

Helen H. Northrop
1951 N El Moraga Dr.
Tucson, AZ 85745

November 21, 2016

By email to: robin.brigode@pima.gov.
Clerk of the Board of Supervisors, Pima County
130 W. Congress St., 11th floor
Tucson, AZ 85701

re: P16SA00011 Moussa-N Enclave Place Hillside Development Zone (HDZ) Special Use Permit
& P1200-125 The Enclave at Gates Pass (Lot 9) Plat Note Waiver.

Dear Board of Supervisors,

Please accept the attached photos as an addendum to my earlier letter. They illustrate the nature of this ridge as a Level 1 protected ridge.

The Pima County Code states at 18.61.042(A1): "The board of supervisors may grant a special use permit for development within the protected area of a level one protected peak or ridge when such development can be proven by the developer to serve a need that outweighs the need for the restrictions of [Section 18.61.041\(A\)](#)". Section 18.61.040 (A2a) says "No permit shall be issued that is contrary to the purpose and intent of this chapter".

Photo 1 refers to the Code 18.61.040 (C1): "A level one peak or ridge has communitywide viewshed significance". The photo shows a view from Ironwood Hill, with the proposed house marked on the ridge. The ridge is visible from most of the area to its north and the community at large.

Photo 2 was taken from Feliz Paseos Park, to show that the proposed building would be noticeably visible from a public open space area.

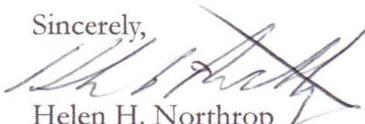
Photo 3 shows the view from the north of the ridge, illustrating the proposed building's effect on the neighborhood viewshed, privacy, and the value of properties purchased for their proximity to protected land.

At 18.61.042(A2c), the Code states that "No permit shall be issued that: Allows a use that substantially injures the use of adjacent property conforming to the restrictions of this chapter."

Photo 4 shows the property directly under the proposed building. Note that the rock is fractured and fissured, susceptible to rockfall and increased runoff from building on the ridgeline. During a storm, the runoff down the hill is quite substantial and while all the homeowners on the north of the ridge have installed various means of dealing with it, any changes to rock and fissures caused by construction could result in changes in the water's path, resulting in damage below. This should also be a concern in placing a septic system on the ridge.

We believe that this proposed building has not been proven to "serve a need that outweighs the need for the restrictions of [Section 18.61.041\(A\)](#)" and that it is a project that "substantially injures the use of adjacent property".

Sincerely,



Helen H. Northrop
1951 N El Moraga Dr.



11/21/2016 09:11



11/21/2016 09:21



--- is the property line (approx)



11/21/2016 09:45

From: [Robin Brigode](#)
To: [COB_mail](#)
Subject: FW: P16SA00011 Moussa-N Enclave Place Hillside Development Zone (HDZ) Special Use Permit & P1200-125 The Enclave at Gates Pass (Lot 9) Plat Note Waiver
Date: November 21, 2016 3:03:14 PM

Robin Brigode
Pima County Clerk of the Board
130 W. Congress St., 5th Fl.
DT-AB5-130
Tucson, AZ 85701

From: Don Averkamp [mailto:da@abdilaw.com]
Sent: Monday, November 21, 2016 2:56 PM
To: Robin Brigode <Robin.Brigode@pima.gov>
Subject: P16SA00011 Moussa-N Enclave Place Hillside Development Zone (HDZ) Special Use Permit & P1200-125 The Enclave at Gates Pass (Lot 9) Plat Note Waiver

Dear Ms. Brigode,

I understand that there is an attempt being made to obtain Pima County's approval for degrading our beautiful west side hillsides. I want the Board of Supervisors to know that I oppose P16SA00011 Moussa-N Enclave Place Hillside Development Zone (HDZ) Special Use Permit & P1200-125 The Enclave at Gates Pass (Lot 9) Plat Note Waiver.

I have heard that the purchaser of the relevant property was able to buy it at a low price because construction was not allowed on it. It appears that the purchaser was relying on friends in high County positions to grant a waiver of the restrictions. Such would be clearly outrageous.

Thank you for your assistance.
Don Averkamp

Don Averkamp
Averkamp & Bonilla, PLC
6891 North Oracle Road, Suite 155
Tucson, Arizona 85704
Phone: (520) 798-5282
Fax: (520) 798-5283
da@abdilaw.com

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Think Green Keep It On the Screen.

