



## Coalition for Sonoran Desert Protection

300 E. University Blvd., Suite 120  
Tucson, Arizona 85705  
p (520) 388-9925 • f (520) 791-7709  
www.sonorandesert.org

July 24, 2013

Arizona Center for Law  
in the Public Interest  
Arizona League of Conservation  
Voters Education Fund  
Arizona Native Plant Society  
Bat Conservation International  
Center for Biological Diversity  
Center for Environmental  
Connections  
Center for Environmental Ethics  
Defenders of Wildlife  
Desert Watch  
Drylands Institute  
Empire Fagan Coalition  
Environmental and Cultural  
Conservation Organization  
Environmental Law Society  
Friends of Cabeza Prieta  
Friends of Ironwood Forest  
Friends of Madera Canyon  
Friends of Saguaro National Park  
Friends of Tortolita  
Gates Pass Area Neighborhood  
Association  
Native Seeds/SEARCH  
Neighborhood Coalition of  
Greater Tucson  
Northwest Neighborhoods  
Alliance  
Protect Land and  
Neighborhoods  
Safford Peak Watershed  
Education Team  
Save the Scenic Santa Ritas  
Sierra Club—Grand Canyon  
Chapter  
Sierra Club—Rincon Group  
Silverbell Mountain Alliance  
Sky Island Alliance  
Sky Island Watch  
Society for Ecological  
Restoration  
Sonoran Arthropod  
Studies Institute  
Sonoran Permaculture Guild  
Southwestern Biological  
Institute  
Tortolita Homeowners  
Association  
Tucson Audubon Society  
Tucson Herpetological Society  
Tucson Mountains Association  
Wildlands Network  
Women for Sustainable  
Technologies

Chairman Robert Swope and Commissioners  
Oro Valley Planning and Zoning Commission  
11000 N. La Cañada Drive  
Oro Valley, AZ 85737

**RE: Revised Environmentally-Sensitive Lands Ordinance**

Dear Chairman Swope and Commissioners:

I submit the enclosed comments on behalf of the Coalition for Sonoran Desert Protection, founded in 1998 and comprised of 41 environmental and community groups working in Pima County.

We appreciate the opportunity to comment on a revised draft of the Town of Oro Valley's Environmentally-Sensitive Lands Ordinance (ESLO). We submitted comments on earlier revised drafts of the ESLO in May 2013 and met with Oro Valley staff members in June 2013 to discuss our comments further. We are very appreciative of the time and effort the staff put into these revisions, and especially to work with stakeholders such as the Coalition in these proposed revisions to the ESLO.

In addition, I represented the Coalition for Sonoran Desert Protection on the Town's Technical Advisory Committee when the ESLO was first developed and approved and have been closely following how the ESLO is applied by the Town during General Plan Amendments, rezonings, and other discretionary actions. While new development within and near the Town has been fairly slow in recent years, new development proposals are now increasing in frequency. This means the importance, consistency, and strength of the ESLO is more important than ever.

The Coalition has been working toward the implementation of regional conservation for the last 15 years. An important element of this work involves the adoption of consistent conservation measures throughout local jurisdictions that will best protect wildlife habitat. Because of this, the Coalition is very supportive of the language contained in the overall ESLO Purpose stating that the ESLO "utiliz(es) current science of conservation biology and cultural resource treatment as represented in Pima County's Sonoran Desert Conservation Plan," as this has been the defining work in our region to map and prioritize valuable natural and cultural resources.

Since the Town Council passed a motion in March 2013 directing staff to "correct inconsistencies in Section 27.10 related to the applicability and provisions of the Environmentally Sensitive Lands regulations," the proposed revisions have evolved considerably (this is the third draft of revisions we have reviewed). Our comments

below are in reference to the latest draft. Additionally, we have one more suggested change to another section of the ESLO that we believe will even further clarify how the ESLO applies to General Plan Amendments.

