SKYLINE
NEIGHBORHOOD
REVIEW COMMITTEE
— Preserving the Character of Our Community —

August 31, 2026

Terrill L. Tillman, AICP
Principal Planner
Pima County Development Services
201 N. Stone Avenue, 1st Floor
Tucson, AZ 85701

RE: Rezoning Application P26SP00002

Buffer Overlay Zone Compliance, Required Exception and Request for County Determination

Dear Ms. Tillman and Members of the Pima County Planning and Zoning Commission:

On behalf of the Skyline Neighborhood Review Committee, comprised of concerned homeowners residing within Skyline Country Club Estates, we respectfully request written clarification and a formal County determination concerning the proposed Skyline Country Club Specific Plan's compliance with Pima County Code Chapter 18.67, Buffer Overlay Zone, including the natural-open-space requirements of §18.67.050 and the exception provisions of §18.67.060.

Our Committee recognizes that Chapter 18.67 contains procedures through which an applicant may request relief from certain Buffer Overlay Zone performance standards. We are therefore not suggesting that an exception is legally unavailable.

The issue is whether the particular exception required for this project has been formally identified and whether the applicant can satisfy the procedural and substantive requirements necessary for the County to grant it.

Information provided by the applicant during the August 27, 2026 neighborhood meeting has made resolution of that question considerably more important.

Natural Open Space Requirement

Pima County Code §18.67.050(N) provides that 50% of land subject to the Buffer Overlay Zone must be preserved as natural open space for a land parcel subject to a Specific Plan or rezoning approved on or after August 11, 1998. The required natural open space must form an interconnected system. The Code also establishes how qualifying habitat and functional

open space may be credited and provides that ordinary golf-course open space receives no credit toward the natural-open-space requirement.

The proposed Specific Plan encompasses approximately 10.9 acres. A straightforward application of the 50% standard would therefore correspond to approximately 5.45 acres of natural open space.

The applicant's Specific Plan, however, identifies only approximately 2.6 acres, or 24%, as existing natural open space. Even more importantly, the proposed development would not preserve all of that remaining natural area.

According to the Specific Plan, natural open space would actually be reduced from approximately 2.6 acres (24%) currently to approximately 1.8 acres (16%) following development.

Thus, the proposed project would not merely seek an exception allowing the Club to maintain an existing condition that falls below the 50% requirement. It proposes to further reduce the natural open space that presently remains. We believe that distinction is fundamental to the County's consideration of any requested exception.

The Applicant Has Now Acknowledged That an Exception Is Necessary

The Buffer Overlay Zone issue was specifically discussed during the August 27 neighborhood meeting. The presentation and Q&A portion of that meeting were recorded, and the following statements are taken directly from that recording.

Mr. Brian Underwood of The Planning Center stated: “There is an exception that’s necessary for the Buffer Overlay Zone…” He subsequently explained: “When the County looked at our application, they recognized that there’s no way to create that 50%. It doesn’t exist. It’s not there.”

Mr. Underwood also characterized the Specific Plan as a “tailored-fit zone” and explained that modifications to requirements, including BOZO, can be addressed through that process.

These statements are helpful because they appear to resolve one preliminary question: the applicant acknowledges that the proposal cannot satisfy the ordinary 50% natural-open-space requirement and that an exception is therefore necessary.

The remaining—and considerably more important—question is whether the requirements for granting that exception can actually be satisfied.

What Is the Claimed Undue Hardship?

Section 18.67.060(A) provides a mechanism for exceptions to performance standards when, because of natural site conditions or other conditions beyond the property owner's control, application of the standard would impose an undue hardship.

The Code therefore appears to require more than a showing that compliance would be difficult, inconvenient, expensive or inconsistent with the applicant's preferred development plan.

It requires identification of the condition beyond the property owner's control creating the alleged hardship.

The explanation offered at the August 27 meeting appears to be that decades of previous development and disturbance have left the Club property with substantially less than 50% natural open space. The Specific Plan itself states that much of the site's steep terrain has been: “already developed or otherwise disturbed from decades of activity associated with the Club.”

That explanation creates an important question under §18.67.060:

How does historical development and disturbance resulting from decades of Club activity constitute a natural site condition or other condition beyond the property owner's control sufficient to establish the “undue hardship” contemplated by §18.67.060(A)?

We respectfully request that the County address that question directly.

The fact that compliance with the natural-open-space standard might require fewer residences, smaller building footprints, increased setbacks, relocation of residences toward previously disturbed portions of the property, or a different development configuration should not automatically establish an undue hardship.

Accordingly, the County should determine whether the claimed hardship actually arises from circumstances beyond the owner's control, as contemplated by the Code, or instead results from the applicant's preferred density, configuration or economic objectives.

The Central Question: Why Further Reduce the Natural Open Space That Remains?

Mr. Underwood's August 27 explanation creates what we believe is the central issue surrounding the requested BOZO exception.

