

Catalina Foothills Association

Post Office Box 64546 • Tucson, Arizona 85728-4546

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

President's Message

The good news is: it's a new millenium; we send you wishes for a successful new year!

The bad news is: the CFA is losing money, despite our best efforts to conserve. In the last two years, we appealed to the residents of the nine Catalina Foothills Estates to please pay your CFA dues, and we received a temporary respite from our dilemma. But this turned out to be only a flash in the pan; our savings continue to be tapped to pay operating expenses. This means that we're going to have to raise our membership dues, for the first time in over 40 years!

Therefore, you will notice an increase of our annual dues in areas #1 through #6 to \$50.00, and \$20.00 for areas #7 through #9.

Our mission remains the same, and we will continue to serve your needs *vis-à-vis* the quality of life we have come to enjoy in the various Catalina Foothills Estates. In the articles that follow in this newsletter are described some of the things that CFA has been working on. It is up to you, the residents of the Catalina Foothills Estates, to decide if the CFA is worthy of your support. Why not give us a helping hand?

What: ANNUAL MEETING OF THE CATALINA FOOTHILLS ASSOCIATION
When: 7:00 P.M., January 31, 2001
Where: ST. PHILIP'S in the HILLS CHURCH — "The Murphey Gallery"
Topic: "What's Going to Take Place at the Skyline/Campbell Intersection?"

Program:
7:00 P.M.

Refreshments

7:15 P.M.

Opening Remarks — Sterling Torrance, CFA President

Nomination and Election of Directors

Area

- | | | | |
|-------------------------------|---|-------------------|---|
| Proposed for re-election are: | • | T.S. Edison | 5 |
| | • | George A. Kiersch | 4 |
| Proposed for election are: | • | Susan Taylor | 6 |
| | • | Stuart Singer | 4 |
| | • | Stephen Carlat | 3 |

7:30 P.M.

Program Speakers:

Mitchell Stallard Vice-Pres./Retail Development, Westcor Partners

Fred Fiastro Vice-Pres., Skyline Campbell Community Coalition

8:30 P.M.

Questions from the Audience

Please Mark Your Calendar; Plan to Attend, and Bring a Neighbor

Annual Meeting

As you can see from the above Announcement, it is now time for the CFA's annual meeting. This meeting will be held at 7:00 P.M., January 31, 2001, in the Murphey Gallery at St. Philip's in the Hills Episcopal Church. The main item on the agenda consists of two presentations about the proposed development of the intersection of Skyline Drive and Campbell Avenue. Westcor Partners will present their latest proposal for commercial development of the northwest corner of this intersection. The Skyline Campbell Citizens Coalition will follow with its view of a village center as the most appropriate development at this location. The CFA is offering residents of the Catalina Foothills area (and other interested parties) an opportunity to hear the latest about what's happening at Skyline and Campbell because we believe it is both of interest and importance to you.

Bullseye Arguments Advanced

by Katherine Jacobson

[reprinted, with permission, from the Desert Leaf]

On December 4, 2000, all parties to the litigation surrounding development at the corner of Skyline and Campbell met in Judge Lee's courtroom.

There are four major players in the dispute. Filing the litigation was Catalina Foothills Estates Partnership No. 2 (CFEP), owner of the northwest corner. Joining that side as intervenor was TWC II Tucson Holdings, LLC (Westcor), the developer who wants to buy the property and build a shopping center. Named as the defendants in that lawsuit were Pima County and its Board of Adjustments. Skyline Campbell Community Coalition (SCCC) intervened on behalf of the County.

Documents were submitted to the court in anticipation of the oral arguments. In pleadings, motions, cross-motions, and responses, Westcor and CFEP attorneys argued that they should be allowed to build a shopping center or mall to serve the greater Tucson region. They asked the judge to rule for unrestricted CB1 commercial zoning.

Pima County and SCCC counter-argued that the applicable zoning allows for village-center use, which would serve a more localized market and include a mix of retail and community-oriented uses. They asked the

judge to certify that village-center zoning.

Oral arguments discussed 1959 zoning plans, 1962 plat maps, 1979 rezonings for other corners throughout the Catalina Foothills area, and 1984 memos. The judge has 60 days from that December 4 hearing to review all documents, analyze the relevance of prior and possibly conflicting cases cited by each side in their pleadings, and issue a ruling.

Options include the judge ruling completely for one side or the other, refusing to grant any of the motions but leaving all points to be argued at trial in May of 2001, or a combination of settling some arguments and leaving other motions for trial.

Any action he takes at this stage can be appealed to the appellate court and to the Arizona Supreme Court, prior to the trial.

Another possibility is that the adverse parties will attempt to negotiate a settlement. Ann Day, the recently elected supervisor from District One, has offered to facilitate the process.

Reinstatement of Deed Restrictions for Area 1

One of the major initiatives of the Association has been the reinstatement of protective Conditions, Covenants and Restrictions (CC&Rs). At the present time only three of the 10 areas which make up the Catalina Foothills Estates do not have active CC&Rs: Area 1, Area 2 and Area 4. We were delighted to see that Area 3 accomplished reinstatement, and we greatly appreciate all those who contributed their time and expertise to this effort. These documents were signed and filed on 34 properties in Area 3 on 12 June, 2000.

