



## COUNTY ADMINISTRATOR'S OFFICE

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C.H. HUCKELBERRY  
County Administrator

December 29, 2004

Debbie Hecht  
The Silverbell Action Coalition  
P.O. Box 87005  
Tucson, Arizona 85754

**Re: Your December 19, 2004 Letter Regarding the Silverbell Corridor**

Dear Ms. Hecht:

First, the Silverbell route is historic, being part of the original Butterfield Stage route. However, it is also a vital transportation corridor that occurs in a natural geographic and topographic location within the Tucson valley. Placing the high capacity Interstate 10 at a parallel path within the topographic and geographic valley is no accident. Silverbell will and must function as a high capacity urban arterial. Downgrading Silverbell is not an option. However, measures to be taken to protect its scenic value, historic nature and unique setting paralleling the Santa Cruz River are important factors that need to be taken into consideration for any planning associated with this corridor.

Over the years, much of the corridor that you are now concerned with has been annexed by either the Town of Marana or the City of Tucson. The County, from a transportation perspective, has jurisdictional authority over only 21.8 percent of the route length from Congress to Twin Peaks. The County is fully committed to cooperating with other local municipal jurisdictions that have more direct control over Silverbell Road, those being the City of Tucson and Town of Marana. However, no dedicated funding is available at this time to fund any improvement of the portion of Silverbell within the unincorporated area of Pima County.

Regarding the questions in your letter, I will try to answer the ones that involve the County:

1. Generally, accidents caused by increasing traffic volumes and growth are not, in themselves, a governmental liability when it comes to tort litigation for injuries or death and the result of vehicular accidents.

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2. Triggers for road widening actually exist. They are called accepted National, State and Local Standards for Highway Capacity. However, triggers in themselves mean nothing regarding roadway widening. Funding must be available in order to allow a trigger to be operational. For example, there are numerous roadways in unincorporated Pima County that have triggers over the accepted National, State or Local Standards for Highway Capacity, yet funding is not available to widen the roadway. Hence the roadway is not widened.

As a sub-discussion of this matter, the question implies imposition of moratoriums which would allow the County and/or a local government to deny subdivision plats on the basis of roadway capacity. Arizona law is very specific regarding moratoriums. They can only be declared for a relatively short period of time, and then only during interim periods when, in fact, a solution is both readily available and funded to resolve the problem for which the moratorium was declared. In this case, a moratorium is not appropriate for subdivision plats that generate traffic that may use Silverbell Road.

Subdivision platting is different than rezoning. Platting is a ministerial act of government while rezoning is legislative. It is the legislative act of rezoning that should be curtailed during highway capacity deficiency on Silverbell. The County, guided by the Sonoran Desert Conservation Plan, has not approved a rezoning or comprehensive plan amendment in this area for years and, as you know by Board action, it is very unlikely that any up-planning or rezoning will be approved by the Board in the Tucson Mountains area, even if capacity were to exist on Silverbell Road.

3. The bigger issue is the diversion of traffic to Silverbell Road from Interstate 10 as it becomes congested. Frankly, I believe such will be a challenge in the future. I believe traffic diversion to Silverbell because of Interstate and freeway frontage road congestion is a much more serious issue.
4. For those portions of Silverbell Road within the unincorporated area of Pima County, our standard roadway widening criteria requires the construction of multipurpose paths on both sides of the traveled roadway. Hence, the development of bicycle lanes is assured if funding can be obtained to improve those portions of Silverbell Road within unincorporated Pima County.
5. An issue that is of importance regarding improvements to Silverbell Road and the Sonoran Desert Conservation Plan is providing sufficient wash width and clearance to allow for the unimpeded movement of wildlife along washes underneath or across Silverbell Road. Traditional engineering design of small culverts is not sufficient to provide for the passage of larger animals. Hence, particular attention would need to be paid to specific engineering design criteria. In specific terms, the implementation of roadways designed through the Environmentally Sensitive Roadway Design Standards adopted by the County would be the best approach in order to preserve the functionality of any critical riparian habitat crossing underneath or across Silverbell Road.

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6. None.
7. Not applicable to the County.
8. Not applicable to the County.
9. The County can, however, the issue is, who pays for the testing? Likely the Arizona Department of Environmental Quality would not be inclined to do so, nor would the Environmental Protection Agency.
10. For those portions of Silverbell Road in an unincorporated area of Pima County, the Scenic Route Ordinance provides for development setbacks, sign requirements and controls, as well as multistory setbacks and additional landscaping buffers. In the County, these requirements extend from the future right-of-way, not the road right-of-way that exists today.
11. The DeAnza Trail is preserved through historic route designation. Butterfield Stage does not have such a designation at this time.
12. Due to the very limited amount of County unincorporated portions of Silverbell Road, the question is best answered by the Town of Marana and City of Tucson.
13. Sonoran Desert Conservation Plan maps are available. Anything that is desired will be made available to the Coalition from the County without cost.
14. Not applicable to the County.
15. Land use decisions are made by the local jurisdictions. In the case of Silverbell Road, the County has very little control or influence over these decisions.
16. Open space bonds are designated. The 2004 Open Space Bond Program does not designate any specific parcels of property along Silverbell Road to be acquired for open space. Floodprone lands along the Santa Cruz River, if they are subject to flooding from a 100-year flood, are eligible for floodprone land acquisition.
17. Not applicable to the County.
18. A library is being planned on property within the Town of Marana. A community aquatic facility is not programmed in any County capital improvement program.
19. Yes.

