



Coalition for Sonoran Desert Protection

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October 15, 2012

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: Proposed Major General Plan Amendment for the Desert Springs Project
(OV112-02)**

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 40 environmental and community groups working in Pima County. Our mission is to achieve the long-term conservation of biological diversity and ecological function of the Sonoran Desert through comprehensive land-use planning. We achieve this mission by primarily advocating for: 1) the protection and conservation of Pima County's most biologically rich areas, 2) directing development to appropriate land, and 3) requiring appropriate mitigation for impacts to habitat and wildlife species.

This letter serves as an initial response to a request for a Major General Plan Amendment for 108 acres located in unincorporated Pima County on the east side of Oracle Road, at the Tangerine Road intersection (OV112-02). We have reviewed the submitted proposal, along with other relevant planning documents such as the Oro Valley General Plan, the Oro Valley Zoning Code, and the Environmentally Sensitive Lands Ordinance.

In summary, significant revisions need to be made to this plan amendment in order to be compatible with the natural, historical, and cultural resource values of this sensitive property. As such, we request that the Planning and Zoning Commission delay this amendment until the issues are resolved, and request that the applicant work with the Coalition for Sonoran Desert Protection, neighbors, and others to create a better proposal. If that is not possible due to the accelerated timeframe of the Town's process, we respectfully recommend denial of this application to the Town Council. We request this for the following reasons:

- The Town's General Plan land use designation of Significant Resource Area and associated policies should be adhered to, and this appropriate designation should not be removed.
- The applicant has failed to adequately and appropriately analyze the property with regard to the Town's Environmentally Sensitive Lands Ordinance as is required by Town Code.

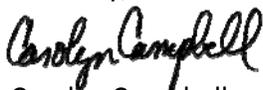
- The Town should not extinguish the opportunity to acquire this property for permanent protection and preservation, which has been a long-term goal of the citizens in this community and the Town's elected bodies.
- The proposal fails to comprehensively consider development implications on regional wildlife connectivity goals and the soon-to-be-built wildlife crossing infrastructure along Oracle Road.
- The proposal fails to buffer Catalina State Park, a healthy, biodiverse, active, and functional protected open space providing important value to the entire region, and one of the many reasons for the property's designation as a Significant Resource Area.
- The public process regarding this proposal has been both flawed and rushed.

We understand that no decision will be made at the October 16, 2012 Planning and Zoning Commission meeting. As such we outline conditions and actions that would help to mitigate impacts of the proposed amendment. We request that you consider these suggestions thoughtfully during your deliberations. Our complete Analysis and Recommendation is enclosed (**Attachment A**).

Attachment B provides you with detailed background information on the community developed and widely supported Sonoran Desert Conservation Plan (SDCP) and its components; Oro Valley's formal endorsement of the SDCP and ongoing commitment to protecting the Santa Catalina – Tortolita Mountains wildlife linkage; and commitments made by Pima County, the Regional Transportation Authority, and the Arizona Department of Transportation to construct three wildlife crossings along Oracle Road in the project vicinity. This letter was initially provided to the US Forest Service (USFS) from the Coalition during the Town's agency review period for this request. We transmitted these comments to USFS District Ranger Stan Helin on July 27, 2012. These comments attempted to provide a thorough context for the project in relation to the regionally important wildlife linkage in which the project is located. Since the USFS did not submit comments during the Town's agency review period, we ask that this set of comments be considered by the Planning and Zoning Commission and the Town Council during review of this proposed amendment.

We appreciate the opportunity to submit these comments. If there are substantive changes prior to the November 5, 2012 Planning and Zoning Commission meeting, we will revise our comments accordingly. Please feel free to contact me if you have any questions.

Sincerely,



Carolyn Campbell
Executive Director

cc: David Williams, Oro Valley Planning Director
Greg Caton, Oro Valley Town Manager

Attachments: A. CSDP Analysis and Recommendations
B. CSDP Letter to USFS dated July 27, 2012

ATTACHMENT A

ANALYSIS AND RECOMMENDATIONS

To: Oro Valley Planning and Zoning Commission

Date: October 15, 2012

Re: Proposed Major General Plan Amendment for the Desert Springs Project

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Significant Resource Area Designation

The Town General Plan includes an important Land Use Designation – the Significant Resource Area (SRA). The proposed Desert Springs development would be located entirely within this overlay area, which is appropriate for this parcel. As stated in the Town's General Plan regarding SRAs:

This designation denotes areas that contain key historic or archeological sites or other environmentally sensitive lands. It is an overlay that includes areas that have been preserved and those that should be preserved through the methods listed in the Open Space and Natural Resources Conservation Element. Any development that takes place in these areas should be at the lowest density allowable in the underlying designation and should include mitigation measures consistent with the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA) and other laws, as appropriate, to a specific resource area. Mitigation of development impacts should also blend with the natural landscape, promote preservation of scenic vistas, protect wildlife habitat and cluster development within the least sensitive portions of the SRA.

In order to preserve property within an SRA overlay zone, densities may be transferred from within the SRA overlay zone to other areas of a property. The transferable density (TD) within the SRA overlay shall: 1) for residential areas, be the lowest density allowable in the underlying land use designation(s); and 2), for non-residential areas, be at an FAR of .10. However, no TD credit shall be given for areas, such as slopes over 15%, floodways, significant vegetation, or riparian habitat, that are already restricted relative to densities by the Zoning Code. This density transfer may increase the allowable density in those portions of the property to which density is transferred above the stated density range for the land use designation(s) in that area. However, density transfers must meet the following criteria:

1. The density at the periphery of the property shall not exceed either that of the underlying designation or the adjoining property, whichever is greater.
2. The resultant land use within any designation on the property must be consistent with the description of the housing type provided in the land use section. Thus if an area is described as single-family detached housing, the density transfer could not effectuate a single-family attached development. Or if the area is designated for single-family housing of any kind, it could not be developed for multi-family uses. (pages 33-34)

For development within SRAs, the applicable guidelines are very clear. Additionally, the policies provide landowners with quite a bit of flexibility in developing their properties.

