

Neighbors oppose go-ahead for house to be built in wash

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Author: Erica Meltzer, ARIZONA DAILY STAR

Pima County's chief engineer has recommended a developer be allowed to build a house in the Campbell Wash.

Neighbors of the proposed development - and a lawyer they've hired to fight the project - predict tragedy and a dangerous precedent, but county officials say it's perfectly safe.

"There is a location where the house can be built outside the 100-year flood plain," said Suzanne Shields, director of the county Flood Control District and the county's chief engineer.

MTI Investments applied for a flood-plain use permit to build a house along the west bank of the Campbell Wash, just north of Camino a los Vientos in the Catalina Foothills Estates neighborhood, east of Campbell Avenue and north of River Road. The lot was carved from the homesite on the ridge above.

The developer wanted to build on another lot on the east side of the wash, but Shields, citing the steeper slope and an active channel designated by the U.S. Army Corps of Engineers, recommended denial.

Neighbors say the models Shields used to predict flooding don't account for the steep, canyon-like walls of the Campbell Wash. Water in such washes can rise quickly and move faster than in wider washes.

The county convened an expert panel of hydrologists and engineers to look at canyon-wall washes. Their recommendations are not expected until next year, but they did have this to say about the lots in question:

- * That a permit should be issued only if there would be no impact on the wash.
- * That encroachment not be allowed in active channels, including within the 25-year flood plain.
- * That the finished floor be above the 500-year flood plain.

Howard Baldwin, a lawyer for a group of neighbors calling themselves the Campbell Wash Coalition, said those conditions are enough to bar development.

"To my mind, by putting the conditions on the permits, they're saying you can't issue the permits," Baldwin said.

But Shields said she did take the conditions into account. The house must be elevated above the 500-year flood level. The house itself won't enter the flood plain. The garage, driveway and utilities, which will be in the flood plain, will raise water levels in the wash by no more than one one-hundredth of a foot, she said.

The Board of Supervisors will discuss the issue Tuesday.

Baldwin said Shields and the county's ordinance are too friendly to developers. He said the county is setting itself up for a repeat of the Cañada del Oro floods in 2003.

Catalina experienced devastating floods after the Mount Lemmon fire, and the county has spent roughly \$10 million buying out homeowners along the CDO.

Shields said it's not accurate to compare the Cañada del Oro and the Campbell Wash. The CDO drains a much larger watershed that reaches far into the Catalina Mountains. The Campbell Wash drains just two square miles and barely touches the Catalina Mountains, she said.

Shields said many of the homes along the CDO would not have been built under the existing ordinance, the standards

that MTI Investments must meet.

"There were homes that did get permits that we would prefer didn't," Shields said. "You can't just deny the permit if the person can show they can do it safely. The courts would say that's an illegal taking."

Shields said she suspects the ordinance will be changed to make it harder to build in washes. But she can't take that into consideration here, and this lot most likely still would be allowed.

"We have an ordinance the board adopted, and if someone can show they can meet those conditions, they get a permit," Shields said. "We can't deny something because we're going to amend the ordinance."

Larry Hecker, a lawyer for the developer, said his engineering reports show you can build on both lots, though he's not sure whether he'd contest a denial for the eastern lot.

"They're talking about things that just aren't going to happen," Hecker said. "The person who owned it before my client said he'd never seen more than a trickle."

But other neighbors have said they've seen the wash run - one so high his son kayaked there, another at least as high as his horses' knees.

* Contact reporter Erica Meltzer at 807-7790 or emeltzer@azstarnet.com.

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