The questions and issues you have raised, as well as the community involvement of the Silverbell corridor are complex and complicated. Involving three jurisdictions makes the subject even more complicated. The County, from the perspective of the Board of

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Supervisors and my office, stands fully ready to provide any and all information we have that is necessary and requested by the Silverbell Corridor Coalition, as well as fully cooperate with your efforts. You are to be commended for your community involvement in visualizing how important the Silverbell Corridor is and how difficult the situation will become without community involvement and action.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/jj

- c: The Honorable Chair and Members, Pima County Board of Supervisors  
The Honorable José Ibarra, Ward 1 Council Member, Tucson City Council  
James Keene, City Manager, City of Tucson  
Mike Reuwsaat, Town Manager, Town of Marana  
Michael Letcher, Interim City Manager, City of Tucson  
John Bernal, Deputy County Administrator - Public Works  
Kurt Weinrich, Transportation Director  
Suzanne Shields, Director, Regional Flood Control District  
Rafael Payan, Natural Resources, Parks and Recreation Director  
Linda Mayro, Cultural Resources Manager

December 19, 2004

City of Tucson Mayor and Council and City Manager  
Pima County Board of Supervisors and County Administrator  
Marana Town Council Members and Town Manager

**RE: The Silverbell Corridor**

Almost 40 people representing 11 Homeowner's and Neighborhood Groups attended the December 7, 2004 meeting of the Silverbell Action Coalition. The Tucson Mountains Association contacted 13 groups from the City and at least 8 groups from the County, organized and facilitated the meeting. This issue affects everyone who lives west of the Santa Cruz River because we all use Silverbell to get to Tucson. We have scheduled a meeting for January 3, 2005 and would appreciate your input prior to that meeting.

**There were several issues/ recommendations that received majority support::**

1. Everyone would like to downgrade Silverbell from a main arterial, moving the traffic off of Silverbell and onto I-10 and the frontage road, in order to maintain the existing 2-lane roadway, the integrity of the original Butterfield stage route, the scenic corridor designation and the washes that provide wildlife crossings from Tucson Mountain Park to the Santa Cruz River. These washes are designated as critical habitat in the Sonoran Desert Conservation Plan.
2. The Santa Cruz River Park should extend along the west side of the Santa Cruz River from downtown Tucson to Marana, to preserve archaeological sites, to isolate soil contamination, minimize impact from W.A.P.A. high tension power lines and floodplain, and to link existing development to park lands. The committee felt that much of this land is not suitable for development.
3. To request the City, County and Marana to delay building permits until a Transportation and Land Use Master Plan is implemented, and environmental studies are completed to insure the health and safety of residents from TCE contamination at Silver Creek, 10 landfills along the Santa Cruz River that have the potential to leak methane gas, the danger from W.A.P.A high tension power lines and the aging, leaking Kinder-Morgan Pipeline. We also request that uninvolved and unbiased third parties and consultants, that are not hired by the selling jurisdiction, should be retained to test potentially contaminated sites. Archaeological studies should be completed to preserve valuable sites before any more building permits are issued. Much concern was expressed for any additional homes in the area between Grant and Sweetwater where the traffic count is already over traffic engineers recommended capacity of 19,000 car trips per day.
4. If Silverbell Road needs to be improved, the existing property owners should not have to bear this expense: Developer's should pay for road permits, environmental testing (by an uninvolved 3rd party) and other infrastructure including schools for the areas of Silverbell Road that their developments affect. For Example: Any properties that would add traffic to fee to improve Silverbell. Developers adjacent to Silverbell should pay to widen and improve the road and pay a per lot fee. Impact fees should be charged on each home to pay for additional schools, park and necessary services. These fees should apply only to Silverbell improvements and not go into the General fund. These fees should be implemented as soon as building permits are received and not wait until City impact fees are scheduled in the future.

5. The planning process should encompass the Silverbell Corridor from the Rio Nuevo Project and Congress Street to Twin Peaks Road on the north.
6. The Silverbell Corridor Plan should include all plans implemented in the past, including but not limited to the Sonoran Desert Conservation Plan, Pima County Comprehensive Land Use Plan, zoning plans for all jurisdictions, river restoration plans, Rio Nuevo, traffic plans for Menlo Park, Barrio Hollywood etc.
7. Because Silverbell Road is a designated scenic corridor, all properties owned by the City, Pima County and Marana along the corridor should also be disclosed and pertinent maps provided. Part of the Scenic Corridor designation includes open space. We would like to see each jurisdiction commit to designating open space parcels in writing
8. Guarantee that the Silverbell Golf Course and Columbus Park (including the 55 acres north of Camino Del Cerro) should be left as Park Property in perpetuity for the use of future generations.
9. Commit that the property leased by the City of Tucson to the Border Patrol at Goret and Silverbell (which is currently on a month to month lease) should remain leased to law enforcement (but not as jail or prison) OR become park property in perpetuity.
10. We request that government representatives with decision-making authority, be assigned as contact people for this committee from the City Manager's office, the County Administrator's office and the Town Manager's office. In addition, the committee would like to be assigned contact people from each jurisdiction for traffic, environmental, floodplain and archaeological information.

