



Loop Path System near La Canada Dr – travelling back toward La Cholla, note displacement
At 4" a little larger than typical avg of about 2' to 2.5"



Loop Path System about half way between La Canada Dr and La Cholla Blvd, recently patched



Loop Path System about half way between La Canada Dr and La Cholla Blvd, recently patched



Loop Path System past half way toward La Cholla Blvd, typ smaller unpatched crack



Loop Path System past half way toward La Cholla Blvd, typ smaller unpatched crack with displacement of ~1/4"



Loop Path System past half way toward La Cholla Blvd, typ larger crack, recently patched



Loop Path System past half way toward La Cholla Blvd, typ displacement at ~ 2.5"



Loop Path System past half way, looking back toward La Canada Dr, note typ crack frequency



Loop Path System approaching La Cholla Blvd, typ crack recently patched



Loop Path System approaching La Cholla Blvd, typ displacement of recently patched crack



Loop Path System at La Cholla Blvd, looking back toward La Canada Dr, note typ crack frequency

24 March 2020
Pima County Development Services Department
Planning Division
Attn: Ms. Terri Tillman
201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701

Together with;
Planning & Zoning Commission and
Pima County Board of Supervisors
Attn: Clerk of the Board of Supervisors
130 W Congress Street
Tucson, AZ 85701

RE: P19RZ00012 NWC La Cholla Boulevard @ Overton Road Rezoning Application

Dear Planning Division, Planning Commission and Board of Supervisors,

As the owners of the property (Parcel #225-04-003M) immediately impacted to the north and east by the adjacent 50.7 acre Harbour Trust 1/3, et al. parcel, which is being requested for Rezoning, please note that we OBJECT and STRONGLY OPPOSE the proposed change from; SR (Suburban Ranch) Zoning, to CR-5.

We are opposed to the requested change for the following reasons;

1. Loss of Equity

- a. View Shed. In Exhibit II-B (page 40 of PDP) states that the "Project will contain both 1-story and 2-story residences per market needs." Using measurements provided in the Exhibit II-B, 1-story homes would severely degrade view shed and 2-story homes would, completely eliminate it. After consulting with several professional realtors (Long Realty), it is common knowledge, that 10-15% of home's value is attributed to the view shed. Current market price of my residence \$499,424 (Zillow.com as of 24 Mar 2020) which equates to potentially \$49,000 to \$74,000 of equity. Who is to compensate me for this project's impact?
 - i. Recommendation/Request: All homes in the project be limited to 1 story, which will inherently reduce impact and salvage some view shed.
- b. Density. The proposed density of 139 residences that will surround my home, degrades the "feel" of a suburban ranch, significantly reducing our home's competitiveness in the target market.
 - i. Recommendation/Request: Reduce and/or restrict density to something reasonable such as densities found in SH, CR-1-2 zoning in order to increase spacing and preserve the existing marketability of residences adjacent to the proposed project.

2. Loss of Security

- a. Crime. The increased density, its proximity (100 feet) and the proposed price point of the 139 residences will increase the potential for our home to be a target for future crime.

- b. Privacy. The increase in density will reduce privacy, increase noise and lighting.
 - i. Recommendation/Request: To reduce/restrict density to something reasonable such as SH, CR-1-2 to reduce noise and lighting and increase privacy.
- 3. Loss of Safety
 - a. Flood control. There are still existing concerns that have gone unanswered. My concerns are best illustrated by statements quoted below, made by Tony Casagrande. (See *b* through *e*).
 - i. Recommendation/Request: Conduct a FEMA review of the flood control plan before approval. There may be unforeseen and “unfixable” mis-calculations that will not allow my home be removed (and possible made worse) from the FEMA floodplain.
 - b. Traffic. Increase in density will inevitably increase the number of cars needing to use Overton road. The current traffic study is inadequate and does not sufficiently paint the picture of day-to-day reality.
 - i. Recommendation/Reality: Conduct a new traffic study before continuing with approval. The density and design of the proposed plan, may be “unfixable” to mitigate the overabundance of traffic that 139 residences will bring and the potential injury to your county constituents.
- 4. We echo all concerns, evidence, questions and comments that are listed (in *Italics*) below authored by Tony and Kristie Casagrande’s 2222 W La Cresta Road Tucson, AZ 85742 submission dated 18 Mar 2020.
 - a. *1.0 All of the existing homes and adjacent properties in the area from the northwest corner of Overton Road and La Cholla Blvd, as well as east of La Cholla Blvd are currently zoned either SR (same as the applicant’s area) or CR-1, which is appropriate and fits the transition from existing higher density subdivision zoning to the south, and distantly to the west of La Cholla Blvd.*
 - i. *A rezoning of this property would result in CR-5 properties adjacent to both SR and a few CR-1 properties, which results in an inappropriate transition to the West and North, with up to six (6) zoning classifications skipped or missing (CR-4, CR-3, CR-2, CR-1, SH, and SR-2). The information we have indicates that in Pima County there is very little inhabited CR-5 zoning sharing a property boundary with inhabited SR zoning, and the proposed rezoning would set something of a precedent.*
 - ii. *CR-5 properties adjacent to SR and CR-1 properties represent an inequality in land area from 4,800 sq ft (0.11 ac) to 144,000 sq ft (3.31 ac) of nearly 3,000%. In the case of our property at 89,300 sq ft (2.05 ac), the proposed change in zoning would negatively affect our property value, as well as introduce conflicting land use with ours and surrounding horse properties, those raising goats, ratites, etc.*
 - iii. *The applicant has claimed rezoning to CR-5 would “constitute an expansion the existing, urbanized district and residential density to the south”, which is simply a statement of what they are proposing to do and provides no reason whatsoever for change, compelling or otherwise. Using this logic, one could keep rezoning to the North, infinitely.*

