

CATALINA FOOTHILLS ASSOCIATION

Dedicated to preserving the unique character of the Tucson Foothills

Newsletter

WINTER 2021 | www.cfatuson.org | PO Box 64546, Tucson, AZ 85728-64546 | 520-529-2169

MESSAGE FROM THE BOARD

In the past this article was written by the President of the Catalina Foothills Association (CFA); however, circumstances dictate that a new format is needed. The CFA Board is made up of volunteers who serve a 3-year term and can choose to serve a second 3-year term.

For the 2020 Annual Meeting the CFA President presided at the Annual Meeting. He had just finished his first 3-year term on the Board and wouldn't be continuing for a second term. No one has accepted the Presidency since then.

For the 2021 Annual Meeting the CFA Vice President presided at the Annual Meeting. He had just finished his first 3-year term on the Board and wouldn't be continuing for a second term. No one has accepted the Vice Presidency since then.

For the 2022 Annual Meeting the CFA Secretary will be in attendance at the Annual Meeting. She has just finished her first 3-year term on the Board and won't be continuing for a second term.

Two Board members will be finishing their second 3-year term in 2022 and will need to roll off the Board.

By the end of the 2022 Annual Meeting there will only be 7 Board members, out of an authorized number of 15 to 18. The average tenure is about two years. There will at most be a single Officer left on the Board.

The previous two Secretary to the Board position holders each had tenures of at least 10 years. In 2021 we have had two individuals hold that spot. So, you can see 'corporate memory' is nearly non-existent.

In short, the CFA is heading for 'liquidation or dissolution,' as provided in the Articles of Incorporation.

What does this mean for our area?

- It may mean that individual property owners will need to take their neighbors to court to require those neighbors to build in accordance with any CC&Rs that may exist. This won't be a trivial task, especially in Areas 1 thru 4. These areas comprise over 600 properties, and more are being added as properties are split into building lots. Only 101 have CC&Rs, so be

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ANNUAL MEETING

January 11, 2022
7:00pm

The annual business meeting will be held online. Please send an email to annual-meeting@cfatuson.org to register. You will be sent an email with information on how to connect. More information will be posted on the CFA website and mailed in late December.

GREETINGS TO OUR FELLOW MEMBERS OF THE FOOTHILLS COMMUNITY

This is the time of year when at the Annual Meeting in January we elect new CFA Board members, and then at the February Board meeting elect new CFA Officers. We urge those of you in our community who have the capacity to serve on the Board to please contact the CFA for more information at **520-529-2169** or www.cfatuson.org **contact**.

WHAT IS MY CFA AREA? DO I HAVE CCRS?

To find the answer look at the address on your newsletter. If you see '**AxNOC**' then you live in Area x (1-6), and don't have CCRs. If you see '**AxCCR**' then you do have CCRs on your property. If you don't see the code, then you don't live in Areas 1-6.

MESSAGE FROM THE BOARD

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prepared for a lot more homes being built to County regulations, regardless of whether CC&Rs exist, if the CFA isn't around to do its reviews. The County assumes the CFA monitors those CC&Rs and doesn't take any enforcement action. We have two Board members on the Architecture Committee, but they need help to properly do this task.

- The CFA is viewed by the County as the lead group in representing the area when it comes to commenting on Zoning changes or Variance approvals. However, with a lack of volunteers and historical knowledge the CFA is not really able to lead these efforts. That is being done by a group of very knowledgeable area people who come together as the need arises. All they ask is the CFA spread the word of potential changes. However, we are unable to do so in a comprehensive and efficient manner.

Property owners need to take action now if the CFA is to continue to exist and be relevant.

- Volunteer to serve on the Board as an area representative. We can use people in areas 1 – 9 to be area representatives. Property owners in the townhome areas are also welcome.
- The Board meets the 2nd Tuesday of each month. We currently meet via Zoom. There is no meeting in July or August.
- Volunteer to serve on a single committee or task, such as Newsletter or Zoning. Having individuals doing most of the work on these committees would greatly expand the time available for the Board members to do other tasks. This would also enable more property owners to get to know the Pima County systems, as well as meet a few more neighbors.
- We especially want some younger property owners on the Board. This will help secure the CFA corporate memory for the future.

I am looking forward to hearing from many of our property owners. Be safe and enjoy the beauty of our Foothills area. Together we can keep it that way.

