

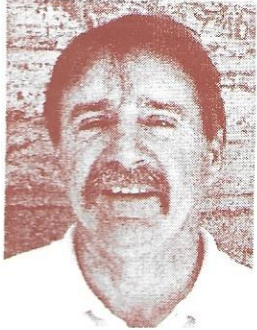
Catalina Foothills Association

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Devoted to the preservation of the unique residential character of the Catalina Foothills for over 50 years

President's Message

by Jim Riley



Covenant reinstatement for areas 1,2, and 4 continues to be a high priority for the CFA

board. It has been encouraging to see residents in those areas coming forward and signing to reinstate basic covenants for their areas.

This is a process that will continue as more residents realize that basic covenants are essential to protect their property values and ensure the quality of life we currently enjoy. Without covenants residents are vulnerable to county regulations which allow neighbor crowding setbacks of only ten feet, and view-blocking homes 34 feet high.

However, not all residents agree about the need for covenants. Recently a concerned resident wrote a letter to area #2 residents which stated that homeowner association covenants would result in a ban on pickup trucks, no on-street parking, no palm trees, no grass, no satellite dishes, no native plants in the backyard, etc.

None of this is true. The reinstatement covenants being proposed for areas 1,2 and 4 only apply to new construction (i.e. one house per acre, 30-foot setbacks, maximum 18 foot building heights, and the retention of as much natural vegetation as possible).

Once enacted, these basic covenants could only be changed by a vote of 75% of the residents.

JUST A FEW OF THE INTERESTING ARTICLES IN THIS ISSUE

Questionnaire results - find out what your neighbors said about fire protection, law enforcement and trash collection.

How much is a view worth when you go to sell your home?

Take a look at the latest crime and fire statistics for the CFA areas.

Why are you being billed for fire district assistance on your property tax statement?

DO VIEWS HAVE VALUE?

by Charles Strub

The Catalina Foothills area is currently undergoing a transition from single story houses on one or more acres of land to large multistory houses on less than one acre lots, and, as the price of land increases, there are more patio and townhouses being squeezed in where the zoning allows them.

Will this trend affect your property, and the investment you made when you purchased it?

When John Murphey started developing his land in the Catalina Foothills, he established guidelines he thought would protect this unique setting we enjoy to this day. Historically, the houses were single story residences on minimum one-acre lots. Mr. Murphey required set backs from the lot line among the development guidelines. These were the original Conditions, Covenants & Restrictions placed on the land for the benefit of *all* the residents.

In his wisdom, I believe that Mr. Murphey knew that views had value, which is why he included the single story proviso. Current developers and builders still use views as a criterion when pricing their buildable lots. Visit any new subdivision in the Northwest area of Tucson and inquire about a lot that has a view. The sales agent will quote you lot premiums (excess of a base price) from \$35,000 to over \$50,000 just for mountain views. Add a city view to that, and the premium can go even higher. In fact, some professional appraisers will tell you that an unobstructed city view is worth more than a mountain view. Depending on the area, both a city *and* a mountain view can command premiums up to \$100,000.

This situation is real for us living in the area right now. The Catalina Foothills is rapidly reaching build-out. You see older houses being torn down and more expensive, *and larger*, houses rising in their place.

How are you going to protect your investment? Keep in mind, not only might a two-story house decrease your view, and thus your investment, it could also mean a loss of your privacy when the neighbors second-story bedroom overlooks your swimming pool or backyard patio.

CC&R RE-INSTATEMENT MEETING

by Joel Berger

A special meeting of residents of areas 1,2, and 4 was held on February 5 for the purpose of discussing and re-instating CC&Rs. In the course of a spirited discussion, at least one attendee expressed the opinion that the proposed covenants were, in fact, not restrictive enough, particularly since they did not apply to those not choosing re-instatement. A less explicit sentiment seemed to be that since most of the larger properties within the affected areas had already been subdivided, it seemed too late to have any significant impact on future development by adopting the CC&Rs at this time.

With regard to these points, adopting more restrictive covenants raises the perception of an overly zealous enforcement policy on the part of the Association. In view of some of the negative press coverage, such overzealousness has recently received, such a proposal would likely alienate more of the residents than it would attract. The goal of the currently proposed CC&Rs is to address those issues which could have a truly major impact on the character of the area, namely height and setback restrictions.

Although many of the larger properties have indeed been split, this does not mean that someone living on a smaller lot cannot undertake modification or reconstruction of an existing dwelling in a manner detrimental to the surrounding property owners, e.g., addition of a second level. It should not be assumed that your current neighbor will always be the same. People sell their homes for a variety of reasons, and a new owner

may not have the same respect for the area's uniqueness that the prior resident had.