- iv. *The applicant also claims: "This development scheme concentrates density within the La Cholla Boulevard corridor. Using this logic, provides significant open-space conservation, and effectively protects and buffers those lower-density residences already near-by. While densification and northward urbanization seems to be ultimately anticipated within the entire La Cholla Boulevard corridor, the proposed rezoning constitutes a suitable request and development construct for the immediate present."*

- v. *Simply put, the proposed development does not:*
 1. *(a) "provide significant open-space conservation" and should not claim it does as this does not occur on-site, and land swaps don't count for existing adjacent or area residents, nor for residents which would ultimately inhabit the property itself following proposed development. Similarly, if the applicant's contention is valid, it can also be contended that urbanization and this project should also occur off-site, say adjacent to the off-site NOS parcel wherever that might be.*
 2. *(b) "effectively protect and buffers those lower density residences nearby". On the order of 91% of the adjacent land area for this proposed project is zoned SR, with 5% zoned CR-1 for a total of 96%. The "buffer" which exists for our property is it's distance from La Cholla Blvd, and this has nothing to do with potential rezoning. We are unsure of what we might need to be "protected" from, but the current SR zoning in the project serves as more than ample protection and actually is a buffer. Assuming 2.5 residents per household on avg, months of construction/contractors and adding some 350 people immediately next door to us (vs. 25 residents at current SR zoning) offers no protection whatsoever, and in fact represents just the opposite. If rezoning is denied we feel we ourselves and our neighbors would be protected from further rezoning attempts at extreme densities such as the propose CR-5.*
 3. *(c) It also does not "seem" that northward urbanization is ultimately anticipated as all adjacent residences and properties to the north, west and east are primarily zoned SR with a small amount of scattered CR-1. It is just as valid to claim that SR zoning should be extended from the north, east and west into the project area, as is currently the case. With respect to the Comprehensive Plan which has always listed La Cholla Blvd as a medium volume arterial and provides for the La Cholla Blvd improvement project, it can also be contended that it "seems" that the subject area should be zoned SR as it was prior to creation of the Plan, was listed as such in the Plan, and physically exists as such today. With respect to the Plan, it "seems" at most that a case might be made for rezoning to a maximum density of CR-1 with requisite on-site NOS.*

- b. **2.0** *We have a great many concerns with respect to drainage specifically related to our property, our neighbor's properties and for the area as well. Given applicant's "Draft" Site Inventory & Land Use Proposal document, little if any detail is included and much is unknown. The proposed project is complex from a hydrology standpoint as it includes;*
 - i. *• very large hardscape footprint with its own increased runoff contribution;*

- ii. • *La Cholla Wash/La Cholla Blvd and Overton Road constraints and integration;*
• *FEMA 1:100 Flood Plain Zone A location, changes within it, effect on others and LOMR requirements;*
 - iii. • *complex, sub-optimal existing topography;*
 - iv. • *existing properties plus subdivisions to the west, and off-site topographical drainage issues;*
 - v. • *existing roads, properties & drainage restrictions to the south;*
 - vi. • *very large areal sediment loads; and*
 - vii. • *integration with planned & potential future public developments, future private developments, commercial developments, etc.*
- c. *Projects International/Jim Portner has repeatedly stated that “The proposed project will remove the site and its surrounding properties from the current FEMA floodplain”. The FEMA 1:100 year flood plain inundates the eastern third of our property, and his statement construes this will not be the case if the proposed project is rezoned and developed. We believe his statement to be a falsehood and would contend that we cannot be taken out of the flood plain given that the CDO bridge on La Cholla Blvd serves as the primary controlling element related to upstream flooding and the water elevation which would occur during the 1:100 yr event is approx ~2387 ft AMSL in the middle of eastern boundary. Also, given the elevations of La Cholla Blvd and Overton Rd to the S of us, we believe that the 1:100 yr flood water elevation would inundate our property due to back water. In our estimation the eastern third of our property would require either regrading with about ~3' avg thickness of fill placed to “take us out of the flood plain”, and/or perhaps Overton Road raised to serve as a levy. It appears the grade in the proposed project will also need to be raised approx. 3' from NG at its southern end to get above the BFE with 1' freeboard, and if this occurs there will effectively be a moat between the proposed project and our home. Jim Portner was asked to explain how our property would be removed from the FEMA flood plain during the neighborhood meeting on 3/12/20, and told us he would get back to us but we have received nothing to date.*
- d. *Due to the lack of data and detail in the application document related to impacts to our adjacent property and that of others, many questions arise and the following was submitted to the Pima County Regional Flood Control District:*
- i. *1) The “west” catchment area listed on Exhibit I-C.1 does not appear to be accurate as it does not include the entire Alta Mira subdivision, which drains to a single point at its eastern tip at the intersection of La Cresta and Overton, as does the majority of Overton Road (or at least from its center line). Compared to the catchment area listed on the drawing and in the Bogardus report of DA = 65.31 acres, it appears at least 8 – 10 acres should be added. A runoff coefficient on the order of 1.0 would seem to be appropriate for this area as it is effectively all hardscape.*
 - ii. *2) In the Site Inventory & Land Use Proposal document, with respect to Flood Control Resources Areas;*
 - 1. • *Goal 1 - Policy 3 should be adhered, and a clearance should be obtained to ensure a Wetlands Permit is not required.*
 - 2. • *Goal 1 – Policy 5 does not appear to being adhered to, particularly in relation to integration with flows on the adjacent properties to the west,*

