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# Preservation Policy and Procedures

## Public and Private Sector Development Review in Pima County, Arizona

Unlike many local government jurisdictions, Pima County, Arizona, is vast—and perhaps unique—in how it developed its support for preservation policy. Larger than some states, Pima County comprises an area the size of Connecticut, Delaware, and several Rhode Islands combined, or 9,240 square miles, with a total population of less than 800,000 people. More than half live in Tucson, its largest city, with the rural areas very sparsely populated. Pima County, with its long and complex prehistoric and historic past, has a diversity of historic properties located throughout a culturally diverse region. Furthermore, its Native American, Spanish Colonial, Mexican, and Territorial heritage remains very much a part of the community's vitality. The vast landscape, shaped by generations of its founding groups, and the region's cultural origins together have come to define the community's sense of place and identity. For Pima County, public policies that support historic preservation derive from this connection with the past, which has fostered the community's expectations for a commitment to historic preservation from their local government.

With the public's support, Pima County began to develop working policies to assess the potential impacts of development on archeological and historic sites as early as 1970. This process occurred in response to growing public concern about the need for historic preservation and was further stimulated by new federal laws like the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969. By 1983, these policies were formalized by the Pima County Board of Supervisors, and by 1985, they were extended to private sector development of subdivisions and commercial projects. Today, Pima County has a comprehensive cultural

resource component in the development review process for both public works projects and private development.

Local government, however, has not always acted so responsibly. Like many cities in the 1960s that were offered large sums of federal redevelopment money, Tucson undertook the Pueblo Center Redevelopment Project, also called the Tucson Urban Renewal Project, which destroyed nearly half of what had been the heart of “old town” Tucson for 200 years, its Presidio area and adjacent barrios and Territorial districts. Unfortunately, it took the wholesale destruction of the historic cores of many American cities to serve as the catalyst nationally for some of the first local historic preservation policies. In Tucson, public outcry stopped the destruction, and the joint Tucson-Pima County Historical Commission was established in 1972, resulting in the adoption of the first Historic Zone Ordinances in Tucson and Pima County.

Some 10 years later, a second unfortunate incident focused attention on the protection of archeological sites. In 1982, the Tucson began construction of a new road along the Santa Cruz River south of downtown and just north of the San Xavier Indian Reservation. Although a large prehistoric Hohokam village, the Valencia Site, was known to be present, road construction proceeded, and numerous archeological features were

*North of Tucson along State Interstate Highway 10, the Arizona Department of Transportation recently hosted public tours of the archeological investigations it sponsored where frontage road improvements are planned. These investigations revealed very significant new information about a transitional period in southern Arizona that marked the adoption of agriculture, the establishment of permanent villages, and advances in pottery technology.*



Archeologists excavate the remains of a prehistoric Hohokam pit house impacted by road construction at the Valencia Site south of Tucson. Although damage to this site was unintentional, community response prompted Tucson and Pima County to adopt cultural resource protection policies and procedures to avoid such damage in the future.



impacted. The Native American community and the general public demanded the suspension of all construction activities until an appropriate data recovery program could be completed. As before, the community's response coalesced into support for the establishment of preservation policy. Looking to existing law for guidance, Pima County and Tucson broadly recognized the applicability of federal and state statutes including the National Historic Preservation Act of 1966, the Arizona State Antiquities Act, and the State Historic Preservation Act and adopted resolutions for the protection of archeological sites in 1983.

#### *Public Works and Cultural Resources*

By adopting these resolutions, the city and county accepted responsibility for the assessment of potential impacts to archeological sites and historic structures that may be affected by proposed public works projects, such as road construction and park development. This also provided the necessary justification for creating the Pima County Cultural Resources Program and bringing preservation expertise on staff. Today, all county undertakings are subject to the same standards and procedures used by federal and state agencies. Project engineering plans are reviewed at various planning and design phases. The steps involve site records checks, cultural resources inventory, recording, site assessment and determination of eligibility to the National Register of Historic Places, consultation with the State Historic Preservation Office, and mitigation as appropriate. If impacts to cultural resources cannot be avoided, the necessary survey, assessment, and mitigation programs are con-

ducted by competitively selected cultural resource consultants under contract to Pima County. These procedures are followed whether there is federal or state agency funding involved or whether it is strictly a county sponsored and constructed project.

