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Overlay district passes: Puts water measures into effect near portion of river

By Shar Porier

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BISBEE — After eight years, much discussion and unanimous approval of the Cochise County Board of Supervisors, the Sierra Vista Subwatershed Overlay District is now part of the county zoning code.

At Tuesday's meeting, Mark Apel, the county's planning manager, said it had been a long process involving state and federal legislators, including Arizona Sen. John McCain. Apel said he had felt embarrassed two years ago when McCain asked what rules the county had enacted in the area to provide measures for water conservation and protect the San Pedro River Basin. At the time, the ideas were just going down on paper.

"We've been trying to be fair and equitable in this process. We've contacted over 1,500 people via e-mail and held public hearings to get input and the district has been reported on in the local newspapers extensively," Apel said. "Fort Huachuca has done an outstanding job on water conservation. The city of Sierra Vista has made it move forward."

"Now, Cochise County has the opportunity to be on the cutting edge of water conservation measures in the state."

The overlay district encompasses an area from Whetstone to Tombstone south to Sierra Vista, Hereford and Palominas. The plan requires all new developments that have an average lot size of less than 5 acres to have water on demand, drip irrigation, graywater plumbing, low-water use commercial washing machines, and sensors of rain or humidity on irrigation systems, be connected to a water company (no well-drilling on individual lots) and prohibits outdoor water features, such as fountains, lakes and ponds. Single-pass swimming pools and coolers will be prohibited.

Though the supervisors were respectful of landowner rights and the nuisance of government intervention, agreed water conservation was a necessity that could not be ignored or dismissed.

"Federal law has mandated that we have a plan in place by 2011," county Supervisor Paul Newman said. "Finally we have gotten our act together about water conservation and can save the San Pedro River. Even the business community and the environmentalists have been supportive of it."

Southern Arizona Home Builders Association and Southeast Arizona Contractors Association have been supportive of the district, as has the Greater Sierra Vista Area Chamber of Commerce and Fort Huachuca.

Several issues over the manner in which the county Planning and Zoning Commission passed the plan on

board were resolved by Britt Hansen, a representative from the county Attorney's Office.

He said Judy Anderson, as the county's planning director, had the right to request the item be placed on commission's agenda. Since it was a county department acting on behalf of the county, no fee was required. Commission was within the bylaws to reconsider the item at the November meeting.

On another hot topic, the supervisors voted unanimously to deny a request to abandon public right of way a portion of South Calle Encina. The residents along the private road had requested the abandonment due to trespassing, trash, dust, traffic volume, disturbances and parking.

People in the area have long used the vacant property owned by Jack Freeman to access wilderness trails and a perimeter trail on Fort Huachuca property.

Freeman said there had been a fence up when he bought the land 26 years ago, but people had tore it down over the years. He had no plans to rebuild the fence.

The problem that basically came out of the discussions from those for and against the abandonment was some people used the road for recreational activities and movement in the community, and others needed to access the trails. Since they had been squeezed out of other access points, the Freeman property became a gateway.

The supervisors asked Bureau Chief Rod Rockroth how the Cochise County Sheriff's Office could help patrolling the area to curb the problems. He said there was nothing deputies could do unless the property was posted with no trespassing signs and the road had county speed limit and no parking signs. If people did trespass on private property, then it was the property owner's responsibility to call and have the vehicles removed.

Supervisor Pat Call said there had been wildcat development in the area and little planning had gone into the roads. The trespassing issue disturbed him, but he felt abandoning the road would not help.

"Closing the road is not the answer," he said. "Even if the road were closed, there would still be a need for a sort of barrier to keep people out. It's a community road that lots of people use for a number of reasons. In the morning and late in the evening and there are lots of people who walk the road with their families. It would be terribly unfair to change that after all these years. Abandonment won't solve as many problems as it would create."

Newman suggested the county look into a cooperative effort with the state land department to provide legal access to the trails and parking that would help some of the problems in the community.

Chairman Richard Searle added, "Though the majority of the property owners want abandonment, we have to look at the rights of the minority and protect those, too."

REPORTER Shar Porier can be reached at 515-4692.