If the justification for reducing the 50% natural-open-space requirement is that historical development has already left the property with substantially insufficient natural open space, then:

How does further reducing the natural open space that remains—from approximately 2.6 acres (24%) to approximately 1.8 acres (16%)—advance the purposes of the Buffer Overlay Zone?

The proposal does not merely ask the County to recognize an unavoidable existing condition.

It proposes additional disturbance of the remaining natural area while simultaneously relying upon the shortage of natural area as a reason an exception is necessary.

We respectfully request that the County reconcile those two positions.

Mandatory Findings Before an Exception Can Be Granted

Section 18.67.060(A)(3) is particularly important because an exception may not be granted unless the required findings are satisfied.

Among the required considerations are whether:

- wildlife habitat value or visual quality of the parcel would be diminished;
- the exception would be detrimental to the nearest public preserve; and
- the exception would remain in harmony with the purpose of Chapter 18.67 and the particular provision from which relief is requested.

We respectfully request that each applicable finding be addressed separately and supported by evidence in the public record rather than presumed satisfied through approval of the Specific Plan.

Wildlife Habitat and Visual Quality

The eastern portion of the proposed development is not confined to the historically developed parking lot or other previously disturbed portions of the Club property.

The proposed residential footprints and associated grading extend toward and into the naturally vegetated eastern hillside immediately above the ravine, an area containing substantial native Sonoran Desert vegetation, including mature saguaros.

This area represents an important portion of the remaining natural land within the Specific Plan area. Yet substantial multi-story residential development, grading and associated improvements are proposed in or immediately adjacent to this same area.

This creates another question that should be addressed as part of the required §18.67.060 findings:

How can the applicant demonstrate that wildlife habitat value and visual quality will not be diminished if additional natural hillside is disturbed and multi-story residences are constructed along one of the principal remaining natural portions of the site?

Chapter 18.67 also contains standards addressing native vegetation, wildlife movement, sensitive washes and visual quality.

We respectfully request substantive evaluation of these requirements based upon the actual development footprint, grading limits and remaining natural areas shown in the revised Specific Plan.

Impact Upon the Nearest Public Preserve

Section 18.67.060 also requires consideration of whether the requested exception would be detrimental to the nearest applicable public preserve.

Accordingly, we respectfully request that Pima County:

1. Identify the nearest relevant public preserve;
2. Identify the appropriate preserve manager required to be consulted;
3. Provide that manager with the applicant's complete exception request and revised development plan;
4. Obtain and include the manager's comments in the public record; and
5. Explain the factual basis for any determination that the requested exception would not be detrimental to that preserve.

Harmony With the Purpose of the Buffer Overlay Zone

The applicant must also demonstrate that the requested exception remains in harmony with the purpose of Chapter 18.67 and the specific performance standard from which relief is requested.

That creates another fundamental question:

How does reducing the site's existing natural open space from approximately 24% to approximately 16%, while extending development toward its remaining natural hillside and ravine, remain in harmony with an ordinance intended to preserve natural open space, habitat, wildlife movement and visual quality?

We respectfully request a specific County determination addressing this question based upon the actual conditions and proposed development of this property.

Habitat Restoration or Enhancement

Section 18.67.060(C) establishes a separate mechanism under which certain reductions in natural-open-space requirements may potentially be approved in connection with biologically appropriate restoration or enhancement of qualifying habitat.

If the applicant intends to rely upon this provision rather than, or in addition to, the undue-hardship provisions of §18.67.060(A), that should be clearly stated.

If §18.67.060(C) is relied upon, we respectfully request that the applicant provide the technical information required by that provision, including the applicable habitat analysis, proposed restoration or enhancement program, comparative biological value, and short- and long-term maintenance provisions.

The legal basis for the exception should not remain ambiguous.

Relationship Between BOZO and the Hillside Development Zone

Our Committee is separately requesting County clarification regarding the project's compliance with the **Hillside Development Zone (“HDZ”)** and, specifically, the applicant's reported **28% Average Cross Slope (“ACS”)**.

During the August 27 neighborhood meeting, Mr. Underwood explained that qualifying natural areas may be removed from the ACS calculation and stated: “If we take out those natural areas, we get below that 15%.”

This creates an important relationship between the two analyses.

If acreage is being characterized as natural area for purposes of exclusion from the HDZ Average Cross Slope calculation, while the project simultaneously seeks a substantial reduction in the amount of natural open space protected under BOZO, the County and the public should be able to identify exactly which acreage is being treated as natural and permanently protected and which acreage is proposed for development or disturbance.

Accordingly, we respectfully request that the County reconcile the BOZO natural-open-space calculation with the HDZ natural-area/ACS calculation and provide a map clearly identifying:

- existing natural acreage;
- natural acreage proposed for development or disturbance;
- acreage excluded from the HDZ ACS calculation as qualifying natural area;
- acreage credited toward BOZO natural open space; and
- acreage that will be permanently protected from future development.