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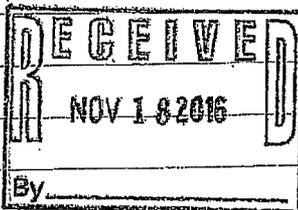
Department of Planning Division

Case #: P16SA00011 / P1200-125

To whom it may concern,

This note is to state that I am strongly against you giving a plat waiver for the land surrounding my family's property at 4000 W. Speedway. I have lived in the Tucson Mountains since 1986 and have a deep appreciation for the healthy functioning of this landscape. Allowing this waiver to move forward would be disastrous to water run off (damaging roads + infrastructure) as well as the wildlife in this area. There is no justification a builder can provide that makes up for the incalculable damages that will occur. I urge you to not let this happen.

Sincerely, Lindsey Feldman



4000 W. Speedway
Tucson AZ 85745

NOV 21 16 PM 03:31 PC CLK OF PD
bf

Robert Houston
3999 W. Bar Ranch Drive
Tucson, AZ 85745

November 11th, 2016

To: Pima County Development Services, Planning Division

Subject: Case # P16SA00011/P1200-125

Case Name: Moussa – N. Enclave Place Hillside Development Zone Special Use Permit/The Enclave at Gates Pass (Lot 9) Plat Note Waiver

Tax Code: 116-07-1780

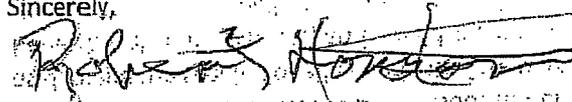
As a property owner within 300 feet of the lot in question, I wish to protest this requested waiver, as well as any future special-use waivers for homes on the adjoining lots 8, 10, and 11, all of which lie partially or wholly within the protected ridge area.

Lot 9 directly overlooks a number of homes and lots to the north, most of which were purchased trusting that the HDZ Level One protected ridge area would indeed remain protected. The lot owner or her agent did not do the necessary due diligence to determine that Lot 9 lies within a zone in which any development is prohibited. Neither lot owner nor developer obtained a building permit within the time allowed by the Pima County Zoning Code (eleven years ago), and thus now require a special use permit. I and my neighbors see no virtue in eviscerating the protected ridge concept because of the developer's and lot owner's lack of foresight and planning, and we urge denial of any special use permits within the prohibited zone, which would be injurious to our views, privacy, and possibly property values—as well as damage the scenic ridgeline and interfere with the wildlife corridor it provides. The waiver, in fact, benefits only one taxpayer, and would seem more properly to be a civil matter to be settled between the owner of the illegally sited lot and the developer or agent from whom it was purchased.

As sympathetic as we may be to Ms. Moussa's predicament, we do not feel that it is the County's function to attempt to make her whole at the expense of dozens of other nearby homeowners who have relied on the integrity of the protected ridge area. Moreover, approval of this waiver will open the door to adjoining lot owners in her subdivision to request similar waivers, which would invalidate the purpose of the law entirely.

I note with some irony the planning division's comment that no protests had been received before its final approval on October 31st. Neighboring property owners were not informed of the waiver request until November 9th, and were not consulted at all during the planning process; how, then, could there have been protests? Certainly we need a continuance, at least, in order to respond adequately.

Sincerely,



Robert Houston, Ph.D., Vice President, El Moraga/Bar Ranch Improvement Association

[Redacted address block]

RECEIVED
NOV 18 2016
By

NOV 21 16 PM 03:01 PC CLK/CF RD

Mark I Feldman MD, FACP, FACC
Cardiology
3801 N. Campbell Ave. Suite C
Tucson AZ, 85719
Phone: 520-327-3644
Fax: 520-327-4867

November 14, 2016

To whom it may concern:

Case# P16SA00011/P1200-125

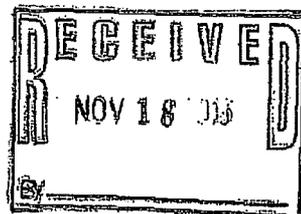
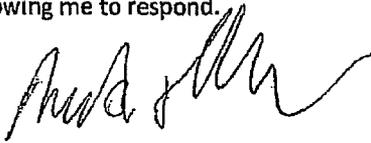
Dear Sirs,

I am writing this letter to vote against HDZ Special Use Permit/Plat Note Waiver.

I and my family have lived there since 1977. I believe this would ruin the landscape of the beautiful Tucson mountains.

Thank you for allowing me to respond.

Mark Feldman



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