We respectfully request answers to the many questions that were generated:

1. Traffic engineers state that the capacity of two lane Silverbell Road is 19, 000 car trips per day (One home = 10 car trips per day). The area between Grant and Goret Roads is over capacity according to City engineers at the November 17, 2004 meeting. If additional people are hurt or killed in this area, and the governmental entity continues to issue more permits for homes, thereby adding traffic, will they be liable?
2. Would it be possible to establish some "trigger" to widening the road? For example, if it was projected that the road capacity would reach 19, 000 car trips per day, then the road would have to be widened BEFORE any subdivision plats were approved or building permits were issued?
3. What traffic calming strategies might work along parts of Silverbell to divert commuter traffic from this road and onto 1-10 and the freeway frontage roads?
4. Silverbell Road is popular with bicyclists. Can all road improvements be required to incorporate bike lanes on each side of the road?
5. What provisions can be made for critical habitat according to the Sonoran Desert Conservation plan and retaining washes as wildlife corridors?

6. What requirements for roadways do the Army Corps of Engineers and other jurisdictions have for washes and floodplain? Please provide the report and maps on the washes.
7. If a governmental entity sells land to developers and the land is later found to contain contaminated soils, is the original contaminator still responsible for clean up and liable for any adverse health affects to residents? If so, won't taxpayer ultimately bear this expense?
8. Soils of the new subdivisions near Grant and Silverbell have been found to be contaminated with TCE. Residents said they never realized that their homes were near contaminated sites. Would it be possible to pass an ordinance requiring developers to disclose contamination sites or potential health risks within 1 mile of new homes in BOLD letters prominently displayed on the first page of sales contracts or subdivision reports?
9. Can the City, County and Marana ask the Arizona Department of Environmental Quality or the Environmental Protection Agency to test the sites of old landfills and other contamination along the Santa Cruz? TCE contamination has been found in the Silver Creek subdivision. Supervisors Sharon Bronson and Richard Elias have already requested this. If this is not possible, we suggest that land near contaminated sites be tested before sale and after additional fill is added by ADEQ.
10. Since Silverbell Road is a designated scenic route, what provisions can be made to assure that the scenic quality is preserved? If jurisdictions allow new development, and only require the 30-foot setback in the Scenic Corridor ordinance, the setback would be "eaten up" if the road needs to be widened. Could 60 feet landscape buffers be required to assure a landscaping buffer and the scenic quality of the road for the future?
11. The Silverbell Corridor has numerous archaeological sites and is part of the Butterfield stage route and the DeAnza trail. What are there plans to preserve these important parts of our cultural heritage?
12. Could the committee get a list of all Homeowner's or neighborhood groups in all jurisdictions that are located within 2 miles west of Silverbell and east to the Santa Cruz River? Would the City, County and Marana be willing to bear the expense for mailings and updates to residents in their jurisdictions?
13. We would like maps that affect this area, including The Sonoran Desert Conservation Plan, River Restorations, contaminated sites and landfills, any environmental impact studies, existing zoning maps, comprehensive plan maps, the location of historical sites, existing master plan maps, future traffic plans (including but not limited to the hook –up with LaCholla Boulevard at Goret Road) for all jurisdictions?
14. Is there grant money available for facilitation of our meetings? We would appreciate the same assistance that was extended to the Menlo Park, Barrio Hollywood, Barrio Anita, El Presidio neighborhoods for the Rio Nuevo project and the same assistance that was extended to east side residents who worked on the Houghton Corridor. In a Dec.7, 2004, Board of Supervisors Memo: "The City of Tucson Department of Urban Planning and Design is leading an effort to master plan approximately 9, 000 acres of land on either side of Houghton Road from Tanque Verde to Interstate 10, leading to a Houghton Area Master Plan. "
15. Tucson Mountain area residents should be fully informed about the nature of development that is currently projected along the Silverbell corridor and what total build out at existing

zoning in the County Marana and the City would be and the impact such development will have on all Westside residents whether they live in the City or the County.

16. Is there Bond money available to purchase lands, possibly from Flood plain money or Open Space?
17. Should we do long range planning for light rail along the corridor linking Marana with downtown and Rio Nuevo?
18. Could land be set aside for a community aquatic facility (as promised during Columbus Park negotiations) and a library?
19. Is there wastewater capacity to service all of the 400+ potential homes?

Respectfully submitted,



The Silverbell Action Coalition  
Debbie Hecht, as interim spokesperson  
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