The same acreage should not effectively be treated as protected natural land for one regulatory calculation while simultaneously remaining available for development under another.

Procedural Status of the Required Exception

Mr. Underwood's statement that “there is an exception that's necessary” also raises several procedural questions that we respectfully request the County clarify.

Specifically:

1. Has the Club formally submitted its BOZO exception request?
2. What precise provision of §18.67.060 is being relied upon?
3. What percentage and acreage of natural open space is the applicant formally requesting be approved?
4. What natural site condition or other condition beyond the owner's control is asserted to create the required undue hardship, if §18.67.060(A) is relied upon?
5. Has the Planning Director completed the required review and issued a written recommendation?
6. Has the County Engineer been consulted?
7. Has the appropriate public-preserve manager been identified and consulted?
8. Has the matter been referred to the Design Review Committee?
9. Has the required public hearing been scheduled?
10. When will affected property owners receive the required notice?
11. What biological, habitat, visual-quality or other environmental analyses have been submitted in support of the exception?
12. What enforceable mechanism will permanently protect the acreage ultimately credited as natural open space?

Updated Specific Plan

We also understand from the August 27 neighborhood meeting that the Club intends to submit an updated Specific Plan.

That revised Plan is particularly important because several aspects of the development discussed at the meeting appear to differ from or expand upon what is depicted in the June 5 Specific Plan.

Before any favorable determination is made regarding Buffer Overlay Zone compliance, we respectfully request that affected homeowners be provided with:

- the updated Specific Plan;
- the formal BOZO exception request;
- the applicant's supporting technical and environmental documentation;
- the Planning Director's recommendation;
- comments from the County Engineer and applicable preserve manager;
- the final BOZO natural-open-space calculations and map; and
- any proposed conditions or conservation mechanisms.

Affected homeowners should be afforded sufficient time to meaningfully review and comment upon these materials before the matter proceeds to the Planning and Zoning Commission.

Requested County Action

The Skyline Neighborhood Review Committee respectfully requests that Pima County:

1. Confirm the natural-open-space requirement applicable to this Specific Plan and the acreage upon which it is calculated.
2. Identify the precise acreage and location of existing and proposed natural open space.
3. Identify the exact provision of §18.67.060 under which the required exception is sought.
4. Require the applicant to identify and document the condition beyond the property owner's control creating the alleged undue hardship if §18.67.060(A) is relied upon.
5. Determine separately whether each applicable mandatory finding under §18.67.060 has been satisfied.
6. Explain how reducing existing natural open space from approximately 24% to approximately 16% remains consistent with the purpose of the Buffer Overlay Zone.
7. Identify and obtain comments from the appropriate public-preserve manager.
8. Require the applicable biological studies and restoration/enhancement plans if §18.67.060(C) is relied upon.
9. Reconcile the BOZO natural-open-space calculations with the project's HDZ natural-area and ACS calculations.
10. Identify the enforceable mechanism by which acreage credited or excluded as protected natural area will remain permanently protected.

11. Make the revised Specific Plan, formal exception request and supporting analyses available for meaningful public review before the Planning and Zoning Commission considers the application.
12. **Refrain from making a favorable determination regarding Buffer Overlay Zone compliance or advancing the application on the assumption that the necessary exception can ultimately be granted until the applicable exception has been formally identified, documented and evaluated under §18.67.060.**

Conclusion

The Skyline Neighborhood Review Committee recognizes that Chapter 18.67 provides mechanisms through which an applicant may seek relief from certain performance standards.

But an exception is exactly that—an exception.

The fact that the existing property contains substantially less than 50% natural open space does not, by itself, appear to answer whether the requirements for granting an exception have been satisfied—particularly when the proposed development would further reduce the natural open space that remains.

The applicant has now publicly acknowledged that a Buffer Overlay Zone exception is necessary. The appropriate next step, in our view, is therefore not to presume that the exception will be granted, but to identify precisely what exception is being requested and require the applicant to demonstrate that each applicable requirement has been satisfied.

If compliance with the Buffer Overlay Zone requires fewer residences, smaller building footprints, increased setbacks, relocation of development toward previously disturbed portions of the property, or preservation of additional natural hillside, those alternatives should be evaluated before concluding that the performance standard itself should be relaxed.

Most importantly, we respectfully ask the County to answer the central question raised by the applicant's own explanation:

If the reason an exception is necessary is that decades of prior development have already left the property with insufficient natural open space, what is the legal and planning justification for allowing this development to reduce the remaining natural open space even further—from approximately 24% to approximately 16%?

Until that question and the requirements of §18.67.060 have been fully addressed, we respectfully request that no favorable determination be made regarding the project's compliance with the Buffer Overlay Zone.

Please incorporate this letter into the official staff report and public record for **Rezoning Application P26SP00002** and provide the Committee notice of future hearings, staff reports and material determinations regarding Buffer Overlay Zone compliance.

Thank you for your consideration.

Respectfully submitted,

Edward J. Sullivan
Chair
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