In their narrative and application, the applicant provides no justification for removing the SRA designation. The Coalition entirely agrees with the SRA land use designation for the entire Desert Springs property.

Recommendation:

Because of this parcel's designation as a Significant Resource Area, we request that the Planning and Zoning Commission either delay or recommend denial of this application to the Town Council. Alternatively, if the Planning and Zoning Commission decides to recommend approval of this application, we request that the Significant Resource Area designation remain on the *entire* property, and that the associated guidelines as delineated in the General Plan be applied to this property prior to the Town Council hearing of this item.

Oro Valley's Environmentally Sensitive Lands Ordinance and Pima County's Conservation Lands System

The Coalition was involved in crafting the Town's Environmentally Sensitive Lands Ordinance (ESLO) as a member of the Technical Advisory Committee and we applaud the Town's action in adopting the ordinance.

The applicant has failed to adequately and appropriately apply ESLO guidelines in the development of this application. We note that in ESLO **Table 27.10-18**, the ESLO outlines which provisions of ESL must be applied to the development process during General Plan Amendments. The notable provisions/categories that must be followed for General Plan Amendments include: Major Wildlife Linkage, Critical Resources Areas, Core Resource Areas, Resource Management Areas, Cultural Resources, Scenic Resources, Hillside Area Category, Open Space Requirements, among other provisions. We understand that under Town Code, many of these provisions are *specifically applied* at later stages in the development process – as opposed to now during the General Plan Amendment process. However, it is clear from our reading of the Town Code that a thorough and comprehensive analysis of the biological factors is required now, prior to a General Plan Amendment, in order to ensure that environmentally sensitive lands are properly protected from the outset of the development process. The applicant must complete the due diligence needed in order to meet Town Code and associated guidelines.

The applicant commissioned SWCA to write a Technical Memorandum evaluating the Desert Springs property in light of the ESLO. The SWCA memo fails to address all of the applicable ESLO provisions. The SWCA essentially disregards the Core Resource Area attributes, and questions the biological basis for the designation, ***even though SWCA was involved in the peer review process that initially developed the habitat models on which the designations are based.*** While the SWCA memo concludes that the Desert Springs project area does not meet ESLO definitions to qualify as a Core Resource Area – a conclusion that we disagree with – ***the memo fails to even consider any of the other applicable categories*** in the ESLO. We recognize that since this property is outside of the Town’s boundaries, no ESL designations have yet been formally established for the area. The ESLO accounts for this however, by stating that “The provisions of ESL only apply to properties where specified environmental conditions are identified on the ESL Planning Map ***or described herein***” (emphasis added, OV Code Section 27.10 B.1.a.). Thus, when considering actions on lands outside of the Town boundaries, the applicant must rely on the descriptions of each of the ESL categories to thoroughly analyze the property.

In 2008 the Town of Oro Valley officially endorsed Pima County’s Sonoran Desert Conservation Plan. A critical component and implementation tool of the Sonoran Desert Conservation Plan (SDCP) is the Conservation Lands System, a scientifically designed map with associated land use guidelines that was adopted into Pima County’s Comprehensive Land Use Plan in 2001. In crafting its own Environmentally Sensitive Lands Ordinance, the Town of Oro Valley recognized the sound, robustly generated, and peer-reviewed science that went into the development of both the SDCP and the Conservation Lands System. The ESLO used the land categories of the Conservation Lands System as its basis, with some categories, such as Biological Core and Important Riparian Areas, used in full. Both of these land use categories are found on the Desert Springs property.

The SWCA memo goes at great length to dispute Pima County’s Biological Core Management Areas, the backbone of the ESLO’s Core Resource Area designation, which would require 80% of

the property to be set aside as Environmentally Sensitive Open Space. By doing so, the applicant denounces the rigorous scientific evaluation and contributing biologists' expertise that created Pima County's Conservation Lands System. It should be noted that the habitat models for these priority vulnerable species were rigorously determined and peer-reviewed (*again, including assistance from SWCA*).

The SWCA memo also refutes the riparian habitat designation on the property. The SWCA memo states that "prior to development, a complete and thorough plant inventory will be conducted to map these areas and apply the guidance set forth in the ESLO" (page 9). Without this assessment however, the memo goes on to state that the project area does not meet the requirements for a Distinctive Native Plant Stand (page 18), one of the three standards used to establish the Core Resource Area category. To discredit the Distinctive Native Plant Stand resource without a complete and thorough plant inventory is not credible.

The SWCA memo fails to identify ESLO applicability with regard to any of the other conservation categories with Environmentally Sensitive Open Space requirements: Major Wildlife Linkage, Critical Resource Area, and Resource Management Areas.

Recommendation:

Given the significant flaws in the application of the ESLO guidelines, we request that the Planning and Zoning Commission either delay or recommend denial of this application to the Town Council. Alternatively, if the Planning and Zoning Commission decides to recommend approval of this application, we request that the applicant work with Town Staff and the Coalition for Sonoran Desert Protection prior to the Town Council hearing of this item to determine proper application of the ELSO, particularly the identification of conservation categories and associated open space requirements.

Town of Oro Valley Commitment to Acquire Property

The Town historically has been committed to preserving this property as open space. We refer to and support Pima County's August 7, 2012 letter and attachments reviewing this proposed amendment with regard to the historical efforts to protect and preserve this property. As recently as the 2004 open space bond, the Town requested and received monies to aid in the acquisition of the land. These monies have since been transferred to other worthy projects at the direction of the Town, in response to "failed negotiations" with the owner.

