



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2019-02

Supersedes: DD-1999-11
DD-2004-01
DD-2013-15

Effective: November 25, 2019

Initiator: Tom Ewers

Director: Jen Pokorski

Purpose: To clarify requirements for private water systems using shared wells.

References:

ARS Sections 49-352 and 40-281
Arizona Administrative Code Section R18-9-A312
Maricopa County Zoning Ordinance
Maricopa County Local Additions and Addenda, Chapter 2
International Building Code
National Electrical Code
International Plumbing Code
DD-2013-11 Utility Permits
DD-2012-10 Site Plan Requirements

Statements:

1. ARS Section 49-352 defines a public water system as a water system that: Provides water for human consumption through pipes or other constructed conveyances and has at least 15 service connections or regularly serves at least 25 persons for at least 60 days a year.
2. Public utility systems require a Certificate of Convenience and Necessity and are regulated by the Arizona Corporation Commission. Permit requirements for public utility system electrical services to wells are contained in Department Directive DD-2013-11.
3. Maricopa County Zoning Ordinance allows, as a principal use in Rural and Residential zoning districts, public utility systems that provide service to the public: water, gas, electricity, telephone and cable television. The foregoing shall be deemed to include without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. Public utility treatment and generation plants, offices and attendant facilities to the above uses may be allowed with a Special Use Permit. Public utility treatment and generating plants, offices and attendant facilities are uses allowed by right in the commercial and industrial zoning districts.
4. Maricopa County Zoning Ordinance Section 1106.1 states in part: accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established.
5. Private wells and water storage tanks are considered accessory uses.
6. Permits for the drilling of the well are issued by the Arizona Department of Water Resources, after review by the Maricopa County Environmental Services Department.
7. Arizona Administrative Code R18-9-A312 requires all private wells to be set back more than one hundred feet (100') from any on-site waste water (septic) system.

8. County Counsel has advised that the Planning and Development Department staff cannot review or comment on legal documents such as shared well agreements.

9. All applicants for Maricopa County Building Permits are required to sign a Development Disclaimer Notice acknowledging that "Maricopa County does not guarantee the availability of potable water at this site".

Policy/Procedure:

1. A principal permitted use must be established on a lot before an accessory use permit for a well or water tank will be issued. This means that a building permit must have been issued for a house or other principal permitted use in order to establish a principal permitted use on a lot or no accessory use well or storage tank permits will be issued. An exception is allowed by the Maricopa County Planning and Development Department Director for special cases where the vacant lot with the private well is adjacent to, or related to, a lot with a principal permitted use house that will utilize the shared well.

2. No private water system shared well may serve more than 15 lots or houses. Additionally, all applicants are cautioned that typical population estimates of three or more people per house would result in no more than eight houses being able to use a private water system shared well in compliance with State Statutes.

3. A minor electrical permit is required for electrical service to a private water system shared well.

4. An accessory use building permit is required for an above ground or below ground water storage tank although building plans are not required and building permit or plan review fees will not be charged unless the water tank exceeds 5000 gallons or is supported by a structure rather than resting on the ground.

5. Addressing fees will be charged whenever a separate address must be assigned for the electrical service to the private water system shared well for utility company billing purposes.

6. Each permit application must be submitted with a Contact Supplemental Form and seven copies of a site plan complying with departmental directive DD-2012-10. All site plans for a house must show the water connection and on-site waste water (septic) system. If the water connection goes offsite to a shared well then the necessary access easements must be shown. Site plans must also show that any on-site waste water (septic) systems are setback more than one hundred feet from any well and more than fifty feet from any property line unless otherwise approved by the Environmental Services Department.