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Catalina Foothills Association

NEWSLETTER
JANUARY, 1994

Post Office Box 64546 • Tucson, Arizona 85728-4546

Devoted to the preservation of the unique residential character of the Catalina Foothills for over 25 years.

Message from the President

Greetings from your board. We are pleased to announce our annual meeting which will be held on Tuesday, January 25, 1994 at St. Philip's in the Hills at 7:30 p.m.. We invite all area residents, whether members of the association or not, to attend. Come learn what your association is doing for our neighborhood. All are welcome, although only members can vote in the election for new Board members. Nominees for the Board of Directors positions are listed in the newsletter. Members are invited to vote by enclosed proxy if you are unable to attend the meeting.

The program, after our brief business meeting, is timely and promises to be lively. The new Tucson City Manager, Michael Brown, with backing from the City Council, has announced that annexation is one of the highest priorities for city action. The Catalina Foothills area is listed as one of the city's top three targets for annexation. We will have two speakers: Elaine Hedke, chair of the Task Force on Annexation, and Clark Chapman, former chair of the

Pima County Planning & Zoning Commission, who will take the opposing position. There will be plenty of time for questions. Please come and add your voice to an issue which will have substantial impact on the future of our community.

One of the Board's projects during the past year has been to obtain accurate maps with lots, streets, and the nine areas clearly delineated. We worked with the Pima County computerized mapping project and now have these maps available for use by real estate sales people, title companies and, of course, for you. These maps will be available at the annual meeting.

During 1993, the Board put a lot of effort into handling issues relating to the maintenance and protection of covenants in place within the Catalina Foothills areas, when necessary seeking outside advice and counsel. We understand the value of protecting existing covenants and appreciate the cooperative spirit with which neighbors work together to avoid and cure violations.

Katherine Jacobson

**Annual Meeting to be held
Tuesday, January 25, 1994
Refreshments 7:00 PM Meeting 7:30 PM
at St. Philips in the Hills**

All area residents are invited and welcome!

TOPIC: Annexation

CENTRAL ARIZONA PROJECT...A Troubled Affair

The Central Arizona Project (commonly referred to as CAP) is an emotionally charged, politically driven scheme that has been around for more than 70 years. During this period, interestingly, priorities for water usage have changed drastically, with the consumer, not agricultural interests, being the loser.

A politically charged decision by the Tucson City Council late in October, did return ground water to some parts of the county, including residents of the Catalina Foothills.

It would be well for everyone to read the very fine summary of the CAP troubles in Vol. 6, No. 3, Fall-Winter 1993, ARROYO, by Dr. Joe Gelt. Gelt addresses, among other critical issues, the fact that initially agriculture was to be the prime CAP beneficiary. The Central Arizona Project Association was founded in 1946 to promote Congressional approval of CAP. This Association defined itself as "an Association of agricultural, business, professional, and industrial people whose purpose was to obtain supplemental water for Arizona's agricultural economy." The primary leadership for CAP in Congress can be laid at the feet of Senator Carl Hayden and Representative Morris Udall, with Congress authorizing CAP in 1968.

Farmers were to utilize up to 80% of CAP water for agriculture, with Indian agriculture taking another large portion, all during the initial 10 - 30 years of full usage.

William E. Martin and Robert A. Young, former University of Arizona agricultural economists, found early cause to question perceived benefits of CAP. Their economic analysis of the project led to conclusions that operations would be far too costly, largely due to construction costs and a decline in agricultural usage in the state. Their 1970's predic-

tions have proven to be correct.

These two researchers projected that CAP water would be more expensive than groundwater. As a result, only about 50% of the eligible farmers signed on to receive CAP water, with others realizing that those who accept such water would suffer economic losses. Wilson and Martin perceived CAP as a false messiah.

A much fuller explanation of the CAP economic assessment can be found in An Economic Assessment of Central Arizona Project Agriculture, a report to the Governor of Arizona, written by Paul N. Wilson, and dated November, 1992.

The literature is quite clear that CAP has been politically driven, and that little or no attention was paid to the recommendations of Martin and Young. One might speculate as to what the outcome would be if scientists studying cancer had received the same treatment as Martin and Young.