The former Town Manager, Mr. Chuck Sweet, engaged in documented negotiations with the property owner over the years. The citizens of this community, and the Town itself, have long hoped that this property will someday be permanently protected. As the applicants themselves have stated that there has never been a "formal offer" to purchase the property, it seems that the Town and/or County should attempt to reach an agreement prior to consideration of any significant plan amendment. Additionally, Pima County is planning for a November 2013 bond election, which will again include funding for open space.

There is clear citizen support for the permanent preservation of this property. The 1990 proposed rezoning of this property was defeated by a voting margin of nearly 4 to 1. The 2004 Pima County bond that included \$2.5 million for the acquisition of the Kelly Ranch/Desert Springs property passed by a margin of 2 to 1. In November 2005, the Town of Oro Valley General Plan, including the language, “Seek to acquire the Kelly Ranch property...,” was ratified by the voters by a margin of 3 to 1. **Citizens have clearly voiced their support time and time again for the permanent protection of this property. Approving this General Plan Amendment would effectively extinguish any opportunity in the future to preserve the property as protected open space.**

Recommendation:

We request that the Planning and Zoning Commission either delay or recommend denial of this application in order to give the Town and the County an opportunity to negotiate with the property owners in order to make a “formal offer” to acquire this property for permanent protection as open space.

Compatibility with Wildlife Crossing Project

In 2010, the Regional Transportation Authority approved \$8.2 million of the voter approved \$45 million specifically dedicated to wildlife linkages to construct three wildlife crossings along Oracle Road. The crossings, two underpasses and one overpass, will be incorporated into a larger road widening project being planned by the Arizona Department of Transportation. Design is well underway with construction scheduled to begin in Fall of 2013. The southernmost underpass is located just north of and adjacent to the Desert Springs project at milepost 81.9.

The placement of the wildlife crossings was based on a variety of factors, including land topography; roadkill surveys conducted by the Arizona Game and Fish Department that identified “hotspots” along the roadway where large numbers of wildlife were already trying to cross the road; adjacent land uses, including existing and planned development and protected open space; and the modeled Santa Catalina – Tortolita Mountains wildlife linkage design.

Protected open space would be the most compatible adjacent land use for this property with respect to the wildlife crossing project. Any significant development would have detrimental impacts on the effectiveness of the wildlife crossings project.

Recommendation:

If the Planning and Zoning Commission decides to recommend approval of this application, we request that the applicant work with Town Staff, Arizona Game and Fish Department, and the Coalition for Sonoran Desert Protection prior to the Town Council hearing of this item to determine Special Area Policies that can be incorporated into the General Plan to ensure that the Desert Springs project will embrace and enhance the nearby wildlife underpass and implement project components that support, rather than detract from, the use of the underpass by wildlife. This would include restrictions minimizing and specifically directing night-time lighting, incorporating appropriate buffers on the edge of the project area to address both visual and noise impacts, and

constructing appropriate perimeter fencing or walls to funnel wildlife away from the project area and towards the underpass. In general, the location of commercial development in the northwest section of the project area (as outlined in the Desert Springs conceptual plan), and the previous plan's inclusion of a golf course, are both potentially more amenable to wildlife movement than residential development, especially the higher densities included in the newest proposal.

Impacts on Catalina State Park

We wholeheartedly agree with the comments provided by Arizona State Parks on June 11, 2012 regarding this proposal. Catalina State Park and the Santa Catalina – Tortolita Wildlife Linkage that transverses it are regional biological gems. This public land supports our economy through outdoor recreational experiences, promotes our natural heritage, and ensures that we continue to have an enviable quality of life by providing essential ecosystem services.

One of the most important tenets of conservation biology is that of buffering biological core areas. Catalina State Park, which sits upon US Forest Service land, is indisputably a core biological area. The Coalition's new wildlife camera project, launched in Spring 2012, continues to gather valuable wildlife species data in Catalina State Park, supporting the contention that this is a healthy, biologically diverse, active, functional protected area. Our three wildlife cameras in the park have documented at least 17 species of wildlife, including bobcat, javelina, badger, deer, skunk, and other small mammals and birds.

The Town of Oro Valley's General Plan Policy 1.4.2 states that: "The Town shall continue to ensure that zoning near natural open spaces, parks, washes, trails, trailheads, schools, recreation areas, Tortolita Mountain Park, Catalina State Park and Pusch Ridge Wilderness provides adequate buffers and compatible uses." The staff report for this item states that: "The distance and intervening vegetation between the campgrounds for the Catalina State Park and the proposed development provide an adequate functional and visual buffer to the proposed low density residential area." This analysis is completely faulty. **Essentially, this argues that Catalina State Park is its own buffer, a complete mis-reading and incorrect interpretation of the term "buffer" and the Town's policies for buffers.** Rather, the proposed development needs to include adequate buffers within the development itself to minimize impacts to adjacent natural open space within Catalina State Park. Adjacent land uses should remain at the lowest density levels possible. Any land use above the lowest density allowable severely encroaches on the idea of "buffering" the park.

Recommendation:

Given our significant concerns about the impact of this proposal on Catalina State Park, we request that the Planning and Zoning Commission either delay or recommend denial of this application to the Town Council.



This mountain lion, photographed in Catalina State Park within a half mile of the Desert Springs property by one of the Coalition's remote wildlife cameras, further demonstrates that the Park and adjacent open spaces are healthy and biologically diverse open spaces.

Public Process

The Coalition has been aware of this Major General Plan Amendment request since May 2012. We were not informed about the April 12, 2012 Neighborhood Meeting and were thus not able to attend. Coalition staff and representatives were present at the September 20, 2012 Neighborhood Meeting.

