

[REDACTED]

From: Donald Uhler <[REDACTED]>
Sent: Wednesday, November 16, 2016 11:14 AM
To: District5; District1; DIST2; District3; District4
Subject: Re: DENIEAL of HDZ Special Use Request for Lot 9 of The Enclaves Subdivision/ Board meeting of 11/22/16
Attachments: 030211Enclaves_BoS.doc; Enclaves_BoS(7-15-01).doc

Additional historical information related to the Enclaves development, if Staff neglected to provide it. Applicable to this subject HDS Special use request.

v/r,
Donald A Uhler

On Tue, Nov 15, 2016 at 5:00 PM, Donald Uhler <[REDACTED]> wrote:

Donald A. Uhler
661 N Mountainside Way
Tucson, AZ 85745-9139

15 February 2015

To: Pima County Board of Supervisors

Subject: DENIEAL of *HDZ Special Use Request for Lot 9 of The Enclaves Subdivision'/ Board meeting of 11/22/16*

RE: Pima County Peaks and Ridges Ordinance

Dear Honorable Supervisors Elias, Miller, Valadez, Bronson and Carrol,

Please deny this HDZ Special Use request to build a 3500 ft² house on top of a County protected ridge. I was a member of the public group that along with Bill Staples, surveyed the County's peaks and ridges for the proposed 2003 ordinance, an ordinance that the Supervisors wisely adopted. Those of you on the Board then, understood the benefits and needs to protect the precious remaining view-shed *for-the-many* vs destroying it for the economic benefit of a single developer. This specific area is on the West side, along Speedway Blvd, a "Scenic Corridor", with newly acquired County

protected land (Painted Hills) across the street. This area is exactly the reason the Peak and Ridge Ordinance was developed, especially since it is a gateway to the Desert Museum and other Tucson attractions..

The developer/petitioner may complain that they cannot reap the full value of their land without building a monstrosity directly on the ridge. The petitioner knew full well the zoning restrictions that were in effect when they purchased the lot. Additionally, they should have researched the history of the Enclaves Development. The original platting of the development should not have been approved as it affected a protected ridge. There was no access, except over the protected ridge in front of this petitioner's lot, which the developer illegally graded. Another citizen's land was taken by eminent domain to provide access to the lot around the protected ridge. Not to mention, the original developer going bankrupt and the land being sold off by the Bank. Attached you will find a petition signed by the requesting Doctor, attesting to the property's value of only \$500. I will gladly pay him thrice that and won't ever request a peaks and ridges special use request. The lot can be used to build an elegant single family residence, without encroaching the protected ridge.

The Hillside Development Ordinance specifically states that the reason this petitioner is requesting a special use permit, is not allowed.

18.61.100 Special Use Permit

*2. Grounds for issuance of a special use permit shall **not** include:*

a) That issuance of the permit would allow a more profitable use.

Thus, if you truly believe the property will still be worth \$500 **IF** this special use permit was approved, you could approve it. If you have any doubt, that the property might be more valuable, you cannot approve the request.

To approve this Special Use request would also open an unstoppable floodgate of others to demand equal treatment allowing them to build on the ridges.

Please keep the remaining peaks and ridges for the overall good of the citizens of Pima County to enjoy, **DENY** this request!

Respectfully,

Donald A Uhler

[REDACTED]

From: Margoart <[REDACTED]>
Sent: Wednesday, November 16, 2016 11:21 AM
To: District1
Subject: Board meeting 11/22/16 -- special use request for Lot 9 of the Enclaves Subdivision

To: Supervisor Ally Miller

Re: HDZ SPECIAL USE REQUEST FOR LOT 9 OF THE ENCLAVES SUBDIVISION

Board meeting of 11/22/16

I oppose the request to build on this protected ridge. Please vote to ensure the enforcement of existing Pima County Peaks and Ridges Protection Plan adopted on 9/23/03.

Preserve our peaks.

Thank you for your support.

Margo Burwell

[REDACTED]

From: Ian Wallace <[REDACTED]>
Sent: Tuesday, November 15, 2016 9:25 AM
To: District1
Cc: [REDACTED] Kym Smith
Subject: Fw: HDZ SPECIAL USE REQUEST FOR LOT 9 OF THE ENCLAVES SUBDIVISION'/ BOARD MEETING OF 11-22

----- Forwarded Message -----

From: Ian Wallace <[REDACTED]>
To: "DISTRICT5@PIMA.GOV"
Cc: [REDACTED] <[REDACTED]> Kym Smith <[REDACTED]>
Sent: Tuesday, November 15, 2016 9:15 AM
Subject: HDZ SPECIAL USE REQUEST FOR LOT 9 OF THE ENCLAVES SUBDIVISION'/ BOARD MEETING OF 11-22

Good Day Mrs. Miller,

My wife & I are new Tucson residents, property owners, tax payers, registered voters and Gates Pass Neighborhood Association members.

