appropriate sections on the *Sample Site Record* form.

C. Storing the Samples

Place the bottles in the cooler filled with ice. Be sure that the ice surrounds the sample bottles. **Preserve the Colilert sample bottle on ice as quickly as possible** to prevent the

bacteria from multiplying in the sample bottle. The sample is to be cooled to 4°C as soon as is practical.

5.6.2 Composite Samples

A. Measure and record the discharge or flow rate.

1. At Sites 2, 3, 4, and 5, measure the depth of flow or stage.
   a. For sites 2 and 5, place a ruler or meter stick in the middle of the flow path, vertical to the channel bottom, and measure flow depth in centimeters. For sites 3 and 4, lower the calibrated depth gage until it just touches the surface of the flowing water. Read the depth gage.
   b. Record the flow depth.
   c. Use the Stage-discharge Rating Curve (Appendix C), look-up the measured flow depth and the corresponding discharge. Record the discharge in cubic meters per second on the *Sample Site Record* form. Interpolation between entries on the chart may be necessary.
   d. Identify the highest flow for the sample site and log that value on the *Sample Site Record* form. Calculate the % highest flow and enter the value. As the sampling proceeds and the flow rate decreases, calculate the cumulative volume in milliliters.
2. At Site 1, measure the timed flow from the outfall.
   a. Place a 5-gallon bucket beneath the outfall. Measure the time required to fill the bucket.
   b. Record the volume and time required to collect the volume. A white bucket is graduated by gallons.
   c. Calculate the discharge (5-gallon bucket = 20.5 L = 0.0205 m^3).
   d. Identify the highest flow for the sample site and log that value on the *Sample Site Record* form. Calculate the % highest flow and enter the value. As the sampling proceeds and the flow rate decreases, calculate the cumulative volume in milliliters.

B. Collecting a Composite Sample
1. Use the field bottle ware for collecting samples, if site geometry allows, (i.e., Site 1). Use a scoop at sites 2 and 5 to fill the bottles for the composite samples. Rinse off the scoop three times with flowing water. Use a long handled dipper at sites 3 and 4. Rinse off the dipper cup three times with flowing water.
2. Avoid stirring up the bottom sediments while collecting the sample.
3. Pour contents of the scoop into the field containers (1-liter clear glass, 1-liter amber glass, 1-liter HDPE).

C. Recording Sample Information
1. Measure and record the discharge.
2. Fill in the container labels for the 1-L clear glass, amber glass, and HDPE bottles. The labels require sample site number, sample date, time, and sample number (Table 2-3).
3. Check-off the appropriate sections on the *Sample Site Record* form.

D. Storing the Sample
1. Put each sample bottle in a cooler and cover the bottles with ice. The samples need to be cooled to 4°C to meet analytical method requirements.

5.6.3 Sampling Frequency and Intervals

A. Field Measurements

1. Field measurements of pH and temperature are collected at four different times during a sampling event (time = 0, 60, 120, 180 minutes). The first measurements are taken in conjunction with the discrete samples (Table 4-2).
2. Contact the on-call CRAO Microbiology Chemist (Table 1-1) after the third field measurement is collected (time = 120 minutes) to give a 1 to 1-1/2 hour warning of planned arrival at the CRAO Lab. If sampling is shorter, call the Microbiology Chemist or the Stormwater Phone when sampling is completed to alert them of estimated time of arrival at the laboratory.

B. Discrete Samples

Discrete samples are collected at time = 0 with the first field measurement (Table 4-2).

C. Composite Samples

1. Composite samples are collected every 15 minutes (time = 0, 15, …, 180 minutes), as long as there is sufficient flow to collect an aliquot (Table 4-2).
2. Collect a minimum of 2 clear glass samples, 2 amber glass samples, and two HDPE samples. When arriving on site, assess how long the flow is expected to continue and collect the samples such that these minimum volumes are collected:
   - Amber glass - 2000 mL
   - Clear glass - 563 mL
   - HDPE bottle – 1750 mL
3. Contact the on-call CRAO Microbiology Chemist (Table 1-1) after the last aliquot is collected to advise them of the expected arrival time.

5.7 Site Closeout

A. Sampling Containers and Records

1. Check that all field containers are labeled and safely stored in coolers for transport.
2. Check *Sample Site Record* form is complete and correct.
3. Verify the last reading in *Cummul. Vol (mL)* on the *Sample Site Record* form is 2000 mL or greater to assure sufficient aliquot volume for the composite samples.
4. Place coolers and clipboard in vehicle.

B. Field Instruments

1. Rinse off the pH probe with water and cover with storage sleeve moistened with water (Figure 5-3, Step 8). Do not use distilled water.
2. Wipe the instruments clean of any excess moisture before packing the instrument.
3. Load the instruments in vehicle.

C. Other Field Equipment

1. Pack up any extra un-used bottle ware and load them in the vehicle.
2. Pack up the meter stick, ruler, sampling scoop, flashlights, and other vehicle equipment.

3. Check the area for incidental trash, etc.
4. Pack up the rainwear, gloves, boots, spotlights, and other personal gear.

D. Transport Samples to the CRAO Lab
1. Complete the *Sample Site Record* form for the following:
    - Contact with laboratory
    - Departure
2. Place the completed *Sample Site Record*, *COC-Discrete* and *COC-Composite* in the plastic ziplock bag in the cooler with the sample bottles.
3. Drive to the CRAO Lab (2955 W. Calle Aqua Nueva), southwest of Camino Del Cerro and I-10 intersection. Park the vehicle at the sample receiving entrance.

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6 SAMPLE DOCUMENTATION AND TRANSPORTATION

6.1 Field Notes

A field logbook, equivalent to Rite-in-the-Rain No. 550, All-Weather Environmental Field Book, shall be used to document where, when, how and from who vital project information has been obtained. Logbook entries shall be complete and accurate enough to reconstruct field activities. Entries should be legible, written in water resistant ink, and contain factual, objective language. Each logbook entry shall begin with the date and time of arrive, location, and weather conditions at the site. Additional information can include the following:

- Activities performed at the site such as collecting the water quality sample and flow rates
- Conversations with general public,
- Deviations from the sampling plan, safety procedures, and QA/QC procedures,
- Changes in personnel and responsibilities with reasons for the change, and
- Note if photographs were taken.

Specific information collected for the sampling event, such as when samples were collected, ph and temperature readings, and associated calculations, are to be entered on the *Sample Site Record* (Appendix D).

6.2 Labeling

Two types of labels are applied to all bottle ware. CRAO laboratory provide a set of bottles with pre-printed labels attached with rubber bands or contained within the plastic bag for the septa vials. PDEQ replaces these labels with lab-approved adhesive waterproof labels (Appendix D). The CRAO laboratory provides the composite aliquots bottles with adhesive labels (Figure 6-1).

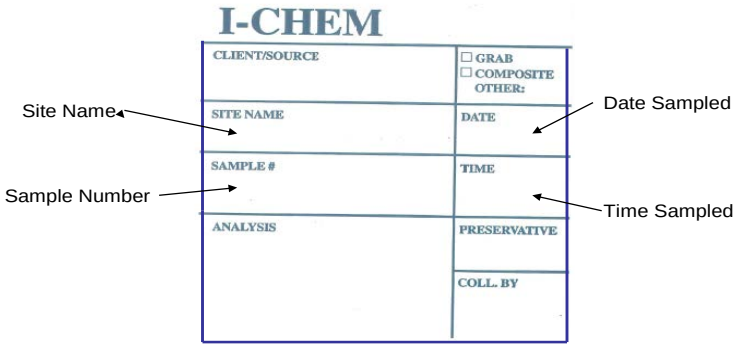

Figure 6-1. Adhesive Tape Label Format

6.3 Chain-of-Custody Forms and Custody Seals

The *COC* forms shall have been pre-filled each season. The site specific information should be added to the *COC* forms.

A. Complete the *COC-Mirco*, *COC-Discrete* and *COC-Composite* forms. Follow the Single Chain of Custody Checklist for CRAO Lab (Appendix D)
    - Write in the last name of the submitter and sampler(s).

- The sample start time is the earliest time that sample collection or field testing was initiated in 24 hour format. composite time is the time the first aliquot was collected to the time the last aliquot was collected.
- The sample end time is the latest time that sample collection or field testing was performed and completed in a 24 hour format.
- Add the field pH and temperature to the *COC-Discrete* form.
- Enter the total number of sample bottles being delivered. Each set of four septum vials and one Trip Blank is counted as 1 bottle.
- Do not check the yes or no boxes under Sample Integrity/Preservation. Write in the comments whether the bottles were transported on ice.
- Enter the date and initials that are on the septum Trip Blank sample.
- Add any additional information to Comments/Instructions, as necessary.

