

## **3. UNINCORPORATED AREAS IN PIMA COUNTY**

### **Overview**

Pima County has a significant unincorporated area with a number of large and growing communities. These unincorporated communities increasingly require municipal-type services the county cannot provide. Such communities have thus far opted not to incorporate as municipalities, or do not meet state requirements. See next section on Incorporated Cities and Towns. Some have devised other mechanisms to provide such services, and have developed governing bodies short of incorporating as municipalities in order to work with the county to improve their areas.

### **Why communities may choose not to incorporate**

Arizona law requires that a community have a population of at least 1,500 (or 500 if within ten miles of a national park or national monument), before it may incorporate as a municipality. Many communities that meet this standard choose to remain unincorporated for various reasons. The question of whether or not to incorporate has been a contentious one among many unincorporated Pima County communities. Some have had movements to incorporate, but these movements have not succeeded.

The contest is over more and better services versus potential for more taxes and another layer of government. Those areas that decide to incorporate usually have problems with infrastructure—roads, water and so forth, and seek better services by having more local control over them. They also seek to take advantage of state revenue-sharing with incorporated areas or protection from annexation by neighboring cities and towns. However, many are satisfied with fewer services and prefer to remain unincorporated and keep their independence and distance from government.

### **Under direct county jurisdiction**

The communities that develop an identity but choose to stay unincorporated remain directly under the jurisdiction of county government. County government in Arizona was designed to carry out state functions that municipalities do not provide, such as public health, environmental regulation and the sheriff's department. However, counties do provide unincorporated areas with some municipal-type services. In more isolated areas municipal services are costly to provide to the satisfaction of the communities.

Being unincorporated does not mean that communities do not organize locally, however. There are different ways and levels of involvement communities use to govern themselves. Some efforts are formal; some are intended to gain more services from county government; some allow the community to operate autonomously.

## **Unregulated subdivisions—wildcat subdivisions**

Under Arizona state statutes, subdivision regulations allow a landowner to divide property up to five splits, unplatted, without having to comply with those local subdivision regulations that address infrastructure needs such as roads, access, sewer, and drainage analysis.

Most communities or housing subdivisions of more than five plots are regulated through local development processes that mandate standards for adequate infrastructure. Developers are required to provide adequate infrastructure, which is then handed over to public authorities to maintain. Under the state “wildcat subdivision” statute, infrastructure is taken care of privately; therefore, it may not be up to standard, and is not handed over for public maintenance.

Over time, wildcat division and re-division (each divided parcel may be divided again into five or less plots, ad infinitum) has created some densely populated residential areas that now want better infrastructure and services. For example, substandard roads wash out easily in floods. But the county cannot spend tax dollars to maintain these substandard private roads.

As of 2005, the county, under the Minor Lands Division, does require a wildcat subdivision to go through a land survey and application process designed to inform landowners what problems might occur in the future with flooding, legal access requirements, etc., and to insure that the subdivision does not have more than five plots.

The U.S. Department of Housing and Urban Development has offered funds to some of the poorer wildcat neighborhoods, calling them colonias: concentrated populations in unincorporated areas—especially in border areas lacking basic services. Thus far, Arizona’s border area colonias have not received as much federal aid as the arguably worse colonies in New Mexico and Texas.

## **Special taxing districts**

Unincorporated communities are increasingly providing themselves the essential services they need by forming special taxing districts, such as fire or water districts. These are a formal type of public authority or local government which can impose and enforce a tax. However, they can only be used for a single specific purpose. These special purpose districts are the fastest growing part of local government in Pima County and nationwide. Tax power limited to providing only one service may seem to the community to be an easier way to hold public authority accountable. Improvement districts can be created as a special taxing mechanism to pay for improvements or services to a neighborhood or homeowner association area. (Arizona Revised Statutes; Title 48)

## **Homeowner and neighborhood associations**

Another way of organizing to provide some services and/or controls, is to form homeowner association and/or a neighborhood association, some of which incorporate. (also see Incorporated Cities and Towns, The City of Tucson)

Homeowner associations (HOAs) are legally different from neighborhood associations. Membership in the former is not usually voluntary if one owns a home in the area. HOAs have covenants, conditions, and restrictions (CC&Rs) which they may enforce. These CC&Rs are attached to the land deeds, and may include such things as requirements for housing styles and uses, RV parking restrictions, garbage pickup, paying for recreational activities, etc., as well as the collection of annual fees. HOAs are considered to be private.

