



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
(520) 740-8661 FAX (520) 740-8171

C. H. HUCKELBERRY
County Administrator

March 4, 2004

Bill Estes, Jr.
Tem Corps
5151 East Broadway Boulevard, Suite 200
Tucson, Arizona 85711

Re: **Open Space Bond Question**

Dear Mr. Estes:

I understand you may have some concern regarding the open space bond question. The Southern Arizona Home Builders Association also had some concerns. I recently met with Ed Taczanowsky and John Shorbe to discuss how the program would more than likely assist the industry. I am enclosing a copy of my February 24, 2004 letter to them on the subject. The Southern Arizona Leadership Council had concerns, as well. Attached is my response to Richard Myers.

Give me a call if you would like to discuss this further.

Sincerely,

A handwritten signature in cursive script that reads "C. H. Huckelberry".

C.H. Huckelberry
County Administrator

CHH/jj

Attachments



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C. H. HUCKELBERRY
County Administrator

February 24, 2004

Edward Taczanowsky, Executive Vice President
Southern Arizona Home Builders Association
2840 North Country Club
Tucson, Arizona 85716

Re: **Our Meeting of February 19, 2004 with SAHBA President John Shorbe**

Dear Mr. Taczanowsky:

At your request, I am writing this letter to confirm the points discussed in our recent meeting with Mr. John Shorbe regarding a number of matters related to the Sonoran Desert Conservation Plan, growth regulations, the proposed 2004 bond issue, and State Trust land reform.

Sonoran Desert Conservation Plan

As I discussed recently at the Southern Arizona Home Builders Association Board of Directors meeting on January 29, 2004, the Sonoran Desert Conservation Plan is founded on the three-legged stool of 1) the Conservation Lands System as adopted in the Comprehensive Land Use Plan for Pima County, 2) the open space bond question that will be before voters on May 18, 2004, and 3) State Trust land reform. The success of the Sonoran Desert Conservation Plan will depend largely on these measures.

Benefits of the Plan for the Southern Arizona Home Builders Association

A successful conservation plan is beneficial, I believe, to your members in two ways. First, the Plan fosters development of a community that is an attractive place to live and retains the qualities that make it competitive for sustained and quality economic development. Second, and perhaps more importantly, a successful conservation plan will satisfy federal compliance with a host of federal laws, including but not limited to the Endangered Species Act, Clean Air Act, Clean Water Act, and the National Environmental Policy Act. Perhaps most important to your members is that the Plan will obtain a Section 10(1)(a)(B) Permit.

Edward Taczanowsky

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All Impacts Covered by Permit, Including Development

The Steering Committee of the Sonoran Desert Conservation Plan, a rather diverse group of over 80 individuals, recommended, and the Board approved, the parameters under which Endangered Species Act compliance would occur. Importantly, the Steering Committee recommended that the Board apply for a permit to cover all land use impacts in unincorporated Pima County, and for any jurisdiction wishing to join in being covered by the County permit. This means that your members, developing properties in the unincorporated area where impacts occur, are covered by the permit, and the mitigation obligations of the permit will be met by the aforementioned three legs of the stool supporting the Conservation Plan. Simply stated, once a permit is obtained, your individual members will no longer be completely responsible for individual compliance and hence mitigation requirements of the Endangered Species Act.

Future Endangered Species Act Species Listings Accommodated

Another very important recommendation of the Steering Committee that was also accepted by the Board was that the permit be crafted for the over 50 priority vulnerable species identified in the scientific planning process of the Sonoran Desert Conservation Plan. This includes those species of plants and animals that are currently listed as threatened or endangered. The suite of priority vulnerable species represents the habitat needs of species within Pima County that could be listed under the Act in the future. This simply means that a permit that includes the priority vulnerable species is effectively a plan crafted for any future listing of any of the species within the Plan. Hence, new federal listings of threatened or endangered species will not have a measurable nor adverse impact on the community since the biological reserve design associated with the Multi-Species Habitat Conservation Plan contemplates the possible future listing of any of the species not now listed as threatened or endangered as of 2004. By protecting habitat for the priority vulnerable species, we will be including habitat associations for all species and we specifically intend to negotiate a method of including future listings within our regional conservation approach in a manner that is expedited or otherwise streamlined under the permit so that both economic and conservation interests are met. Hence, your members are protected to the maximum extent possible from future threatened and endangered species listings under the Section 10(1)(a)(B) Permit contemplated in the Sonoran Desert Conservation Plan.

