

When recorded return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

RESOLUTION NO. 2020-PZ-PA-004-20

A RESOLUTION OF THE PINAL COUNTY, ARIZONA, BOARD OF SUPERVISORS APPROVING A MAJOR COMPREHENSIVE PLAN AMENDMENT AND AMENDING THE 2019 COMPREHENSIVE PLAN FOR PROPERTY LOCATED IN UNINCORPORATED PINAL COUNTY BY AMENDING THE MAJOR COMPREHENSIVE PLAN, TEXT AMENDMENT FOR CHAPTER 7; ENVIRONMENTAL STEWARDSHIP, WATER ELEMENT; IN CONNECTION WITH PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT CASE NO. PZ-PA-004-20

WHEREAS, the Pinal County Board of Supervisors (“Board”) is authorized pursuant to Arizona Revised Statutes § 11-805 and Pinal County Development Services Code § 2.170.110 to approve Major Comprehensive Plan Amendments; and

WHEREAS, on May 28th, 2020, the Pinal County initiated an application for a Major Comprehensive Plan Text Amendment Major Comprehensive Plan Text Amendment to Chapter 7 Environmental Stewardship, of the 2019 Pinal County Comprehensive Plan. The proposed text amendment will modify the referenced Chapter by adding goals objectives and policies relating to water topics and concerns within Pinal County as described in the attached Exhibit A (the “Chapter 7 Environmental Stewardship”) (Case No. PZ-PA-004-20); and

WHEREAS, on September 17, 2020, the Pinal County Planning and Zoning Commission held a public hearing on Case No. PZ-PA-004-20, after providing notice pursuant to statutory requirements, and following the public hearing voted 8 to 0 in favor of forwarding a recommendation of approval to the Board; and

WHEREAS, on November 18, 2020, the Board held a public hearing on Case No. PZ-PA-004-20, after providing notice pursuant to statutory requirements, and considered the application for the Major Comprehensive Plan Amendment; and

NOW, THEREFORE, BE IT RESOLVED by the Pinal County Board of Supervisors that the application for the Major Comprehensive Plan Amendment in Case No. PZ-PA-004-20 is hereby approved the Comprehensive Plan Land Use Map for the Property legally described in the attached Exhibit A is hereby amended by changing the Land Use designation from moderate low density residential to Green Energy Production Land Use Designation.

PASSED AND ADOPTED this 18th day of November, 2020, by the PINAL COUNTY BOARD OF SUPERVISORS.

Chairman of the Board

ATTEST:

Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney

**EXHIBIT A
TO
RESOLUTION NO. 2020-PZ-PA-004-20**

**[Text Amendment]-Deletions in Strikethrough
Additions are underlined**

See following page(s).

Water Resources (Pgs.269-278, all graphics & footnotes will remain the same)

Introduction

The Water Resources element of the Comprehensive Plan includes an inventory of water supplies in Pinal County, which includes surface water, groundwater, CAP water, ~~reusable effluent~~ reclaimed water and precipitation. Since the previous Comprehensive Plan, there have been no new added water supplies with the exception of some increased reclaimed ~~waste~~water supplies.

This section includes estimates of potential future water demand associated with existing and projected development. Issues relevant to water use and available supplies for future growth in the County are also included as are sections describing practices for managing future water supplies with goals and policies relevant to water resources.

Pinal County encompasses six groundwater basins. Three of the major basins are designated as Active Management Areas (AMAs). The AMAs have specific groundwater management objectives that are administered by the Arizona Department of Water Resources (ADWR). Distinguishing between AMAs and the non-AMA basins is important in that there are different regulatory schemes that affect the management of water resources, most specifically groundwater. Between the three AMAs, the regulatory framework of the Phoenix and Tucson AMAs are virtually identical, while the regulatory framework of the Pinal AMA is unique among the three. The Phoenix and Tucson AMAs, have water management goals of Safe Yield. Safe Yield means that groundwater withdrawals are not to exceed the amount of water that is naturally and artificially recharged by the year 2025. In the Pinal AMA, the management goal is “to allow development of non-irrigation uses and to preserve existing agricultural economies in the AMA for as long as feasible, consistent with the necessity to preserve future water supplies for non-irrigation uses”.