#### *The Private Sector and Cultural Resources*

What I have just described accounts for the responsibility of local government to mitigate impacts to cultural resources that are caused by their own actions. In Pima County, however, private development is held to the same standards and regulations as county public works projects. It is the responsibility of the private developer to fund the necessary surveys, assessments, and mitigation measures as part of the development approval process.

The process begins with the cultural resource policies expressed in the Pima County Comprehensive Plan, the primary planning document upon which county land-use regulations are based. These policies affirm the principle that historic preservation is an important element in documenting Pima County's cultural heritage and in maintaining and preserving our community's identity and sense of place.

With Pima County government setting historic preservation policy for itself in 1983, these policies were then extended to the private sector in 1985 through zoning and grading requirements defined in the Pima County Zoning Code. Specifically, the Rezoning Ordinance and the Site Analysis process requires the identification, recording, and evaluation of historic properties, as well as a mitigation plan if warranted. Parcels exceeding five acres for residential development and commercial developments greater than one acre are subject to site analysis requirements. Rezoned parcels become subject to the "Special and Standard Conditions" or "Specific Plan Regulations" for mitigation of impacts to cultural resources. If these conditions are violated, the developer can be subject to zoning violation fines, revocation of permits, retention of bond assurances, or non-acceptance of roads or other infrastructure.

The Grading Ordinance is applied to any subdivision or commercial development project, whether a new rezoning or a parcel zoned prior to 1985. Grading and construction cannot begin until the cultural resource mitigation requirements are met. Once the appropriate mitigation is completed by permitted consultants under contract to the developer, a Grading Permit is issued. Often the subdivision plat, development plan, and specific plan can be phased to accommodate development.

Mitigation can include typical archeological data recovery programs with analysis and report-

ing, in-place preservation in designated open space preserves, documentation and adaptive use of historic buildings, or donation of archeological sites to organizations like the Archeological Conservancy. Plat notes, covenants and deed restrictions, and homeowner association regulations further serve to ensure the protection of these sites. It should be noted that this process only applies to large projects that require filing of subdivision plats or development plans. The individual who purchases

land with the intention of building one single family home is not affected by these regulations, except for compliance with the state burial protection laws.

I feel it is critical to understand there can be no double standard regarding how these policies are applied to the public and private sectors. Both must acknowledge there is an equal and common responsibility. That is, the private sector is much more likely to accept cultural resource regulations on development if the local government itself has already taken on the same responsibility in its own projects and demonstrated its commitment to preservation. Alternatively, local government that exempts itself from historic preservation policy and regulations while imposing the same preservation requirements on private sector development is likely to be challenged as being unfair and risks losing its ability to protect its cultural resources at all. Once preservation policies are rejected or viewed as an unfair hardship by the community, it becomes very difficult to recreate the necessary public and government support for this kind of land use regulation.

In summary, since 1983, Pima County has adopted an incremental set of preservation policies, regulations, and ordinances, which work together with state and federal regulations to address each step of public and private development. This takes significant cooperation among the various county departments, commissions, planners, outside engineering and consulting firms, and elected officials to ensure that we are collectively achieving our preservation objectives and serving the public interest. Regardless of the unique circumstances in any local government setting, procedures for the protection of archeological and historical properties do not develop without the establishment of public policies that are backed by popular support. In my opinion, the key to the future of historic preservation policy is how well these efforts benefit the public and meet perceived community expectations.

#### References

- Pima County Comprehensive Land Use Plan. 1992.
- Pima County Cultural Resources Protection. Resolution 1983-104
- Pima County Grading Ordinance. Pima County code. Chapter 18.81
- Pima County Rezoning Procedures. Pima County code. Chapter 18.91

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Photos by the author.