While there are enumerable other benefits associated with the Sonoran Desert Conservation Plan, it is these two regulatory compliance aspects that I believe should be most attractive to your members. I apologize for being unable to effectively communicate these benefits of the Plan earlier. Obviously, a lot of rhetoric has gotten in the way of effective communication.

The steps that are now necessary to obtain the permit are to complete the Environmental Impact Statement, which is due this summer, and to begin negotiating an implementing agreement with the United States Fish and Wildlife Service. All parties are welcome to sit at our side in this implementing agreement negotiation. A representative from the Southern Arizona Home Builders Association would be a welcome addition to the implementing agreement negotiating team.

Multi-Species Habitat Conservation Plan Compliance Requirements

As identified in the draft Multi-Species Habitat Conservation Plan, of which you have a copy, a biological reserve and/or protected habitat covering approximately 440,000 acres will be necessary at build-out. This is based on the present forecast of urban growth and expansion, and loss of important biological resources. This reserve or reserves can be constructed in any number of ways, and does not necessarily mean that the lands assembled for biological reserve would be publicly owned or categorized as a natural public park.

It is our desire to assemble much of this biological reserve in a "working landscape." This simply means that the present uses that exist on the land will continue in the future, and that the biological integrity and habitat associated with the lands remain essentially intact. The 440,000 acre estimate of a reserve design at build-out assumes maximum mitigation requirements as have been used by the United States Fish and Wildlife Service to date. In the implementing agreement discussion, I intend to introduce the concept of credit ratios, which are effectively the reverse of mitigation ratios. In the present sense, a 4 to 1 mitigation ratio means that for every one acre of habitat lost through urban uses, four acres of equivalent habitat must be conserved. As has been demonstrated through the scientific studies of the Conservation Plan, not all habitat has equal value. Riparian habitats are much more valuable than others. Ironwood forests are more valuable than many habitats. Lands and habitats that support multiple species are more important than habitats that support only a single species. Hence, in the implementing agreement, I will be proposing credit ratios wherein high value habitat lands will, if conserved, receive more than unity credit in offsetting mitigation requirements. The concept of credit ratios is integral to the concept of mitigation ratios and is supported by scientific findings of the conservation planning process. Hence, a build-out mitigation reserve requirement of 440,000 acres may not end up being 440,000 acres, depending upon the value of the habitats conserved.

2004 Open Space Bond Issue

On May 18, 2004, the voters will be asked to approve a bond question for open space acquisition valued at \$174.3 million. This acquisition is for four classes of open space, which are: 1) habitat protection, 2) community open space, 3) jurisdictional open space, and 4) Davis-Monthan Air Force Base open space. I firmly believe that all of these acquisitions and investments in open space can and should be credited to the reserve requirements of the Multi-Species Habitat Conservation Plan. For example, habitat protection that occurs through the purchase of conservation easements and development rights should provide the largest credits to the required reserve system. It is probable that over \$100 million of the bond issue will be dedicated to habitat protection. Community open spaces, or those that surround some of the County's existing mountain parks or other preserves, will also be credited toward the reserve system requirements at build-out. Even the acquisition of open space to prevent development encroachment on Davis-Monthan should receive Multi-Species Habitat Conservation Plan credits since much of the land is in the habitat of the endangered Pima Pineapple Cactus. Hence, a successful open space bond question will provide a significant contribution toward Endangered Species Act compliance by securing a reserve system of between 50,000 and 100,000 acres, without even introducing the concept of credit ratios discussed previously.

Edward Taczanowsky

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Conservation Lands System and the Comprehensive Plan

The Conservation Lands System of the County Comprehensive Land Use Plan is effectively the scientific output of the biological resource evaluation of the Sonoran Desert Conservation Plan, and is closely associated with the priority vulnerable species analysis. It defines as biologically significant, areas where at least three habitats of a priority vulnerable species overlap. The higher the number of species and habitats that overlap, the more important the biological resource value, hence the differentiation in the Conservation Lands System from important riparian areas to biological core to recovery to multiple use to existing development. The Conservation Lands System is also one of the cornerstones for achieving the permit since it establishes a basic framework for protecting biologically significant lands absent other methods of conservation. It should be noted that lands that are declared not biologically significant may, in fact, contain habitat for at least one and possibly two federally listed species as threatened and endangered, the largest being the Pima Pineapple Cactus. The Conservation Lands System was designed by the Science Team to include sufficient habitat to protect the Pima Pineapple Cactus. Hence, under the present plan for a permit, Pima Pineapple Cactus habitat outside of the Conservation Lands System would not be regulated.

