

## **ARTICLE 1.0 THE COMPREHENSIVE PLAN**

**Scope:** The comprehensive plan is a conceptual guide in planning the direction of growth for Graham County. This article lays out the State and Federal authority for Graham County to develop and adopt this plan providing the legal framework for this undertaking. It provides a historical and regional setting for this planning process describing the scope of the comprehensive plan

# **ARTICLE 1 GRAHAM COUNTY, ARIZONA** **COMPREHENSIVE PLAN**

## **1.1 INTRODUCTION**

The Graham County Comprehensive Plan reaffirms the principles, policies and processes found in the original General Plan adopted by the Graham County Board of Supervisors in August 1969 by Ordinance 29, along with any minor amendments made through the years as well as the major amendment to the General Plan adopted on July 15, 1996 by Resolution 1996-14, also known as the Land Use and Resource Policy Plan (LURPP). These resolutions and the results of the public input process can be found in the appendices. These plans were adopted to protect and promote the general health, peace, safety, comfort, convenience, and general welfare of the citizens of Graham County and to secure for the citizens the social and economic advantages of an orderly and efficient use of land.

These plans were developed to guide the future growth and development of Graham County and to provide a basis for sound decision making in land use development proposals on both public and private lands through a series of planning policies. In developing this plan, careful consideration was given to citizen/community attitudes concerning the manner in which Graham County guides itself towards such major goals as preservation of custom and culture, socio-economic values, direction of growth and development, and preservation of multiple-use rights and privileges on both public and private lands.

Graham County is facing many challenges to the viability of its economy and conversely, the well being of its citizens. The County is especially vulnerable to these challenges because 93% of its total land mass or approximately 2,755,776 acres are owned and managed by several public entities. Graham County is estimated to be 4,630 square miles of land and 22 square miles of water. However, only 7% of the County consists of patented or privately-owned land (approximately 207,424 acres). The remaining 93% of the County is held by the following governmental agencies:

1. San Carlos Apache Indian Tribe is 37% or 1,096,384 acres;
2. Arizona State Land Department has 533,376 acres or 18% of Graham County;
3. Bureau of Land Management is 25% or 740,800 acres; and
4. United States Forest Service holds 385,216 acres or 13% of the property in Graham County.

## 1.1 INTRODUCTION (Continued)

Federal, State Regulatory and Land Management Agency decisions have adversely affected the County's ability to act in the best interests of the citizens with regard to custom/culture, economic viability and private property rights. Graham County does, however, have a legal framework provided in the U.S. Constitution, existing federal and state laws, and regulations to deal with such issues on federally managed lands.

## 1.2 LOCAL PLANNING AUTHORITY AND LEGAL FRAMEWORK

There are two legal mechanisms that enable Graham County to address land use issues. The first mechanism is the land use planning powers granted Graham County by the State Legislature to protect the safety, health, and economic welfare of its citizens. Under the Act, the Board of Supervisors is required to plan for future growth and improvement and has the authority to engage in comprehensive planning within their jurisdiction in order to conserve and promote the public health, safety, convenience, and general welfare of its citizens. The Board shall plan and provide for future growth and improvement of its area of jurisdiction and coordinate all public improvements in accordance with A.R.S. 11-802, 806, 821 et seq.

### 1.2.1 State Grant of Authority

**A.R.S. 11-802** states, "The Board of Supervisors ... shall plan and provide for the future growth and improvement of its area of jurisdiction ... and ... form a planning and zoning commission to consult with and advise it regarding matters of planning, zoning, and subdivision platting..." **A.R.S. 11-806** indicates, "The Commission shall act in an advisory capacity to the Board of Supervisors and may, from time to time, and shall, when requested by the Board, make a report or recommendation in connection with any matter relating to the development of the County..." "The Commission shall prepare and recommend to the Board a comprehensive plan of the area of jurisdiction ... to conserve the natural resources of the County, to insure efficient expenditure of public funds, and to promote the public health, safety, convenience, and general welfare of the public." **A.R.S. 11-821** - "The Commission shall formulate and adopt a comprehensive long-term county plan for the development of land ... with the general purpose of guiding and accomplishing a coordinated and harmonious development of the area of jurisdiction."

### **1.2.2 Federal Grant of Authority**

The second mechanism to address land use issues in Graham County is the implementation of the **Procedure for Arizona Single Point of Contact Review Authority According to Presidential Executive Order 12372**. In order to effectively utilize this order, Graham County in September 1993, along with Gila, Apache, Navajo, and Greenlee County, created the Eastern Arizona Counties Organization (ECO) by collectively entering into an intergovernmental agreement (authorized under **A.R.S. 11-952**). The primary function of the Eastern Counties Organization (ECO) is to efficiently and effectively implement the procedures of this executive order and any other lawfully cooperative agreement which provides the member counties a clearinghouse of technical, scientific, social, cultural and economic information and advice to individual counties for more effective interaction in the decision making process with federal and state agencies.

Federal Statutes, Presidential Executive Orders, and State Laws provide the framework for coordinated planning between the County, State, and Federal agencies. The statutes and regulations outlined below require all Federal and State Regulatory, and Land Management Agencies to coordinate with local governments in the planning stages.<sup>1</sup>

The **National Environmental Policy Act (NEPA)** contains provisions requiring all federal agencies to assure safe, healthful, productive, aesthetically and culturally pleasing surroundings, preserve cultural aspects, and to maintain an environment supporting a variety of individual choice. NEPA goes even further in "declaring that it is the continuing policy of the Federal Government in cooperation with State and local governments and other concerned and private organizations, to use all practical means consistent with the requirements of the Act and other essential considerations of national policy to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects (aesthetic, historic, cultural, economic, social or health, whether direct, indirect or cumulative) of their actions upon the quality of human life."<sup>2</sup>

NEPA further requires joint planning to avoid duplication of efforts.<sup>3</sup> In addition, to NEPA the **Endangered Species Act of 1993, as amended**, contains provisions stating that the Secretary of the United States Fish and Wildlife Service shall invite comments of the County before a proposed regulation(s) is implemented. **The National Forest Management Act (NFMA)** and the **Federal Land Policy and Management Act (FLPMA)** require that respective secretaries of Agriculture and the Interior "coordinate" actions of federal land and resource management with state and local governments.<sup>4</sup> **The Presidential Executive Order 12372 under the Intergovernmental**

**Cooperation Act** (42 USC 34231) mandates that federal agencies coordinate federal actions and projects with local governments, especially when federal projects impact local governments. Other federal and state laws and regulations related to land management and resource issues are:

\*Administrative Procedure Act ("APA") - 5 U.S.C. 533

\*Clean Water Act - 33 U.S.C. 1251, et seq.

\*Resource Conservation Recovery Act ("RCRA") - 42 U.S.C. 8901 et seq. \*Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") - 42 U.S.C. 9601 et seq.

\*Clean Air Act - 42 U.S.C. 7401 et sec.

\*Community Right To Know - 42 U.S.C. 11001 et seq.

\*Arizona Revised Statutes - A.R.S. 11-821 through 11-832

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<sup>1</sup>15 CFR 1506.2

<sup>2</sup>40 CFR 1500.2(f)

<sup>3</sup>40 CFR 1506.2(b)

<sup>4</sup>16 USC 604(a) and 43 USC § 712(9) respectively

### 1.3 HISTORY<sup>5</sup> AND REGIONAL SETTING

The 11<sup>th</sup> Territorial Legislature created Graham County in 1881 from parts of Apache and Pima Counties. The Legislature broke with the tradition of naming Arizona counties after local Indian tribes when they called the new county “Graham” after the 10,717-foot Mount Graham, the highest peak in the area. Lt. William H. Emory sketched the mountain and kept an accurate record of the flora and fauna, people, and climate for Brigadier General Stephen W. Kearney’s U.S. Army Corp of Topographical Engineers. Lt. Emory first referred to the mountain as “Graham”, after Lt. Colonel James Duncan Graham, a senior officer in Kearney’s forces sent to this area to invade the Mexican Territory in 1846. After the Mexican War in 1848, Graham County was a part of two countries with the area south of the Gila River in Mexico. In 1853 the southern part of the County became part of the U.S. through the \$10,000,000 Gadsden Purchase.

Graham County’s early history was primarily one of exploration rather than settlement with no notable Spanish or Mexican settlements being established in the area. Life along the upper Gila River had existed for centuries before any settlers laid claim to this area. Lieutenant William H. Emory was in charge of the first American scenic expedition in the southwest. He reported in October of 1846 that his party found many pre-historic ruins indicating, at one time, a large and flourishing community in this region. A.B Grey drew up a boundary map in 1855 calling this area “Aztec Valley” because of the prevalent Indian ruins and the belief that these ruins were Aztec in origin. The early Mexican settlers gave this area the name of Pueblo Viejo (Old Town).

Graham County’s three pre-historic Indian tribes were the Anasazi, the Hohokam, and the Apache. The ruins of the Anasazi civilization (Navajo name for “the ancient one”) dot the valley, canyons, and mountain landscape. The cliff dwellings in the Bonita and Aravaipa Canyons indicate an early culture inhabiting this area long before the time of Christ. The Hohokam (Pima name for “those who have vanished”) evolved an agrarian culture about the time of Christ. They learned to use irrigation, lived in pueblo-type dwellings, made crude pottery and cremated their dead. It still remains a mystery as to why the Hohokams completely disappeared about the 13<sup>th</sup> Century. Finally, the Apaches migrated down from Northwestern Canada and probably, over many decades, across the Bering Strait. They then settled in the upper Gila River basin about 1700 A.D. The Apaches, known as the warrior tribe, were nomadic, hunters, and seed gatherers with little interest in agriculture. They fought Pima and Papago Indians, Mexican and American soldiers, traders and settlers until Geronimo’s final surrender in 1886.

Graham County’s most recent inhabitants before the 19<sup>th</sup> century were the Apaches. The first Anglo-Americans to venture into the Gila Valley were trappers and traders around 1826. Other notable frontiersmen as Kit Carson, Ewing Young, and the Robidoux brothers Antoine and Micel ventured into this area in the 1840s. Some of the first settlers passed through the Gila Valley in

### 1.3 HISTORY <sup>5</sup> AND REGIONAL SETTING (Continued)

1862 as members of the Confederate-hunting California column in the Civil War. Upon being discharged from service, some soldiers found their way back to this area primarily with the promise of farming and ranching. Along with these hardy pioneers, a resolute group of Mormons came into the valley, and through their industry, helped to establish this region.

Camp Goodwin was started in 1864, but abandoned in 1871 when the troops moved to establish Fort Apache. Fort Grant was settled in 1872, while Fort Thomas was set up in 1876. These three military posts made settlement possible for this territory. The year of 1872 was a milestone in Graham County's development when a copper mine began operating at Clifton, then a part of Graham County. Businesses developed to support the mining activities such as I. E. Solomon's company that made charcoal from mesquite for the copper smelters, freighting companies to ship supplies, and growing produce for those in the mines.

In the 1870s, farming communities began to appear along the Gila River, which river traverses the entire County from east to west. Munsonville, now San Jose, was established in 1873; Safford followed in 1874; Solomonville in 1876; and Smithville, now known as Pima, was the first Mormon settlement plotted out in 1879. In the next decade, several other Mormon settlements were established, including Thatcher, Eden, Central, and Bryce. Today, this is a rich agricultural area that has rich copper deposits, which creates a strong agricultural-mining economy.

Safford became the first county seat, but it was moved to Solomonville after two years. In 1915, after an election, the county seat was returned to Safford where it remains today. Almost twice its present size, before the formation of Greenlee County, Graham County still measures 4,650 square miles with about 22 square miles of water. This size ranks Graham as the 12<sup>th</sup> largest of Arizona's fifteen (15) counties.

Graham County is located in the Southeastern part of Arizona and is about 81 miles long and averages about 56 miles wide. The County is rimmed on the north primarily by Apache County with a little boundary of Navajo County; on the east by Greenlee County; on the south primarily by Cochise County with a small border of Pima County; and on the west by Pinal and Gila Counties. The County can be divided into three basic geologic areas: 1) The Gila River basin; 2) The mountainous areas including the Gila Mountains to the north, the Pinaleno Mountains in the center of the county, the Santa Teresa and Galiuro Mountains in the southwest corner and the Peloncillo Mountains on the east; and 3) The high desert plains are north of the Gila Mountains and south of the Pinaleno Mountains.

### 1.3 HISTORY<sup>5</sup> AND REGIONAL SETTING (Continued)

The terrain is mostly composed of high desert plains at the base of medium to large basalt mountains. This area is unique for Arizona since the Gila River runs through its major valley all year round as well as the intermittent San Simon River. Further, most of the land is on the edges between the mountains and the high desert plains creating an area of transition between two major biomes. A biome is a particular terrain, climate, elevation combination, which has a particular array of plant and animal life. In the areas known as transitions, the plant and the animal life of both biomes abound. Graham County has some of the widest varieties of animal and bird life found anywhere in the United States. It is also the site of the only two designated Riparian Areas in the United States, the Aravaipa Canyon and the Gila Box.

Most of Graham County is in the Gila River Watershed, which river transects the county from east central to northwest. The San Simon River runs from the southeastern corner of the State and intersects the Gila River a few miles east of Safford. The San Carlos Lake, on the reservation, is noted for its excellent fishing and camping. Mineral water springs, artesian wells and some fresh water flows underneath the land which creates a number of natural hot springs. Recreation and tourism follow farming and mining as principal industries in Graham County.

<sup>5</sup> Taken from the Arizona Department of Commerce and Volume 1 of Mt. Graham Profiles published by the Graham County Historical Society and other local historical sources and technical papers.

### 1.4 PURPOSE AND SCOPE OF A COMPREHENSIVE PLAN

#### 1.4.1 Purpose

The purpose of the Comprehensive General Plan is to guide Federal, State, and County decision makers in protecting, evaluating, and enhancing the County's custom and culture, social stability, economy, tax base, and the overall health of land and resources. The plan is intended to be flexible and advisory in nature. It is not intended to recommend specific uses in specific locations, but rather to identify areas of concern and to express definite policies designed to establish an 'ideal' scenario that will aid in decision making.

There may be occasions or circumstances where policies are in conflict. Specific circumstances are not directly addressed in the plan, but the policies should provide guidance in the decision-making processes for the governing bodies concerning growth in Graham County. Though these documents are to be used by the P&Z Commission, the Board of Supervisors, and staff, they could also be useful as a reference for the private sector, which has a financial and social stake in development decisions. It is expected this plan will serve as a foundation for the

documents used for implementation, namely: the zoning codes; subdivision regulations; and any area-specific community plans.

An important concern with this plan must be the fair resolution of these conflicting interests, while promoting opportunities for private interests and self-development. All institutions, political, social, economic, educational, as well as individuals, need to work together to address the varied interests, values, desires, concerning their understanding of what policies are needed for growth and development in the county. Public involvement, therefore, is essential in the development of these planning policies.

#### **1.4.2 Scope of the Study**

The geographic area covered by the plan is the entire county with the exception of the incorporated cities and towns, as well as the San Carlos Apache Indian Reservation. Although the county has very limited jurisdiction over federal lands, such as the Bureau of Land Management or the United States Forest Service, and with State Lands, many of these policies are designed to protect the integrity of these federal and state land holdings in Graham County. Most of the county lands are designated as an “A” zone for General Agricultural uses, which permits a single residence, agricultural and ranching activities on a minimum of one-acre of land.

Property within the ‘A’ land use zoning designation also allows other uses through the conditional use and special use permitting process, which is reviewed by the Planning and Zoning Commission and approved by the Board of Supervisors. There are fifteen (15) land use zones in Graham County that permit anything from dense residential developments such as a mobile home and travel trailer parks to more rural residential land uses as well as commercial activities and manufacturing or industrial uses, which the county classifies in five broad land use categories.

### **1.4.2 Scope of the Study (Continued)**

The following fifteen (15) land use zones are classified in five broad categories, including:

- 1) Urban residential
  - a) R-SB (Residential—Site Built),
  - b) R-U (Residential--Urban),
  - c) R-M or Multi-family Residential (10,000 square foot minimum), and
  - d) R-MH or Residential-Manufactured/Mobile Home;
- 2) Rural residential
  - a) A-R or Agricultural-Residential (one-acre minimum),
  - b) R-R (Residential--Rural),
  - c) R-E or Residential-Recreation (half-acre minimum), and
  - d) S-D or Special Development (3-acres minimum) zones;
- 3) Agricultural and ranching or a General zone (A-zone, one acre minimum);
- 4) Commercial
  - a) C-RE or Commercial-Recreation (one-acre minimum),
  - b) C-N (Commercial—Neighborhood)
  - c) C-G (Commercial—General)
- 5) Manufacturing
  - a) C-M or Commercial-Manufacturing (one-acre minimum),
  - b) M or General Manufacturing (five-acres minimum), and
  - c) M-X or Unlimited Manufacturing (five-acres minimum) zones.

The Comprehensive Plan contains land use policies designed to guide the locating of specific land uses rather than having a very general and somewhat irrelevant countywide land use map. The county land use goal statements provide general direction for the County's actions while the policies found in each element of this plan provide statements intended to assist in achieving these goals.

These goals describe a desired outcome and provide a vision of what Graham County currently offers and wants to continue to provide its residents and visitors through the orderly growth and development of those lands within its jurisdiction. The following statements emphasize some of the values and activities that form the foundation of Graham County's Comprehensive Plan.

### **1.4.2 Scope of the Study (Continued)**

Graham County lies in the rural setting of Southeastern Arizona and offers a unique blend of natural resources and scenic beauty that are essential to the economic stability and unique character and lifestyles for this area. Graham County's Comprehensive Plan intends to provide a framework to encourage positive interactions and to promote the public interests which create a fiscally stable, economically progressive foundation to insure the long-term viability of the County.

The Gila River valley is what attracted most settlers to this area and continues to be vital to the agricultural industry providing essential water and rich soils suitable for cultivation. There are currently 52,000 acres of cultivable land in Graham County with cotton being the primary crop. This industry is very important to this area's total economy.

There are several small mines in Graham County with Phelps-Dodge presently going through the process to develop a large copper mine just north of Safford. It is important to note, Phelps-Dodge currently operates the world's second largest open pit copper mine in Morenci, Arizona with about 25% of its work force commuting about 45 miles one-way from Graham County. For these reasons, mining plays an important role in Graham County's economy and may be an important part of its future.

Mt. Graham is recognized as a premier area for astronomical observations since the establishment of the Vatican Advanced Technology Telescope and the Heinrich Hertz Submillimeter Telescope in the 1990s. The Large Binocular Telescope will be the world's most powerful optical telescope when completed in 2004. Preservation of the naturally clear and dark nighttime sky conditions is therefore, necessary for the astronomical research to continue in Graham County. It is important to be mindful of this fact when developments occur in order to guide them so as not to threaten the conditions necessary for the observatories to pursue their endeavors.

The following goal statements are to help guide land use considerations in the County:

1. To allow and provide for growth which has positive benefits to county residents and that is compatible with the natural environment and to insure economic security;
2. To conserve natural resources, preserve scenic beauty and to promote recreational opportunities;
3. To provide a range of residential land uses which offer housing opportunities for all County residents;
4. To minimize conflicts between adjacent land uses; and

5. To improve the overall appearance of the County.

This plan is divided into the following five main elements which provides policy statements in each of these areas, including: 1) Land Use; 2) Circulation and Transportation; 3) Custom and Culture; 4) Economy; and 5) Environmental Resources. The following subsections comprise these main elements:

- I. Land Use
  - a. Existing Land Use
  - b. Farming and Ranching
  - c. Mining
  - d. Housing
- II. Circulation and Transportation
- III. Custom and Culture
- IV. Economy
  - a. Recreation
  - b. Tourism
  - c. Education
- V. Environmental Resources
  - a. Forest/Rangeland Management
  - b. Wildlife

#### **1.4.3 Process**

Specific actions to develop the General Plan include the enhancement of public education and participation in the planning process by:

1. Documenting and evaluating public attitudes about the economic base, customs and culture of the County.
2. Documenting and evaluating public assessment of the overall health of lands and resources within the county boundaries;
3. Documenting and evaluating public attitudes towards human and natural resources as they relate to multiple use of public lands;
4. Utilizing a process compatible with local, state, and federal laws.

#### **1.4.3.1 Joint Process to Develop Policies for Federal and State Land Uses**

The end product is a local policy plan that enables the County to work with Federal and State agencies to more closely coordinate the following:

1. Joint planning and environmental research.
2. Joint environmental assessments and impact statements.
3. Joint public hearings.
4. Meaningful cooperation, coordination and consultation.
5. Mitigation of adverse social, cultural, economic and environmental impacts of actual and proposed Federal and State actions.

#### **1.4.3.2 Process to Solicit Local Input for Federal and State Land Uses**

The end product is a local policy plan enabling the County to:

1. Disclose to Federal, State, adjoining political subdivisions and the citizens of Graham County potential positive and/or negative impacts of any proposed Federal or State Agency action on the human environment and quality of life.
2. Identify and implement ways to avoid potential adverse impacts.
3. Facilitate intergovernmental coordination to reduce multiple layers of management plans.
4. To provide more comprehensive land use planning process to improve the quality of life and human environment.

These policy plans will also provide guidance through public involvement to County government in developing their General Land Use Plan in accordance with state law.

## **ARTICLE 2 IMPLEMENTATION OF THE COMPREHENSIVE PLAN**

**Scope:** This conceptual guide recommends land uses for specific areas, however these are not to be mandatory, but to be used as a guide to attain the desired recommended growth pattern(s) as determined by the Graham County Board of Supervisors through the public participation processes. Since this is a guide and changes happen that are in the public interest, this plan is to be periodically reviewed and updated. This article also spells out the desired relationships that Graham County wants to have with various authorities while detailing those policies that drive the decision making for determining the various land use patterns available for the benefit and the general welfare of the citizens of this county.

## **ARTICLE 2 IMPLEMENTATION OF THE COMPREHENSIVE PLAN**

### **2.1 OVERVIEW**

Graham County, as a local unit of government, is granted certain land use planning powers by the State Legislature to protect the safety, health, and economic welfare of its citizens. Under these laws, the Board of Supervisors is required to plan for future growth and improvements, and has the authority to engage in comprehensive planning within their jurisdiction in order to conserve and promote the public health, safety, convenience and, the general welfare.

Other laws mandating Federal and State Land and Regulatory Agencies to coordinate and consult with local governments are the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Forest Management Act (NFMA), Federal Land Policy and Management Act (FLPMA), and the Presidential Executive Order 12372 under the Intergovernmental Cooperation Act. (See "Appendices D and E" which identify other Federal and State Laws and Regulations that provide for cooperation with Graham County).

In an effort to fulfill their obligation under these laws, the County, on September 18, 1995, formally adopted the Graham County Land Use and Resource Policy Plan (LURPP). The primary purpose of the land use plan is three-fold: 1) to provide direction from the citizens of Graham County in guiding Federal, State, and County decision makers in protecting, evaluating, and enhancing the County's custom and culture, social stability, economy, tax base, and overall health of our lands and resources; 2) insures Graham County's right as a representative governmental unit to require that Federal and State Regulatory and Land Management Agencies consult, notify, and cooperate with the County in their decision making processes; and 3) to provide the foundation for the development of the County's comprehensive land use plan.

While the Land Use and Resource Policy Plan serves as a guide, a more formal implementation plan may be necessary to specifically address actions occurring on both public and private lands, joint assessments and impact statements, and facilitate mitigation of adverse social, cultural, economic and environmental impacts of actual and proposed listings, regulations, rules, and/or actions.

## 2.2 PLAN OBJECTIVES

The Graham County Implementation Plan and guidelines within are designed as a tool to insure that the policies of the General Plan, including the Land Use and Resource Policy Plan are effectively carried out. The role of the County in carrying out the intent of the Implementation plan will include but not be limited to the following:

1. Determine which actions, proposals, listings, and/or regulations require analyses, consideration, and action necessary to protect the interests of the residents of the county.
2. Assess the impacts on the human environment, including the County's custom and culture, social stability, economy, tax base, and overall health of our lands and resources.
3. Evaluate the various alternatives presented within environmental documents to determine which shall least impact the human and natural environments.
4. Develop, if necessary, a plan for reducing negative impacts resulting from a proposed action by Federal and State Regulatory and Land Management Agencies.
5. Monitor the final management decision to ensure compliance of the decisions made by those agencies.

## 2.3 DESIRED WORKING RELATIONSHIPS

Establishing working relationships and local points of contact within each agency having knowledge of issues important to Graham County is vital in achieving the goals of both the Implementation Plan and the Land Use and Resource Policy Plan. Entering into Memorandums of Understanding (MOU's) is also an effective tool to insure that Federal and State Regulatory and Land Management Agencies are aware of the County's intent to work jointly where actions may affect the County.

These points of contact can convey to state and federal officials the impacts of their decisions upon individual counties, review appropriate land use plans before initiating the scoping process, assist in developing conflict resolution plans at the lowest administrative level to avoid judicial review, seek input from local governments to assist in resolution of conflicting issues, identify areas where additional research is needed, and work jointly and cooperatively with local governments when conflicts occur. During this process, either party may request and receive a meeting to attempt to resolve conflicting issues. This will insure that both parties concerns shall be heard and efforts made to reach a consensus acceptable to those affected agencies.

## 2.4 ANALYSIS AND DECISION DOCUMENTATION

To successfully carry out the objectives and policy statements outlined in the Land Use and Resource Policy Plan (LURPP), the Land Use Task Force has developed three means by which the County may address actions occurring on public and private lands: The **Informal Letter**, **Initial Assessment Report (IAR)**, and the **Environmental Impact Review (EIR)**. To determine which response is most appropriate, the County must also distinguish which activities will be fully analyzed. This shall be done by placing activities into one of the following categories.

1. Projects occurring on non-federal lands utilizing no federal funds.
2. Projects on publicly owned lands or those utilizing federal funds.

### 2.4.1 Informal Letter

The **Informal Letter** may be used to document discussions of possible impacts and for decisions of proposals categorically excluded from NEPA assessments and for planning activities establishing or refining management objectives, future desired conditions, or identifying or rejecting future management needs or proposals. Generally, the activities appropriate for an **Informal Letter** response are those preceding formal proposals, projects requiring no NEPA assessment, and activities occurring on private, county or publicly owned lands utilizing no federal funds.

### 2.4.2 Initial Assessment Report (IAR)

The **Initial Assessment Report (IAR)** shall be prepared at the request of the Board when there is concern about the possible effects on existing land uses, the physical and human environment, custom and culture and economic health, either directly or indirectly. This report is similar to the NEPA Environmental Assessment (EA) planning and documentation.<sup>1</sup> In each instance where an **IAR** is used, the format may vary depending on the concern, and should include the following information.

1. Project description
2. Environmental setting
3. Potential environmental impacts
4. Potential socio-economic impacts
5. Local citizen values and management objectives included but not limited to those identified in the Land Use and Resource Policy Plan.
6. Mitigation measures
7. Decision implementation and monitoring

### **2.4.3 Environmental Impact Review (EIR)**

The **Environmental Impact Review (EIR)** may be initiated by the Board, based on **IAR** findings. The **EIR** is similar to the NEPA Environmental Impact Statement (EIS), planning and documentation.<sup>2</sup> In accordance with NEPA requirements, the **EIR** shall consider all reasonable alternatives to the proposed action with the goal of identifying those alternatives with the least adverse environmental impacts in relation to its benefits.

The purpose of the **EIR** is to identify the significant effects of a project on the environment (natural, social, cultural, property rights, and economic factors), identify alternatives to the project when there is a negative effect, particularly on the health, safety, livelihood (economic and social well-being) of Graham County citizens and overall health of the County's lands and resources. It also indicates the manner in which those significant effects can be mitigated or avoided. Information developed in individual **EIR's** shall be incorporated into a database, which can be used to reduce delay and duplication in preparation of subsequent environmental impact reports. The contents of the **EIR's** could include the following:

1. Table of Contents
2. Summary
3. Project Description
4. Environmental Setting
5. Management Objectives
6. Future Desired Conditions
7. Assessment of Environmental Impacts on
  - a. The Physical Environment,
  - b. The Social/Cultural fabric,
  - c. The Economy,
  - d. Property Rights,
  - e. Civil Rights,
  - f. Existing Laws, Regulations, Plans and Guidelines, and
  - g. Cumulative Effects Analysis
8. Mitigation Plans
9. Alternatives
10. Public Involvement Requirements
11. Target Time Frames
12. Implementing and Monitoring the Decision

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<sup>1</sup>40CFR § 1501.3, §1508.9 & 10

<sup>2</sup>40CFR § 1501.4, §1508.10 & 11

#### **2.4.4 ENVIRONMENTAL ASSESSMENT GUIDELINES**

This section specifies the necessary elements of those assessments required in an **Environmental Impact Review (EIR)**. As a general requirement, each assessment shall include both direct and indirect effects and their significance.<sup>3</sup> Federal agencies are also required to consider these effects.

2.4.4.1 Assessment of Impacts on the Physical Environment: The environmental impact assessment may include identification of any effects on Graham County's natural resource assets and environmental quality which may address impacts on range, forest and farmland resources, mineral resources, ground and surface water resources, environmental quality; air, water, energy, soils, etc., as well as the effects the productive harmony of the natural and human environments.

2.4.4.2 Assessments of Impacts on the Social and Cultural Fabric: This assessment may include identification of any effects on Graham County's custom, culture, governance, schools and other local programs such as:

1. Effects on family stability, custom and culture due to population loss or gain, and identification of those effects on the rates and magnitude of population migration patterns.
2. Shared beliefs regarding the scope and intensity of demonstrated support or opposition to a proposed action; cultural orientations toward certain sites or resources and attitudes toward economic stability and development.
3. Effects on the culture of Graham County, identifying possible limitations and restrictions on those cultural beliefs, customary land uses and practices, maintenance of community cohesion and traditions of mutual trust and aide.
4. Effects on cultural values of land stewardship and community environmental values and aesthetics related to historical/cultural sites, natural recreational resources, waterways and landscapes. Effects on resource degradation and investments on private land uses, historical and cultural sites.

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<sup>3</sup>40 CFR § 1502.16(A), (B), (C), (H), § 1508.8; Federal Register Vol. 57. No. 182 (9/18/92), 11.31 (B)

2.4.4.2 Assessments of Impacts on the Social and Cultural Fabric (Continued):

5. Effects on public land use patterns to include (a) existing land uses and interactions, (b) access and transportation impacts, (c) compatibility of proposed changes with present uses of surrounding lands, and (d) religious and cultural uses of land resources
6. Effects on Graham County's ability to protect the health, safety, convenience and welfare of the public.
7. Effects on government services and education.
8. Effects on emergency service activities such as law enforcement, fire and ambulance services.
9. Effects on Graham County's transportation infrastructure, environmental service delivery (landfills, waste), and Graham County financed infrastructure services to public land agencies.

2.4.4.3 Assessment of Impacts on the Local Economy: The following assessments identify the effects upon impacted sectors of Graham County's economy and may include effects on:

1. The County's ability to finance public programs.
2. Private investment backed expectations.
3. Economic value of water rights.
4. Direct, indirect, and cumulative employment.
5. Unemployment rates and the per capita income.
6. Revenue flows to local governments.
7. Local government and school employment losses on incomes rates.
8. Resource based industries including tourism, recreation, farming, ranching, timber, and mining, which may include unit cost effects such as the economic value of visitor days, livestock, timber and crop yield.
9. Other local businesses not directly impacted by resource decisions.
10. Communities and/or counties interrelated in terms of trade, culture, etc.
11. Housing, real estate values, and residential energy needs.
12. Opportunities for business expansion.

2.4.4.4 Assessment of Impacts on Private Property (Takings): The **EIR** may identify effects on property rights and protectable interests in Graham County. As part of this assessment, any of the following may constitute takings:

1. Physical invasion (actual intrusion or land withdrawal).
2. Loss of economic value and investment backed expectations.
3. Loss of private water rights.
4. Loss of customary uses related to public land use.
5. Effects on basic rules of fairness and due process.

2.4.4.5 Civil Rights Impact Analysis: **EIR's** may identify civil rights impacts of management alternatives on public lands with regard to impacts on lifestyle, attitudes, beliefs and values, social organization, population, land use patterns, infrastructure, and civil rights.

2.4.4.6 Assessment of Impacts on Laws and Regulations: The following may be considered when assessing the impact of alternatives examined in an **EIR** on existing laws, regulations, plans and guidelines.

1. Effects on integrated resource planning and management in which the county, private parties, and/or public interests are involved.
2. Effects on Federal and State laws and regulations related to multiple use sustained yield, and range resource management.
3. Effects on common law practices on public lands.

2.4.4.7 Cumulative Effects Analysis: Planning decisions shall be analyzed to identify the cumulative and long-term effects on Graham County's economy, tax base, custom, culture, social stability, and overall health of our land's resources.

## 2.5 EVALUATION OF ALTERNATIVES AND MITIGATION PLANNING

2.5.1 Evaluation of Alternatives: Significant effects of the alternatives on the human environment must be identified by the County, along with mitigation measures. In accordance with Federal regulations, "Agencies shall rigorously explore and objectively evaluate all reasonable alternatives (and) develop substantial analysis to each alternative in detail".<sup>4</sup>

1. All reasonable alternatives must be considered including "No Action." The alternatives should explore to the fullest extent possible other alternatives to meet the identified need or achieve the identified purpose while eliminating harmful impacts on the human environment.<sup>5</sup>
2. It must identify the preferred alternative and explain why alternatives other than the proposed action were requested.<sup>6</sup>
3. The evaluation of alternatives must be governed by the 'rule of reason'. An environmental document must describe a reasonable range of alternatives to the proposed action or to the proposed location of the proposal, which could feasibly attain the basic objectives of the proposed decision/action and evaluate the comparative merits of the alternatives.<sup>7</sup>
4. The range of alternatives identified by the County must include those that offer substantial advantages to the human environment over the proposed action and may be feasibly accomplished considering **economic, social, physical, and technical** factors. Alternatives may not be rejected merely because they are beyond the agency's authority.
5. The preferred alternatives shall be identified and include appropriate mitigation measures not already included in the proposed action alternatives.<sup>8</sup>

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<sup>6</sup>40 CFR 1502.14(a)

<sup>7</sup>Shiple & Associates, NEPA Executive Overview, Bountiful, UT 1991

<sup>8</sup>40CFR 1502.14(f) § 1502.16(h)

2.5.2 Mitigation Planning: For every significant adverse impact identified in an EIR, NEPA requires that agencies must identify and discuss the adequacy of mitigation measures according to the following criteria:

1. Mitigation plans shall identify and avoid or substantially lessen significant side effects of proposed mitigation measures.
2. Mitigation plans shall be detailed and provide realistic alternative measures.<sup>9</sup>
3. Mitigation measures must provide for effective and feasible mitigation. To be effective, a mitigation measure must state the objective of the mitigation measure and why it is recommended. It must also explain the specifics of the mitigation measure and how it will be designed and implemented by identifying measurable performance standards and making provisions for contingent mitigation if monitoring reveals existing standards are not satisfied, identify the agency, organization, or individual responsible for implementing the measure, indicate the specific location of the mitigation measure (s), and develop a schedule for implementation. To be feasible, mitigation measures must be backed by legal authority, be technically, economically, socially, and politically feasible, and exhibit a reasonable time frame for implementation.
4. Mitigation measures must be legally enforceable not just tenuous assurances and not within the authority of a lead agency or other relevant agencies to enforce.<sup>10</sup>
5. Agencies must specifically explain how the conditions of a mitigation plan would mitigate the impact and show the effectiveness of the mitigation measure(s) in terms of resulting impacts.<sup>11</sup>
6. Agencies may detail and explain the effectiveness of mitigation measures in terms of the resulting impacts of management alternatives.<sup>12</sup>

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<sup>9</sup>40CFR 502.14(a), (b), (c).

<sup>10</sup>Louisiana v. Lee, 758F.2d (5th Circ. 1985)

<sup>11</sup>The Steamboaters v. Federal Energy Regulatory Commission, 759F.2d 1382 (9th Circ. 1986). <sup>12</sup>Northwest Indian Cemetery Protective Association v. Peterson, 795F.2d 288 (9th Circ. 1986).

### 2.5.2 Mitigation Planning (continued)

7. Federal and State agencies are called upon to include all mitigation plans and Graham County may include a mitigation monitoring and feedback process based on specific objectives and performance standards to ensure the achievement of mitigation measures during action/decision implementation, provide feedback to agency staff about the effectiveness of their actions, provide learning opportunities for improving mitigation measures on future projects, and identify needs for enforcement before irreversible damage to the human or natural environment occurs.
8. State and Federal agencies are called upon to work with Graham County and develop two-way communication and monitoring to ensure the adequacy of the mitigation and monitoring process. The Graham County Board of Supervisors discourages Federal and State agencies from taking actions having adverse impacts on the human environment when alternatives and/or mitigation measures can substantially eliminate or lessen those impacts. The Board also encourages Federal and State agencies to promote plans and actions, which positively impact the human environment.

