

September 9, 2013

Pima County Board of Supervisors
attn: Clerk of the Board, Robin Drigode,
130 W. Congress Street, 5th Floor,
Tucson, AZ 85701.

RE: C07-13-01 Sabino Canyon Road Properties, LLC – North Sabino Canyon Road Plan Amendment

Dear Pima County Supervisors:

I am writing to express my objections to the above referenced proposal to amend the Pima County Comprehensive Plan to raise the allowed zoning density from the current level of Low Intensity Urban (LIU, 3.0) to Med-High Intensity Urban (MHIU, 24.0) for the 15+ acre parcel that lies north and east of the intersection of Sabino Canyon Boulevard and Cloud Road. The owner of this property is pursuing this amendment in support of his planned development of a walled, gated community of up to 196 detached, single story rental units.

I attended both the hearing for this proposal at the Planning and Zoning Commission on July 31, 2013, and the developer's meeting with the Sabino Creek Homeowners on August 27, 2013. In both meetings, there were numerous objections from citizens in the community expressing a variety of reasons why the proposal should be rejected. These included concerns about traffic, noise, loss of real estate value, and loss of wildlife habitat, among others. While I agree with many of these concerns, my objections to the proposal are that:

1. The developer's proposal does not appear to be in compliance with several required elements of the process to amend the Pima County Comprehensive Plan.
2. The proposed land use is not in keeping with the guiding principles of the Growing Smarter Act, and various other Pima County planning documents.
3. The proposed development is not in keeping with the character, community feel, and sense of place of the adjacent lower density neighborhoods.

Background Material (emphasis added in bold)

Pima County Comprehensive Plan, 2013 Plan Amendment Program, Paragraph I

E. Application Requirements: ... following are required

2. "One or more site maps ... that show:"

f. "Special features, if any, such as washes, floodplain, steep slopes, riparian habitat."

F. Reasons for Plan Amendment Request: "As part of a complete application, **substantial rationale** for amending the Plan must be given. It is the responsibility of the applicant to **demonstrate** that these reasons are **compelling** enough to **justify** the plan amendment."

Growing Smarter Act, an Excerpt:

*"The purpose of [the Growing Smarter Act] is to more effectively plan for the impacts of population growth by **creating a more meaningful and predictable land planning process**, to increase citizen involvement in the land planning process, ... and to establish a growth planning analysis process to consider and address various statewide growth management issues **so that the future development of land in this state will occur in a more rational, efficient and***

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environmentally sensitive manner that furthers the best interests of the state's citizens by promoting the protection of its natural heritage without unduly burdening its competitive economy."

Land Use Intensity Legend, as amended June 2012 (part of the Comprehensive Plan):

"Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses."

[Specific requirement that forms part of both MIU and MHIU designations.]

Pima County Comprehensive Plan Update, Regional Plan Policies

This document includes requirements for Site Planning that include:

a. Bufferyards. *"Promote adequate buffering in rezonings with greater Intensity uses. The bufferyards shall be used to protect the privacy and character of an adjoining neighborhood. Bufferyards shall be designed to ensure efficient site design and mitigate adverse impacts of noise, odors, views, and traffic as applicable. The bufferyards may contain landscaping, opaque screening, and natural areas."*

b. Existing neighborhoods. *"Ensure that new or redeveloped mixed use or infill rezonings assess the privacy and character concerns of existing neighborhoods in reviewing the location, density, and character of the project."*

c. Scale of development. *"Ensure, where possible, new development shall be designed at a human-scale, i.e. development with multimodal opportunities and mixed uses, rather than solely a car-oriented land use pattern."*

d. Sense of place. *"Encourage development where there are natural resources to create opportunities for natural area linkage or create in more urbanized areas a sense of place in the Sonoran Desert."*

Discussion:

At the meetings mentioned above, the developer touted the benefits of his proposed land use in terms of compact development and the attendant lower *per unit* load on electricity and water. He claimed, although those claims were disputed, that the major access roads (Sabino Canyon Bl. to the north and south, and River Rd. to the west) had sufficient capacity to handle the added traffic. He further described how he felt that the development would be attractive to his target set of renters. Where I feel that the presentation and description fall short of the requirements noted above are as follows:

- 1. Failure to Demonstrate Compelling Need:** The developer has not demonstrated a compelling need for such a significant change to the underlying density for this particular *in-fill* area, as is required by the 2013 *Plan Amendment Program*. Of the six areas called out for "particular emphasis" in showing support for Growing Smarter Act (GSA), only a few were actually addressed. In particular, the proposal and discussion fell short of providing compelling arguments in the following required areas:

- i. mixed use planning,
- iii multi-modal transportation opportunities,
- iv rational infrastructure expansion and improvements

Without addressing the other elements required to show compliance with the GSA, the argument for dense development simply becomes one of growth for growth's sake, with is significantly at

odds with the intent of the GSA. Furthermore, the developer has not provided a cogent argument for why such a dense rental development is needed at this particular location.

