

Ron & Lynn Duff

Paradise Valley, Arizona 85253

July 16, 2019

Town of Paradise Valley Planning Commission
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

Re: Preliminary Plat for Lavitt Manor II—Two Lot Subdivision: 7525 N. Ironwood Drive

Dear Commissioners:

My wife Lynn and I are the owners of 7630 North Invergordon Road. We are full time residents of Paradise Valley and owners of the adjoining property to the proposed subdivision. The proposed subdivision and subsequent development will negatively impact our property in numerous ways, not the least of which will be the loss of our unimpeded views of Mummy Mountain and the decline of our property value associated with such loss. The lot arrangement and design of the subdivision does not provide for a satisfactory and desirable building site on Lot 1. The large wash that traverses through the center of Lot 1 will force a narrow construction on the front right corner of the lot, which in turn will force the development of Lot 2 to the back right corner of the building envelope—negatively affecting the view and value of our home. As set forth below, we have recognized multiple problems and potential problems with the preliminary plat that have been overlooked by the Planning Commission. We believe, that upon closer scrutiny, the current preliminary plat and subdivision should not be approved, and the existing lot, with its substantial building envelope, should be retained as is.

The Planning Commission needs to look at the proposed Plat and ensure it truly does meet with all of the requirements of the Paradise Valley Town Code and its Storm Drainage Design Manual. For example, at its June 4, 2019 meeting Mr. Cullum told the Commission that the Natural Wash was not going to be touched in the development of Lot 1 and a Drainage Easement Agreement was provided to the Commissioners. Section 3-6(3) of the Storm Drainage Design Manual states Town “easements along Natural Wash corridors **shall** be maintained to preserve the natural environment and landscape features. Natural Wash corridors **shall include a landscape buffer area of at least 5 feet on each side, perpendicular to the top of the bank.**” Neither the Preliminary Plat nor the proposed Landscape Plan show the required five foot buffer area on each side of the large Natural Wash going through Lot 1 of the proposed subdivision (*see attached exhibits*). Thus the Preliminary Plat is deficient.

Similarly, the Section 3-6(2) of the Storm Drainage Design Manual states “to determine if a wash meets the definition of a Natural Wash . . . five cross sections of the wash **equally spaced**

across the property shall be provided. If three or more of the cross sections are at least 2 feet deep from the top of the bank and 5 feet wide to the top of the bank, the wash is considered a Natural Wash.” The same language and requirements are used in Town Code Sections 5-10-7(C) and 6-3-8 in defining “watercourse” and discussing drainage easements. A close inspection of the Preliminary Drainage Report and the five points selected in the report should give the Commission pause as to whether the smaller wash that enters Lot 1 to the south and merges with the large wash easement to the north is actually a Natural Wash or Watercourse as defined in the Town Code and its Storm Drainage Design Manual.

A close review of the proposed Preliminary Plat and the Paving Grading Drainage shows the five cross sections of the wash **are not** equally spaced **and not** across the entire wash (*see exhibits*); moreover, the information contained within those points selected warrant the Commission asking for further information. Point C3-6 appears in the 20 foot landscape area of the Preliminary Plat and appears to be approximately 8 feet from the beginning of the wash on the subdivision property. In contrast, point C3-10 appears to be approximately 30 feet from the end of the wash where it enters the easement created by the large Natural wash. The Storm Drainage Design Manual and the Town Code require equally spaced cross sections across the property—which the drainage cross sections provided are not. The reason for the non-equally spaced cross section points will become evident when viewed together and discussed below.