## 2.6 PUBLIC PARTICIPATION GUIDELINES

Graham County shall provide opportunities for the involvement of Graham County citizens, local government, schools, utility companies, civic and other community groups, and all economic segments within Graham County through public hearings and other means the Graham County Board of Supervisors deems appropriate. Graham County believes that early public involvement and effective participation are the cornerstones of good planning. They are committed to ensuring that public input is used effectively in county decision making, particularly as it relates to land use and development issues.

Graham County wants both developers and citizens to have an adequate opportunity at the beginning of the process to identify, discuss, and resolve issues related to proposed development projects and land uses. Effective public participation in the planning process can result in enhanced quality of development and uses throughout Graham County.

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<sup>13</sup>40CFR § 1506.2(b) (3)

## 2.6 PUBLIC PARTICIPATION GUIDELINES (Continued)

At the request of the Board of Supervisors, Federal and State Agencies may be called to enter into a cooperative effort to jointly prepare Environmental Impact Statements and NEPA Documents.<sup>13</sup> Any joint public involvement activity undertaken pursuant to this resolution shall apprise Graham County citizens of regulations and decisions that may adversely impact the county's custom, culture, social stability, economy, tax base and overall health of our lands and resources to ensure productive harmony between the natural and human environments.

The purpose of the public participation process is to:

1. Ensure that applicants pursue early and effective public participation in conjunction with their application, providing the applicant with an opportunity to understand and address any real or perceived impacts their development or land use request may have on the neighborhood or county;
2. Ensure that citizens, property owners and neighbors have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve potential concerns at an early stage of the process; and
3. Facilitate ongoing communication between the applicant, interested citizens, property owners, and County staff, throughout the application review process.

The Public Participation Plan is not intended to produce consensus on all applications, it is intended to encourage applicants to be good neighbors and to allow for informed decision-making. The Public Participation Process shall include the following minimum activities:

1. Determine which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;
2. Hold at least two public hearings, one before the P&Z Commission and one before the Board of Supervisors, and follow the notification process outlined below;
3. Send out a notice to each affected party identified above at least fifteen (15) days before each public hearing to inform them of the substance of the change, amendment, development, or other action proposed by the application in order to provide them with an opportunity to review this proposal;
4. Place at least one notice in the legal section of the newspaper and post at least one public notice on the property at least fifteen (15) days in advance of the public hearing;

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<sup>13</sup>40CFR § 1506.2(b) (3)

## 2.7 PLAN AMENDMENTS

The Comprehensive Plan must allow for some flexibility in order to best serve the citizens of the County while insuring equal protection under the law for property rights and usage. A process to permit changes in zoning uses is found in Section 5.1 – General Provisions in the zoning regulations, while a major amendment to the Comprehensive Plan is defined below.

An amendment to the Comprehensive Plan shall be considered a “major amendment” if it would result in a substantial alteration of the County’s land use mix or balance as established in this Comprehensive Plan. A substantial alteration is defined as an amendment that would result in an increase in the potential densities or intensities of uses for an area of sixteen hundred (1,600) acres or more. The preferred process of development in Graham County is found in Article 6 - Developments in the Planning and Zoning Ordinance, which defines the subdivision process for developing plats of land and provides that the zoning designation for the proposed land use must be changed to correspond with the types of uses and size of lots proposed in the development.

## 2.8 LAND USE

### 2.8.1 POLICY STATEMENTS FOR THE PLANNING AND MANAGEMENT OF PRIVATE LANDS

Graham County acknowledges, encourages and supports:

1. The preservation of farming as an industry by encouraging growth and development outside the agricultural belt.
2. The need for more effective planning resulting in orderly growth and development.
3. The enactment of a plan on the county level to more effectively monitor subdividing large tracts of lands.
4. The protection of private land uses and rights under the 5th and 14th amendments of the U.S. Constitution.
5. Public to private land exchanges and the evaluation of such actions to insure maximum benefit to County's tax base.
6. Educational efforts to inform the public should be balanced with regard to the effects of endangered species, single species management, and economic interests on both public and private lands.

## **2.8.2 POLICY STATEMENTS FOR THE PLANNING AND MANAGEMENT OF PUBLIC LANDS**

Graham County will work cooperatively with Federal and State Agencies with regard to Planning and Management of public lands and resources with the following conditions:

1. That those who file lawsuits lacking legal sufficiency without justification relating to Federal and State Management Plans be held responsible and accountable for their actions in terms of economic losses, court costs, et cetera.
2. That Federal and State Land Managing Agencies foster the development of a recreational user fee for various activities occurring on national forests and other public lands unless prohibited by law.
3. Federal and State agencies support multiple uses of public and publicly held lands for economic uses such as farming, ranching, recreation and tourism within a sustainable environment.
4. That Federal and State Regulatory Agencies strive to create a more objective decision making process with the Game and Fish Commission.
5. That there be close coordination and consultation between local governments and Federal and State agencies when state or federal projects have an impact on the county and/or its local resources before any policy decisions are made, as required by Federal Law.
6. That all public land use and resource management plans subsequent actions by other Federal and State Regulatory Agencies will reflect the input and participation of Graham County and the process by which their input was included as required by Federal Law.
7. That Federal and State Agency roles will be minimized in local government planning and decision-making processes.
8. That traditional recreational and historical uses of our resources and wilderness be protected to preserve user enjoyment and maintain multiple recreational uses of public lands which have become a part of the county's custom and culture.
9. That Federal and State Agencies provide assurance that access to and through public lands is included in all public land use and resource management plans.
10. That Federal and State agencies include Graham County in the consultation process regarding land exchanges and insure that the County's concerns are considered in the decision-making processes.

**2.8.2 POLICY STATEMENTS FOR THE PLANNING AND MANAGEMENT OF PUBLIC LANDS (continued)**

11. That Federal and State Agencies obtain and utilize best management practices, information, and most current scientific data in their evaluation processes.
12. That Federal and State Regulatory Agencies more aggressively support and encourage the removal of critical habitat designation, wilderness study areas, Wild and Scenic River segments, et cetera.

**2.8.3 POLICY STATEMENTS FOR FARMING AND RANCHING**

- A. Graham County will work cooperatively with Federal and State Agencies regarding land and water use decisions affecting farming and ranching on both private and public lands under the following conditions:
  1. That these agencies recognize and include methods that encourage preservation and continued development of the farming and ranching industries and consider these industries to be an integral part of the county's custom, culture, quality of life, and economic composition.
  2. That these agencies share the financial responsibility of maintaining publicly owned lands and watersheds in efforts to conserve, protect, and enhance the environment.
- B. Graham County further states and supports the fact:
  1. That farming and ranching have historically been and continue to be one of the defining and fundamental components of Graham County's custom, culture and economy.

**2.8.4 POLICY STATEMENT FOR MINING**

Graham County will work cooperatively with Federal and State Agencies regarding private and public land and resource issues related to mining under the following conditions.

1. That these agencies recognize the County's support and encourage beneficial mining efforts, recognize the economic benefit it provides, and encourage mining efforts on public and private lands.

## 2.9 CIRCULATION AND TRANSPORTATION INFRASTRUCTURE

### 2.9.1 POLICY STATEMENTS

Graham County will work cooperatively with Federal and State Agencies to effectively maintain and create new existing traffic corridors under the following conditions:

1. Develop additional traffic corridors to relieve traffic congestion, foster development in outlying areas and provide additional opportunities for the expansion of business districts as identified in the Graham County Transportation Plan, July, 1992, and adopted by Area Local Governments August, 1992.
2. County should implement necessary actions to protect their obligation to maintain and develop adequate transportation routes such as roads and bridges from flooding and other naturally occurring disasters.
3. Provide improved transportation means by the construction of sidewalks and bicycle paths.
4. Graham County will work cooperatively with Federal and State Agencies to insure that agency management plans and decisions don't negatively impact existing and future transportation networks.

## 2.10 CUSTOM AND CULTURE

Graham County will work cooperatively with Federal and State Agencies regarding land use decisions under the condition that these agencies recognize and evaluate the human and social impacts that could potentially alter existing traditional land uses, custom and culture, and quality of life of Graham County residents.

Graham County recognizes the important contributions to existing rural customs and social values associated with such pioneering industries as cattle ranching, cotton production and copper mining. While these traditional industries continue to provide a sound infrastructure for our present economy, the residents of Graham County recognize the importance of diversifying our economic base. Our vision for the future is vested in the philosophy of ensuring sound stewardship for public resources and recognizing the inherent rights associated with private property ownership. As such, the County will continue to seek economic opportunities compatible with our traditions and ethics.

Graham County's custom and culture may be further defined by the ability of its citizens to adapt and assume many responsibilities in the preservation of its cultural and traditional values. The citizens of Graham County have a sincere respect for individual rights and liberties and a great tolerance for cultural differences.

## 2.11 ECONOMY

### 2.11.1 POLICY STATEMENTS

A. Graham County will cooperatively work with Federal and State Agencies in initially developing public lands and resources under the following conditions:

1. There shall be consideration given to economic uses of public lands and resources including a viable grazing industry, recreational uses, tourism uses, and other multiple use activities that enable the county to utilize public lands to optimize and best meet the present and future needs of the residents of Graham County and assist in diversifying its local economic base.
2. That Federal and State Agencies recognize and consider the importance of protecting and conserving the ground and surface water management and associated rights for economic uses within the geographical boundaries of Graham County.
3. There shall be consideration given to actions (such as recreational user fees) that will increase the share of revenues returned to the County that are generated by use of public lands and resources.
4. That Federal and State Agencies work cooperatively to minimize detrimental economic impacts of their decisions on the local economy.

B. Graham County also supports and encourages the following:

1. Consideration of the need to actively pursue public to private land exchanges in a more-timely manner to create additional private development opportunities and expand the county's tax base.
2. Economic development opportunities compatible with the County's custom, culture and traditional values.
3. The protection of the agricultural and ranching industries to insure their viability within the local economy.
4. The continued efforts of individual organizations and communities to expand the tourism component of the County's economic structure.

### **2.11.2 POLICY STATEMENTS FOR EDUCATION**

Graham County supports and will work cooperatively with Federal and State Agencies to encourage and enhance educational quality and opportunity to all persons within the county under the following conditions:

1. Federal and State Agencies recognize the importance of alternative school systems in providing all individuals the opportunity to receive a quality education and become productive persons in society,
2. Public Land Managers must take into consideration the financial impact of their management decisions upon revenue streams supporting education.

### **2.11.3 POLICY STATEMENTS FOR RECREATION**

Graham County supports and will work cooperatively with Federal and State Agencies to preserve, protect and enhance the county's many recreational opportunities on public and private lands under the following conditions:

1. That Federal and State Agencies recognize, consider and include thorough analysis of the impacts of their decisions upon the preservation of the county's traditional, recreational and historical uses of these lands which have become an integral part of its custom and culture.
2. Recreation expansion and diversification by individual communities and organizations.

### **2.11.4 POLICY STATEMENTS ON TOURISM**

Graham County will work cooperatively with Federal and State Agencies to effectively utilize the many tourism opportunities available on public lands under the following conditions:

1. That Federal and State Agencies recognize that over 93% of the total county land mass is owned and/or managed by Federal and State governments, and Native American Tribes. This component should be included in evaluating impacts of its decisions upon the County's ability to responsibly utilize tourism opportunities on public lands in efforts to improve and stabilize economic health.
2. Graham County also supports and encourages all efforts, both private and public, to build an economically beneficial tourism industry which compliments the County's custom, culture and traditional values.

### **2.11.5 POLICY STATEMENTS ON HOUSING**

Graham County supports and will work cooperatively with Federal and State Agencies to encourage and enhance residential development within Graham County under the following conditions:

1. Residential development in outlying areas in an effort to protect farm lands within the agricultural belt of the Gila Valley.
2. The need for more effective monitoring of subdividing on large scale tracts of land, which in turn, facilitate orderly residential growth and development.
3. The consideration of demographic composition in planning for residential development and future public land disposals and the possible impacts of such developments upon other types of infrastructure.
4. There is a need for multi-family living units, especially units for low and moderate-income families.

## **2.12 ENVIRONMENT RESOURCES**

### **2.12.1 POLICY STATEMENTS - AIR, VISUAL, WATER AND OPEN SPACE**

Graham County supports and will work cooperatively with Federal and State Agencies in an effort to evaluate, monitor, preserve and protect:

1. The overall quality of air and water within Graham County.
2. A healthy environment with open spaces and visual qualities within the County.
3. Surface and ground waters within the geographic boundaries of Graham County (to include irrigatable farm lands) and other valuable resources, and actively pursue other potable resources to avoid using irreplaceable farmland wells.

### **2.12.2 POLICY STATEMENTS WATERSHED/RIPARIAN**

A. Graham County will work cooperatively with Federal and State Agencies to maintain and improve watersheds and riparian health under the following conditions:

1. That local governments be given more authority regarding ongoing maintenance activities through a memorandum of understanding to make immediate repairs to water delivery systems within public waterways.
2. That Federal and State Agencies allow more flexibility to the private land owner in protecting his investment from damages resulting from natural disasters.
3. That Federal and State Agencies work cooperatively and provide planning assistance to expedite permitting procedures for local projects both public and private, important to the safety and well being of the county's citizens.
4. That Federal and State Agencies be more cooperative in efforts to establish more permanent types of flood control structures, which serve to protect residents and create a more stable environment for suitable habitat of various species.

B. Graham County supports and encourages:

1. The continued efforts to protect existing water rights and future uses on the Gila River and its tributaries.
2. The use of higher quality water to protect the potable for human consumption.
3. The protection of groundwater resources to insure economic development within the County.
4. Continued aggressive efforts to secure potable water resources and their delivery systems to accommodate future growth and development.

### **2.12.3 POLICY STATEMENTS – PUBLIC LANDS**

Graham County will work cooperatively with Federal and State land Management Agencies under the following conditions:

1. That Federal and State Agencies recognize Graham County's small percentage (7%) of private land and its relationship to public lands being utilized to maintain and improve economic health, recreational and tourism opportunities, and traditional land uses.
2. That Federal and State Agencies include an analysis of the impacts related to loss of public land uses and its cumulative effects on Graham County in their decision making process.
3. That Federal and State Agencies will insure the County's input to the decision making process regarding land uses on public lands by including Graham County and its Land Use and Resource Policy Plan objectives in their decision making process.
4. That Federal and State Agencies role be minimized in decisions and regulations affecting private property owners and the use of their land.
5. When recreational activities are planned that communities and/or organizations take the necessary efforts to minimize adverse effects upon the economy and surrounding environment.

### **2.12.4 POLICY STATEMENTS FOR FOREST/RANGELAND MANAGEMENT**

- A. Graham County supports and will cooperatively work with the Federal and State Agencies in efforts to preserve, protect and enhance forest health under the following conditions:
  1. That existing and proposed forest management plans include activities such as timber salvaging, prescribed burning and fuel wood cutting to effectively improve forest health, protect human lives and reduce risk of catastrophic fires having the potential to create waste lands taking decades to recover.
  2. That traditional multiple uses of Forestlands be encouraged within the decision making process.
- B. Graham County must also:
  1. Recognize the importance timber and recreational forest uses have on generating public revenues for the county and as a factor in the County's overall economic stability.

### **2.12.5 POLICY STATEMENTS ON WILDLIFE**

- A. Graham County supports and will work cooperatively with Federal and State Agencies to preserve, protect and enhance the county's abundance of wildlife under the following conditions:
1. That Federal and State Agencies thoroughly analyze (based on our specific geographic area) and consider input from this plan in evaluating agency decisions having significant impacts on the county's economy, custom and culture, and traditional uses of public lands.
  2. That Federal and State Agencies develop best management practices and utilize the most current and scientific data in their analyses.
  3. That Regulatory and Land Management Agencies recognize and consider the economic and human uses in the designation of critical habitat and special management areas for wildlife.
  4. That Federal and State Agencies recognize and include, in their analyses, the impacts of wildlife to rangelands and croplands.
  5. Relocation or introduction of a species should be carefully evaluated and managed to prevent unnatural and unreasonable burdens on the citizens of Graham County.

## **ARTICLE 3.0 ADMINISTRATION**

**Scope:** This section also provides the legal validity and authority for administering this Ordinance. It establishes necessary fees, provides important information in the definition of terms, and reviews the concept behind the establishment of the various land uses adopted by Graham County.

## **ARTICLE 3.0 ADMINISTRATION**

### **3.1 JURISDICTION**

These regulations shall govern all land within the boundaries of Graham County, under the jurisdiction of the Board or the unincorporated areas.

### **3.2 PLANNING AND ZONING COMMISSION JURISDICTION**

It shall be the duty of the Commission to administer and enforce the provisions of this Ordinance under their jurisdiction.

### **3.3 ZONING ADMINISTRATION JURISDICTION**

It shall be the duty of the Planning Director and the Zoning Inspector to administer and enforce the provisions of this Ordinance regarding land use limitations as described in ARS 11-808.

### **3.4 VALIDITY OF THIS ORDINANCE**

It is the intent of the Board to adopt the entire Ordinance as a legal document and as a part of the General County Plan. Any words which appear to be precatory in nature are to be interpreted as though they were positive and conclusive. Should any article, chapter, section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of these regulations.

### **3.5 VALIDITY OF PERMITS AND LICENSES**

All departments, officials, and employees of the Graham County vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Ordinance and no permits or licenses shall be issued for uses or purposes in conflict with the provisions of this Ordinance.

The site permit is conditional upon the privileges being utilized within one year of the effective date of application for this permit. If no work has begun on this permit after one year from the date of issuance, this permit shall become null and void, and any privilege granted by this permit or variance shall be deemed to have elapsed. A notice of nullification for the site permit will then be sent by staff of the Planning Department.

### **3.6 INCORRECT OR OMITTED INFORMATION**

Incorrect information or statements or information omitted by applicants such that its omission might alter the conditions on which any approval of permit, variance, appeal or change was being considered is sufficient basis for termination of any proceedings in process.

### 3.7 VIOLATIONS, PENALTIES AND ADDITIONAL REMEDIES

3.7.1 It is unlawful to erect, construct, reconstruct, alter, place, maintain or use any land in any zoning district in violation of any provision of this Ordinance. Any person, as defined, herein, violating or causing the violation of any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine or by imprisonment in the County jail or by both fine and imprisonment as stipulated within ARS 11-808-C. Each and every day during which the illegal erection, construction, reconstruction, alteration, placement, maintenance, or use continues is a separate offense.

3.7.2 Additional Remedies: If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, placed, maintained, or used or is proposed to be used in violation of this Ordinance, the Board, the County Attorney, the Planning Director, Zoning Inspector, or any adjacent or neighboring property owner who is specifically damaged by the violation, may in addition to the other remedies provided by law, take appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, placement, maintenance or use.

### 3.8 FEES

All fees shall be paid to the Graham County Planning and Zoning office for the services rendered. The fee schedule is listed below for reference only as of July 2010 and may be adjusted by the Board of Supervisors by resolution from time to time as they determine is needed.

GRAHAM COUNTY  
FEES FOR PLANNING & ZONING DEPARTMENT

TYPE OF ACTIVITY/SERVICE	Fee for Service *
Building Permit - Site Permit for residential, commercial, & industrial	ICC Journal with annual review/update for valuation fees (see attached sliding scale)
Building Permit - MH Installation	\$100 + \$100 fee for zoning clearance
Building Permit – Penalty/Late Fee	25% of permit fee with min. of \$50 fine, plus employee related costs for inspections, etc.
Re-inspection fee for any building permit	\$50 for each extra visit
Application - Conditional Use permit	\$150
Application - Temporary Use permit	\$125 annual fee
Application for Variance (BOA)	\$75
Application for Change of Land Use	\$150
Continue Hearing plat, zoning, use permit, etc	\$125
Preliminary subdivisions	\$200, plus \$20 per lot
Final subdivision	\$100, plus \$10/lot
Plan Review for Residential and Development Plans for Commercial & Manufacturing Buildings	Residential, Commercial or Manufacturing - 65% of building permit; review of subdivision improvements plans - \$20 lot plus \$200
Amended Final Plat	\$200
Mobile Home (MH) Park and Travel Trailer (RV) Parks	\$200, plus \$10 per space
General Plan Amendments	\$300
Minor Land Division Permit	2 parcels - \$125      3 parcels - \$175 4 parcels - \$225      5 parcels - \$275
Building Permit – Accessory Structures, etc.	\$50 + \$100 fee for zoning clearance
Billboard/sign permit	\$150
Sign Permit < 15 sq. ft.	\$ 50
All other signs	\$100
Zoning Clearance (add to permit fee)	\$100
Street Naming	\$150 fee and \$125 per additional sign
Temporary RV Permit	\$100 annually
Community Facilities District	\$12,500 plus \$5,000 increments as needed

\*Any service or application provided in Graham County P&Z Ordinance that requires public notification and is not mentioned within this fee structure will be charged \$75.

March 11, 2011

### 3.9 DEFINITIONS

For the purpose of this Ordinance, certain terms used herein are defined as follows: All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number and all the words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. **Included within some definitions are listings of Land Use Classification in which that item is a permitted use, also included within some definitions are restrictions particular to that item.**

ABANDONED: Said of streets, public ways, easements or rights-of-way when the Board, by proper actions and public hearings abrogates all rights to said streets, public ways, easements or rights-of-ways.

ACCESS: Property dedicated by easement or to the public by right-of-way which affords the principal means of access (ingress and egress) to abutting property.

ACCESSORY BUILDING: A subordinate building or portion of the main building on the same lot or building site, 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 non-paying guests or employees.

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.

ACRE: Shall mean a full acre containing 43,560 square feet with 40,000 square feet being considered a buildable acre.

ADJACENT: For structures not necessarily in actual contact, but not separated by things of the same kind. (For land parcels see Contiguous).

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, animal husbandry and uses customarily incidental thereto; but not including commercial slaughter houses, stockyards, meat packing plants, fertilizer yards, bone yards, or plants for the reduction of animal matter. **This item is permitted as an acceptable or permitted use within Land Use Classification (s) of A, A-R, CM, M, and M-X.**

AIRCRAFT LANDING FIELD: Facilities for intermittent or emergency landings of aircraft.

AIRPORT, COMMERCIAL: An airport, landing strip or landing field used by or available to commercial carriers, flight training or flying schools, private pilots or owners of non-commercial aircraft, on a commercial basis.

AIRPORT, PRIVATE: An airport, landing strip or landing field owned and used by owners of non-commercial aircraft, including private bona fide flying clubs, on a non-commercial basis

ALLEY: Any public thoroughfare in residential areas and in commercial areas, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to property.

AMENDMENT: Shall mean a change in the wording, context or substance of this Ordinance, or an addition or deletion or a change in the zone boundaries or classifications upon the Land Use Map.

ANIMAL HOSPITAL: Facilities for the care, treatment and boarding of animals including the term "Veterinary Clinic". **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-N, CM, M, and M-X.**

APARTMENT: One or more rooms designed for, intended for and/or occupied by individuals doing cooking therein. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-M, R(SD), C-N, C-G, C-M, M, and M-X.**

AREA OF JURISDICTION: That part of the County without the corporate limits of any municipality.

AREA, OPEN: Land area on which there is no building or structure erected.

ARS: Arizona Revised Statutes.

AUTOMOBILE REPAIR SHOP: Facilities for the storage and mechanical repair of motor vehicles including body and fender shops. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-G, C-M, M, and M-X.**

AUTOMOBILE SERVICE STATION: Shall mean structure which provides for the servicing of motor vehicles and operations incidental thereto and does not include overhauling or body and fender repairs or major repairs requiring the storage of the vehicle on the premises. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-Z, C-M, M, and M-X.**

AUTOMOBILE WRECKING YARD: See JUNKYARD.

### 3.9 DEFINITIONS (CONTINUED)

**BASEMENT:** A story partly underground and having at least one-half of its height, measured from its floor to its finished ceiling, below the average grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over four (4) feet six (6) inches.

**BILLBOARD:** A sign of any kind, or character whatsoever and of any material whatsoever placed for the purpose of advertisement for any purpose other than the commercial activities active on the parcel of land on which the sign is placed. **This item is an acceptable or permitted use within Land Use Classification(s) of CM, M, M-X and in A zone with a Use Permit.**

**BOARD:** The Board of Supervisors of Graham County.

**BOARD OF ADJUSTMENT:** The Planning and Zoning Board of Adjustment.

**BOARDING HOUSE:** A building, other than a hotel, where lodging is provided, with or without meals, for compensation, for 5 or more persons and not primarily for transients. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-N, C-G, C-M, M, and M-X.**

**BORROW PIT:** Shall mean any place or premise where dirt, soil, sand, gravel, or other materials are removed by excavation or other means below the grade of surrounding land for any purpose other than that necessary and incidental to grading and/or building construction. **This item is a mining activity permitted in any Land Use Classification as provided for by A.R.S.11 – 830(a).**

**BUILDABLE AREA:** The net portion of the lot remaining after deducting all required yards from the gross area of a lot or building site.

**BUILDING:** A structure having a roof supported by columns or walls, for housing, shelter or enclosure of persons, animals, chattels or property of any kind.

**BUILDING ACCESSORY:** A building subordinate to the main building, the use of which is incidental to that of a main building on the same lot.

**BUILDING HEIGHT:** The vertical distance measured from the average level of the highest and lowest points of that portion of the lot covered by the building to the roof of the upper-most story.

### 3.9 DEFINITIONS (CONTINUED)

BUILDING, MAIN: Shall mean a building within which is conducted the principal use permitted on the lot, as provided by this Ordinance.

BUILDING PERMIT: shall mean a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the unincorporated areas of Graham County, pursuant to the regulations adopted by the Board of Supervisors.

BUILDING SETBACK LINE: Shall mean the minimum distance as prescribed by this Ordinance between any property line and the closest point of any building or structure or from a perpendicular projection parallel with the walls of said building or structure of any overhang or projection which is a part thereof.

BUILDING SITE: Shall mean the ground area of a building together with all the open space required by this and other County Ordinances. Does not include any streets, alleys, access easements or other right-of-way necessary for access to this property or as a means of access through this property to other properties.

BUSINESS OR COMMERCE: The purchase, sale or other transaction involving the handling or disposition (other than included in the term "industry" as defined herein) of any article, substance or commodity for profit or livelihood including additions, office buildings, offices, shops for the use of personal services, garages, outdoor advertising signs and outdoor advertising structures, and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARPORT: Shall mean a permanent roofed structure with no more than two (2) enclosed sides and intended to be used for automobile shelter or storage.

CEMETERY: Shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

CHURCH: Shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and door) and having a structurally solid roof. A church is not a "public building" as defined. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A-R, R (SD), C-M, and M, M-X with use permit.**

### 3.9 DEFINITIONS (CONTINUED)

CLUB OR LODGE: An association of persons (whether or not incorporated) for some common social purpose, but not including groups organized solely or primarily to render a service as a business for profit. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-N, C-G, C-M, M, and M-X.**

COMMERCIAL FEED LOT: A commercial feed lot shall mean a place, land, etc. where livestock, poultry and swine are confined in a pen other than for personal use, and fed with the intention of selling the livestock or selling anything produced by the livestock, poultry and swine. Livestock kept for home use or livestock pen-fed for a short period between grazing shall be considered an agriculture use. **This item is permitted as an acceptable or permitted use within the Land Use Classification of M-X.**

COMMISSION: Graham County Planning and Zoning Commission.

CONTIGUOUS: Adjoining by physical contact, usually pertaining to land.

COUNTY: Graham County, State of Arizona.

COUNTY ENGINEER: A person certified by the State to practice engineering, who is appointed to handle engineering services for the County.

COUNTY PLAN: See definition of GENERAL PLAN.

CUL-DE-SAC: A short street having one end open to traffic and being terminated at the other end by a vehicular turn-around.

DEDICATION: The ceding of land or property by its owner for any general or public use, reserving no special rights for the owner.

DESIGN: The design refers to street alignment, grades and width, alignment and width of easements and rights-of-way for drainage, sanitary sewers, and water lines, and the potential use of each parcel formed in reference to land division or special development plan.

DEVELOPMENT: Shall mean a subdivision either residential, commercial, industrial, or any type of improvements or land uses of any single parcel for commercial, industrial, or any other purposes other than residential including any existing or proposed structures, buildings and/or facilities.

### 3.9 DEFINITIONS (CONTINUED)

DILAPIDATED BUILDING: Shall mean any building in such disrepair, or damaged to such extent, that its strength or stability is substantially less than a new building, or that it is likely to burn or collapse and the condition of which endangers the life, health, safety or property of the public.

DIRECTOR: Shall refer to the Director of the Graham County Planning and Zoning Department and staff to the Planning and Zoning Commission.

DOMESTIC FARM ANIMALS: Animals, other than household pets, that are kept and maintained for commercial production and sale for family food production, education or recreation. Domestic farm animals include horses, cattle and other bovine animals, sheep, goats, ratites and small animals such as rabbits, chickens and potbelly pigs.

DUMP: The dump shall be a place used for the disposal, abandonment, or discarding by burial, incineration, or by any other means, of any garbage, sewage, trash, refuse, waste material, offal or dead animals. Such use shall not include an industrial or commercial processes except salvage operations and shall include sanitary landfills and solid waste disposal collection sites.

DWELLING, COMMERCIAL: Shall be motel, hotel, rooming house, boarding house, and other similar facilities where a person or group of persons does not assume a long term residency. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-N, C-G, C-M, M, and M-X.**

DWELLING, CONVENTIONAL: Shall mean a dwelling constructed on the site by craftsmen utilizing basic materials delivered to the site. Said building shall consist of footings and foundations poured in place and solidly attached to the walls, which shall be constructed in place. Roofing materials, and interior and exterior finishes shall be applied on site. This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications.

DWELLING, DUPLEX: Shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-M, R(SD), C-N, C-G, C-M, M, and M-X.**

### 3.9 DEFINITIONS (CONTINUED)

DWELLING, MULTIPLE UNIT: Shall mean a building or buildings designed and used for occupancy by three or more families all living independently of each other and having separate kitchen and toilet facilities. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-M, R(SD), C-N, C-G, C-M, M, and M-X.**

DWELLING, SINGLE FAMILY: Shall mean a detached structure designed or used exclusively for the occupancy of one family and having kitchen and toilet facilities. **This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications.**

EASEMENT ACCESS: An easement solely reserved for access to a lot or parcel.

EASEMENT, PUBLIC UTILITY: Shall mean the portion of a lot or parcel reserved for utilities, drainage, etc.

EXCEPTION: A permitted irregularity from the subdivision regulations as regarding processing or design, permitted only through hearing by the Commission and Board.

FABRICATION: Assembling of parts or processed material commonly brought from elsewhere.

FACTORY-BUILT BUILDING: See Modular Dwelling definition.

FAMILY: One or more persons occupying a residence and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority house.

FARMING, LIGHT: Land use or cultivation and keeping or raising livestock, which is intended only as a supplementary source of income or livelihood. **This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications, excluding R-U, R-M, and R-MH.**

FEEDLOT: See COMMERCIAL FEEDLOT.

FENCE: A structure usually built to separate two parcels of land or separate a parcel into different use areas.

### 3.9 DEFINITIONS (CONTINUED)

FERTILIZER YARD OR PROCESSING PLANT: A place where animal matter is collected, processed, or stored on a commercial basis. **This item is permitted as an acceptable or permitted use within Land Use Classification - M-X**

FINAL PLAT: A map prepared in accordance with the provisions of these regulations designed to be placed on record in the Office of the County Recorder stipulating design and development standards.

FLOOR AREA: The sum of all floor areas of all stories of a building.

FRONTAGE: Shall mean that portion of a parcel of property which is contiguous with a dedicated public street or highway or right-of-way or legal access easement.

GARAGE, PRIVATE: An accessory building or portion of the main building, which is designed or used for the shelter or storage of self-propelled vehicles, owned by the occupants of the main building.

GARAGE, PUBLIC: Shall be the structure or area, except those herein defined as a private or storage garage, which is used for the storage or care of self-propelled vehicles, or where such vehicles are equipped for operation or repair, or kept for hire or sale. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-G, C-M, M, and M-X.**

GARAGE, STORAGE: Shall be the structure or area, other than a private garage or public garage as defined above, which is used exclusively for storage of self-propelled vehicles.

GENERAL PLAN OR MASTER PLAN: A plan made and adopted by the Commission and adopted by the Board for the general physical development of Graham County and includes any part of such plan separately adopted and any amendment to such Plan or parts thereof. It is the County Plan.

GOVERNMENTAL AGENCY: Any agency of the Federal, State, County, or Municipal Governments.

### 3.9 DEFINITIONS (CONTINUED)

GRAZING: It is the feeding of domestic livestock on an open range or fenced pasture and uses customarily incidental thereto, but not including commercial slaughter houses, stockyards, fertilizer yards, bone yards, or plants for the reduction of animal matter. Community clubs such as 4-H, etc. may be exempt, if neighbors don't have any legitimate complaints. **This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications, excluding R-R, R-U, and R-MH.**

GREENHOUSE, COMMERCIAL: A greenhouse shall be a building or structure constructed chiefly of glass, glass-like translucent material, cloth, lath, or similar materials which is devoted to the protection or cultivation of flowers or other tender plants for commercial purposes. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) - ALL excluding R-R, R-E, R-U, R-M, and R(SD).**

GUEST RANCH: A building or group of buildings containing two or more guest rooms, other than a boarding house, hotel, or motel and including outdoor recreational facilities such as, but not limited to, horse-back riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities and dining facilities intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch. **This item is permitted as an acceptable or permitted use within Land Use Classification R-E and Conditional Use Permit in A zone.**

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals and animal hospitals shall not be deemed as home occupations. Home occupations may be conducted in accessory buildings if all activity and storage is confined to that building, no person except those living in the main building are working there and no lights, noise, odors or other annoyances are created, which could affect the rights of adjacent property owners. Further no more than 25% of the total floor area in the main building shall be used for the home occupation. Signs of only the size of a real estate sign or about six square feet are allowed in discreet locations. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of lots larger than half an acre.**

### 3.9 DEFINITIONS (CONTINUED)

HOSPITAL: Shall mean any building or portion thereof used for the accommodation and medical care including surgery of sick, injured, or infirm persons and including sanitariums, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-N, C-G, C-M, M, and M-X.**

HOTEL: An establishment or building providing a number of bedrooms, baths, etc., for the accommodation of travelers, or semi-permanent residents with or without food. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-N, C-G, C-M, M, and M-X.**

HOUSEHOLD PETS: Small domestic animals such as dogs, cats and certain birds, reptiles, fish, rodents, fur bearing animals and potbelly pigs kept as household pets, and which are not kept, bred, raised or exchanged for commercial purposes. Also see Kennels and Livestock. This term is not restrictive to any land use designation.

INDUSTRY: Shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof. Industry shall include storage yards, warehouses, wholesale storage and other similar types of enterprises, including bulk storage plants.

INDUSTRY, LIGHT: Those manufacturing procedures or related processing's which do not result in extensive open plant yard areas, nor masses of raw materials nor which result in noise, odors, dust, lights, vibration or waste products which would have any detrimental effect on surrounding areas.

INSTALLATION: (Public or Quasi-Public) permanent structural facilities that could not be classified as a building, but which occupy a specific area and serve a use function such as a power substation or radio relay station.

INSTALLATION PERMIT: Shall mean a permit required for the placement of a mobile or manufactured home as defined herein and the inspection of the setup and connection of utilities to it, pursuant to State regulations.

### 3.9 DEFINITIONS (CONTINUED)

**JUNK:** Junk includes unlicensed and inoperable motor vehicles, or portions of automobiles, old buildings, scrap metal, scrap wood, or other scrap materials and/or the dismantling or "wrecking" of automobiles or other vehicles or machinery or structures, but is not limited thereto. Storage of junk on any parcel of land shall not exceed 1% of the land area or 200 square feet whichever is smaller. **This term is not restrictive to any land use designation.**

**JUNKYARD (Automobile Wrecking Yard):** Shall mean a facility or site used for stockpiling, processing, sale, resale, etc. of junk or use of resale or storage for any commercial purposes. All junkyards shall have minimum of 100 feet setback from all property lines and all junk contained within a fenced area. A fence is to be a minimum of six (6) feet high and made of chainlink, wood, or masonry block wall. **This item is permitted as an acceptable or permitted use in Land Use Classification(s) M, and M-X.**

**KENNEL, COMMERCIAL:** Shall be a site for the use of harboring, keeping or maintaining dogs for any of the following purposes:

- a. To breed and/or promote for sale more than an aggregate of five (5) litters or twenty (20) dogs per year.
- b. To use more than five (5) dogs, cats, or other household pets for remuneration;
- c. To train and/or board more than five (5) dogs;
- d. Veterinary hospital that boards pets not being treated at the facilities.