A total of twenty-one property owners had their re-instatements notarized. An additional seventeen residents of area 1 adopted the CC&R in the recruitment effort in that area in 2002. The combined executed and notarized re-instatement documents have been formally registered with the county.



Meet Jane Hoffmann, Secretary to the Board

GOAL OF CFA BOARD TO BE MORE RESPONSIVE TO RESIDENTS NEEDS

by Jim Riley

During the past year the board has moved toward making the Association a more responsive vehicle for members. Committees are, working closer with local government so that they hear our ideas *during* the planning process, rather than after they take the vote. An example of our continuing effort to ensure that county staffs know who we are, and who we represent, was having County Administrator Chuck Huckleberry speak at our annual meeting.

Not only are we following local planning, but we are also monitoring legislative activity in Phoenix, making our positions known to elected representatives when there is pending legislation that could affect the foothill's area.

You also will note from our newsletters that we are receiving crime and firefighting statistics for the areas represented by the Association. A questionnaire was mailed to all residents to give us a better idea of issues we need to address on your behalf. The results from this survey are included in this newsletter.

Of course, we are only as effective as your support allows us to be, but think about it if you tossed the questionnaire in the trash. *When is the last time the county solicited your thoughts on fire protection? When were you asked your opinion of the service you are getting from law enforcement? When were you given any comparison information on the companies we have to choose from for trash pick-up? When have you even known what kind of crime goes on in the various areas in our Association?*

We consider our homes in the beautiful Catalina Foothills to be just that - our homes, not just a place to bed down at night. The neighborhood belongs to the residents, as it should. The covenants we are working so hard to reinstate in areas that have let them lapse are nothing more than a declaration of what residents want their neighborhoods to be. There is nothing Machiavellian involved. Our CC&R's are there to assure that our area remains a great place to live and raise a family. Those who have already raised their families in the foothills can give future generations no greater gift than to give them that same opportunity.

Bottom Line

We can no longer afford a fragmented approach to governing our region. It places an unfair tax burden on city residences, the core of our city is deteriorating, and the long-term viability of our community is at risk with such a divide. We need cooperation, consolidation, annexation, and regional government.

Between 1970 and 2,000, unincorporated Pima County grew by 278% - the City of Tucson grew by 85%

If the unincorporated urban population were part of the City of Tucson today, Tucson would climb from the 31st largest city in the country to the 17th largest, ahead of Baltimore, Boston, Seattle, Denver, and Portland.

The City of Tucson is the economic engine of the region. While only 56% of Pima County residents live within the City of Tucson, 78% of service dollars are spent inside the city limits. Over 73,000 non-city residents come into the city to work each day. An additional 125,000 people drive into the city each day for services, education and shopping. As a result, City roads receive more wear and tear and require a greater investment to maintain. While the city does collect sales tax revenue from non-city residents who come into the city to shop, this sole revenue source is not enough to fully fund the variety of services and infrastructure that is needed.

Median Household Income

Census 2000

The residents of all of the unincorporated areas of Pima County respresent \$60 million in state tax revenues that could be redirected to the city.

All of the above was gleaned from Tucson's recent *5 trends Tucson* planning document presented to the Tucson City Council by the city's Urban Planning Department.

James Zwilling reported in *Inside Tucson Business*, that Albert Elias, director of the city's Comprehensive Planning Task Force, stated that the city's not just talking about annexation again, it's starting to move on it. "This is where we start," (referring to the *5 trends Tucson* report) Elias said, "The time to act is now. We're hoping the council will endorse a plan that defines planning areas and the direction the city should move forward."

There was a bill (HR2401) in the state legislature that would have raised the bar for cities; however, it failed to pass in committee and was defeated on the third read. The bill by Rep. Steve Huffman, R-District 26 increased the required signatures from 50% to 60%, although it allowed them two years to collect that amount, as opposed to the current one year.

It's interesting that Rep. Pete Hershberger, who represents the foothills, voted to defeat the bill, leaving a bill he has co-sponsored (HR2165), which is more favorable to cities by granting them the additional year without an increase in the percentage, and adding non-contiguous areas to that statute. These actions by Hershberger signal loud and clear that he stands with Tucson, Marana and Oro Valley on the subject of annexation.

CRIME STATISTICS FOR CFA AREAS

For comparative purposes, the crime statistics shown below cover January 1 through the end of March for both 2003 and 2004. They nearly as possible mirror the boundaries of the CFA areas.

