

CODE OF THE WEST



It is important for you to know that life in the country is different from life in the city. County governments are not able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision to purchase rural land.



ROADS AND ACCESS

The fact that you can drive to your property does not necessarily guarantee that you, your guests and emergency service vehicles can achieve that same level of access at all times. Consider the following.

EMERGENCY RESPONSE- Response times by law enforcement, fire suppression and medical emergency services may vary due, in part, to the County's geography, road conditions in bad weather, and the inadequacies of rural addressing. Emergency response to outlying areas can also be extremely slow and expensive. If the property you purchase is not in an existing Fire District, which is often the case in rural areas, you could be billed a substantial amount for the cost of a response to a fire or medical emergency.

LEGAL ACCESS- The existence of an unobstructed road to your property does not guarantee the road will remain open in the future or that you will have unlimited access. The road may cross another property. With the assistance of a title company or private attorney, verify existing easements and ensure that all necessary ingress/egress easements are in place.

ROAD MAINTENANCE- Apache County maintains about 800 miles of off reservation roads- 60(+/-) miles are paved. Many rural properties are accessed by public easements ("N" Roads), which are not maintained by the Apache County Roads Department – no grading or snow plowing. Some public easements are not maintained on a regular basis or maintained by anyone! It is very important to know if your property is accessed by a public easement or a county maintained road, what type of maintenance to expect, and who will maintain it.

PRIVATE ROAD STANDARDS- Emergency service and large construction vehicles may encounter problems navigating small narrow roads. To address this issue, Apache County adopted an ordinance requiring access roads to be built to a certain standard. For more information, contact Apache County Engineering Department at our web site www.co.apache.az.us or 928-337-7528.

EXTREME WEATHER DRIVING- In extreme weather conditions, roads (including County maintained roads) can become impassable. You may need a four wheel-drive vehicle and/or chains for all four tires to travel safely during storms, which can last for several days.

NATURAL DISASTERS- Natural disasters, especially floods, can destroy roads. A dry creek bed can become a raging torrent and wash out roads, bridges and culverts. Property owners served by private roads and subdivision roads are responsible for the repair and reconstruction of damaged roads and structures, which can be very expensive.

PAVING- If an existing road is unpaved; it is highly unlikely that Apache County will pave it in the foreseeable future. If the seller of any property indicated that the road will be paved-be careful! Contact Apache County Engineering Department to verify the status of the road and any future plans for the road.

VEHICLE “WEAR AND TEAR”- Because unpaved roads are typically rough and slippery in wet weather, vehicle maintenance costs may increase when you regularly travel on these roads.

CONSTRUCTION COSTS/DELAYS- It may be more expensive and time consuming to build a rural residence due to delivery fees and the time required for inspectors to reach your site.

MAIL, NEWSPAPER AND PARCEL DELIVERY- Regular mail, newspaper and/or parcel delivery may not be available in all areas of the County. Check with the postmaster, local newspaper office and parcel delivery services in your area. Delivery fees may also be higher than within a city.

SCHOOL BUSES- School buses travel only on roads that have been designated as school bus routes by the school district. It may be necessary to drive your children to the nearest publicly maintained road to catch the school bus. Check with the school district to determine the appropriate school bus route for your area.



UTILITY SERVICES

Utility services-such as water, sewer, electric and telephone may be unavailable in rural areas or may operate at a lesser standard than in cities. Also, repairs and maintenance may take longer and could be more expensive.

ELECTRIC SERVICE- Electric service is not available to all areas of the County. Because costs to extend power lines can be prohibitive in certain areas, some property owners use a generator or alternative power sources such as solar or wind-powered systems. The cost of electric service includes a fee to tie in to the existing utility system and a monthly usage charge from the local utility company. There may also be underground trenching costs, material costs and electrician fees. In some cases, it is necessary to cross your neighbor's property to bring power to your property (either overhead or underground lines). It is important to verify the existence of existing easements, or to obtain the proper easements prior to construction of the power lines. It is important to determine your power needs and level of service availability. Also, due to ongoing development and limited utility line capacity, electric power that is available today may not be available when you decide to build. If you are purchasing land with the plan to build at a future date, there is a possibility that electric lines (and other utilities) may not be large enough to accommodate you, if others connect during the time you wait to build.