*Section 27.10 – B. Applicability*

*1. (iii) Information regarding applicable ESL conservation categories shall be considered as part of Major and Minor General Plan Amendment applications. Major and Minor General Plan Amendment applications for property which has not been mapped for ESL Conservation Categories in accordance with Section 27.10 shall include ESL Conservation Category mapping with the initial submittal of the amendment application. Conservation Category mapping shall utilize the methodologies and strategies outlined in this section. Following Town Council action on the General Plan Amendment, the Planning and Zoning Administrator shall administratively update the ESL Planning Map upon certification that the mapping was completed in accordance with this section.*

*Comment:*

We appreciate that the Town will be requiring applicants to map the major ESLO categories as part of a General Plan Amendment application (Major Wildlife Linkages, Critical Resource Areas, Core Resources Areas, and Resource Management Areas). However, all incorporated and unincorporated areas have already been mapped by a team of qualified federal, state, university, and NGO biologists contracted by Pima County in developing the Conservation Lands System (CLS), which the Town used as the basis for its own conservation categories in the ESLO. The Town integrated two CLS categories in their entirety: CLS Important Riparian Areas became the Town's Critical Resource Area Category and CLS Biological Core Areas became the Town's Core Resource Area Category. We recommend that these two CLS designations be retained in their entirety for General Plan Amendments and translated to the appropriate ESLO category, providing important consistency as the ESLO map evolves.

We recommend the **following paragraph be added to this section** as part of the proposed revisions:

***“In the case of mapping of Critical Resource Areas and Core Resource Areas, the applicants shall include in their application the corresponding mapping categories of Important Riparian Areas and Biological Core Areas as found in Pima County’s Conservation Lands System. When the Town originally developed the ESLO map, these two map categories were translated directly. Continuing this direct translation to General Plan Amendments will provide important consistency as the ESLO map is amended.”***

*(p. 6 of ESLO)*

*4. ESL Map Amendments*

*(c) Any approved General Plan amendment that results in changes to the land use or growth area designations shall require a map amendment to the corresponding Resource Management Area Category(s) in Table 27.10-3. ESL map changes reflecting an adopted General Plan amendment shall be approved administratively.*

*Comment:*

This section should be revised to explicitly state that this policy related to ESLO map amendments does not apply to the Critical Resource Area, Core Resource Area, and Major Wildlife Linkage categories. In addition, it should state that the policy only applies to areas that are already mapped under the General Plan, not properties that are currently in unincorporated Pima County and that are asking to be amended into the General Plan and eventually annexed into the Town. It is confusing to the reader to only reference the Resource Management Area Category when there are three other applicable ESLO categories that have been mapped. Our suggested **alternative language, which clarifies and more explicitly and clearly states the existing policy**, is the following:

***“For properties currently mapped in the General Plan, if a property is currently mapped as a Resource Management Area (Tier 1, 2, or 3), and an approved General Plan Amendment results in changes to the land use or growth area designations, the ESLO map will be amended to the corresponding Resource Management Area Category(s) in Table 27.10-3. Critical Resource Area, Core Resource Area, and Major Wildlife Linkage lands will not be changed due to changes in the land use or growth area designations in the General Plan. For properties that are not currently mapped in the General Plan, the appropriate ESLO categories will be established during the General Plan Amendment and annexation process, as described in Section 27.10-B(1)(b)(iii).”***

Although this is an additional revision to those included by Town staff in the latest draft of revisions, we believe they still fall within the purview of the Town Council’s March 20<sup>th</sup> motion to staff to “correct inconsistencies in Section 27.10 related to the applicability and provisions of the Environmentally Sensitive Lands regulations” and provide important clarification and certainty for applicants.

Thank you again for the opportunity to comment on these proposed revisions to the Town’s ESLO and for our inclusion in the stakeholder process over the last few months. We would appreciate being included in any future revisions of the ESLO if/when they do occur. If you have any questions, please do not hesitate to contact me.

Sincerely,



Carolyn Campbell  
Executive Director