Commercial Kennels shall have a minimum of 200 feet set back of any buildings, exercise runs, or any other animal facility from any property line adjacent to any residential land use. All animal facilities are to be contained within a second security fence of six (6) feet in height and made of material to contain any pet excluding birds. Kennels are to have equipment and facilities for a minimum of weekly removal of all animal waste. Any closed building used for housing of pets is to be equipped with proper ventilation, heating, and cooling as required for a safe environment for the type of pet housed. Kennels, at their own expense, shall submit annually to the Graham County Planning and Zoning Department a certificate or certified letter from a veterinarian licensed in the State of Arizona. These certificates shall state that the facility in the veterinarian's opinion is in adequate sanitary condition and provides adequate food, water, shade, housing, and secured facilities to maintain pets. **This item is permitted as an acceptable use within Land Use Classification(s) of M, and M-X.**

### 3.9 DEFINITIONS (CONTINUED)

LAND LEVELING: The removal of or relocation of earth, soil or rock in order to make a more uniformly level lot or building site.

LAND USE AND RESOURCE POLICY AND IMPLEMENTATION PLAN:

Separate document adopted in July, 1996 as an appendix to the Planning and Zoning Ordinance by the Graham County Board of Supervisors. Purpose of the plan is to provide direction from the citizens of Graham County to guide Federal, State and County decision makers in protecting, evaluating and enhancing the county's custom and culture, social stability economy, tax base and overall health and resources.

LAND USE PERMIT: Shall be a permit for designation of uses for a parcel of land as defined as a "Building Permit" in Chapter 3.5 and Section 5.6.2 of this Ordinance.

LAND USE (ZONE, ZONING): The individual use described as allowable for a parcel of land. Each land use shall have particular permitted uses, minimum allowable land area required for that land use, and specific restrictions within that use. Some land uses may have conditional uses permitted with special approval.

LAUNDRY, SELF SERVICE: A building with clothes washing and drying machines, either coin or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry and dry cleaning. self-service laundry does not include outdoor drying facilities. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-N, C-G, C-M, M, and M-X.**

LEGAL ACCESS: See ACCESS for definition.

LIVESTOCK: Shall mean animals, such as cows, sheep and poultry that are basically used for meat and food products, but may have other uses, and also includes equine, but not swine. **This item is permitted as an acceptable or permitted use within all Land Use Classification(s) exceeding 20,000 square feet, except where prohibited by subdivision CC&Rs or where nuisances occur.**

LOT: Any lot, parcel or tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by the use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance and having its principal frontage upon a street or upon an officially approved place.

### 3.9 DEFINITIONS (CONTINUED)

LOT, CORNER: A lot situated at the intersection of two or more existing or proposed streets.

LOT, DEPTH: The shortest distance between the mid-point of each the front and rear line.

LOT OCCUPANCY: This refers to the percentage of the area of a lot which is occupied by all buildings or other covered structures.

MAG: MARICOPA ASSOCIATION OF GOVERNMENTS.

MANUFACTURED HOME: shall mean a dwelling unit, transportable in one or more sections, manufactured after June 15, 1976 built to standards established by the U.S. Department of Housing and Urban Development (HUD) with a HUD seal affixed and with the following characteristics: 1) a minimum of forty (40) feet in length and eight (8) feet wide or more; 2) constructed on a permanent chassis; 3) designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities of water, sewer or septic, and electrical. A manufactured home is not a "mobile home", "recreational vehicle", "factory built", or a "park model". Installation permits for these structures may be issued only in accordance with those residential zones in which manufactured homes are a permitted use, pursuant to floodplain regulations. **This item is permitted as an acceptable or permitted use within Land Use Classifications ... ALL excluding R-SB.**

MANUFACTURING: The fabrication of finished or more completely worked products from one or more raw materials or from semi-finished products or the reprocessing of goods or materials and may include storage, packing and shipping.

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. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A, A-R, R-R, M, and M-X.**

MINING: The extraction of mineral or organic deposits from the earth including permanent sand and gravel operations either by means of open pits, shafts or pipeline, except the extraction of water does not constitute mining, nor is the operation of a temporary borrow pit or land leveling classified as mining. **This item is a permitted use in any Land Use Classification as allowed under A.R.S. 11- 830(a).**

### 3.9 DEFINITIONS (CONTINUED)

MOBILE HOME: A transportable structure suitable as a single family dwelling unit with plumbing and electrical connections provided for attachment to outside systems, constructed prior to June 15, 1976, and bears an Arizona Insignia of Approval. A mobile home shall be transported on its own wheels, designed and built for long term occupancy in a specific location and have no foundation other than wheels, jacks or skirting or other temporary support. The removal of the wheels shall not change the meaning of this term. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) - ALL excluding R-SB.**

MOBILE HOME PARK: A parcel of land under single ownership means any plot of ground upon which two or more Mobile Homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. This does not apply where all trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, State and Federal governments, where posted restrictions for use of such areas are provided. **This item is permitted as an acceptable or permitted use within Land Use Classification of R-MH.**

MODULAR DWELLING (FACTORY BUILT): Shall mean a dwelling unit which is pre-assembled in a factory prior to delivery to the job site for final assembly, and which conforms to the following: 1) built to Uniform Building Code Standards; 2) built with exterior materials customarily used on conventional site built buildings, e.g. wood siding, asphalt roof shingles; 3) minimum roof pitch of 3 to 12; 4) minimum one (1) foot overhang on all four sides; 5) minimum width of 20 feet; and 6) constructed to be set on a permanent foundation similar to site built dwellings, e.g. footings and stem walls or piers, in compliance with the UBC. This definition excludes “manufactured homes”, “recreational vehicles”, “mobile home”, or “park models” ... also referred to as a “modular buildings”. **This is nonrestrictive to any land use and is an acceptable or permitted use in ALL zoning classifications.**

MOTEL: Shall mean a building or buildings used for transient residential purposes containing guest rooms or dwelling units with automobile parking space provided and may contain commercial facilities for the service and convenience of guests. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-N, and C-G.**

### 3.9 DEFINITIONS (CONTINUED)

NON-CONFORMING USE: Any building or a land use which does not conform to the regulations for the land use in which it is situated and which was in existence at that precise location prior to adoption of these Zoning Regulations or change of land use.

NURSERIES: Facilities for commercial development, growth and sale of plants and/or for the conducting of and storage of equipment for landscaping operations and wholesale and/or retail sale of commercial gardening supplies. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-G, C-M, M, and M-X.**

OUTDOOR ADVERTISING SIGN: A sign of any kind or character whatsoever and of any material whatsoever placed for outdoor advertising purposes for the activities on the parcel of land on which the sign is located whether on the ground or on any structure or stationary, parked or mobile. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. Signs permitted in the "R" land use for sale of property or home occupations shall be limited to four (4) square feet. Outdoor signs in a commercial zone or with a use permit in an A zone shall conform to the limits established for billboards in Chapter 5.8.

OWNER: Is any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land to commence and maintain proceedings to control, divide, or otherwise deal with the same under this Ordinance.

PARKING AREA: Portion of overall building site reserved exclusively for parking and maneuvering of vehicles, which space is generally 10' by 20' but can vary.

PARKING LOT: Open area facilities for parking and maneuvering vehicles.

PERSON: Shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, Special District, or any other group or combination acting as an entity.

PETROLEUM BULK PLANT: Shall mean a wholesale and/or retail distribution facility of processed petroleum products. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-G, C-M, M, and M-X.**

### 3.9 DEFINITIONS (CONTINUED)

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission of Graham County, State of Arizona.

PLAT: Refers to a map (including required certificates) in these regulations.

PLOT PLAN: See SITE PLAN.

PREFABRICATED DWELLING: See MODULAR DWELLING (Factory Built)

PRELIMINARY PLAT: A plan of a proposed subdivision of land.

PROFESSIONAL OFFICE: Shall mean any building used or intended to be used as an office for a lawyer, engineer, land surveyor, architect, optometrist, accountant, doctor, dentist, and other similar professions. Does not include barber, beautician, and similar types of occupations. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C(SD), C-N, C-G, C-M, and M.**

PUBLIC BUILDING: Facilities for the conducting of public business constructed for the various public agencies and includes courthouses, city halls, post offices, governmental office buildings, libraries, and museums, but does not include schools or churches. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A-R, R(SD), C-N, C-G, and R-MH.**

PUBLIC HEARING: Public meeting held under the conditions and for the purpose specified by ARS 11-829 and this Ordinance.

PUBLIC NUISANCE: Shall mean a dilapidated building or an accumulation of rubbish, trash, weeds, filth, debris, junk or any other annoyance such as odor, lighting, etc. that constitutes a hazard to the public health and safety or is found to negatively impact a neighbor and/or their property as determined by Graham County Planning Department, Health Department, or other departments with jurisdiction over the condition.

QUASI-PUBLIC: A privately owned facility which serves a common public need such as churches, public utility buildings and facilities, specifically: offices, warehouses, and storage yards, but shall not apply to transmission lines, pipelines, booster stations, or substations. **This item is permitted as an acceptable or permitted use within Land Use Classification(s)....A-R, R(SD), C-N, and C-G.**

### 3.9 DEFINITIONS (CONTINUED)

**RECREATION FACILITIES:** Buildings, structures or areas built or developed for the purpose of entertaining, exercising, or observing various activities participated in either actively or passively or in which participation is by organized groups. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-RE, C-G, C-M, and M.**

**RECREATIONAL VEHICLE (OVERNIGHT) :** A vehicular type of unit, as defined in A.R.S. 41.2142, which is not more than eight feet (8') wide and no more than forty feet in length. For purposes of measuring length of the recreation vehicle, hitch and/or tongue shall be excluded. These portable structures are designed as *temporary dwellings for travel, recreation or vacation uses and shall not be considered permanent dwellings*, except when set up in a travel trailer park and may be used for CUP with approval under certain circumstances. The term recreational vehicle shall include the following:

- a. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
- b. A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on and permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the complete vehicle. Busses converted for habitable use shall be considered a motor home.
- c. A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and having a gross trailer area of not more than three hundred twenty square feet or more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.
- d. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and having a trailer area of less than three hundred twenty square feet, including fifth wheelers.
- e. A portable truck camper constructed to provide temporary living quarters for recreation, travel or camping use and consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup.

**RESTAURANT:** An establishment (other than a boarding house) where meals are prepared in this structure and may be procured by the public. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-N, C-G, C-M, M, and M-X.**

### 3.9 DEFINITIONS (CONTINUED)

RE-SUBDIVISION: Changing of design, lot lines, size of lots or road alignment of any recorded or approved subdivision in Graham County by a private individual(s) or a business, which requires action by both the County and State.

RETAIL STORE (OR COMMERCIAL ACTIVITY): A business selling goods, services edible or otherwise, wares or merchandise directly to the ultimate customer. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-N, C-G, C-M, M, and M-X.**

RUBBISH, TRASH, FILTH OR DEBRIS: Shall include, but not be limited to, ordinary litter, refuse, waste, rubble and any remains from a dilapidated building or similar materials.

SCHOOL: An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or trade or vocational schools. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A-R, R(SD), C-N, and C-G.**

SETBACK LINES: The shortest distance from the exterior surface of a structure and the property boundary from which it is to be set back from. Structural setbacks in this Ordinance are generally from property lines (front, side, and rear) as well as from street centerlines, of a street or property line between which no part of a building or structure or any part thereof may be erected or projected except as otherwise provided in this Ordinance.

SHOPPING CENTER: A group or cluster of stores or buildings divided for separate commercial or service facilities organized in a balanced arrangement for retail trade with provisions for parking. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C(SD), C-N, C-G, M, and M-X.**

SIGN: Any device for visual communication, including any structure or natural object or part thereof, that is used for the purpose of bringing a subject to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization.

### 3.9 DEFINITIONS (CONTINUED)

SITE PERMIT (BUILDING): Shall mean a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in excess of either eight (8) feet in height or 120 square feet in area in the unincorporated areas of Graham County.

SITE PLAN: Shall mean a plan prepared to scale or acceptable to the Planning Department, showing accurately and with complete dimensioning, all of the buildings, structures, uses and the exact manner of development proposed for a specific parcel of land.

STABLE, COMMERCIAL: A stable for horses to let, hired, used, or boarded on a commercial basis or for compensation. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-RE, M, and M-X.**

STABLE, COMMUNITY: A noncommercial stable for horses, operated by and for the exclusive use of the members of a nonprofit, incorporated community organization. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-RE, M, and M-X.**

STABLE, PRIVATE: A stable for horses used by the owners of the property for their private use or that of their guests without compensation. **This item is permitted as an acceptable use in R-R or larger land use zoning classifications.**

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than 4 feet 6 inches above the grade level, shall not be considered a floor. A mezzanine floor shall be considered a story if it exceeds an area of 40 per cent of the area of the floor next below it.

STREET: A public or private thoroughfare that affords the principal means of access to property, including any road or other thoroughfare except an alley as defined herein. This thoroughfare is recorded for ingress and egress purposes to provide a legal means to access property.

STRUCTURE: Shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location in/or on the ground or is attached to something having a location in/or on the ground such as supports or a foundation.

### 3.9 DEFINITIONS (CONTINUED)

SUBDIVIDER: Any person who causes land to be parceled into a subdivision for himself or for others.

SUBDIVISION: Shall mean improved or unimproved land or lands divided into six or more lots for the purpose of sale or lease, or for cemetery purposes, whether immediate or future, **in accordance with Arizona State Real Estate Land Statutes**. This paragraph shall not apply to the division or proposed division of land into lots or parcels each of which is, or will be, thirty-six acres or more in area including to the center line of dedicated roads or easements, if any contiguous to the lot or parcel. See Article 6 – Development for details.

SWIMMING POOL: Swimming pool is any structure intended for swimming or recreational bathing that contains water over 24 inches or more in depth and that is wider than eight feet at any point. This includes in-ground and above-ground swimming pools and fixed in place wading pools. See chapter 5.10 in the Zoning Ordinance.

TRAVEL TRAILER: Shall mean a portable structure with its own wheels, designed as a temporary dwelling for travel, recreational, or vacation uses. This may include campers and other similar vehicles, it shall not exceed 8 feet x 40 feet or be more than 400 square feet. (See recreational vehicle definition)

TRAVEL TRAILER PARK: Shall mean any plot of ground upon which two or more travel trailers are located for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations. This does not apply where all trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, state, and Federal governments, where posted restrictions for use of such areas are provided. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-MH, and R(SD).**

URBAN: As used in this Ordinance refers to limited or extensive Community development where a cluster or group of people are living in close proximity, where the land or living units are divided into separate units and may or may not include commercial facilities.

USE: The purpose for which land or premises, or building is designed, arranged or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use incidental and accessory to the principal use of a lot or a building located on the same lot as the primary use.

### 3.9 DEFINITIONS (CONTINUED)

USE PERMIT: Permit required by certain sections of this Ordinance for uses which may under the circumstances of a specific case be permissible but use in general may not be permitted.

USE, PRIVATE: A use restricted to the occupants of a lot or building together with their guests, where compensation is not received and where no commercial activity is associated with same.

VARIANCE: A variance is an authorization for a relaxation of the terms of the land use regulations which will not be contrary to the public interest and which owing to conditions peculiar to the property or neighborhood and which are not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardships. The Board of Adjustment, hereinafter established, may permit variances in the application of certain provisions of this code where practical difficulties or unnecessary hardship would result from a strict application of regulations.

WALL: Shall mean any outdoor structure or device forming a physical barrier which is so constructed that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of light, air and vision through said surface.

WEEDS: Shall include, but not be limited to, any common, unsightly, or troublesome plant that grows, tumbles in abundance, or is capable of being injurious to residential yards or cultivated ground.

YARD: The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the principle building is to be used; however, on any lot wherein a setback line has been established by the regulations of this Ordinance for any street abutting the lot, such measurement is to be taken from the principle building to the setback line.

YARD, FRONT: A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principle building or any projection thereof as limited by Subsection 5.1.7. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

### 3.9 DEFINITIONS (CONTINUED)

YARD, REAR: A yard extending between the side yards of a lot and being the minimum horizontal distance between the rear lot line and the rear of the principle building or any projection thereof, as limited by Subsection 5.1.6, 5.1.7. On both corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the building and the side lot line of a lot and extending from the front yard to the rear lot lines as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principle building or any projection thereof, as limited by Section 5.1.7.

ZONE OR ZONING: See LAND USE.

ZONING DISTRICT: Shall mean any portion of a County in which the same set of Land Use Regulations apply to that particular area of property.

ZONING INSPECTOR: Shall refer to the person performing the enforcement of the Land Use and Building Permit regulations.

ZONING PERMIT: Shall be a permit for designation of uses for a parcel of land as defined in total as a 'Building Permit' in Chapter 3.5 and Section 5.6.2.

### 3.10 GENERAL PURPOSE OF ZONING REGULATIONS

Official Land-Use Zoning Regulations for the unincorporated portion of Graham County are adopted and established for the following reasons, namely: 1) to preserve the public health, safety, comfort, convenience and general welfare; 2) to provide the economic and social advantages resulting from an orderly, planned use of land resources; 3) to conserve and stabilize the value of property; and 4) to guide and provide a definite plan for the future growth and development of the County in coordination with the County Planning and Zoning Ordinance, including the Subdivision Regulations.

For purposes of administrative uniformity, all property in Graham County will be classified "A" or General Land Use with the approval of these regulations. The Commission and Board will then continue with detail area General Plans and area Land Use Plans for all portions of Graham County. Land Use studies may also be initiated according to Subsection 6.9 of these regulations.

### 3.11 STATUTORY EXEMPTIONS

As specified in ARS Section 11-830, the provisions of this Ordinance shall not prevent, restrict, or otherwise regulate in any zoning district the use or occupation of land or improvements for railroad, mining, metallurgical, grazing, or general agricultural purposes, as defined herein provided the tract or premises so used is not less than five (5) contiguous commercial acres.

### 3.12 THE LAND USE MAP

Certain functional divisions of the General Plan are illustrated and detailed here as the Land Use Maps. These Land Use Maps, for convenience and identification, are divided into sectional area maps. The land use classifications for each land parcel and the boundaries of such land uses are not included in the written portion of this Ordinance, but will be shown upon the land use maps.

These maps and all the notations, references, and other information shown shall be as much a part of this Ordinance as if the matters and information set forth by the map were fully described herein. Copies of the printed portion of this Ordinance may be distributed as a complete document for reference purposes only and need not include copies of any Land Use maps.

Each Land Use map and change can only be established through public hearings at both the Commission and Board levels. No Land Use maps will be approved by the passage of this Ordinance, but will be developed as the result of subsequent studies and hearings.

### 3.13 ESTABLISHING LAND USES

#### 3.13.1 Land Uses

In order to classify and segregate the uses of land and buildings, the following Land Use Classifications are hereby established:

A	General	S-D	Special Development
A-R*	Agricultural-Residential	C-RE	Commercial Recreation
R-R	Single-Family Residential	C-N	Neighborhood Recreation
R-SB**	Single Family Residential	C-G	General Commercial
R-U	Single-Family Residential	C-M	Commercial-Manufacturing
R-E	Residential Recreation	M	General Manufacturing
R-M	Multi-Family Residential	M-X	Unlimited Manufacturing
R-MH***	Residential-Mobile/Manufactured Home (Travel Trailers)		

\* Use of this Land Use Classification will require notation of minimum lot sizes as further described in Subsection 3.13.2

\*\* Mobile and Manufactured Homes Prohibited

\*\*\* To be determined with approval of design.

#### 3.13.2 Combining Land Use, Lot Area

The minimum area of a lot or parcel may be different from that designated on the table in Subsection 5.2.2. When so differently designated, the minimum lot area shall be indicated on the Land Use Map by a "lot area combining land use." The lot area shall be written beneath the Land Use classification on the Land Use map as follows: (example) R-SB/10M. The following land uses are allowed with the minimum sizes shown.

- 4M (4,000 sq. ft.) in R-(SD) or R-MH zones only.
- 6M (6,000 sq. ft) in R-SB, and R-U zone.
- 10M (10,000 sq. ft.) in R-U, R-SB, R-M, C-N, and C-G zones only.
- 20M (20,000 sq. ft.) in C-N, and C-G zones only.
- 1A (40,000 sq. ft or one acre) in R-R, R-U, R-SB, C-N, and C-G zones.
- 2A (two acres) in A-R, R-R, R-U, R-SB, C-RE, C-N, C-G, and C-M.
- 5A (five acres) with A-R, R-R, C-RE, C-N, C-G, C-M, M, and M-X zones.
- 10A (ten acres) in A, A-R, R-R, C-RE, C-N, C-G, C-M, M, and M-X zones.

## **ARTICLE 4.0 LAND USE REGULATIONS**

**Scope: Land Use regulations are established to control what activities are permissible and how permissible in order not to be offensive to adjoining property or the community in general. The regulations are established with the minimal amount of control to protect property rights of use but restrictive to protect offense of property rights of others.**

## ARTICLE 4.0 LAND USE REGULATIONS

### 4.1 GENERAL "A" LAND USE (one acre minimum lot size)

#### 4.1.1 Special Provisions

1. No subdividing shall be conducted or approved in any area designated as an A zone without prior rezoning of the land so parceled.
2. All applicable provisions of Subsection 5.1, 5.2, and 5.3 shall apply to this Land Use.
3. Building Setback requirements and distances between structures as described in Subsection 5.1.3 shall apply.

#### 4.1.2 Uses Permitted

1. Agricultural and grazing uses and home occupations.
2. **One residence per parcel-one acre minimum parcel size, except as provided for in provisions for Conditional Use Permits.** Single-family dwellings, accessory uses normally incidental to a single-family dwelling or light farming, (this is not to be construed as permitting any commercial use). Signs pertaining to the sale, lease, or rental of the property on which the sign is located. Non-commercial guest houses, 900 square feet (maximum), architectural style shall resemble main residence, site-built materials only, no manufactured/mobile homes or travel trailers shall be used as a guest house. (This is not to be construed as permitting commercial use). When a manufactured/mobile home is the main dwelling, an architecture style shall be agreed upon with the Planning and Zoning Director and/or Department staff.
3. Private greenhouses and livestock for private use. Although there are no restrictions on the number of livestock a person can have for private use, consideration of noise, odors, the attraction of insects/pests and other possible public health and nuisance factors must be accounted for when keeping animals. A general guide is that one large animal or two smaller animals per 10,000 square feet of property is allowed only on parcels larger than 20,000 square feet, except where prohibited by CC&Rs.
4. Schools, churches, public-buildings, quasi-public buildings and playgrounds.

#### 4.1.3 Conditional Uses

1. Duplex, multi-family dwellings and guest ranches.
2. General retail and commercial offices.
3. Any industrial or manufacturing uses
4. The establishment of any off-premises billboard.
5. Borrow pits and removal of petroleum or natural gas on a commercial basis as limited by ARS 11-830A.

#### 4.1.4 Additional Residences

Additional single-family residences may be erected or installed as an acceptable use within Land Use Classification(s) of A and A-R for owners with twenty (20) acres or more of property with the following restrictions. However, this provision does not apply to legal subdivisions in the County, which must be re-platted in order to change the number and size of lots from the approved final plat.

1. The original property owner when making application for a building permit shall maintain ownership of this property, but once the property is sold then a separate parcel shall be established by recording the newly created parcel with the County Recorder's Office and shall adhere to the provisions found in Section 2.9.2, Minor Land Divisions;
2. A maximum of four (4) residences total will be allowed per parcel;
3. Each dwelling shall have a minimum parcel area of one acre or more for each residence in the A or A-R zone;
4. Each building, site, or installation permit is to include a plot of all structures on the parcel and the proposed layout.
  - a. Each residence is to be situated within an area of the parcel equivalent to a minimum of one acre for an A and A-R zone.
  - b. Each residence shall be positioned within said area with minimum setbacks per that land use.
  - c. All proposed utilities are to be shown. Any utilities crossing another residence's site will include private utility easements.
  - d. Each residence shall have permanent legal access.
  - e. Each residence site shall be regulated as a separate parcel for administrative purposes.

## 4.2 AGRICULTURAL-RESIDENTIAL "A-R" LAND USE (one acre minimum lot size)

### 4.2.1 Special Provisions

1. Only one single-family dwelling shall be approved for any one parcel of land, lot or building site.
2. All applicable provisions of Subsection 5.1, 5.2, and 5.3 shall apply to this Land Use.
3. Building Setback requirements and distance between structures as described in Subsection 5.1.3 shall apply.

### 4.2.2 Use Permitted

1. Agricultural and grazing uses and home occupations.

2. **One residence per parcel, one acre minimum parcel size.**

Single-family dwellings, accessory uses normally incidental to single-family dwellings or light farming, (this is not to be construed as permitting any commercial use). Signs pertaining to the sale, lease, or rental of the property on which the sign is located.

Noncommercial guest houses, 900 square feet (maximum), architectural style shall resemble main residence, site-built materials only, no manufactured/mobile homes or travel trailers shall be used as a guest house. (This is not to be construed as permitting commercial use). When a manufactured/mobile home is the main dwelling, an architectural style shall be agreed upon with the Planning and Zoning Department.

3. Private greenhouse and livestock for private use (See more detailed information under the A zone provisions).
4. Schools, churches, public-buildings, quasi-public buildings and playgrounds.

### 4.2.3 Additional Residences

Refer to 4.1.4 for the regulations pertaining to allowing additional residences in the A-R zone.

### 4.3 RESIDENTIAL—RURAL "R-R" LAND USE (20,000 square feet minimum lot size)

#### 4.3.1 Special Provisions

1. One single-family dwelling shall be approved for any one **parcel of land no smaller than 20,000 sq. ft. in size**, lot or building site.
2. Each **parcel**, lot or building site shall be served from an approved domestic water supply system if less than one acre **and shall provide adequate frontage as required from the entity providing the water supply.**
3. All applicable provisions of Subsections 5.1, 5.2 and 5.3 shall apply.
4. Building Setback requirements and distances between structures as described in Subsection 5.1.3 shall apply.

#### 4.3.2 Uses Permitted

1. Light farming uses and home occupations.
2. Single-family dwellings, accessory uses normally incidental to a single-family dwelling or light farming including noncommercial guest houses. (This is not to be construed as permitting any commercial use), signs pertaining to the sale, lease, or rental of the property on which the sign is located.

#### 4.3.3 Conditional Uses

Churches, schools, hospitals, parks and playgrounds, public and quasi-public buildings, and uses of similar purpose.

#### 4.4 RESIDENTIAL RECREATION or “R-E” LAND USE (20,000 square feet minimum lot size)

##### 4.4.1 SPECIAL PROVISIONS

1. All applicable provisions of sections 5.1, 5.2 and 5.3 shall apply to this land use.

##### 4.4.2 USES PERMITTED

1. Light farming uses as permitted under “A-R” Land Use.

2. Single-family dwellings and accessory uses, including guest ranch, bed and breakfast, group homes. If property needs a septic system then approval from the County Health Department is required.

3. Signs pertaining to the sale, lease, or rental of the property on which the sign is located.

4. Each parcel shall be served from an approved domestic water supply system and shall provide adequate frontage as required by the entity providing the water supply.

##### 4.4.3 CONDITIONAL USES

1. Churches, schools, hospitals, parks and playgrounds, public and quasi-public buildings and uses of similar purposes.

## 4.5 RESIDENTIAL—URBAN "R-U" LAND USE (6,000 sq. ft. minimum lot size)

### 4.5.1 Special Provisions

1. All applicable provisions of Subsections 5.1.5.2 and 5.3 shall apply to this Land Use.
2. When any lots or parcels for future subdivisions are proposed for less than 6,000 square feet, they shall be processed as a Special Development Subdivision (Subsections 5.1, 5.2, and 5.3). No existing development shall be classified as R-U/4M unless it conforms to the requirements for such lot areas under Special Development Land Use.
3. Each parcel shall be served from an approved domestic water supply system and shall provide adequate frontage as required by the water supply.
4. Building Setback requirements and distance between structures as described in Subsection 5.1.3 shall apply.
5. Parcels of less than 20,000 square feet should be served by an approved sewage treatment facility and collection system.

### 4.5.2 Uses Permitted

1. **One residence per parcel.** Single-family dwelling, including Mobile or Manufactured Homes, and accessory buildings with uses normally incidental to single-family residences.
2. Signs, not over four (4) square feet in area and pertaining only to the sale, lease, or rental of the property upon which the sign is located.

### 4.5.3 Conditional Uses

1. Churches, schools, hospitals, parks and playgrounds, public and quasi public buildings, and uses of similar purpose.
2. Private parking lots for automobiles where the land lies adjacent to any "R-M", "R-(SD)", "C", or "M" Land Use.

## 4.6 RESIDENTIAL—SITE BUILT "R-SB" LAND USE (6,000 sq. ft. minimum lot size)

### 4.6.1 Special Provisions

1. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this Land Use.
2. Manufactured and mobile homes prohibited.
3. Each parcel shall be served from an approved domestic water supply system and shall provide adequate frontage as required by the entity providing the water supply.
4. Building Setback requirements and distances between structures as described in Subsection 5.1.3 shall apply.
5. Parcel of less than 20,000 square feet is required to be served by an approved sewage treatment facility and collection system.

### 4.6.2 Uses Permitted

1. **One residence per parcel.** Single-family dwellings and accessory buildings with uses normally incidental to single-family residences.

Noncommercial guest houses, 900 square feet (maximum), architecture shall resemble main residence, site-built materials only, no manufactured/mobile homes or travel trailers shall be used as a guest house. (This is not to be constructed as permitting commercial use). Guest house is permitted in lot sizes 20,000 square feet minimum.

2. Signs, not over four (4) square feet in area and pertaining only to the sale, lease, or rental of the property upon which the sign is to be located.

### 4.6.3 Conditional Uses

1. Churches, schools, hospitals, parks and playgrounds, public, and quasi-public buildings, and uses of similar purpose.
2. Private parking lots for automobiles where land lies adjacent to any "R-MA", "R-(SD)", "C", or "M" Land Use.

## 4.7 SINGLE-FAMILY RESIDENTIAL MANUFACTURED OR MOBILE HOME "R-MH" LAND USE

### 4.7.1 General Provisions

#### 4.7.1.1 Special Provisions

1. The R-MH Land Use shall be used only in conjunction with (a) a Manufactured Home Subdivision approved according to the provisions of these regulations, (b) Manufactured Home Parks, and (c) Travel Trailer Parks.

2. The R-MH Land Use cannot be used for areas containing less than three (3) acres of area.

3. When an R-MH Land Use is approved wherein portions of it are contiguous with other single-family residential land use classifications, a fence or screening may be required as a condition of construction.

4. When R-MH Land Use applies, only one Manufactured/Mobile Home as defined in this Ordinance, may be placed on each lot or parcel of land within the subdivision or park.

5. All applicable provisions of Subsection 5.1, 5.2, and 5.3 shall apply to this land use.

6. Any retail commercial facilities not directly connected with the parks or subdivision may only be approved by processing such use as a Special Development Project.

#### 4.7.1.2 Uses Permitted

1. Manufactured Home Subdivisions, Manufactured Home Parks, and Travel Trailer Parks.

2. Manufactured or Mobile Homes intended for human habitation at the location where placed.

3. Facilities necessary exclusively for the needs and uses of those people who will be residing there.

4. Signboards advertising the on-premise uses.

5. Public and Quasi-Public buildings.

## 4.7.2 Manufactured Home Subdivision

### 4.7.2.1 General Requirements

1. Manufactured Home Subdivisions shall not be interspersed with conventional homes. Adequate buffer or separation areas shall be provided between Manufactured Home Subdivisions and other residential areas. Manufactured Home Subdivision shall have a minimum of thirty (30) foot landscape buffer along sides adjacent to R-R, R-U, and R-SB Land Uses, which could include a fence or wall.

2. They shall be located in areas of flat or gently sloping lands so as to facilitate the problems of moving and leveling the mobile home onto the lot. Access should be surfaced by streets of low gradients. The ground surface in all parts of every Manufactured Home Subdivision shall be graded and equipped to drain all surface water in a safe, efficient manner.

3. Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants.

4. The site shall not be exposed to objectionable smoke, noise, odors, and other adverse influences. No portion shall be subject to unpredictable and sudden flooding or erosion. Nor shall the site be used for any purpose, which would expose persons or property to hazards.

5. The application for Preliminary Plat, Final Plat and Development plans for a Manufactured Home Subdivision will be evaluated by the Graham County Planning & Zoning Commission by Section 6.0

6. The plans shall fulfill the requirements for facilities and other regulations or ordinances of the State and County Health Departments, and any other agencies, which may have jurisdiction over them. If the requirements of any of these jurisdictional agencies are more restrictive than the Commission's requirements, those requirements shall be included as a condition for approval by the Graham County Planning and Zoning Commission.

7. Any changes in design after approval by the Commission shall invalidate that approval and the plan shall be reprocessed as a new proposal.

#### 4.7.2.1 General Requirements (Continued)

8. A Graham County Building Permit shall be required for each mobile home located on lots in order to assume compliance of use and setbacks, and also for any addition or structures located on the lot.

9. Open storage of materials or belongings other than boats and vehicles is prohibited.

10. The maximum number of units per acre for a Manufactured Home Subdivision shall be five. Manufactured Home Subdivisions shall be a minimum of ten (10) acres.

11. No part of the Manufactured Home Subdivision shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of the Subdivision residents and for the management and maintenance of the Subdivision.

#### 4.7.2.2 Application for a Manufactured Home Subdivision

1. All applications shall contain a Plat of the Manufactured Home Subdivision which will meet all the requirements of the Subdivision regulations of this Ordinance and shall be processed as any other subdivision.

2. A preliminary Plat shall be submitted to the Planning & Zoning Department for evaluation and recommendations to the Graham County Planning and Zoning Commission.

3. The Plat shall have complete engineering plans and specifications of the proposed Subdivision as follows:

a. The area and dimensions of the tract of land.

b. The number, location, and size of all lots, each lot shall be numbered, and the dimensions shown.

c. The location and width of roadways and walkways.

d. The location of water and sewer lines, and riser pipes.

e. Plans and specifications of the water supply and refuse and sewage disposal facilities.

#### 4.7.2.2 Application for a Manufactured Home Subdivision (Continued)

f. Plans and specifications of all buildings constructed or to be constructed within the Manufactured Home Subdivision.

g. The location and detail of lighting and electrical systems.

4. Five copies of the Plat shall be submitted to be distributed to the Planning Director, County Engineer, County Health Department, the County Highway Department, for their evaluations prior to the meeting by the Graham County Planning and Zoning Commission.

5. Complete information shall be available to the various departments responsible for reports at least ten working days prior to the meeting at which the Plat shall be evaluated.

#### 4.7.2.3 Screening

1. All Manufactured Home Subdivisions located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the Subdivision and such adjacent nonresidential uses.

2. Screening shall be required where the subdivision is contiguous with residential properties.

#### 4.7.2.4 Setbacks and Separations

1. Only one manufactured or mobile home shall be permitted on each lot. The front setback shall be 20 feet.

2. Manufactured or mobile homes shall have a side yard of ten feet, and shall be separated from each other and from other buildings and structures by at least 20 feet.

3. Rear setbacks shall be ten feet from adjoining lots and 15 feet from the neighboring property lines.

4. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch, which has a floor area exceeding 25 square feet shall, for purposes of all separation requirements, be considered to be part of the mobile home.

#### 4.7.2.5 Lots

1. The minimum width of a lot shall be 50 feet wide and the minimum depth shall be 100 feet.
2. Lots shall be designated and marked by a street number.
3. Measured lot width and depth are the perpendicular distance between the front and rear lot lines and the side lot lines respectively.
4. Each lot shall be accessible from an approved street or road.
5. Each lot shall be clearly marked as to its corners.

#### 4.7.2.6 Manufactured or Mobile Home Stands

1. The site of the manufactured or mobile home shall provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.
2. The manufactured or mobile home stand shall not heave, shift, or settle unevenly under the weight of the manufactured or mobile home due to forced action, inadequate drainage, vibration, or other forces acting on the structure.
3. The manufactured or mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelet's imbedded in concrete foundations or runways, screw augers, arrow head anchors, or other devices securing the stability of the manufactured or mobile home.
4. Anchor and tie-downs shall be placed at least at each corner of the manufactured or mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

#### 4.7.2.7 Parking

1. Two off-street parking spaces shall be provided for each lot in the Manufactured Home Subdivision.
2. Additional parking space for visitors may be required depending on the design of the Subdivision, where it is located, surrounding development, and potential for growth.