B. Submitter signs their name on the first row. The Receiver will sign their name and add the date and time. If leaving samples in the refrigerator, write "Refrigerator" and enter the date and time.

C. If a mistake is made on the form, draw a single line through the mistake and write the correction. Add your initials and date next to the correction.

D. Do not fill out any of the fields under LAB USE ONLY or Lab Receipt.

E. Request the Lab Technician send a scanned copy of the *COC-Micro, COC-Discrete* and *COC-Composite* to the Submitter.

6.4 Packaging and Transportation

Logging the information in the *Sample Site Record* documents when the sampling occurred, who was present, what data was collected, and when the sampling was complete (Appendix D). The *Stage-Discharge Table* provides the discharge volumes in cubic meters per second (m^3/s) for each measured centimeter of depth of flow at each sample site (Appendix E). All forms shall be printed on Rite-In-Rain paper. Standard paper when wetted, as is likely during a rainfall event, is difficult to write on and can rip easily.

Bring the *Sample Site Record* form back to the office and scan the document. The two scanned forms should be filed in the following directory:

- Z://_Shared Data/Water/AZPDES/Monitor/Sample Sites/#

  where # is the samples site number. A shortcut to these files should be filed in the following directory:
  Z://_Shared Data/Water/AZPDES/Monitor/WaterQuality/FYyyyy

  where yyyy is the fiscal year (i.e., FY2013 = July 1, 2012 through June 30, 2013).

7 SAMPLE PREPARATION

7.1 Transport into Laboratory

Get a cart from the laboratory, place the cooler(s) on the cart, and roll it into the laboratory. Coolers should contain all the sample bottles (Table 4-3) and paperwork (Table 4-4).

7.2 Release Discrete Samples

A. Complete the *COC-Micro* and *COC-Discrete* form (See 6.3)

B. Release the samples to the Lab Technician or Microbiology Chemist, who will load the samples into the refrigerator. The Lab Technician or Microbiology Chemist will scan the bottle to verify the temperature of the sample bottles upon receipt.

C. If the Lab Technician or Microbiology Chemist are not present to accept the samples, retrieve the key to the refrigeration unit (RU) and load the samples into the RU. Place the *COC-Micro* and *COC-Discrete* form on the counter opposite the work stations.

7.3 Prepare Composite Samples

A. Set-up the compositing equipment and sample bottles

1. Place three 4-liter amber glass narrow neck bottles, three glass funnels and three 1000-ml graduated cylinders on the lab counter. All equipment used for the preparation of the composite samples should be solvent-rinsed and acid-rinsed.
2. Use one set of glassware for each of the amber glass aliquots, clear glass aliquots, and HDPE aliquots.
3. Organize the aliquots on the lab bench by bottle type. If more than one sample site has been sampled, keep the samples separate from each other.
4. Organize the lab bottle ware for the composite samples on the bench.
5. Complete the required information on each colored label on the bottle ware.

B. Composite the samples into the 4-liter amber glass narrow neck bottles

1. A composite sample will be created by combining calculated volumes, from each 1-liter aliquot into a 4-liter amber glass bottle. Using a graduated cylinder, measure out each calculated aliquot volume (from *Flow Weight* on *Sample Site Record* form) and pour the measured volume into the 4-liter amber glass bottle.
2. Perform Step 1 for each of the amber glass aliquots, clear glass aliquots, and HDPE aliquots.
3. When each of the three 4-liter amber glass bottle has been filled with the flow-weighted aliquots, swirl the contents of the bottle to mix the aliquots.

C. Decant the mixed aliquots into labeled bottle ware.

1. For the 4-liter amber glass bottle with the **amber glass aliquots**, swirl the bottle and pour the water to fill-up the following bottle sets:
   - One 1000-mL amber glass bottle with green labels (SVOCs).
   - One 1000-mL amber glass bottle with green labels (Pesticides & PCBs).
2. For the 4-liter amber glass bottle with the **clear glass aliquots**, swirl the bottle and pour the water to fill-up the following bottle sets:
   - Two 500-mL clear glass bottles with orange labels (NH4, TKN, TP, NO_3-NO_2, COD)
   - One 125-mL clear glass bottle with green labels (Orthophosphate).

3. For the 4-liter amber glass bottle with the **HDPE aliquots**, swirl the bottle and pour the water to fill-up the following bottle sets:
    - One 500-mL HDPE bottle with red labels (Total Metals, Hardness).
    - One 1000-mL HDPE bottle with green labels (Dissolved Metals).
    - Two1000-mL HDPE bottles with green labels (pH, TDS, TSS, temperature, BOD).

D. Immediately after filling each sample bottle, place the sample bottle into an ice-filled cooler. Extra ice may be found in the sample staging lab area where an ice machine is located. The samples need to cooled to 4°C to meet analytical method requirements.

E. Clean up the lab.

1. Decant the unused aliquots into the sink.
2. Place the used bottle ware in the gray bins next to the sink.
3. Put the remaining equipment away in the cabinet.
4. Wipe the counters clean.

7.4 Release Composite Samples

A. Complete the *COC-Composite* form.
B. Release the samples to the Lab Technician or Microbiology Chemist, who will load the samples into the refrigerator. The Lab Technician or Microbiology Chemist will scan the bottle to verify the temperature of the sample bottles upon receipt.
C. If the Lab Technician or Microbiology Chemist are not present to accept the samples, retrieve the key to the refrigeration unit (RU) and load the samples into the RU. Place the *COC-Composite* form on the counter opposite the work stations.

Standard Operating Procedure	PDEQ Pima County Department of Environmental Quality EQ DIVISION	**SOP No:** STW-001 **EFFECTIVE DATE:** 12/01/2014 **SUBJECT:** Stormwater Inspection at a Construction Site

PURPOSE: The purpose of the construction site inspection verifies the construction project operators comply with local stormwater requirements and approved construction plans. This includes effective erosion and sediment controls as well as pollutant discharge controls that maintain the biological, physical and chemical water quality of stormwater. Inspectors look for the following:

- Reduction of pollutant discharges to the maximum extent practicable to the MS4 Permit for all construction projects (40 CFR122.26.d.2.iv) by verifying the following:
  - Site planning procedures reduce water quality impacts
  - Structural and non-structural control measures are implemented and maintained
- Ensure construction activities operate in compliance with Pima County Code
- Educate and train Pima County staff involved with construction activities on stormwater related issues.

The inspections are performed in accordance with the Clean Water Act, the Arizona Pollutant Discharge and Elimination System (AZPDES), Pima County Code and Pima County's MS4 Stormwater Permit No. AZS000002 herein referred to as MS4 permit. Local stormwater ordinances assess consistency with the following permit and compliance with local, state and federal rules including the following state statutory authority:

- Consistency with AZPDES Construction General Permit (CGP)
- Compliance with Pima County Ordinances
  - Title 7 – Environmental Quality
    - 07.33.020 Removal of Rubbish, Trash, Weeds, Filth, & Debris
    - 07.45.020 Environmental Nuisances
  - Title 10 – Traffic and Highways
    - 10.44.030.N Construction in County Rights-of-way conveys stormwater
  - Title 16 – Floodplain Management
    - 16.42.030.A Grading or alternation of watercourses
  - Title 18 - Zoning
    - 18.81.040.G Drainage Controls
- Compliance with Delegated Authority for the following
  - A.R.S §§ 49-801, 803, 811, 812 Management of Used Oil
  - Title 40 CFR § 279.1 Standards of the Management of Used Oil

Construction project operators are required to comply with local stormwater requirements and approved construction plans.

I. JUSTIFICATION

The 2011 MS4 Permit, Appendix A, Part VI.E requires inspections of construction sites within the designated MS4 permit area for effective Stormwater Management Plan implementation.

II. DEFINITIONS

Construction Activity: Activity such as clearing, grading, excavating, stockpiling of fill material and other similar activities resulting in a land disturbance of at least one acre, or less, if part of a larger common plan of development or sale that will ultimately disturb one or more acres. This definition encompasses both large construction activities (40 CFR 122.26.b.14.x) and small construction activities (40 CFR 122.26.b.15.i).

Construction Site: a location where construction activities are ongoing and therefore the operator is required to obtain coverage under the Arizona Pollutant Discharge Elimination System Construction General Permit and has a Notice of Intent (NOI).

Control Measure: Any Best Management Practice, control technique and system, design and engineering method, and such other provisions to prevent or reduce the discharge of pollutants to waters of the United States to the maximum extent practicable.

Municipal Separate Storm Sewer System (MS4): a storm sewer system managed by a municipality and which is separate from the sanitary sewer system.

Notice of Deficiency (NOD): Notice issued when a deficiency of a requirement has occurred and does not pose an immediate threat to human health or the environment (i.e. failure to install or maintain sediment and erosion control measures). Corrective action is included in an NOD.