POWER OUTAGES- Power outages can occur in outlying areas more often than in more developed areas. Loss of electricity can interrupt your well water supply, interrupt your communications systems, cause food to spoil in refrigerators and freezers and possibly damage computer and electronics equipment. It is important to be able to survive in rural areas without utilities for a least a week in severe cold weather.

WATER- If treated domestic water service is available, the tap fees and monthly service fees may be more expensive than municipal water systems. If direct water service is not available, you will need to find an alternative water supply. The most common means is to haul water, or have it delivered by a commercial outfit. Hauling water can be an arduous task and requires a vehicle and/or a trailer large enough to carry a very large water tank. Depending on how much water your family uses, the tank may have to be filled frequently.

WELLS- Another alternative water supply is to drill a well. Drilling and pumping costs can be considerable and, in some cases, prohibitive. The quality and quantity of well water may vary considerably from location to location, and from season to season. Well permits must be obtained from the Arizona Department of Water Resources and the Apache County Department of Health Services Environmental Quality Division.

SEWER/SEPTIC SERVICE- Sewer service is not available in most rural areas. If sewer service is not available, you will need an approved septic system or other treatment process. The type of soil available for a leach field is very important in determining the cost and function of a new septic system. In some cases, a standard septic system will not work (based on soil conditions) and an alternative septic system is required. Alternative systems can be very expensive (they could exceed \$20,000). If there is an existing septic system on the property, it should be checked by a reliable sanitation service. Some existing septic systems may have been installed without the required permits and, therefore, could be inadequate. You are strongly urged to work with a private engineer and the Apache County Department of Health Services Environmental Quality Division (www.co.apache.az.us.com) to determine the adequacy of an existing system, the type of new system you might need and associated costs.

TELEPHONE SERVICE- Rural telephone services can range from full telephone service-to cellular phone service only-to no service at all. It may also be difficult to obtain additional telephone lines for fax or computer modem use.

TRASH REMOVAL- Trash removal can be a challenge in a rural area. In some cases you may be able to contract with a private solid waste hauler, or there may be a dumpster located within an acceptable distance from your home. In more remote areas, the most viable option may be to haul your trash to a landfill or a solid waste transfer station. It is important to know that it is illegal to create your own trash dump, even on your own property. Residential recycling pick-up is not available in most rural areas.



WIDE OPEN SPACES

There are many issues that can affect your decision to purchase a piece of property. It is important to research these items prior to your purchase.

BUILDING PERMITS- Building permits are required in all unincorporated areas of the County, but not all properties that are for sale are legal for building. Building permits will not be issued on properties that are too small for the zoning district in which they are located or if the parcel was created without proper approvals. The County Assessor has many parcels that are recognized for the purpose of taxation, but for which a building permit cannot be issued. You are strongly advised to check with Apache County Planning and Zoning to determine whether a parcel is suitable for building.

EASEMENTS- Existing easements on your property may require you to allow construction of roads, power line, water lines, and sewer lines etc., across your land. These existing easements may also prevent you from building your residence, accessory buildings, or fences where you want to locate them. All legally recorded easements should be disclosed in your title report. Check with your Real Estate Agent, Title Company, or the Apache Count Recorder's Office to identify all existing recorded easements.

MINERAL RIGHTS- Many Property owners do not own the mineral rights on/under their property. This information may be included in your deed or in your title report. Owners of these rights can change the surface characteristics in order to extract mineral deposits. Much of the land in Apache County can be used for mining. A special review by the Planning and Zoning County Commissioners is usually required.