In reviewing and acting upon this Major General Plan Amendment, we believe that the Town has the duty to conduct a process in line with all Town rules, guidelines and regulations. Failure to comply with these measures of transparency will result in a loss of credibility among constituents and stakeholders. The Town may also render itself vulnerable to actions requesting remedy for its failure to follow due process. Thus, it is imperative the Town seek to address and remedy public process concerns as they are presented.

We have identified three significant flaws in the public process to date:

1. Oro Valley Zoning Code Section 22.2 General Plan Amendments Procedures under D.2.b.iii Neighborhood Meetings states **“a) At least two neighborhood meeting must be provided prior to submittal of a formal application to the Land Use Map.”**

According to our review of the publicly accessible information, the applicant provided only *one* neighborhood meeting – on April 12, 2012 – prior to submittal of a formal application. The formal application was received by the Town on April 20, 2012. A second neighborhood meeting prior to the first submittal was never held.

2. Oro Valley Zoning Code Section 22.2 General Plan Amendments Procedures under D.2.b.iii Neighborhood Meetings also states **“a) ... If there are any substantive changes to the application after formal submittal, an additional neighborhood meeting will be required.”**

At the September 20, 2012 Neighborhood Meeting, the applicant unveiled a substantively *and substantially* changed Land Use Map for the property. According to Town records, the revised application, including these substantive changes, was not received until September 27, 2012. These changes necessitate, at a very minimum, another neighborhood meeting.

3. Oro Valley Zoning Code Section 22.15 Public Participation under F.1. Number of Meetings states **“iii. It should be determined at the meeting if additional time or information is needed to develop solutions. The decision about whether to hold an additional meeting should be made at this meeting.”**

At the outset of the September 20, 2012 neighborhood meeting the facilitator indicated that at the end of the meeting he would ask those in attendance if they would be interested in an additional neighborhood meeting to discuss issues. Coalition staff and representatives recall a strong if not unanimous support for an additional neighborhood meeting to discuss issues. This sentiment is also recorded in the Summary Notes from the September 20, 2012 neighborhood meeting provided by the Town.

We appreciate that an additional neighborhood meeting has been scheduled for October 24, 2012, though we are concerned that given the compressed timeframe for public hearings, it will difficult for all neighborhood and environmental issues to be adequately addressed before Town Council consideration of this proposal.

Since the Land Use Map for this project was substantively revised and presented on the same day as the September 20, 2012 neighborhood meeting, the majority of the time was spent presenting and clarifying the changes. There was little opportunity for the public to discuss actual issues with the project. Anyone who had downloaded materials from the Town’s website

about the Neighborhood Meeting had out-of-date information. Additionally, while the Land Use Map was updated on the Town's website on September 21, 2012, the accompanying application and narrative were not even received by the Town until September 27, 2012.

Recommendation:

Given the significant flaws in the public process to date, we request that the Planning and Zoning Commission either delay or recommend denial of this application to the Town Council. We do recognize that an additional neighborhood meeting has been scheduled for October 24, 2012. This additional meeting, though welcomed, does not adequately make up for the ongoing flawed public process. The applicant failed to provide a second neighborhood meeting *prior* to their initial submittal, a clear violation of Oro Valley Code. Also, given the constant revisions to the proposed Land Use Map and the Application and Narrative, there has not been any consistency in the information presented at the neighborhood meeting.

We request that the applicant pull this proposed General Plan Amendment, work with the public, the Coalition, and other key stakeholders to craft workable solutions for all, and then consider resubmission in the future. We note that in Arizona Revised Statutes §9-461.06, there is *no prohibition* on applicants withdrawing a General Plan Amendment once submitted.

ATTACHMENT B



Coalition for Sonoran Desert Protection

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Tucson Herpetological Society

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Women for Sustainable
Technologies

Stan Helin, District Ranger
Santa Catalina Ranger District
5700 N. Sabino Canyon Road
Tucson, AZ 85750

RE: Proposed Major General Plan Amendment for the Desert Springs Project in Oro Valley, Arizona

Dear Mr. Helin:

I am writing on behalf of the Coalition for Sonoran Desert Protection. Founded in 1998 and comprised of 40 organizations, the Coalition is dedicated to creating a community where ecosystem health is protected; nature and healthy wild animal populations are valued; and where visitors, children and future generations can all drink clean water, breathe clean air, and find wild places to roam. We achieve this vision by concentrating on the long-term conservation of biological diversity and ecological function of the Sonoran Desert through comprehensive land-use planning, with a primary emphasis on Pima County's Sonoran Desert Conservation Plan.

This letter is in response to a request for comments on the proposed Major General Plan Amendment for the Desert Springs Project in Oro Valley, AZ. We have reviewed the submitted proposal, along with other relevant planning documents such as the Oro Valley General Plan and Environmentally-Sensitive Lands Ordinance.

In summary, our comments try to provide a thorough context for the project in relation to the regionally important wildlife linkage in which the project is located. We provide detailed background on the Sonoran Desert Conservation Plan (SDCP) and its components; Oro Valley's formal endorsement of the SDCP and ongoing commitment to protecting the Santa Catalina – Tortolita Mountains wildlife linkage; and commitments made by Pima County, the Regional Transportation Authority, and the Arizona Department of Transportation to construct three wildlife crossings across Oracle Road in the project vicinity. We hope this information is useful to you as you develop comments from the U.S. Forest Service on this project.¹

Sonoran Desert Conservation Plan

Since Pima County has such a long and accomplished history of regional conservation planning, it is important to understand the larger context of new large planned developments such as the Desert Springs project, especially when they are

¹ Once the public comment period is opened, the Coalition will be submitting our own formal comments to the Town of Oro Valley on this project.

located in biologically sensitive areas. This context provides a crucial framework when evaluating all the community resources, efforts, and voter-designated monies that have been directed towards protecting the Sonoran Desert and promoting balanced land use planning in Pima County. Throughout the description of the main components of the Sonoran Desert Conservation Plan, we include additional information on how these components relate to the Desert Springs project. If you would like more detailed maps or explanation of any of this information, please let us know and we would be happy to provide it to you.