Notice of Potential Violation (NOPV): Notice issued after second inspection confirms the deficiency was not resolved within the allowable time frame and requires corrective action.

Notice of Violation (NOV): Notice issued when a violation of Pima County Code has occurred and corrective action is required.

Regulatory Bill of Rights: Document which outlines responsibilities in harmony with the rules of law, regulatory information and resources available to construction operators (ARS §§ 11-1602 (Regulatory Bill of Rights); 1603 (Inspections; applicability).

Stormwater Management Program (SWMP): Document defining how Pima County implements stormwater management, including construction site inspections.

Inspection Report (IR): Document inspections including date, inspector name and title and status of stormwater management minimizing the discharge of sediment and other pollutants. The report can also identify control measures to be maintained or upgraded as well as and corrective actions required for any non-compliance with Pima County Code. Photo logs may be included to document what was observed.

III. INSPECTION PROCEDURE

Inspections are based on the list from Arizona Department of Environmental Quality (ADEQ) of construction sites with NOIs and which have the potential to discharge to Pima County's MS4 infrastructure. The data processing, field inspections, follow-up documentation and enforcement actions aim to bring all construction site activities to be consistent with the ADEQ Construction General Permit (CGP) and compliant with PCC (Figure 1).

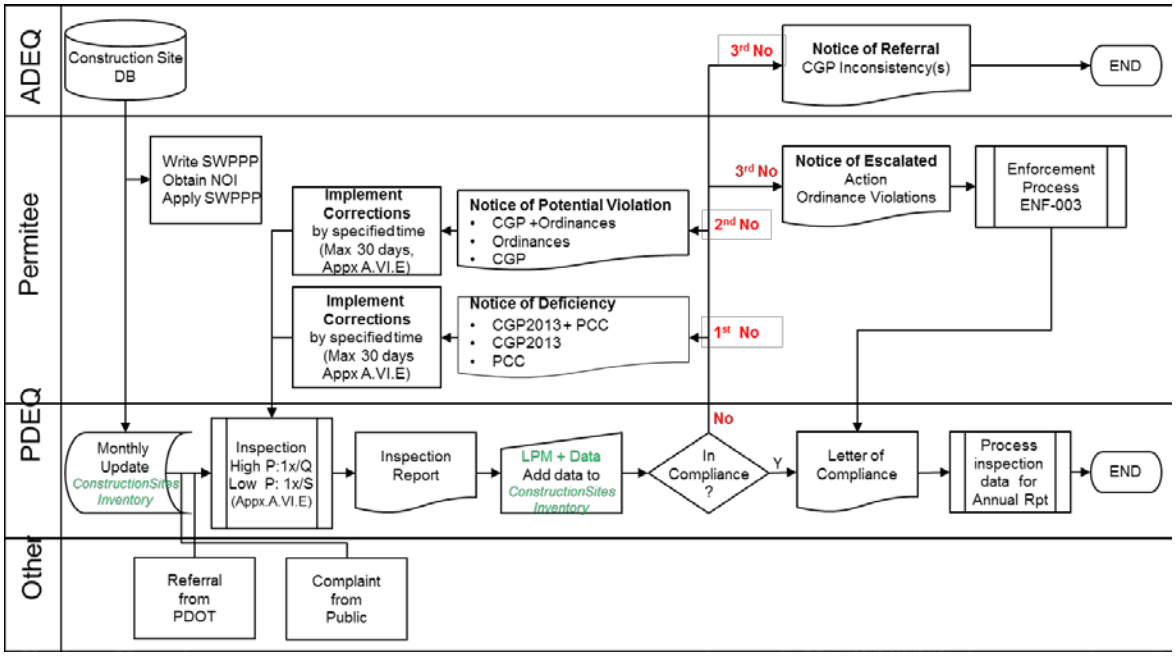

Figure 1. Process Flow Diagram for Construction Site Inspections

1. Update the Construction Site Inventory

Each month the Pima County Department of Environmental Quality (PDEQ) requests ADEQ provide an updated list of construction site operators or owners that have filed for an *AZPDES Permit Notice of Intent (NOI)* in Pima County. Operators or owners filing multiple NOIs for the same construction site will be grouped as one site and will have the same assigned priority. Staff reviews the updated list to identify the projects located within unincorporated Pima County and that discharge to a Pima County road or drainage way[1], as required by 40 CFR 122.26.d.2.iv.D. Each site is assigned a priority of Low or High. Low priority sites are inspected semi-annually. High priority sites are to be inspected quarterly and are defined by the following criteria:

- Receiving water designated as impaired or an Outstanding Arizona Water
- Linear construction projects larger than 50 acres
- Site where the public have filed more than 2 stormwater complaints with PDEQ
- Site has a high potential to discharge pollutant(s).

[1] Assessment is based on the following layers in MapGuide: parcels, aerial photo, roads, washes, and topography.

The pre-construction meetings of the high priority construction sites will be attended to verify the SWPPP is complete and the owners or operators have identified the construction phases where earth is moved and unstable, key control measures preventing erosion, minimizing transport of sediment off site and controlling the mobilization of other contaminants on the construction site.

2. Perform Routine Inspections

Routine inspections document how well the construction industry is implementing stormwater management protocols and provide a record of compliance at each construction site.

a. Prepare inspection reports (IR) and maps for the inspection.

b. Present credentials (name, title and qualifications) to the Operator prior to entering the construction site.

c. Review any records (SWMP, approved construction plans) that must be kept under the conditions of ADEQ's Construction General Permit or Pima County Code.

d. Perform a site inspection looking and document consistency with CGP and compliance with Pima County Code.

e. Log the result of the inspection in the Construction Site Inventory and identify the construction status (inactive, active, or complete) and compliance status (in compliance or out of compliance).

f. Send a copy of the IR to the Construction Site in an e-mail or with a cover letter.
   - Letter of compliance (compliance with PCC)
   - Notice of Deficiency (Deficient with PCC, inconsistent with CGP, or both)
   - Notice of Potential Violation (Deficient with PCC, inconsistent with CGP, or both)
   - Notice of Referral (Inconsistent with CGP)
   - Notice of Escalated Action (Deficient with PCC)

NOTE: If the site is out of compliance, specify the dates the owner or operator is to bring the site into compliance. Date of return to compliance shall follow the CGP requirements and be completed within 30 days of the original inspection.

IV. Compliance with stormwater-related Pima County Ordinances

1. If the site remains out of compliance, notify the construction site owner or operator the site is out of compliance with PCC by sending the IR with a Notice of Violation, in accordance with the Enforcement Process in Standard Operating Procedure ENF-003.

2. Track response of owner or operator by contacting them within specified due dates.

3. Inspect site after owner or operator has identified the site is in compliance. Evaluate if the site is in compliance and the case can be closed or if additional actions are required.

4. Close out the NOV or proceed to escalated enforcement. Escalated enforcement shall follow the procedures described in the Enforcement Standard Operating Procedure ENF-003.

V. Public Outreach Information

Information provided to the construction industry focuses on acquiring the CGP, writing a Stormwater Pollution Prevent Plan (SWPPP), implementing a SWPPP and cleaning up a site after the land surface has been stabilized and construction is completed. This information is available through the following avenues:

- Website: http://www.deq.pima.gov/water/stwmgmprog.html
- Brochure: Construction Sites & Stormwater Control in Unincorporated Pima County
- Outreach: Annual Construction Seminar coordinated by PAG
- Training: Tailgates at construction sites with contractors and project managers
- Business Assistance Program: Phone and e-mail inquires

Assessment of SOP
Each time the MS4 permit is renewed; this SOP will be evaluated for consistency with the new provisions of the permit.

Attachments:
Construction Site Inspection Report form
Stormwater Letters and Notices
ENF-003 – Enforcement Process

APPROVED BY:

12/1/2014

Deputy Director Date

Original Policy Approved: July 23, 2013
Date(s) Revised: December 1, 2014

Standard Operating Procedure	PDEQ Pima County Department of Environmental Quality EQ DIVISION	SOP No: STW- 002 EFFECTIVE DATE: 07/23/2013 SUBJECT: Stormwater Post-construction Inspection

PURPOSE: The purpose of the post-construction inspection includes the following:

- Reduce the discharge of pollutants to the maximum extent practicable to the MS4 Permit for all construction projects (40 CFR122.26.d.2.iv) by verifying the following:
  - Post construction site planning procedures reduce water quality impacts
  - Structural and non-structural control measures are implemented and all temporary Best Management Practices (BMPs) have been removed.
- Ensure post construction activities operate in compliance with Pima County Code
- Educate and train Pima County Staff involved with post construction activities on stormwater related issues.