It also cannot be stressed enough that the Conservation Lands System is a guideline to be taken into consideration as one of a number of factors evaluated by the Board of Supervisors when making legislative decisions regarding future land use changes. The degree to which the guidelines can be modified or stretched depends entirely on a number of factors, including infrastructure availability, previous community investments in same, and the progress being made regarding required reserve assembly to achieve Permit compliance. Obviously success at public funding of reserve systems through bond issues or State Trust land reform allows much more flexibility in the application of the Conservation Lands System.

State Trust Land Reform

State Trust land reform is necessary for two primary reasons, one related to conservation and one related to urban development and economic growth. Regarding conservation, there are State Trust lands that are extraordinarily significant from a biological or cultural and historic resources perspective and deserve conservation. At the same time, there are a number of state lands that need to be converted to urban uses in as simple and rapid a manner as possible. State Trust land reform is probably the only manner in which to effectively achieve both of these goals. For Pima County, State Trust land reform is also a very significant step at achieving Federal Endangered Species Act compliance. If enacted as now proposed, State Trust land reform will contribute nearly 95,000 acres to the biological reserve design, as well as make available for purchase another 170,000 acres. Hence, almost 265,000 acres of State Trust land will be contributed to the biological reserve requirements of the permit, which is over half of the ultimate reserve required at population build-out in Eastern Pima County. Together, State Trust land reform and the 2004 bond issue could provide as much as 365,000 acres of the required 440,000 acre reserve at build-out -- significant progress.

Edward Taczanowsky

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Future Planning for Growth Necessary

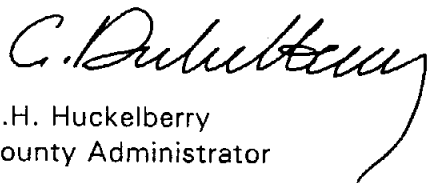
The Board and I clearly understand the necessary balance between growth and conservation. While we have an obligation to conserve important biological, cultural and historic values for the future, we also have an obligation to plan for orderly growth and development. In the last two Board meetings alone, the Board has approved either zonings or Comprehensive Plan Amendments to accommodate over 3,000 new housing units. These actions speak louder than words in both confirming and affirming our responsibility to rationally accommodate population growth and economic development.

New Ordinances and Regulations Related to Growth Management

At this time I see no need to enact, create or promote new land use and/or growth management regulations or ordinances. I believe we have sufficient rules and regulations to guide growth and development. While in the past several years there have been a number of new and expanded ordinances, our efforts should now be to consolidate, streamline and insure that the rules, regulations and ordinances that we have are understood and followed, and achieve a defined objective. I would view our future efforts to be in the category of consolidation of existing ordinances, simplification, and insuring that the application is both reasonable and appropriate. I would also like to begin to explore performance-related ordinances and policies whereby we provide incentives for innovative planning that provide for not only conservation of resources, but livable communities. To that end, I will be appointing a smart and sensible growth commission made up of representatives of the regulated community as well as small business, neighborhood, and environmental interests to review our existing regulations and land use ordinances, and make recommendations to me regarding future changes or modifications to achieve the objectives stated previously.

I know this letter is long. However, the communications that occurred on February 19, 2004 are very important and require followup and documentation. Thank you for your courtesy. I look forward to further positive communications with the Southern Arizona Home Builders Association.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/jj

c: The Honorable Chair and Members, Pima County Board of Supervisors
Board of Directors, Southern Arizona Home Builders Association



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C. H. HUCKELBERRY
County Administrator

March 3, 2004

Richard Myers
Southern Arizona Leadership Council
4400 East Broadway, Suite 710
Tucson, Arizona 85711

Re: **Open Space Bond Question - May 18, 2004 Election**

Dear Mr. Myers,

Given all of the iterations of multi-committee review and recommendation, I agree that it is a little difficult to follow the final bond allocation on the ballot for open space. The following is a brief point by point review of the evolution of this bond question.