#### 4.7.2.8 Streets and Accesses

1. Intersections shall be designed to permit safe and easy turning movements of a manufactured or mobile home unit.
2. Plantings and Subdivision structures shall be set back at least 20 feet from all boundary streets and street intersections.
3. Entrances to Manufactured Home Subdivisions shall be designed to minimize congestion and hazards. The free movement of traffic on adjacent streets to and from the entrance should not be restricted.
4. Street widths shall not be less than 50 feet in order to provide two driving lanes and visitors parking. All streets shall meet the specifications set forth in this Ordinance.
5. Dead-end streets shall be limited to serve no more than eight mobile home sites and shall be provided at the closed end with a turn-around, Cul-De-Sac, having an outside edge of paved roadway diameter of at least 70 feet.
6. The main Subdivision road shall be continuous from the public road through the Subdivision to a public road.

#### 4.7.2.9 Utilities

1. Major utilities such as water, sewerage, and electricity shall be provided according to the requirements of the County.
2. Water and electrical connections and service shall be installed in accordance with acceptable engineering and electrical standards. Utilities shall be located underground.
3. Refuse and sewage disposal shall be provided in accordance with Graham County Health Department regulations.
4. A manufactured or mobile home without inside toilet and bath are prohibited in a Manufactured Home Subdivision.

### 4.7.3 Manufactured Home Park

#### 4.7.3.1 General Requirements

1. Manufactured Home Parks are high density areas and have a high occupancy turnover and they should be located adjacent to, or not more than one-eighth of a mile from an arterial or collector road.
2. Manufactured Home Park shall be located in areas of flat or gently sloping lands so as to facilitate the problems of moving and leveling the manufactured home onto the lot. Access should be by surfaced streets of low gradients. The ground surface in all parts of every Manufactured Home Park shall be graded and equipped to drain all surface water in a safe, efficient manner.
3. Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or to the health or safety of the occupants.
4. The site shall not be exposed to objectionable smoke, noise, odors, and other adverse influences. No portion shall be subject to sudden flooding or erosion. Nor shall the site be used for any purpose, which would expose persons or property to hazards.
5. The application for a Development Plan for a Manufactured Home Park will be evaluated by the Graham County Planning & Zoning Commission per Section 6.0, Development.
6. The plans shall fulfill the requirements for facilities and other regulations of the State Department of Environmental Quality and County Health Department, and any other agencies, which may have jurisdiction over them. If the requirements of any of these jurisdictional agencies are more restrictive than the Commission's requirements, those requirements shall be included as a condition for approval by the Graham County Planning and Zoning Commission.
7. Any changes in design after approval by the Commission shall invalidate that approval and the plan shall be reprocessed as a new proposal.

#### 4.7.3.1 General Requirements (Continued)

8. The pre-requisite to the operation of any Manufactured Home Park shall be the payment of an Initial Permit Fee. This Fee shall be \$15.00 plus the sum of \$2.00 for each mobile home lot situated or to be situated within the Manufactured Home park. It shall be unlawful to operate a Manufactured Home Park without first paying the Initial Permit Fee.

9. Open storage of materials or belongings other than boats and vehicles is prohibited.

10. The maximum number of units per acre for a Manufactured Home Park shall be eight. Manufactured Home Parks shall be a minimum of three (3) acres.

11. No part of the Manufactured Home Park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of Park residents and for the management and maintenance of the Park.

#### 4.7.3.2 Application of Initial Permit

1. All applications for a Initial Permit shall contain a map of the Manufactured Home Park which will have the name and addresses of the applicant, property owner (if different), designer, and engineer. The map should also contain the location and legal description of the Manufactured Home Park.

2. The map should also have complete engineering plans and specifications of the proposed Park as follows:

a. The area and dimensions of the tract of land.

b. The number, location, and size of all lots, each lot shall be numbered, and the dimensions shown.

c. The location and width of roadways and walkways.

d. The location of water and sewer lines, and riser pipes.

e. Plans and specifications of the water supply and refuse and sewage disposal facilities.

f. Plans and specifications of all buildings constructed or to be constructed within the Manufactured Home Park.

g. The location and detail of lighting and electrical systems.

#### 4.7.3.2 Application of Initial Permit (Continued)

3. Five copies of the Plan Map shall be submitted to the Planning Director to be distributed to the County Health Department and County Engineer for their evaluation prior to the meeting by the Graham County Planning and Zoning Commission.

4. Complete information shall be available to the various departments responsible for reports at least ten working days prior to the meeting at which the plan shall be evaluated.

#### 4.7.3.3 Screening

1. All manufactured homes located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary lines separating the Park and such adjacent nonresidential uses.

2. Screening may be required where the Park is contiguous with residential properties.

#### 4.7.3.4 Setbacks and Separations

1. Manufactured homes shall be separated from each other and from other buildings and structures by at least 20 feet.

2. Only one manufactured home shall be permitted on each lot.

3. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has a floor area exceeding 25 square feet shall, for purposes of all separation requirements, be considered to be part of the mobile or manufactured home.

#### 4.7.3.5 Lots

1. The minimum width of a lot shall be 40 feet and the minimum depth shall be 100 feet.

2. Lots shall be designated and marked by a number.

3. Measured lots width and depth are the perpendicular distance between the front and rear lot lines and the side lot respectively.

#### 4.7.3.5 Lots (Continued)

4. Each lot shall be accessible from an approved street or road.
5. Each lot shall be clearly marked at its corners.

#### 4.7.3.6 Manufactured or Mobile Home Stands

1. The area of the manufactured or mobile home shall provide adequate support for the placement and tie-down of the mobile or manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.
2. The manufactured or mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile or manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.
3. The manufactured or mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelet's imbedded in concrete foundations or runways, screw augers, arrow head anchors, or other devices securing the stability of the mobile or manufactured home.
4. Anchors and tie-downs shall be placed at each corner of the manufactured or mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

#### 4.7.3.7 Parking

1. Two off-street parking spaces shall be provided for each lot in the Manufactured Home Park.
2. Common areas for parking of travel trailers and boats shall be conveniently located within the Manufactured Home Park and such areas shall be protected from the general public and well screened from adjoining lots.
3. Additional parking space for visitors may be required depending on the design of the Park, where it is located, surrounding development and development potentials.

#### 4.7.3.8 Streets and Accesses

1. Intersections should be designed to permit safe and easy turning movements of a mobile home unit.
2. Plantings and Park structures shall be set back at least 20 feet from all boundary streets and street intersections.
3. Entrances to Manufactured Home Parks shall be designed to minimize congestion and hazards. The free movement of traffic on adjacent streets to and from the entrances should not be restricted.
4. No entrance to a Manufactured Home Park shall be located closer than 50 feet to the intersection of two streets.
5. Pavement widths shall not be less than 32 feet in order to provide two driving lanes and visitors parking. All streets shall be surfaced to provide adequate surface drainage and to prevent dust and mud holes.
6. Dead-end streets shall be limited to serve no more than eight mobile or manufactured home sites and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 60 feet.
7. The main Park road shall be continuous from the public road through the Park to a public road.

#### 4.7.3.9 Utilities

1. Major utilities such as water, sewerage, and electricity shall be provided either by public or private utility companies or provided for and maintained within the Park by the owner and developer.
2. Water and electrical connections and service shall be installed in accordance with acceptable engineering and electrical standards. Utilities shall be located underground.
3. Refuse and sewage disposal shall be provided in accordance with County Health Department regulations.
4. A mobile home without inside toilet and bath shall be prohibited in a Manufactured Home Park.

#### 4.7.4 Travel Trailer Park

##### 4.7.4.1 General Requirements

1. Travel Trailer Parks shall be allowed only in the land use in which they are specifically permitted after obtaining an Initial Permit.
2. All Travel Trailer Parks shall abut upon an Arterial or Major Street as defined in Subsection 3.9 of this Ordinance.
3. No entrance to a Travel Trailer Park shall be through a residential land use.
4. The Park site shall not be exposed to objectionable smoke, noise, odors, and other adverse influences. No portion shall be subject to unpredictable and sudden flooding or erosion. Nor shall the site be used for any purpose, which would expose persons or property to hazards.
5. The applications and improvement plans for Travel Trailer Parks will be evaluated by the Graham County Planning and Zoning Commission per Section 6.0
6. The plans shall fulfill the requirements for facilities and other regulations of the State D.E.Q and County Health Department, and any other agencies, which may have jurisdiction over them. If the requirements of any of these jurisdictional agencies are more restrictive than the Commission's requirements, those requirements shall be included as a condition for approval by the Graham County Planning and Zoning Commission.
7. The pre-requisite to the operation of any Travel Trailer Park shall be the payment of an Initial Permit Fee. This fee shall be \$15.00 plus the sum of \$2.00 for each travel trailer space situated, or to be situated within the Travel Trailer Park. It shall be unlawful to operate a Travel Trailer Park within Graham County without first paying for the Initial Permit Fee.
8. No part of the Travel Trailer Park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of Park residents or for the management and maintenance of the Park.

#### 4.7.4.2 Application for a Use Permit

1. All applications for a Use Permit shall contain a map of the Travel Trailer Park, which will have the name and addresses of the applicant, property owner (if different), designer, and engineer. The map should also contain the location and legal description of the Travel Trailer Park.
2. The map should also have complete engineering plans and specifications of the proposed Park as follows:
  - a. The area and dimensions of the tract of land.
  - b. The number, location, and size of all trailer spaces. Each space shall be numbered and the dimensions shown.
  - c. The location of water and sewer lines, and riser pipes.
  - d. The location and width of roadways and walkways.
  - e. Plans and specifications of the water supply and refuse and sewage disposal facilities.
  - f. Plans and specifications of all buildings constructed or to be constructed within the Travel Trailer Park.
  - g. The location and detail of lighting and electrical systems.
  - h. Proposed plans for parks, playgrounds, and other open space.
  - i. Proposed location for the service facilities.
  - j. A generalized landscape plan.
3. Five copies of the Plan map shall be submitted to the Planning Director to be distributed to the County Health Department and the County Engineer for their evaluation prior to the meeting of the Graham County Planning and Zoning Commission.
4. Complete information shall be available to the various departments responsible for reports at least ten working days prior to the meeting at which the Plan shall be evaluated by the Commission and subsequently approved by the Board.

#### 4.7.4.3 Setbacks and Separations

1. Travel Trailers shall be separated from each other and from other buildings and structures by at least 20 feet.
2. Only one travel trailer shall be permitted on each space.
3. The front setback shall be 20 feet, the side setbacks shall be 10 feet; and the rear setback shall be 7 feet.
4. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch, which has a floor area exceeding 25 square feet shall, for purposes of all separation requirements, be considered to be part of the travel trailer.

#### 4.7.4.4 Trailer Spaces

1. The minimum width of a space shall be 30 feet and the minimum depth shall be 60 feet.
2. Trailer spaces shall be designated and marked by a number.
3. Each space shall be accessible from an approved street or roadway.
4. Each space shall be clearly marked at its corners.

#### 4.7.4.5 Streets and Accesses

1. Gridiron patterns should be avoided and intersections should be designed to permit safe and easy turning movements of a travel trailer.
2. Plants and Park structures shall be set back at least 20 feet from all boundary streets and street intersections.
3. No entrance to a Travel Trailer Park shall be located closer than 50 feet to the intersection of two streets.
4. Entrances to Travel Trailer Parks shall be designed to minimize congestion and hazards. The free and safe movement of traffic on adjacent streets to and from the entrances of the travel trailer park should not be restricted.
5. Pavement widths shall not be less than 32 feet in order to provide two driving lanes and visitors parking.

#### 4.7.4.5 Streets and Accesses (Continued)

6. All streets shall be surfaced to provide adequate surface drainage and to prevent dust and mud holes.

7. Dead-end streets shall be limited to serve no more than eight travel trailer spaces and shall be provided at the closed end with a turn-around, Cul-De-Sac, having an outside roadway diameter of at least 50 feet.

8. The main Park road shall be continuous from the public road through the Park to a public road.

#### 4.7.4.6 Utilities

1. Major utilities such as water, sewerage, and electricity shall be provided either by public or private utility companies, or provided for and maintained within the Park by the owner and/or the developer.

2. Water and electrical connections and service shall be installed in accordance with acceptable engineering and electrical standards. All Utilities shall be located underground.

3. Refuse and sewage disposal shall be provided in accordance with the County Health Department Regulations.

4. The Service Building to accommodate the sanitation facilities shall be according to the Rules and Regulations of the Arizona State Department of Environmental Quality on, "Water Supply, Sewage Disposal, and Garbage Collection and Disposal Facilities for Trailer Coach Park," Arizona Revised Statutes, Title 36, Chapter 1, Section 36-105, Article 2, Part V, August 17, 1962.

## 4.8 - MULTIPLE-FAMILY RESIDENTIAL OR "R-M" LAND USE (10,000 square feet minimum lot size)

### 4.8.1 Special Provisions

1. The number of units permitted for each lot or parcel will depend on the sanitation disposal facilities available, parking and maneuvering area, and location of streets or roads and the nature of adjacent land use. All proposed multi-unit dwellings shall have their plans approved by the Planning Department prior to the issuance of any permit.
2. All applicable provisions of sections 5.1, 5.2 and 5.3 shall apply to this land use.
3. Only duplexes or single-family dwellings may be constructed within fifty feet of an "R-U" or "R-SB" land use when the different land use are contiguous.

### 4.8.2 Uses Permitted

1. Multiple family dwellings, group dwellings such as cooperative apartments, condominium projects, town house or patio house developments, single-family dwellings, duplexes, professional offices, office buildings, commercial dwellings and other uses similar to the above and accessory uses and buildings incidental to any of the above uses and all uses conducted within the same building.
2. Churches, libraries, museums, schools, hospitals, parks, and playgrounds, and public and quasi-public buildings.
3. Advertising display signs relating to the on-premises uses.

## 4.9 SPECIAL DEVELOPMENT "SD" LAND USE

### 4.9.1 Special Provisions

1. Special Development Land Use will be used in combination with R, C, or M Land Use classifications and will be permitted only where parcels of land of three (3) acres or more are under singular or joint planned developments. The land use proposal must be acceptable to the Commission and recommended to the Board by the procedures as required by this Ordinance and ARS where applicable. This includes public hearings by both the Planning and Zoning Commission and Board of Supervisors and approval of the Land Use Plan by the Board.
2. When an "SD" Land Use is granted, each phase or stage of development of building proposals shall be submitted to the Planning Staff, to be evaluated and compared with the original plan before any permits may be granted.
3. That ultimate division of land under "SD" Land Use must comply with the Plat as approved by the Board.

### 4.9.2 Uses Permitted

1. When an "R(SD)" - Residential (Special Development) Land Use is granted, the property uses may be designed to contain a mixture of single-family dwellings (including town houses, condominiums, cooperative apartments, or patio houses), duplexes, multiple dwellings, (either single story or multi-story) churches, libraries, museums, schools, hospitals, parks, playgrounds, and public and quasi-public buildings. The proposed structures may be arranged individually, in groups, or clusters without regard of lot areas for immediate density as long as an appropriate amount of land to comply with overall minimum densities is provided under indivisible joint ownership of all the property owners for recreation or open space.
2. "R-MH (SD)" - Residential Mobile Home, Special Development shall conform to all of the requirements of this Ordinance related to it.
3. When "C(SD)" - Commercial (Special Development) Land Use is granted, the property may be designed to contain a mixture of commercial and multiple residential uses appropriate to a commercial area of complex or shopping center with a provision for parking proportional to the needs proposed.

#### 4.9.2 Uses Permitted (Continued)

4. When "M(SD)" - Manufacturing (Special Development) is granted, the property may be designed to contain a mixture of commercial and industrial uses appropriate to an industrial park with provisions for parking suitable to the needs proposed. Depending on contiguous land uses, residential uses may be a part of "M(SD)" Development.

#### 4.9.3 Setbacks and Area Requirements

1. Setbacks, Area requirements and Parking shall be provided for and contained within the approved design.

### 4.10 - COMMERCIAL RECREATION "C-RE" LAND USE (one acre minimum lot size)

#### 4.10.1 Special Provisions

1. Residential uses shall comply with their respective residential yard requirements.

2. All applicable provisions of Sections 5.1, 5.2, and 5.3 shall apply to this Land Use.

#### 4.10.2 Uses Permitted

1. Any uses permitted as in A-R or R-R Land Use.

2. Parks, playgrounds, recreational areas or camps and golf courses.

#### 4.10.3 Conditional Uses

1. Commercial activities associated with and an integral part of any of the above activities, motels, mobile home parks, resort facilities, country clubs, private riding clubs, parking facilities and all other activities of similar nature and as necessary for the operation and maintenance of the various facilities.

2. Churches, schools, hospitals, public and quasi-public buildings and uses of similar purposes.

**4.11 COMMERCIAL--NEIGHBORHOOD "C-N" LAND USES**  
**(10,000 square feet minimum lot size)**

**4.11.1 Special Provisions**

1. Residential uses shall comply with their respective residential yard requirements.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this land use.
3. Lots less than one acre may have forty five (45) foot minimum front setback for parking in lieu of other off street parking provisions.

**4.11.2 Uses Permitted**

1. Any use permitted in any "R-SB" Land Use without a Conditional Use Permit.
2. Retail services conducted in a building except automobile service stations and establishments which dispense alcoholic beverages to be consumed on premises and other similar uses that by their service create objectionable noises, odors, and lights at hours incompatible with the nature of a residential area.
3. Signs appurtenant to any permitted use if that use is being conducted on the property on which the sign is located.

**4.12 COMMERCIAL-- GENERAL "C-G" LAND USE**  
**(10,000 square feet minimum lot size)**

**4.12.1 Special Provisions**

1. Residential uses shall comply with their respective residential yard requirements.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to his and use.
3. Lots less than one acre may have forty five (45) foot minimum front setback for parking purposes in lieu of other off street parking provisions.

**4.12.2 Uses Permitted**

1. Any use permitted in a "C-N" Land Use.
2. Any retail use not listed or inferred to in the "C-M" Land Use. C-G Land Use allows for a bar, pub and tavern that permits the dispensing of alcohol as defined by the State Liquor Board when appropriate State licensing is obtained.

## 4.13 COMMERCIAL MANUFACTURING “C-M” LAND USE (one acre minimum lot size)

### 4.13.1 Special Provisions

1. Where adjacent to a non-industrial land use or on a major street then outside storage is required to be placed in the rear lot and a barrier fence or vegetation screening is required as a condition of the operation. Outdoor sales items such as vehicles, trailers, and nursery items like trees or plants, etc. are permitted for display purposed in the front yard.

### 4.13.2 Uses Permitted

1. All retail commercial operations including commercial recreational facilities.

2. Wholesale stores and storage within a building, warehousing, mortuaries, nurseries, petroleum bulk plants.

3. Animal hospitals, automobile repair shops, cleaning and dyeing establishments, creameries, laundries, outdoor markets, outdoor sales establishments, pet shops, public garages, theaters, used car sales lots, and other uses of similar nature.

4. Small manufacturing or fabrication plants which are of a similar nature to other uses permitted and produce no obnoxious smokes, odors, noises, lights or other irritations.

5. Public or utility buildings, yards, storage areas and facilities.

6. Accessory uses and buildings incidental to any of the above uses.

7. Any billboards or outdoor advertising structures.

8. One dwelling unit of a manufactured or mobile home for a watchman or caretaker and family.

9. Schools, churches, public buildings, and quasi-public buildings.

10. Sexually Oriented Business see Article 7 of this Ordinance.

### 4.13.3 Conditional Uses

1. Any additional structure, which is built wholly or in part for single-family dwellings, such as a duplex or multi-family residential purposes or any building remodeled or moved in for residential purposes.

#### 4.14 GENERAL MANUFACTURING "M" LAND USE (five acres minimum lot size)

##### 4.14.1 Special Provisions

1. Where adjacent to a non-industrial land use or on a major street then outside storage is required to be placed in the rear lot and a barrier fence or vegetation screening is required as a condition of the operation. Outdoor sales items such as vehicles, trailers, and nursery items like trees or plants, etc. are permitted for display purposed in the front yard.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this land use.

##### 4.14.2 Use Permitted

1. All uses permitted in a "C-M" Land Use without a conditional use permit.
2. All industrial or manufacturing uses other than those specified in Subsection 5.14.2 of this Ordinance.
3. Automobile wrecking yard, junkyard.
4. One dwelling unit, manufactured or mobile home for a watchman or caretaker individual and/or family.
5. Sexually Oriented Business see Article 7 of this Ordinance.

##### 4.14.3 Conditional Uses

1. All additional structures which are intended, all or in part, to be used for residential purposes.
2. Schools, churches, public buildings, quasi-public buildings.

#### 4.15 UNLIMITED MANUFACTURING "M-X" LAND USES (five acres minimum lot size)

##### 4.15.1 Special Provisions

1. Where adjacent to a non-industrial land use or on a major street then outside storage is required to be placed in the rear lot and a barrier fence or vegetation screening is required as a condition of the operation. Outdoor sales items such as vehicles, trailers, and nursery items like trees or plants, etc. are permitted for display purposed in the front yard.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this land use.

##### 4.15.2 Uses Permitted

1. All commercial and agricultural uses.
2. All industrial or manufacturing uses including canneries, fertilizer plants, refineries, commercial feedlots, meat packing plants, tallow works, **public landfills, solid waste collection sites** and other like businesses.
3. One dwelling unit of a manufactured or mobile home for a watchman or caretaker, and/or family.
4. Sexually Oriented Business see Article 7 of this Ordinance.

##### 4.15.3 Conditional Uses

1. All additional structures which are intended, all or in part, to be used for residential purposes.
2. Schools, churches, public buildings and quasi-public buildings.

## **ARTICLE 5.0 LAND USE PROVISIONS**

**Scope:** This section contains general provisions, procedures and restrictions in the regulations of this ordinance. Additionally this section provides control for growth and modifications.

## **ARTICLE 5 LAND USE PROVISIONS**

### **5.1 GENERAL PROVISIONS**

#### **5.1.1 Use Permits**

The Planning and Zoning Commission and the Board of Supervisors find that there is a need in Graham County for the issuance of Use Permits for those uses, which may be permissible in the various zoning districts that provide for conditional use, and which are required for the proper function of the County or constructing a public/private facility. Such uses shall be so conducted that they will not be detrimental in any way to the established economic or social uses and values of adjacent or surrounding properties or to the County.

5.1.1.1 The following uses may be issued a SUP in land uses in which they are not specifically allowed by this Ordinance when such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the Comprehensive Plan. In each of the following instances, the matter shall be processed as a SUP.

1. Airports or aircraft landing fields, public or private institutions and quasi-public buildings;
2. Cemeteries, columbariums, crematories, and mausoleums;
3. Real estate sales or security offices in conjunction with a subdivision or construction project;
4. The establishment of permanent enterprises involving large assemblages of people or automobiles, including amusement park, circus, open-air theater, race track, recreational center and zoo;
5. Facilities for a governmental or utility entity, such as a wastewater treatment facility, electric or natural gas substation, water treatment facility, telephone or cable television receiving or sending headend; and
6. Such other uses as the Director of Planning deems to be within the intent and purpose of this section.

### 5.1.1.2 Application for Conditional and Special Use Permits

A complete application shall include:

1. Legal Description of the Property
2. A list by name and title of all owners and others with an interest in the property and/or proposed organization.
3. A letter of authorization from the property owner, if applicable.
4. Applicable permit fees.
5. A preliminary development plan in accordance with Section 6.0 - Development indicating all intended uses.
6. A signed petition of all property owners within three hundred (300) feet of the area applying for the special or conditional uses.
7. Other authorizations and information that may be needed in order to process this application.

5.1.1.3 Review process by the Planning and Zoning Commission The County Planning and Zoning Commission shall after holding a duly noticed public hearing recommend any of the uses noted-above or as prescribed in some land use zones, when found in the interest of the public health, safety and general welfare of the community and surrounding areas:

1. The Planning and Zoning Commission shall consider an application to schedule a public hearing at the next regularly scheduled meeting, if the completed application is received at least ten (10) working days prior to the next scheduled meeting.
2. The Planning and Zoning Commission shall recommend approval or disapproval of the permit request including any and all conditions by means of a recommendation to the Board of Supervisors.

### 5.1.1.3 Review process by the Planning and Zoning Commission (Continued)

3. On receipt of the recommendation from the Commission regarding a request for a CUP or SUP, the Board shall set a Public Hearing to be held within thirty (30) days. Within thirty (30) days after the date of the Public Hearing, the Board shall meet to consider the recommendation of the Commission and may consider any action they deem appropriate, including establishing any conditions that they decide are necessary. The Board may establish any conditions it feels are necessary for approval.

4. No person shall apply for a CUP or SUP for the same use on the same plot or lots within a period of six (6) months from the date of final decision or denial of such previous application, except in cases where re-zoning or extraordinary circumstances have caused a need for re-evaluation, as determined by the Planning and Zoning Director or County Manager.

### 5.1.2 Building Site

Any lot or parcel of land under sole ownership and of record, and where no contiguous land is owned by the same person, on the effective date of this Ordinance, may be used as a building site even when consisting of less area or width than that required by the regulations for the land use in which it is located. Each building site must meet any requirements for the County Departments and Ordinance with regards to sanitary needs. Parcels that require both a water well for domestic water use and an approved septic system must meet the laws of the Arizona Department of Environmental Quality (ADEQ) as well as County Health Department regulations and should be a minimum of one acre in size. Parcels served by a centralized domestic water system and require a septic system should be a minimum of 20,000 square feet. However, the size of the septic system may vary depending on the results of the soils report and percolation tests that govern the size requirement for this system as determined by the County Health Department, which may impact lot or parcel size.

5.1.2.1. Water Towers - Any water tower or other structure where a large weight would be supported by legs, supports or structural wall shall be so located that, if it should collapse, its reclining length would still be contained on the property on which it was constructed or located.

**5.1.2.2 Wireless Communication Facilities** - Any tower(s), antennae, and/or wireless communication structures are permitted in those land use zones that are designated as manufacturing (C-M, M or M-X). All wireless communication facilities must have a collapse zone that falls onto the property of the proposed tower or facility. Communication facilities are also permitted in rural residential land use zones (A, A-R, R-R, R-E, and S-D), if they comply with the regulations for height and setback restrictions.

Communication facilities that do not meet the height restrictions, setback requirements and/or any of the permitted uses provided for in any land use zone will need to obtain a Special Use Permit as provided for in Section 5.1.1 – Special Uses. These regulations are not meant to prohibit ham radio operations as prescribed in PRB 1 of the federal regulations, but are adopted to protect the public health, safety and promote the general welfare.

Application requirements for placement of a tower and/or to obtain a Special Use Permit for communication facilities/structures include:

1. Verification of ownership or lease of property for proposed site of communication facilities;
2. Setbacks require at a minimum that the reclining length of the structure should be contained on the property on which it is constructed. However, an engineering certificate indicating that the tower is self-collapsing, thereby reducing the fall zone of the tower may be considered to reduce this setback requirement;
3. Engineering or manufacturing certificate to insure the structural integrity for any tower exceeding 80 feet in height;
4. All communication facilities exceeding height limits and that are not attached to the top of a building must be equipped with appropriate safety features to insure public health and safety issues are met.
5. Placement of communication facilities must adhere to all State and federal laws and guidelines for health, safety and the general welfare of the citizens of Graham County.

**5.1.2.3. Flammable Storage Above-ground Tanks**

**Flammable Storage** for an above ground storage facility of flammable fluids or of any substance that could damage or injure persons or properties, if not contained, shall require a non-flammable or impervious retaining wall with adequate capacity, strength or porosity to contain the contents of the storage facilities if the storage units are filled to capacity. Anyone wanting to place an above ground storage tank must adhere to any State and federal laws or guidelines.

5.1.2.4. If more than one lot or a portion of a lot(s) is used as a building site, setbacks will be enforced for the combined area of the lots and will be considered as a single "lot" for the use approved thereon, as long as it qualifies as a building site and has been combined into a single parcel in the Assessors Office by the owner.

### 5.1.3 Special Front Yard Setback Option

1. In circumstances where groups of existing residential and commercial development do not conform to the front yard setbacks as specified in this section as measured from the front yard property line, the Commission may make maps of such areas showing the existing setbacks based on all structures established prior to the passage of this Ordinance.

2. The proposed maps shall be set for Public Hearing and referred to the Board; and if approved by the Board and where no official future County Road Plan lines are of record, the setbacks on the special map shall prevail.

3. These setback maps shall be the official guide for front yard setbacks utilized by staff and the Director or Zoning Inspector.

4. In those locations where special front yard setback maps do not exist, action for establishing them may be initiated in the same manner as provided for amendments in these regulations.

5. Where front yard setback maps are of record, they shall be combined with detailed land use maps when such are approved or setback lines may be approved as part of the Land Use Map.

### 5.1.4 Garages and Carports

Garages and carports shall be located not less than twenty (20) feet from any street frontage where the garage door or carport opening faces the street. When yard requirements permit or require different setbacks, such setbacks shall apply.

### 5.1.5 Nuisance Easement (Odor, Noise, Other Pollutants)

1. In a situation where there is an existing M-X Land Use and a subdivider or property owner wishes to build a residential area within a half mile radius of this land use, the owner and/or the builder shall be required to furnish a Nuisance Easement to the owner (s) of the M-X operations prior to issuing a building permit.

### 5.1.5 Nuisance Easement (Continued)

2. In a situation where a property owner wishes to rezone his property to a M-X Commercial Land Use and this property is adjacent to residences, then a Nuisance Easement may be required from the persons or organizations owning 51 percent of the real property within a 1,000 feet radius of the proposed land use, as determined by the Planning and Zoning Director and/or the Commission.

### 5.1.6 Non-Conforming Uses

1. Extent of Continuance. The lawful use of land, building, or structures existing at the time of the adoption of this Ordinance in August 4, 1969 or as of the adoption date for any subsequent revision, although such use does not conform to the regulations specified for the land use in which such land is located, may be continued provided that no such use shall be enlarged or increased nor be extended to occupy a greater area than that occupied, by such use at the time of the adoption dates noted above, except as provided by ARS 11-830.

2. Non-conforming use shall only apply to the specific use in effect at the time the applicable land use became effective. If a non-conforming use is discontinued for a period of six (6) months, it shall be considered as discontinued permanently and may not be re-established as a non-conforming use.

### 5.1.7 Projections Into Yards

1. Cornices, eaves, sills, buttresses, bases, fireplaces and similar projections:

a. May extend or project not more than three (3) feet into any required front and side yards.

b. Into the required rear yard shall be counted as part of the percentage occupancy of that yard not to exceed three (3) feet.

2. An open unenclosed stairway not covered by a roof or canopy may extend or project as specified in (1) above.

3. An open swimming pool shall not be considered in figuring the percentages of lot coverage.

4. At least one (1) foot must be maintained between the rear yard line and the drip line from any projection or overhang.

### 5.1.7 Projections Into Yards (Continued)

5. Extensions or projections must adhere to all requirements regarding encroachment on easements or rights-of-way and are expressly forbidden by these regulations. Any such approval inadvertently given does not authorize the encroachment on the easement or right-of-way.

6. Roofed, open sided patios, but otherwise unenclosed, which are attached to and are a part of the main building may extend or project into the required rear yard provided that such patio, together with all detached accessory buildings shall not exceed fifty percent (50%) of the area of the required rear yard.

### 5.1.8 Location of Accessory Buildings

#### 1. Detached accessory buildings:

a. May be constructed before the main building when a building permit has been issued for the main building.

b. Shall not be closer than twenty (20) feet to the main building or five (5) feet to any other accessory building.

c. Shall not encroach on any required front yard or side yard.

d. May occupy no more than fifty percent (50%) of the area of any required rear yard.

2. Visibility at intersections in residential districts on a corner is vital for safety purposes. Therefore, nothing shall be erected, placed, planted, or allowed to grow in such a manner to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots for fifty (50) feet along said property lines from the point of the intersection.

### 5.1.9 Fences, Walls and Hedges

1. Notwithstanding other provisions of this Ordinance, solid fences, walls and hedges may be permitted in any required front yard or along the front twenty (20) feet from a roadway in the front yard at a height of three feet.

2. An open fence up to five (5) feet in the required front yard is allowed. A five (5) foot solid fence may be allowed when designed with an adequate setback along with an open fence entrance at the driveway of at least a minimum of thirty (30) feet in width so as not to impair safe access to roadways. Wire and chain link fences will be considered an open fence when installed without slates, etc.

### 5.1.9 Fences, Walls and Hedges (Continued)

3. In the required rear and side yard from twenty (20) feet back from the front lot line the fence height will be no higher than six (6) feet.

4. Any fence in a floodplain must have a floodplain permit through the County Engineering Department to modify the construction methods used for a fence located in flood prone areas.

4. In C-M, M, and M-X Land Use an open fence for security over six (6) feet will be allowed.

5. Utility companies, which are regulated by the Arizona Corporation Commission, will be permitted to place increased fence heights due to national, state or local safety standards.

#### 5.1.10 Mobile or Manufactured Home Regulations

Mobile or manufactured home construction and safety standards adopted by the U.S. Department of Housing and Urban Development (HUD), pursuant to Section 7(D), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D), Title VI, Housing and Community Development Act of 1974 (42 U.S.C. 5401) and amendments thereto, are hereby adopted as the mobile or manufactured home construction and safety standards for Graham County. As of the effective date of this ordinance, the Graham County Zoning Inspector shall not issue an installation permit for any mobile or manufactured home within Graham County unless said structures can be proven to comply with those HUD standards set forth above.

5.1.10.1 This regulation shall also apply to any mobile or manufactured home sought to be issued for the relocation (i.e., from one location to another location on the same property or different property) of any mobile or manufactured home within Graham County. It shall be the responsibility of the permit applicants to demonstrate to the Zoning Inspector that the mobile or manufactured home, for which an installation permit is requested, is in compliance with the HUD standards.

5.1.10.2 Proof of compliance shall include, but is not necessarily limited to:

1. A decal certifying that the manufactured home has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) in effect at the date of manufacture wherein such date shall not have been prior to June 15, 1976; or

2. A State of Arizona Insignia of Approval as defined by the A.R.S. Section 34-1172, and its successor, including, but not necessarily limited to, State Rule R4-34-107.

## 5.2 SETBACKS AND AREA REQUIREMENTS

### 5.2.1 General Requirements

1. Setbacks for existing developed areas may be established for existing uses. See subsection 5.1.3 of these regulations.

2. Any specific provision for setbacks in the sections of this Ordinance shall have precedence over the general setbacks.

3. Distances between dwellings or a dwelling and another main structure on any single lot for all land uses shall be twenty (20) feet where buildings face front to front, rear to rear or front to rear otherwise regular side yards shall apply. Approval for "SD" land use shall require an approved design.

4. On corner lots the owner shall determine the front of the lot by placement of their dwelling. The twenty (20) foot setbacks for both street frontages may be observed, if conditions warrant it for safety reasons as determined by the Zoning Inspector and County Engineer. Otherwise the secondary frontage may be allowed to have a ten (10) foot setback with permission of the Planning and Zoning Director.

### 5.2.2 Specific Land Use and Setback Requirements

1. All land use zones shall maintain a minimum 20 foot front setback when adjacent to a road or access way, which means no structure shall encroach on any front yard or side yard, except as provided for in 5.2.1.4.

2. The table in this subsection outlines various combinations of land use classifications, parcel sizes, and setback requirements. This section will be referenced and utilized when considering establishment of land use.

3. In all land use classifications the following requirements apply to fences, distances from accessory buildings and other residential structures.

#### a. Maximum Height of Fences, Walls and Hedges:

1. Along front line - 3 feet;

2. Along front property line for Open Fence - 5 feet; A five (5) foot solid fence with an adjusted setback and accompanied with at least a thirty (30) foot opening at the driveway so that there is sufficient visibility for safe access to the roadway, including similar allowances for neighboring properties affected by this fence.