The post construction inspections are performed in accordance with the Clean Water Act, the Arizona Pollutant Discharge and Elimination System (AZPDES), Pima County Code and Pima County's MS4 Stormwater Permit No. AZS000002 herein referred to as MS4 permit. The post construction site inspections assess the following:

- Compliance of with Pima County Ordinances
  - Title 7 – Environmental Quality
    - 07.33.020 Removal of Rubbish, Trash, Weeds, Filth, & Debris
    - 07.45.020 Environmental Nuisances
  - Title 10 – Traffic and Highways
    - 10.44.030.N Construction in County Rights-of-way conveys stormwater
  - Title 16 – Floodplain Management
    - 16.42.030.A Grading or alternation of watercourses
    - 16.48.020.B Balanced and critical basins-Development Conditions
  - Title 18 – Zoning
    - 18.81.040.H Drainage Controls
    - 18.81.040.L Grading standards, Additional requirements
- Compliance with Delegated Authority for the following:
  - A.R.S §§ 49-801, 803, 811, 812 Management of Used Oil
  - Title 40 CFR § 279.1 Standards of the Management of Used Oil

Property owners are responsible for complying with local stormwater requirements.

I. JUSTIFICATION

The 2011 MS4 Permit, Appendix A, Part VI.H requires inspections of construction sites within (1) year after construction has been completed to determine effectiveness of post-construction stormwater controls.

II. DEFINITIONS

Construction Activity: Activity such as clearing, grading, excavating, stockpiling of fill material and other similar activities resulting in a land disturbance of at least one acre, or less, if part of a larger common plan of development or sale that will ultimately disturb one or more acres. This definition encompasses both large construction activities (40 CFR 122.26.b.14.x) and small construction activities (40 CFR 122.26.b.15.i).

Construction Site: a location where construction activities are ongoing and therefore the operator is required to obtain coverage under the Arizona Pollutant Discharge Elimination System Construction General Permit and has a Notice of Intent (NOI).

Control Measure: Any Best Management Practice, control technique and system, design and engineering method, and such other provisions to prevent or reduce the discharge of pollutants to waters of the United States to the maximum extent practicable.

Municipal Separate Storm Sewer System (MS4): a storm sewer system managed by a municipality and which is separate from the sanitary sewer system.

Notice of Deficiency (NOD): Notice issued when a deficiency of a requirement has occurred and does not pose an immediate threat to human health or the environment (i.e. failure to install or maintain sediment and erosion control measures). Corrective action is included in an NOD.

Notice of Potential Violation (NOPV): Notice issued after second inspection confirms the deficiency was not resolved within the allowable time frame and requires corrective action.

Notice of Violation (NOV): Notice issued when a violation of Pima County Code (PCC) has occurred and corrective action is required.

Stormwater Management Program (SWMP): Document defining how Pima County implements stormwater management, including construction site inspections.

Site Inspection Report (SIR): Document(s) describing the site inspection including date, inspector name and title and status of stormwater management minimizing the discharge of sediment and other pollutants. The report can also identify control measures to be maintained or upgraded as well as and corrective actions required for any non-compliance with Pima County Code. Photo logs may be included to document what was observed.

III. INSPECTION PROCEDURE

Inspections are based on ADEQ's list of completed construction sites. The data processing, field inspections, follow-up documentation and enforcement actions aim to bring land management activities in compliance with county ordinances, policies and delegated authorities (Figure 1).

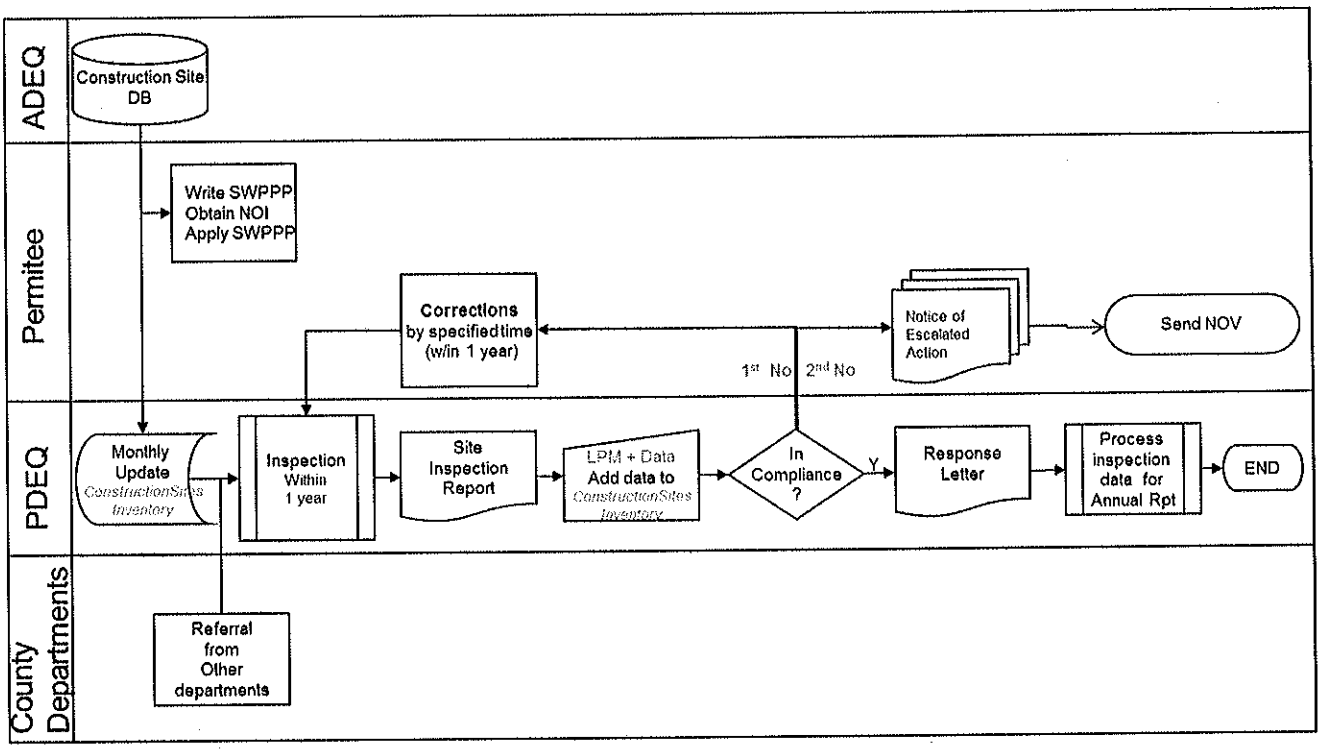

Figure 1. Process Flow Diagram for Post Construction Inspections at County Projects

1. Update the Construction Site Inventory

When PDEQ updates the Construction Site Inventory, the construction sites known to have filed a Notice Of Termination (NOT) or observed to have completed construction are logged as CC, or construction complete, in the Current Site Status column of the database. The date of the NOT or the date of the last inspection serve to identify when the one year period begins to perform the post-construction inspection.

2. Perform Routine Inspections

Post-construction inspections document how well the applicable stabilization measures have been implemented. The inspection also includes verification that the temporary constructions BMPs have been removed. The following criteria ensure conveyance structures are adequate to transport stormwater peak flow rates and minimize erosion at outlets.

a. Prepare site inspection reports (SIR) and maps for the inspection.

b. Present credentials (name, title and qualifications) to the Operator prior to entering the property.

c. Perform a site inspection looking for maintenance of flow structures, signs of erosion, and presence of temporary BMPs not removed by construction contractor.

d. Log the result of the inspection in the Post-construction Site Inventory Report and the compliance status (in compliance or out of compliance).

e. Send a copy of the SIR to the property owner by mail, or e-mail if available.
   - Letter of compliance (compliance with PCC):
   - Notice of Potential Violation (Deficient with PCC)
   - Notice of Violation (Deficient with PCC and endangerment to public health or human safety is observed)

IV. Compliance with stormwater-related Pima County Ordinances

1. Notify the property owner the site is out of compliance with PCC by sending the SIR with a Notice of Violation (NOV).

2. Track response from property owner and contact within specified time frames.

3. Inspect site after owner has identified the site is in compliance. Evaluate if the site is in compliance and the case can be closed or if additional actions are required.

4. Close out the NOV or proceed to escalated enforcement.

V. Public Outreach Information

Information provided to the construction industry focuses on acquiring the ADEQ Construction General Permit, writing a Stormwater Pollution Prevent Plan (SWPPP), implementing a SWPPP and cleaning up a site after the land surface has been stabilized and construction is completed. This information is available through the following avenues:

- Website: http://www.deq.pima.gov/water/stwmgmprog.html
- Brochure: Construction Sites & Stormwater Control in Unincorporated Pima County
- Outreach: Outreach presentations prepared for each audience
- Business Assistance Program: Phone and e-mail inquires

Assessment of SOP
Each time the MS4 permit is renewed; this SOP will be evaluated for consistency with the new provisions of the permit.