When the five cross sections provided in the Preliminary Drainage Report are analyzed it seems that Point C3-10 was merely taken in a position to ensure the smaller wash on the property was not defined as a Natural Wash or a Watercourse. First, look at the cross section points provided:

Plat Points	Elevation Pt. 1	Elevation Pt. 2	Depth of Wash	Width of Wash
C3-6	1373.0	1371.6	1.2 feet	5.70 feet
C3-7	1373.0	1370.0	3.0 feet	6.20 feet
C3-8	1372.0	1370.0	2.0 feet	7.50 feet
C3-9	1371.0	1369.3	1.7 feet	5.24 feet
C3-10	1370.3	1368.35	1.95 feet	4.36 feet

Two of the five points meet the requirements to deem the smaller wash a “Natural Wash.” However, point C3-10 is the only point that expands to the hundredth decimal position and is a mere ½ inch away from the 2.0 foot mark to make the wash a Natural Wash with an easement needing to be given to the Town to protect the wash. More importantly, look at point C3-10 on the Paving Grading Drainage Plat—point C3-10 is approximately 30 feet from where it exits into the large Natural Wash with no cross sections taken in the area (recall point C3-6 was taken only about 8 feet from the end of the wash on the south side of the property) *See exhibits*.

The reason the final cross section point C3-10 is not closer to the larger wash is because the closer the smaller wash gets to the entry to the major wash, the more the elevation drops (between 1368 and 1366 feet) and the wider the wash gets. Necessarily, if the cross section points

were taken equally spaced across the entire smaller drainage wash as required by the Town Code and Storm Drainage Design Manual (or an additional point is taken between point C3-10 and the exit of the smaller wash into the major wash), there would assuredly be at least three points that exceed a depth of 2.0 feet and width of 5.0 feet—making the smaller wash a Natural Wash or Watercourse. At a minimum, the Commission needs to investigate this issue given the Code requirement of equally spaced cross sections **across the property** was not followed completely and there appears to be an attempt to influence the Commission to believe the smaller wash is not a Natural Wash or Watercourse.

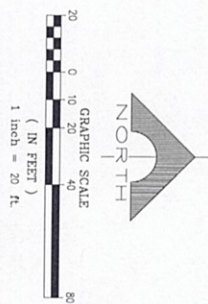
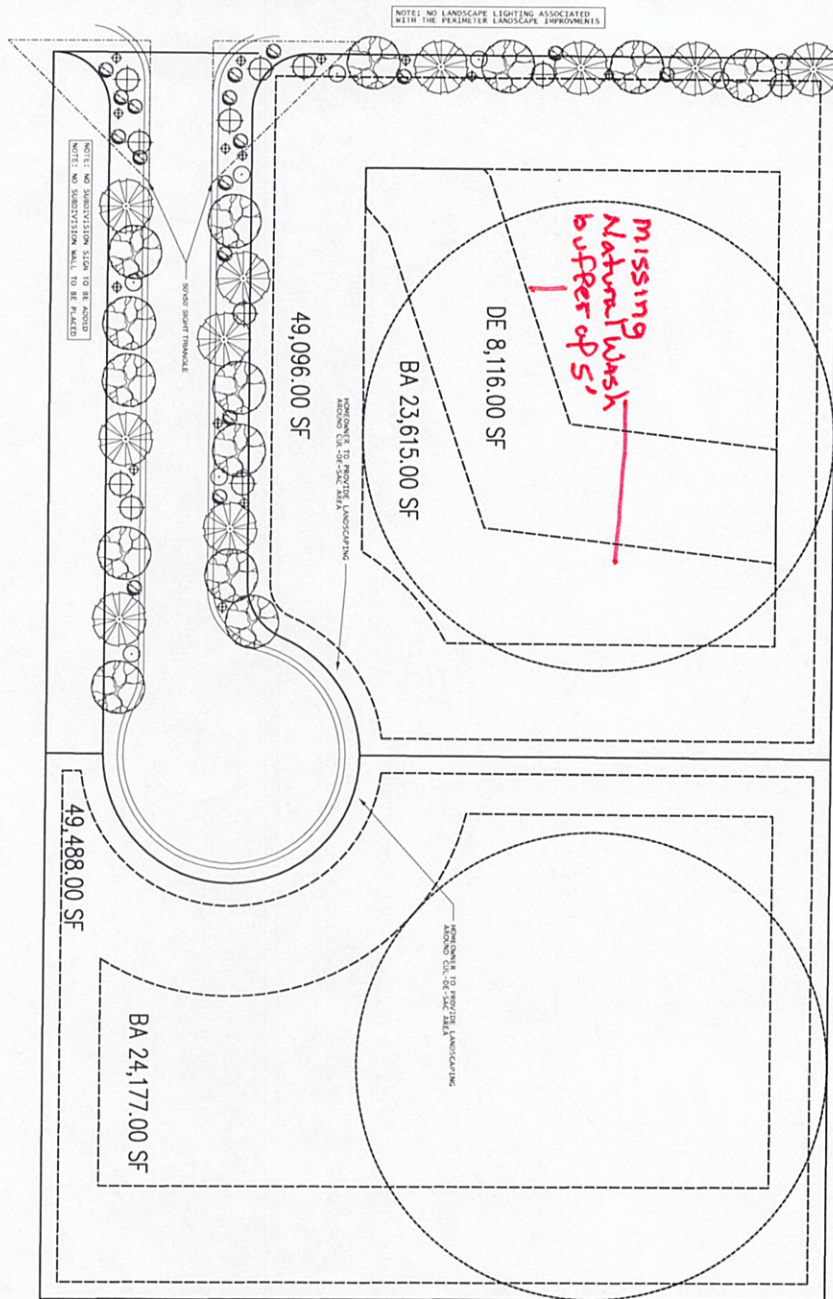
Undoubtedly, the smaller wash is a Natural Wash or Watercourse as defined by the Town. The Storm Drainage Design Manual section 7-1, along with the Town Code Sections 5-10-7 and 6-3-8 require that Watercourses (or Natural Washes) having banks and bed at least two (2) feet deep and five (5) feet wide provide a Drainage Easement be dedicated to the Town. A five foot buffer will also need to be provided on each side of the new Natural Wash as required by Section 3-6(3) of the Storm Drainage Design Manual. Moreover, according to Appendix 1-C of the Storm Drainage Design Manual, Wash Alteration Request Guidelines, the smaller Natural Wash would be a Tier 3 (Protection of a Natural Wash) because it meets or exceeds the definition of a Minor Wash and impacts less than 25% of the site's buildable area. According to the guideline, a Tier 3 modification requires the Developer to maintain the wash in its natural condition and therefore the Natural Wash and buffer zone could not be developed—no road, modified drainage, or development where the wash traverses the property.

