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County island residents gain freedom but lack services

by **Art Martori** - Nov. 5, 2008 12:00 AM
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For William Higney, living in the city would be far too restrictive.

So he moved to county land, to an island far removed from most of the rules.

And now Higney is living his dream: Christmas every single day.

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It's the American dream, really, Higney said, to have such freedom that he's able to express himself with a technicolor avalanche of toys - some might call it trash and debris - that almost buries his home east of Mesa.

Higney's individualism highlights what can be the good and bad of county islands, those unincorporated areas hemmed in by one or more cities.

Many county islanders, like Higney, are happy, but others say the lack of regulation can be vexing.

Maricopa County, the fourth most populous county in the nation, governs with a more-relaxed style of enforcement than most cities.

Responsible for nearly 3.9 million people, the county now faces a budget shortfall and thinning staff. A recent multimillion-dollar cut in funding could curtail enforcement even more.

To reside on a county island affords greater freedom to people like Higney. Trudging through a wonderland of dirty and sun-faded Christmas trees, holiday ornaments, stuffed animals, and the occasional playhouse or choo-choo train, Higney, 76, acknowledged that other homeowners might take offense at his choice of decor. But that's their problem.

"It wouldn't go over in the city," Higney said.

In Maricopa County, there are nearly 240,000 residents living on more than 2,100 square miles of unincorporated land, according to Maricopa County Planning and Development.

But with their freedom comes the absence of amenities that city taxes typically cover. County islanders often must use independent contractors for services such as water, trash collection and fire protection. There is no municipal police force; the law is enforced by the Maricopa County Sheriff's Office.

In some cases, it's hard to distinguish between unincorporated areas and neighboring municipalities. County islanders might assume they're city residents, only to find at a nearby polling place they're not permitted to vote in municipal elections, said Darren Gerard, Maricopa County deputy planning director.

"There's not a county-island community," Gerard said. "They tend to identify with the municipalities that surround them. But then they don't get services."

At some residences, aging cars on deflated tires languish in front yards. At other homes, setups of machinery and tools blatantly defy zoning ordinances.

But Maricopa County is so vast that violations often go unaddressed, Gerard said. Because of limited staff and funding, county officials typically don't issue citations until there's been a complaint. Although residents can now file a complaint online, there's a backlog of about 3,000 unresolved violations.

Future enforcement may get bogged down even more. Facing a \$2 million budget cut, last month Maricopa County laid off 34 people from its Planning and Development Department and eliminated 13 vacant positions. That's in addition to 23 staffers and 22 vacant positions cut in February.

Julie Symopolous, a spokeswoman for Maricopa County, said the cuts would affect zoning enforcement, but the county hoped to maintain service levels.

From the county's perspective, it would be ideal if all unincorporated islands were absorbed by cities, Gerard said.

But that isn't always easy. Last year, for example, Mesa processed more than 40 annexation requests. Nine were approved, two were denied and the rest are pending.

Annexation allows cities to absorb parcels of unincorporated land, to provide municipal services to those residents while requiring them to follow rules including city taxes and zoning ordinances.

That might please some county islanders, who said the hit-and-miss nature of enforcement can be frustrating. But not Higney.

Back at his island home, he paused to admonish a barking dog, one of 26 stray animals he's adopted.

The dogs and his Christmas display have at times landed him in hot water with the county, with more than two dozen visits by enforcement officials and \$2,600 in fines.

But his monument to individualism is worth it, he added.

He claims inspiration for his toy display came from a fellow soldier in the Korean War who saved his life, only to later lay dying in Higney's arms on Christmas Day.

The soldier's last words were, "Don't forget Christmas," Higney said.

He added that people now visit his home from all over the world, donating toys of their own to add to his display.

For Higney, at least, the county island is the best of all possible worlds.

"It's one of the last bastions where people can be creative and do as they see fit."