

**Pima County Conservation Acquisition Commission
Meeting**

**Manning House
450 West Paseo Redondo
Wednesday, July 14, 2004
5:00p.m.**

A. Motions at the July 14 Meeting

1. June 7 and June 30th meeting summaries approved 11-0
2. Motion to approve the Draft Real Property Acquisition Process. Motion made by Commissioner Pettis, seconded by Vice-Chairwoman Johnson. Motion passed 11-0.

B. Direction to Staff

1. Draft Operating Policies – edits discussed by the Commission to be incorporated into Draft Operating Policies.
2. Staff to provide Commissioners with copy of 1997 Open Space Bond Program report.
3. (Staff/Commissioners) Develop draft criteria lists for Community Open Space, Habitat Protection Priorities, and non-bond properties. Criteria proposed at the meeting: In 1997 bond program, contiguous to existing preserves, development threat, large landscape acquisitions vs. small, potential to provide Section 10 credit, biological values, cost, geographical balance, critical landscape linkages, evaluated for Habitat Protection Priorities, other public funding sources.
4. Report to Commission on why Oro Valley objected to a previous API application by the County.
5. Report to the Commission on the Community Open Space properties, past interactions with property owners, and whether property owners are willing to sell to the County.
6. Report to Commission on Painted Hills.
7. Update on remaining bond funds in each category of open space.
8. Ownership information should be provided for each acquisition that is presented to the Commission, so that Commissioners can be aware if a possible conflict of interest may exist.
9. Change contactor listed for the Baker property to Anthony Fiore.
10. Commissioner Marshall to provide report on Habitat Protection Priorities at August 25 meeting.
11. Update to Commission on high priority State Trust land in the Tortolita Fan area.
12. Request for presentation on conservation easements.
13. Set aside a portion of a meeting to discuss pros and cons of conservation easements.

SUMMARY OF MEETING

The following is a summary of the July 14, 2004 meeting. Audio tapes of the meeting are available upon request.

1. Roll Call

The meeting was called to order at 5:05 p.m. with a quorum.

Commissioners Present

Tom Sheridan
Wanda Shattuck
Rob Marshall
Chuck Pettis
Bill Roe, Chair
Helen Wilson
Trevor Hare
Bill Arnold
Tim Prouty
Jan Johnson, Vice-Chair
Les Corey

Commissioners Absent

2. Approval of the June 7th and June 30th Meeting Summaries

The June 7th and June 30th meeting summaries were approved.

3. Call to the Public

Chairman Roe explained that the purchase of the Painted Hills parcels was not on the agenda. On the agenda was an item to discuss prioritization of acquisitions within the different categories of open space. One of these categories was Community Open Space, which included the Painted Hills acquisition. Because a large number of people attended for the Painted Hills property, the Chair asked that the Commission hear from a couple members of the public on this issue. Roger Carpenter, Gary Kordosky and Olivia Bedford, State Representative District 27, spoke in support of preserving the Painted Hills property.

4. Set Future Meeting Date

The next two meetings will be held on August 25, at 1p.m. and September 16 at 5 p.m. Focus of August meeting will be on presentations on planning efforts preceding the 2004 bond election.

5. Status Update on the A-7 Ranch and the Closing of the Sweetwater Preserve

Christine Curtis, Real Property Services, provided a summary to the Commission regarding updates on the potential acquisition of A-7 Ranch and the acquisition of the Sweetwater Preserve.

Commissioner Prouty asked whether the Trust for Public Land disclosed the their commission on the Sweetwater Transaction. County Administrator Mr. Huckelberry stated that a letter had been sent to the Trust for Public land asking for \$200,000 to assist with the costs necessary to secure the property. Mr. Huckelberry then clarified that a management plan for A-7 Ranch will be brought back to the Commission.

Commissioner Hare asked whether Sonoran Desert Conservation Plan technical advisory teams, such as the Ranch Team, the Science Team, and the Science Commission, would be involved in recommendations on the A-7 management plan. Mr. Huckelberry stated that it would be a good idea to have these teams involved in the long-term management of the ranch.

Vice-Chairwoman Johnson asked what would happen to the surplus of funds allocated to the Sweetwater Preserve, since the acquisition costs were less than the \$13 million cost estimate. Mr. Huckelberry stated that these funds would be returned to the pot of funds for other Community Open Space properties.

6. Draft Operating Policies for the Commission

The Commission discussed the policies put forth by Commissioner Arnold. The edits made by the Commission at this meeting would be incorporated into a second draft for the Commission's review.