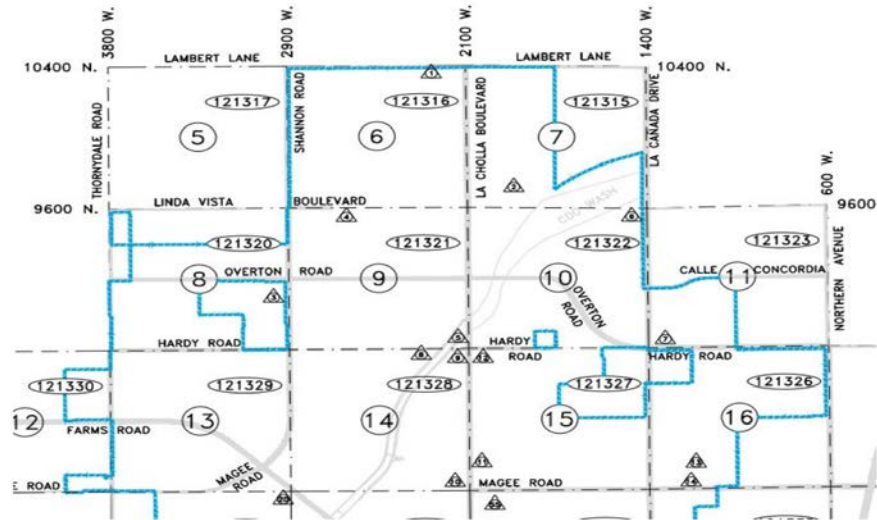
with the discharge from Alta Mira, and with the Lower Bluffs south of Overton Road.

- iii. 3) With respect to flow into the channels at the Lower Bluffs, it should be noted that a modest area exists comprising the south half of Overton Road plus the right of way and set back (i.e. to the CMU wall of the Upper Bluffs), beginning from about the intersection of N Majestic Mountain Dr with Overton, which all drains to the east and discharges into the channels of the Lower Bluffs.*
- iv. 4) The Site Inventory & Land Use Proposal document states that the west Overton Road crossing conveys 563 cfs, and that this and the "localized onsite generated flow" of 173 cfs, are not additive and that flow has been completely conveyed across Overton Road before regional break out flow makes it to the same roadway crossings.*
 - 1. • Firstly, the flow from the west of 258 cfs (which is probably +14% at 294 cfs with the additional acreage mentioned previously), is not addressed.*
 - 2. • Secondly, even though the west catchment is a smaller area with comparatively lower time of concentration, the two flows (west and site area + breakout) definitely all flow at the same time with significant respective volumes. Given monsoonal conditions when the ground is essentially saturated, it seems the peak flow externally and from the project site lags the peak flow from the west by an hour or two, but then continues to flow anywhere from 4 – 6 hours longer than the west (given typical monsoonal conditions). Anecdotally It appears that the times of concentration estimated for these areas are not very accurate, and it begs the question as to what sort of FOS (factors of safety) are applied to these calculations/estimates, if any?*
 - 3. 5) Also, is a FOS applied to the estimate of the break out flow volume given it is being "split" from the total La Cholla Wash flow volume, how would this be physically calibrated in practice, and have any allowances been made for future development within the 3.95 sq mile catchment area which is currently largely undeveloped, but will eventually have more hardscape, resulting in both a higher peak flow and reduced time of concentration? It seems obvious, but have the applicable post construction flows from the completed La Cholla Blvd Improvement project also been included as applicable?*
 - 4. 6) The drainage along the N-S boundary between the proposed project, ourselves and our neighbors (to the north of us) along our eastern property lines, is not ideal and currently flow meanders along its length (although it didn't used to on our property). The sediment load onto our property, and for that matter onto lower La Cresta Road (incl the dead end portion in front of our property) and down to and including the intersection with Overton Road, is enormous, as is water flow to the east at this confluence. and along the north side of Overton.*
 - 5. 7) We are located at the hydrological "epicenter" of flow from the NW, flow from Alta Mira/Overton and the west, and from the proposed project area as our ground is lower along portions of our eastern property line. When we purchased our property in 2005, the 1:100 year FEMA shoreline encroached onto an approx 15 sq ft area on the extreme*

SE corner of our property. With the improvements (and bridge over CDO) to the south of Overton, now the entire eastern third of our property is in the 1:100 FEMA flood plain, so we are extremely concerned given that with (a) our septic/drain field area, (b) the enlarged 1:100 year FEMA footprint, and (c) NOS, we effectively have no economically usable land left in the event we want to add a guest house, pool, horse facilities, additional garage, etc.

