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Board of Supervisors
Pima County

Re: HDZ Special Use Permit and Plat Note Waiver Requests, 1685 N. Enclave Place (Lot 9, The Enclave at Gates Pass Subdivision). A. Hillside Development Overlay Zone (HDZ) Special Use Permit P16SA00011, MOUSSA - N. ENCLAVE PLACE HILLSIDE DEVELOPMENT OVERLAY ZONE (HDZ) SPECIAL USE PERMIT, **November 22 agenda item 36**

Dear Supervisors

The Tucson Mountains Association strongly opposes the request to build on a protected ridge at 1685 N. Enclave Place. The property was purchased several years after the protection of that ridge had gone fully into effect. The applicant was fully aware of these protections, which were agreed upon after a lengthy process involving much compromise and consent of the people of this County. The property was evidently purchased with the expectation that the County would disavow its ordinance and profit the applicant. Granting this waiver request would set a dangerous precedent. It is simply not appropriate for anyone to purchase property with the expectation that they can count on the Board of Supervisors to negate our Zoning Code. This property was purchased in a distress sale, at a greatly reduced price, precisely because of the restrictions. A claim of hardship should not be entertained. The applicant should be required to abide by the restrictions placed on the land.

The applicant makes several arguments in favor of the application.

Claim 1: Building a residence would bring in tax revenue to the County that outweighs the need for protection. This claim is false on multiple grounds. First, building the residence would significantly impair the values of surrounding properties eliminating any gain from taxing this particular property. Moreover, the County goes to great expense to gain open space for scenic and conservation purposes. Allowing building on a scenic site for the purpose of increasing the tax base, even if it would achieve that, would be at variance with the County's long-standing publicly-supported demonstrated interest in preserving scenic and habitat values.

Claim 2a: The ridge is already impaired by the presence of two residences, and adding one more would not significantly increase the damage. This claim is misleading. The proposal would mean that three residences would be lined up on the ridge. This residence would be in the center at the highest point of 2,670 feet, which is the highest point north of Speedway Blvd east of Camino De Oeste. Attempts to mitigate the impact by design choices for the residence are not convincing. The ridge is an especially sharp and complex land form with beautiful rock formations on the north side. It is hard to see how a structure in the center of this ridge would not significantly impair the view from many directions. The particular ridge is located near Feliz Paseo Park and the Painted Hills and is a major addition to the local topographic diversity. As the highest landform in the locality, it is visible from both of these County parks, as well as from



Speedway Blvd, Camino De Oeste and Ironwood Hills Road. These areas are valued for their scenery, and should not have protections removed lightly.

Moreover, ridges are not just scenic locations. They are used by wildlife. They provide unique habitat elements that enhance habitat diversity and hence biological diversity. The location of this ridge near the Camino De Oeste wash, the Feliz Paseo Park and the Painted Hills, makes it an important contributor to habitat diversity in an area prized for natural values. The presence of this residence in the middle of the ridge would severely impact its value as a habitat element.

Claim 2c: There would be no injury to adjacent properties. This claim is false. Building on this ridge would impact the views, and potentially the wildlife enjoyed by local residents. Many residents buy properties with the expectation that the County will enforce its ordinances, which contribute to the values of their properties. Indeed, many neighbors are greatly concerned about the development of this particular ridge.

Claim 3a: There is no profit motive. The claim is false because a residence is a more profitable use than open space.

In summary, the applicant has no right to claim hardship. The property was purchased with full knowledge of the building restrictions. If the aim was to build a residence on the protected ridge then it was built with intent to force the granting of a variance. The County should never grant a variance in such circumstances as it is the most dangerous precedent that can be set. There are multiple grounds for maintaining the protection of the ridge, as outlined above, and we ask that you vote to deny the request for a variance.

The Peaks and Ridges Ordinance was established because the people of this County recognized the importance of preserving the view sheds of our mountainous areas for the enjoyment of residents and visitors, to maintain land values for the area as a whole, and for wildlife habitat preservation. By long-fought ultimate agreement, this specific ridge-top and numerous others were listed to remain undeveloped. It is contrary to the underlying agreement forged then to simply set it aside for a subsequent owner. How many of our protected peaks and ridges would be so compromised? Why should this owner have special privileges to override the will of the people as a whole?

Sincerely



Peter Chesson
President
Tucson Mountains Association