Attachments:
Post Construction Site Inspection Report form
Stormwater Letters and Notices

APPROVED BY:

7/23/13

Deputy Director Date

Original Policy Approved: 07/23/2013
Date(s) Revised:

Standard Operating Procedure	PDEQ Pima County Department of Environmental Quality EQ DIVISION	**SOP No:** STW-003 **EFFECTIVE DATE:** 12/01/2014 **SUBJECT:** Industrial Facility Inspection

PURPOSE: The purpose of the industrial facility inspection includes the following:

- Reduction of pollutant discharges to the maximum extent practicable to the MS4 Permit for both County and non-county industrial facilities (40 CFR122.26.b.14) by assuring the following:
  - Site planning procedures incorporate water quality impacts
  - Structural and non-structural control measures are implemented and maintained
- Ensure industrial facility activities operate in with Pima County Code
- Educate and train Pima County staff involved with industrial facilities identified with a Standard Industrial Classification (SIC) code and subject to the Multi Sector General Permit, (MSGP) requirements.

The Pima County Department of Environmental Quality (PDEQ) protects the public health, welfare and the desert environment by performing inspections at industrial facilities, among other activities, in accordance with the Clean Water Act, the Arizona Pollutant Discharge and Elimination System (AZPDES), Pima County Code, Pima County's MS4 Stormwater Permit No. AZS000002, Appendix A, Part V herein referred to as "MS4 permit" and (AZPDES) Permit No. AZMSG2010-002 herein referred to as "MSGP permit." Industrial facility site inspections assess consistency with the following permits and compliance with local, state and federal rules including the following state statutory authority:

Consistency with 2011 AZPDES Permit No. AZS000002
  - Appendix A, Part V.
- Consistency with 2010 AZPDES Permit No. AZMSG2010-002
- Compliance with Pima County Ordinances
  - Title 7 – Environmental Quality
    - 07.33 Removal of Rubbish, Trash, Weeds, Filth, & Debris
    - 07.45 Prohibition of Environmental Nuisances
  - Title 16 – Floodplain Management
    - 16.04 General Provisions to minimize Flood and Erosion damage
    - 16.48 Runoff Detention Systems
  - Title 18 – Zoning
    - 18.73 Landscaping, Buffering and Screening Standards
- Compliance with Delegated Authority for the following
  - A.R.S §§ 49-801, 803, 811, 812 Management of Used Oil
  - Title 40 CFR § 279.1 Standards of the Management of Used Oil

Industrial facility operators are required to comply with local stormwater requirements. Effective stormwater best management practices (BMPs) will be implemented to minimize the discharge of pollutants and to maintain the biological, physical and chemical water quality of stormwater.

I. JUSTIFICATION

The 2011 MS4 Permit, Appendix A, Part V.C requires inspections of industrial facilities within the designated MS4 permit area for effective SWMP implementation.

II. DEFINITIONS

Industrial Facility: a location where construction activities (as defined in 40 CFR 122.26 (b) (14) are ongoing and therefore the operator was required to obtain coverage under Arizona's Multi Sector General Permit.

Control Measure: Any Best Management Practice, control technique and system, design and engineering method, and such other provisions to prevent or reduce the discharge of pollutants to waters of the United States to the maximum extent practicable.

Municipal Separate Storm Sewer System (MS4): a storm sewer system managed by a municipality and which is separate from the sanitary sewer system.

In Compliance (IC): Industrial facility activities meet requirements of the SWMP, Pima County Ordinances and local stormwater regulations.

Out of Compliance (OC): Construction activities do not meet requirements of the SWMP, Pima County Ordinances and local stormwater regulations and approved plans.

Multi-sector General Permit (MSGP): Permit issued by ADEQ to Industrial Facilities.

Notice of Deficiency (NOD): Notice issued when a deficiency of a requirement has occurred and does not pose an immediate threat to human health or the environment (i.e. failure to install or maintain sediment and erosion control measures). Corrective action is included in an NOD.

Notice of Violation (NOV): Notice issued when a violation of Pima County Code has occurred and corrective action is required.

Inspection Report (IR): Documents site inspections including date, inspector name and title and status of stormwater management minimizing the discharge of sediment and other pollutants. The report can also identify control measures to be maintained or upgraded as well as and corrective actions required for any non-compliance with Pima County Code. Photo logs may be included to document what was observed.

Stormwater Management Program (SWMP): Document defining how Pima County implements stormwater management, including construction site inspections.

III. INSPECTION PROCEDURE

PDEQ has prepared an inventory of industrial and commercial facilities. The list is updated monthly and used to schedule industrial inspections at facilities that have the greatest potential to discharge pollutants to the county's MS4 or are part of the 5 year cycle of inspection.

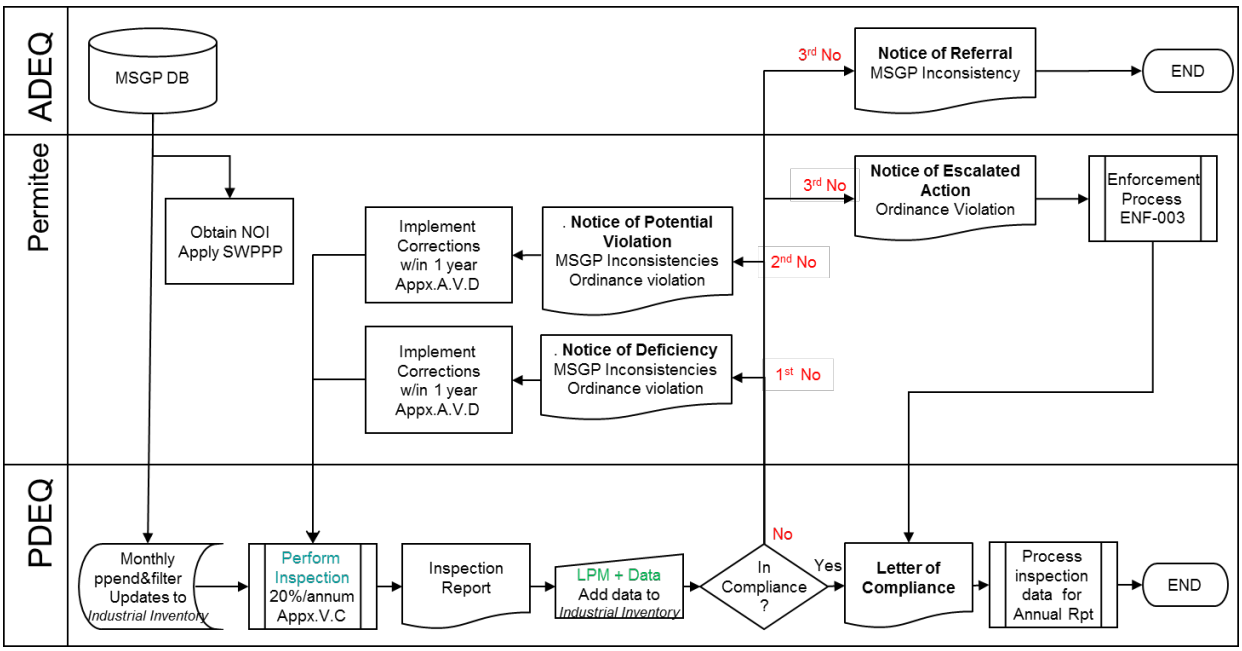

Figure 1. Process Flow Diagram for Industrial Facility Inspection

1. Prepare and Maintain a prioritized Industrial Facility Site Inventory

1.1. On a monthly basis, request and obtain an updated list of industrial facility site operators or owners that have filed for an *AZMSGP Permit Notice of Intent (NOI) for Industrial Activity Discharges to Waters of the United States* from ADEQ.

1.2. Review the updated list to identify the projects located within unincorporated Pima County and, of those, which discharge to a Pima County road or drainage way[1]. These two criteria identify industrial sites with a potential to discharge to Pima County's MS4 (40 CFR 122.26.d.2.iv.D).

1.3. Assign a priority of inspecting industrial facilities to incorporate annual public outreach agenda.

2. Perform Routine Inspections

Routine inspections document how well the industrial facility is implementing stormwater management protocols and provide a record of compliance at each industrial facility.

[1] Useful layers in MapGuide: Aerial photo, washes, 10' topo, Drainage way-maintenance responsibility, FloodplainREMA-FEMAXZone, FloodplainRFCDstudies-SheetFloodingAreas

2.1. Prepare inspection report (IR) and maps for inspection.

2.2. Present credentials (name, title and qualifications) to the Operator prior to entering the site.

2.3. Review any records (SWMP; Spill Prevention, Control and Countermeasure Plans; approved construction plans) that must be kept under the conditions of ADEQ's Multi Sector General Permit or Pima County Code.