	2004 area 9	2004 areas 1-8	2003 area 9	2004 areas 1-8	Total 2003	Total 2004
Attempted vehicle theft				6		6
Attempted rape				1		1
Arson			1		1	
Assaults		1	10	6	11	6
Burglaries	1	2	22	22	23	24
Burglary attempts			3	9	3	9
Criminal damage dom violence				4		4
Controlled substance abuse			10	12	10	12
Child molesting		1	1		1	1
Embezzlement				1		1
Forgery & counterfeiting			1	2	1	2
Forcible rape - female				1		1
Frauds	1		9	8	10	8
Larceny Shoplifting		1		1		2
Larcenies	5	10	47	73	52	83
Malicious mischief	1	1	26	16	27	17
Intentional vandalism	2	1	12	19	14	20
Offense against family	1	1	1		2	1
Robbery w/firearm			1			1
Robbery w/strong arm			1			1
Sex offences			1	3	1	3
Vehicle Theft			13	10	13	10
Weapons violation			1		1	
Totals	12	19	161	191	173	210

See Law Enforcement survey results on page 7

FOOTHILLS RESIDENTS TAXED FOR NONEXISTENT FIRE DISTRICT

by Jim Snedden

Considering CFA residents individually contract for our fire protection, some residents may wonder what this charge is doing on their tax statement.

PIMA CO FLD SEC	84.36	73.35
LIBRARY DISTRICT	50.53	43.94
FIRE DIST ASSIST	10.49	9.47

As near as I can determine, it was back in 1992 when the State mandated this charge, and it looks like it's here to stay. The Arizona Revised Statute that applies is #48-805, which reads:

The board of supervisors of a county shall, at the time of levying other property taxes, levy a county fire district assistance tax on taxable property in the county of not to exceed ten cents per one hundred dollars of assessed valuation. The tax levy provided for in his subsection shall be a levy of secondary property taxes and shall not be subject to title 42, chapter 17, article 2. The county treasurer shall pay to each district in the county from the proceeds of the tax an amount equal to twenty per cent of the property tax levy adopted by the district for the fiscal year in which the tax will be levied.

The statute goes on to give some exceptions, but the essence is, we, who aren't in a fire district, are subsidizing those who are. **(Fire District anyone?)**

AMENDMENTS TO BY-LAWS APPROVED AT ANNUAL MEETING

The membership voted and passed on three separate amendments to the Association By-Laws at the January 28th annual meeting.

By a vote of 137 to 7, with 3 abstentions, term limits for Directors was passed. Directors shall serve for three (3) years, but serve only for two consecutive terms. They will be ineligible for further election until the next annual meeting twelve months following the expiration of the member's second consecutive term.

Also, by a vote of 138 to 9, the Board may, by a majority vote, amend and repeal board by-laws, at any regular or special meeting of the Board, subject to a vote

within twelve months by the membership. This clarifies an ambiguous section in the former board by-laws.

The third amendment addressed the matter of conflict of interest of board members passed by a 145 to 0 vote. Conflict of interest was defined, and where one was deemed to exist, the board member shall: (a) disclose the conflict to the committee and board members within seven days; (b) immediately withdraw from participation on the committee involved with the conflicted issue; (c) withdraw from deliberation and voting on the issue before the Board.

BOARD MEMBERS

Member	Area	Committee
Jane Barton	1	Architectural Review
Joel Berger Secre/Treas	2	Covenant reinstatement
Paul Chandler Vice President	2	Architectural Review- Chair
David Harma	2	Covenant reinstatement
Annie Hart	1	Coventant reinstatement- Chair
Jerry LeRoy	5	Deed Restriction - co-chair
Tamara Novak	4	Covenant reinstatement
Susan Petrus	4	Covenant reinstatement
Deborah Pratte	5	Nomination - Chair Architectural Review
Jim Riley President	7	Planning, Trans, Zoning Legislation Nomination
Ken Scoville	7	Planning, Trans, Zoning - Chair Newsletter Covenant reinstatement
Jim Snedden	7	Legislation - Chair Planning, Trans, Zoning Nomination Newsletter - Editor
Virginia Sonett	5	Deed Restriction - co-chair Planning, Trans., Zoning Architectural Review
Charles Strub	9	Legislation Deed Restriction