6. *8) Some additional general questions which we cannot discern from the Site Inventory & Land Use Proposal Document:*

- a. *• How will the sheet flow from the NW be captured by applicant, and what about sediment load, particularly as the ground and elevations along our eastern property line seem to change every year?*
- b. *• What happens to La Cresta Road (incl the dead end portion in front of our property, and to our offsite driveway), and at the intersection with Overton?*
- c. *• Are all the "detention basins and sediment control" to be incorporated/designed as Critical Basins?*
- d. *• How can the applicant have a "50' Natural Buffer" along their west boundary, when it would need to be graded/improved to receive/handle both sediment and drainage from the west?*
- e. *• What is BFE throughout the project area, and how much fill above elevation will be required?*
- f. *• If FEMA requires +3' above BFE (incl. freeboard) and final grade(s) are not defined, how can visual impact be defined with respect to adjacent properties?*
- e. *We believe our property will be significantly impacted in relation to drainage issues, and that these issues would not be able to be eliminated during latter project phases such as platting, and that requisite studies and detailed engineering design should be completed prior to any vote on rezoning by the Planning Commission or the Board of Supervisors.*
- f. *We also wish to go on record that we are opposed to any and all change or increase in the scope of work or project of the La Cholla Blvd Improvement Project outside the Issued For Construction design, which would represent or include any scheme of arrangement, contribution, subsidization or expenditure of our tax dollars to facilitate or enable rezoning and the development of a proposed project to which we object and are opposed.*
- g. **3.0** *The request for a change in zoning from the current SR classification to the proposed CR-5 classification would represent an increase from a total of about 10 to 12 homes on large lots, to a development of 139 predominantly two story homes on tiny lots (40' x 120' per Jim Portner 3/12/20).*
- h. *The proposed increase in the large number of homes and residents would result in a substantial increase in the amount of water consumption and ground water pumping by Metropolitan Domestic Water Improvement District (MDWID). The location of MDWID's production wells and facilities in the area are as depicted below:*



- i. While it is unknown where pumping by MDWID would occur to supply the high density of proposed residences, it is highly likely that all or the majority of the supply would come from the cluster of wells located near the intersection of Hardy Road and La Cholla Boulevard (Tucson National Well Sites), which are closest at ~900 yards from the project site.
- j. The water consumption for the proposed project would be additional to the just completed KB Homes Montaretto Estates subdivision comprising 95 residences, and the partially completed Sonoran Desert Reserve subdivision comprising 25 residences, which are certainly also being supplied by the Tucson National Well Sites in close proximity to them. Numerous other small divisions and new SFR homes have also recently been constructed or are under construction in the immediate area, further increasing pumping requirements for water supply.
- k. With significant increases in water consumption, pumping and ground subsidence, a high level of concern exists for;
 - i. (a) accelerated and higher magnitude, continued long term ground subsidence (manifesting as lateral movement/displacement) on a localized basis (i.e. somewhat irregularly shaped but within say, an approximate one (1) mile idealized radius to the north from these well sites);
 - ii. (b) continued physical damage to the residential structures, commercial structures, driveways, roads, paths and other public infrastructure in the area; and
 - iii. (c) draw down and a continued reduction in ground water depths affecting already established residences in the area which rely on their own water wells.
- l. The numerous cracks in the soil, asphalt and concrete curbs and driveways in the area are all tension or gapping cracks that pull apart, and one needs only to inspect the paved roads in the area (including The Loop Pathway System where we have counted 107 substantial cracks in the 1.5 miles of 3 year old asphalt between La Cholla Blvd and La

Canada Dr), to quantify the problem, obtain an idea of the magnitude of lateral movement and displacement which has occurred over time, the frequency of the cracks, and define the extent of the affected area.