The Sonoran Desert Conservation Plan (SDCP) was initially adopted by Pima County in 1998 and is nationally-recognized and emulated. It is a regional vision for intelligent development within the context of conservation that encompasses a variety of implementation tools, with a goal of “ensuring the long-term survival of the full spectrum of plants and animals that are indigenous to Pima County through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival.”

These implementation tools include:

- **The Conservation Lands System (CLS)**, a scientifically designed map with associated land use guidelines that was adopted into Pima County’s Comprehensive Land Use Plan in 2001. The CLS “perpetuates the comprehensive conservation of vulnerable species; retains those areas that contain large populations of focal vulnerable species; provides for the adjacency and proximity of habitat blocks; preserves the contiguity of habitat at the landscape level; and retains the connectivity of reserves with functional corridors.”

Seven land use categories make up the CLS, including Important Riparian Areas, Biological Core Management Areas, Scientific Research Areas, Multiple Use Management Areas, Agriculture In-holdings, Special Species Management Areas, and Critical Landscape Connections. Each of these land categories is represented on a map and has associated open space guidelines. The CLS is only applied to discretionary actions of the Pima County Board of Supervisors. It has been a valuable tool for Pima County and is integrated into other planning documents such as Riparian Habitat Mitigation Guidelines and the County’s draft Multi-Species Conservation Plan.

The proposed Desert Springs project has underlying CLS categories of Important Riparian Area and Biological Core Management Area, the two most biologically-rich CLS categories, with open space guidelines of 95% open space and 80% open space, respectively. This means that if this development were being submitted to Pima County, then the CLS would recommend that only 5% of the Important Riparian Area be developed and only 20% of the Biological Core be developed, much in keeping with the current zoning designation of the Desert Springs proposal. On-site and/or off-site mitigation can be implemented to address additional development above and beyond those thresholds. Given the Town of Oro Valley’s official endorsement of the Sonoran Desert Conservation Plan in 2008 and passage of their Environmentally-Sensitive Lands

Ordinance in 2011, we hope that adequate and connected open space is set-aside on this property in perpetuity.

- An expansive and geographically diverse **Open Space Preserve System**, funded by two open space bonds overwhelmingly approved by voters in 1997 and 2004. These bonds, totaling over \$200 million, have conserved over 200,000 acres of open space throughout the County, including lands purchased in fee simple and State Trust Land grazing leases.

The Treehouse parcels, 13 acres straddling both sides of Oracle Road just north of the Desert Springs project area, were purchased with open space bond funds in 2010 to protect important open space adjacent to a planned wildlife overpass.

- The development of a **Multi-Species Conservation Plan (MSCP)**, currently in final draft form, that was submitted to the U.S. Fish and Wildlife Service with an application for an Incidental Take Permit in December 2010. The MSCP focuses on the protection of threatened and endangered species in Pima County and mitigation for any incidental take of these species during any of the otherwise lawful “activities,” such as capital improvement projects and private development, outlined in the plan. It also includes a thorough monitoring and management plan.

The SDCP has been embraced and endorsed in various ways by other local jurisdictions. The City of Tucson has an official policy to apply the Conservation Lands System in all annexations. The Town of Oro Valley officially endorsed the SDCP in 2008 and included the CLS as a Special Area Policy in the Arroyo Grande General Plan Amendment in 2008. Both the City of Tucson and the Town of Marana are finalizing Habitat Conservation Plans that complement the County’s Multi-Species Conservation Plan.

One component of the SDCP, the protection of Critical Landscape Connections (or more generally, wildlife linkages), has also received considerable attention and regional resources over the past decade. This is especially true in the case of the Santa Catalina – Tortolita Mountains wildlife linkage, surrounded on three sides by Catalina State Park and the Coronado National Forest, where the proposed Desert Springs project is located.

Santa Catalina – Tortolita Mountains Wildlife Linkage

The wildlife linkage that connects the Santa Catalina and Tortolita Mountains has a long history of being targeted for protection and conservation. Dating back to the 1980s, this linkage has been identified as biologically rich and important to the overall health of the Sonoran Desert and the Sky Island ecoregion. Important milestones related to this linkage include:

- It is one of six “Critical Landscape Connections” identified in the SDCP.
- In 1999, Pima County submitted an application under the Arizona Preserve Initiative to reclassify 9,280 acres of State Trust land between Tortolita Mountain Park and Oracle Road for conservation. This area was called “Biological Corridor East.” The State Land

Department requested that Pima County split the application into two smaller applications. Eventually, 4,915 acres of State Trust Land were re-classified for conservation. These lands comprise roughly the western half of the original application. Due to shifting legalities at the State Land Department and the shelving of the Arizona Preserve Initiative, the eastern half of these lands was not re-classified for conservation. However, the intent to preserve them still stands. In addition, a third application was submitted in 2000 for 2,320 acres of State Trust Land on the east side of Oracle Road north of Catalina State Park. This application has also not been formally responded to because of the shelving of the Arizona Preserve Initiative. In general, by submitting these applications, Pima County recognized the biological importance of these lands and their critical contribution to a functioning ecosystem in this part of the region.