2.4. Perform a site inspection looking and document consistency with AZPDES MSGP and compliance with Pima County Code.

2.5. Log the results of the inspection in the Industrial Site Inventory and identify the facilities compliance status (in compliance or out of compliance).

2.6. Send a copy of the IR to the Industrial Facility in an e-mail or with a cover letter.
- Letter of compliance (compliance with PCC):
- Notice of Deficiency (Deficient with PCC, inconsistent with AZPDES MSGP, or both)
- Notice of Potential Violation (Deficient with PCC, inconsistent with AZPDES MSGP, or both)
- Notice of Referral (Deficient with
- Notice of Escalated Action (Deficient with PCC, inconsistent with AZPDES MSGP, or both)

NOTE: If the facility is out of compliance, specify the date the owner shall bring the facility into compliance. Dates shall be consistent with the MSGP, Pima County Ordinances and the MS4 permit requiring the facility be in compliance within one year of the original inspection.

IV. Compliance with stormwater-related Pima County Ordinances

1. If the facility is out of compliance with Pima County Ordinances, notify the industrial facility owner the site is out of compliance by sending a Notice of Violation and attach the IR, in accordance with the Enforcement Process in ENF-003.

2. Track response from facility owner or operator by contacting them within specified due dates.

3. Inspect the facility after owner or operator has identified the site is in compliance. Evaluate if the facility is in compliance and the case can be closed or if additional actions are required.

4. Close out the NOV or proceed to escalated enforcement. Escalated enforcement shall follow the procedures described in ENF-003.

V. Public Outreach Information

Information provided to the industrial and commercial industry focuses on acquiring the AZPDES MSGP and writing and implementing an effective Stormwater Pollution Prevention Plan (SWPPP). Recommendations are provided for structural and non-structural control measures that facilitate compliance with the AZMSGP requirements. This information is available through the following avenues:

- Website: http://www.deq.pima.gov/water/stormwater/industrial.html
- Brochure: Industrial Facilities & Stormwater Control in Unincorporated Pima County
- Outreach: Annual Industrial Seminar sponsored by STORM in the Phoenix area.
- Business Assistance Program: Phone and e-mail inquires

Assessment of SOP and PO Effectiveness

Each time the MS4 permit is renewed this SOP will be evaluated for consistency with the new provisions of the permit.

Attachments:
Industrial Facility Site Inspection Report form
Stormwater Letters and Notices
ENF-003 Enforcement Process

APPROVED BY:

12/1/2014

Deputy Director Date

Original Policy Approved: 07/23/2013
Date(s) Revised: 12/01/14

Standard Operating Procedure	PDEQ Pima County Department of Environmental Quality EQ DIVISION	**SOP No:** STW-004 **EFFECTIVE DATE:** 12/01/2014 **SUBJECT:** Illicit Discharge Detection and Elimination Inspection

PURPOSE: The purpose of the illicit discharge detection elimination (IDDE) inspection includes the following:

- Reduce the discharge of pollutants to the maximum extent practicable to the municipal separate storm sewer system (MS4) by assuring the following:
  - Perform routine field screening inspections for all major outfalls and other MS4 drainage systems identified with higher priority based on historic information
  - Confirm structure and non-structural control measures are implemented and maintained for all major outfalls located within the MS4 permitted area
  - Investigate and eliminate reported potential illicit discharges and identified dry weather flows
  - Conduct follow up enforcement actions utilizing existing ordinances as necessary
  - Implement practices to promote and facilitate public reporting of illicit discharge to and from the MS4
- Educate and train Pima County staff involved with outfall or IDDE inspections.

The Pima County Department of Environmental Quality (PDEQ) protects the public health, welfare and the desert environment by performing inspections at outfalls or locations with illicit discharges in accordance with the Clean Water Act, the Arizona Pollutant Discharge and Elimination System (AZPDES), Pima County Code and Pima County's MS4 Stormwater Permit No. AZS000002 herein referred to as MS4 permit. Illicit discharge detection and elimination inspections assess consistency with the following permit and compliance with local, state and federal rules including the following state statutory authority:

- Consistency with 2011 AZPDES Permit No. AZS000002
  - Permit, Part 7.2 Dry Weather Screening
  - Appendix A, Part III. IDDE Program
  - Appendix C, Part III. IDDE
- Compliance with Pima County Ordinances
  - Title 7 – Environmental Quality
    - 07.21.025 General prohibitions
    - 07.33 Removal of Rubbish, Trash, Weeds, Filth and Debris
    - 07.45 Environmental Nuisances
- Compliance with Delegated Authorities
  - A.R.S §§ 49-801, 803, 811, 812 Management of Used Oil
  - Title 40 CFR § 279.1 Standards of the Management of Used Oil

I. JUSTIFICATION

The 2011 MS4 Permit, Part 7 requires monitoring for major outfalls, field screening points (40 CFR 122.26.d.1.iv.d) and illicit discharge locations within the designated MS4 permit area.

II. DEFINITIONS

Illicit Discharge: Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a National Pollutant Discharge and Elimination System (NPDES) or AZPDES permit (other than the NPDES or AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities. [40 CFR 122.26(b) (2)]

Control Measure: Any BMP, control technique and system, design and engineering method, and such other provisions to prevent or reduce the discharge of pollutants to waters of the United States to the maximum extent practicable.

Municipal Separate Storm Sewer System (MS4): a storm sewer system managed by a municipality and which is separate from the sanitary sewer system.

In Compliance (IC): Industrial facility activities meet requirements of the SWMP, Pima County Ordinances and local stormwater regulations.

Out of Compliance (OC): Construction activities do not meet requirements of the SWMP, Pima County Ordinances and local stormwater regulations and approved plans.

Municipal Separate Storm Sewer System (MS4): a storm sewer system managed by a municipality and which is separate from the sanitary sewer system.

Notice of Deficiency (NOD): Notice issued when a deficiency of a requirement has occurred and does not pose an immediate threat to human health or the environment (i.e. failure to install or maintain sediment and erosion control measures). Corrective action is included in an NOD.

Notice of Violation (NOV): Notice issued when a violation of Pima County Code has occurred and corrective action is required.

Inspection Report (IR): Documents site inspections including date, inspector name and title and status of stormwater management minimizing the discharge of sediment and other pollutants. The report can also identify control measures to be maintained or upgraded as well as and corrective actions required for any non-compliance with Pima County Code. Photo logs may be included to document what was observed.

Stormwater Management Program (SWMP): Document defining how Pima County implements stormwater management, including industrial facility inspections.

III. INSPECTION PROCEDURE

Routine annual outfall inspections are performed by Regional Flood Control District (RFCD). If an illicit discharge is discovered during the inspection, the observations will be referred to PDEQ to perform the inspection and track the discharge to the source and arrange for the discharge to be remediated (Figure 1).

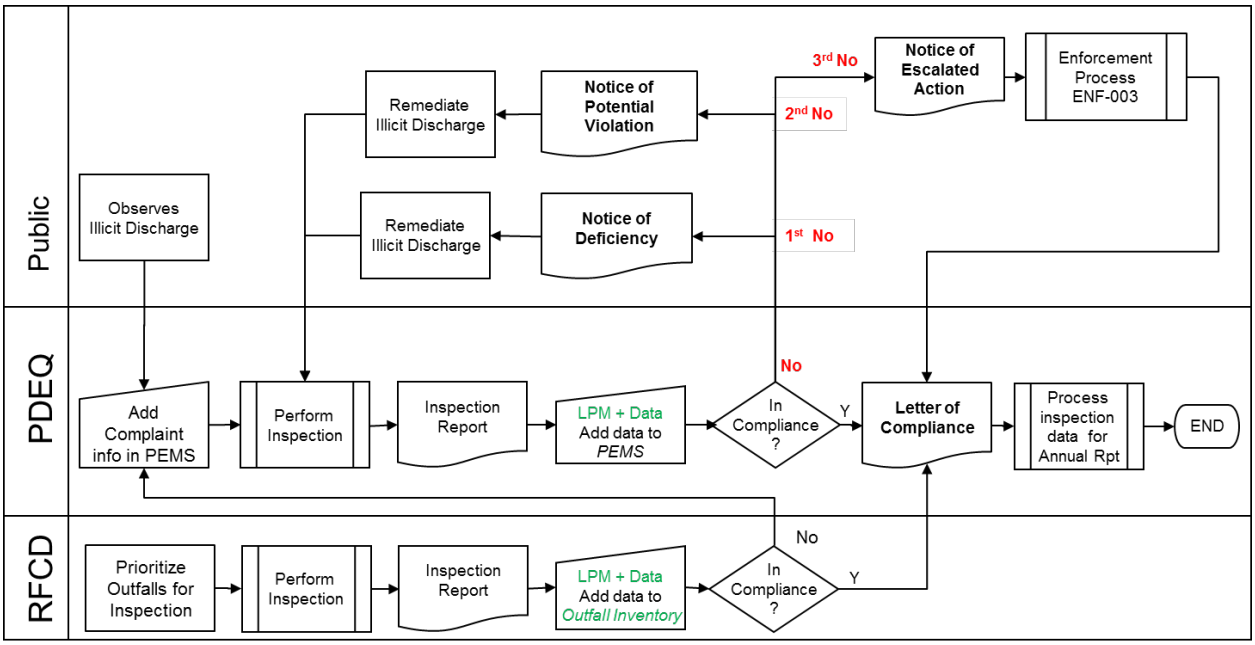

Figure 1. Process Flow Diagram for Illicit Discharge Detection Elimination Program

a. Prepare and maintain a database system to track and report illicit discharges or illegal dumping to the MS4.

