



Civano Neighbors Neighborhood Association Position Statement in Response to Proposed Changes to Civano Guiding Documents

October 20, 2003

Over the last two years, a number of discussions have been held regarding Civano's guiding documents—the Development Agreement, Memorandum of Understanding, and Civano IMPACT System—triggered by the Community of Civano, LLC's series of proposed changes to these documents. The Civano Neighbors neighborhood association is providing this position statement not only to respond to the latest proposed changes (submitted August 29, 2003), but to indicate that **there are still outstanding issues that must be addressed prior to revising any of the documents or commencing development in Neighborhoods 2 and 3**. Once these issues are resolved, Civano will be positioned to live up to its sustainable, New Urbanist vision.

Reiterating the Definition of Success at Civano

In our June 10, 2003 response to the first set of proposed changes, we emphasized the need for appropriate marketing—reaching homebuyers and businesses who are seeking more in a community and in a different way of living. Today, we reiterate that success at Civano is not defined in the terms of traditional home sales based on traditional marketing, but rather in terms of sustainable development, which includes adopting more sustainable living patterns and lifestyles.

Civano as One Community

Moreover, success at Civano can only be found when the entire community—all three neighborhoods and the commercial core (or town center)—are planned and developed holistically. The Civano Master Plan sets the stage for an integrated, sustainable community. There has never been a better opportunity for building from the lessons learned in Neighborhood 1 and crafting a plan for the successful development of Neighborhoods 2 and 3 and the Civano town center.

Unresolved Concerns

Civano Neighbors commends the Community of Civano, LLC and the City of Tucson for supporting generally open discussions with Civano Neighbors and other stakeholders. While there are still points of concern, it is clear that a collaborative discourse has made this process flow smoothly. This process has allowed the full community to explore what we can accomplish at Civano through these guiding documents, presenting a unique opportunity to revise the documents in a way that strengthens community vision while providing real opportunities for Civano's long-term success.

Civano Neighbors has four remaining points of concern. These issues should be resolved prior to moving forward with revisions to the guiding documents or commencing development of Neighborhoods 2 and 3:

1. Master Developer

In the revisions to the Development Agreement, and in discussions with the City of Tucson, it is clear that the role of the master developer is uncertain moving forward. Under existing conditions, there could be a developer for Neighborhood 1, another developer for Neighborhoods 2 and 3, and perhaps multiple developers for the town center.

Civano Neighbors believes that there must be one master developer for the entire Civano project, an entity that ensures integrated planning and development for all neighborhoods and the town center. Before moving forward, we must know who the master developer will be and what processes the master developer will use to ensure integrated planning and development.

2. Planning for Neighborhoods 2 and 3 and the Town Center

Civano's fundamental vision is simple: to create a mixed-use, resource-efficient, architecturally indigenous community where lessons can be learned and applied in future development across Tucson and beyond. While technologies, markets, and other conditions change, there must be a mechanism for ensuring integrated planning, development, and marketing that sustains this vision. That mechanism under current City of Tucson planning guidelines is the planned area development (PAD).

Civano Neighbors believes that a PAD or similar, comprehensive planning document that includes all of Neighborhoods 2 and 3 and the town center (i.e., all of Civano outside of Neighborhood 1) and is based in part on Civano community involvement must be in place prior to revising the guiding documents or beginning development.

The only way to ensure consistency among neighborhoods, provide true integration with the commercial town center, and use design guidelines unique to Civano is through such a document.

Additionally, the proposed Development Agreement section 3.1.2 must be changed to reflect this requirement. That is, rather than the developer "may," the developer "shall" undertake these PAD steps.

3. Monitoring and Reporting

Ensuring Civano meets its sustainability goals, as detailed in the Civano IMPACT System, is accomplished in part through monitoring and reporting. However, there remains a discrepancy between the Development Agreement

(section 3.1.4) and the Civano IMPACT System as to how these impacts are monitored. There are also questions about how monitoring and reporting are funded, especially in light of the master developer issue.

Civano Neighbors believes that the master developer must provide for monitoring and reporting on the Civano IMPACT System through the life of the Development Agreement. The Homeowners Association, as identified (with other organizations) in the Civano IMPACT System, should not be responsible for monitoring and reporting.

4. 10% Non-Profit Requirement

Proposed language in the Development Agreement (section 3.1.7) is attempting to combine the 10% profit requirement with the sewer credit. The original wording and intent of the Development Agreement and its 1997 amendment provides that both 10% of the developer's profits and a required reimbursement for sewer credits be paid to a non-for-profit organization to carry out a continuing program of research and promotion of sustainable development. Both payments to the not-for-profit are important because they cover reimbursement for the sewer credits and a payment in lieu of potential future profits to compensate for permanently removing the 10% profit-sharing provision.

Civano Neighbors believes that the sewer credit reimbursement and payment in lieu of potential future profits should be provided to capitalize a Civano community-supported, non-profit institute that carries out a continuing program of research and promotion of sustainable development in the spirit and purpose of the original Development Agreement and its 1997 amendment.

Once these concerns are adequately resolved, Civano Neighbors will support the proposed revisions to Civano's guiding documents, including the Development Agreement, Memorandum of Understanding, and Civano IMPACT System. Until then, however, we strongly encourage the Community of Civano, LLC and the City of Tucson to postpone bringing the revisions forward to Mayor and City Council.