



## Coalition for Sonoran Desert Protection

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Arizona Center for Law  
in the Public Interest

Arizona League of Conservation  
Voters Education Fund

Arizona Native Plant Society

Bat Conservation International

Cascabel Conservation  
Association

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

Eddie Peabody, Jr., Vice Chair  
Pima County Planning and Zoning Commission  
130 W. Congress St., 11<sup>th</sup> Floor  
Tucson, AZ 85701

**RE: P16RZ00005 Whisper Canyon Holdings, LLC – W. Hardy Rd. Rezoning**

Dear Vice Chair Peabody and Commissioners:

Thank you for the opportunity to provide comments on the proposed rezoning for W. Hardy Road (P16RZ00005 Whisper Canyon Holdings, LLC – W. Hardy Rd. Rezoning).

This 19.81-acre parcel falls within the Maeveen Marie Behan Conservation Lands System (CLS) of the Comprehensive Land Use Plan. The entire parcel has an underlying Multiple Use Management Area designation with a Special Species Management Area (SSMA) overlay throughout. There is also an Important Riparian Area in the northern end of the property. The CLS open space guidelines for IRA call for at least 95% open space and guidelines for SSMA call for at least 80% open space. CLS guidelines allow for on-site conservation and/or off-site mitigation to be utilized.

The Coalition for Sonoran Desert Protection supports the applicant's proposal to comply with CLS guidelines by using a combination of on-site conservation and off-site mitigation. This includes 7 acres of on-site conservation in the form of protected natural undisturbed open space along with 45 acres of off-site mitigation. We are in support of the proposed rezoning standard and special conditions, in particular Conditions 6A-B:

6A) The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 52 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved Preliminary Development Plan. The difference between the total 52 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 of Conservation Lands System Mitigation Lands) and comply with all of the following:

- 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
- 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.

6B) Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition. (List of Invasive Non-Native Plant Species Subject to Control is also included in condition 6B.)

Climate science tells us that, in the future, storms may be less frequent but more extreme. Due to the nature of the alluvial fan, the development that has occurred upstream, and the adjacency of the proposed development to the floodplain, we are concerned that flooding may cause issues that would need to be mitigated at some point in the future.

Therefore, we also propose that the owners consider deeding the NOS on site to Pima County Regional Flood Control District (District), and that the District consider accepting. This would provide consistent conservation ownership and management for the majority of the Hardy Wash.

We are pleased that the property owners are in support of a solution to CLS compliance that involves both on-site conservation and off-site mitigation. With the continued inclusion of special and standard conditions 6A-B, we are in support of this rezoning proposal.

Thank you again for the opportunity to comment. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Campbell". The signature is written in a cursive, flowing style.

Carolyn Campbell  
Director