1. PDEQ maintains a complaint database to track reported complaints. Each complaint is reviewed to determine if it is located within Pima County or if it should be referred to another jurisdiction. Complaints are called into PDEQ or filed on-line. The complaintant has the option of filing an anonymous complaint.
2. PDEQ and RFCD jointly maintain an outfall inventory. The outfall inventory is used to identify major outfalls as well as prioritize which outfalls will be inspected each year.

b. Perform Routine Inspections

1. Routine inspections by RFCD document the county's monitoring for illicit discharges at major outfalls or at sites with observations of illicit discharges.

    i. Prepare the IDDE inspection report (IR) form and maps for an inspection.

    ii. If necessary, present credentials (name, title and qualifications) to the potential property owner prior to entering the site.

iii. Perform a site evaluation by logging the location and observations of weather conditions, discharge characteristics (i.e. color, odor, turbidity, surface of the water and presence of floatables), and outfall or drainage structure. If an illicit discharge is observed, RFCD will forward the observations to PDEQ to follow-up as noted in the Step III.b.2.

iv. Document the observations on the IDDE Site Inspection Report form and send the form to PDEQ to include in the annual report.

2. Inspections of reported illicit discharges document the county's monitoring for illicit discharges at locations within unincorporated Pima County.

   i. Prepare the IDDE inspection report (IR) form and maps for an inspection.

   ii. If necessary, present credentials (name, title and qualifications) to the potential property owner prior to entering the site.

   iii. Perform a site evaluation by logging location and observations of weather conditions, discharge characteristics (i.e. color, odor, turbidity, surface of the water and presence of floatables), outfall or drainage structure, source of discharge and field measurements and samples.

   iv. Document the observations on the IDDE Inspection Report form and log findings in the PDEQ database.

   v. If location is deficient with Pima County ordinances, send a Notice of Deficiency with a specified timeframe consistent with ordinances and MS4 permit.

   vi. If location remains deficient, send a Notice of Potential Violation with a specified timeframe consistent with ordinances and MS4 permit.

IV. Compliance with stormwater-related Pima County Ordinances

1. If location remains deficient, proceed with the Enforcement Process as defined in ENF-003. Timeframe for returning to compliance is a maximum of one year for 80% of illicit discharges.

2. Track response from facility owner or operator by contacting them within the specified due dates.

3. Inspect the site after owner or operator has identified the site is in compliance. Evaluate if the site is in compliance and the case can be closed or if additional actions are required.

4. Close out the NOV or proceed to escalated enforcement, in accordance with ENF-003.

V. Public Outreach Information

Information provided to county employees, industrial and commercial industries and the general public, focuses on providing the necessary information to clarify the negative potential impact an illicit discharge can have on the environment. In addition, an illicit discharge can negatively affect compliance associated with the AZPDES Permit No. AZS000002 issued to Pima County. Information on how to generate an anonymous complaint for an illicit discharge can be initiated through Pima County's website. This information is available through the following avenues:

- Website: http://www.deq.pima.gov/water/stwmgmprog.html
- Brochure: Industrial Facilities & Stormwater Controls in unincorporated Pima County
- Outreach: Annual Construction Seminar coordinated by PAG
- Business Assistance Program: Phone and e-mail inquires

Assessment of SOP
Each time the MS4 permit is renewed this SOP will be evaluated for consistency with the new provisions of the permit.

Attachments:

- Illicit Discharge Detection and Elimination Site Inspection Report form
- Stormwater Letters and Notices
- Enforcement Process, ENF-003

APPROVED BY:

12/1/2014

Deputy Director Date

Original Policy Approved: 07/23/2013
Date(s) Revised: 12/01/2014

Standard Operating Procedure	PDEQ Pima County Department of Environmental Quality EQ DIVISION	SOP No: ENF- 003 SUBJECT: ENFORCEMENT PROCESS	EFFECTIVE DATE: 10/31/2014

LIST OF TOPICS COVERED

SECTION:

I. Management Guidance
Documentation
Chain of Command

II. Opportunity to Correct (OC)

III. Notice of Violation (NOV)

IV. Order of Abatement (OOA)

V. Enforcement Process
Steps to Enforcement

VI. Extensions Modifications or Waivers
Enforcement Allowance Form (EAF)

VII. Meetings
Meeting Report (MTG)

VIII. Escalated Enforcement
Enforcement Action Request (EAR)

IX. Enforcement Closure Guidelines
NOC Closure Process
NOV & OOA Closure Process

X. Enforcement Closure Documents
Closure Request Memo (CRM)
Letter of Compliance (LOC)
Case Closure Form (CCF)

PURPOSE: This document is generated as a guide covering the required progression of events relating to an enforcement action. It will incorporate procedures resulting from the implementation of the inspection protocol required by A.R.S. § 41-1009, Administrative Enforcement Procedures. The following is an updated version of PDEQ procedure and supersedes any previous guidance disseminated from this office.

I. MANAGEMENT GUIDANCE

This document includes compliance and enforcement related procedures relating to the inspection and compliance status of any "person" subject to regulation under PDEQ authority. Everything inspectors do revolves around the gathering of evidence and documentation (proof) of an alleged violation. Document accuracy, processing and overall management is extremely important for every case. When a regulated person is believed to be in non-compliance and the inspector is uncertain of how to proceed or requires enforcement related feedback on their discovery following an inspection, the inspector should discuss the issue with their supervisor or next available manager in their chain of command. ALL documents and reports must be saved electronically in the proper network e-file. Staff shall follow all PDEQ procedures to assure consistency of their program documents, enforcement actions and to facilitate continuity between programs. The PDEQ Enforcement Program serves three vital functions in its relationship with the Compliance Programs. They are:

- Review of enforcement documents prior to dissemination and subsequent review and closure of completed enforcement actions after compliance is achieved.
- Processing of penalty cases including settlement negotiations, civil penalty calculations, supplemental environmental projects and the drafting of written agreements.
- Assuring that field staff has exhausted all reasonable efforts to bring the regulated person into compliance, prior to forwarding (turning over) the case to the Enforcement Program for escalated enforcement by the program manager.

II. OPPORTUNITY TO CORRECT (OC)

A.R.S. § 41-1009

OCs are exclusive documents used by the compliance programs for minor violations that do not rise to the level of a major violation requiring the issuance of a Notice of Violation (NOV) or Order of Abatement (OOA). OCs are warning notices and are not appealable agency actions. OCs can be used to determine a pattern of non-compliance for a regulated person but cannot be used in civil penalty calculations as NOVs and OOAs can. Do not submit OCs to the Enforcement Program for review and tracking. They are strictly compliance documents and only Compliance Program Supervisors will review OCs with their staff.

III. NOTICE OF VIOLATION (NOV)

A.R.S. § 49-513

A Notice of Violation (NOV) is an enforcement document that informs a regulated person that PDEQ believes them to be in violation of a rule, state law or permit condition. A NOV is issued when a violation is observed and documented by a PDEQ inspector. The purpose of a NOV is to initiate corrective action that will stop the violation and prevent it from recurring. Compliance deadlines in a NOV are related to the severity of the violation and reflect a reasonable period of time to correct the problem. Staff should always discuss the violation with PDEQ management prior to issuing an NOV.

PDEQ believes that NOVs are appealable agency actions as defined in A.R.S. 49-471(4) because NOVs can be used as a basis for recovering civil penalties by the agency. For this reason, PDEQ NOVs contain language in the "Statement of Consequences" section advising the regulated person of their right to appeal under A.R.S. § 49-478.