### 5.2.2. Specific Land Use and Setback Requirements (Continued)

3. Front 20 feet of Side Property Line - 3 feet;
4. Remaining Side and Rear Property Lines - 6 feet.

#### b. Accessory Buildings - Minimum Distance from other accessory buildings/structures - 5 feet

1. No structure shall encroach on any front or side yard when adjacent to a road or access way.
2. Side Setback in Rear Yard - 10 feet
3. At Rear Property Line - 1 foot drip line from any projection or overhang to the rear property line.
4. An open unenclosed stairway not covered by a roof or canopy may extend or project into the required rear yard.
5. Roofed, open side patios, but otherwise unenclosed, which are attached to and are a part of the main building may extend or project into the required rear yard.
6. Plot plan sketch to any scale showing setback from property lines in front, side and rear yards with accessory buildings showing distances between buildings from main structure are required when applying for a building permit.
7. A floor plan drawing is required and in case of a multiple story unit, a floor plan and elevation for each story is required.
8. The height limitations for buildings are not applicable for flues, vents, poles, beacons, steeples, towers or other similar non-habitable structures extending above a room when same occupies no more than 25% of such roof area. Unless shown by design (proof of collapse safety), any such structure as enumerated above must be so located on a lot that its reclining length, in case of collapse, would be contained within the bounds thereof OR an engineer's certificate showing collapse zone within property limits.

TABLE FOR LAND USE CLASSIFICATION, PARCEL SIZE AND SETBACKS

ZONE	MINIMUM LOT AREA	MAXIMUM HEIGHTS	MINIMUM PROPERTY SETBACK LINES IN			% OF LOT OCCUPANY
			FRONT	SIDE	REAR	
A	1 Acre	2 (30 ft.)	20	10	25	40%
A-R	1 Acre	2 (30 ft.)	20	10	25	40%
R-R	20,000 sq. ft.	2 (30 ft.)	20	10	25	40%
R-E	20,000 sq. ft.	2 (30 ft.)	20	10	25	40%
R-U	6,000 sq. ft.	2 (30 ft.)	20	10	25	50%
R-SB*	6,000 sq. ft.	2 (30 ft.)	20	10	25	50%
R-MH**	5,000 sq. ft.	1 (30 ft.)	20	10	10	60%
R-M**	10,000 sq. ft.	3 (40 ft.)	20	10	15	70%
SD**	*****	*****	**	**	**	*****
C-RE	1 Acre	2 (30 ft.)	20	10	25	50%
C-N**	10,000 sq. ft.	3 (40 ft.)	45	--	--	100%
C-G**	10,000 sq. ft.	3 (40 ft.)	45	--	--	100%
C-M**	1 Acre	-----	20	--	--	100%
M**	5 Acres	-----	20	--	--	100%
M-X	5 Acres	-----	20	--	--	100%

\* Mobile or Manufactured Homes Prohibited

\*\* To be determined with approval of design

The intent of the provision is to encourage flexibility of design that will enable a developer to take advantage of the most desirable site areas of the parcel in question without being restricted to lot size and densities for the more favorable site areas as long as the overall densities of the entire tract conform to their minimum land use requirements. See Subsection 4.8 (Regulations for Special Development of "SD" Land Use) and Subsection 6.6 (Special Development Subdivision).

\*\*\*Where permitted in connection with a Special Development (SD) Land Use lot size of 4,000 square feet may be approved.

### 5.3 PARKING REQUIREMENTS

5.3.1 Two (2) automobile off-street parking spaces shall be provided for each residence or dwelling.

5.3.2 Off-street parking spaces (at least two per basic rental unit), shall be provided for commercial dwellings.

5.3.3 Each single unit or cluster of commercial facilities and developments in a commercial land use shall provide off-street parking for the needs of their business and for employee parking needs. At least one (1) square foot of parking area for every square foot of usable floor area should be provided, or one parking space for every 300 square feet of gross floor area as supported by a parking study of the parking needs by the owner.

5.3.4 Parking may be provided on contiguous property where provisions are made to reserve the property for this use purpose.

5.3.5 Parking may be provided on a joint community basis by either a shopping center or local public or private parking lot.

5.3.6 Off-street spaces for standing, loading, unloading and parking of commercial vehicles shall be provided for each commercial establishment.

5.3.7 Automobile backing and maneuvering area clear of any highway surface and shoulder areas will be provided on all parking lots and parking areas.

5.3.8 Yard setback requirements may be used as parking and loading areas in commercial and industrial land use.

5.3.9 For any church, school, public building, or quasi-public building which is permitted, off-street parking space appropriate for the number of vehicles necessary to transport people for which the facility is designed shall be required. At least one parking space for every four (4) fixed seats shall be provided.

## 5.4 LEGAL ACCESS

Before a property owner can use a piece of property that can impact another or obtain a building permit, there must be an ability to access that parcel. Legal access is already mandatory for subdividing parcels by State Statutes. It matters not whether the 'legal' access is the one actually used, however it must be available for use should it be required in the future. The following specific access requirements shall apply to development of land under the County's jurisdiction:

1. Legal access to a dedicated street, which is part of the County roadway system, is required for all sites being developed or building permits can not be issued. This access shall be twenty four (24) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty four (24) feet. Unless otherwise specified, access may be provided by direct frontage onto a public street, a permanent private easement of record for ingress and egress, or a valid court order recognizing a private right to use an existing private roadway.

2. New non-residential uses shall that generate added traffic must also have a permanent legal access of twenty four (24) feet to accommodate the traffic. Additional review of what type and condition of the road that this access connects onto in the County road system will be reviewed to minimize impact for residential neighborhoods.

## 5.5 TEMPORARY USE PERMIT

The Board of Supervisors find that there is a need in Graham County for the issuance of a Temporary Use Permit (TUP) for those temporary uses which are required for the proper function of the County or in the construction of a public/private facility. Such uses shall be conducted that they will not be detrimental in any way to the established economic or social uses and values of adjacent or surrounding properties or to the County. A cash bond may be required with the County Finance Department to defray costs of cleanup of the property by the County in the event the permittee fails to do the same. The following uses qualify for a TUP, including:

1. Temporary batch plant and the parking or storage of soil or other materials;
2. Off-site contractor's equipment yard or warehouse incidental to conducting a public works project, a construction project or subdivision;
3. Establishment of temporary enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, fairgrounds, open-air theaters, race tracks, recreational centers, tent shows or revival meetings;

## 5.5 TEMPORARY USE PERMIT (CONTINUED)

4. Manufactured or mobile home or travel trailer intended as a temporary residence for up to ninety (90) days or during the construction of a permanent residence or facility for up to twelve (12) months.

5. The placement of a manufactured or mobile home, or travel trailer as a second dwelling to care for an elderly person, a caregiver, or someone unable to care for themselves.

5.5.1 A TUP is personal and does not adhere to or run with the land. It is not transferable and it terminates automatically on the date specified on the "permit" or at such time it is found any other specified condition has not been met. A TUP is not a substitute for a zoning clearance or any building or installation permits required.

5.5.2 Application for a TUP shall be made to the Director and include the following items, as determined necessary:

1. Have a copy of the most current deed or legal description of the subject area;

2. A written affidavit of the property owner indicating the temporary use being proposed and acknowledgement of proposed time frame for operation of said use;

3. An accurate site map showing the size and shape of the parcel, the location of all proposed and existing structures, the access and parking areas, an explanation of the method of sewage disposal and any easements or rights-of-way on or adjacent to said property;

4. The written consent of at least 51% of the owners by parcel number of all properties lying within 300 feet of the subject property (this requirement is particularly relevant for establishing any temporary secondary dwelling on a property, whether its to care for an elderly relative, to park a RV for a 90 day stay, or to build a permanent dwelling where greater neighborhood concensus may be required);

5. An explanation of the exact use proposed and the reasons for the request;

6. The written approval from the Health Department for proper sewage disposal, the Highway Department for any parking or safety needs and, if deemed necessary from the Sheriffs Department to address general safety concerns.

5.5.3 Any approval of a TUP shall be made subject to a time limit and other conditions deemed necessary to assure that there will be no adverse effect, including the following issues:

1. Regulation of hours;
2. Regulation of lights;
3. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and
4. Such other conditions deemed necessary to carry out the intent and purpose of this section.

5.5.4 A temporary residence to construct a permanent residence is to be connected to the permanent sewer service or septic system. If the permanent residence is to utilize a separate system, the septic system utilized for temporary residence is to be removed or filled upon completion of permanent residence.

Installation of temporary residences must meet all setback and installation requirements of a permanent dwelling. Temporary use must have approval from the County Health Department for sewage disposal method.

1. Temporary Placement with intent to construct residential dwelling,
  - a. Mobile or Manufactured Homes and Recreational Vehicles are permitted on a temporary basis for residential purposes in all Land Use classifications allowing residential dwellings, except those prohibiting mobile or manufactured homes, for a period of up to twelve (12) months with the issuance of a temporary site and installation permit for (Mobile or Manufactured Homes).
  - b. A temporary site permit shall not be issued for a recreational vehicle (as described in Subsection 3.9) unless a site permit has been issued for the construction of a permanent residence on the same property and the sanitary waste disposal system has been reviewed and approved by the Graham County Health Department, and other minimal utility requirements have been provided. The temporary site permit with the intent to construct a permanent dwelling shall be issued by the Planning and Zoning Department concurrently with the issuance of a building permit for the permanent residence.

#### 5.5.4 (CONTINUED)

The permit, upon application to the Planning and Zoning Department, may be extended for a period of six (6) months. If an extension is required, after the first twelve (12) month period has expired without an approved extension, an appeal to the Planning & Zoning Commission then to the Graham County Board of Supervisors may be made by the applicant. The temporary mobile/manufactured home or recreation vehicle shall be removed from the property after the expiration of the temporary site permit.

2. Temporary Building Permits for Recreation Vehicles are permitted as temporary residences for one (1) year (renewable annually) in a (General), A-R (Agricultural-Residential), or R-E (Residential-Recreation) zones on lots of one acre or larger. It shall be the responsibility of the property owner to renew a temporary permit. All recreation vehicles or travel trailers shall meet the following requirements:
  - a) A temporary building permit shall be obtained prior to locating the travel trailer on the parcel;
  - b) Travel trailers permitted as residences shall be equipped with kitchen and bathroom facilities;
  - c) Travel trailers shall be hooked up to a sewage disposal system approved by the County Health Department or Arizona Department of Environmental Quality (ADEQ)
  - d) No attached structural additions are allowed on the travel trailer;
  - e) The travel trailer shall remain roadworthy and be kept up in appearance; and
  - f) Any violation of the above zoning requirements may result in the RV being subject to removal.

#### 5.5.5 Appeal

If a TUP is denied by the Director, the applicant may appeal this decision within thirty (30) days to the Planning and Zoning Commission. The Commission's decision will then go to the Board of Supervisors for their approval, which shall be final.

## 5.6 LAND USE INSPECTION AND ENFORCEMENT

### 5.6.1 Administration and Enforcement

1. Administration of Graham County Land Use Regulations shall be through a Director, Zoning Inspector or their designees. Enforcement shall be administered by withholding issuance of Building or Land Use Permits.

2. All construction in Graham County should adhere to the standards established in the most recent edition of the International Building Code, Uniform Plumbing Code, Uniform Mechanical Code and the National Electric Code. All construction of commercial and manufacturing facilities and residential rentals shall be constructed in accordance with requirements of the most recent edition of the Americans with Disabilities Act.

### 5.6.2 Permit Required

It shall be unlawful to erect, construct, reconstruct, alter, place, or use any building within a Land Use District covered by the Ordinance without first obtaining a Building Permit or appropriate Land Use designation from the Planning and Zoning Department. It is for that purpose the applicant shall provide a sketch of the proposed construction containing sufficient information to show compliance with the Land Use Ordinance. The Inspector shall recognize the limitations placed on his authority by State Laws and shall issue the permit when it appears to fully conform to the Zoning Ordinance. In any other case a Permit may be withheld. A Permit shall be good for one year from the date of issuance in order to start construction. A renewal Permit shall be handled as a new Permit.

1. Building Permit - Prior to issuance of any site or installation permit for a residential dwelling the applicant must provide the County with assurance that an approved septic system required for residential and commercial use is in place or shall be installed before occupancy of this structure is permitted. The Zoning Inspector shall issue a Certificate of Occupancy, after inspection, establishing that the use of said property conforms with the provisions of this ordinance and to insure that all safety and health provisions are met prior to permitting the occupancy of any building or site for residential, commercial use or manufacturing purposes.

2. Conditional Use Permit – Each land use zone allows for various uses or activities designated as Uses Permitted in Article 4 – Land Use Regulations. Some land use zones allow for a Conditional Use, which may under the circumstances of a specific case be permissible, but use in general may not be permitted.

### 5.6.2 Permit Required (Continued)

The criteria found for various land use activities shall apply with a CUP and any other conditions that the Board deems reasonable to preserve the integrity of a neighborhood. A CUP shall only be valid to the person receiving it and for the specific activity for which it is granted. These requests shall be reviewed by the Commission and must have Board approval.

### 5.6.3 Violations and Penalties

It is unlawful to erect, construct, reconstruct, maintain or use any land in any Land Use District in Graham County in violation of any of the regulations in the Planning and Zoning Ordinance. Any person, firm, or corporation violating such Ordinance or any part thereof, is guilty of a misdemeanor. Each and every day during which the illegal erection, construction, reconstruction, alteration, placement, maintenance, or use continues is a separate offense.

### 5.6.4 Enforcement

1. If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, placed, maintained, or any land is or is proposed to be used in violation of this chapter or any Ordinance, regulation, or provision enacted or adopted by the Board under the authority granted by this chapter, the Board, the County Attorney, the Inspector, or any adjacent or neighboring property owner, who is specially damaged by the violation, in addition to the other remedies provided by the law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent or abate or remove the lawful erection, construction, reconstruction, alteration, placement, maintenance, or use.

2. Flood plain and elevation certificates shall be required for construction on all lots, parcels or building sites when it is determined by the County that the site is situated in a floodplain with or without established base flood elevations. Elevation Certificates shall be certified by the County Engineer and/or Floodplain Administrator. Fees shall be according to those specified in the Graham County Floodplain Ordinance available in the County Engineer's Department.

## 5.7 BOARD OF ADJUSTMENT AND APPEALS

### 5.7.1 Creation and Appointment

There is created, as provided by ARS 11-807, a Board of Adjustment for Graham County. The Board of Adjustment shall be composed of five (5) members, each of whom shall be a resident and taxpayer of the unincorporated area of Graham County. The members of the Board shall be appointed for staggered terms of four (4) years each, except the first members shall be appointed as follows: two members for two (2) years each, two members for three (3) years each, and one (1) member for four (4) years. There shall be one (1) member who resides in each Supervisor's District. No more than two members of the Board of Adjustment may be members of the Planning and Zoning Commission.

### 5.7.2 Powers

1. The jurisdiction of the Board of Adjustment shall be the unincorporated area of Graham County. The authority of the Board shall extend only to the interpretation of the Land Use Ordinance, to the granting of Variances and to the adjustment of regulations to overcome practical difficulties and prevent unnecessary hardships in the application of these regulations including serving as the hearing committee for the building codes.

2. The Board of Adjustment shall have the power to:

a. Interpret the Land Use Ordinance when the meaning of any word, phrase or section is in doubt, when there is dispute between the appellant and enforcing officer, or when the location of a district boundary is in doubt.

b. Allow a Variance from the terms of the Ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the Variance the general intent and purposes of the Land Use Ordinance will be preserved.

c. Hear and decide appeals from any order, requirement, decision, grant or refusal of the Zoning Inspector, or the Planning Director, including issues pertaining to the building codes.

### 5.7.2 Powers (Continued)

d. Allow a reduction of building site area and yard requirement when, in its judgment, the shape of the building site, topography, the location of existing buildings or other conditions made a strict compliance with the regulations impossible without practical difficulty or hardships; but in no case shall the intent and purposes of this Ordinance be violated by any reduction of its own rules, keep a record of its actions and render periodic reports to the Board of Supervisors and the Planning and Zoning Commission. Any findings, rulings, or decisions of the Board of Adjustment at either a regular or special meeting of the Board shall be fully reported in its minutes.

### 5.7.3 Procedures Before the Board of Adjustment

1. The Board of Adjustment shall meet as required for the transaction of business. It shall elect its own officers, establish its own rules, keep a record of its action and render periodic reports to the Board of Supervisors and/or the Planning and Zoning Commission. Any findings, rulings, or decisions of the Board of Adjustment at either a regular or special meeting of the Board shall be fully reported in its minutes.

2. Appeals to the Board of Adjustment may be taken by any person who feels that there is an error or doubt in the interpretation of the Ordinance of that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The Appeal shall state whether it is a plea for an interpretation of a Variance and the grounds of Appeal.

Appeals to the Board of Adjustment from action by the Planning and Zoning Commission or the Planning Director shall be made within 60 days of the actions forming the basis for the Appeal, or the Appeal shall be dismissed and no action taken by the Board of Adjustment.

### 5.7.3 Procedures Before the Board of Adjustment (Continued)

3. Applications requesting any actions by the Board of Adjustment under these Regulations shall be made by the owner or his representative to the Board of Adjustment, in the form of a written application to be sent to the Planning Director.

4. A listing showing the names and address of all persons, firms, or corporations appearing on public records as owning property within the area proposed to be affected by the Variance. The list must include the names of all persons purchasing land under contracts of sale and must be certified as to completeness by the applicant or some other person otherwise qualified by knowledge of the public records. The Planning Director shall determine the completeness of the list before accepting it for filing.

5. A processing fee shall accompany the application (see chapter 3.8).

6. A report of its findings and recommendation, and any condition imposed or required shall be promptly submitted to the Planning and Zoning Commission and the Board of Supervisors.

7. Any person aggrieved in any manner by an action of the Board of Adjustment may within thirty days appeal to the Superior Court, and the matter shall be heard de novo as Appeals from Courts of Justice of the Peace.

8. In addition to the foregoing requirements the following procedures shall apply to any application for a Variance under these Regulations:

a. The Applicant shall submit with the application four copies of accurate plot plans and descriptions of the property involved indicating the proposed use with preliminary outline plans of all proposed buildings.

b. The applicant shall furnish evidence of present intention and ability of the Applicant to proceed with actual construction in accordance with the plans submitted.

c. At the Public Hearing the Applicant shall present a statement and adequate evidence showing:

1. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that land use;

### 5.7.3 Procedures Before the Board of Adjustment (Continued)

2. That the strict enforcement of the Regulations would create an unnecessary hardship(s) and that the granting of the application is necessary for the preservation and enjoyment of the substantial existing property rights;

3. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

d. In the event the Board of Adjustment disapproves an application, no Permit shall be issued pending further action by an Appeal to the Superior Court within thirty days from the date disapproval is officially entered on the minutes of the Board. If the Court overrules the action of the Board, then the Zoning Inspector shall issue the required Permit without further action by the Board except to hold a further hearing to allow the Board to fix conditions or require guarantees.

e. In approving any variance the Board of Adjustment may designate conditions, which will secure substantially the objectives of the regulations or provisions for which the variance is granted and provide adequately for maintenance of the integrity and the character of the land use.

f. When necessary, the Board of Adjustment may require guarantees, in a form it deems proper under the circumstances to insure that the conditions imposed are being or will be complied with. When a condition, which a variance has been granted, is violated the approved variance shall cease to exist and the permit shall become null and void.

## 5.8 HOUSE NUMBERING AND ROAD NAMING REGULATIONS

These regulations provide for the establishment of an official plan for a coordinated system of Road Names, House Numbers and/or Property Numbers in Graham County and for administering of these regulations.

### 5.8.1 Road Names or Numbers

#### 1. Official Map

The County Engineer shall prepare a map indicating thereon the assigned names or numbers for all roads within the unincorporated area of the Graham County for Board approval. When such a map shall have been made and approved by the Board it shall constitute the Official Plan of Road Naming and Numbering. Such map may for convenience be divided into units each separately identified as a portion of the Official Road Plan Map. Units may be adopted or modified separately.

#### 2. Road Name Records

The Commission shall keep a record of the names of all roads in the County. When new names or numbers are proposed by any person or department, the proposal shall be referred to the Planning Department to be checked for duplication, spelling, conformity and property designations.

Duplication of names shall not be permitted in the County. Different names shall not be approved for a proposed road in any geographic area if that road is in effect a continuation of, projection, or could be related in any way to the alignment of an existing named road. Names with similar spellings, pronunciations or meanings may be construed as being duplications in any specific area.

#### 3. Road Name Establishing, Additions or Modifications

a. Road Names, additions or modifications of naming shall be instituted through at least one public hearing held by the Planning and Zoning Department. If after the required notice the Planning and Zoning Department receives an objection of the proposed road naming, then the review and approval of this road name shall go through at least one public hearing held by the Planning and Zoning Commission and one public hearing held by the Board of Supervisors for their approval.

b. Whenever it is necessary to hold public hearings for purposes of road names, the Planning and Zoning Department shall prepare a complete report regarding the background, times a name has been used, and the

#### 5.8.1 Road Names or Numbers (Continued)

significance of a name and all other factors within their capacity to compile regarding the name. Hearings may be requested by the Board, or the Commission, on its own, may initiate a report and set a hearing in those areas where names have been given without regard to order, conformity or duplication, or in areas where property numbering is to be required.

c. Road naming shall be established after public hearings or through recording of subdivision maps.

#### 4. Identification Signs

a. It shall be the duty of the Board to establish a standard form and standard placement of signs for identifying all roads as designated by these regulations.

b. When a new subdivision plat is recorded or whenever a road is established otherwise it shall be the responsibility of the subdivider or individual petitioning for establishing the road to provide a sign at their cost, which shall conform to the County Standards for signs and shall include a terminal house number where such have been established.

c. It shall be the duty of the Board to place name signs with terminal house numbers at such intersections or other locations as the Board of Supervisors deem necessary and directs staff. Whenever three (3) or more buildings exist on any access way or easement then a road name shall be required from those property owners along this access, easement or roadway. This sign shall be established at the cost of those property owners along this access and shall be to provide address numbers to these structures on this access way.

d. The name and terminal house numbers shall be obtained from the Planning Department.

## 5.8.2 Road Naming Designations

1. All continuing public roads shall be called "Drive", "Boulevard", "Road", "Avenue", "Street", "Trail", "Parkway" and when appropriate "Highway".

2. Loop roads may be known as a "Circle", or "Loop", however, such naming is not mandatory; but no other thoroughfare, which connects two other streets, shall use these designations. (See cul-de-sacs).

3. Connecting Roads are short connecting roads (less than 300 feet long) that tie two streets together by forming a "T" or "Y" intersection and do not continue directly across said roads shall be known as "Ways" and shall be named the same name as one of the two roads it connects. Connecting roads longer than 300 feet may have separate names if not in conflict with other names or they may be called "Ways" as described above.

### 4. Cul-De-Sacs

a. Cul-de-sacs that extend to a property line as a convenience for further development may be treated in naming as though it were a through road.

b. Long cul-de-sacs (more than 300 feet) may have a separate name from the street of their origin as long as it is not in conflict with existing names of similar alignment, but will not use designations reserved for through roads.

c. Short cul-de-sacs (less than 300 feet) shall have the same designated names as the road from which they are served, but shall be known as "Place", "Lane", "Court", "Plaza", or "Circle" (or compatible meaning names). Depending on the design, separate cul-de-sacs of the same road may use the same name with different compass designations as part of the name.

d. When more cul-de-sacs are developed on any given road than there are designations available special naming may be employed if first approved by the Commission.

## 5.8.2 Road Naming Designations (Continued)

5. Dedicated pedestrian ways or easements if named shall be called "Path", "Walk" or "Way".

### 6. Other Naming

a. When necessary, compass designations may be added to sections or segments of existing or future roads where such an addition would be desirable or necessary to eliminate conflict or duplication of house numbering, or where desirable to identify portions of any road which has variable directions is rather extensive in length or in part of an overall numbering or designation system.

b. Other terminology not mentioned or described in this section may be used for roads if the adaptation of such terminology to the County system is justified and compatible with the surrounding area.

### 7. Point of Beginning

a. When a lesser road connects with one of greater designation the lesser road begins at the right-of-way line of the greater.

b. When two roads of equal magnitude intersect:

1. If a "T" intersection, the road that forms the cross on the "T" shall be determined of greater magnitude.

2. If "Y" or "X" intersection, designation shall be determined by the Planning staff.

c. When two roads of different names meet on a curve, to point of beginning for each name shall be the midpoint of that curve.

d. Where necessary, road name points of origin shall be indicated on subdivision maps.

### 5.8.3 Housing and Property Numbering

1. The Board shall establish a basis of coordinated house and property numbering for Graham County. In order to accomplish this, the Board may designate the County to be separated into different areas each to have its own basis of numbering.

A house or property numbering system in the unincorporated parts of Graham County shall be reviewed by the Commission and approved by the Board in order to be valid or recognized. In order to receive said approval such a system must be reasonably compatible with the County system and it must be possible to convert to the County system beyond the existing limits.

Where an existing system is in effect by an incorporated municipality and records are available to expand this system, the system shall be extended into the unincorporated area for a reasonable distance until it would meet a common point wherein the County numbering system could commence without causing an uncoordinated inter-relationship of numbers.

When numbering is established for any area a cross grid reference with a point of beginning shall be determined. Numbering shall originate from this point of origin and, if necessary, roads shall acquire compass designations.

2. Number allocations. When established in an area, house or property numbers shall be assigned at 1,000 numbers to a mile or section as determined by official surveys. The numbers designation shall be strictly separated as follows: 0-250, for the first quarter mile, 251-500, for the second quarter mile, 501-750, for the third quarter mile and 751-1000 for the last quarter mile.

In areas wherein it appears that no further property divisions could occur, numbers may be issued consecutively (odd or even) with adjustment to the allocation system made at each intersection. Where township lines are offset from each other and it is desirable to continue the common numbering system then the numbering for each side of the road shall follow the numbering for the section within which it lies. Adjustment of numbering shall be made to the compatible section line, if the township were in exact alignment.

Even numbers shall be used for the North and West side of roads. Odd numbers shall be used for the South and East side of streets. Compass directions and designations shall be determined by the Planning Director and/or County Engineer with Board approval.

### 5.8.3 Housing and Property Numbering (Continued)

3. Odd Sized Sections. When a section has a dimension greater or less than one (1) mile or 5,280 feet, the 1,000 number units shall remain the same, but the lengths of the units between numbers shall be proportionately adjusted as the case may be. Such adjustment shall be established for each quarter mile of the section wherever the difference in measurement may have been applied in establishing the section. Adjustments were made to accommodate the City of Safford addressing system when the process began and still affects the numbering process in some areas of the County.

4. Diagonal Roads. Wherever a road is diagonal to the sectional grid pattern, the general compass direction of the road shall be determined and numbering proportional along such diagonal, based on numbers per quarter section wherever the road intersects said quarter section line. If a diagonal road joins a straight road, such numbering shall be a continuation of such straight road wherever feasible.

5. Curved Roads. In area where roads wander, are curved, or have no determined direction, over their extended length, for purposes of establishing numbers, house numbering shall be based upon quarter sections intercepted by the road. The length and direction of such segment shall be determined by the Planning Director and/or County Engineer with Board approval.

6. Extent of Numbering: All existing dwellings and all structures suitable for or intended for human occupancy at some basis or level shall be issued a number when the area in which it is located shall be so designated for house numbers.

7. Issuance of Numbers: Staff of the Planning and Zoning Department shall determine and issue numbers wherever required. A house number shall be issued with each building permit or land use permit when required where house numbering has been designated.

Existing and new subdivision maps may have a number indicated for each lot or parcel in areas where numbering is in effect. Any numbering system established shall be initiated area wide and a date established for its being mandatory within that area. Numbering shall not be issued sporadically within any area not designated for numbering.

### 5.8.3 Housing and Property Numbering (Continued)

8. Installation of numbers: Numbers shall be determined and assigned by the Director. The display number tabs shall be obtained by each owner and shall be located in such a way and be of large enough size to be seen from the road. Where the structure is back from the road or shielded in some way a second set of numbers shall be placed where it can be seen from the road.

9. Administration:

a. All numbers shall be whole numbers and no fractional numbers shall be assigned.

b. House numbers shall be assigned by written notice to each location. Complete and accurate records of numbers issued and assigned shall be kept in map form and such other forms as the Director may direct.

c. No department, official, or public employee shall issue, any number which is in conflict with the provisions of these regulations or allow to be used a conflicting number on any permit, license or other public record.

10. Initiation of House or Property Numbering or For Road Name Designations: Request for house or property numbering or road name designation studies may be initiated in any area by one of the following methods.

a. By a direct request of the Board to the County Planning and/or Engineering Departments to commence a particular study.

b. By a petition of property owners or residents in an area directed to the Board for their consideration and action.

c. By a recommendation of the Commission to the Board to authorize the Planning and/or Engineering and/or the Health Departments to commence a study.

## 5.9 REMOVAL OF PUBLIC NUISANCE

5.9.1 Duty to Remove. The Owner, Lessee or Occupant of real property shall remove or abate a Public Nuisance located thereon within 30 calendar days after being served with a Notice to Abate as provided herein.

5.9.2 Notice to Abate. The Notice to Abate shall be served by the Planning Department, the Health Department or any County Department with jurisdiction over that condition on behalf of the Board not less than 30 days before the date for compliance and shall include the estimated cost of removal if the Owner, Lessee or Occupant does not comply. The estimated cost may be provided by a qualified contractor or may be a good faith estimate by the department initiating the Notice of Abatement.

5.9.3 Service of Notice to Abate. The Notice to Abate shall either be personally served or sent by certified mail to the Owner, Lessee or Occupant at his or her last known address, or the address to which the tax bill for the property was last mailed. If the Owner does not reside on the property, a duplicate notice may be sent to the Owner at his or her last known address.

5.9.4 Appeal of Notice to Abate. Any person receiving a Notice to Abate may appeal to the Board as follows:

1. Notice of Appeal. A written Notice of Appeal shall be filed with the Clerk of the Board within 15 days after the Notice to Abate was personally served or actually received by mail (as evidenced by the certified mail receipt).
2. Contents of Notice of Appeal. The Notice of Appeal shall state in reasonable detail why the appellant should not be required to comply with the Notice to Abate.
3. Hearing on Appeal. Upon receipt of the Notice of Appeal, the Board shall place the matter on the agenda for its next regular meeting. The department, which initiated the Notice to Abate, shall appear to present evidence of the existence of the Public Nuisance. The appellant may present evidence controverting the existence of the Public Nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Board shall hear and decide the appeal, and its decision shall be final.

#### 5.9.4 Appeal of Notice to Abate (continued)

4. Extension of Time for Compliance. If the Board's decision is adverse to the appellant, the date of compliance set forth in the Notice to Abate shall be extended by the number of days elapsing between the filing of the Notice of Appeal and the rendering of the Board's decision, unless the Board decides to extend this date of compliance.

#### 5.9.5 Removal by Board.

It the Owner, Lessee or Occupant fails to remove or otherwise abate the Public Nuisance within 30 calendar days (or such extension as may be granted in writing by the Board or the County Attorney), the Board may, at the expense of the Owner, Lessee or Occupant, remove or abate the Public Nuisance or cause it to be removed or abated; provided, however, that if such removal or abatement is not undertaken within 180 days after the right to do so first accrues, a new Notice to Abate shall be served as provided in paragraph 5.9.3.

1. Cost of Removal. The cost of removal or abatement shall not exceed the estimate set forth in the Notice to Abate. Before undertaking the actual removal or abatement, the department which initiated the Notice to Abate shall attempt to obtain at least three written estimates from qualified contractors (if available locally) and shall accept the lowest such estimate. Alternatively, the removal or abatement of the nuisance may be performed by Graham County personnel and the cost shall be deemed to be the same as the lowest estimate obtained from a qualified contractor, if applicable.
2. Assessment. Upon removal or abatement of the Public Nuisance, the actual cost of removal or abatement shall be an Assessment against the Real Property on which the Public Nuisance was located. The form of the Assessment (setting forth the facts supporting it, as well as the amount) shall be approved by the Board and signed by the Chairman.
3. Notice of Assessment. A Notice of Assessment shall be served in the same manner as the Notice to Abate. The Notice of Assessment may be appealed in the same manner as the Notice to Abate.
4. Recordation of Assessment. If the Owner, Lessee or Occupant fails to pay the Assessment within 30 calendar days after receipt of the Notice to Abate (or any extension as may be granted in writing by the Board or County Attorney),

### 5.9.5 Removal by Board (Continued)

the Assessment shall be delinquent and may be recorded in the office of the Graham County Recorder. The Assessment shall be a lien against the Real Property from and after the date of recordation and shall accrue interest at the statutory judgment rate until paid.

The lien of the Assessment shall be subject and inferior to the lien of general taxes and all prior recorded mortgages and encumbrances.

A. Foreclosure. The Board may, but shall not be obligated to, bring an action to enforce the Assessment lien in the Graham County Superior Court at any time after the recordation of the Assessment. The recorded Assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

B. No Bar to Subsequent Assessments. A prior Assessment under this Ordinance is no bar to a subsequent Assessment, and any number of liens on the same Real Property may be enforced in the same action.

### 5.9.6 Placing Rubbish, Trash, Filth or Debris on Property of Another with Associated Penalty and Assessment

1. Placing Rubbish, Trash, Filth or Debris on the property of another is prohibited. Any person who places rubbish, trash, filth or debris on any real property not owned by or under the control of said person is guilty of a Class 1 misdemeanor.
2. Liability of Costs. In addition to any fine, which may be imposed pursuant to this section, the person shall be liable for all costs, which may be assessed for the removal of the rubbish, trash, filth or debris pursuant to this ordinance.

### 5.9.7 Non-Exclusive Remedy

The remedies provided for in this Ordinance shall be in addition to any and all other remedies, civil or criminal, available to Graham County pursuant to statute or common law, specifically including those set forth in A.R.S. 13-2908, 36-602 and 49-143.

## 5.10 SWIMMING POOL REGULATIONS

All private and semi-public pools, spas, etc. shall meet the minimum safety standards of the State ARS 36-1681. Further these facilities shall be enclosed in a fenced or walled enclosure of a design that will not allow passage of a four-inch diameter sphere between members. The fence shall not be less than five foot in height, with a gate having a self-closing mechanism and a self-latching catch that may be locked. The pool or spa shall not be less than five (5) feet from the nearest property line.

## 5.11 BILLBOARD REGULATIONS

Billboards are allowed as permitted uses in the C-M, M and M-X land use classifications and in an A zone with a use permit. The following conditions and restrictions apply to billboards:

1. Billboards shall be located only along arterial roads that are designated as US or State highways.
2. Billboards shall not be located within 1000 feet of another billboard on the same side of the street.
3. A site plan shall be required showing the proposed sign's relation to existing signage to insure the proposed billboard does not impede the visibility of existing signage. Billboard design shall comply with safety standards and sound construction practices.
4. Billboards shall not encroach upon or overhang any public right-of-way or adjacent property. Billboards shall be setback a minimum of three feet (3') from any structure or building on the same parcel, as well as five feet (5') from any adjacent property line.
5. Billboards shall comply with Graham County's light pollution standards as outlined in Article 8 of this Ordinance.
6. ADOT approval shall be received prior to the issuance of any Graham County billboard, sign or building permits.
7. All billboards shall not exceed 400 square feet, shall have a minimum height of 10 feet from the ground to the bottom of the sign and a maximum overall height of 25 feet.
8. Billboards shall be maintained to present a professional appearance and not be allowed to fall into disrepair OR shall be removed at the owners and/or agents expense upon reasonable notice from the County.

## 5.12 ADMINISTRATIVE ADJUSTMENTS

The purpose of this section is to grant authority to the Director to take action on requests for minor modifications or adjustments to certain requirements of this Ordinance when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of the regulations.

For the purpose of administering this section, an adjustment is any variance to the terms or requirements of this Ordinance, which if granted, would allow the following:

1. A decrease of not more than 10% of the required lot size in a zone.
2. A decrease of not more than 20% of the required width of a side yard or the area between buildings.
3. A decrease of not more than 20% of the required front or rear yard.
4. An increase of not more than 20% in the permitted height of a fence or wall.
5. An increase of not more than 10% of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear, side or area between buildings.
6. An increase of not more than 10% of the permitted height or areas of signs or billboards.
7. A decrease in the number of parking spaces of not more than 10%.
8. An increase of not more than 10% in the permitted height of buildings.

5.12.1 Applications for an administrative adjustment shall be filed with the Director in the format prescribed by the Director to include the following data and maps:

- a. The name and address of applicant.
- b. A statement that the applicant is the owner or the authorized agent of the owner of the property on which the adjustment is being requested (proof may be required).
- c. An address and legal description of the property.
- d. A statement of the precise nature of and reasons for the adjustment.
- e. An accurate scale drawing of the site and adjacent property affected, showing all existing property lines, locations of structures, parking areas, driveways, other improvements or facilities and landscaped areas.
- f. Other plans, drawings or information that the Director deems necessary to enable proper consideration of the application.
- g. If the request is a setback reduction, a letter approving the adjustment from the affected adjacent property owner(s).