- m. We have experienced a good deal of damage on our property as well, and a simple "will-serve" letter as issued by MDWID (dated 16 Nov 2018) as included in the Site Inventory & Land Use Proposal for rezoning is considered insufficient with respect to ground subsidence and the continued long term damage which is occurring and appears to be accelerating. Given the existing subsidence and the potential for acceleration and which would impact the proposed subdivision itself (particularly as it is located in the FEMA Zone A flood hazard area), it is appropriate that detailed geotechnical, hydrogeological and subsidence studies be completed for this issue prior to any vote for possible rezoning by the Planning Commission or Board of Supervisors.*

- n. **4.0** Overton Road is currently above capacity during peak periods, by any reasonable estimate, and 3 hazardous to dangerous intersections exist, being at La Cresta Road, Portulaca Road (Alta Mira), and N Majestic Mountain Dr. These intersections are particularly hazardous as they are located on a steep grade of a narrow two-lane road without shoulders, visibility is limited and vehicle speeds are nominally excessive, typically above the speed limit. Traffic congestion is severe during the morning and afternoon "rush hour" periods, more particularly and when school buses are present, creating back-ups and congestion. The addition of 139 residences and as many as 1,400 estimated avg daily trips per day is not appropriate, particularly on a road that cannot be practically or economically widened, have access lanes added or otherwise improved other than to resurface (of which it is in dire need).*

- o. The "most recent traffic study" for this road was completed many years ago, was not conducted at a point during the year when "winter visitors" were present and schools were in session. The study was also not conducted at a point in time where additional traffic from the La Cholla Blvd improvements north of Overton would be reflected for additional drivers heading west on Overton. The reported study value of 7,361 avg daily trips is not representative of annual conditions and should not be considered valid. The reported maximum of approx. 15,000 avg daily trips should also be reviewed, and peak travel criteria should be defined as these values represent the bottleneck and controlling factor. Given the constraint where this road cannot be improved, studies (including impactive noise) should be conducted prior to any vote for possible rezoning by the Planning Commission or Board of Supervisors.*

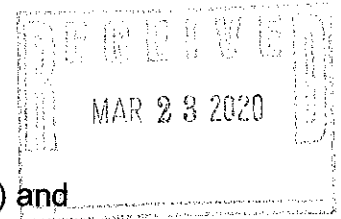
Thank you all for your time and consideration.

Regards,

Lt Col Anthony and Elizabeth Rendón, USAF

2330 W. La Cresta Rd
Tucson AZ, 85742

To: The Pima County Planning and Zoning Commission



Respectfully submitted by: Charles and Dianne Nylander (homeowners) and Susan Rosenberg (homeowner) and Peter Benitez (spouse)

Subject: **Protest Rezoning Application P19RZ00012 Harbour Trust 1/3, ET AL. North La Cholla Boulevard Rezoning**

Date: March 16, 2020

Harbour Trust 1/3, ET. AL. (Owners), represented by Projects International, Inc. (hereinafter "the Agent"), is seeking a rezoning of approximately 50.7 acres from SR (Suburban Ranch) to CR-5 (Multiple Residence) zoning, parcel codes 225-04-002A, 225-04-002C, 225-04-003P and 225-04-008B, located at the northwest corner of W. Overton Road and N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, as revised in 2018, which designates the property for Low Intensity Urban 1.2 and Medium Low Intensity Urban. (District 1).

We are the owner/occupants of the two homes in the Ironwood Ridge Estates subdivision which is located on W Ironwood View Pl, off La Cholla Boulevard, ~1,000 feet north of the vacant land parcels, which are the subject of the rezoning application. We strongly **OBJECT** to and **PROTEST** the proposed rezoning.

Pima County Comprehensive Plan Background Regarding this Rezoning Request

In 2018, the Pima County Zoning and Planning Commission (hereinafter "the Commission") held a hearing on the application by the Agent to amend the Pima County Comprehensive Plan (hereinafter "the Plan") to re-designate two connected parcels of land for greater density housing than originally provided by the then recently approved Plan. While the properties are separately owned, the land owners intend to jointly build a high-density housing development on the land. Reports concerning the hearing indicate that certain discrepancies were found in the Agents information, and a negotiation between the Agent and County staff took place before a final Commission vote. The Commission voted to recommend approval of the Plan amendment. On October 16, 2018, the Board of Supervisors (hereinafter "the Board") held a hearing and approved the amendment of the Plan for the Owner's two parcels from Low Intensity Urban to Medium Low Intensity Urban (MLIU) land use designation. While approving the re-designation of the subject properties for greater density, Medium Low Intensity Urban (MLIU), the Board reduced the density sought by the applicant. Nevertheless, the Board then increased the density designation for these parcels, apparently accepting the Agent's argument that its proposed use of the land was "justified as an expansion of the well-established urbanized core already in place to the immediate south." Developer was quoted in the Commission's Staff Report attached to the Board's October 16, 2018 agenda.

We would like to point out that we were not notified of the Commission's and Board's hearings on the Agent's proposal in 2018. Indeed, the ink on the Plan was not yet dry when the Agent sought and obtained an amendment to that Plan that would relate specifically to these two separately owned parcels proposed to be developed with increased density.