PROPERTY PLAT/REGISTERED SURVEY- The only way to verify the location of property lines is by having a Registered Land Surveyor survey and mark the property corners. Before applying for a building permit, it is the property owner's responsibility to accurately identify property lines.

FENCES- Fences that separate properties are often not aligned accurately with the property lines and should not be relied on to identify property boundaries. Again, the survey done by a Registered Land Surveyor is the only way to confirm the location of your property lines.

DEED RESTRICTIONS/COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS)- Many subdivisions and individual parcels have covenants and/or deed restrictions that limit the use of the property. These documents are private agreements and are not enforceable by the County. It is important to obtain a copy of the covenants/deed restrictions (or verify that there are none) and determine if you can live with the rules.

HOMEOWNERS ASSOCIATIONS- Homeowners associations typically establish by-laws that outline how the organization operates and they may set monthly or annual dues. In some cases, they also enforce CC&Rs. You may be legally required to join the association, which often takes care of common elements, roads, open space, etc. A poorly managed homeowner association or poorly written covenants can result in problems for the property owner-check with neighbors who have belonged to the association for a long time to determine its effectiveness.

THE FUTURE OF YOUR PROPERTY- What surrounds your property now is not a good indicator of what the surroundings will look like in the future. Spectacular views can be replaced by structures if neighboring private parcels are already approved for development. There is also no guarantee that surrounding public lands will remain undeveloped. Check with Apache County Planning and Zoning Department and appropriate state and federal agencies to find out how the properties are zoned and to see what future developments may be in the planning stages.

FLOODPLAINS- Before you decide to build your home near a ditch or channel, consider the potential danger to your family and property. All channels have an associated floodplain but only larger ones have been studied and mapped. Consult Apache County Engineer Department regarding potential flood and drainage issues with your land. If there is an existing ditch across your property, there is a good possibility that it is covered by an existing easement that may not be of record. Through the easement, owners' of the ditch are allowed to enter your property to gain access and use heavy equipment if necessary to maintain the ditch.

IRRIGATION CHANNELS/STREAMS- Water flowing in an irrigation channel or stream belongs to someone. Do not assume that because water flows across your land, you can use it. Check with your neighbors and the Water Rights Division of the Arizona Department of Water Resources to determine specific water rights.



MOTHER NATURE

Residents of rural areas may experience unique problems when the elements and the earth turn unfriendly. Here are some thoughts for your consideration.

CHARACTERISTICS OF YOUR PROPERTY- The physical characteristics of your property can be both positive and negative. Forested areas are a wonderful environmental amenity, but they can also increase the risk of your home becoming involved in a catastrophic forest fire. Defensible perimeters are very helpful in protecting buildings from forest fires and can also protect the forest from igniting if your house catches on fire. Building in a forested area can be as dangerous as building in a flash flood area. If you start a forest fire, you are responsible for the cost incurred to fight and extinguish the fire.

FIRE PROTECTION- Rural dwellers are expected to show a measure of self-reliance in protecting their home from fire. Protecting your home from wildfire starts with YOU. Please look around your home and see which of these FIREWISE fundamentals apply to you.

- **Be easy to find-** have a readable address.
- **Be accessible-** Driveways and roads need to be able to accommodate emergency vehicles.
- **Create defensible space around your house.** Remove leaf and pine needle accumulation along with other flammables within at least 30 feet of the house.

- **Cut down trees to create open space around your house.** By ensuring that trees or clumps of trees are properly spaced (suggested 20 feet apart at the canopy); you can help prevent flames from traveling from tree to tree in a solid front-or crown fire. Properly thinning trees within 125 feet of your home and eliminating those branches that overhang the roof can improve the chances of protecting your home from an advancing wildfire.
- **Remove tall, dry grasses from the surrounding property.** Tall, dry grasses provide a path for fire that can lead directly to a house.
- **Remove leaves and pine needles from your roof and gutters.** During a fire, debris on the roof and/or in the gutters could be ignited by flying embers.
- **Remove “ladder fuels.”** Prune tree limbs so the lowest is between 6’-10’ from the ground. Fire burning through tall, dry grass could ignite these limbs and climb to the top of the tree with relative ease.
- **Check your gas-powered equipment and garden hoses to be sure they are in good repair.** Yard equipment needs annual maintenance and proper fueling. During wildland fire season, fuel your lawn mower properly—away from dry, flammable grasses. Hoses develop leaks and deteriorate with age and exposure.
- **Prune bushes and shrubs regularly.** Remove excess growth as well as dead leaves and branches to decrease their flammability and the threat they could pose during a wildland fire.

