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May 16, 2024

Pima County Board of Supervisors
P23RZ00006 Yarbrough TR – Ironwood Hill Rezoning
4375 W. Ironwood Hill Drive (tax code 116-07-1580)

The Tucson Mountains Association (TMA) is a 501(c)(4) organization founded in 1934 that represents thousands of residents in the Tucson Mountains. Our mission is to preserve open space, protect biodiversity, and promote the well-being of residents in the area. TMA appreciates Mr. Stephen (Kerry) Yarbrough contacting us about his rezoning application for the referenced address. The TMA Board of Directors discussed the hillside property in the Tucson Mountains and the proposed rezoning from the current SR to CR-1 for three parcels. On February 21, 2024, the TMA Board unanimously voted 6-0 to oppose the rezoning. TMA strives to preserve the scenic quality of natural resources and prevent unreasonable dense development in the Tucson Mountains.

TMA also appreciates Mr. Yarbrough for modifying his site plan to reduce the hillside impacts and changing the rezoning request to SR-2 for two parcels. However, we still oppose this rezoning request because it would result in higher density and potentially set a precedent of unreasonably dense development in the Tucson Mountains.

Here are some of the reasons TMA opposes this rezoning:

1. TMA supports maintaining the current low density SR zoning for the existing property that has SR zoned properties on three sides.
2. The existing Zoning Code in the S-8 Tucson Mountains Special Area should be honored.
3. Zoning codes such as SR apply to the land, not the property owner. Granting this rezoning for higher density to the Yarbrough Trust (which may resell the land) can set a bad precedent for other SR zoned properties that risk degrading the established conservation measures in the Tucson Mountains. According to the 2015 Pima Prospers map there are currently approximately 130 SR properties that are within higher density Low Intensity Urban land designations in the S-8 Tucson Mountains Special Area, which the Yarbrough property is one of. We do not think it is appropriate and we oppose any additional high density LIUs in SR zoned parcels that already exist.
4. The Yarbrough Family previously rezoned the 20-acre property to four SR parcels, so they are aware of Zoning Code restrictions. Without rezoning this parcel, Mr. Yarbrough can still make improvements to the main residence and guest house on the 4.77-acre parcel.

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Unfortunately, on March 27, 2024, the Pima County Planning and Zoning Commission passed the rezoning request without much discussion among the P&Z Committee members after Mr. Yarbrough's presentation. They relied on Pima County Development Services Department (PDSD) staff who reported that the rezoning request conforms to the Comprehensive Plan land use designation of Low Intensity Urban 1.2. This was confusing to TMA because the Yarbrough parcel currently has SR zoning for 1 residence per 3.3 acres (0.3 RAC) or LIU-0.3. It is our understanding that Land Use Designations are disparate from zonings. Furthermore, Land Use Designations do not necessarily trump existing zoning ordinances.

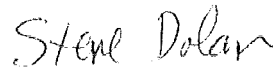
The following day (March 28), PDSD held a virtual meeting with some TMA members who learned that the 2015 Pima Prospers Comprehensive Plan has Low Intensity Urban (LIU) land use designations for higher densities (LIU-3.0, LIU-1.2, and LIU-0.5) than current zoning allows.

The 2015 Pima Prospers Comprehensive Plan has an S-8 Tucson Mountains Special Area with a purpose to "protect this special environment." **The proposed rezoning does not meet this purpose.** Low Intensity Urban land use designations of higher densities (LIU-3.0, LIU-1.2, and LIU-0.5) may apply to other parts of unincorporated Pima County, but only LIU-0.3 should be used in the Tucson Mountains to meet SR zoning code density.

Sincerely,



Ed Hendel
President, Tucson Mountains Association



Steve Dolan
Board Member, Tucson Mountains Association



May 15, 2024

Board of Supervisors, Pima County
Clerk of the Board, Pima County

Re: Leland and Velma Yarbrough Family Trust case# P 23 RZ 00006 for May 21, 2024

Dear Supervisor Chair Grijalva and Supervisors Lee, Scott, Heinz, and Christy:

The residents of Pima County are fortunate indeed to have, in all of our County Supervisors, such strong champions of our Sonoran Desert. Your Comprehensive Plan and policies in support of county parks, resource sensitive buffer zones around the parks, graduated density between parks and city boundaries, and wildlife corridors are laudable and should serve as models for other counties around the country.

It is to your conservation-mindedness and sense of fairness that we're appealing now, in asking that you deny the request by the Yarbrough Family Trust to rezone their 4.7 acre, currently SR-zoned parcel for purely personal gain.

The parcel contains a residential dwelling and a guest house, what remains after selling their extensive surrounding ranch years ago for development. At the March 27 Planning and Zoning Hearing, which we attended, trust representative Steve Yarbrough testified that he wished to improve the guest house in such a fashion so that he could live there. As far as we know, there are no ordinances against making improvements to a legal guest house. They could have done that without seeking County approval.

But fundamentally, that isn't the main objective of their proposal. Their initial request was to ask for a split into three separate lots, and their goal is increased density. Rather than deny their request outright, County Staff counseled Mr. Yarbrough to seek a split into two instead of three lots, essentially advising him to ask for rezoning from SR to SR2.

So why all the fuss?

1) The Yarbroughs had no serious mitigating reason to ask for three lots in the beginning, nor for two lots now; in fact, they have no reasons at all other than personal wish.

We maintain that their request is purely financial. Rezoning to SR2 with two fully developed properties would represent a much greater increase to the Family Trust's net worth and potential assets than just the one property as it is. But that would require that each improved house sit on its own parcel, thus their need for rezoning to SR2.

At a minimum, personal financial gain is not a valid reason for granting rezoning.

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2) Also, Yarbrough's property is adjacent to SR properties on three sides; there are SR properties to the north, east and south. The closest neighbor also testified that he is very displeased and doesn't wish to see increased density next to his property for which he paid a premium price based on the low density zoning at the time.

Furthermore, if you allow this rezoning, it's possible that you may have a very tough time denying similar future higher density requests from all of those surrounding SR property owners, or risk being liable for "taking" the value of someone's property.

3) But, most importantly, we think the location of the Yarbrough parcel warrants even greater protection from higher density. The property lies within a Pima County Buffer Zone of minimal density that surrounds all Federal, State and County Parks, created to provide a transition from high residential density city, to less dense residential suburban, to non-residential parkland. Buffer Zones provide key corridors for plant and animal movement to and from wildlands and exist to mitigate the effects of too much urban encroachment.

The Buffer Zone may have been designated after the Yarbroughs sold their ranch for development, but that doesn't mean their residual 4.7 acres isn't governed by it now. Their property is situated less than one mile from not just one, but two County Parks: Tucson Mountain Park and Feliz Paseos. As such, we feel that increased housing density should not be approved in this case.

What good is a Buffer Zone if we allow individual property owners to chip away at it one parcel at a time?

Through your actions, we know you to be tireless supporters of the environment; we trust you will retain the current SR zoning of one house per 3.31 acres. Thank you.

Sincerely,

Barbara Fleming and Bob Peyser
846 N. Camino de Oeste
Tucson, AZ 85745