1. In June of 2003, the Steering Committee of the Sonoran Desert Conservation Plan recommended that the Board consider placing on the ballot a \$250 million bond question for the purpose of acquiring lands to meet the compliance requirements of Section 10(1)(a)(B) of the Endangered Species Act.
2. The Board, in the following weeks, voted to formulate a number of bond advisory committees for the purpose of determining whether or not a bond election should be called for 2004. The Board emphasized two primary areas of concern: 1) open space, and 2) neighborhood reinvestment. The Board also kept open the option of addressing other County needs if a 2004 election was pursued.
3. The Board, at about the same time, formulated three advisory committees regarding the proposed bond issue. The first was an overall County Bond Advisory Committee made up of 19 members of the community, with two members appointed by each Board member, two members by the County Administrator, a member from each incorporated jurisdiction or municipality, and the Pascua Yaqui Tribe and Tohono O'odham Nation. The Board also appointed two committees to deal with what the Board felt were the most important questions they wanted referred to the voters, one being for open space and the other for neighborhood reinvestment. A Conservation Bond Advisory Committee was formed with ten members and a Neighborhood Reinvestment Bond Advisory Committee with ten members. The recommendations of the Conservation Bond Advisory Committee and the Neighborhood Reinvestment Committee were made to the full Bond Advisory Committee.

Richard Myers

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4. The Conservation Bond Advisory Committee recommended a \$249 million bond question referral composed of two matters: 1) \$230 million for open space, and 2) \$19 million for cultural and historic preservation. The Conservation Bond Advisory Committee recommended habitat protection and community open spaces or "signature properties," with the \$230 million being split 75 percent for habitat protection and 25 percent for community open space.
5. In the iterative processes of deliberation, jurisdictions made requests for open space considerations to the full County Bond Advisory Committee. The County Bond Advisory Committee referred the jurisdictional requests to the Conservation Bond Advisory Committee. The Conservation Bond Advisory Committee returned their recommendation to the full County Bond Advisory Committee, recommending no changes considering the jurisdictional requests.
6. The County Bond Advisory Committee then recommended that the Board consider an open space bond question of \$182.3 million, earmarking \$10 million for Davis-Monthan and \$15 million for jurisdictional open space requests, but taking no position on allocation of the remaining bonds between habitat protection and community open spaces.
7. I then recommended, based on competing interests and the need to reduce the overall bond amount, that the open space bond amount be reduced by \$15 million to \$167.3 million. The Board, when considering the recommendations of the County Bond Advisory Committee, Neighborhood Reinvestment Committee, and Conservation Bond Advisory Committee, made minor adjustments to my recommendations and increased the open space question by \$7 million.
8. Based on the current deliberations of the Conservation Bond Advisory Committee, as well as the deliberations that will occur during March of the County Bond Advisory Committee to develop a bond implementation plan, the present status of distribution of fund amounts for the open space program is still fluid, but at this point I believe it is represented by the following.
 - A. The total amount of open space bonds to be placed before the voters will be \$174.3 million, and \$10 million of the bond question is to be for the purpose of preventing development encroachment on Davis-Monthan Air Force Base.
 - B. Another \$15 million is earmarked for jurisdictional open spaces, as follows by jurisdiction:

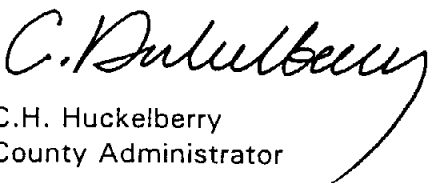
City of Tucson	\$11,000,000
Town of Sahuarita	1,500,000
Town of Oro Valley	2,500,000

Richard Myers
Open Space Bond Question - May 18, 2004 Election
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- C. The balance of funds, being approximately \$149.3 million, is to be distributed where no more than \$53 million will be spent on community or open space and not less than \$96.3 million is to be spent on habitat protection. If community open space projects identified are not available for acquisition due to either high appraised value or development, then the funds allocated should be used for habitat protection. Further, the jurisdictional and Davis-Monthan allocations are capped at not more than the amount specified, and if, for whatever reason, those amounts are not spent, then they, too, will revert to habitat protection. In this latter discussion, there is ongoing discussion regarding how the bond implementation plan will be drafted. I would expect that the Conservation Bond Advisory Committee will make a recommendation on this distribution in the near future. Their recommendation is then forwarded to the County Bond Advisory Committee for review and recommendation to the Board of Supervisors when considering the bond implementation plan that must be adopted prior to the election. I am also enclosing, for your use, an information sheet indicating all of the projects by question in the proposed May 18, 2004 bond election, and a map showing the general location of the projects.

I hope this information helps you understand the evolution of the open space bond question.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/jj

Attachments

- c: The Honorable Chair and Members, Pima County Board of Supervisors
Larry Hecker, Chair, Pima County Bond Advisory Committee
Carolyn Campbell, Vice-Chair, Pima County Bond Advisory Committee
John Bernal, Deputy County Administrator - Public Works
Jim Barry, Executive Assistant to the County Administrator
Nicole Fyffe, Special Staff Assistant, County Administrator's Office