



## Catalina Foothills Association

Post Office Box 64546 • Tucson, Arizona 85728-4546

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*Devoted to the preservation of the unique residential character of the Catalina Foothills for over 47 years*

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What is this Catalina Foothills Association, who's on its Board of Directors, what do they do, and why should I support their efforts?

### Who are we?

The Catalina Foothills Association is a homeowners' organization which was begun in 1952, when this area of the Catalina foothills was in its relative youth. The goal of the Catalina Foothills Association ("CFA") remains the same to this day: maintaining the highest possible standard for quality of life for the people who live in our neighborhood (the Catalina Foothills). That is our *only* goal; we have no political or social agendas. We are unpaid volunteers who happen to live in the Catalina Foothills and we want to preserve and protect the unique qualities that this area of the Sonoran Desert affords its residents.

### Why do we exist?

John W. Murphey, Founder and President, developed the and controlled the original Catalina Foothills Estates subdivisions, enforcing their Covenants (Deed Restrictions, AKA "CC&Rs") from 1930 to 1979. As of January, 1979, the Catalina Foothills Association ("CFA") entered into a signed, notarized, and recorded agreement with Catalina Foothills Estates for the transfer of the authority (referred to as the Reversionary Rights) to enforce all Covenants in Catalina Foothills Estates ("CFE") #1 through #6. CFE #7, #8 and #9, developed later, were given their own associations with the authority to enforce *their* Covenants.

The Covenants for CFE areas #1, #2, #3, and #4 became invalid as of 1980, due to legal difficulties. Not long thereafter, a vigorous attempt to have these Covenants re-instated failed.

The Covenants of Catalina Foothills Estates #5 and #6 legally continue indefinitely, and are enforced by the Catalina Foothills Association. Thus, it is the legal duty of the CFA to enforce Deed Restrictions for CFE #5 and #6. CFA has recently orchestrated the re-instatement of Covenants for CFE #3, and has plans for doing the same for CFE #1, #2, and #4, beginning with #1.

CFE #1 through #4 have become a prime target for developers, not all of them sensitive to our desire to retain the unique desert environment which originally drew us here. Some existing lots in these areas are quite large, and some developers are eager to acquire these, subdivide them, sell off the existing homes, and construct new homes on the newly created lots. These new lots, often one commercial acre, may have houses constructed up to 10 feet from the property line. Most Covenants (like those we'd like to reinstate) require a 30-foot set-back. CFE #3's newly reinstated Covenants do not preclude new development; instead, they set forth reasonable rules which will simply *control* the impact of development in the area. If you would like to see a copy of the new CC&Rs developed for reinstatement in CFE #3, please contact Jane Hoffmann, CFA secretary, at 327-9693, and she will arrange for same to be delivered to you.

The existing Covenants in CFE #5 and CFE #6 do *not* permit lot splitting, such as been taking place in the Catalina Foothills Estates areas where Covenants have been allowed to expire (CFE #1, #2, #4). Indeed, subdivision of the original lots in CFE #5 and #6 (which are covered by their Deed Restrictions) has not occurred.

Thus, if you live in CFE #1, #2 or #4, and you don't like the lot-splitting developments taking place (or recently completed) along Camino Real, Camino Luz, Camino Miraval, La Lomita, or other foothills locations,



join with the Catalina Foothills Association in an effort to have Deed Restrictions reinstated which preclude any future such subdivision of existing lots. Once this is accomplished, your CFA will enforce those Deed Restrictions and keep your neighborhood the way you want it to be (and the way you want it to remain!)

### What do we do?

1. We enforce the CC&Rs for CFE #5 and CFE #6. As a part of this enforcement, we review proposed architectural improvements in these areas. In areas without CC&Rs (CFE #1, #2, and #4), we can only field complaints from residents.
2. We accomplished reinstatement of CC&Rs for CFE #3.
3. We met with the developers of the new Joesler Village (NW of Campbell/River intersection) to insure their project was in keeping with the "style" and quality of our neighborhood (they were very cooperative; you can see the very fine job they did!).
4. We are working with Pima County to insure that the following improvements are in keeping with the "style" and quality of our neighborhood:
  - the current widening of First Avenue (from River Road to Orange Grove).
  - the proposed widening of River Road (from Campbell Avenue to First Avenue).
5. We are also working with Pima County to insure that the proposed improvement (widening) of the intersection of Campbell Avenue and River Road is in keeping with the "style" and quality of our neighborhood, and brings the maximum benefit to St. Philip's Church and its architectural and historical treasures.
6. We are currently providing support for the Skyline Campbell Community Coalition ("SCCC") in their efforts to set reasonable neighborhood-appropriate limits on the commercial development of intersection of Campbell Avenue and Skyline Drive.