- In 2006, this wildlife linkage was identified as one of only 16 “high priority linkages” in the entire state by the *Arizona Wildlife Linkages Assessment*, an effort undertaken by the Arizona Department of Transportation, Arizona Game and Fish Department, and many other public agencies and non-profit organizations.²
- A detailed “linkage design” for the Santa Catalina – Tortolita Mountains wildlife linkage was created by Dr. Paul Beier and colleagues at Northern Arizona University in 2008.³ Their report describes a linkage design as “a science-based starting point for conservation actions.” It consists of mapped wildlife linkage corridors and an accompanying scientific report. The report outlines how the linkage design was created, the existing conditions and barriers within the linkage, and recommendations for how to best incorporate the linkage design into local land use planning. Pima County, the Town of Oro Valley, the Town of Marana, Arizona Department of Transportation, Arizona State Land Department, and local conservation organizations have all used this linkage design in their planning processes in various ways over the last four years.
- In 2008, the Town of Oro Valley adopted a General Plan Amendment for the Arroyo Grande area. Arroyo Grande encompasses 9,000 acres of State Trust Lands between the current town boundary and the Pima County-Pinal County line to the north, on the west side of Oracle Road. Although Arroyo Grande is currently part of unincorporated Pima County, Oro Valley has officially noticed its intention to annex this area when the land is disposed of by the State Land Department. As part of the General Plan Amendment, a 1-kilometer wide wildlife linkage was designated through the southern portion of the planning area. This linkage will consist of natural undisturbed open space with buffers to adjacent development. The size and configuration of the linkage was based on the best available science, including Beier’s linkage design and the underlying CLS designation of Multiple Use Management Area which recommends a 66 2/3 % open space set-aside. This General Plan amendment was the result of cooperative planning among the Town

² More information on the Arizona Wildlife Linkages Assessment can be found at http://www.azdot.gov/inside_adot/OES/AZ_WildLife_Linkages/assessment.asp

³ The full linkage design report can be found at: <http://corridordesign.org/linkages/arizona>

of Oro Valley, Pima County, the Arizona State Land Department, Arizona Game and Fish Department, and the Coalition for Sonoran Desert Protection.

In the larger context of this linkage, Arroyo Grande will provide a critical connecting block of protected open space on the west side of Oracle Road leading to the Tortolita Mountains. Catalina State Park will provide a significant block of protected open space on the east side of Oracle Road connecting, as a gateway, to the Coronado National Forest within the Santa Catalina Mountains. Thus, it is critical that the wildlife habitat in Catalina State Park remain as undisturbed and intact as possible. Adjacent development must provide an adequate buffer to the park and not negatively impact existing habitat and ecosystem function.

- In 2010, the Regional Transportation Authority approved \$8.2 million of the voter-approved \$42 million specifically dedicated to wildlife linkages to construct three wildlife crossings along Oracle Road. The crossings, two underpasses and one overpass, will be incorporated into a larger road widening project being planned by the Arizona Department of Transportation. Design is well underway with construction scheduled to begin in Fall of 2013. The southernmost underpass is located just north of and adjacent to the Desert Springs project at milepost 81.9.

The placement of the wildlife crossings was based on a variety of factors, including land topography; roadkill surveys conducted by the Arizona Game and Fish Department that identified “hotspots” along the roadway where large numbers of wildlife were already trying to cross the road; adjacent land uses, including existing and planned development and protected open space; and Beier’s linkage design.

We hope that the Desert Springs project will choose to embrace and enhance the nearby wildlife underpass and implement project components that support, rather than detract from, the use of the underpass by wildlife. This includes minimizing and specifically directing night-time lighting, incorporating appropriate buffers on the edge of the project area to address both visual and noise impacts, and constructing appropriate perimeter fencing or walls to funnel wildlife away from the project area and towards the underpass. In general, the location of commercial development in the northwest section of the project area (as outlined in the Desert Springs conceptual plan), and the previous plan’s inclusion of a golf course, are both potentially more amenable to wildlife movement than residential development, especially the higher densities included in the newest proposal.

Town of Oro Valley Support for Conservation

The Town of Oro Valley has a strong history of supporting regional conservation and the Sonoran Desert Conservation Plan. In 2004, Oro Valley identified the Desert Springs property (then known as “Kelly Ranch”) as a top priority for acquisition with open space bond funds. Pima County voters approved \$174.3 million in open space bond funds in 2004, a certain percentage of which were allocated to local jurisdictions to use for acquisitions in their area.

Oro Valley recognized the biological importance of this property and expressed a strong desire to purchase the property for open space. Unfortunately, the property owners were not inclined to sell. Thus, in 2010, Oro Valley approved the use of a portion of their open space bond funds (originally allocated for Kelly Ranch/Desert Springs) to purchase the Treehouse parcels near the wildlife overpass location along Oracle Road. However, at the same time, they publicly expressed their continued desire to purchase the Kelly Ranch/Desert Springs property, again acknowledging the high biological value of this parcel.

In August 2008, Oro Valley officially endorsed the SDCP and in February 2011 Oro Valley adopted an Environmentally-Sensitive Lands Ordinance (ESLO). According to the ESLO, “Known, biologically-based, sensitive resources and associated conservation categories are consistent with Pima County's Sonoran Desert Conservation Plan.” The land categories in the Conservation Lands System were used as the basis for the categories outlined in the ESLO, with some, like Biological Core and Important Riparian Areas, used in full, and others, like Multiple Use Areas, used in modified form.

As mentioned above, Oro Valley adopted a General Plan Amendment in 2008 for the Arroyo Grande area. This amendment incorporated the Conservation Lands System as a Special Area Policy and further solidified Oro Valley’s support for the SDCP and the CLS. Given the downturn in the housing market and the economy over the past five years, the State Land Department has not moved forward with disposing of Arroyo Grande; however, the area remains on the State Land Department’s list of areas it hopes to sell in the next five years. When that happens, Oro Valley will be poised and ready to preserve a critical piece of the regionally critical Santa Catalina – Tortolita Mountains wildlife linkage.