The Pima County government web page states that:

...“the Comprehensive Plan amendment process, Section 18.89.040 provides opportunities to address oversights, inconsistencies, or land use related inequities in the plan, or to acknowledge significant land use changes in a particular area or region. The process is also to promote implementation of: Arizona Growing Smarter (1998) and Growing Smarter Plus (2000) legislation for mixed use, compact development, multi-modal transportation, rational infrastructure expansion and improvements, conservation of natural resources, and promoting development in growth areas; Community values (e.g., healthy communities, economic development principles); and Adopted plan policies”

When the amendment to the Plan was sought, no argument was made by the Agent that the original Plan was misguided or inconsistent in its designation of these parcels and the area surrounding it, that the original designation of these parcels was an oversight, or that changing land use warranted an amendment of the Plan. Rather, the Agent simply stated that the re-designation of these parcels was consistent with Smart Growth principles. Likewise, in approving the amendment by the Commission and by the Board of Supervisors did not explain why an amendment of the Plan was warranted. Rather, the amendment was explained as simply expanding an “existing urbanized core.” We believe that this is inconsistent with the intent of the Plan, inconsistent with Smart Growth principles, and wrong for the reasons stated below.

The Agent, on behalf of the Owners, is seeking rezoning of the land parcels to finalize its pursuit of an opportunity to build as many homes as possible on these land parcels. Despite the prior actions of the Commission and the Board, the present rezoning application should be rejected for the following reasons.

Reasons for Rejection of Rezoning Application

Historical Zoning and High Density Development

The existing housing density on parcels of land along La Cholla Boulevard from Overton Road north to Lambert Road has historically been low density, with single family housing primarily on large lots (typically zoned SR on both the east and west side of La Cholla Boulevard). With the exception of the Alive Church, Grace Church, and the Sunkist Stables, the existing land use pattern along the ~ one-mile stretch of La Cholla Boulevard from Overton Road to Lambert Lane has been restricted historically to low density housing. Ironwood Ridge Estates, LLC purchased 30 acres of land on the west side of La Cholla Boulevard south of the Grace Church, approximately fourteen years ago, land that is now the Ironwood Ridge Estates subdivision and located less than

1,000 feet north of the land parcels that are the subject of this rezoning request. Ironwood Ridge Estates, LLC purchased the 30 acres of land from Tierramar Construction after Pima County rejected their rezoning application to construct 64 townhomes on the 30 acres. Historically, Pima County had previously rejected higher density housing projects in this area along La Cholla Boulevard. In point of fact, Ironwood Ridge Estates, LLC was restricted by Pima County, and was only permitted to develop 8 single family residences on half their property, i.e. 15 acres, with a County agreement that 15 acres of the developers 30 acres of land would be set aside and dedicated as a perpetual Ironwood Conservation Area. In other words, with 30 acres of land, Ironwood Ridge Estates, LLC was only allowed to develop half of their property, and that development approved at very low density (SR) when compared to the subject request for a zoning change to CR-5 just 1,000 feet south of their property.

Thus, one can conclude Pima County, and its original approved Plan, before the 2018 amendments, was aware of the previous efforts to develop this general area, and specifically rejected further medium or high intensity housing development on the east or west sides of La Cholla Boulevard north of Overton Road. At present, it would be inconsistent with the historical, long-held Pima County Planning policy to change the zoning and development nature of the subject tract of land increasing housing units to such intense urban density. The overall density of approved housing developments along this segment of La Cholla Boulevard has always been a very low density compared to the subject proposal. The proposed rezoning is seeking to allow 51 acres to be developed with 139 single family residences – with 14.2 acres of open space. One-story and two-story residences are proposed to be constructed dependent on market needs on lot sizes of 120 feet by 40 feet (or 50 feet).

Smart Growth principles do not support this proposed expansion of medium and high intensity housing development north of Overton Road along La Cholla Boulevard where none presently exist. An adequate supply of medium and high density housing developments already exist along La Cholla Boulevard south of Overton Road. The Bluffs Subdivision, an older, existing high density subdivision lies immediately to the south of Overton Road. Less than a quarter mile further south of The Bluffs on the west side of La Cholla Boulevard, north of the Tucson National Golf Course, is the new high density KB Homes Montaretto Estates recently built by KB Homes. Kachina Homes is also building 25 high density residences on the east side of La Cholla Boulevard across from the golf course. The proposed rezoning would in effect be an expansion of these existing high density subdivisions (the most adjacent to Overton, The Bluffs) into a presently zoned Suburban Ranch strip along La Cholla Boulevard between Overton Road and Lambert Lane that was never intended (or allowed by the County) to be rezoned for high density development. High density tract home builders typically attempt to build developments next to more upscale neighborhoods so they can inflate their sale prices. If they are allowed to game the zoning system, they make more profit while the nearby upscale homes generally lose property value. All the the existing landowners along this segment of La Cholla Boulevard would be penalized by approval of this subject rezoning request for this reason, and because historically they were not allowed to rezone

their properties for higher density when their rezoning requests were submitted to Pima County.