LAW ENFORCEMENT SURVEY RESULTS

	Totals	area 1	area 2	area 3	area 4	area 5	area 6	area 7	area 8	area 9	Ser	CL	CP
% respondents		8%	5%	4%	3%	13%	3%	33%	10%	8%	3%	1%	5%
Times Called													
None	68%	57%	71%	55%	63%	69%	60%	70%	67%	58%	100	67%	86%
Once	21%	17%	21%	36%	38%	23%	20%	19%	23%	29%		33%	7%
Twice	7%	17%				8%	20%	6%	3%	8%			7%
More than 2	4%	9%	7%	7%				5%	7%	4%			
Emergency	34%	36%		25%		42%		36%	45%	40%		100%	33%
Fast response	87%	83%		75%		100%		79%	100%	75%		100%	100%
Poor response	13%	17%		25%				21%		25%			
Non Emerg	66%	64%	100%	75%	100%	58%	100%	64%	55%	60%			67%
Fast response	87%	89%	100%	75%	67%	100%	100%	81%	86%	100%			50%
Poor response	13%	11%		25%	33%			19%	14%				50%

I believe the chart is self-explanatory. The top line shows the respondents by area. Looking at the "total" column, 68% of the total respondents didn't call law enforcement during the past two years. Twenty-one percent called them once, etc. Of the 32% who did call, 34% of those called for an emergency, of which 87% thought the sheriff responded quickly, and 13% thought they received a poor response. Sixty-six percent of the calls were of a non-emergency nature and again, 87% were satisfied with the response time. You can read across the chart for the statistics for your area. Note that the overall figures will be skewed slightly by area 7 because they are responsible for a third of the total responses. "Ser" is short for Serenidad, "CL" for the Calle Lampara Townhouses, and "CP" for the Catalina Pueblo townhouses.

GARBAGE SERVICE SURVEY RESULTS

	Total	Area 1	Area 3	Area 3	Area 4	Area 5	Area 6	Area 7	Area 8	Area 9
Average	\$27	\$27	\$22	\$28	\$22	\$26	\$22	\$35	\$14	\$15
Mean	\$24	\$23	\$21	\$23	\$24	\$24	\$18	\$34	\$14	\$15
No service	9%	6%	11%	11%	29%	6%		17%	3%	5%
Saguaro	16%					8%	25%	17%		5%
Waste Mgt.	63%	94%	88%	88%	71%	78%	50%	66%	97%	10%
RES	11%					8%	25%			80%

Left out of this analysis were areas where the garbage fee is part of the association dues; however, Areas 8 & 9 have the majority of residents subscribing to one service with a negotiated rate. Also, in area 4, the sample was small therefore the 29% showing they have no service is probably high. Saguaro individual rates went from \$10 to \$45. Waste Management from \$10 to \$60 and everywhere in between. This disparity is something that should be explained by the providers.

FIRE PROTECTION SURVEY RESULTS

	Total	area 1	area 2	area 3	area 4	area 5	area 6	area 7	area 8	area 9	Serenidad	Calle Lampara	Las Cum Cat. Pueb
Don't subscribe	8%	17%		18%		8%	8%	4%	14%	21%			8%
Not necessary	9%							25%					
Cost	48%	75%		100%		33%		75%	67%				
Average dues	329	436	363	339	272	371	248	311	365	357	188	164	232
Median	325	406	335	333	285	400	265	314	375	350	196	164	185
Called for Service													
fire @ residence	2%												
fire @ neighbors	2%												
snake removal	89%	75%	100%	100%	100%	13%	4%	86%	4%	8%			
Timely response	81%	78%	100%	100%	100%	100%		77%	100%	100%			
Aware of liability	70%	100%		50%		67%	100%	75%	33%	80%			
Aware of charges							100%	25%	33%	80%			
PERCENT OF RESPONDENTS	100%	10%	6%	5%	4%	16%	6%	45%	10%	11%	2%	1%	6%

When you add some of the individual totals they won't always come out to 100% since some questionnaires didn't identify an area; however, those statistics were taken into consideration in the "total" column. Also some boxes were left blank. For example, 8% of the total respondents said they didn't subscribe to the service, but only 57% gave a reason why they didn't. Note that snake removal was the predominate reason for Rural Metro to be called for service.

Negative comments centered around cost. Several called for the formation of a fire district, several called for annexation to Tucson so they could be serviced by Tucson Fire, and many believe the charge should be included in county property taxes. A surprising number think that we are already charged for fire protection on our taxes. These people are partially correct. See the article on page five explaining this charge. If you feel that the board should look into forming a fire district, contact a board member or call the CFA office and talk to Jane Hoffmann, Secretary to the Board @ 327-9693.

CURRENT RURAL METRO FOOTHILLS ACTIVITY

(Note his data is different than the data shown above because it reflects activity beyond our boundaries)

	November, 2003	December, 2003	January, 2004	February, 2004	March, 2004
Residential Fire	2	1	4	3	8
Commercial Fire	3	0	1	2	6
Emergency Med	43	36	43	38	44
Snake removal	19	8	6	3	23
invalid assistance	5	4	2	5	1
Still alarm	4	3	2	4	4