Catalina State Park

We have reviewed the letter submitted to Oro Valley from Arizona State Parks (attached) in regards to impacts to Catalina State Park from the proposed Desert Springs development. We appreciate Arizona State Parks’ discussion of impacts to the Institute for Desert Ecology, developed and run by Coalition member group, the Tucson Audubon Society, for the past 42 years; avoiding inappropriate access by homeowners into the park; and consideration given to designing the development to adhere to “dark skies” principles. While “dark skies” are important to astronomers, they are also crucial to healthy wildlife habitat and the movement of wildlife across the landscape. This will be especially true for the wildlife underpass that is planned for just north of the Desert Springs project along Oracle Road.

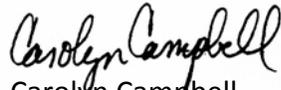
Recently, the Coalition launched a volunteer-driven remote wildlife camera monitoring project in the Santa Catalina – Tortolita Mountains wildlife linkage. Three of our cameras are currently located in Catalina State Park and have documented at least 17 species of wildlife, including bobcat, coyote, javelina, badger, deer, skunk and other small mammals and birds. We know that Catalina State Park is a healthy, biologically diverse, active, functional protected area that plays an integral part in the functioning of the larger wildlife linkage between the Santa Catalina and Tortolita Mountains. We hope that the Desert Springs project is developed with this in

mind and makes every effort to minimize impacts to Catalina State Park and this regionally important and imperiled wildlife linkage.

In summary, as you develop comments from the U.S. Forest Service/Catalina Ranger District regarding the proposed Desert Springs Major General Plan Amendment, we hope you take into consideration the larger context of this proposed development. As we have described above, millions of dollars of community resources have been either spent or dedicated to preserving the Santa Catalina – Tortolita Mountains wildlife linkage. There is also long-standing and overwhelming community support for connected, protected wildlife habitat in this area of Pima County.

Thank you for requesting and reading our comments on this project. If you have any questions or need any further clarification or information, please let me know.

Sincerely,



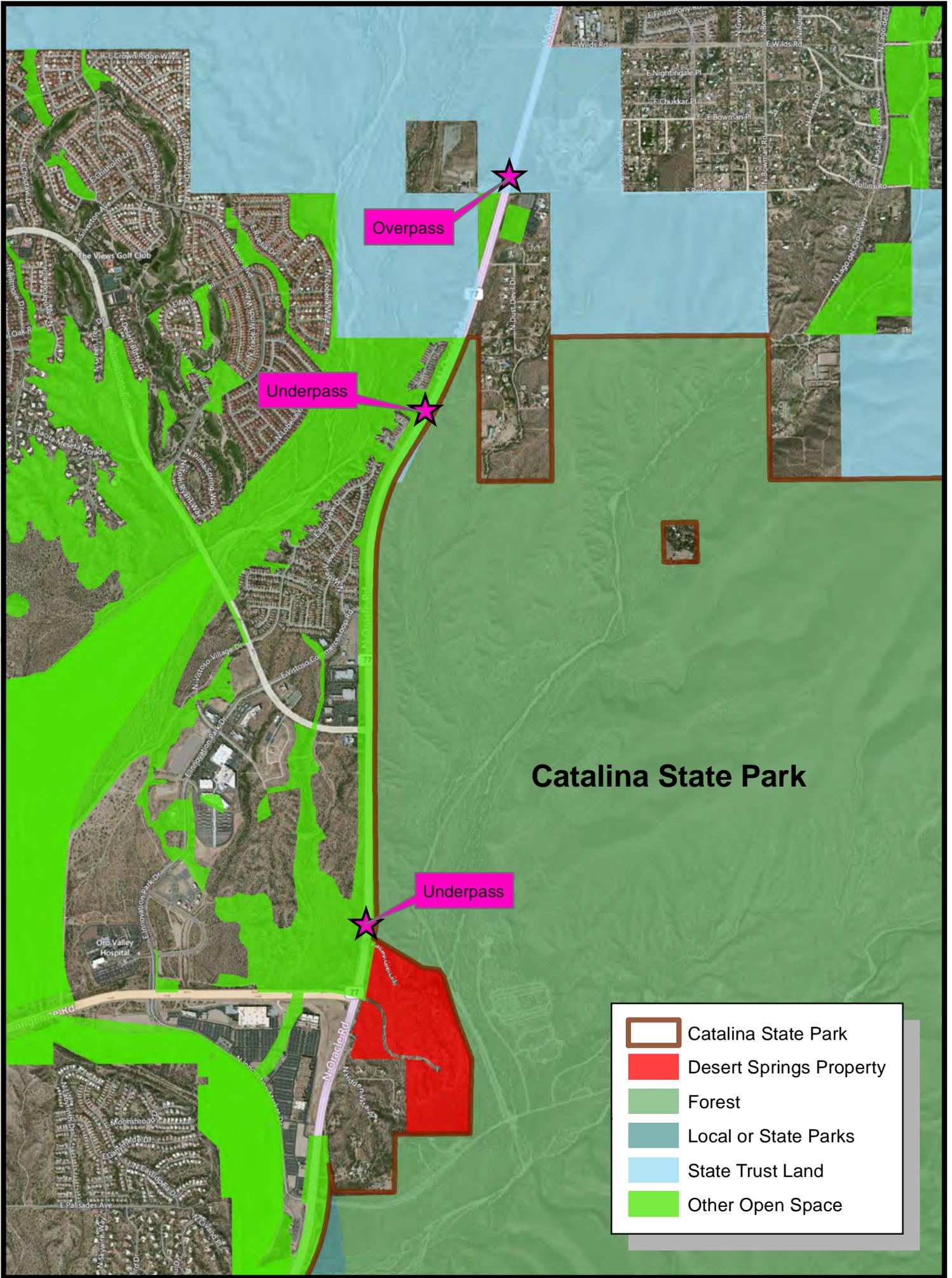
Carolyn Campbell
Executive Director

Cc: Steve Haas, Park Manager, Catalina/Oracle State Parks
Walt Keyes, Road Manager, Coronado National Forest, Supervisor's Office

Attachments:

Map – Desert Springs property, open space, and wildlife crossing locations
June 11, 2012 Letter from Arizona State Parks to the Town of Oro Valley

Map. Desert Springs property, open space, and crossing locations.