For the many families who are new to the "Old Foothills," we are certain that you have found your new neighborhood to be one of the most desirable areas in Southwest. The unique beauty of the Sororan Desert and the majesty of the Santa Catalina Mountains provide unsurpassed natural ambiance and enjoyment. After the original covenants lapsed some builders have not been sensitive to the terrain or to neighbors; they have created inappropriate, albeit legal, developments and "wildcat subdivisions" in our neighborhoods.

In 2001, the Association and the residents of Area 1 will be working diligently to reinstate CC&Rs for Area 1. The revised covenants are a simplified version of the original documents. The purpose of the CC&Rs is to preserve the unique character of the Old Foot-

hills and protect our area from large-scale development that would significantly damage its natural beauty and decrease the value of properties in the area. We trust that you will join your many neighbors who disagree with the subdivision of properties to the maximum, the unnecessary and unwanted destruction of irreplaceable natural desert foliage, and the construction of tightly spaced unattractive structures.

The primary CC&R guidelines deal with the size of subdivided lots, setback distance, and structure height. Reinstated CC&Rs would require that subdivided lots be 43,500 square feet (a residential acre) versus 36,000 square feet (a commercial acre), as permitted by Pima County for lots which are not served by a sewer line. The setback from the property line is 30 feet (Pima County permits 10 feet [on the sides of the lot]). The structure cannot exceed 18 feet in height (unless an exemption is granted after determination by the Association review committee that such an exemption will not be detrimental to an adjoining property owner and that no adjacent property owner has an objection). Pima County allows 34 feet.

Residents of CFE #1: a draft copy of these new CC&Rs is enclosed with your newsletter. Please review it. If you have any questions, you may contact Sue Brinkmeyer (Area 1, at 577-6208) or your own legal advisor. **Please call Jane Hoffmann** (CFA secretary, 327-9693) **to register your willingness to sign** (and thus to reinstate) said CC&Rs for Area #1. We have set a date (**February 21, 2001**) and time (**7:00 P.M.**) for a meeting (at **St. Philip's in the Hills Church, East Gallery**). Please bring your copy of the new CC&Rs. We will have a notary public present to witness you signature on this document.

News From CFE #8

The Catalina Foothills Estates No. 8 Association has elected a new board of directors. The officers are: Mark Tuttle, president; Eric Partelpoeg, vice-president; Audrey Ray, secretary, and Paul Riche, treasurer.

As a matter of interest, if you find that too many of your lovely foothills mornings are filled with the sounds of garbage trucks, your neighborhood is most likely being served by more than one trash-collection vendor. To seek relief from this multiple-morning muddle (and issues of noise, grease, dust, damage to the road surface, and safety), neighborhoods (or perhaps, single streets within a neighborhood)

should consider bidding out their trash collection to *one* vendor. CFE #8 did this successfully, and if you and your neighbors are interested, please call Paul Riche, CFE #8, at 577-4989 for details, including CFE #8's bid documents for use as a template.

Items of Interest: CFE #4

Several traffic and landscape conditions in CFE #4 were given attention; these included:

1. Drive-through traffic on Camino Luz became serious during summer months by non-residents from Joesler Plaza and heavy-truck deliveries to Area #1 and beyond. Pima County Transportation was advised and traffic restriction signs ("NO THRU TRAFFIC") were erected at the River Road and Campbell Avenue entrances to Camino Luz. Additional 25-mph speed signs have been requested as warnings before the blind curve and hill where accidents have occurred on Camino Luz.

2. Large trucks with flat-bed trailers towing unloading equipment began to use Camino Luz for deliveries on Calle La Vela, Calle Ladero and Camino Miraval construction sites in CFE #1. On inquiring, the drivers maintained they were not allowed to use Campbell Avenue. Why were they so guided by signs on River Road?

3. There is a major drainage problem created by surface runoff from the entrance road to the Placita Luz development (4 homes). This runoff drains across Camino Luz to the nearby draw; this runoff always erodes a deep gully during the summer rainy season. Pima County Transportation ultimately graded unpaved Camino Luz and backfilled the deep gully, but no effort has been made to require the builder to correct the cause with an appropriate drainage plan. Pima County Transportation has been asked to remedy this ongoing problem.

4. QWest installed telephone switching equipment in recent months on Camino Luz near the entrance off River Road. The natural vegetation was cleared around the site and unused construction materials, sand, and broken brush have not been cleared away and the surroundings returned to the natural environs. QWest's supervisor was contacted and the subcontractor responsible has been directed to clean up the mess.

Catalina Foothills Association

2000 Board of Directors

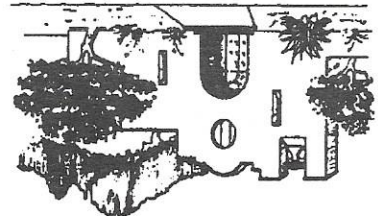
Here's who we are:

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

January 31: CFA
Annual Meeting:
Westcor Update!

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