Another interesting finding is the fact that the Federal Bureau of Reclamation (BOR) also conducted studies in the 1970's that proved to be far too optimistic. Wilson also found the studies to be unduly optimistic. More to the point, he found them seriously flawed in several areas. This may be another glaring example of federal intervention in the lives of citizens that proved to be inaccurate and costly.

Finally, one must speculate as to why CAP water, which from the beginning was for agricultural usage, suddenly becomes a source of water for Tucson area residents. Read the publications, including those of Martin and Young, and certainly Gelt and Wilson. Draw your own conclusions.

Covenants, Conditions and Restrictions

It is easy to be annoyed when someone else— whether it is government or your neighbors — tells you what you can or can't do with your own home. The question arises as to why, with each new subdivision, the control seems to be increasingly restrictive. The answer is simple. Well thought-out conditions, covenants & restrictions (CC&R's), with good enforcement, are the best way to maintain and enhance the value of your home. You may like to have an old car to work on in the front yard but it is not likely that your neighbors or prospective buyers will like it. There is no question that the best kept neighborhoods are the most desirable.

We in the foothills are fortunate that John Murphy had a feel for the desert foothills environment. We have contoured streets, a respect for the natural features, such as washes, and many lots which are larger than required by the zoning. This, together with a long tradition of caring by the residents, has made the Catalina Foothills Estates (CFE) one of the most desirable areas in the metropolitan area.

Unfortunately, the CC&R's that are so important for the protection of our properties have some built-in flaws. The flaw for CFE 1-4 was fatal. By their own terms, they have expired. At the time they were drafted, lawyers thought that CC&R's could not be perpetual. Therefore, most CC&R's drafted prior to about 1950 contained time limits. Lawyers have come to realize that CC&R's are no different than an easement. They create rights in another person's land. Just as easements have no time limit, CC&R's also are routinely drafted without time limits. The CC&R's in CFE 5-10 endure until a majority of owners

affirmatively vote to end them.

The CC&R's in CFE 5-6 also contain a flaw which can cause a slow death, rather than a sudden death as in CFE 1-4. The CC&R's of CFE 5-6 do not include a provision for a single area association with mandatory membership and dues, as well as membership in the Catalina Foothills Association. The local area association would give residents the opportunity to make sure the provisions of the CC&R's are carried out and provide adequate financial support for expenses incurred. The CC&R's of CFE 7-9 include such a provision and each of these areas has its own homeowners association.

The Catalina Foothills is one of the few greenbelts on the periphery of the city of Tucson. Let's all help keep it that way. CC&R's represent the most important means of protection and enhancement of the value of our homes.

**The election of CFA Board Members will
be held at the Annual Meeting,
January 25, 1994.**

New Board Member:

Dr. David Wayne Smith..... #5

Board Members whose terms are up for
renewal:

Barbara Burke #7
David Elwood #7
Lera Gates #2
Katherine Jacobson #6
Henry Luebbermann #8
Judith Redekop #1
Paul Smith #7



IMPORTANT ANNUAL MEETING



Annexation is on its way!

Elaine Hedke & Clark Chapman

will speak on this issue.

Details inside newsletter

WHY WE NEED A STRONG WASH ORDINANCE

The network of interconnecting natural washes that cascade down the Catalina Foothills are the main arteries that sustain our abundant desert life. Without these ribbons of life the character, beauty and value in the Catalina Foothills would not exist.

The vast majority of residents in the Catalina Foothills stated in a recent survey that they consider the preservation of natural washes and riparian areas important and support additional restrictions on the use of private property in order to protect them. This does not mean preventing the reasonable use of property.

The need for protecting our washes and riparian areas is very clear, however our Board of Supervisors have been dragging their feet on the formulation and implementation of a strong and effective wash ordinance since

1991. Now an ordinance called The Riparian Habitat Overlay Zone has finally been drafted. Unfortunately it places more emphasis on mitigation and monetary compensation for altering or destroying washes than it does on protection. This watered down approach is in some ways worse than no ordinance at all.

If you value the preservation of washes in the Catalina Foothills write Supervisor Mike Boyd and remind him that you expect him to carry out his pledge to champion the formulation and implementation of a strong and effective wash ordinance.

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