Sincerely, Rick Treveloni, CFA Treasurer

To volunteer as a Board Member, go to our website, www.cfatucson.org. Using the 'CONTACT' section send an email expressing a desire to be a Board Member. All candidates will be contacted and their name will be added to the 2022 candidates list for voting at the Annual Meeting. Per our Bylaws, all Board Members need to be voted on.

IS MY HOUSE HISTORIC, OR JUST OLD? PROPERTY RESEARCH FOR THE TUCSON AREA

This past May the Arizona Historical Society presented an online program devoted to how to research your property and determine its historical value. The archivist's devoted time to the importance of property research, the process, basics on how to get started, and what to do when you get stuck. You can access the video presentation by going to youtube.com and searching for the title of this article.

The main take away for me was the comprehensive resource list they provided that follows:

Speaker Information

- AHS Tucson archivists: **Rachael Black** and **Perri Pyle**. ahsreference@azhs.gov
- **Demion Clinco**, Tucson Historic Preservation Foundation: info@preservetucson.org
- **Dan Cowgill**, Fidelity Title Company. Market Research: tucsonmr@fnf.com

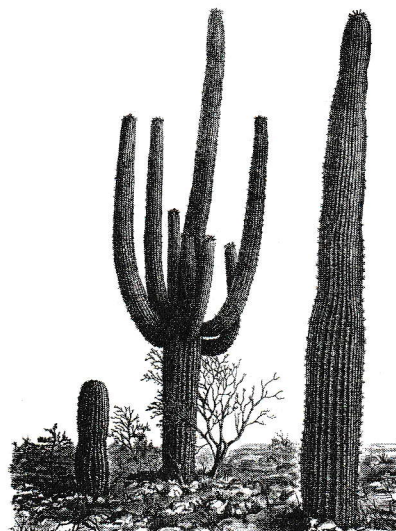
Arizona Historical Society Resources

- How To Search guide for AHS Library & Archives
- Library & Archives catalog: catalog.azhsarchives.org
- Library & Archives homepage: arizonahistoricalociety.org/research/library-archives

City of Tucson Resources

- GIS maps: maps2.tucsonaz.gov/Html5Viewer/?viewer=maptucson
- Subdivision Maps & Plats: www.tucsonaz.gov/apps/maps-and-records/smp
- Historical and Other Surveys: www.tucsonaz.gov/apps/maps-and-records/other-surveys
- If your house is listed in the National Register, you can find the application here: www.tucsonaz.gov/preservation/national-register-historic-districts
- Tucson Historic Preservation Office: www.tucsonaz.gov/historic-preservation

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ASSISTED LIVING FACILITIES IN THE CATALINA FOOTHILLS AREA

Over the past year, the CFA Board has received several complaints about the presence of Assisted Living Facilities in our neighborhood. Some of these complaints pertain to everyday annoyances: too much traffic, insufficient dedicated parking, etc. Other grievances are more concerning because they relate to the violation of CC&R restrictions that prohibit business use of a property and limit occupancy to a single family. Members are wondering how proximity to a care facility will affect their property values. Could this be the beginning of a slippery slope? Will they wake up next week to find a gas station on the corner? In this article I will explore these issues and try to bring a little perspective to the problem.

First, let's get a little background. Assisted Living Facilities are defined as residential group homes that provide care for elderly or functionally impaired adults. Of the 297 licensed care residences in Pima County, only two are located within the boundaries of the CFA. While these numbers plainly show that our neighborhood is not being overrun with elder care homes, they suggest that now may be the time to establish a proactive discussion about their presence.

What are Arizona's laws governing the application of CC&R restrictions to assisted living facilities? The answer to that question is a little murky because Arizona Courts have never addressed the matter. Nevertheless, there are clues. Did you know that Arizona State law overrides property CC&Rs? So, for example, in a case concerning group homes for developmentally disabled persons, the State has established an express prohibition on arguments that these facilities do not represent single-family units. Clearly this suggests the State favors a definition of the term 'single-family' that includes a group of unrelated individuals who live together. Similarly, although it has not been taken up in the Arizona court system, courts in other states have generally been hostile to regulations that limit the ability of owners to utilize their residences for business purposes (e.g., for short-term rentals, or establishing a studio for the purpose of creating a salable art product).