In 2015-2018, approximately 80% of non-tribal water use in the Pinal AMA was by agriculture and 5% was municipal-industrial use. In that same year, the AMA’s water supply portfolio was made up of 45% CAP water, 8% surface water, less than 1% of reclaimed waste water, and 47% groundwater. The opportunity for agriculture to use CAP water is diminishing and will go away in 2030. The Arizona Water Company (serves water to all or portions of Apache Junction, Superior, Casa Grande, and Coolidge) and the towns of Eloy and Florence hold CAP water contracts totaling 21,118 acre-feet/year (enough to supply 125,000 people at a combined use of 150 gallons per person per day).

Residential development within all AMAs are required to demonstrate to ADWR an adequate, assured, and physically available 100-year supply of water for residents. Commercial developments are not required to demonstrate an assured water supply unless they fall within the state’s definition of a

“subdivision.” In the Pinal AMA, groundwater supplies to a depth of 1,100 feet below ground surface may be used to prove a 100-year supply.

The Pinal AMA includes the largest overall special area in the County and includes the communities of Casa Grande, Coolidge, Florence, Eloy, and Maricopa, all of the Ak-Chin Indian Community, and parts of the Gila River Indian Community and Tohono O’odham Nation. The portion of the County that is included within the Phoenix AMA includes Apache Junction, Superior, and Queen Creek, and part of the Gila River Indian Community. The south-central part of the County is included in the Tucson AMA, while the eastern portion of the county includes three groundwater basins that are not part of an AMA. These basins are the Connelly Wash Basin, parts of Lower San Pedro Basin (including the communities of Kearny and Mammoth), as well as parts of the Dripping Spring Wash Basin.

Purpose The Growing Smarter Plus Act requires that Pinal County include a water resources section in its Comprehensive Plan. The Water Resources element ~~inventories~~, describes currently available water supplies and ~~an analysis of how future growth will be adequately served with these water supplies. Where growth projections appear to exceed current water supplies, the element attempts to address how~~ illustrate the need for additional future water supplies could be obtained to meet the projected growth, and techniques that may extend the use of existing water supplies.

Water providers are primarily responsible for meeting regulatory requirements associated with municipal and private water company systems and therefore typically plan, manage, and develop their water resources to serve their customers/constituents. Independent industrial water users, and agricultural users and irrigation districts are primarily responsible for meeting their respective regulatory requirements. Almost all of these requirements are imposed by State Law and most are enforced by the ADWR.

The County does not hold an “ownership interest” or “right” to water resources or provide water supply delivery services. State statutes identify ADWR as the primary agency responsible for the management of Arizona’s water resources. The primary role of the County is one of supporting or affirming policy, encouraging wise water use, providing education regarding the County’s water supplies, and serving as an advocate to protect the County’s water interests in the region.

~~Recently, however, new statutes do provide an opportunity for the County to impose limited restrictions on the development of new subdivisions located in the three basins located outside of the three AMAs. These new statutes, and the County’s new ability, can provide a level of protection for new home buyers in these locations by requiring that the development of these areas demonstrate that there are adequate water supplies available to these proposed subdivisions.~~

~~Pinal County is currently in the midst of its “second generation” water supply issue that was initiated with the conception of the CAP in the 1940s. It took nearly 50 years for the CAP to mature and deliver water to central Arizona, including Pinal County. However,~~ The demographics and economics of Arizona and Pinal County have evolved and are continuing to do so at a phenomenal rate. While desiring a link to its agricultural heritage, Pinal County is on the brink of being the central element of the Sun Corridor Megapolitan. ~~The County is witnessing the birth of its “third generation” water supply issues.~~

The water resources challenges facing Pinal County are linked to the rest of Arizona. The Governor’s Water Augmentation, Innovation and Conservation Council is studying ways to augment and better use existing water supplies in the State. There are no local fixes – Pinal County has reached the point where future planning is going to require importation of water and greater efforts to ensure wise water use. The current supplies located in local aquifers still are not reliably quantified, however, it is obvious that the groundwater supplies cannot continue to be indefinitely mined. While there are tremendous amounts of

groundwater located at significant depths in portions of the County, much of the deeper water is poor quality and not economically or environmentally feasible to be used.