Neighborhood associations, on the other hand, are considered to be public organizations—especially if they are officially recognized. Public agencies encourage these associations to work with them in improving neighborhoods. They are voluntary in membership, although they might charge a fee for joining. They organize to maintain value and bring improvements to the neighborhood through cooperation in planning and improvement projects, or by lobbying city, town or county governments to provide better services.

CC&Rs or deed restrictions on land in neighborhoods are often more restrictive than local governments' land use codes. They also have legal status, and may challenge public land-use decisions through the courts where there is some conflict between the CC&R and the county or city code. On crime issues, in 1997 the Arizona Neighborhood Protection Act (NPA) extended certain parts of victims' rights to registered neighborhood associations to help track criminal proceedings related to crime in their neighborhoods.

## **Community committees or commissions**

Some communities have formed committees or commissions that have elected representatives as an intermediary between the people and the county government. These may be organized for a specific purpose, such as providing social services to its communities, or they may be more broad-based, representing the community at large. Green Valley has such a committee, which acts much like a volunteer government.

## **Private contracting for services**

Municipal services such as water or garbage pickup are sometimes provided by private enterprises—either through the association or by the property owners themselves. The county controls all sewer services for those not on private septic tanks.

Fire service is provided by volunteers, by special taxing fire districts, or by individual homeowners' contracts with private companies such as Rural Metro. Arizona prohibits counties from providing fire protection services.

### **Pima County unincorporated communities**

Pima County has many unincorporated communities across its expanse. We present brief information on those with major populations or those that have the most activity related to governing: Ajo, Altar Valley/Three Points, Avra Valley/Picture Rocks, Casas Adobes, Catalina, Catalina Foothills, Green Valley, Mt. Lemmon/Summerhaven, Tanque Verde, Tucson Estates, Tucson Mountains and Greater Vail Area. See map at the end of this section.

In addition to these, there are other smaller or less organized communities that we merely list here: Cortaro, Drexel/Alvernon, Drexel Heights, East Sahuarita, Flowing Wells (lies partly within the City of Tucson boundaries), Redington, Rillito, Santa Rita, Santa Rosa, Summit, Tortolita, Valencia West, and many more on the Tohono O'odham reservation.

## **UNINCORPORATED AREAS**

### **AJO (Why and Lukeville)**

[ajochamber.com](http://ajochamber.com)

#### **Description and History**

Ajo, an ethnically diverse rural community in western Arizona, began as a copper mining town in 1911 when Col. John Campbell Greenway bought the New Cornelia mine. In 1921 the mine was bought by the Phelps Dodge Corporation. In 1985, it ceased production, and the town became primarily a retirement community and tourist destination. Its name probably comes from the Tohono O'odham word for the red pigment they obtained there. In recent years, Ajo has gained a reputation as an art colony. It is located on State Highway 85, north of the junction with State Highway 86.

#### **Civic Organization**

Western Pima Community council represents the interests of Ajo and the smaller communities of Why and Lukeville. It has eleven elected members, one representative from each of seven districts and four at-large councilors. Ajo has five districts; Why and Lukeville have one each.

### **ALTAR VALLEY/THREEPOINTS-ROBLES JUNCTION/SASABE**

[roblesjunction.org](http://roblesjunction.org)

#### **Description and History**

The Altar Valley is a long, narrow trough through which the Altar Wash flows northward from Mexico. It is bounded by the Baboquivari and Coyote Mountains on the

west, the Tohono O’odham Garcia Strip to the north, Black Mountain, Sierrita Mountains and Cerro Colorado Mountains on the east, and the Mexican border on the south. The Buenos Aires National Wildlife Refuge borders the southeast Altar Valley. Sasabe, the U.S.-Mexico border town, is surrounded by the refuge. Baboquivari Peak is believed by the Tohono O’odham to be the center of their world.