Janice K. Brewer
Governor

Bryan Martyn
Executive Director



Board Members

Walter D. Armer, Jr., Vail, *Chair*
Maria Baier, State Land Commissioner, *Vice Chair*
Kay Daggett, Sierra Vista
Alan Everett, Sedona
Larry Landry, Phoenix
William C. Scalzo, Phoenix
Tracey Westerhausen, Phoenix

June 11, 2012

Permit Technician
Development Review Transmittal
Town of Oro Valley Development Infrastructure Services
11000 N. La Canada Drive
Oro Valley, AZ 85737

Re: Project Number: OV1112-002 and Project Title: Desert Springs-Major Plan Amendment

Arizona State Parks appreciates the opportunity to comment on this Proposed General Plan Amendment. Staff, as operating entity of Catalina State Park (Park), has reviewed the Proposed Amendment covering the adjacent Desert Springs Property. We recommend that you also solicit comments from the United States Forest Service, as they are the primary owner of the lands within the Park. They may have concerns about the effect on the National Forest overall, and other issues such as watershed/wildlife/fire.

The proposed change to Medium Density Residential will greatly increase the number of housing units visible from the Park. This is further complicated by the elimination of the resort/golf course land, which would have provided a needed buffer to the Park.

Residential development, created by the more intense zoning, will negatively impact the recreational experiences of visitors to the Park. Beginning on the Park entrance road and continuing throughout the various campgrounds and at the equestrian center, the close proximity of residential development to the Park will be painfully obvious. The impact will be most significant from the campgrounds and the equestrian area; however, the loss of pristine viewshed will impact all park visitors. On-park staff housing will also be impacted by creation of the new housing. Opportunities for solitude experiences in the wild will be diminished.

A large portion of the south part of the Desert Springs property is subject to flooding, as was experienced in 1983 and later. The berm located on the west side of the Canada del Oro wash has not prevented flooding of this area of the Park, including Park residences, in the past. Arizona State Parks has a grave concern that this situation will reoccur. Has the developer completed a new floodplain study to quantify the flooding danger to this area? What mitigation is proposed for the portion of the proposed development located in the 100-year flood zone? Regardless of other considerations, Catalina State Park must be protected from impacts caused by changes to the floodplain.

The proposed development will increase the number of potential homeowners who will want access to the Park. State Parks are fee areas and thus, management becomes a major concern. The developer must be required to provide a secure perimeter wall along the Desert Springs property adjacent to the Park boundary, to prohibit any form of access to the Park. The developer should complete an accurate boundary survey prior to the construction of the wall to ensure its proper location.

The Park is in the process of becoming certified as a Dark Sky Park. Staff is working with the local astronomy club and the International Dark-Sky Association toward this goal. The Park has hosted 4 Star Parties on site to date.

The impact of lighting from a development with such intense density, as is proposed, would affect more than just the Park's astronomy programs. Nocturnal and other animals in the Park would experience changes in their behaviors due to the introduction of additional light at night to this area. It is important that this project not only complies with the Oro Valley Outdoor Lighting Code, but also insures that any developer lives up to the spirit of the ordinance, which seeks to "preserve the relationship of the residents to their unique desert environment through protection of access to the dark night sky." Lighting plans for any proposed development must address potential impact on the Park, its wildlife and "Dark Skies" concept.

Another concern is the impact the proposed development will have on the Institute for Desert Ecology (IDE). The Audubon, University of Arizona, Prescott College, and State Parks are active partners in facilitating the annual, acclaimed, and multi-disciplinary program. The IDE has experienced four decades of professional and community service in the multiple arenas of resource management, land use and conservation. It is an excellent example of a science-based and societal-focused partnership program that entails world-class hands-on instruction and educational outreach and research. The value of the IDE rests largely on maintaining the unique and relatively undisturbed and diverse ecological setting (biological and geological) that the Park offers. It accomplishes this efficiently from a scientific and logistical perspective because of its relatively small but important geographic location. The proximity of the Park and program to a major urban setting makes it ideal for local and participants who travel great distances to Tucson for the program. The Park hosts and showcases an inordinate amount of bio-diversity and lateral and vertical linkages and distributions of fauna and flora, that are linked also in their co-evolution and function over time and space. The IDE emphasizes the need for inventory and monitoring for protection, advocacy and enjoyment of the fragile Sonoran Desert ecosystem. Lessons learned in this program, and professional and personal relationships made on site, are applicable to the conservation and advocacy of ecosystem functionality and conservation elsewhere. Urban encroachment and industrialization of open spaces elsewhere within the greater Tucson area continues to offer fewer and fewer cost-effective venues that can so efficiently nurture a partnership program of this caliber.

If development of Desert Springs is approved, the land annexed by Oro Valley, and public utilities are provided to the development, the design of those utilities should also include provisions to connect those utilities to the Park.

I am interested in working with Oro Valley, Pima County, and the developer in during this planning process. I would be willing to meet with you at your convenience.

Sincerely,

Bryan Martyn, Executive Director

Cc: Jay Ream, Deputy Director – Parks
Kent Ennis, Deputy Director – Administration
Lee Eseman, Chief of Operations
Paul Govino – Chief of Development
Randy Furnish – Regional Manager
Steve Haas, Park Manager
Bob Cassavant – Science and Research Manager
Jim Sutton-USFS