### What does it cost?

Areas 1-6	\$30.
Areas 7-9 and all condominiums & townhomes that have their own homeowners'-association-mandated dues	\$10.

#### MAKE CHECKS PAYABLE TO:

CATALINA FOOTHILLS ASSOCIATION  
 P.O. Box 64546  
 Tucson, AZ 85728-4546

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### Where does the money go?

The money you pay for dues is expended on the following items:

- newsletter
  - insurance
  - annual meeting and public forums
  - rents
  - mailing, printing
  - secretarial/bookkeeping services
- 

### Threat to National Historic Status

by Kristin Coleman

*President Rillito/River Road Association*

One of Pima County's unique areas, the Binghampton Rural Landscape in the Bend Area of the Rillito River (at Dodge Blvd.), is in the process of being nominated as a national Historic Landscape, a first for the county.

The Tucson-Pima County Historical Comm. continues to support this effort through grant money. Over 700 signatures have been collected in protest of any realignment of River Road that would cut through this landscape.

There is no justification for the county recommending an alignment which would destroy the continuity of this landscape. Unfortunately, that is what is being proposed.

The realignment plan that would cause the least disruption to the landscape is one following the north bank of the river bed. Through the implementation of the river-bank alignment, the linear park, and any future recreational park, could be integrated into the design of the roadway. This would have the effect of saving money on *all* projects. This



plan would also deal in a more efficient manner with the water runoff from the upper washes in the Bend Area.

This river-bank alignment will have the least impact on the Bend Area because the river bank has already been disrupted by the county in the taking of easements and river-bank-protection measures, and it affects the back rather than the frontage of properties in the area.

The Pima County Board of Supervisors will make a decision on the alignment this fall.

### 3 Cheers for Area 3! You Did It!

With the filing of new deed restrictions with the County on June 12, 2000, the owners of 34 properties in Catalina Foothills Area 3 completed a remarkable process: they voluntarily re-imposed some basic, future-usage restrictions (CC&Rs) on their own properties. What on "earth" would possess them to sign on to such a thing? The reasons probably vary from individual to individual, but whatever they are, they have thus far compelled the owners of over half (57%) of the total number of Area 3 properties to take such action.

It's interesting to speculate on what those reasons might be. A good bet is that they include some or all of the following: The signers truly believe that Tucson's Catalina Foothills represent some of the most beautiful areas in our planet's unique Sonoran Desert, and they are distressed to see that a few property owners and certain "wildcat" developers do not seem to share that sensibility. In particular, the signers disagree with the idea that dividing lots to the maximum degree allowed by the county, destroying large amounts of rare desert foliage, and erecting tightly spaced dwellings, the design of some of which thoughtlessly obscures or competes with the scenery, is an acceptable way for humans to occupy this special area.

The signers are not people who wait to see if everyone else is going to join in before they take action on something they feel is this important.

The signers understand that even if some area property owners never sign on, and a few of them do insensitively develop their own property, the preservation of the major part of this area's appealing character is bound to also help support the area's general property values. The signers are not averse to "win-win" solutions to problems!

It's also a good bet that the initial signers hope that some of their unsigned neigh-

bors in Area 3 will now be inspired to contact the C.F.A., and commit their properties too to these reasonable, basic usage restrictions\*, and that property owners in Areas 1, 2 & 4 will join in as well. In addition to the reasons and benefits listed above, the more people who voluntarily sign on, the more the bureaucrats will understand that we are sincerely committed to protecting our area from large-scale activities that would significantly damage its special character, and our personal investments.