With the new Natural Wash and landscape buffer zone required adjacent to both Natural Washes, Lot 1 of the proposed Subdivision will be trifurcated into three separate land masses (*see exhibit*) making it difficult, if not impossible, to provide a satisfactory and desirable building site as is required to approve a new Subdivision under Paradise Valley Town Code 6-3-5(A). Once an appropriate Plat map is presented to the Commission reflecting the Natural Washes and buffer zones, it will become readily apparent the building site will not be satisfactory or desirable. Indeed, it would seem that the prior developer recognized the importance of preserving the Natural Washes and the difficulty in developing around the washes. Thus, only a single lot was developed—rather than two lots.

I thank the Commissioners for their time and consideration in reviewing my concerns about the proposed subdivision, the detriment it will cause to my property views and value, and the same problems it will create for my other neighbors surrounding the property. I respectfully request you reject the Preliminary Plat until such time as a plat reflecting the required landscape buffer zones is provided and there is further investigation and proper cross sections across the entire smaller wash area is completed—I would recommend just one additional point some 8 feet from the entrance to the large Natural wash so it is in the same vicinity as the C3-6 point at the south of Lot one. The additional due diligence is needed in this circumstance.

Sincerely,
Ron and Lynn Duff

Does not show required Landscape Buffer here or on plat 3-6(3) Storm Drainage Design Manual



LANDSCAPE LEGEND

SYMBOL	PLANT NAME	QUANTITY	SIZE
	BLUE PALO VERDE, CAESALPINIA ELEGANS	14	15g
	MEXICAN BIRD, CAESALPINIA MEXICANA	8	25g
	DESERT BUSH, LARREA TRIDENATA	10	15g
	DESERT SHRUB, LARREA TRIDENATA	14	5g
	YELLOW BELLS, TEGONA STINA	17	5g
	YELLOW BELLS, TEGONA STINA	11	5g