The Ak-Chin Indian Community, the Gila River Indian Community, and the Tohono O'odham Nation have diverse water portfolios to support their agricultural and municipal plans. Native American Tribes may lease their Central Arizona Project (Colorado River) water. To date, Native American Tribes have participated in leasing unused water to entities outside of their Community (e.g. Central Arizona Groundwater Replenishment District, City of Chandler, Apache Junction Water Utilities District, and others).

Relationship to Pinal County's Vision the Vision assumes that Pinal County will grow and water is the basic element that will allow this to occur. The question on most people's minds is twofold: is there enough water to satisfy the long-term needs of the current population and; is there enough water to allow for continued growth? The answer to the first part of the question is yes. There is adequate water to serve the current population. The answer to the second part is more complicated. Depending on the amount of growth, at some point new resources will be needed that are not currently available in the County. This means new sources will need to be sought and the infrastructure to move the water to the area will need to be developed. This will be costly. If prospective developers choose to make the financial commitment to bring water to the area to serve their projects, the infrastructure will be developed and the people and water will come. If the costs to bring these new sources are greater than the market will bear, growth will not occur.

The population projections for Pinal County indicate that a population at buildout could reach 6 million people. This represents between 840,000 to 1,700,000 annual acre-feet of new water demand. For comparison, the CAP Canal has a capacity of approximately 1,500,000 acre-feet per year. In other words, a project the scope of the CAP will be needed just to satisfy the growth demands in Pinal County, not to mention additional growth that will occur throughout the Sun Corridor Megapolitan. Arizona as a whole must find new sources of water to be able to continue to grow. The key to Pinal County's future is to be certain that it has a significant voice in the development of Arizona's next new water supplies.

There are a number of different estimates as to how much water is available to Pinal County, but there is not one definitive reference to obtain a quantification of that water. ~~Studies currently are focused on specific subdivisions or water provider service areas, however, the ADWR is refining its groundwater model that will impact the parts of the County within the three AMAs.~~ In October 2019, ADWR released its Pinal AMA groundwater simulation model and associated 100-year assured water supply projections. This model takes into account current demands, applications from residential developments that have submitted information to ADWR for the process of proving assured water supplies, and agricultural demands. Model results show a cumulative shortage of about 8 million acre-feet between now and 2115.

Water supply estimates are further complicated by the introduction of the Central Arizona Groundwater Replenishment District (CAGRD) whose role is to replace the amount of groundwater pumped by member entities from the Phoenix, Pinal, and Tucson AMAs, thereby extending the supply of groundwater. And lastly, the role of reclaimed water for direct use on landscaping and for underground storage and recovery is just emerging as a major water resources management component in Pinal County.

Goals, Objectives and Policies

In order to make it easier for property owners to use the Goals, Objectives and Policies in the Plan and then incorporate them into their development proposals or amendments, the Policies have been placed into two separate categories. The two categories are:

- Public Responsibilities

- Private and Public Shared Responsibilities

Private development applicants should be aware of Public and Private Shared Responsibilities throughout the development process and should focus their Comprehensive Plan applications as specified in the implementation section of the Comprehensive Plan, or other relevant documents that set criteria for other applications.

Public Responsibilities are primarily incumbent on the County to implement through its policy development and planning.

Private and Public Shared Responsibilities, all entities, private and public, share the responsibilities of implementing these Policies.

7.2 Goal: To protect the long-term water supply for Pinal County

7.2.1 Objective: Protect future homebuyers in new subdivisions located in areas located outside an AMA.

Under state law, new subdivisions in areas outside of AMAs must either prove that an adequate water supply exists to satisfy the needs of the development for 100 years, or simply publish that there is no demonstration that an adequate supply of water exists. While this may be adequate notice for a first time home buyer, there are concerns as to whether a subsequent buyer of the property will have appropriate notice of a lack of an adequate water supply.

Policy:

7.2.1.1 As provided under specific provisions of Title 11 of the Arizona Revised Statutes (A.R.S. § 11-806.01.F), the Pinal County Board of Supervisors shall, by the end of ~~2012~~ 2020, consider adoption of a provision (requiring a unanimous vote), that requires a new subdivision, located outside an AMA, to have an adequate water supply as defined by A.R.S. § 45-108.I in order for the subdivision final plat to be approved by the County. This policy was endorsed by the 2009 Water Element Citizen Task Force.