5.12.2 The Director shall make findings of fact that establish that the circumstances necessary for approval/denial of the adjustment do apply. If the Director denies an adjustment request, the applicant may file for a variance with the Board of Adjustment as provided for in Section 5.7.

### 5.13 MINOR LAND DIVISION REGULATIONS

For the protection of the Community in general and each successive lot owner specifically, minor land division regulations are established to assure that the division of land complies with applicable zoning regulations and does not constitute a subdivision (six or more land splits when each lot or parcel does not exceed 36 acres in size). Since most subsequent property ownership comes as the result of land divisions, land is divided with little to no forethought of future problems, sometimes creating inadequate lot areas and access to property.

It is the purpose of the minor land division regulations to protect the developer, the successive property owners and the Community by correlating new land developments to land use and to existing or proposed road plans. It is important that each new lot conform to the land use in effect or as modified to insure that each lot is usable and that adequate access is provided to this property and to contiguous parcels.

A minor land division is a division of an existing parcel of land into 2,3,4, or 5 new lots/parcels. If a parcel is assigned an Assessor's Parcel Number, any split into 2 to 5 new lots/parcels is a minor land division. Any split into six or more lots/parcels is a subdivision.

The County is authorized by ARS 11-809 to review minor land divisions.

This section applies to every minor land division in the unincorporated areas of Graham County unless the minor land division is exempt from county regulations by Federal or State law.

**5.13.1 Requirements.** A minor land division is not a subdivision and is not subject to other provisions of the subdivision regulations. The only requirements for a minor land division are as follows.

**5.13.2 Affidavit.** When each new lot or parcel in a minor land division is sold or otherwise transferred, the original owner (person who created the minor land division) shall complete and record with the deed or other instrument of transfer a minor land division affidavit in the form approved by the Board of Supervisors. The affidavit shall state whether the lot or parcel has legal access and meets minimum applicable zoning requirements as defined in these regulations. The affidavit shall further state that, if the lot or parcel does not have legal access or meet minimum applicable zoning requirements, any deficiencies shall be prominently noted on the deed or other instrument of transfer.

5.13.3 Failure to Record Affidavit. If the owner fails to record a minor land division affidavit for each new lot or parcel as required by paragraph 1 above, the Graham County Recorder, Assessor or Planning Director shall notify the owner in writing within 30 days after the discovery of the failure. The owner shall record the required affidavit within 15 days after the date on which the notice was mailed to the owner's address as shown in the public records. Failure to record the affidavit within the required 15 days shall be punishable in accordance with the Chapter 3.7 of these regulations.

5.13.4 Legal Access. A new lot or parcel in a minor land division is deemed to have legal access if there is public vehicular access from the new lot or parcel to any point of access on the exterior boundary of the original parcel from which the minor land division was created. In other words, the public must be able to travel by vehicle from the new lot or parcel to the exterior boundary of the original parcel. Public vehicular access may be any of the following.

- A. The dedication of a 24 feet wide (minimum) strip of land from the owner of the original parcel to Graham County for the benefit of the public, on a form approved by the County Engineer and/or County Manager.
- B. A 24 foot (minimum) public easement from the owner of the original parcel to Graham County for the benefit of the public, on a form approved by the County Engineer. A perpetual private easement granted by the owner of the original parcel for the benefit of the new lot or parcel on a form approved by the County Engineer.
- C. A private easement will be considered legal access only if it runs with the land and expressly allows ingress and egress by any utility company providing services to the new lot or parcel, any provider of emergency services (fire, police, ambulance, etc.) to the new lot or parcel, and any public official (building inspector, health inspector, etc.) requiring ingress and egress to the new lot or parcel in connection with the official's lawful duties.

Access that does not meet the requirements of this paragraph is not legal and will require the deficiency to be prominently noted on the deed or other instrument of transfer.

5.13.5 Minimal Applicable County Zoning Requirements. A new lot or parcel within a minor land division is deemed to meet minimum applicable zoning requirements if it satisfies the minimum lot size (square feet or acreage) and the exterior dimensions allow for the required setbacks for construction purposes as required by the Graham County Zoning Ordinance for the zoning district where it is located.

If the new lot(s) or parcel(s) is undersized, the deficiency must be prominently noted on the deed or other instrument of transfer as provided for in A.R.S. 11-809.

5.13.6 Filing of Application. Any applicant proposing a land division shall file Minor Land Division Affidavit application with the Director. The application shall include:

- 1) A legal description of the existing parcel and legal descriptions of the proposed parcels, which indicates access and, if necessary, utility easements;
- 2) A scale map with dimensions showing existing and future parcel lines and all easements. The map shall be of a size and format acceptable to the County Recorder (This requirement may be waived by the Director in areas where quarter-section or east half-west half or north half-south half descriptions are deemed adequate);
- 3) A notice from the Treasurer's Office verifying that all property taxes and assessments are currently paid up on the original parcel from which the new parcel(s) are being created shall be required.

## GRAHAM COUNTY MINOR LAND DIVISION AFFIDAVIT

You are required by the Graham County Zoning Ordinance to complete this affidavit when you split a parcel of land into two (2) to five (5) new parcels. This affidavit applies only to parcels in the unincorporated areas of Graham County. You must fill out an affidavit identifying the new parcel(s) being created, then return this form to the Planning Department for review. **THIS COMPLETED FORM MUST BE RECORDED WITH THE NEW DEED AT THE GRAHAM COUNTY RECORDER'S OFFICE.**

### ORIGINAL PARCEL BEING SPLIT

Assessor's Parcel Number (APN) \_\_\_\_\_ What zone is the ORIGINAL PARCEL? \_\_\_\_\_  
Size of ORIGINAL PARCEL (sq. ft. or acreage) \_\_\_\_\_. Total number of new PARCELS created \_\_\_\_\_  
(5 maximum parcels can be created, including the original parcel)

**Please provide a plot plan showing any existing structures, utilities such as any wells, septic systems, service lines and their relationship to the proposed parcels being created.**

Are property taxes paid up on the original parcel? Yes  No  **Treasurer's Staff Initials** \_\_\_\_\_

### LEGAL ACCESS TO NEW PARCEL

Each NEW PARCEL must have *Legal Access*, OR the lack of *Legal Access* must be noted on the Deed.

Does this NEW PARCEL have *Legal Access*? Yes  No

If yes, is the *Legal Access* a: public dedication (street, roadways)  Public Easement  Private Easement

If no, has the *Legal Access* been shown on the deed? Yes  No

### ZONING FOR NEW PARCEL

Each NEW PARCEL must meet **minimum county zoning requirements such as size, use of property, etc.**, with any deficiencies being noted on the Deed For zoning questions, contact the P&Z staff at (520) 428-0410.

Do NEW PARCELS meet the *minimum size requirements of County Zoning regulations*? Yes  No

If no, has deficiency of zoning size requirement been shown on Deed? Yes  No

**Reviewed by Planning Office:** Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date: \_\_\_\_\_ Staff Initials: \_\_\_\_\_

Comments: \_\_\_\_\_

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

Name and address of contact: \_\_\_\_\_  
\_\_\_\_\_

City, State. Zip \_\_\_\_\_ Phone Number: \_\_\_\_\_

### VERIFICATION AND ACKNOWLEDGEMENT

We, the owner(s) of the parcel being split as described above, hereby certify under oath that the information set forth is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner

**State of Arizona**  
**County of Graham**

\_\_\_\_\_  
Signature of Owner

Acknowledgement by \_\_\_\_\_ before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

My Commission will expire: \_\_\_\_\_

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

## 5.14 BUILDING CODES

### 5.14.1 Purpose

The Graham County building code has the following purposes:

- A. Regulate the site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the jurisdiction;
- B. Provide for issuance of permits and collection of fees;
- C. Provide for a building code advisory board; and
- D. Provide for penalties for violation of building codes.

### 5.14.2 Codes adopted

1. The Graham County Building Code, codified in this chapter, adopts by reference the International Building Code, 2003 edition, published by the International Code Council, Inc. together with the following national and international codes:
  2. The 1994 Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, 2001 Walnut Drive South, Walnut, California 91789-2825, copyright 1996, Twenty-First Edition;
  3. The International Mechanical Code, 2003 edition, published by the International Code Council, Inc;
  4. The 2002 National Electrical Code, published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts, 02269, copyright 1998, supersedes all previous editions;
  5. International Residential Code, 2003 edition, published by the International Code Council, Inc.
  6. International Existing Building Code, 2003 edition, published by the International Code Council, Inc.
  7. International Fire Code, 2003 edition, published by the International Code Council, Inc.
  8. 2003 ICC Electric Code – Administrative Provisions

9. The International Energy Conservation Code, 2003 edition, published by the International Code Council. Adopted by the Graham County Board of Supervisors, Resolution No. 2004-16, September 7, 2004, for Graham County Government Buildings only.

#### 5.14.3 Copies on File

Three copies of the Graham County Building Codes are available in the Graham County Planning and Zoning Department, 2<sup>nd</sup> floor, 921 Thatcher Blvd., Safford, AZ. 85546 and are available for public inspection during regular working hours.

#### 5.14.4 Building official designated

The Community Development Director shall serve as the building official. The building official or his duly authorized representative, is the authority charged with the administration and enforcement of the Graham County Building Code,. The Graham County Board of Supervisors may appoint a chief plans examiner, a chief building inspector, a chief electrical inspector, a chief mechanical inspector, a chief plumbing inspector and other related technical officers and inspectors and other employees as needed.

#### 5.14.5 Violation a civil infraction

It is a civil infraction for any person, firm or corporation to violate any provisions of the Graham County building code. Civil infractions may be enforced by the Planning and Zoning Department per Article 3.7, Violations, Penalties and Additional Remedies and 5.6.3 Violation and Penalties. Penalties for civil infractions shall not exceed the maximum penalty set forth in A.R.S. Section 11-808.

#### 5.14.6 Administrative appeal process

Whenever a violation of a building code is determined, whether during construction or at the plan review stage, and the applicant wishes to appeal the decision of the staff, because of code interpretation, unreasonable hardship or other acceptable reasons, the applicant may appeal to the building official's hearing committee as follows: The hearing committee will be determined by the Graham County Board of Supervisors.

A. The applicant shall file a written appeal on the forms provided by the building official, on or before Friday of each week, no later than 4:30 p.m.

B. The appeal will be heard by the hearing committee within seven days, at a regular specified time.

C. The hearing committee shall consist of the building official, an inspection supervisor, and the appropriate plans examiner. Additional inspectors or other technical persons may be added for a particular appeal.

D. Adequate information shall be provided by the applicant in order to fully describe the conditions in question.

E. The applicant may, but is not required to, personally attend the hearing committee meeting.

F. If an appeal is denied by a hearing committee, the applicant shall comply or appeal to the advisory board of the county.

#### 5.14.7 Advisory Board appeals

An advisory board appointed by the Graham County Board of Supervisors shall determine the suitability of alternate materials and methods of construction; provide reasonable interpretations of the provisions of the building codes; hear and decide appeals from any decision of the building official, or the hearing committee, and recommend to the Graham County Board of Supervisors.

An applicant may present his case to the advisory board as follows:

File an application for review on forms provided by the building official with a fee of twenty-five dollars no less than three weeks prior to the regularly scheduled advisory board meeting. The advisory board has the discretion to reduce the three weeks advance filing requirement.

#### 5.14.8 Electrical Code

#### 5.14.9 Adopted

The Graham County building code, codified in this chapter, adopts by reference The 1999 National Electrical Code, published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts, 02269, copyright 1998 that supersedes all previous editions;

#### 5.14.10 Copies on file

Three copies of the electrical code are available in the Graham County Board Planning and Zoning Department, 2<sup>nd</sup> floor, 921 Thatcher Blvd., Safford, AZ. 85546 and are available for public inspection during regular working hours.

#### 5.14.11 Purpose

The purpose of this code is the practical safeguarding of persons and property from the hazards arising from the use of electricity.

#### 5.14.11 Mechanical Code

##### 5.14.12 Adopted

The 1997 Uniform Mechanical Code, published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, copyright 1994, 1995, 1996 and 1997.

#### 5.14.13 Copies on file

Three copies of the mechanical code are available in the Graham County, Planning and Zoning Department, 2<sup>nd</sup> floor, 921 Thatcher Blvd., Safford, AZ. 85546 and are available for public inspection during regular working hours.

#### 5.14.14 Purpose

The purpose of the code is to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances within the jurisdiction.

#### 5.14.15 Plumbing Code

##### 5.14.16 Adopted

The 1994 Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, 2001 Walnut Drive South, Walnut, California 91789-2825, copyright 1996, Twenty-First Edition;

#### 5.14.17 Copies

Three copies of the plumbing code are available in the Graham County Planning and Zoning Department, 2<sup>nd</sup> floor, 921 Thatcher Blvd., Safford, AZ. 85546 and are available for public inspection during regular working hours.

#### 5.14.18 Purpose

The purpose of the code is to provide minimum requirements and standards for the protection of the public health, safety and welfare as they apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of plumbing systems.

### 5.15 Driveway Standards

### 5.18.1 Inspection and Plan Review Fees

Total Valuation	Fee
<u>\$1.00 - \$500.00</u>	<u>\$20</u>
<u>\$501.00 to \$2,000.00</u>	<u>\$20.00 for the first \$500.00 plus \$1.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.</u>
<u>\$2,001.00 to \$25,000.00</u>	<u>\$20.00 for the first \$2,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.</u>
<u>\$25,001.00 to \$50,000.01</u>	<u>\$112.00 for the first \$25,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.</u>
<u>\$50,000.00 to \$100,000.00</u>	<u>\$187.00 for the first \$50,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.</u>
<u>\$100,001.00 to \$500,000.00</u>	<u>\$287.00 for the first \$100,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.</u>
<u>\$500,001.00 and up</u>	<u>\$887.00 for the first \$500,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.</u>

To determine the value of the structure, the total square footage of the building must be multiplied by the following table (under the appropriate category).

Residential	\$85.00 per square feet (Livable sq. ft.)
Commercial	\$91.00 per square feet (Usable sq. ft.)
Utility	\$32.00 per square feet (Garages, carports, sheds, awnings, and porches)

## **ARTICLE 6.0 DEVELOPMENTS**

**Scope: This section is to provide procedures, guidelines, and specifications for installation of subdivisions and other developments. These regulations are established to assist the growth in accordance with the general plan and to protect future property owners and the public in general and to minimize the county involvement.**

## ARTICLE 6 DEVELOPMENT

### 6.1 GENERAL INFORMATION ON MAJOR LAND DIVISION

#### 6.1.1 Purpose

Major land division (six or more divisions) is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivisions of land and developments sooner or later become a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas could be required. The welfare of the entire County is thereby affected in many important respects. It is, therefore, in the interest of the public, the developer and the future property owners that subdivisions be conceived, designed and developed in accordance with sound rules and minimum standards in order to guide and accomplish a coordinated and harmonious development of the area of jurisdiction.

#### 6.1.2 Extent of These Regulations

These regulations shall govern all divisions of land under jurisdiction of the Board. All subdivisions and developments shall be processed according to these regulations.

1. An application for re-zoning shall be included as a condition of acceptance for all preliminary subdivision plans filed with the Commission to insure that the lot sizes conform to zoning requirements. It is the intent of the Board that the zoning designation correspond with actual size of the lots for that subdivision so that any lot splitting would require the replatting of the subdivision.
2. All new land divisions must comply with the minimum lot areas and other requirements of the Land Use Zoning under which they are classified. In circumstances where individuals in previously approved subdivisions could circumvent the intent and purpose of these regulations by subsequent land divisions then Board approval shall be required like a re-zoning or use permit request.

### 6.1.3 Tract Numbers

1. These regulations require all new subdivisions of land to have a tract number.
2. Prior to submitting of a preliminary map, a tract number shall be obtained from the Planning Department. A tract number shall be issued to the developer at the time a number is requested. This number shall run with the map as submitted.

### 6.1.4 Street Names

A list of street names shall be submitted to the Planning Department prior to or with the submission of preliminary plat, to be checked for duplication or conflict.

### 6.1.5 Pre-Application Procedures for Subdivisions and Developments

In order to avoid unnecessary and costly revisions, the subdivider or developer is urged to consult early and informally with the Planning Director, the County Engineer, the County Health Department, other technical staff, and when appropriate the Commission for advice and assistance before the preparation of the preliminary plat or development plan and formal application for its approval. This will enable him to become thoroughly familiar with various requirements and the zoning regulations that might affect the area.

### 6.1.6 Compliance with Subdivision Regulations

It is the responsibility of the Owner, Subdivider or Developer to comply with the regulations as outlined in the Development Sections of this Ordinance. If the Planning and Zoning Director finds that these regulations are not being complied with, the Owner, Subdivider or Developer shall be notified by this office and the following time lies for compliance implemented.

1. If after notification by Planning and Zoning staff the Owner, Subdivider or Developer has complied with the requirements of the development process, the subdivision or development shall proceed as if it had originally been complied with by the Owner, Subdivider or Developer.
2. If compliance with these regulations have not been made by the Owner, Subdivider or Developer within thirty (30) working days, a letter shall be sent by first class mail giving the Owner, Subdivider or Developer fifteen (15) working days to comply.

3. If a reply is not received with this fifteen (15) day time frame, the processing of the Subdivision or Development shall be terminated. Once processing is terminated a Subdivision or Development must be resubmitted.

## 6.2 GENERAL REQUIREMENTS AND PROCEDURES FOR A SUBDIVISION PRELIMINARY PLAT

### 6.2.1 General

1. The subdivider or his representative shall submit sixteen (16) copies of a preliminary subdivision or development plan, along with sixteen (16) 11" x 14" plans, with accompanying information to the Planning Department.

2. The Planning Director shall accept any plat submitted for processing and evaluation. If during processing deviations from the requirements of these regulations are noted the developer or his representative shall be notified of the appropriate action necessary on his part for the continuance of said processing (see Subsection 6.8).

3. The Preliminary Subdivision shall meet the minimum standards for design and the requirements for the construction of public improvements as set for by this Ordinance.

4. All full scale copies submitted shall be folded to fit within a 9" X 12" inch file folder. Additionally, one copy will need to actually be 8 ½" x 11" inches for copy accessibility for policy review purposes.

5. The Subdivider or Developer or his representative shall provide a traffic study report to determine the impact on the access roads to the proposed development. If this report determines that additional traffic onto these access roads to the subdivision(s) is beyond its capacity, the Subdivider may be required to participate in upgrades to this off site road system. This shall be limited to any and all impacts to adjacent roadways.

### 6.2.2 Data Requirements

Form: The Preliminary Plan shall be clearly and legibly drawn to a scale of 1"=200', 100', 50', 40', or 20'. A scale of 1"=100' is preferred **For lots of one half (1/2) to one and one half (1 1/2) acre size. For lots less than one half (1/2) acre, a scale of 1" = 50' or 40' is preferred.** A scale of 1"=200 shall **only** be accepted for lots greater than one (1) acre in area. **Scales of 1"=30', and 1"=60' and 1"=80' will not be accepted.**

6.2.3 Map Contents:

1. Proposed name and assigned tract number, North point, scale and date of preparation;

2. Names and addresses of the subdivider or developer; owner and designer of the Plan, engineer and surveyor;

3. A sufficient description to locate the proposed subdivision by vehicle;

4. The location, names, width and purpose of all existing or proposed highways, streets, rights-of-way, utilities, easements or drainage channels existing within the proposed subdivision and adjacent or contiguous to it;

5. Approximate boundaries of any and all areas subject to inundation or storm water overflow and the location and width of all water courses in which water may flow continuously, intermittently or sporadically. Arrows should indicate general flow in all watercourses and streets.

6. When lots are greater than one (1) acre, existing contours sufficient to indicate all natural drainage courses for all lots and streets shall be indicated. When any of the lots are less than one (1) acre, the following contour intervals shall be required sufficient to indicate drainage for all lots and streets. Use of most recently published Geological Survey Maps may be acceptable for use in Hydrological Studies and Reports.

Gradual Slopes	0 to 2%	--	2 foot intervals
Medium Slopes	2 to 15%	--	5 foot intervals
Steep Slopes	Above 15%	--	10 foot intervals

7. The approximate lot boundaries (location and dimensions) and the proposed lot number;

8. Acreage of proposed subdivision and number of lots proposed and approximate area of each lot;

9. A location map showing the location of existing roads and existing access to the tract, if any, and proposed access roads, leading into the subdivision, the nature and status of such access road, ownership of lands traversed by the access roads and a statement regarding proposed improvements for the access roads;

10. Each cover sheet or single preliminary plan is to have a vicinity map of the proposed development as 1" to 2,000' placed in the

### 6.2.3 Map Contents (continued):

upright corner of the map. Included shall be section lines and major roadways only, no local streets or roadways.

### 6.2.4 Additional Requirements and Accompanying Statements:

The following material shall accompany the submission of all preliminary plans:

1. Existing uses of land and existing zoning, if any;
2. Proposed use of each lot or parcel and proposed zoning.
3. Application for zoning or re-zoning where applicable;
4. Statement regarding the availability and location of water;
5. Statement regarding the proposed method of sewage disposal;
6. Statement regarding the location of nearest garbage disposal area by road;
7. Statement regarding availability of other utilities;
8. Statement regarding the nature and extent of proposed improvements within the subdivision including roads, access road, sanitary sewer lines, and sewage disposal systems;
9. List of proposed street names;
10. A general summary description of any protective covenants or private restrictions to be incorporated in the Final Plat.

### 6.2.5 Storm Drainage Control

1. The Subdivider or Developer shall provide a Hydrological Study and report for the proposed development prepared by an Engineer licensed in the State of Arizona. Study and Report is to be submitted with the preliminary plat.
2. Hydrology Study shall determine the impact the proposed development has on storm flows for the hundred (100) year anticipated rain fall intensity.
  - a. Report shall indicate source of rainfall data and methods used to determine peak storm flow conditions.
  - b. Study shall evaluate not only conditions of the proposed development site but additionally determine flow capacities of any drainage way traversing the proposed site or adjacent to it in determining the impact on proposed development.

### 6.2.5 Storm Drainage Control (Continued)

3. Report shall contain:
  - a. A topographic map illustrating proposed site, existing drainage ways and basin, and existing anticipated storm flow (peak flows) for the 100-year rainfall.
  - b. A drainage plan indicating the proposed development boundary, anticipated improvements, drainage patterns, drainage structures, limits of 100 year flood elevations outside of curb and gutters of any road.
  - c. Reference to all technical data used to formulate report.
  - d. Recommendation for control methods of storm flows to insure compliance.
4. No anticipated storm flows for the 100-year rainfall shall exceed that of pre-developed conditions for peak flow rate.
5. Maintenance and ownership of any retention / detention basin, drainage structure and drainage ways outside the proposed roadway shall be the responsibility of a private entity, such as an individual or a "Homeowner's Association.
6. No drainage structure shall contain any mechanical and/or electrical components.
7. All drainage control shall prohibit a roadway from traversing longitudinal any storm flows in excess of six (6) inches in depth.
8. All drainage ways and structures shall be designed and constructed to protect against erosion and scour.

### 6.2.6 Distribution of Maps and Accompanying Material

1. When the Preliminary Subdivision and accompanying material are received by the Planning Director, copies of the subdivision map and accompanying material shall be transmitted to the County Engineer, the County Health Department, the Board, and any other agency which might have an interest in the proceedings. County Departments shall have **fifteen (15)** working days from the date of deposit to complete and to submit a status report to the Planning Director.

2. When all replies have been received or the specified date of reply reached, Planning staff shall check the Plan for conformance to design requirements of these regulations, State Laws, land use proposed and the County Plan, and prepare a correlated report including replies or comments from all County Departments and other agencies; and if the proposed Plat is in conformance, it shall be set for a hearing before the Commission at their next scheduled meeting.

### 6.2.7 Commission Hearing and Report Upon Preliminary Subdivision Plan

1. The subdividers or their representatives shall be notified five (5) days prior to a meeting of the time and place set for hearing on the Preliminary Subdivision.

2. The Commission shall, upon said hearing or such further hearing to which said matter may be continued, hear or consider all evidence relating to said Preliminary Subdivision. The Commission shall confer with the owner on changes deemed necessary, if any and the kind and extent of improvements to be made and within thirty (30) days shall submit a report to the Board in the form of a resolution of the Commission.

3. A copy of the report or resolution setting out action of the Commission shall be transmitted within ten (10) **working** days of said action to the Board, subdivider and/or owner and to such departments or agencies as may deemed advisable by the Commission.

4. A copy of the Commission's report shall be filed with the Clerk of the Board together with a copy of the Preliminary.

### 6.2.7 Commission Hearing and Report Upon Preliminary Subdivision Plan (Continued)

5. A subdivider or developer may withdraw his tract or request postponement at any time that a written signed statement is received by Planning Director.

### 6.2.8 Action by the Board: Preliminary Subdivision Plan

1. On receipt of the resolution by the Commission, the Board shall approve, conditionally approve, or reject the Preliminary Subdivision or Development Plan.

2. In their action of approval. the Board shall specify that minimum County Standards for streets and drainage shall be completed prior to approval of the final map or an agreement shall be arrived at prior to said approval assuring construction of the above improvements. The Board action for approval may be by acceptance of the resolution presented by the Commission.

3. If any other improvements are required at this time, they shall be so specified; otherwise, all improvements other than roads, monuments and drainage facilities may be built at the option of the developer or subsequent owners.

4. The action of the Board shall be taken at its next succeeding regular meeting after receipt of the Commission's report or at any special meeting prior to the regular meeting at which the Board may desire to hear it unless the time is extended by mutual consent of the subdivider and the Board.

## 6.3 GENERAL REQUIREMENTS AND PROCEDURES FOR THE FINAL PLAN AND DEVELOPMENT PLAN

### 6.3.1 GENERAL

1. Within one (1) year after approval or conditional approval of the Preliminary Subdivision or Development Plan, (Plat) a final map may be prepared and shall be in accordance with:
  - (a) The Preliminary Subdivision or Development Plan (Plat) as approved;
  - (b) These regulations, and;
  - (c) Any applicable State Law.

Upon application to the Commission and prior to the expiration of the time limit, an extension not to exceed one (1) year may be granted by the Board, if the subdivider is actively processing the final map. If such action is not taken, then all proceedings relating to this plat shall be terminated and considered void.

2. For any approved Preliminary Subdivision or Development Plan, (Plat) the Final Plat may be submitted for approval progressively in continuous units, each as a separate Final Plat, each using the basic tract number but having an alphabetical suffix in progressive order from the letter "A".
3. When the final map consists of two (2) or more sheets, one key map showing the relationship of the tract portions on the sheets shall be placed on the first sheet.
4. The developer shall submit at least sixteen (16) copies of the Final Plat to the Planning Department along with sixteen (16) 11" x 17" copies to be checked. Additionally, two (2) digital copies in AutoCAD (with world file) using the NAD\_1983 Arizona State Plane East 12n projection in US feet (geo-referenced) should be submitted to the Planning Department. This will insure the data will be properly located and proportionate. Data layers required on the disks include: Lot number, Rights-of-Way, All dimensions, Street names, Section lines and Subdivision perimeter boundary.

### 6.3.1 GENERAL (CONTINUED)

5. At the time of depositing the five (5) dark line prints of the final map with the Planning staff, the Subdivider shall also file the following materials:

a. Two copies of the preliminary title report or a policy of title insurance issued by a title insurance company within the proceeding thirty (30) working days to the owner of the land issued for the benefit of the County of Graham covering the land within the subdivision and showing all record owners, liens and encumbrances;

b. A copy of the Conditions, Covenants and Restrictions (CC&Rs), if any, to be recorded;

c. Five (5) copies of a memorandum showing the total area of the subdivision and area of each lot to the nearest hundredth of an acre if greater than one (1) acre; or, area in square feet if less than one (1) acre:

d. Certification that all lots within the subdivision have been staked or assurance that they will be and all improvements completed or a declaration of intentions submitted as outlined in Subsection 6.3.7.

e. If the subdivision is not already on accepted or acceptable dedicated roads, it will be necessary to provide a location map and centerline profile of roads to be constructed to provide access to the subdivision, together with a proposed grading and drainage plan for such roads. The maps will show such details as location, land ownership, existing streets and roadways, right-of-way limits both existing and proposed, major washes and other features affecting the establishment and construction of such roads.

f. A soil profile (road bed subgrade) indicating the Plastic Index (P.I.)

g. The percentage passing the No. 200 sieve.

### 6.3.2 Form of Final Plat

The final map shall conform to all following provisions by showing the following:

1. The final plat shall be submitted on a mylar of at least 3 millimeters acceptable for recording at a standard engineering scale, adjusted to produce an overall drawing of 24" x 36" providing sufficient detail to illustrate the subdivider's intent and pre-approved by the County Engineer or Planning Director. The plat(s) shall provide NAD\_83 Arizona State Plane East 12n projection in US feet coordinate values to Graham County in the form of a spreadsheet sealed by a Land Surveyor registered in the State of Arizona for any Section Corner or Quarter Section Corner set utilizing the following fields and precision:
  - Latitude/Longitude to 5 decimal places,
  - Northing/Easting to 3 decimal places,
  - Elevation to 2 decimal places,
  - A point of detailed description in layman terms.
2. Every sheet comprising the map shall bear the title (but not subtitle) scale North Point, legend, sheet number and number of sheets comprising the map. Its relation to each adjoining sheet shall be clearly shown.
3. The Final Plat and/or the cover sheet shall also contain in the upper right corner, a vicinity map, at a scale of one inch (1") to 2,000' feet illustrating the development's location within section lines and major roadways.
4. The title of each map shall consist of the subdivision name and plat number placed at the top of each sheet. Below the title on the first sheet shall appear a subtitle consisting of a general description of all the property being subdivided by reference to Governmental subdivisions or portions thereof, by sections, township and range; by metes and bounds descriptions, or to a subdivision map previously recorded in the office of the Recorder of Graham County.
5. Primary control points or descriptions and ties to such control point to which all dimensions, angles, bearings, and similar data on the plat shall be referred, shall be indicated and referenced. At least one corner of a subdivision shall be tied by course and distance to an established and recorded control point.

### 6.3.2 Form of Final Plat (Continued)

6. The map shall clearly show tract boundary lines with appropriate dimensions shown for perimeter tract, rights-of-way and measurements of lines of streets, easements and other rights-of-way and property lines of lots with accurate dimensions, bearing of deflection angles and radii, arcs, semi-tangents and angles of all curves and the location and description of monuments, lot corners and other survey monuments in place and show property lines, easements, rights-of-way for roadways, land uses, and the development name of adjacent properties within one hundred (100) feet of the proposed development. The easements must be clearly labeled and identified and, if already of record, proper reference to the records given. If any easement is not definitely located of record, a statement of such easements must appear on the title sheet.

7. Each lot shall be numbered as per Subsection 6.5.7.5 and each block may be numbered or lettered. Boundaries of the tract to be subdivided as well as the boundaries of each lot within the subdivision shall be fully balanced and closed, showing all bearings, distances and mathematical calculations, determined by an accurate survey. Each street shall be named. All lots not intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, public or private, and any private street permitted shall be so designated.

8. If any portion of any land within the boundaries shown on a subdivision map is subject to overflow, inundation, or flood hazard by storm water, such fact and said portion shall be clearly shown on each map and enclosed in a border on each sheet of the map.

9. The map shall also show other data that is required by law.

10. In a situation where there is an existing M-X Commercial Land Use and a subdivider or property owner wishes to build a residential area within a half mile radius of this one, the owner and/or the builder shall be required to furnish an odor easement to the owner(s) of the M-X operations, before a Building Permit can be issued.

### 6.3.3 Certificates

The following certificates and acknowledgments and all other now or hereafter required shall appear on the Final Plat. Such certificates may be combined when appropriate.

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of said map, taking into consideration that certain rights-of-way, easements, or other interests may be acknowledged by appropriate endorsements on the map where such easements or interest could not ripen into a fee or where changed conditions, long disuse appear to be no longer of practical use or value and which may not be foreclosed by reason that appropriate documents and signatures by the owners thereof cannot be obtained.

2. A certificate signed and acknowledged as above offering for dedication all parcels intended for public use.

3. A certificate for execution by the subdivision engineer and/or surveyor as follows, if the design and survey were made by separate individuals, then more than one statement shall be required.

(a) This is to certify that the boundary survey and design of the above-described subdivision were made under my direction and supervision and are accurately represented on this map.

Signed \_\_\_\_\_ Date \_\_\_\_\_

(b) This is to certify that the survey of the above described subdivision was made under my supervision and that all stakes and monuments are now in place and shown on the plat.

Signed \_\_\_\_\_ Date \_\_\_\_\_

(c) This is to certify that the survey of the above described subdivision was made under my supervision and that all stake and monuments will be in place within one (1) year of the date of recording of the map.

Signed \_\_\_\_\_ Date \_\_\_\_\_

6.3.3 Certificates (Continued)

The use of (a) or (c) will require assurance s by the developer, as required by the Board of Supervisors, that all lots will be staked. The use of (a) shall also require that the boundaries of the subdivision shall be surveyed and monument and such monument shall be shown on the plat.

4. A certificate for signature by the County Sanitarian or Health Services Director, County Engineer, and County Planning Director, as follows: This plat has been checked for conformance to the approved preliminary plat and any special conditions thereto and to the requirements of the Graham County Planning Ordinance and any other applicable regulations and appears to comply with all requirements within my jurisdiction to check and evaluate.

By: \_\_\_\_\_ County Engineer Date \_\_\_\_\_

By \_\_\_\_\_ County Sanitarian Date \_\_\_\_\_

By \_\_\_\_\_ P&Z Director Date \_\_\_\_\_

5. A choice of full or partial approval to be signed by the Chairman and by the Clerk of the Board of Supervisors:

Full Approval - The Board of Supervisors hereby approves the within map and on behalf of the public accepts subject to subsequent compliance by the dedicator with the Graham County Planning & Zoning Ordinance, all parcels of land offered by dedication for public use in conformity with the terms of the offer of dedication.

\_\_\_\_\_  
Signature of Clerk of the Board      Signature of Chairman of Board

Partial Approval - The Board of Supervisors hereby approves the within map and on behalf of the public accepts, subject to subsequent compliance by the dedicator with of the Graham County Planning Ordinance, all parcels of land offered for dedication for public use except:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ .

\_\_\_\_\_  
Signature of Clerk of the Board      Signature of Chairman of Board

#### 6.3.4 Procedures for Final Approval

1. The head of each County Department who has received a copy of the final plat and has been requested to reply, will determine whether or not the material is acceptable and transmit a statement thereon to the Planning and Zoning Director. Failure of any department to reply within the time specified will be interpreted as no objection by that department to the plat as submitted. On or before the tenth day above mentioned, the Planning and Zoning Director shall inform the developer: (a) as to any changes or additions necessary, or (b) that he may submit the original tracing. If changes or additions are necessary, a set or sets of prints shall be submitted as in Subsection 6.3.1.4 and processed as if it were the original time.

2. When a Final Plat is acceptable to the County Engineer, Health Department, Planning Director and the County Attorney, the subdivider upon notice shall deposit with the Planning Department the original tracing of said final map completely executed by:

a) All parties required to sign or endorse the same for the purpose of passing a good and sufficient title to the public ways offered for dedication and to join the subdivision of said property;

(b) The County Engineer;

(c) The engineer or surveyor preparing the map and any and all other parties required to execute certification, other than the Commission, the Board and the County Recorder.

3. All accompanying data, agreements, sureties, or guarantees and other papers or documents relevant to the acceptance of this map shall be deposited with the Planning and Zoning Department. There are several methods of security to guarantee improvements are completed and approved by the County, namely: 1) Assurance agreement where the title of the property is placed in a trust with an agreement that property will not be transferred until written approval from the County. The County will not authorize any such release until the necessary improvements have been completed; 2) Surety Bond or Irrevocable Letter of Credit by a financial institution or insurer licensed to do business in the State of Arizona in an amount equal the cost estimate made by a Professional Civil Engineer; 3) Letter of Guarantee where monies are held in a separate account such as an escrow account for amount of improvements and County is guaranteed amount for costs to make improvements should developer not complete them. Further, the County is given

the right to approve all expenditures from this account for payments to those performing the work on the improvements to ensure improvements occur; and 4) Other methods of Security may be requested from the Board of Supervisors for their approval along with appropriate agreements and submittals.

4. When all appropriate provisions of the State Laws and these regulations have been met, all of the specified accompanying materials shall be transmitted by the Planning and Zoning Director within ten (10) working days to the Clerk of the Board for action by the Board, this date shall be the official date of filing with the Board.

