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Panel rebuffs developer's bid to change land-use plan

By Denise Holley

First United Realty describes land in Arizona as "spacious and pristine ... the vanishing America" on its Web site.

Last Thursday, the realty and its LLC got a thumping "no" to their request to cover 6,076 acres of scenic land in the northwestern corner of Santa Cruz County with 6,839 homes, two golf courses and retail development.

Jam-packed

More than 175 people, mostly from neighboring Tubac, jammed the county meeting room in Nogales at 2 p.m. They lined up to testify before the county Planning and Zoning Commission about the proposed project on the Sopori Ranch. Four and a half hours later, the commission voted 7-2 to ask the county Board of Supervisors to deny the developer's request to amend the county comprehensive plan.

"In the past few days, we have received 73 letters and e-mails, all expressing concern, caution and opposition to the Sopori proposal," said Mary Dahl, development director for Santa Cruz County. "The overarching concern in these letters is that the comprehensive plan should not be amended at all."

First United Realty represents Sopori 12,500 Investors LLC, which bought the scenic property about three years ago, said Ross Wilson, vice-president of First United. Under its plan, 41 percent of the land would be preserved as open space.

"We think we bring something worthy," said their consultant, Alan Beaudoin of LVA Land Planners & Land Architects.

The overwhelming majority of speakers disagreed - some passionately.

"They (First United) bought the property pretty cheap," said Amador resident Bill Kurtz. "They have little concern about us or the environment."

The application should be denied "unless you want to change the face of northwest Santa Cruz County," Kurtz said.

Ellen Kurtz, of Amado, criticized First United for not inviting all the nearby residents to a community meeting about their proposal. She posted fliers to let her neighbors know, she said.

Wilson apologized later for not notifying all the affected residents.

The development would cover 3,500 acres of open space, said Scott Wilbur of the Tucson Audubon Society. "It's just plain not smart growth. It's suburban sprawl."

"It will make travel on I-19 a nightmare - a choke point, not a check point," said Tubac resident Emilio Falco.

Nogales High School senior Jose Ruiz told the commission he favored growth because it would provide opportunities for him and his family. "But that growth has to respect the plan we made in 2004."

The idea of changing the comprehensive plan, the result of two years of work by citizens and county officials, riled both the public and several commissioners.

"If you grant this exception ... you are going to run into a new area of exposure to litigation," warned Harry Peck of Tubac.

"You are charged with upholding standards in the face of relentless development," said Susan Maurer of Tubac. "While the comprehensive plan is not written in stone, it shouldn't be written in disappearing ink."

Commissioner Duncan Blair fumed at Beaudoin.

"What makes you think you have the right to overturn the democratic process that created the plan, half-way through its life, and change it?" Blair asked.

"We believe we have a more sustainable plan," Beaudoin answered.

The development would damage nature tourism and the thousands of dollars it generates, said Christine McVie, a board member of the Tucson Audubon Society. Dan Brocius from the nearby Whipple Observatory urged the commissioners to protect "one of the last dark stretches in Santa Cruz County" from light pollution.

"Your decisions are going to have lasting impact," cautioned Adam Andrews, who represented the chairman of the nearby Tohono O'odham Nation.

"You have our future and the future of his precious place in your hands," said Barbara Gray of Tubac. "If we permit these (six urban and rural) areas to merge, we are making a grave error. We are killing the goose that laid the golden egg."

After the last public speaker sat down, Wilson rose to defend First United Realty. "We've been in the county for almost 30 years ... and contributed to the new hospital (in Nogales)," he said.

Attorney Lee Storey of Phoenix said the water allocation for the project was assured, Commissioner Lil Hunsaker asked if the initial homes would generate enough effluent to water the golf courses. Storey admitted they would not; the development would tap into groundwater until there was enough effluent.

After Beaudoin described how the new infrastructure would be financed by owners of the new homes, Commissioner George Bell asked how high the homeowner fees would go.

Beaudoin said the developer had not calculated those costs.

Commissioner David Gutfahr wanted to know if members of the work force could afford the new homes.

"I'm really impressed with the number of people who showed up," said Commissioner Marty Jakle. "The comprehensive plan ... is like the Constitution. You must have a good reason to change it."

Commissioners Gutfahr and Billy Padilla voted against the motion to recommend denial. The Santa Cruz County Board of Supervisors will take up the Sopori proposal on Dec. 12.