DUST- Because of the County’s arid climate, dust is a common rural characteristic. Large amounts of windborne dust can be generated from unpaved dirt, cinder or gravel roads. If you or anyone in your family suffers from respiratory ailments, it is important to consider how the dust may affect your health. Dust will always be a reality in rural areas.

LANDSCAPING- Because Apache County receives less than 20 inches of precipitation per year, water is a scarce resource that should be used wisely.

SNOW ACCUMULATION- North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that large amounts of snow will accumulate and not melt throughout the winter. In these conditions, keeping an access road open can be difficult and expensive.

STEEP SLOPES- Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.

TOPOGRAPHY- The topography of the land can tell you where water will drain during rain storms and snow melt conditions. When property owners fill in washes, the natural drainage may be rerouted toward your house or your neighbor’s.

FLASH FLOODS- Flash floods can occur, especially during spring run-off or summer thunderstorms, and they can turn a dry wash into a river. It would be wise to obtain a floodplain map from Apache County Planning and Zoning Department before

deciding where to build your home. The County does not provide equipment or labor to protect private property from flooding.

WILDLIFE- Nature provides us with some wonderful neighbors. Most, such as deer, elk and eagles are positive additions. However, even “harmless” animals can cross the road unexpectedly and cause serious traffic accidents. If you do not handle your pets and trash properly, they could cause problems for you and the wildlife that lives around you. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, bears, mosquitoes and other animals that can be dangerous to humans. Generally speaking, it is best to enjoy wildlife from a distance. Arizona Game and Fish offers many free publications on living with wildlife.



AGRICULTURE

Owning rural land means knowing how to care for it and what to expect. Here are a few things you need to know about animals and agriculture.

AGRICULTURAL OR LIVESTOCK BUSINESSES- If you anticipate operating an agricultural or livestock business be sure to research water rights associated with your land. Obtain accurate information on the quantity of water needed for your desired use. Because the flow rates in an arid climate are unpredictable, there is no guarantee sufficient water will be available at any given time.

NOXIOUS WEEDS- Before buying land, you should know if there are noxious weeds on the property that may be poisonous to horses and other livestock and expensive to control. In some cases, you may be required to eliminate them.

ANIMALS- Animals can be dangerous and some livestock have been known to attack humans. Teach your children that it is not always safe to enter animal pens.

THE RURAL “AROMA”- Many people who live in rural areas keep livestock on their land. The Apache County Health Services enforces regulations for the collection and disposal of manure, but objectionable odors may still be present. Living in rural areas means living with the smells inherent in rural life. Development of new residential areas is not grounds for shutting down existing permitted agricultural uses.

ARIZONA’S OPEN RANGE LAW- Arizona has an open range law. This means that if you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out. It is not the responsibility of the rancher to keep his/her livestock off your property. Also, if your dog harasses livestock, the rancher may legally shoot the dog without prior notice to you.

IN CONCLUSION



Even though you pay property taxes to the County, the amount of tax collected does not cover the cost of services provided to rural residents.

Since the rural west will not change immediately to accommodate your lifestyle or expectations, you should be prepared to adapt accordingly. You are encouraged to be vigilant in exploring and thoroughly examining any issues related to a rural existence that could affect your decision to relocate to this area. The information presented in the Code of the West is not intended to discourage you, only to give you a true and accurate picture of rural living in *Apache County, Arizona*.