

12-JAN-21

Good morning Mr. Lally,

As there was not time for me to complete my questions and comments in the on-line community meeting on December 15th, I would like to follow up by reiterating and expanding some of my concerns about your client's modified zoning change application and proposed development of the parcel on 56th Street between Lone Mountain and Montgomery.

During the 12/15 meeting, the question of lighting, particularly street lights, was raised. As I'm sure you are aware, the County Island that includes the parcel in question has unpaved roads and easements without street lights. Street lights are not needed. Communities in the north valley recognize that "Dark Skies" that allow residents to view the natural night sky with stars, planets, etc. is a tangible quality of life issue that benefits residents and makes these areas more attractive to live in.

If your client is not familiar with this issue, they may want to check with the International Dark Sky Association (IDA) headquartered in Tucson. The IDA has a program for designating "Dark Sky Communities" if they meet the criteria. Fountain Hills has completed this certification process and I believe Cave Creek is in the process of meeting the requirements. These communities are willing to invest in meeting these requirements because they know that preserving the night sky provides a benefit to their community that is increasingly unavailable to communities near urban areas. This is one of the reasons why residents of the County Island containing this parcel have chosen to live here.

My point is not that this proposed development, which is not a city, should formally consider this certification but rather to advise your client that failing to preserve this increasingly unavailable tangible benefit of "Dark Skies" would not be in their own interest or in the interest of any prospective lot purchaser.

As a property owner separated from north side of this parcel only by a 404 wash, I am especially concerned with drainage issues and planning. Any drainage plans for the proposed development that divert the wash or directly or indirectly routes drainage into the wash that doesn't go there now has the potential to push water onto my property and my neighbors' property north of the development parcel.

If I understood you correctly, you indicated that the proposed development will comply with the 404 wash requirements. However, you could not provide any information on the specifics of how these requirements would be met because drainage engineering is not typically completed until later after all the County approvals for the project have been obtained.

I appreciate your assurance that "all the rules will be followed" in drainage planning but, considering the importance of this issue particularly with the 404 wash, it seems clear

that it would be appropriate in this case for this issue to be investigated to some level of detail prior to county approval. I second Jack Farmer's request for this to happen.

Beyond the direct 404 wash issues, the drainage impact of your proposed development on the surrounding properties is much more general. As even a cursory look at Figure 3 on the project Web site shows that the surrounding areas have predominantly unpaved roads and extensive natural plants, trees, and cactus (including Saguaros) on these R1-43 lots that are naturally irrigated by a network of washes and their smaller tributaries all following their natural paths. This is natural landscaping for R1-43 lots.

Your client is proposing a development typical of a Phoenix R1-18 or R1-10 development with paved streets and artificially installed landscaping and irrigation. Once you bulldoze a large swath of this R1-43 parcel and dump an R1-18 development in the middle of it with artificial landscaping and drainage, this is bound to impact the delicate network of washes and tributaries in the area in unpredictable ways over time. This could result in existing natural landscaping on nearby properties not getting the water they need.

This brings us to the fundamental facts that all of these concerns, and many more, flow from:

Virtually all the property owners in the rural R1-43 zoned County island which includes this parcel oppose this application to interject an incompatible higher-density urban R1-18 zoned area into the R1-43 rural zoned County island community. On the December 15th meeting, not a single speaker supported the proposed zoning change or development.

The amended zoning request does not address any of the fundamental objections to the original application. While any reduction in density is technically better, whether you build 65 houses on ~ 18 acres (excluding streets, open areas, etc.) or 56 houses on 18 acres is not the real issue. It is not an issue of whether you want to put 3.8 houses per acre or 3.2 houses per acre in an area zoned for one house per acre. Those of us who have purchased property in the R1-43 rural County island did so because that zoning suited our needs. Your proposed development is clearly incompatible with the surrounding County Island community. (Again, see Figure 3 on the Web site.)

Most of us in the County island community have made investments in improving our property in ways compatible with the actual R1-43 zoning over the years. In the case of those neighbors who are operating businesses compatible with the current zoning, some of those investments are no doubt very substantial.

What your client could have, and should have, done is one of two things:

If they wanted to build a R1-18 Phoenix style development, they should have purchased land zoned as R1-18 - not purchase land zoned R1-43 and then try to convince the

county to change the zoning to their benefit and to the detriment of surrounding property owners.

If they want to develop the parcel in question, they need to adhere to the existing R1-43 zoning which the county's development plan calls for going forward. As was noted in the December 15th meeting, Shea has done other developments consistent with the R1-43 density.

So far as I could tell, this was the fundamental objection of every speaker I heard on the December 15th meeting.

Sincerely,

Barrett M. (Mike) Guthrie
480 459-7195