\*The primary restrictions are simply that:

- 1) Included properties (which are not served by a sewer line) can not be subdivided so as to create building sites of less than 43,500 square feet (an acre), versus the 36,000 square feet (a commercial acre) that is allowed by country zoning.
- 2) No dwelling house, garage or accessory building can be placed nearer than 30 feet from any property line, and can not exceed 18 feet in height (unless an exemption is granted after it is determined that such an exemption will not be detrimental to an adjoining property owner, and adjacent property owners have no objection).

### Corner Still in Question

by Katherine Jacobson

*[reprinted from the Desert Leaf, with permission from the author and Desert Leaf]*

The debate over what can or can not, should or should not, be built on the northwest corner of Skyline and Campbell continued over the summer.

The Skyline Campbell Community Coalition (SCCC) petitioned the County's Board of Adjustment in District 1 for a clarification of the conditions for development.

On June 5, the Board of Adjustment listened to testimony, heard staff reports, reviewed original records, and ruled that the definition of village center, as it appeared on the original Catalina Foothills Area Plan of 1959, applies to the corner.

On that 1959 area plan, a village center was defined as "a group of shopping, service and residential facilities including convenience shopping." It was further defined to be of less intensity than the type of development to be allowed at Swan and Sunrise, or at Campbell and River.



Owners of the property, Catalina Foothills Estates Partnership No. 2 (CFEP), replied with a complaint in Superior Court claiming Pima County's action was "arbitrary, irrational, unconstitutional and discriminatory, and effectively illegally 'downzones' property owned by the Plaintiff."

CFEP is asking for damages and for the court to declare "that the Property is zoned CB-1 without other restrictions or stipulations, and that it may be developed with all CB-1 uses." In other words, that a full-sized mall could be built there.

Pima County agrees with CFEP that the area plan is a zoning plan and that the physical condition of the property is the same as it was when that area plan was adopted.

Pima County goes on to state that "the restrictions of the 'Village Center' designation...continued in full force and effect as conditions of the rezoning of the property to CB-1."

According to Katharina Richter, deputy county attorney in the civil division, discovery is the next step. In this discovery phase, each side will present its theories of the case, as well as argue theories of proof and defenses in front of the court.

Readers who wish to see the full text of the complaint and answer should review case number C20003452 in Pima County Superior Court.

Meanwhile, Westcor notified Geoff Swett, president of the Skyline Campbell Citizens Committee, that the plans prepared in 1999 showing a 420,000-square-foot multi-building shopping center were conceptual plans only. They have now hired architects to prepare more detailed plans for their proposed development. Westcor's Tucson representative, Mitch Stallard, states that these new plans will be presented to the SCCC and community as soon as they are finalized. He expects that plans will be ready near the end of September or early in October.

### Alert!

## Crime Moves Into the Foothills

During mid-August there occurred a series of thefts in the Juan Paisano - Vista Valverde - Camino Real area. Thefts included: 2 stolen automobiles (one later recovered in the south section of Tucson with all personal items removed), a golf cart (later discovered abandoned at a driveway entrance), stereo equipment, CDs, a briefcase (later found in an

arroyo), and various other personal items. Most of these thefts took place in carports.

The Pima County Sheriff's Department stated that other areas in the North and Northwest have recently had similar problems.

If you have had any similar break-ins, or are missing property, please report immediately to the Sheriff's Department in your area: west of Campbell Avenue = Foothills District (742-4166: Lt. Parrish); east of Campbell Avenue = Rincon District (741-4696: Lt. Nanos).

### What can you do?

1. Lock all doors. Do not leave keys in car. Remove all valuables from car and carport.
2. Install motion-activated lights; remember to direct all lights downward and not towards the sky or your neighbors (there is a new strict Lighting Ordinance).
3. Communicate with your neighbors any unusual occurrences, e.g., gang signs sprayed on road signs or elsewhere, unfamiliar cars driving in your neighborhood, etc.

## Roy Robinson

We were saddened to hear that Roy Robinson, a long-time resident of Area 2, died on September 11. Roy was for some years Secretary to the Catalina Foothills Association. He gave countless hours of his time and computer skills to many organizations. He and his wife Barbara were ever supportive of issues relating to desert preservation through sensible planning. We will miss him.

### Thanks!

The Catalina Foothills Association wishes to express gratitude to Mr. K.C. Woods (Long Realty, Inc.) for many years of gracious computer information.