Roads Infrastructure and Traffic

Although the north-south transportation infrastructure along La Cholla Boulevard is being improved to accommodate higher traffic use, the east-west road infrastructure along Overton Road and to the east and west of La Cholla Boulevard is not adequate to support the increased traffic volume that would result from approval of the higher density housing development including 139 residences. Overton Road to the east and west of La Cholla Boulevard is a two-lane road that is in sub-standard and in poor condition. Overton Road to the east has the additional disadvantage of having a road crossing across Canada Del Oro wash that is impassible and closed during runoff events. In truth, Overton Road to the east and west of La Cholla Boulevard is pot holed and rutted and in dire need of improvement. Thus, regarding this rezoning request, only La Cholla Boulevard will be constructed to specifications that could nominally support the increased traffic from the proposed 139 single family residence subdivision proposed at the intersection of La Cholla Boulevard and Overton Road.

Maeveen Marie Behan Conservation Lands System (CLS)

Pima County's draft staff report states that the subject site is located within the Maeveen Marie Behan Conservation Land System (CLS) classified as Multiple Use Management Area, and Special Species Management Area. The staff report acknowledges that 14.2 acres of the proposed project site will be set aside as open space, and that the proposed project will acquire off-site land for dedicated open space as a mitigation measure. However, the draft staff report and the Comprehensive Plan suggests considerable biological resources within the proposed development site and impacts on CLS. The proposed development properties represent a premier example of the biological diversity of Sonoran Desert ecotone with diverse fauna and flora species and abundant density of saguaros, ironwoods, and cacti species. Typically, off-site land acquisition by a developer is not of the same biological and CLS quality as the land they are disturbing by development. This will certainly be the case for the subject properties that are located in the La Cholla Wash drainage basin.

The distributed and braided channel hydrology of the La Cholla Wash represents a diverse wildlife habitat and wildlife corridors that allows wildlife to move freely under present conditions, but wildlife movement will be constrained and hampered by a large, increased density subdivision at the lower end of the La Cholla Wash. Existing low-density housing along the La Cholla Wash drainage from Overton Road north to Lambert Road allows indigenous wildlife to move freely and the undeveloped portions of parcels owned by present land owners provides habitat and forage for multiple species of mammals, birds, reptiles, plants and insects. Altering the housing density along this wildlife corridor will adversely affect wildlife and negatively impact open space and conservation.

Moreover, within and adjacent to the 50 acres of this proposed project in the lower floodplain of La Cholla Wash, there have been numerous siting of species that are either listed by the U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act of 1973 (ESA) or listed by the Arizona Department of Game and Fish (ADGF). For example, existing residents living along the western boundary of the proposed project area along N Camino Del Plata have seen Sonoran Desert Tortoises (*Gopherus agassizi*) which are listed by the USFWS as "threatened". Other existing property owners on the western boundary of the project site along W La Cresta Road, have sited Western Burrowing Owls (*Athene cunicularia*) which are protected under the Migratory Bird Treaty Act and listed by USFWS as a "national bird of conservation concern". Other listed species in addition to the Western Burrowing Owl have been observed by residents in the project area, and the La Cholla Wash, including: Bald Eagle (*Haliaeetus leucocephalus*) and Golden Eagle (*Aquila chrysaetos*).

We strongly recommend that Pima County and the Agent for the proposed project contact the USFWS and ADGF for a "consultation" so as avoid future liabilities under the ESA. USFWS should perform a site survey to ascertain whether the 50 acre project area represents "critical habitat", as defined by the ESA. Knowing about the presence of threatened species and proceeding with this project while failing to at least consult with USFWS could result in future ESA civil liabilities, and also criminal liabilities for performing a knowing "take" or causing knowing "harm" pursuant to the definitions and regulations of the ESA.

Hydrology and Flood Flows

The original rezoning application for this proposed project was contested in 2019, and it was eventually withdrawn by the Agent due to the existence of a myriad of hydrology issues, presenting stumbling blocks for progressing on the proposed project. In the interim, the Agent and consultants have performed additional hydrology studies and most importantly, Pima County's La Cholla Boulevard Widening Project has constructed significant drainage infrastructure upstream of the proposed project that will divert much of the 100 year flood flow in La Cholla Wash, i.e. divert ~1,722 cubic feet per second (cfs) [of the total La Cholla Wash 100 flood flow of 2,904 cfs], which will now be diverted under La Cholla Boulevard upstream of the proposed project area, diverting the flow into the Canada del Oro. Any remaining sheet flows and breakout flood flows (~1,182 cfs) will either be diverted from the proposed project area or captured and routed to on-site detention basins, according to the Agent. Thus, during the past year it appears that the Agent and Owners have in essence become a beneficiary of a significant and expensive infrastructure contribution from both Pima County and the Town of Oro Valley, a project contribution derived from taxpayer funding.

The proposed project has a preliminary plan for on-site detention of sheet and fugitive flood flows generated off-site and also separate on-site detention for on-site runoff from the extensive hard scape areas within the project area e.g. roads, sidewalks, roof tops, etc. Caution: With the proposed density of the project, and volume of hard scape, if this rezoning were to be approved and ultimately constructed, the Owners

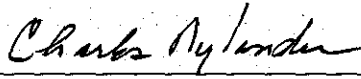
should be required to manage capacity of all detention structures by employing a rigorous sediment removal process. La Cholla Wash flow events contain a high volume of sediment, which will settle in the detention structures and decrease their capacity for future runoff events. Sediment removal, as well as vegetative growth removal will be frequently needed, with mosquito control possibly needed regarding standing water, and it would be expected that Pima County should require by permitting such maintenance, if this proposed project goes forward.

