



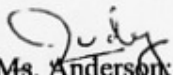
Carmine DeBonis Jr.
Director

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November 6, 2007

Cochise County Planning Department
Attn: Judy Anderson, Director
1415 Melody Lane
Bisbee, AZ 85603

Subject: Z-07-23 EASTER MOUNTAIN RANCH LLC REZONING


Dear Ms. Anderson,

Pima County has compiled the following comments regarding the above-mentioned proposed rezoning:

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has reviewed the above-referenced request to rezone 556 acres from RU-4 to SR-87 in Cochise County, Arizona.

Project Description

The rezoning site (site) is located in western Cochise County, just east of Pima County, immediately north of the Coronado National Forest Sierra Vista Ranger District, and about 3 miles south of Interstate 10, and is accessed by the J Six Ranch Road. The applicant proposes rezoning 556 acres from RU-4 zoning (4-acre lots) to SR-87 (2-acre lots), and a maximum of 371 dwellings (a density bonus is granted for preserving 50% of the parcel as open space); current RU-4 density would allow a maximum of about 140 dwellings. The development will have 0.5 residences per acre (RAC) in areas surrounded by National Forest, and higher 1 RAC density in other areas.

Regional Landscape Context

The site has vegetation characteristic of Semi-Desert Grassland, represented by a mix of perennial grasses and shrubs, with some oak and agave. The site is crossed by a number of drainages that originate in the Whetstone Mountains within the National Forest. Some of these flow northwest to Cienega Creek, an important riparian system in eastern Pima County with shallow groundwater and hydro- and meso-riparian areas.

The site is adjacent to areas designated for low residential density under the Pima County Comprehensive Plan: Resource Transition and Low Intensity Rural, both with a maximum residential density of 0.3 RAC. The site is also immediately adjacent to areas designated as Important Riparian

Area and Biological Core under the Conservation Lands System. The proposed residential density is higher than that within the county, but only a small portion of the site abuts Pima County.

Site-Specific Resources

The site is not adjacent to Priority Conservation Areas within Pima County for the cactus ferruginous pygmy-owl, western burrowing owl, or Pima pineapple cactus. The applicant states that during site surveys, no Threatened, Endangered or Sensitive Federally- or State-listed species were identified, (no list was provided). Open space on the site is proposed to be preserved through a combination of reduced building envelopes on individual sites, and wash corridors, hillsides with slopes greater than 30%, and significant stands of vegetation being kept in an undeveloped state. Some wash corridors traverse the entire site, but are crossed by proposed roads.

Conclusion / Recommendations

While the proposed development will have little effect upon off-site surface drainage, Pima County Environmental Planning requests that Cochise County Planning staff consider the source of potable water for this development, and gauge the potential impacts of any proposed groundwater pumping on subterranean flows into the Cienega Creek basin.

Environmental Planning also recommends a number of elements to improve the site quality for use by wildlife:

- The Neighborhood Lot Layout maps show building envelopes spread fairly evenly across the site – request additional clustering of building envelopes to create more wildlife-functional open space areas.
- Request limited use of fences and walls to allow wildlife more unrestricted movement across the site, using both washes and uplands.
- Request the installation of wildlife-functional culverts or bridges for roads at major wash crossings, and reduced speed limits and wildlife signage for low wash crossings.
- While no listed species were found on site, species of agave provide a seasonal food source for some regional listed species, such as bats – request preservation of as much agave on-site as possible.

REGIONAL FLOOD CONTROL DEPARTMENT REPORT

Pima County Regional Flood Control District (PCRFCDD) has reviewed the proposed development and offers the following comments. The development is within Cochise County immediately adjacent to the Pima County boundary. There are three larger watercourses that cross the property, along with several smaller washes. All of these watercourses drain into Pima County and then into the Cienega Creek watershed. Areas downstream within Pima County include undeveloped private holdings as well as several subdivisions. To avoid any possible impacts and to ensure public safety, it is recommended that the proposed development not alter, obstruct or increase natural drainage in any way. There are areas of regulated Important Riparian Habitat along two of the watercourses as they drain into Pima County. The applicant's Development Capability report submitted just a few days ago indicates that disturbance

of contiguous designated riparian areas within Cochise County would largely be avoided, as is recommended within Pima County. However, there are notable water supply concerns related to the development as outlined in the PCRFCDC Water Resources Division comments. Water supply issues could potentially affect riparian habitat resources, both within the development and downstream within Pima County. Finally, the applicant's representative has contacted the PCRFCDC offering the opportunity to review the drainage report that has been prepared for the development. The PCRFCDC looks forward to reviewing this report to ensure that there will be no downstream impacts within Pima County.