### 6.3.5 Action by the Board

1. At the next regular meeting following the filing of said final map with the Board, or at any prior meeting they may so designate, the Board shall consider said tracing of the final map, the offers of dedication and the agreements and guarantees, if any, for deferred improvements. If the Board shall determine that said map is in conformity with the requirements of the law and of any requirements duly made relating thereto, and if the agreement and guarantees for deferred improvements, if any, and unpaid taxes or assessments are in order, it shall approve said map; and the Clerk of the Board shall so certify this action upon said tracing of the final map.

2. If the Board shall determine that said map is not in conformity with the preliminary map or other requirements are not approved by the Board, it shall disapprove said map specifying its reason or reasons therefore; and the Clerk of the Board shall advise the subdivider in writing of such disapproval and of the reason or reasons for such disapproval.

### 6.3.6 Recording of Final Plat

Within ten (10) working days of the approval by the Board, the Clerk of the Board shall present said Final Plat to the County Recorder and record same with the County Recorder when and not before the subdivider has deposited with the County Recorder the required recording fee. **Final Plat originals shall become the property of the County Recorder's Office and the Planning and Zoning Department.** No subdivision map shall be recorded unless approved by the Board.

### 6.3.7 Declaration of Intentions, Policies and Performance

1. All streets and parcels offered for dedication for public use by the map may be accepted by the Board under the conditions delineated on the map upon the approval of the Final Plat.

### 6.3.7 Declaration of Intentions, Policies and Performance (Continued)

2. At the same time the Final Plat is submitted to Planning staff, the subdivider will submit a letter addressed to the Graham County Board of Supervisors outlining in detail the extent, nature and schedule for the completion of the proposed improvements within the subdivision. This Declaration shall include the following information, but will not necessarily be limited only to these items:

a. Nature and extent of the proposed improvements for the subdivision roads and access roads (if any). A declaration that all roads improvements will be in accordance with the drainage plan approved with the preliminary plan or in the case of access roads submitted with the Final Plat;

b. A statement that all lots within the subdivision will be surveyed and monumented within a specified period;

c. A statement that all survey monuments required under Subsection of this Ordinance will be installed within a specified period;

d. A statement outlining the nature, schedule and extent of any proposed public water supply system or water distribution systems within the subdivision or in connection with the subdivision.

e. A statement outlining the nature, schedule and extent of any proposed public sanitary sewer systems or sewage disposal system within the subdivision or in connection with the subdivision.

3. Following completion of all improvements proposed in the subdivision but not exceeding a period of one (1) year from the date of the recording of the final plat, the subdivider shall submit to the Board of Supervisors through the Commission staff the following:

a. A certificate signed by an Engineer or Land surveyor, registered to practice in the State of Arizona certifying that all of the lots of the subdivision have been surveyed and monumented by his or under his direction in accordance with the requirements of Subsection 6.5.11 of this ordinance.

### 6.3.7 Declaration of Intentions, Policies and Performance (Continued)

b. A certificate signed by an Engineer or Land surveyor, registered to practice in the State of Arizona certifying that all street survey monuments required (if any) have been installed under his direction in accordance with the requirements of Subsection 6.5.11 of this Ordinance.

c. A certificate signed by an Engineer registered to practice in the State of Arizona certifying that all subdivision roadways and required access roads (if any) thereto have been constructed in accordance with the approved drainage plan.

d. A certificate signed by an Engineer registered to practice in the State of Arizona certifying that all public water supply systems, water distribution systems, sanitary sewer systems and sewage disposal systems within the subdivision or in connection with the subdivision has been completed in accordance with the system plans made under his direction and have been approved by the Arizona State department of Health.

4. In the event that all improvements proposed, within the subdivision or upon access roads leading thereto, have not been completed within one (1) year after the date of the recording of the final plat, the subdivider may upon application be granted an extension of time under conditions to be therein specified. In the event that the subdivider fails to fulfill the conditions upon which approval of the final plat was based, the County may, after reasonable notice to the subdivider of default, take whatever steps are within its power to require compliance, or deter further land sales until compliance is met.

5. The Board of Supervisors will not consider the acceptance, for maintenance, of any public roads laid out, opened and constructed after the adoption of this Ordinance unless such roads have been constructed and improved to the minimum County standards outlined in this Ordinance.

## 6.4 AMENDED PLATS AND SUBSEQUENT LAND DIVISIONS

### 6.4.1 Land Divisions

The Graham County Board of Supervisors approves all Final Plats and Development Plans for any subdivision or privately held development in the County. These legal documents are considered binding and an application for rezoning shall be included as a condition of acceptance for all preliminary and final plat plans filed with the Commission when such rezoning is necessary.

It is the intent of the Board that the approved final plat consist of only the number and size of lots laid out in the Final Plat and subsequent lot splits shall require an amended plat or the re-platting of the subdivision.

### 6.4.2 Technical Changes

Any map of a subdivision that has been filed for record may be amended to correct an error in any course or distance or other necessary items that were omitted in order to correct a drafting, graphic, technical or similar type error by the filing for record of an amended map of the subdivision.

### 6.4.3 Change of Name

1. If anyone wishes to change the name of a recorded tract, such a request must contain the name of the owners of all of the lots.
2. On receipt of said request, the matter shall be referred to the County Assessor and Treasurer to determine how many County records must be changed, if such a change were made. The cost of such changes will be a primary factor in considering this request. Assuming the cost of these record changes may be a condition of acceptance of such request.
3. The request for a change of name shall be referred to the Commission and Board of Supervisors.

#### 6.4.4 Processing

1. Two copies of the proposed amended map shall be filed with the Planning and Zoning Department. One copy shall be referred to the County Engineer.

2. The County Engineer shall examine such amended map; and if such examination disclosed that the only changes on the amended map are technical changes above authorized, he shall certify this to be a fact over his signature on the amended map. It should be referred to the Planning and Zoning Department, to be submitted to the Board of Supervisors for their concurrence of approval. If approved by the Board, the amended shall be entitled to be recorded in the office of the Recorder in which the original subdivision map was recorded. Such map shall be marked "AMENDED MAP OF \_\_\_\_\_". Subsequently, if more than one amended map is necessary, the successive maps shall be titled "SECOND AMENDED MAP OF \_\_\_\_\_", and follow in numerical sequence order.

#### 6.4.5 Changes Requiring a New Plat

The use of the terminology of Amended Plat shall not be used to change or vary or add any lot lines, streets, or easements or statements that were not contained on the approved preliminary map or final plat; since, such actions necessitate re-processing of the plat.

### 6.5 DESIGN STANDARDS

#### 6.5.1 General

1. The Commission shall insure that appropriate provision is made for the harmonious development of the County by requiring:

a. The coordination of streets within subdivisions with existing or planned streets or with other features of the County General Plan;

b. A regulation of population density and traffic volume, which will create conditions favorable to public health, safety and convenience;

c. Subdivisions and developments shall have to provide off-site improvements deemed necessary for the orderly growth, safety and general welfare of the County and to tie into existing streets, drainage facilities, and other improvements as recommended by the County Engineer and/or Planning & Zoning Director as well as approved by the Board of Supervisors.

## 6.5 DESIGN STANDARDS (Continued)

2. Adequate access shall be provided from an existing public road to land being subdivided. Approval of such access shall be a condition of approval of the plat by the Commission and Board.

3. In all subdivisions, it is urged that due regard be shown for all natural features such as trees, water courses, historical and archaeological sites and similar community assets which, if preserved, will add attractiveness and value to the property and community.

4. Any portion of property owned by the Developer or Subdivider excluded from this proposed development shall be provided access outside of the proposed development separated in some means as to avoid assumptions that this portion is a part of the proposed subdivision or development.

5. The design of those elements of a subdivision involving structural matters location and design and building of roads, drainage provisions, water supply and sewage disposal shall be made by an engineer registered in the State of Arizona and qualified to specify the standards for such design or by an assistant under his direction and supervision.

6. Any improvements proposed must conform to these regulations and be acceptable to the Planning Director, County Engineer, Health Director and the Board of Supervisors.

7. It is the responsibility of the developer or subdivider to comply with these regulations. At any time in the processing of a subdivision tract that non-compliance is detected notification by the Planning and Zoning Office of said non-compliance shall be transmitted to the developer. If situation is brought into compliance by the developer or subdivider, processing shall proceed from the date of compliance as if the non-compliance had not existed.

8. If no reply is received within thirty (30) working days, a registered letter shall be sent, giving a fifteen (15) working day deadline for compliance to comply. If such reply is not received, processing shall be terminated. Once processing is terminated, a tract must be re-submitted.

### 6.5.2 Suitability of the Land

The Commission shall not approve the division of land submitted, if from adequate investigations, it has determined that said land is not suitable for the kind of development proposed due to such factors as flooding, bad drainage, steep slopes, rock formations, or design features likely to be harmful to the safety, welfare and general health of the future residents, unless corrections acceptable to the Commission are submitted by the subdivider or developer.

### 6.5.3 Water Courses

In the event that the subdivision is traversed by or is contiguous to lakes, streams, or other bodies of water, and washes, the subdivider or developer shall provide private storm drainage easement for drainage conforming substantially with the line of such natural water course, channel stream or creek, or provide an acceptable re-alignment of said water course.

### 6.5.4 Streets

1. The arrangement, character, extent, grade, width and location of all streets shall conform to the County Plan or upon the preliminary plans of said omission.
2. Streets not shown on the General Plan or preliminary plans, the arrangement of street(s) shall provide continuation or appropriate projection of existing major streets in surrounding areas. All centerlines shall be continuations of the centerlines of existing streets and highways in contiguous territory. In cases where straight continuations are not physically possible, such centerlines may be continued by curves.
3. Structures or culverts shall be installed for drainage, access and public safety. Adequate drainage of the subdivision public ways shall be provided by means of said structures or culverts and by other approved means in accordance with the standards adopted by these regulations.
4. Adequate provisions shall be made in the design of subdivisions for access to each lot or parcel and for access to adjacent properties.

#### 6.5.4 Streets (Continued)

5. Half roads or partial width rights-of-way (ROW) shall only be approved through processing of an exception, except for partial major roads along a section line where no alternative design exists. Where said partial rights-of-way would require the dedication of additional contiguous rights-of-way to make it full width, the developer or subdivider or his representative shall include evidence that the additional right-of-way is available or is permanently reserved for future road purposes. Half roads may be accepted where they are part of the road system approved in the General Plan.

6. Provision shall be made for existing railroad and other public or private utility crossings, necessary to provide access to or circulation within the proposed subdivision, including the obtaining of all necessary permits from the public or private utilities involved and any regulatory agencies having jurisdiction. The cost of this crossing may not be assumed by the County.

7. When a tract fronts on an arterial road, the Board may require the design and construction of a frontage road.

#### 8. Intersections

a. Street intersections shall be as nearly at right angles as possible and no intersection shall be less than 60 degrees.

b. Property line radii at street intersections shall not be less than twenty (20) feet and when the angle of street intersection is less than 75 degrees the County Engineer may require a greater curb radius.

9. Additional width on existing streets in subdivisions and/or developments that adjoin existing streets shall dedicate additional right-of-way to meet the dimensional requirements as established by the County Road Plan and these regulations.

#### 6.5.4 Streets (Continued)

10. Street Names:

Proposed streets which are obviously in alignment with other existing named or numbered streets in that vicinity, shall be given the designation of said existing street. In no case shall the name for proposed streets duplicate those of existing streets within the same area, except as mentioned before, irrespective of the use of such varying suffixes as street, avenue, road, boulevard, drive, place, court, or other designation.

11. Alleys:

a. Alleys may be required for all subdivision lots intended for commercial purposes to ensure safe traffic circulation.

Alleys shall be no less than twenty (20) feet in width and no greater than thirty (30) feet.

b. Alleys will not be allowed within any residential development or subdivision.

12. Sidewalks:

Minimum width of sidewalks in residential areas shall be at least four feet and shall comply with all accessibility standards as outlined in the American's With Disabilities Act (ADA).

13. Cul-De-Sac:

The minimum radius for vehicular turn-around on a cul-de-sac shall be a minimum of 60 feet to the property line.

14. For purposes of street naming and lot numbering, a street shall be considered as beginning at the:

- a. centerline of an intersection, or
- b. center of a curve or elbow, or
- c. boundary of a map.

### 6.5.5 Street Standards and Improvements

In order to secure adequate, safe, and useful roads, streets and highways within Graham County and to insure the safety and general welfare of the residents, as well as to insure uniform and practical standards of construction, the following specifications are adopted as the Graham County standards for road construction.

1. Types of road construction:
  - a. Fully paved roads with curbs and gutters;
  - b. Fully paved roads;
  - c. Modified roads with pavement or chip-seal; and
  - d. Gravel roadways.
2. All commercial areas shall be fully paved with curbs and gutters.
3. Subgrade specifications and grade preparations
  - a. All grading and subgrading preparations shall be done in accordance with MAG Standards Specifications as amended.
  - b. No arterial or major roads shall have a grade in excess of 10 percent.
  - c. Minor streets and cul-de-sacs may exceed 8 percent grade provided they are fully paved, but in no case shall a grade exceed 10 percent for a distance of 500 feet.
  - d. Culverts shall be either reinforced concrete pipe or corrugated metal pipe, in accordance with MAG Specifications as amended.
  - e. The thickness or depth and type of subbase materials, base materials, and any pavement materials, shall be determined by an Engineer licensed in the State of Arizona in accordance with County standards.
  - f. Subgrade shall be compacted and watered to achieve a minimum density of 95 percent. Any subbase, base material, and unpaved roadways shall be watered and compacted to achieve a minimum density of 100 percent. All compacting densities are to be tested by a licensed soil testing laboratory in accordance with standard proctors per MAG Specifications as amended.

#### 6.5.5 Street Standards and Improvements (Continued)

g. All streets and roads shall have a crown of two percent from the center to curb or gutter.

h. For Arterial, Major, and Collector streets two inches of asphalt concrete or 2 1/2 inches of road mix shall be applied in accordance with good engineering practices with the approval of the County Engineer and/or the County Highway Foreman. The depth is to be measured after compacting.

i. For minor, frontage or hillside, or cul-de-sac streets 1 1/2 inches of asphalt concrete or 2 inches of road mix shall be applied in accordance with good engineering practices with the approval of the County Engineer and/or the County Highway Foreman, which depth is to be measured after compaction.

j. The asphalt concrete or road mix shall be sealed in accordance with the approval of the county Engineer and/or the County Highway Foreman.

#### 4. Plan and Profile

a. The Plan and Profile of proposed construction shall be submitted to the County Engineer and/or the County Highway Foreman for approval.

b. The Plans shall include:

1. Percentage of grade from a typical cross section.

3. The natural ground profile.

3. Drainage structures that will be required for proper drainage.

4. The percentage of compaction required on natural ground, on the subgrade, on the select material, and on the aggregate base.

### 6.5.5 Street Standards and Improvements (Continued)

c. Plans for roadways shall be at the following minimum standards:

1. Material

a. Subgrade is to be scarified to a minimum of 6" depth and compacted to a minimum of 95% Density of Standard Proctor.

b. Roadbed Base is to be ¾" minus ABC in compliance with MAG Specification Section 702. ABC is to be placed to a minimum of 6" in depth and 32' in width (16' each side of Roadway Centerline) and compacted to 100% Density of Standard Proctor.

c. All CMP culverts shall be a minimum of 12 gauge and a minimum of 18" in diameter unless specified larger or thicker gauge. All culverts shall extend to a minimum of 2' outside shoulder area or to a minimum of 25' each side of road Centerline unless specified longer.

d. All Gravel Roadways or Private Driveways are to have a minimum of 4" in depth of ABC, 20' in width, and from roadway ABC to ROW limits. ABC is to be placed with a minimum of 10' radii with roadway ABC and compacted to 95% Density of Standard Proctor.

2. Roadway Standards

a. Roadway profile grades shall not exceed 8% at any point, except as provided for in paragraph 6.5.5.3(b).

b. No grade breaks will be allowed for grade changes on major roadways in excess of .5% and as determined by the County Engineer for other roads.

c. Minimum lengths of roadway profile vertical curves shall be as follows:

1. Less than 2% grade changes 200 feet
2. 2% or more but less than 4% grade changes 400 feet
3. 4% or more grade change 600 feet.

#### 6.5.5. Street Standards and Improvements (Continued)

d. Roadway is to be graded crowned at Centerline with 2% side slope down each side of Centerline except horizontal curves. Horizontal Curves are to have super elevated side slopes at a cross section grade for 55 MPH traffic. No horizontal curves will be accepted with less than a 500' Centerline radius.

e. No private driveways shall have a profile slope exceeding 12%.

f. Roadway is to be a minimum of 46' graded area crowned with cross sectional slopes as specified in item No. 5 (each side of Centerline-16' ABC and 7' standard fill material).

g. In areas of roadway "CUTS" sufficient drainage swales are to be provided with a minimum of 4' width and maximum side slopes of 2 to 1. All other roadway cut slopes are to be no more than 3 to 1 in steepness unless restricted by available right-of-way and with approval by the County Engineer and/or the Board.

h. All side slopes outside of 46' roadbed area are to be less than 4 to 1 in steepness for all "FILL" areas.

i. Any irrigation ditch within the ROW is to be relocated to the nearest adjacent ROW and constructed in kind or better unless otherwise specified.

j. All drainage swales are to be graded to a minimum of 0.5% profile slope down to discharge point.

### 6.5.5. Street Standards and Improvements (Continued)

#### 5. Modified Road with Pavement

a. The Board of Supervisors may permit a modified pavement on collector, minor, cul-de-sac, and frontage or hillside streets as an option to specified road mix if and when it is beneficial to Graham County.

b. Regular tests of the road construction shall be made by a licensed testing laboratory and shall be approved by the County Engineer in consultation with the County Highway Foreman.

#### 6. Graham County Minimum Standards

Type of Right-of-Way Streets	ROW Widths	Minimum Depths	Pavement Width with curbs	Type of Curbs
Arterial	100 ft.	6 inches	64 ft.	Standard
Major	100 ft.	6 inches	64 ft.	Standard
Collector	66 ft.	6 inches	50 ft.	Standard
Cul-de-sac	60 ft.	6 inches	52 ft.	Roll
Minor	50 ft.	6 inches	32 ft.	Roll
Frontage	50 ft.	6 inches	32 ft.	Roll
Hillside	50 ft.	6 inches	32 ft.	Roll

#### 7. Definition of Streets:

Arterial: A contiguous street tying together two or more traffic-generating areas, or portions of any officially projected streets, used primarily for through-traffic between separate areas to collect and distribute all traffic to any terminal served by the street and to the lesser streets in between. It shall be the intent to locate arterial streets along all section and quarter section lines, except in cases where the terrain dictates otherwise. Any deviation from section and quarter section lines shall be with conceptual traffic flow pattern with said lines.

### 6.5.5. Street Standards and Improvements (Continued)

Collector: A connecting street between two major streets which does not function as a Major street or any street supplementary to a Major street that extends through at least one intersection with other minor streets.

Major: A principal traffic way for contiguous streets and is also a means of access to arterial streets.

Minor: A street supplementary to either a Major or Collector street, which is terminated in a "T" intersection, if less than one quarter mile in length, a Loop street, or cul-de-sac.

Frontage or Hillside: A street separated from the main flow of traffic designed primarily to provide access to properties on the side of the street only, or where special circumstances occur.

#### 8. Concrete Curbs:

Concrete curbs shall be installed to the approved line and grade required by the County Engineer and/or the County Highway Superintendent.

#### 9. Subdivisions:

a. Subdivisions with lots larger than five (5) acres may not be required to have curbs, gutters, sidewalks or paved roadways. Roadbed material shall be a minimum depth of six (6) inches, with a graduation in accordance with MAG Specifications and with a P.I. minimum of 7 and a maximum of 10.

b. Subdivision with lots larger than one acre up to five acres shall have paved roadways.

c. Subdivisions with lots less than one acre shall be required to have curbs, gutters, sidewalks and paved roadways.

d. Any subdivisions meeting either of the above listed specifications must have a Land Use restricting the minimum lot size and infrastructure improvements consistent with the land use requirements.

### 6.5.6 Blocks

1. Length, Width and Shape of Blocks: The length, width, and shape of blocks shall be determined with due regard to provisions for adequate building sites, zoning requirements as to lot areas and dimensions, limitations and opportunities of topography and needs for convenient access and circulation, control and safety of streets and pedestrian traffic. A block is any portion of a subdivision tract delineated by street right-of-way, and the boundary of the subdivision conforming to requirements for length and depth.

2. Length: The blocks shall not be more than 1,320 feet in length except as the Commission considers necessary to secure efficient use of land or as a desired feature of street design. In blocks over 660 feet in length, crosswalks may be required. Longer blocks may be provided when fronting on major streets in order to reduce the number of intersections.

Width: Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. Where conditions exist to justify such, the Commission may approve a single tier of lots of minimum depth.

### 6.5.7 Lots

1. ARRANGEMENT: The lot area, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location and shall conform to the requirements of zoning and these regulations. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road or approved access.

2. ACCESSIBILITY: Each lot shall be accessible to the street on which it fronts. Where necessary, lots shall be graded as a condition of approval of a final map to insure access to and adequate use of property.

3. MINIMUM SIZE: The size, shape and orientation of lots shall be such as the Commission deems appropriate. Each lot shall be suitable for the purpose for which it is intended and shall contain a usable building site. The area of a lot shall be deemed the area shown, exclusive of any area designated for road purposes or any easement for access or road purposes shown on the map. Each lot shall contain at least 6,000 square feet or greater consistent with the Land Use Classification.

### 6.5.7 Lots (Continued)

4. LARGER TRACTS OR PARCELS: When the land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions.

5. LOT NUMBERING:

a. Each lot shall be designated by "Arabic" numerals:

b. If block designations are not used, numbering shall be in consecutive sequence beginning with the number "1", where ever lots have common side boundaries within a subdivision or within a block along each street and continuous consecutive numbering shall follow from one block to another;

c. When designations are used, numbering shall be in consecutive sequence within each block area commencing with the number "1" for each block;

d. Numbering sequences may follow in continuity from one tract to another when lying contiguous to one another, or when separated or contiguous if the same name is used for successive tracts;

e. Parcels shall be designated by capital letters and be designated in sequence within a tract starting with the letter "A".

6. LOT WIDTH AND DEPTH

a. Lot depth shall mean the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines. For lots with more than four (4) sides, the sides contiguous to the front lot line shall be the side lot lines and a line connecting the centers of the remaining lot lines shall be used to measure lot depth;

b. Each lot shall have a minimum width of property lines at the front and rear setback lines of forty (40) feet and no lot shall be less than one hundred (100) feet in depth.

### 6.5.7 Lots (Continued)

c. No lot shall be designed with a depth to width ratio greater than three (3) to one (1) for the usable area; except lots located on a knuckle or end of a cul-de-sac may have a four to one.

### 7. CORNER LOTS:

Where lots are designed with minimum areas, corner lots shall be wider than minimum to provide adequate usable area.

### 6.5.8 Sanitary Waste and Water Systems

The requirements for development of public water supplies and of community sewage disposal systems shall not be less than those outlined by Arizona Department of Water Resources and the Arizona Department of Environmental Quality regulations and engineering criteria for such installations.

### 6.5.9 Refuse Disposal

Subdividers or developers shall indicate distance to approved Refuse Disposal Areas. If none are available, the Board may require such facilities to be furnished by the subdivider before the subdivision is approved.

### 6.5.10 Easements and Utilities

Except where existing alleys are provided for the purpose, easements at least sixteen (16) feet in total width shall be provided, along front or rear lot lines for poles, wires, conduits, sanitary sewers, gas mains, water mains, or for other utilities. Where necessary, easements shall be located along the side lot lines. Half or partial easements may only be approved where dedication of necessary additional easements are on record.

### 6.5.11 Monuments

1. Monument shall be a steel or iron pin, minimum 16 inches in length and a minimum of one half (1/2") inch diameter per Arizona Code and Rules of the State Board of Technical Registration Minimum Standards and set in a reasonably permanent manner at each lot corner and/or at all points of curvature or tangency of the subdivision.

### 6.5.11 Monuments (Continued)

2. Whenever streets are improved to the extent that paving is included, survey monuments will be required at all street intersections and at the point of curvature and point of tangency of all curves as approved by the County Engineer. Survey monuments within paved roadways shall be a minimum of one (1) foot by one (1) foot by one (1) foot cube concrete monument with a minimum of a two (2) inch diameter flat brass cap imbedded flush in the concrete. Brass cap is to have an impression a minimum of 1/16 inch deep and 1/8 inch in diameter pressed into cap to indicate actual point and stamped with the registration number of Licensed Surveyor installing monument. A minimum of twelve (12) inch length of minimum one half (1/2) inch diameter iron or steel shall be placed within the concrete monument for metallic indicators.

## 6.6 SPECIAL DEVELOPMENT SUBDIVISIONS

Modified Standards and Requirements of these regulations may be accepted by the Commission in the case of a plan and program for a new town, a complete community, a mobile home park, or a neighborhood unit, which provides adequate public recreation, light, air and service needs for the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the County Planning or Land Use Regulations. Any development, which used the term "Planned Community" or any connotations to imply a planned community shall be processed under this section.

1. When such a preliminary development plan is submitted for appraisal and exceptions from this Ordinance are included in the design, it shall be accompanied by a petition for exception as outlined in these regulations (Subsection 6.9) setting out all deviations from standards herein required and explaining the reasons thereto.
2. Special development exceptions may include:
  - a. Streets of less than standard requirements, but with adequate provisions for off-street parking;
  - b. Up to four (4) lots served by a common driveway where topographic conditions would justify such treatments;
  - c. Up to four (4) buildings per site in a cluster of less than minimum lot area if a corresponding contiguous area plus the building site areas brings the total combinations of building sites and common area to minimum area standards; and
  - d. Special common sanitation facilities.

## 6.6 SPECIAL DEVELOPMENT SUBDIVISIONS (Continued)

3. Designation of adequate areas for parks, schools and other public uses shall be a condition of approval where development as proposed would necessitate such facilities.

4. When classified, special development subdivisions requiring exceptions from the subdivision regulations shall be land use "SD" as outlined in the land use regulations, Subsection 4.8. If use of the lots necessitates such land use.

5. A subdivision may be approved with residential lots of a minimum area of 6,000 sq. ft. where all other conventional subdivision procedures are employed such as street widths, etc. When such subdivision is approved, it shall be classified as R-U. Any subdivision so approved shall include a community sewage disposal system providing services to each lot in the tract that could be used for residential purposes.

## 6.7 REVERSION TO ACREAGE

1. If no lots in a subdivision, for which a Final Plat has been approved and recorded, have been sold within three (3) years from the date of recordation, or if none of the improvements have been made within two (2) years from the date of recordation, the Board may on its own motion hold a public hearing, after notice, to determine whether the approval of such Final Plat should be revoked. Such revocation shall be effective upon recordation of a certified copy of such resolution; and thereupon all streets, rights-of-way; and easements dedicated or offered for dedication by such plat shall be of no further force or effect.
2. Abandonment of subdivision lots and reversion to acreage and/or abandonment of streets, rights-of-way and easements, dedicated or otherwise may be initiated by property owners petitioning the Board of Supervisors for consideration of all or portions of any tract or plat.
3. Such petition may necessitate consideration for re-zoning.
4. Any action considered by the board relating to revocation of all or part of a subdivision whether lots or lots and rights-of-way shall be referred to the Commission for evaluation of the following:
  - a. Correlation with the County Plan;
  - b. Correlation with proposed development in adjacent areas:
  - c. Recommendation as to whether or not land use changes should accompany such action:
  - d. Effect of such action on existing development in areas affected by proposed reversion or abandonment.
5. Any other action applicable to the above process and permitted by State Laws is permissible.
6. Requisite actions under Article I, Chapter 5, title 18, Arizona Revised Statutes, to abandon the streets and easements should be carried on separately and simultaneously with any procedure to abandon a subdivision or revert it to acreage.

## 6.8 EXCEPTIONS TO SUBDIVISION REGULATIONS

6.8.1 Any map submitted with deviations from specifications and standards as required by these regulations shall not be processed until a petition of exception is submitted.

Any person seeking an exception(s) to the requirements of these regulations shall file two (2) copies of a signed petition with the Planning Director at the same time as they submit the Preliminary Subdivision Plan. A petition of exception may not be accepted for consideration, if its effect would be to modify the wording or intent of technical requirements, which would change the meaning or intent of these regulations.

The petition must be a request for an exception to a circumstance actually contained on the preliminary plan as submitted. Petitions shall not be in the abstract. The Planning Staff shall accept the petitions for each and any exception as herein described and initiate or continue the processing of a Subdivision Plan as long as it complies with all other requirements. The petition or petitions may be heard at the same meeting as that of the Preliminary Subdivision Plan to which they refer or may be heard separately and shall appear on the agenda prior to reference to the subdivision plan.

The Commission may recommend that the Board accept exceptions. In order to do so, it shall be necessary for the Commission to find that there are special circumstances or conditions effecting said property; that the granting of the exceptions will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated; that it will not have the effect of nullifying the intent and purpose of the County Plan or these regulations.

### 6.8.2 Board and Commission action to Subdivision Exceptions:

In recommending for or against an exception, the Commission shall report its findings to the Board. The Commission shall likewise take action on the Preliminary Subdivision Plan making their resolution conditional to the action by the Board.

Upon receipt of such report, the Board may approve or deny the request for exceptions. The Board may authorize the Commission to approve said preliminary map with the exceptions and conditions the Board deems necessary to substantially uphold the objectives of these regulations.

## 6.9 AMENDMENTS

The Graham County Planning Ordinance may be amended by changing the boundaries of land use or by changing any other provision through following the procedures of this section.

### 6.9.1 Initiation

An amendment may be initiated by:

1. A verified petition as required by Section 11-829 Arizona Revised Statutes or a verified petition of one or more owners of property affected by the proposed amendment requesting the Board of the Commission to initiate a resolution of intention, which petition shall be filed with the Commission.
2. Resolution of intention by the Board, referred to the Commission.
3. Resolutions of intention by the Commission.

### 6.9.2 Public Hearings

If the matter is referred to the Commission by the Board, or if action is initiated by the Commission or through a verified petition submitted to the Commission, the Commission shall hold at least one (1) public adhering on any proposed amendment and shall give notice thereof by at least one (1) publication in a newspaper of general circulation within the County at least fifteen (15) days prior to the first of such hearings.

### 6.9.3 Action by the Commission

1. Following the aforesaid hearing the Commission shall make a report of its findings and recommendations with respect to the action taken and shall file with the Board an attested copy of such report within thirty (30) days after completion of the said hearing; provided that such time limit may be extended at the request of a party having an interest in the proceedings. Failure of the Commission to act on any approved request within thirty (30) days without an approved extension shall permit the Board to take the matter for their consideration.
2. The Commission or Board may have as many additional hearings or continued hearings on any times before it as are deemed necessary for public necessity, convenience and general welfare.

#### 6.9.4 Action by the Board of Supervisors

1. Upon receipt of such report from the Commission or upon the expiration of thirty (30) days as aforesaid, the Board shall set the matter for public Hearing. After the conclusion of such hearing the Board may adopt the amendment or any part thereof set forth in the petition in such form as said Board may deem advisable.
2. The Decision of the Board shall be rendered within sixty (60) days after the receipt of a report and recommendations from the Commission or after the expiration and ninety (90) days of the actions by the Commission.

#### 6.9.5 Changes by the Board of Supervisors

The Board shall not make any changes in any proposal recommended by the Commission until the proposed changes have been referred to the Commission for a report and a copy of the report, filed with the Board. The failure of the Commission to file a report within forty (40) days from receipt of proposed changes by the Board shall be deemed to be no objections of the proposed changes.

#### 6.9.6 Re-Application

No person, including the original, shall reapply for the same change of land use on the same plot, or lots within a period of one (1) year from the date of the final decision or denial by the Board of such previous application except in cases where extraordinary circumstances have caused a need for re-evaluation of all property in the general area.

## 6.10 GENERAL REQUIREMENTS AND PROCEDURES FOR A DEVELOPMENT PLAN (see Article 3.9 for definition of Development)

### 6.10.1 General

The developer or his representative shall submit 16 copies of the development plan and accompanying information to the office of the Planning and Zoning Department.

The Planning Director shall accept any development plan submitted to him for processing and evaluation. The Development Plan shall be distributed to County Staff and other agencies for evaluation. If during the processing deviations from the requirements of these regulations are noted the developer or his representative shall be notified of the appropriate action necessary on his part for continuance of said processing. (See Subsection 6.8).

The development plan shall meet the minimum standards for design and the requirements for construction of public improvements as set forth by this Ordinance.

All Copies shall be folded to fit into an 8 1/2" x 11" file folder and one copy will be an actual 8 1/2" x 11".

The Developer or his representative shall provide a traffic study report to determine the impact on the access roads to the proposed development. If this report determines that additional traffic onto these access roads to the development is beyond capacity, the Developer may be required to participate in upgrades to the off site road system. This shall be limited to any and all impacts to adjacent roadways.

### 6.10.2 Data Requirements

Form: The development plan shall be clearly and legibly drawn to a scale of 1"=200', 100', 50', 40', or 20'. A scale of 1"=100' is preferred For lots of one half (1/2) acre size. For lots less than one half (1/2) acre, a scale of 1"=50' or 40' is preferred. A scale of 1"=200' shall only be accepted for lots greater than one (1) acre in area. Scales of 1"=30', and 1"=60' and 1"=80' will not be accepted.

### 6.10.3 Map Contents:

Proposed name and assigned tract number, north arrow, scale and date of preparation;

Names and addresses of developer; owner and designer of the Plan, engineer and surveyor;

Map Contents: (Continued)

A sufficient description to locate the proposed development by vehicle;

The location, names, width and purpose of all existing or proposed highways, streets, rights-of-way, utilities, easements or drainage channels existing within the proposed development and adjacent or contiguous to it;

Approximate boundaries of any and all areas subject to inundation or storm water overflow and the location and width of all watercourses in which water may flow continuously, intermittently or sporadically. Arrows should indicate flow in all watercourses and streets.

When lots are greater than one (1) acre, existing contours sufficient to indicate all natural drainage courses for all lots and streets shall be indicated. When any of the lots are less than one (1) acre, the following contour intervals shall be required sufficient to indicate drainage for all lots and streets. Use of most recently Geological Survey Maps may be acceptable for use in Hydrological Studies and Reports.

Gradual Slopes	0 to 2%	2 foot intervals
Medium Slopes	2 to 15%	5 foot intervals
Steep Slopes	above 15%	10 foot intervals

The lot boundaries (location and dimensions) and proposed lot number;

Acreage of proposed development and number of lots proposed and approximate area of each lot;

A location map showing the location of existing roads and existing access to the tract, if any, and proposed access roads, leading into the development, the nature and status of such access road, ownership of lands traversed by the access roads and a statement regarding proposed improvements

Each cover sheet or single development plan is to have a vicinity map of proposed development as 1"=2000' placed in upright corner of the map. Included shall be section lines and major roadways only, no local streets or roadways.

**6.10.4 Additional Requirements and accompanying Statements:**  
The following materials shall accompany the submission of the Development Plan:

Existing uses of land and existing zoning, if any;

Proposed use of each lot;

Application for zoning or re-zoning where applicable;

Statement regarding the availability and location of water;

Statement regarding the proposed method of sewage disposal;

Statement regarding availability of other utilities;

Statement regarding the nature and extent of proposed improvements within the development including roads, access road, sanitary sewer lines, and sewage disposal systems;

List of proposed street names;

A general summary description of any protective covenants or private restrictions to be incorporated into the development.

**6.10.4 Storm Drainage Control**

The Developer shall provide a Hydrological Study and report for the proposed development prepared by an Engineer licensed in the State of Arizona. Study and Report is to be submitted with the development plan.

Hydrology Study shall determine the impact the proposed development has on storm flows for the hundred (100) year anticipated rainfall intensity.

Report shall indicate source of rainfall data and methods used to determine peak storm flow conditions.

Study shall evaluate not only conditions of the proposed development site but additionally determine flow capacities of any drainageway traversing the proposed site or adjacent to it in determining the impact on proposed development.

#### 6.10.4 Storm Drainage Control (continued)

Report shall contain;

A topographic map illustrating proposed site, existing drainageways and basin, and existing anticipated storm flow (peak flows) for the 100-year rainfall.

A drainage plan indicating the proposed development boundary, anticipated improvements, drainage patterns, drainage structures, limits of 100-year flood elevations outside of curb and gutters of any road.

Reference to all technical data used to formulate report.

Recommendation for control methods of storm flows to insure compliance.

No anticipated storm flows for the 100-year rainfall shall exceed that of pre-developed conditions for peak flow rate.