We moved to this area and selected our existing home based on the beautiful protected views. We believe an exception to the ridgeline protections in this case would be entirely inappropriate and set a precedent that would effectively destroy the protected ridgeline regulations.

We hope to attend the board of supervisors meeting on 22 Nov to express our opposition in person, but should that not be possible we hope you will give our concerns serious consideration and hopefully join us in opposition to this exception.

Thank you,

Sincerely,

Ian Wallace & Kym Smith
1020 N. Via Roma
[REDACTED]

[REDACTED]

From: Tom and Mary Baron <[REDACTED]>
Sent: Wednesday, November 16, 2016 9:54 AM
To: District5; District1; DIST2; District4; District3; [REDACTED]
Subject: 'HDZ SPECIAL USE REQUEST FOR LOT 9 OF THE ENCLAVES SUBDIVISION'

I strongly oppose granting a landowner's request to build on a Protected Ridge in the "Enclave Lot #9". The owner knew, or should have known about the "Protected Ridge Ordinance" in this area. Granting this request would only encourage other landowners or developers to try and bypass the existing ordinance.

The reason the Tucson Mountains are so beautiful is because of the "Protected Ridge Ordinance" and why many people have worked very hard to preserve this area.

Sincerely,
Tom Baron
1701 N. Placita La Zarca
Tucson, AZ. 85745
[REDACTED]

From: Adam <[REDACTED]>
Sent: Wednesday, November 16, 2016 9:12 AM
To: Adam Hostetter
Subject: Please OPPOSE 'HDZ SPECIAL USE REQUEST FOR LOT 9 OF THE ENCLAVES SUBDIVISION'

Dear Pima County Supervisors,

I am asking you to oppose HDZ Special Use Request for Lot 9 of the Enclaves subdivision.

Why this request should be denied:

- It would degrade the ridge line & adversely impact scenic views
- It would encourage the development of other designated protected peaks/ridge lines throughout Pima County
- It would financially reward and encourage developers to purchase parcels with protected peaks/ridges to later obtain a variance to build on these peaks/ridge lines

I am proud of Pima County's commitment to our natural environment—including our peaks and ridges protections. As you know, the Pima County Peaks and Ridges Protection Plan was adopted by the Pima County Board of Supervisors on 9/23/2003. I live on the westside near Gates Pass and I was one of the many citizen that lobbied in favor of the ordinance in order to preserve existing peaks, ridge lines, and vistas and to protect against environmental degradation.

I am aware that the owner of enclave lot #9, is requesting that the Pima County Board of Supervisors grant a variance or exception to allow the development of a 3500sq.' residence on a ridge that would otherwise be protected. The property owner should have known of the slope ordinance building restrictions when the bank-repossessed acreage was purchased in Oct 2009. The Enclaves is located on W. Speedway about a mile east of Anklam in a region that the BOS has supported protection in the past, most recently by protecting the Painted Hills area.

I appreciate that support of our natural environment and encourage the BOS not to undermine those protections.

Sincerely,

Adam Hostetter
5220 W Via Mallorca
Tucson AZ 85745

www.quantummennonite.com

[REDACTED]

From: Ross & Elizabeth <[REDACTED]>
Sent: Wednesday, November 16, 2016 8:28 AM
To: District1
Subject: Protected Peaks and Ridges

To: Supervisor Ally Miller

Supervisor Miller,

Please vote to deny the **HDZ Special Use Request For Lot 9 Of The Enclaves Subdivision / Board Meeting Of 11/22/2016.**

Not only would the project compromise the natural beauty of the ridge, but every variance granted erodes the integrity of the county's Peaks and Ridges Protection Plan.

Thank you,
Ross Huber
2090 N Calle del Suerte
Tucson, AZ, 85745
[REDACTED]

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, Vice President, El Moraga/Bar Ranch Improvement Association

[Redacted]

NOV 16 15 01 56 PC CLK OF PH

Current View of
Redgeline from
The North