### **Civic Organization**

The Robles Junction Community Council was founded in 1998 and is a 501-3C community-based foundation.

### **ARIVACA**

[arivaca.net](http://arivaca.net)

### **Description and History**

Arivaca was an O’odham village known as Aribac in 1695 when Father Eusebio Kino was setting up missions in the Pimeria Alta. It became a mining and ranching area in the 1800s, and a federal town site in 1916. The remote town now has retirees, commuters, ranchers, and those wishing to live a quiet country life. The town is deliberately unincorporated, but has organizations that meet the needs of the community.

### **Civic Organization**

Arivaca Coordination Council Human Resources Group, Inc.

[arivacahumanresource.weebly.com](http://arivacahumanresource.weebly.com)

Founded in 1988, now coordinates with many other community groups to provide services for the community.

### **AVRA VALLEY/PICTURE ROCKS**

[citizensforpicturerocks.org](http://citizensforpicturerocks.org)

### **Description and History**

The Avra Valley is defined by the Roskruge, Waterman and Silverbell mountains on the west, Tucson Mountain Park and Saguaro National Monument on the east, Tohono O’odham Garcia Strip on the south, and Pinal County on the north. The cultural and historic resources of the Avra Valley are the products of thousands of years of human settlement from the earliest prehistoric times to the present. The town of Silver Bell and the Silverbell ghost town are examples of communities historically linked to mining in the west. Today the large community of Picture Rocks is an unplatted settlement east of Saguaro National Park West. Historic uses of mining, ranching, and farming in the valley continue, but now rapid private land development and a pattern of growth dominated by unregulated development of individual lots along with a few platted residential subdivisions is taking hold.

### **Civic Organization**

Citizens for Picture Rocks is a voluntary community organization formed in 2002 to urge the county to improve law enforcement in the area. It is now active in

community cleanup as well. The committee meets at 7 p.m. monthly on the third Tuesday of the month at the Picture Rocks Community Center, 5615 N. Sanders Rd.

## **CASA ADOBES**

### **Description and History**

The Casas Adobes area, just north of the City of Tucson, was mostly cattle ranches and citrus orchards until the 1920s, when ranches were sold off in parcels of land for home sites. In the 1950s, Italian-born Sam Nanini developed three subdivisions on about 300 acres that became the heart of the Casas Adobes community. The homes were built with adobe, from which the community gets its name. In 1997, Marana initiated an effort to annex the area, and from 1997 to 2001 activists tried to incorporate to defend against annexation, but the attempt to incorporate was finally defeated in 2001. Tohono Chul Park, a private nature park, is located in Casas Adobes.

### **Civic Organization**

There are many neighborhood associations in Casas Adobes that work together to promote quality of life issues including crime and nuisance prevention, but there is no formal civic organization.

## **CATALINA**

[catalinaaz.org](http://catalinaaz.org)

### **Description and History**

Catalina is a small residential community located twelve miles north of Tucson on Highway 77. It was founded in 1950 when rancher E.B. Garner and his wife started selling parcels of their 112-acre ranch. San Manuel copper miners settled in the area, along with others who wanted rural or more affordable lives. In 1959, Chicagoan Lloyd Golder III bought the large Rail N ranch, renamed it Golder Ranch, and began subdividing for mostly wildcat development. Tucson commuters, retirees and original homeowners now give the area an eclectic mix of residents. Business development along Oracle Road is increasing.

### **Civic Organization**

The Greater Catalina/Golder Ranch Village Council composed of local volunteers, offers a community forum for citizens, and strives to bring public services to the area.