2. **Misleading Identification of Adjacent Neighborhoods:** During the hearing at the Planning and Zoning Commission, the developer provided a map that gave the impression that the surrounding neighborhoods were zoned at MIU, with only a small area zoned at LIU. In fact, the areas that are at MIU density are separated from the proposed development site by major roads, their right-of-ways, and the set-backs for developments on either side of those roads. The immediately adjacent neighborhoods are Sabino Creek and Sabino Vista, which are to the north and east of the proposed development, and not separated by any major roads. Those developments are zoned at LIU (3.0), and have a maximum actual density of 2.24, based on Pima County's own records.
3. **Failure to Assure Compatibility with Adjacent Lower Density Residential Uses:** The developer has not attempted to discover what the residents of Sabino Creek and Sabino Vista consider to be the essential elements that represent the **privacy, community feel, and sense of place** that define those neighborhoods. In fact, during the meeting with Sabino Creek homeowners, the developer was asked what had been done to address these concerns, and the responses given dealt with the interior design of the rental units (high ceilings, upgraded countertops, stainless steel appliances, and the like), and how those project details would be attractive to potential renters. The question was repeated twice more, with added clarification that the question related to the desires of adjacent homeowners, not potential renters. The responses given still focused on the interior project details, and I got the clear impression that the neither the developer or builder were aware of the requirement to address the *privacy and character concerns of existing neighborhoods*.
4. **Failure to Address Wildlife Habitat:** The site map shown at both the hearing and the homeowners meeting failed to address the two washes that empty onto the property, and that provide significant habitat and migration pathways for local wildlife. The proposed development is a walled community that will block access by this wildlife, and will provide little if any open areas beyond fenced back yards. [The local wildlife has been well documented by Mrs. Sonja Slovikoski in a separate letter to the Board of Supervisors.]
5. **Failure to Ensure a Predictable Land Planning Process:** This failure is essentially two-fold. In the first case, the amendment request represents a significant increase in density, even when compared to the most recently approved nearby development. For the lot across the street (the triangular parcel immediately southwest of the intersection of River Rd. and Sabino Canyon Bl.), a density of MIU (9.0) was granted, when the highest nearby development had an actual density of 4.39. This represented in an increase factor of just over two times the maximum nearby density. The subject amendment request at MHIU with a "voluntary cap of 13.0" represents an factor of almost six times the "immediate neighborhood" density of 2.24. This factor increases to over ten times this neighboring density, if a density of MHIU is granted without a cap.

The second part of this failure is the action of the Planning and Zoning Commission. At the recent hearing on this property, the Commission recommended a change to the Comprehensive Plan that would allow zoning at MIU (10.0), with no attendant cap. [In fact, the developer repeatedly stated that if "only" MIU (10.0) was granted, he would put in a zoning request at the full density of ten units per acre.] This level of density would represent an increase by a factor of

over four times the neighboring value, more than double the increase factor that was applied just across the street! It is extremely hard to see how these levels of density, and the apparent arbitrariness of their application, can be seen as providing a "*meaningful and predictable land planning process*".

The Special Character of the Sabino Creek Development:

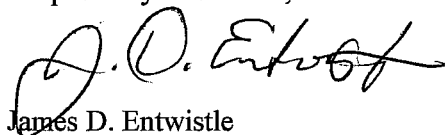
Finally, it is worth noting the elements that I and my neighbors feel make up the character, feel, and sense of place of my neighborhood (Sabino Creek). When my wife and I purchased our home twenty years ago, we were attracted to this specific development because it had good-sized lots for privacy, yet had sidewalks for easy walking, biking, and meeting up with neighbors. Streets were designed to be somewhat narrow and winding, with speed-bumps installed, all to lower traffic speeds and make the area much safer for children and bicyclists. The area had two washes that traversed the development and walls set back from lot lines, all in order to serve local wildlife. The Homeowners Association added attractive entrance signage, and the entrance road was modified by the County to dramatically lower the speed of traffic coming into the development. Knollwood was intended not as a continuation of River Rd., but as an entrance into a safe, beautiful, community that was, and is, well-maintained by local homeowners and our Association.

The Sabino Creek development was an "in-fill" development surrounded by the more established Sabino Vista development, which shares primary access via Knollwood. The area was and is served well by schools, markets, shopping, and restaurants, with the only remaining undeveloped land in this quadrant (northeast of Cloud Sabino Canyon) zoned at the same LIU (3.0) density. All these factors combined to give us reasonable confidence that any future development on this last remaining in-fill parcel in the area would follow along similar design lines.

Request . Suggestions:

I would prefer that the Board of Supervisors reject the request to amend the Comprehensive Plan to permit any increased zoning on the parcel in question. I do recognize, however, that Pima County is attempting to handle an increase in population without adding to sprawl. Those needs can be met, however, without destroying the integrity and character of the immediate, lower density neighborhoods. As such, I respectfully request that if an increase in density above LIU (3.0) is granted, that the increase be *capped* by no more than the factor applied across the street, (two times current actual of 2.24), resulting in a maximum density of MIU with a special cap of 5.0 unit residential units per acre. Further, I request that a sincere effort be made to ensure that any new development be required to follow the requirements of the *Land Use Intensity Legend*, the *Pima County Comprehensive Plan Update*, *Regional Plan Policies*, and other pertinent County documents. Specifically, I request that positive steps be taken to ensure that "*Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses*", and that the "*privacy and character concerns of existing neighborhoods*" be considered.

Respectfully Submitted,



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