If you receive duplicates of this mailing, please send us the labels. Tell us which is correct and we'll update our records. Thanks for helping to save paper and postage.



**Candidate Forum; District 1 Supervisor**

Wednesday, October 4, 2000 7:00 P.M.

St. Philip's in the Hills Murphey Gallery  
Campbell & River

moderator: League of Women Voters

**Co-Sponsors:**

Catalina Foothills Association  
Skyline Campbell Community Coalition  
Rillito/River Road Association

**Ann Day & Byron Howard**

will debate the issues:

traffic  
taxes  
growth  
desert preservation  
health care  
... and more

please come and participate with questions  
for the candidates!

**Proposition 100  
("Growing Smarter Plus")**

Proposition 100 does the following:

1. Allows for 3 % of state lands to be preserved, but leaves 97%, or over 9 million acres, open to development. The 3% cap would be written into the constitution, making it difficult if not impossible to change in the future.
2. Allows for preservation of mountain tops and washes and, in one case, a lake bottom (no shore line, just the lake bottom). Most of this land is completely undevelopable. It is little bits and pieces that do little to provide meaningful wildlife habitat and nothing to prevent urban sprawl.
3. Creates an unreasonably restrictive, burdensome and unnecessarily difficult process to preserve land.
4. Limits participation in the land protection process to governmental agencies, thereby restricting public involvement and eliminating participation by qualified conservation groups.

This proposition is opposed by virtually every conservation organization in the state.

**Proposition 202  
("Citizens' Growth Initiative")**

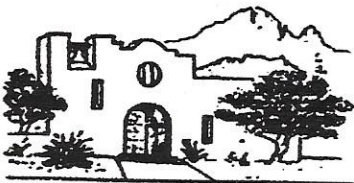
Proposition 202, the Citizens' Growth Management Initiative, is an Arizona citizens' initiative. Members of more than 20 Arizona public-interest, environmental and social-justice groups, with representatives for local government, helped draft it, nearly 164,000 registered Arizona voters put it on the ballot and more than 40 Arizona organizations endorse it.

Proposition 202 puts land-use planning in Arizona cities and towns into the hands of local voters. Citizens in each city, town and county are involved in developing plans, the plans are subject to public hearings and voters must give them final approval.

Proposition 202 requires developers to pay in full for additional public facilities their developments require: that includes roads, schools, police and fire stations, water and sewer lines, and parks.

Proposition 202 is about managing growth. Most Arizona cities and towns have many acres of open land within their corporate limits on which to build and grow: 45.15 percent of the land inside Tucson's city limits and outside Davis-Monthan Air Force Base is vacant. The Maricopa Association of Governments estimates there is 30 times the amount of vacant land needed for development in the Phoenix area for the next ten years. Proposition 202 simply lets city, town and county voters, not developers, determine where it makes sense for growth to occur. Designated growth areas can allow for up to ten years' anticipated growth. If projections prove to be inaccurate, or growth occurs faster than predicted, voters can adjust the growth-area boundaries.

Proposition 202 calls for the attorney general to enforce its provisions. It also gives citizens a right to file a lawsuit to compel cities, towns and counties to comply with the law. But a lawsuit would only be available where there was a violation of this law, not to challenge a zoning decision consistent with a voter-approved growth management plan. And there is no provision for damages, so there is no economic incentive to file a lawsuit.



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Catalina Foothills Association

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October 4 - Candidate Forum  
 District 1 Supervisor

TELEPHONE	AREA	NAME
299-1019	1	John Trang
299-3937	5	Virginia Sonett
299-8271	3	James J. Perrine
299-2599	9	Polly O'Rier
299-4953	8	Tony Luebbemann
299-3776	4	George A. Kiersch
299-4393	7	David B. Elwood
299-2889	7	Barbara Burke
577-6208	1	Sue Brinkmeyer
299-2712	5	T.S. Edison, Sec./Treasurer
299-2620	5	Dr. Jerry Leroy, Vice-President
299-6266	2	Lera Gates, Vice-President
299-9026	7	Sterling Torrance, President

Here's who we are:

Catalina Foothills Association  
 2000 Board of Directors