## **CATALINA FOOTHILLS**

[cfatucson.org](http://cfatucson.org)

### **Description and History**

The area in Pima County that stretches along the lower south side of the Santa Catalina Mountains is generally referred to as the Catalina Foothills (or just the foothills). Much of the area was acquired by John Murphy in 1928 in a successful bid to buy 7,000 acres of public land. Murphy wanted to develop a hacienda style community with amenities to attract prominent buyers from the East Coast who wished to spend

the winters in the desert. He divided his land into large parcels, creating the Catalina Foothills estates (CFE) on which he placed strict Covenants, Codes and Restrictions (CC&Rs) in order to maintain the desert and protect property values. This area is roughly bounded by River Road on the south, Skyline/Sunrise on the north, First Avenue on the west, and Hacienda del Sol on the east. It also includes an area west of the northwest corner of Skyline and Campbell.

CC&Rs in areas CFE No. 1 through No. 4 expired in 1980, but some property owners have reinstated them. CFE No. 5 and No. 6 maintain original covenants. CFE areas No. 7 through No. 9 have their own CC&Rs and boards, as does No. 10. Condos and townhouse in many of the areas have their own CC&Rs and boards. The foothills area holds many resorts, gated communities, shopping centers and retail and office complexes, in addition to thousands of homes and apartments.

### **Civic Organization**

The Catalina Foothills Association (CFA) is the largest among many homeowner associations and gated communities in the Foothills.

## **GREEN VALLEY**

[gvcouncil.org](http://gvcouncil.org)

### **Description and History**

Green Valley is located 23 miles south of Tucson on Interstate 19. It is part of the original San Ignacio de la Canoa land grant from the King of Spain. In 1964 a development company started the current community—primarily as a retirement community. In 1966 several Green Valley homeowner associations came together to form the Green Valley Community Coordinating Council (GVCCC). The GVCCC incorporated as a 501c(4) in 1973 with six homeowner associations. Today there are more than 73 homeowner associations represented, plus many institutional members represented on the council.

### **Civic Organization**

The GVCCC (The Council) is a volunteer government with no legal municipal authority. Each HOA selects a representative to the board, and more than 50 local organizations and businesses are also represented. The executive board consists of eleven members, who are elected every two years by the board of representatives. The office is located at 555N. La Cañada Dr. Suite 117.

## **MT. LEMMON/SUMMERHAVEN**

### **Description and History**

Mt. Lemmon/Summerhaven is a small village in the Santa Catalina Mountains 25 miles northeast of Tucson. It is a resort community serving skiers in the winter, and Tucson and Phoenix residents seeking cooler temperatures in the summer. The Summerhaven area was originally used in the 1870s and 1880s by the U.S. Army at Ft. Lowell in Tucson as a military camp in its campaign against the Apaches. Summer haven suffered major losses from the Aspen fire in 2003.

### **Civic Organization**

Although there is no formal governing body, the Mt. Lemmon Fire District and the Mt. Lemmon Firewire Committee have become the focus for community organization.

## **TANQUE VERDE**

### **Description and History**

Located 12 miles northeast of Tucson near the foothills of the Rincon and Catalina Mountains, Tanque Verde began as a small community which was at that time remote from Tucson. It was settled by ranchers arriving in the area around the 1860s. Tanque Verde is Spanish for green tank, and refers to the algae which grew in a large water tank in the area. The Apache tribe had a strong presence in the area, as well as soldiers from Ft. Lowell. After the fort closed in 1891, immigrants from Baja California moved into the area. Eventually, changes in the economy and the growth of Tucson changed the nature of the population. According to the U.S. Census Bureau, Tanque Verde has the highest median household income in southern Arizona. In 1866 the Tanque Verde School District was formed [tanqueverdeschools.org](http://tanqueverdeschools.org), and the school board remains a central community organization today.

Tanque Verde has strong covenants dictating land-use, which has somewhat inhibited population growth, and ensured land preservation. There is a strong equestrian presence in the area.

Recreation opportunities in the area include Roy P. Drachman Agua Caliente Regional Park and Sabino Canyon Recreation Area, which is part of Coronado National Forest.