7.2.2 Objective: Encourage the maximum conservation of water resources currently available within Pinal County.

The County can encourage the conservation and efficient use of water supplies. In addition, the County government can play a significant role in encouraging the reuse and underground storage of reclaimed wastewater.

Policies:

7.2.2.1 Consider researching and applying for ~~the development of a~~ federal, state, or municipal grants ~~mechanism~~ to support quality water conservation programs to be implemented within the County.

7.2.2.2 Consider requiring as a condition of its approval for new wastewater treatment facilities located within Pinal County that the applicant also be required to demonstrate and implement a program for the direct reuse ~~by turf for landscaping~~, industry, and agriculture and/or underground storage (either direct or indirect recharge) of reclaimed water within Pinal County. In the event of extraordinary climatological conditions, some relief from these measures may be considered on a temporary basis.

7.2.2.3 ~~Encourage single family residences, multi family residences, commercial and industrial development to utilize rainwater harvesting techniques.~~ Consider creation and adoption of a water conservation ordinance for new residential and non-residential development.

7.2.3 Objective: Provide a focused venue for the development of unified water resources policy and development for the interests located within Pinal County.

Pinal County encompasses six different groundwater basins having some unique water supply issues, however, in order to preserve the future of Pinal County and realize the Vision contained within this plan, a unified voice needs to be developed for participation in discussions regarding future water development projects and legislation that may affect available water resources for Pinal County at the local, state, and federal level.

Policy:

7.2.3.1 Consider ~~the adoption of a resolution stating that there should be a~~ continued support of County-wide organizations with a goal to provide advocacy for Pinal County's water resources interests. Further, the County should be a strong contributor to all discussions concerning those water resources.

7.2.4 Objective: Explore and encourage legislative change to ~~allow the provision of dedicated resources for evaluation and monitoring of groundwater conditions~~ provide opportunities for innovative and wise water management within Pinal County.

~~There have been many studies performed over portions of Pinal County to provide only a partial understanding of the hydrology within all six basins contained within Pinal County. Having a good baseline to work from enhances the opportunities for efficient and effective management of the groundwater supplies as well as effective planning for drought within these areas. The ADWR depends upon agency funding at the state level for its operations, and is frequently understaffed and underfunded to meet its obligations. Therefore, an increase in dedicated funding to secure additional dedicated staffing resources at ADWR for the purpose of undertaking a county wide effort to analyze the available groundwater supplies is an alternative which should be explored.~~

Policy:

7.2.4.1 The County shall consider ~~adopting a resolution to be transmitted to the Office of the Governor and both houses of the State Legislature to provide ADWR with funds to hire at least one hydrologist dedicated to providing analyses~~ continued support of the Pinal County Water Augmentation Authority and Stakeholder Groups specifically focusing focused on the groundwater basins located solving water issues within Pinal County.

7.2.5 Objective: In order for the County to have information about water supplies needed to satisfy future development, the County shall consider requiring zoning applicants to provide information about water demand and potential supplies for their projects. Implementing the following policies will give the Planning and Zoning Commission and the Board of Supervisor better information to use in their decision making, and will allow the county to develop a groundwater database. The following three policies were based on the recommendations of the Water Element Citizen Task Force

Policy:

7.2.5.1 Consider requiring that, with the filing of the zoning application, the applicant shall:

- *Identify the water service provider*
- *Identify the irrigation district the proposed development is in (if applicable)*
- *Provide an estimated range of water demand and include an explanation of the method used to obtain the estimate*
- *Provide information about water supply and source, including renewable and non-groundwater supplies*

Policy:

7.2.5.2 If the water supply is groundwater, consider requiring that the zoning applicant provide the following information that is publicly available from the Arizona Department of Water Resources (ADWR) and/or Arizona Geological Survey, or otherwise available to the land owner:

- *Depth to bedrock*
- *Depth to groundwater*
- *Known fissures or land subsidence in the area*
- *Known wells in the area, available information on status, water levels, etc*
- *Summary of data-gathering efforts and sources of information*

Policy:

7.2.5.3 Consider adding the following language to zoning cases if the County requires zoning applicants to provide water information at time zoning: Approval of this zoning case is not an approval of water adequacy or water quality. This zoning is being granted in general support of the Comprehensive Plan's goals and objectives, but the applicant's ability to develop this property rest upon a demonstration to ADWR that there is sufficient water to serve the proposed development at the time of final platting.