Locally, the rules are more straightforward. Pima County zoning code, Section 18.09.030B allows adult care home services in all residential areas except Trailer Homesite Zones. Two types of permits, whose main qualifying difference is based on gross square footage of the facility, are available, one for homes with a maximum of 6 clients, and one for a maximum of 10 residents. Both facilities currently located within the CFA area hold permits for ten residents. To obtain a Pima County Permit for home care services, owner(s) must submit to the County Planning Division a valid license from the State of Arizona Health Services and

documents verifying that the property meets all County building codes, zoning requirements, and HOA/CC&R physical conditions (setbacks, height limits, color palettes, etc.). Permit applications for 7-10 residents requires neighborhood notification of intent to all properties within 300 feet of the subject property boundaries. Noticed property owners have 15 days to file a written protest. If no written protest is received, the permit may be issued. However, if a written protest is received, the application will be heard at the County Board of Adjustment.

Considering all the above, the CFA Board has taken the position that pursuing a legal challenge to the operation of group homes within the CFA area would be an irresponsible use of our members' fees. However, maintaining the character and ambiance of our community is the primary mission of everyone who sits on the Board. To that end, we will continue to address every complaint or observed infraction on all properties within area 1 thru 6 to determine when enforcement is warranted, and we will seek enforcement when it is appropriate. From a purely personal view, I would advise CFA members to get to know your neighborhood, stay in touch with your neighbors, and share freely with each other ideas about how you would like to see our community grow into its future.

Suellen C. Gauld, PhD, Area 5 Representative

CURRENT CFA DIRECTORS

Treasurer: Rick Treveloni

Secretary: Cathy Petry

Secretary to the Board: Cree Zischke

Area 2: Alan Bomberger, Sandie Czerniel

Area 3: Pat Hagerty, Robert Sogge

Area 4: Linda Bowers

Area 5: Suellen Gauld

Area 6: Donald Doran

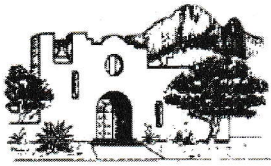
Area 8: Ron Benson

The CFA is currently seeking Representatives for Areas 1, 7, and 9.

BOARD MEETINGS

The Board generally meets at **7 pm on the second Tuesday of each month**. Holidays and vacation schedules sometimes result in the rescheduling or cancellation of a particular meeting. **Please check with the Secretary to the Board, 520-529-2169 or secretary@cfatucson.org**, to confirm a meeting time.

At the beginning of the meetings, the Board allows a ten-minute period for "Resident Related Issues." These must be scheduled with the Secretary to the Board two weeks before the meeting.



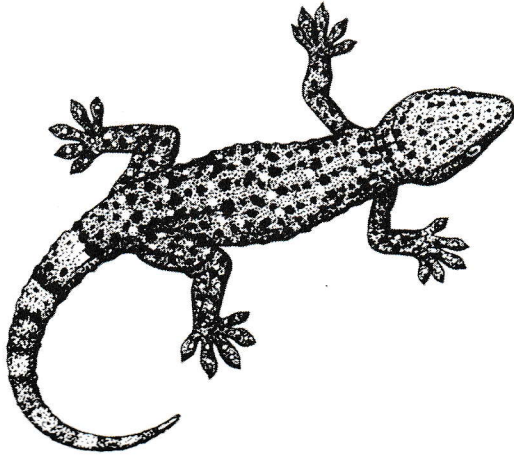
CATALINA FOOTHILLS ASSOCIATION

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Pima County Resources

- Pima County Assessor's Office: www.asr.pima.gov
- Pima County Recorder's Office: www.recorder.pima.gov/RecorderHome
- Pima County GIS Parcel Search: gis.pima.gov/maps/landbase/parsrch.htm
- Pima County Cultural Resources & Historic Preservation Division: webcms.pima.gov/cms/One.aspx?portalId=169&pageId=51010
- Pima County Public Libraries: www.library.pima.gov. Some library branches have information on neighborhoods, for example the housing plans for homes in the Sam Hughes neighborhood are at the Himmel Park Library.

UArizona Special Collections

- UA Libraries Catalog: new.library.arizona.edu
- UA Special Collections: speccoll.library.arizona.edu
- Arizona Archives Online: azarchivesonline.org

Other Resources

- Historic aerial photos: historicaerials.com
- Arizona State Land Department parcel viewer: gis.azland.gov/webapps/parcel
- U.S. Bureau of Land Management Records: gloreCORDS.blm.gov/default.aspx
- Sanborn Maps @ Library of Congress: www.loc.gov/collections/sanborn-maps

Good luck with your research and if any of you discover something noteworthy about your property, we hope you will share it with us for feature on the CFA website's Historical Glimpses.

Linda Bowers

CFA History Committee