### **Civic Organization**

Tanque Verde Valley Association (TVVA) [tvva.org](http://tvva.org)

TVVA has been in continuous existence since its incorporation in 1949. It is a non-profit organization with no political affiliations or loyalties, and is the oldest and largest organization of its type in Pima County. TVVA exists for the purpose of offering a unified voice on issues that impact the communities within the Tanque Verde Valley. The board and membership work to guide the orderly development of the Tanque Verde Valley, to uphold zoning codes, to preserve or improve the unique scenic and ecological characteristics of the area, and to address new issues that may arise.

## **TUCSON MOUNTAINS**

### **Description and History**

Located west of Tucson, the Tucson Mountain area is bounded on the north by Twin Peaks Road, on the east by Silverbell Road, on the south by Starr Pass Boulevard, and on the west by Saguaro National Park and Tucson Mountain Park. It was settled by homesteaders in the earliest years of Arizona Territory by those who valued rural life and the land that makes it possible. It remains a community dedicated to preserving



expanses of land to support that lifestyle. Areas of interest include Saguaro National Park West, Tucson Mountain Park and Sweetwater Preserve.

### **Civic Organization**

The Tucson Mountains Association ([tucsonmountainsassoc.org](http://tucsonmountainsassoc.org)) was formed in 1934 to fight for needed roads and utilities. It was incorporated in the early 1950s, and works mostly for conservation of lands and to protect its way of life. It is not a conventional homeowner's association, since it is voluntary and its membership consists of a small proportion of the families in the area. While it has no legal status, it has raised money to purchase land to hold in conservation until the county agrees to buy it in order to protect it.

## **TUCSON ESTATES**

[tucsonestates.com](http://tucsonestates.com)

### **Description and History**

Tucson Estates is a community of manufactured homes in a single development that is so large it has become a self-contained, town-sized community. It lies north of Ajo Way on Kinney Road, south of Old Tucson Studios on the southwestern outskirts of Tucson.

### **Civic Organization**

In 1991 the individual residence owners of Tucson Estates created the Tucson Estates Property Owners Association, Inc. (TEPOA) to hold title to the common areas of Tucson Estates. It has the powers of a standard incorporated homeowners association. Because of its large size, it has more ties with the county than most homeowners associations.

## **GREATER VAIL AREA**

**Includes: Vail, Rincon Valley, New Tucson, Empire Mountains, Corona de Tucson**

### **Description and History**

The Greater Vail Area is 24 miles southeast of Tucson and stretches from the Rincon Mountains south to the Empire and Santa Rita Mountains. The original town site is located between two sets of railroad tracks, and bookended by its two remaining historic buildings—the 1935 Shrine of St. Rita in the Desert [stritainthedesert.org](http://stritainthedesert.org), and the 1908 Vail store and post office. The community of Vail began in 1880 as a Southern Pacific railroad siding. It took its name from ranchers Walter and Edward Vail, who settled in the area in the late 1870s, and established the Empire and Vail ranches. The Greater Vail Area contains many historical and scenic treasures, including the Cienega Creek Preserve, a section of the Arizona Trail [aztrail.org](http://aztrail.org), Colossal Cave Mountain Park [colossalcave.com](http://colossalcave.com) and Saguaro National Park East [nps.gov](http://nps.gov). The top-performing, community-minded Vail Unified School District attracts families, and is one of the reasons that Vail was named one of the top 10 places for young families in the Arizona by NerdWallet in 2015. The Vail Voice [vailvoice.com](http://vailvoice.com) is a free newspaper mailed to every household monthly.

**Civic Organizations**

Greater Vail Chamber of Commerce [greatervailchamber.com](http://greatervailchamber.com)

Vail preservation society [vailpreservationsociety.org](http://vailpreservationsociety.org)

Cienega Watershed Partnership [cienega.org](http://cienega.org)

Rincon Institute [rinconinstitute.org](http://rinconinstitute.org)