Maintenance and ownership of any retention / detention basin, drainage structure and drainageways outside the proposed roadway shall be the responsibility of a private entity, such as an individual or association.

No drainage structure shall contain any mechanical and / or electrical components.

All drainage control shall prohibit a roadway traversing longitudinal any storm flows in excess of six (6") inches in depth.

All drainageways and structures shall be designed and constructed to protect against erosion and scour.

#### 6.10.5 Distribution of maps and Accompanying Material

When the development plan and accompanying material are received by the Planning Director, copies of the development plan and accompanying material shall be transmitted by the Planning Director to the County Engineer, the County Health Department, the Board of Supervisors, the Highway Superintendent, utility companies, and any other agency or municipality which may have an interest in the proceedings. County Departments and other agencies or municipalities shall have fifteen (15) working days from the date of deposit to complete and to submit a status report to the Planning Director.

When all replies have been received or the specified date of reply reached, the Planning Staff, along with the received replies and / or

comments, shall incorporate these replies and / or comments and prepare a correlated report to the Owner / Developer / Engineer in a report about the development plan for conformance to design requirements of these regulations, State Laws and land use proposed and the County Comprehensive Plan.; and when the proposed development plan is in conformance, it shall be setup for a hearing before the Planning Commission at their next scheduled meeting.

#### 6.10.6 Planning Commission Hearing and Report upon Development Plan

The Owner / Developer or their representative shall be notified of the time and place of the setup for the hearing on the development plat. After the Planning Commission has setup a time and date for a public hearing, the next month, the Commission shall hold the public hearing and

The Planning Commission shall advise that said matter be sent to the Board of Supervisors with a favorable or non-favorable recommendation for a public hearing on the second Board meeting of the month.

A copy of the Planning Commission's recommendation shall be filed with the Clerk of the Board with a copy of the development plan.

A Owner or Developer may withdraw his tract or request postponement at any time that a written signed statement received by the Planning Director.

#### 6.10.7 Action by the Board of Supervisors

On receipt of the recommendation by the Planning Commission, the Board of Supervisors shall approve, conditionally approve, or reject the development plan at the second Board meeting of the month unless the time is extended by mutual consent of the owner / developer or the Board.

If any other improvements are required at this time, they shall be so specified; otherwise all improvements other than off-site roads, monuments and drainage facilities may be built at the option of the developer or subsequent owners.

**ARTICLE 7.0 SEXUALLY ORIENTED AND**  
**MEDICAL MARIJUANA**  
**BUSINESS REGULATIONS**

**Scope:** This section is to establish the regulations to control what activities related to operating a sexually oriented and medical marijuana business in Graham County are permissible in order to protect the value of adjoining property and against offense of the community in general.

## ARTICLE 7 SEXUALLY ORIENTED AND MEDICAL MARIJUANA BUSINESS REGULATIONS

### 7.1 PURPOSE AND INTENT

It is the purpose and intent of this Ordinance to regulate sexually oriented and medical marijuana businesses to promote the health safety, morals and general welfare of the citizens of Graham County and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually-oriented and medical marijuana businesses within the County, thereby reducing or eliminating the adverse secondary effects from such sexually oriented and medical marijuana businesses. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market or to medical marijuana and related authorized products . Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene material or products pertaining to medical marijuana.

### 7.2 DEFINITIONS

For the purposes of this section, certain terms and words are defined as follows.

SEXUALLY ORIENTED AND MEDICAL MARIJUANA BUSINESSES include the following activities.

ADULT ARCADE means 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.

ADULT BOOKSTORE OR VIDEO STORE means a commercial establishment that offers for sale or rent and of the following as one of its principal business purposes:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas.
2. Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

## 7.2 DEFINITIONS (Continued)

ADULT LIVE ENTERTAINMENT ESTABLISHMENT means an establishment that features either:

1. Persons who appear in a state of nudity; or
2. Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

ADULT MOTION PICTURE THEATER means a commercial establishment in which for any form of consideration films, motion pictures, video cassettes, slides or other similar photographic reproductions specific sexual activities of specific anatomical areas are predominantly shown.

ADULT THEATER means 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.

MASSAGE ESTABLISHMENT means 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:

1. Physicians licensed pursuant to Arizona Revised Statutes (A.R.S.) Title 32, chapter 7, 8, 13, 14 or 17.
2. Registered nurses, licensed practical nurses, physical therapists or technicians who are acting under the supervision of a physician licensed pursuant to A.R.S. Title 32, chapter 13, 15, 17, or 19.
3. Persons who are employed or acting as trainees for a bona fide amateur, semiprofessional athlete or athletic team.
4. Persons who are licensed pursuant to A.R.S. Title 32, chapter 3 or if the activity is limited to the head, face or neck.
5. Massage therapy means nonsexual, massage offered by an individual who is licensed by a professionally recognized organization such as National Certification Board for Therapeutic Massage & Bodywork or by an establishment licensed, accredited or belonging to a nationally recognized professional organization.

## 7.2 DEFINITIONS (Continued)

**MEDICAL MARIJUANA DESIGNATED CAREGIVER CULTIVATION LOCATION:** Means an enclosed, locked facility that does not exceed 50 square feet of cultivation space, where a designated caregiver, as defined by ARS 36:2801(5), cultivates marijuana if the designated caregiver's registry identification card provides caregiver is authorized to cultivate marijuana. The location must comply with the security requirements of ARS Title 36, Chapter 2801 and be accessory to the designated caregiver's primary residence and must not be detectable from the exterior of the building in which cultivation takes place. Medical marijuana cultivation as

an accessory use to the designated caregiver's primary residence shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary.

**MEDICAL MARIJUANA DISPENSARY:** Means an entity defined in ARS 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients by being a cardholder.

**MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION:** Means the additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in ARS 36-2804(B)(1)(b)(ii).

**MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION LOCATION:** Means an enclosed facility, that does not exceed 50 square feet or cultivation space for each location, where a qualifying patient, as defined by ARS 36-2801(13), cultivates marijuana if the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana. This accessory use as a home occupation to the qualifying patient's primary residence. Medical Marijuana cultivation as a home occupation at a 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 ARS Title 36, Chapter 2801(13). Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary.

**NUDE MODEL STUDIO** means 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 the state, a college, community college or university that is supported entirely or in part by taxation or a structure to which the following apply:

1. 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.
2. A student must enroll at least three days in advance of a class in order to participate.
3. No more than one nude or seminude model is on the premises at any time.

## 7.2 DEFINITIONS (Continued)

NUDITY OR STATE OF NUDITY means:

1. The appearance of a human anus, genitals or female breast.
2. A state of dress that fails to opaquely cover a human anus, genitals or areola of the female breast.

SEMINUDE means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body that are covered by supporting straps or devices.

SPECIAL ANATOMICAL AREAS means the male genitals in a state of sexual arousal or the vulva or more intimate parts of the female genitals. Specific anatomical areas may include:

1. Human genitals, pubic region or breast below a point immediately above the top of the areola that is less than completely and opaquely covered.
2. Male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIC SEXUAL ACTIVITIES means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.
3. Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.
4. Excretory functions as part of or in connection with any of the activities under subdivision (a), (b), or (c) of this paragraph.

### 7.3 ESTABLISHMENT AND CLASSIFICATION OF BUSINESSES REGULATED

The establishment of a Sexually Oriented and Medical Marijuana Business shall be permitted only in C-M, M and M-X zones and shall be subject to the following restrictions:

1. No person shall cause or permit the establishment of a sexually oriented or medical marijuana business, as defined above, within 2,000 feet of another such business; or
2. Within 1,000 feet of any religious or educational institution, or activity where children may be enrolled, school, boys' club, girls' club, or similar existing youth organization, or public park or public building; or
3. Within 1,000 feet of any property zoned for residential use or used for residential purposes.

### 7.4 MEASUREMENT OF DISTANCE

As regarding Section 7.3.1, the distance between any two sexually oriented or medical marijuana businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented or medical marijuana business and any religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes shall also be measured in a straight line, without regard to intervening structures or obstructions from the nearest portion of the building or structure used as part of the premises where the sexually oriented or medical marijuana business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or residential use or used for residential purposes.

### 7.5 LOCATION OF SEXUALLY ORIENTED BUSINESSES

The Graham County Zoning Ordinance requires that sexually oriented or medical marijuana businesses shall be permitted only in Zones as provided in Section 7.3. Permits for sexually oriented or medical marijuana business shall be required and governed by the regulations, procedures and policies adopted by the Board of Supervisors.

## 7.6 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS IN VIDEO BOOTHS

A person who operates or causes to be operated a sexually oriented business, other than a sexually oriented motel/hotel which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities of specified anatomical areas, shall comply with the following requirements:

1. No such business shall be operated without a permit issued by the Planning and Zoning Director pursuant to the regulations.
2. Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan, specifying the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, however, each diagram should be oriented to the north to some designated street and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.
3. The application shall be sworn to be true and correct by the applicant.
4. No viewing room may be occupied by more than one person at any one time. A door may be attached or installed on any viewing room.
5. No openings of any kind shall exist between viewing rooms.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two foot candle as measured at the floor level.
7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
8. It shall be the duty of the licensee to ensure that the view area specified in subsection (7) remains unobstructed by any doors,

curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (2) of this section.

9. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpets.
10. It shall be the duty of the owners and operator and it shall be the duty of any agents and employees present on the premises daily to insure that these regulations are complied with and that the illumination described above is maintained at all times that any patron is present on the premises.

### 7.7 ADVERTISING REGULATIONS

1. The permittee shall not allow any depiction of specified sexual activities or specified anatomical areas to be visible from the exterior of the premises.
2. All off-street parking areas and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees. The lighting shall be shown on the required sketch or diagram of the premises.

### 7.8 CONDITIONS OF OPERATION FOR SEXUALLY ORIENTED AND/OR MEDICAL MARIJUANA BUSINESSES

Sexually Oriented business and/or medical marijuana cultivation and dispensary shall be subject to the following condition and limitations:

1. The legal name of the sexually oriented or medical marijuana dispensary;
2. The name and address of each principal officer and board member of the sexually oriented business or nonprofit medical marijuana dispensary as well as dispensary agent;
3. A copy of the operating procedures for a sexually oriented business or as adopted in compliance with ARS 36-2804(B)(1)(c) for medical marijuana businesses;
4. A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses;

7.8 CONDITIONS OF OPERATING A SEXUALLY ORIENTED AND/OR MEDICAL MARIJUANA BUSINESSES (continued)

- a.A violent crime as defined in ARS 13-901.03(b) that was classified as a felony in the jurisdiction where the person was convicted; A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARS 36-2811 except that the conduct occurred before the effective date of the statute or was prosecuted by an authority other than the State of Arizona.
5. A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
6. A floor plan showing the location, dimensions and type of security measures for a sexually oriented business and demonstrating that the medical marijuana dispensary will meet the definition of enclosed locked facility contained in ARS 36-2801(6).
7. The Board may consider if the location of a medical marijuana dispensary site substantially negatively impacts neighboring property values or if substantial evidence is presented that shows an unreasonable risk to health, safety or general welfare would occur in the area.
8. Development Standards
  - a.A sexually oriented or medical marijuana business must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
  - b.A medical marijuana dispensary may not have a drive-through business.
  - c.A sexually oriented or medical marijuana business may not have outdoor seating areas.
  - d.A maximum floor area for the medical marijuana dispensary is 2,000 square feet.
  - e.The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 400 square feet.
  - f. A requirement that the owner secure the certification from the State Fire Marshal or another acceptable entity responsible for fire safety in the area in which medical marijuana dispensary is to be located stating the structure complies with all fire code requirements and supply that certification to the Community Development Department.
9. The permitted hours of operation for a medical marijuana dispensary are between the hours of 7:00 a.m. and 5:30 p.m., while a sexually oriented business may operate between the hours of 9 a.m. and 2 a.m.
10. A prohibition on the medical marijuana dispensary offering service that provides offsite delivery of the medical marijuana.
11. A requirement that the medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.

## **ARTICLE 8.0 OUTDOOR LIGHTING CODE**

**Scope: The Light Pollution Code provides guidelines and procedures for administering outdoor lighting to restrict undesirable artificial light rays that could have detrimental effect on astronomical observations.**

## **ARTICLE 8 OUTDOOR LIGHTING CODE**

### **8.1 ADMINISTRATION**

8.1.1 Purpose - The purpose of this code is to protect the unique environment of Graham County/Safford/Thatcher/Pima by protecting and maintaining the access to the dark night sky. Intended outcomes include continuing support of astronomical activity and minimizing wasted energy while not compromising the safety, security and well being of persons engaged in outdoor nighttime activities.

8.1.2 Intent - It is the intent of this Code to control the obtrusive aspects of excessive and careless outdoor lighting usage while preserving, protecting and enhancing the lawful nighttime use and enjoyment of any and all property. It is recognized that portions of properties may be required to be unlit or have reduced lighting levels in order to allow enough lumens in the lighted areas to achieve light levels in accordance with nationally recognized recommended practices.

### **8.2 GENERAL REQUIREMENTS**

All outdoor illuminating devices shall be installed in conformance with the provisions of this Code, the Building Code, the Electrical Code, and the Sign Code of Graham County as applicable and under appropriate permit and inspection.

### **8.3 APPLICABILITY**

8.3.1 New Uses, Buildings and Major Additions or Modifications. All proposed new land uses, developments, buildings, structures or building additions of 25% or more in terms of additional dwelling units, gross floor area, seating capacity or parking spaces or other units of measurements specified herein, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall meet the requirements of this Code for the entire property. Cumulative modification or replacement of outdoor lighting fixtures constituting 25% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

### 8.3 APPLICABILITY (continued)

8.3.2 Minor Additions - Additions or modifications greater than 10% but less than 25% to existing uses shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type; the total amount of lighting after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this code, whichever is larger.

8.3.3 Change of Use - Whenever the use of any existing building, structure or premises is changed to a new use, all outdoor lighting shall be reviewed and brought into compliance with this Code before the new use commences.

### 8.4 DEFINITIONS

Unless the context clearly indicates otherwise, certain words and phrases used in this Code shall mean the following:

Agricultural Facility - An open field or enclosed building with transparent walls or roof whether publicly or privately owned, including, but not limited to greenhouses.

Class 1 Lighting - All outdoor lighting used for, but not limited to, outdoor sales or eating areas, entrance canopies on retail buildings, assembly (mechanical) or repair areas, advertising and other signs, recreational facilities, amphitheaters and other similar applications where color rendition is important to preserve the effectiveness of the activity. Designation of lighting as Class 1 requires a finding by Graham County of the essential function of color rendition for the application.

Class 2 Lighting - All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

Class 3 Lighting - Any outdoor lighting used for decorative effects including but not limited to architectural illumination, flag and monument lighting and illumination of landscaping.

Class 4 Lighting - Lighting used for horticultural activities called assimilation lighting.

## 8.4 DEFINITIONS (continued)

Development Project - Any residential, commercial, industrial or mixed-use subdivision plan or development plan, which is submitted to the County for approval or for permit.

Direct Illumination - Illumination resulting from light emitted directly from a lamp or luminaire not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Display Lot or Area - Outdoor areas where active nighttime sales activity occurs and where accurate color perception by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, assembly lots, swap meets or airport and automobile fueling areas. Uses not on this list must be approved as a display lot by Graham County.

Full Cut-off Light Fixture - A luminaire light distribution where no candela occurs at or above an angle of 90 degrees above nadir. This applies to all lateral angles around the luminaires. Such candela information shall be as determined by photometric test report from a certified independent test laboratory and as certified by the manufacturer. Any structural part of the light fixture providing this cut-off angle shielding must be permanently affixed. Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means of providing the cut-off. The requirements for the cut-off characteristics described herein shall be achieved by the light fixture itself.

Installed - The attachment or assembly fixed in place whether or not connected to a power source of any outdoor light fixture.

## 8.4 DEFINITIONS (continued)

Lighting Areas - All lighting areas discussed below shall be as defined on the Graham County Lighting Area Map (attached).

1. *Lighting Area 3 (A3)* is an urban area (incorporated entities) with primary land uses for commercial, business, industrial activity, apartments and surrounded by suburban residential areas.
2. *Lighting Area 2 (A2)* consists of rural residential and agricultural areas.
3. *Lighting Area 1 (A1)* is a special area around astronomical observatories and includes all areas within the boundaries of the Graham County lighting area map. This includes Mt. Graham in the Pinaleño Mountains and those areas within any national park, monument or forest boundary. In these areas, the preservation of a naturally dark environment both in the sky and in the visible landscape is of paramount concern.
4. *Multiple Areas* is a property located in more than one of the Lighting Areas described above and shall be considered to be only in the more restrictive Lighting Area.

Lumen - Unit of luminous flux used to measure the amount of light emitted by lamps.

Luminaire - A luminaire consists of the complete lighting assembly less the support assembly. For purposes of determining total light output from a luminaire lighting assembly that includes multiple unshielded or full cut-off lamps on a single pole or standard, the multiple assembly shall be considered as a single unit. Two or more units with lamps less than 3 feet apart shall be considered a single luminaire.

Multi-class Lighting - Any outdoor lighting used for more than one purpose such as security and decoration such that its use falls under the definition of two or more classes as defined for Class 1, 2, 3 and 4 Lighting.

Net Acreage - The remaining ground area after deleting all portions for proposed and existing public streets within a development, parcel or subdivision.

Opaque - Opaque means that the material shall not transmit visible light.

## 8.4 DEFINITIONS (continued)

Outdoor light fixture - An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device permanently installed or portable used for illumination or advertisement. Such devices shall include but are not limited to:

1. street lighting;
2. parking lot lighting;
3. building and structural lighting;
4. landscape lighting;
5. recreational lighting;
6. billboards and other signs (advertising or otherwise);
7. product display area lighting;
8. building overhangs and open canopies;
9. security lighting;
10. searchlight, spotlight, flood lights and laser lights; and
11. lighting of agricultural facilities and mines.

Outdoor Light Output, Total - The total amount of light measured in lumens from all lamps installed in outdoor lighting fixtures.

1. For lamp types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) lamps), the mean lumen output as defined by the manufacturer shall be the lumen value used.
2. The total light output of each outdoor fixture shall be based on the largest lamp that the outdoor fixture is rated to accommodate. For the purpose of compliance with this Section, the largest lamp rating for fluorescent and HID fixtures shall be based on the installed ballast rating.
3. For determining compliance with Section 8.5.3 the total lumens shall be of the sum of the following:
  - A. 100 percent of the lumens from outdoor light fixtures installed on grade, on poles and installed on the tops or sides of buildings or other structures when not shielded from above by the structure itself.

## 8.4 DEFINITIONS (continued)

- B. 25 percent of the lumens from outdoor light fixtures installed under canopies, buildings, overhangs or roof eaves where all parts of the center of the lamp or luminaire are located at least five feet from the nearest edge of the canopy or overhang.
- C. 50 percent of the lumens from underwater light fixtures unless the fixture is aimed at an angle of less than 45 degrees above the horizontal in which case the calculated lumens shall be calculated at 10% of the rated lamp lumens.

Outdoor Recreation Facility - An area designed for active recreation whether publicly or privately owned including but not limited to baseball, soccer, football, golf, tennis, swimming pools, and racetracks of any sort.

Person - Any individual, tenant, lessee, owner or any commercial entity including, but not limited to, a firm, business, partnership, joint venture or corporation.

Temporary Lighting - Lighting which does not conform to the provisions of this ordinance and which will not be used for more than one thirty (30) day period within a calendar year with one thirty (30) day extension. Temporary lighting is intended for uses, which by their nature are of limited duration, e.g., holiday decorations, civic events or construction projects.

## 8.5 TOTAL OUTDOOR LIGHT OUTPUT AND SHIELDING REQUIREMENTS

The tables in this section give requirements of the total light output permitted per acre for the different lighting areas and the fixture shielding requirements for class of lighting, lamp type, and lighting area. These requirements shall be met for all lighting installations subject to this code.

8.5.1 Total Outdoor Light Output - Total outdoor light output shall not exceed the lumen limits given in Table 8.5.3. "Total" means the sum of shielded and unshielded light.

8.5.2 Lamp Type and Shielding Standards – Outdoor light fixtures shall shall be installed in accordance with the lamp type and shielding requirements of Table 8.5.3.

TABLE 8.5.3 MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT REQUIREMENTS LUMEN CAPS: INITIAL LUMENS PER NET ACRE (4)			
	LIGHTING AREAS		
	A3	A2	A1
Commercial and industrial zoning – Option 1 (1)(2):			
Total (full cut-off plus unshielded) (5)	100000	25000	12500
Unshielded (fraction of the Total)	5000	2000	1000
Commercial and industrial zoning – Option 2 (1)(2):			
Total (in Option 2 all outdoor lighting shall be full cut-off)	150000	32500	12500
Unshielded (fraction of the Total)	0	0	0
All residential zoning (3):			
Total (full cut-off plus unshielded)	25000	16500	11000
Unshielded (fraction of the Total)	5000	2000	1000

Notes to Table 8.5.3:

- (1) Use either Option 1 or Option 2 for entire property.
- (2) This refers to all land-use zoning classifications for multiple family uses, commercial and industrial uses.
- (3) This refers to all residential land-use zoning including all densities and types of housing such as single-family detached and duplexes.
- (4) These are upper limits and not design goals. Design goals should be lower and should be the lowest levels that meet the task, and hence save energy and minimize glare.
- (5) If shielded Low Pressure Sodium (LPS) lighting is used for commercial and industrial zoning, then the lumen caps are raised to 250,000 in A3, and 75,000 in A2, but non/LPS Actual Lumens shall not exceed limits of Table 8.5.3.

**TABLE 8.5.4  
LAMP TYPE AND SHIELDING STANDARDS**

USE CLASS AND LAMP TYPE	A3	A2	A1
<b>Class 1 lighting (Color Rendition):</b>			
LPS greater than or equal to 2950 lumen/luminaire	F	F	F
Others greater than or equal to 2950 lumens/luminaire	F	F	F
All types below 2950 lumens/luminaire	A(1)	F	F
<b>Class 2 lighting (General Illumination):</b>			
LPS greater than or equal to 2950 lumen/luminaire	F	F	F
Others greater than or equal to 2950 lumens/luminaire	F	F	X
All types below 2950 lumens/luminaire	A(1)	F	F
<b>Class 3 lighting (Decorative) (4):</b>			
All lighting greater than or equal to 2950 lumens/luminaire	F	X	X
All types below 2950 lumens/luminaire	A(1)	A(1)	F(2,3)
<b>Class 4 lighting (Assimilation) (4):</b>			
All lighting greater than or equal to 2950 lumens/luminaire	F	X	X
All types below 2950 lumens/luminaire	A(1)	F	F

Notes to Table 8.5.4

- (1) Flood or spot lamps must, however, be aimed no closer than 45 degrees to the horizontal (halfway between straight down and straight to the side) when the source is visible from any adjacent residential property.
- (2) Exception: seasonal decorations using unshielded low-wattage incandescent lamps shall be permitted from Thanksgiving to 15 January.
- (3) NonLPS Actual Lumens shall not exceed limits of Table 8.5.3.
- (4) All Class 3 lighting shall be extinguished between 11:00 p.m. (or when the business closes whichever is later) and sunrise.
- (5) All Class 4 lighting shall be extinguished between two hours after sunset and two hours before sunrise.
- (6) Under canopy lighting must meet the requirements of Table 8.5.3.

Use Code:

- A = unshielded light allowed above those allowed by Table 8.5.3; shielding not required, but highly recommended.
- F = full cut-off lights required, except as allowed by Table 8.5.3.
- X = not allowed.

8.5.5 All light fixtures that are required to be shielded shall be installed in such a manner that the shielding is effective as described in the definitions in Section 8.4 for full cut-off fixtures.

8.5.6 Beyond the shielding requirements of Section 8.5.3, all light fixtures on the residential side of commercial property adjacent to residential property shall be full cut-off and shall be a maximum of 10 feet above grade at the property line and no higher than a line rising 20 feet above the 10 feet until 100 feet from the property line. All outdoor lighting adjacent to residential areas shall have internal house-side shields. In addition, all residential and commercial luminaires shall be full cut-off within 25 feet of adjacent residential property lines.

8.5.7 Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included class.

## 8.6 OUTDOOR ADVERTISING SIGNS

8.6.1 External illumination for on-site signs shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section 8.5.3.

8.6.2 Electrical illumination of outdoor advertising off-site signs is prohibited except that the use of lighting fixtures legally installed in Areas A2 and A3, prior to the effective date of this code, may continue, provided such fixtures are mounted on the top of the sign structure which shall not be illuminated between the hours 11:00 p.m. and sunrise, and to comply with all other provisions of the code.

8.6.3 Outdoor internally illuminated advertising signs may be constructed with an opaque or colored background and translucent text and symbols. Lamps used for internal illumination of such signs shall not be counted toward the lumen cap described in Section 8.5.3.

8.6.4 Illumination for all advertising signs both externally illuminated and internally illuminated shall be turned off at the curfew times listed in Table 8.7.5 or when the business closes, whichever is later.

TABLE 8.6.5 ILLUMINATED SIGN CURFEWS			
Sign Type and Land Use Area (1)	LIGHTING AREA		
	A3	A2	A1
Commercial and Industrial zoning			
Opaque Background	12 AM	11 PM	X
Colored Background	12 AM	12 AM	X
All residential zoning			
Opaque Background	11 PM	10 PM	X
Colored Background	11 PM	10 PM	X

Notes to Table 8.6.5:

- (1) Land Use Zoning refers to the predominant use of land surrounding the parcel on which the sign is located.
- (2) X = not allowed.

## 8.7 SPECIAL USES

### 8.7.1 Outdoor Recreational Facilities.

1. All site lighting not directly associated with outdoor athletic playing areas shall conform to the lighting standards described in this ordinance including, but not limited to, the lamp type and shielding requirements of Section 8.5.4 and the lumens per acre limits of Section 8.5.3.
2. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of Section 8.5.3. All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics unless certified by a registered engineer that such shielding is impractical. Every such lighting system design may be certified by a registered engineer as conforming to all applicable restrictions of this ordinance. Where full cut-off fixtures are not utilized, acceptable luminaires shall include those which:
  - A. Are provided with internal and/or external glare control louvers and installed so as to limit direct up light to less than 5 percent of the total lumens exiting from the installed fixtures and minimize off-site light trespass as required in Section 8.8.1(B); and
  - B. Are installed with minimum aiming angles of 25 degrees downward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by an independent testing agency.
3. All events shall be scheduled so as to complete all activity before the curfew listed in Table 8.8.2. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. No recreational lighting is permitted in A1 zone.

TABLE 8.7.4 SPORTS FACILITY AND DISPLAY LOT CURFEWS		
LIGHTING AREA		
A3	A2	A1
11 PM	11 PM	X

## 8.8 OUTDOOR DISPLAY LOTS

1. All site lighting not directly associated with the display areas shall conform to the lighting standards described in this ordinance including, but not limited to, the lamp type with shielding requirements of Section 8.5.4 and the lumens per acre limits of Section 8.5.3.
2. Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of Section 8.5.3. However, the installation shall be designed to not exceed the illuminance recommendations for the activity as defined by the most current recommended practice of the Illuminating Engineering Society of North America (IESNA). All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics. Every such lighting system design may need to be certified by a registered engineer as conforming to all applicable restrictions of this ordinance.
3. Class 1 display lot lighting exceeding the lumens per acre cap of Section 8.5.3 shall be turned off at the curfew times listed in Table 8.7.4 or within thirty minutes after closing of the business, whichever is later.
4. Class 2 display lot lighting shall be permitted for security and safety lighting and shall be exempted from the turn-off requirements of Section 8.7.4.

## 8.9 AGRICULTURAL FACILITIES

1. All site lighting not directly associated with the agricultural facilities shall conform to the lighting standards described in this ordinance, including but not limited to the lamp type and shielding requirements of Section 8.5.4 and the lumens per acre limits of Section 8.5.3.
2. Lighting for agricultural fields or greenhouses shall be considered Class 4 (Assimilation Lighting), and shall be exempt from the lumens per acre limits of Section 8.5.3. All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics unless certified by a registered engineer that such shielding is impractical. Every such lighting system design shall be certified by a registered engineer as conforming to all applicable restrictions of this ordinance. Where full cut-off fixtures are not utilized, acceptable luminaires shall include those which:

**8.9 AGRICULTURAL FACILITIES (continued)**

- A. Are provided with internal and/or external glare control louvers and installed so as to limit direct up light to less than 5 percent of the total lumens exiting from the installed fixtures and minimize off-site light trespass as required in 8.11.2, and
- B. Are installed with minimum aiming angles of 25 degrees downward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by an independent testing agency.

3. All lighting shall be scheduled so as to complete all activity before the curfew listed in Table 8.9.4.

TABLE 8.9.4 AGRICULTURAL FACILITY CURFEWS		
LIGHTING AREA		
A3	A2	A1
11 PM	2 HRS. AFTER SUNSET TO 2 HRS. BEFORE SUNRISE	2 HRS. AFTER SUNSET TO 2 HRS. BEFORE SUNRISE

**8.10 SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE**

8. 10.1 Submission Contents - The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission shall contain, but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

- 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

## 8.10 SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE (continued)

2. Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited, to catalog cuts by manufacturers and drawings (including sections where required); and
3. Photometric data, such as that furnished by manufacturers or similar showing the angle of cut-off or light emissions. Photometric data need not be submitted when the full cut-off performance of the fixture is obvious to the reviewing official.

8.10.2 Additional Submission - The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall additionally submit, as evidence of compliance, certified reports of tests that have been performed and certified by a recognized testing laboratory.

8.10.3 Subdivision Plat Certification - If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of this Code will be adhered to.

8.10.4 Lamp or Fixture Substitution - Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request, together with adequate information to assure compliance with this code must be submitted to the design professional and building official for his/her approval prior to substitution.

## 8.11 APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION

The provisions of this Article are not intended to prevent the use of any design, material or method of installation or operation prescribed by this Article. It is recommended that the standards in a current edition of the Uniform Building Code regulations be adhered to when considering the construction or placement of outdoor lighting in Graham County.

## 8.12 PROHIBITIONS

8.12.1 Mercury Vapor Lamps Fixtures and Lamps - The installation of any mercury vapor lamp for use as outdoor lighting is prohibited.

8.12.2 Certain Other Fixtures and Lamps - The installation of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp the use of which is not allowed by Table 8.5.4 is prohibited.

8.12.3 Laser Source Light - The use of laser source light or any similar high intensity light for outdoor advertising or entertainment when projected above the horizontal is prohibited.

8.12.4 Searchlights - The operation of searchlights for advertising purposes is prohibited in Areas A1 and A2 and is prohibited in unincorporated areas of the County. In the territorial limits of the City of Safford and the towns of Thatcher and Pima, the operation of searchlights for advertising purposes is prohibited in Lighting Areas A1 and A2 and in all other areas between 10:00 p.m. and sunrise the following morning.

## 8.13 TEMPORARY EXEMPTION

8.13.1 Request, Renewal and Information Required - Any person may submit a written request on a form prepared by the County for a temporary exemption request. A temporary exemption shall contain the following information:

1. Specific exemption or exemptions requested;
2. Type and use of outdoor light fixture involved;
3. Duration of time of the requested exemption;
4. Type of lamp and lamp lumens;
5. Total wattage of lamp or lamps and number of lamps to be used;
6. Proposed location on premises of the outdoor light fixture(s);
7. Previous temporary exemptions, if any, and addresses of premises there under;
8. Physical size of outdoor light fixture(s) and type of shielding provided;
9. Such other data and information as may be required by a government representative to determine the effects of this exemption request.

8.13.2 Approval and Duration - The County shall have five business days from the date of submission in writing of the request for temporary exemption to act on the request. If approved, the exemption shall be valid for not more than thirty days from the date of issuance of the approval. The approval shall be renewable at the discretion of the building official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty additional days.

8.13.3 Disapproval and Appeal - If the request for temporary exemption is disapproved, the person making the request will have the appeal rights provided in County regulations.

#### 8.14 OTHER EXEMPTIONS

8.14.1 Nonconformance.

1. Bottom-mounted outdoor advertising sign lighting shall not be used.
2. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this chapter are exempt from all requirements of this Code. There shall be no change in use or lamp type or any replacement or structural alteration made without conforming to all applicable requirements of this Code. Further, if the property is abandoned or if there is a change in use of the property, the provisions of this code will apply when the abandonment ceases or the new use commences.

#### 8.15 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION, INSTALLATION/OPERATION AND APPEALS

8.15.1 The provisions of this Code are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed by this Code provided any such alternate has been approved. The building official may approve any such proposed alternate provided he finds that it:

1. Provides at least approximate equivalence to the applicable specific requirements of this Code;
2. Is otherwise satisfactory and complies with the intent of this Code; and

8.15 ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION, INSTALLATION/OPERATION AND APPEALS (continued)

3. Has been designed or approved by a registered professional engineer and is supported by calculations showing that the design submitted meets that intent of the code and meets nationally recommended outdoor lighting levels.

8.15.2 Appeals. Any person substantially aggrieved by any decision of the building official/planning director, made in administration of this Code, has the right and responsibilities of appeal to the Board of Supervisors by providing necessary paperwork to the Clerk of the Board for their consideration.

8.16 LAW GOVERNING CONFLICTS

Where any provision of federal, state, county, or city statutes, codes or laws conflicts with any provision of this Code, the most restrictive shall govern unless otherwise regulated by law.

8.17 ENFORCEMENT AND PENALTY

Any violation of this Code or any portion of this Code shall be considered a civil violation and is subject to penalties not to exceed the amount of the maximum fine for a class 2 misdemeanor in accordance with A.R.S. 11- 808. Each day of continuance of the violation constitutes a separate violation. Maximum fines are \$750.00 for individuals and \$10,000.00 for corporations, associations, labor unions or other legal entities. Enforcement procedures shall be pursuant to those established by Graham County.

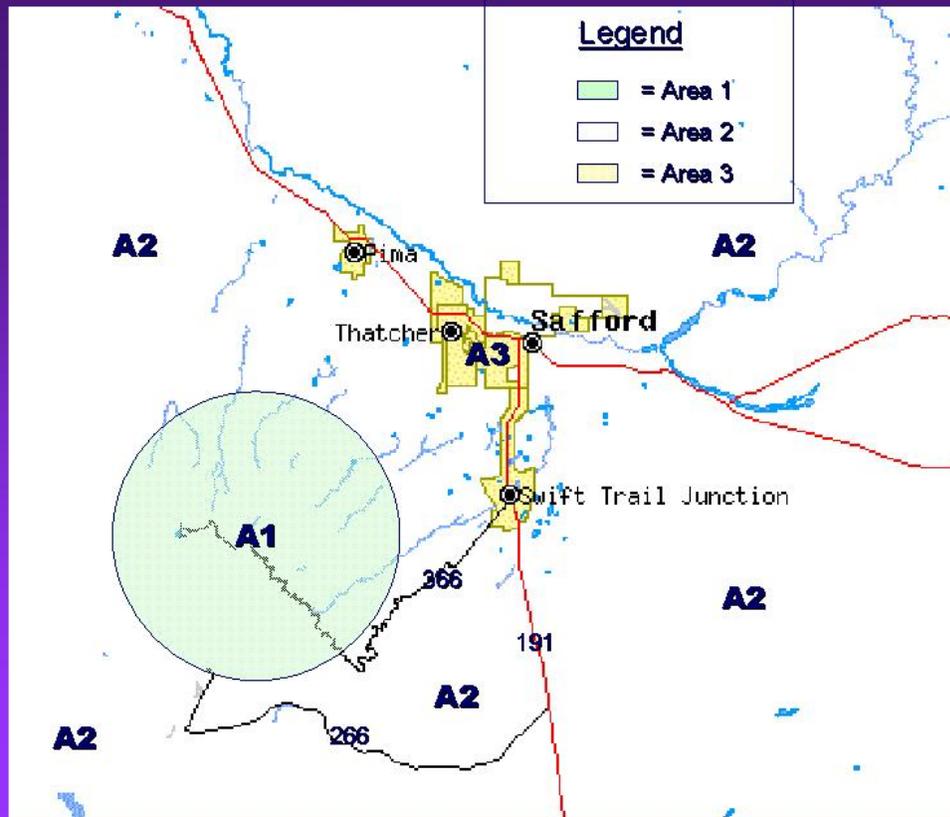
8.18 SPECIAL INSPECTION

In area A3, a special inspection for local governments in Graham County is required if the lumens per net acre are greater than 100,000.

8.19 SEVERABILITY

If any of the provisions of this Article or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the Article, which can be given effect, and to this end the provisions of this Article are declared to be severable.

# Proposed Lighting Areas



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