IV. ORDER OF ABATEMENT (OOA)

ARS § 49-513

An Order of Abatement (OOA) is an enforcement document that informs a regulated person that PDEQ believes they are in violation of a rule, state law or permit condition. An OOA is issued when a violation rises to the level of an imminent and substantial endangerment to the public health or the environment. The purpose of an OOA is to require the regulated person to cease the pollution causing activity immediately and correct the problem before recommencing the activity. Corrective actions must include steps to prevent a recurrence of the release as with an NOV. From a regulatory compliance perspective, the compliance deadline in an OOA is the main difference between the OOA and the NOV. Staff should always discuss the violation with PDEQ management prior to issuing an OOA.

As with NOVs, PDEQ believes that Orders of Abatement (OOAs) are appealable agency actions as defined in A.R.S. 49-471(4) because OOAs can be used as a basis for recovering civil penalties by the agency. For this reason, PDEQ OOAs contain language in the "Statement of Consequences" section advising the regulated person of their right to appeal under A.R.S. § 49-478. The step by step procedure for the issuance of an OOA is the same as for the issuance of a NOV. See Section III.

V. ENFORCEMENT PROCESS

STEPS TO ENFORCEMENT FOR ALL NON-COMPLIANT SOURCES

NOTE: When forwarding documents for review and approval, the email should include a hyperlink to the e-folder at the top of the text field and the subject line must include what action you are requesting, the case number, permit number if applicable and the regulated person's name.

Examples: NOV Review – PC 1410-225 – HW Permit # 9999 – Acme Manufacturing, Inc.
OOA Closure – PC 1406-333 – ABC Radiator Company
Escalated Enforcement Request – PC 1408-175 – John Doe

1. Draft and affix your signature to the NOV or OOA. Save it to the appropriate network e-folder with all supporting documentation and submit a hyperlink to the folder via email to your supervisor for review. After the supervisor has approved the documents, they will forward the email to the Enforcement Manager for final review, approval and conversion to PDF files.

IMPORTANT: Once a draft document is converted to a PDF file and finalized with a signature and management initials, it is officially a public record and is no longer protected from public dissemination under the law as a draft document.

2. After review, the Enforcement Manager will send an email to the inspector, supervisor and database entry staff with "FINAL NOV FOR MAILING" in the subject line and a hyperlink to the e-folder.

3. The Enforcement Program is responsible for entry of all case information into the enforcement database for tracking purposes following receipt of this email.

4. Air Program NOVs are sent out via certified mail as required by A.R.S. § 49-511. All other compliance programs may send their NOVs out via first class mail and/or email. Electronic copies may also be emailed by all programs if requested. Copied recipients may always be emailed a copy. The Enforcement Program recommends requesting a delivery receipt on all documents sent via email. The inspector should save a copy of the sent email to the appropriate e-folder.

5. Inspectors must retain the receipt and the green certified mail card when it is returned from sending an enforcement action via certified mail and scan copies to the e-folder as documentation of receipt by the regulated person. Inspectors must notify the enforcement database entry staff of receipt of the green certified mail card and the date it was signed via email to facilitate update of the record.

IMPORTANT: When an NOV is issued, the inspector is responsible for tracking and documenting the achievement of compliance by the regulated person. This includes letters, emails, phone calls and any efforts made to assist the regulated person in achieving compliance. Inspectors should seek assistance from their supervisor if no response is received from the regulated person. When all avenues toward achievement of compliance have been exhausted by a compliance program, the case is to be submitted to the Enforcement Manager for escalated enforcement action. See Section VIII of this document.

VI. EXTENSIONS, MODIFICATIONS or WAIVERS

If a regulated person calls and requests an extension of the compliance time frame specified in their enforcement document, they should be instructed to put their request in writing (Letter, Fax or E-mail). The extension request must include the following:

- The reason(s) why extension is needed
- The actions taken toward achieving compliance to date
- The length of extension needed
- The date when compliance will be achieved

Oral extensions, modifications or waivers are not valid and should never occur. Upon receipt of such a request, inspectors shall forward the request to the Enforcement Program. PDEQ management will make the determination whether to approve or deny the request. Enforcement Program staff will update the enforcement database to reflect the status of the action and any change to the compliance deadline.

ENFORCEMENT ALLOWANCE FORM - (EAF) Enforcement Staff will generate an Enforcement Allowance Form (EAF) to be placed into a case e-file if an extension, modification or waiver is granted and will also draft and send a letter to the regulated person advising them of the agency's response.

VII. MEETINGS

Prior to a Compliance or Enforcement In-House Meeting:

1. Request an agenda that specifies the objectives a regulated person wishes to discuss prior to the meeting taking place.
2. Obtain the names and affiliations of the participants who will attend the meeting.
3. Ask if the regulated person's attorney will be present.

Never conduct an in-house compliance or enforcement meeting without another member of the PDEQ staff accompanying you (supervisor or manager). This is important for two reasons:

1. It allows the facilitator to focus on running the meeting and not having to take notes.
2. It protects PDEQ employees by having another witness to what is said at the meeting.

Always conduct pre-meeting planning session with PDEQ staff to discuss agenda items and determine who will facilitate the meeting and who will take notes.

If a regulated person shows up with an attorney (always start with formal introductions to determine this) you **must reschedule** the meeting in order to request that a Deputy County Attorney be in attendance.

> **NOTE:** If a regulated person wants to dispute a violation, request an administrative hearing, or discuss possible penalties at any time, the inspector should always refer them to the Enforcement Manager.

MEETING REPORT – (MTG) This document is generated when needed after a compliance and enforcement meeting as documentation for inclusion in the case e-folder.

VIII. ESCALATED ENFORCEMENT

When NOVs and OOAs have proven unsuccessful in achieving compliance, escalated enforcement action is necessary. The Enforcement Program takes over these cases and documentation is submitted directly to the Enforcement Manager. Different courses of action will be initiated depending on the specifics of each case and may include a phone call from the Enforcement Manager, Consent Orders, Compliance Orders, administrative penalty and settlement negotiations, attorney intervention including Demand Letters, filing of Civil Complaints and requests for court ordered injunctive relief and civil fines.

IMPORTANT: Prior to forwarding a case to the Enforcement Program for escalated enforcement, a follow-up inspection should be conducted to document that a physical violation still exists. This does not apply to monitoring and reporting violations. This information is critical to the determination of what action the Enforcement Program and/or the Pima County Attorney's Office (PCAO) will take.

IMPORTANT: Inspectors should never discuss the possibility of a penalty with a regulated person or anything about a case that has been forwarded to the Enforcement Program for escalated enforcement action. If contacted by the regulated person after referral for escalated enforcement, the inspector should instruct the regulated person to communicate directly with the Enforcement Manager.

ENFORCEMENT ACTION REQUEST – (EAR) The EAR is a document used by PDEQ compliance staff to request escalated enforcement action from the Enforcement Program. The EAR is an internal department memo from the inspector, to their Compliance Manager and the Enforcement Manager.

IX. ENFORCEMENT CLOSURE GUIDELINES

OC Closure Process

1. The inspector will email a hyperlink to the OC e-folder to a supervisor or manager for review and finalization of the draft Letter of Compliance (LOC) to send to the source.

2. The supervisor will review and finalize the documents and return the email to the inspector for dissemination and closure in the OC database.

3. The inspector will mail or email the Letter of Compliance (LOC) to the regulated person. If sent by email, a copy of that email must be saved to the appropriate e-folder.

NOV & OOA Closure Process

1. Submit a closure request email with a hyperlink to the e-folder containing the CRM to your supervisor who will forward it to the Enforcement Program for closure after review.

2. The Enforcement Manager will review and sign the documents approving the closure, mail the Letter of Compliance (LOC) and save a copy to the e-folder.

3. The Enforcement Manager will generate and sign the Case Closure Form (CCF) and save it in the case's e-folder upon closure.

4. The Enforcement Manager will send an email to the database entry staff requesting closure of the NOV or OOA in the database. The inspector and appropriate supervisor will be copied on the email.

X. ENFORCEMENT CLOSURE DOCUMENTS

CLOSURE REQUEST MEMO - (CRM) The inspector will generate a CRM for approval by the Program Manager and the Enforcement Manager explaining why they believe the regulated person has achieved compliance with an enforcement action and requesting closure of the case.

LETTER OF COMPLIANCE - (LOC) PDEQ is **required by law** to send an LOC informing the regulated person of achievement of compliance with each enforcement action. A draft LOC is generated by the inspector and is forwarded to the Enforcement Manager with the CRM.

NOTE: LOCs for OCs are generated and sent out by the inspector.

CASE CLOSURE FORM - (CCF) This form is generated by the Enforcement Program upon closure of an enforcement action and is saved to the enforcement e-folder along with a copy of the signed LOC.

APPROVED BY:

11.17.14

P. Scott Porter
Environmental Quality Manager Date

11-17-14

Jennifer Lynch
Enforcement Manager Date

11.17.14

Richard Grimaldi
Deputy Director Date