WATER RESOURCES DIVISION REPORT

Below are our comments on the proposed rezoning:

This proposed development is located in Cochise County just south of the Redhawk proposal. It is located in an area which is part of the Cienega groundwater basin, not part of the San Pedrobasin. As such it is not subject to the restrictions that Cochise County passed for the SierraVista groundwater basin to protect the San Pedro River. Neither Cochise County nor Pima County has adopted similar protections for the Cienega groundwater basin, but Pima County is in the process of deliberating water policies that would apply to new rezonings. The proposed development is a large one, but the full materials for the rezoning are not available to staff. The land entitlements already amount to 139 to 210 homes, and this rezoning would allow a maximum of 371 homes.

The brief says that the water provider will be Empirita Water Company. Empirita Water Company will be deriving the water supply for Cochise County developments from wells located in Pima County south of J6 ranchettes. Staff has previously commented at length on the Empirita Water Company's Certificate of Convenience and Necessity. Likely effects of groundwater pumping will include depletion of existing Pima County residential wells. The lowering of the water table may affect springs along Wakefield Canyon as well.

The Arizona Corporation Commission debated whether to impose certain restrictions upon the Empirita Water Company (Attached). In the end, the restrictions did not pass, in part because some commissioners did not think that the ACC has the authority.

The restrictions proposed by Commissioner Mayes are described more fully in the attached document. Staff requests that the restrictions of the Sierra Vista watershed be extended to those portions of the Cienega groundwater basin as defined by ADWR. Staff also requests that to the extent possible, the Mayes amendments be imposed upon the developer.

No detailed hydrologic information was provided in the application materials, however, the applicant has offered to provide them to staff for review. Pending a review, additional comments may be provided.

SUBDIVISION REVIEW SECTION REPORT

The Subdivision Review Section has the following proposed recommendations:

- Low water use native plants shall be required for re-vegetation and landscaping in order to conserve and minimize water use to the maximum extent possible.

- As much native vegetation shall be preserved through interconnected undisturbed open space as possible.
- Water harvesting techniques shall be required to retain as much storm water drainage on site as possible.
- Lots and buildings shall be sited to reduce the amount of disturbance required to minimize the total amount of impervious paving and rooftop surfaces.

NATURAL RESOURCES, PARKS AND RECREATION DEPARTMENT REPORT

The Natural Resources, Parks and Recreation Department has the following comments:

- Mescal Arroyo Trail #59 is identified on the Eastern Pima County Trail System Master Plan (EPCTSMP), which is near this project. This trail is located north of I-10.
- There is a trail plan for Cochise County that is being developed. This project shall provide for trails shown when this document is published.
- This project shall provide for public access to the national forest.
- Monitor for any ground and water pollution that might get into the Cienega Creek watershed.

CULTURAL RESOURCES DEPARTMENT REPORT

A search of Pima County records included review of our southern Arizona regional MapGuide Geographic Information Systems database, which includes recently updated Arizona State Museum cultural resources information (Figure 2). The records check revealed that one previous cultural resources survey has been conducted in the vicinity of the subject property, an east-west corridor survey by Bureau of Land Management through the middle portion of the property (Arizona State Museum project number recorded as T79-24.BLM). No other surveys have been done in the area. No previously recorded archaeological sites are known within or near the property.

The records search also indicated that although the subject property outside the Pima County Conservation Land System, MapGuide indicates that nearly the entire property is within an area of High Biological Significance. The subject property is adjacent to a unit of the Coronado National Forest on the east and south. State land is on the northeast. Geographic features include Anderson Canyon to southwest, Easter Mountain to southeast, and the Whetstone Mountains to the south. The 1990-1999 BLM imagery mosaic aerial photos show the land to be undeveloped bajada and upland zones, with ephemeral drainages generally trending to the northwest, ultimately draining into Cienega and Pantano Creeks, and on to Santa Cruz River. The USGS topographic map (scale 1:24000) shows named ranches within and near the property, including the "Jay Six Ranch" within the property and the "Williams Ranch" just to the east (portions of this ranch may be within the subject property). There is a "Grave" marked within the property as well, indicating a possible historic grave (see Figure 2).

The results of the records search suggests that although no archaeological or historic sites are known within the subject property, this is most likely because no archaeological survey has been done, with

only a narrow corridor covered by the previous BLM survey. The indications of ranches and the "Grave" marker on the USGS map suggest the possibility of historic resources related to ranching may be within the subject property and mining resources also may be present. The extensive distribution of the High Biological Significance zone within the subject property also potentially reflects a high probability that cultural resources are present.

If this proposed development were in Pima County, I would unhesitatingly recommend that prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.

TRANSPORTATION REPORT

No report.

WASTEWATER DEPARTMENT REPORT

No comments or objections.

Thank you for the opportunity to comment. If you have any questions do not hesitate to call me at (520) 740-6800.

Sincerely,



Arlan M. Colton FAICP
Planning Official, Pima County Development Services

Attach: Dissent Decision No 69399, Empirita Water Co. from Water Resources Division comments.
Memorandum from Regional Flood Control Department comments.
USGS Maps topographical maps from Cultural Resources Department comments.

CC: C. H. Huckleberry, County Administrator
Diana Durazo, Special Staff Assistant to the County Administrator