In summary, the proposed project does not fit well with the existing CLS nature of the natural hydrology and biology of the lower end of La Cholla Wash. Nor does the proposed project fit within the historical and existing major designation of Suburban Ranch zoning along this segment of La Cholla Boulevard. Although Pima County might choose selected goals and policies articulated in the long-range plan update, "Pima Prospers" to justify rezoning for a high density development in a predominately Suburban Ranch zoning area, there are obvious and numerous conflicting goals and policies in "Pima Prospers" that justify disapproval of this rezoning application.

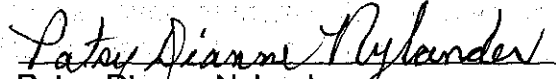
In the chapter of "Pima Prospers" that relates to Use of Land, there are a number of enumerated goals and policies that will be completely ignored if this proposed project rezoning is approved. Policies that relate to: conservation planning, community design decisions, community input, respect for private property rights, and others will be effectively ignored by approval of this rezoning request. Additionally, although the Use of Land chapter states that implementation of the goals and policies of this chapter will assist in the expansion of a tax base, we would voice our concerns regarding Pima County's development of a tax base, driven by an apparent desire to approve infilling rezoning for high density developments throughout the County, and especially along the major transit routes, e.g. La Cholla Boulevard. Yes, the resulting high density projects may initially contribute cumulatively to increase the tax base. However, closer scrutiny of these high density projects, for example, KB Homes and their developments throughout the County (see their website), demonstrate that infilling with low cost tract homes, of lessor if not inferior quality compared to custom homes, being quickly constructed, using almost pre-fab methods, will result in housing products that won't stand the construction durability test of time. Pima County's encouragement for construction of these types of lower cost high density subdivisions will ultimately result in the creation of high density slums with debilitated structures in need of repair that will: not hold their market value, result in deflation of market value of adjacent homes, and ultimately decreased contributions to the County tax base. Pima County planners and regulators, as well as prospective home buyers should be wary of these types of high density, low quality home construction projects.

In conclusion, we respectfully urge the Pima County Planning and Zoning Commission to reject the subject proposed rezoning application for the reasons stated above.

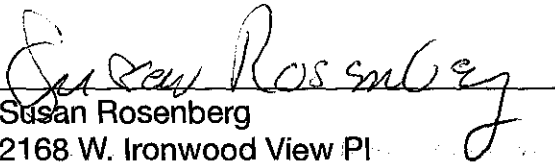
Respectfully submitted,



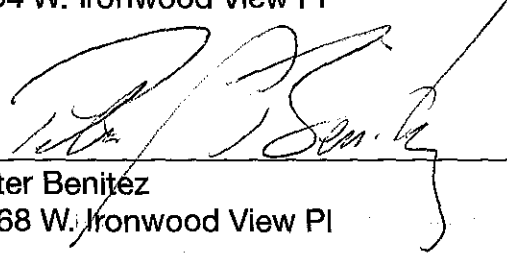
Charles Nylander
2164 W. Ironwood View Pl



Patsy Dianne Nylander
2164 W. Ironwood View Pl



Susan Rosenberg
2168 W. Ironwood View Pl




Peter Benitez
2168 W. Ironwood View Pl

March 12, 2020

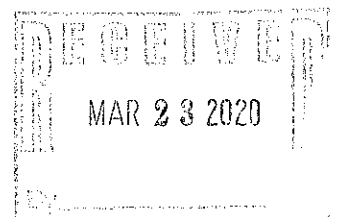
To the Pima County Planning and Zoning Commission:

I am writing because of the proposed zoning change in the Harbour Trust property on La Cholla and Overton Rd. My property borders the subject property and I am zoned SR. Only 1 home allowed on almost 5 acres. They are wanting to add 129 homes on 50 acres. I protest the zoning change. 1 acre homes should be enough. I also believe an exit on Overton will be a traffic hazard as cars come down the hill on Overton so fast there exists the possibility of accidents on exiting the property. There is already a street, Cresta, that exits onto Overton about 100 feet west, and is enough trouble getting out. La cholla should be the exclusive exit of this subdivision in my opinion.

Thank you for listening,



Elen Zank
9455 N. Camino Del Plata
Tucson, AZ 85742
520-869-1804



March 12, 2020

To the Pima County Planning and Zoning Commission:

My name is Bill Brown and I live at 9420 N. Camino del Plata Tucson, 85742. It has come to my attention that the owners of the land contiguous to mine at La Cholla and Overton, is attempting to change the zoning. I want to go on the record as protesting this kind of density right next to me in my SR zoning. From 1 home on 5 acres to 129 on 50 acres is simply too dense. Thank you for your consideration.

Bill Brown
William H. Brown

Bill Brown
9420 N. Camio del Plata
Tucson, AZ 85742