7. Draft Real Property Acquisition Process

Nicole Fyffe, County Administrator's Office, provided an overview of the Draft Real Property Acquisition Process. Ms. Fyffe explained that properties would be brought before the Commission twice during the acquisition process. Basic information on candidate acquisitions will be presented to the Commission at the beginning of the process to get the Commission's recommendation to begin due diligence (order and review appraisal, environmental assessments, biological assessment, cultural assessments, title search etc.). After due diligence is completed and an acquisition agreement has been successfully negotiated, the acquisition agreement will then be brought back to the Commission, along with a staff report and other information requested by the Commission, for the Commission's final recommendation to the Board of Supervisors to acquire or not acquire the property.

Commissioner Pettis made a motion, seconded by Vice-Chairwoman Johnson, to approve this process. The motion passed 11-0.

8. Davis-Monthan Open Space

Chairman Roe stated that a separated Commission will be established to oversee the purchase of open space in this category, and will make recommendations directly to the Board of Supervisors. The Davis-Monthan Commission will provide updates to the Conservation Acquisition Commission, but the Conservation Acquisition Commission will not be involved in recommendations of purchases in this category.

Regarding geographical balance of acquisitions, Chairman Roe asked the Commission to keep in mind that the entire bond package, beyond just the open space question, is to be spread across the County. Furthermore, open space acquisitions will be competing not only between categories of open space for priority of implementation, but also competing with bonding capacity available for the construction of medical facilities, libraries, flood control projects, etc. Chairman Roe also asked the Commission to consider how to make sure enough land is set aside at various intervals to meet the requirements of an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act.

9. Community Open Space Parcels

Ms. Fyffe provided an overview of the category of acquisitions known as the Community Open Space Parcels.

Commissioner Shattuck asked that all Commissioners be provided a copy of a report on the 1997 open space acquisition program previously provided to the County Bond Advisory Committee, and that the report states that 2/3 of the 1997 bond funds were spent in the Tucson Mountains due to reallocations from other areas.

Commissioner Prouty stated that estimated costs to purchase these projects already exceeds the amount allocated, therefore the Commission should focus on properties authorized by voters in the 2004 Bond Implementation Plan before considering properties not included in the plan.

Commissioner Wilson recommended a beginning list of criteria to assist the Commission in prioritizing these Community Open Space acquisitions: (1) included in the 1997 bond program, yes or no; (2) contiguous to existing preserves; (3) development threat.

Commissioner Sheridan asked what the Commission should do with regard to prioritizing the API and State Trust Land properties. Mr. Huckelberry responded by explaining that the API program has temporarily been suspended. For the 1997 API projects, the County has reserved bond authorization for the time at which the County is able to preserve these lands. This could be done similarly for State Trust lands included in the Community Open Space and Habitat Protection Priority categories, with the assumption that State Trust land reform will occur within the next couple of years.

Commissioner Johnson asked if this meant API acquisitions should go to the bottom of the list of priorities. Mr. Huckelberry clarified that these properties should not automatically go to the bottom of the list since there are good reasons why there were placed on the list in the first place, however degree of imminent threat is low.

Commissioner Shattuck asked why the Tortolita East Biological Corridor API was placed in the Community Open Space category as opposed to the Habitat Protection Priority category. Ms. Fyffe clarified that only a small amount of acreage within the Tortolita East Biological Corridor API overlapped with parcels identified as Habitat

Protection Priorities. Commissioner Shattuck also asked why the Town of Oro Valley had objected to a previous API application. Staff agreed to research this question.

Commissioner Marshall asked that County staff provide a report to the Commission on each of these properties, past interactions with property owners, and whether property owners are willing to sell to the County within a certain time frame.

Commissioner Prouty asked whether Mr. Huckelberry was suggesting that the Commission reserve Community Open Space bond funds for all the API and State Trust land properties, because if so, the cost estimates for the API and State Trust land properties exceed the remaining \$25.6 million authorized for Community Open Space properties. Mr. Huckelberry suggested that the Commission prioritize the APIs such that some funds are reserved. Information as to whether the API was included in the latest State Trust land reform effort as option or incentive lands could assist in this prioritization.

Commissioner Sheridan stated that Mr. Prouty's question underscores the need to proceed slowly b/c each purchase we make dramatically impacts the chance that remaining properties will be acquired.

Commissioner Arnold proposed that a matrix of criteria and properties be developed.

Commissioner Wilson, recommended that draft criteria be developed before the next meeting. Chairman Roe agreed and asked that Commissioners send draft criteria to Ms. Fyffe for the next meeting. Commissioner Wilson also requested a staff report on Painted Hills at the next meeting.

Commissioner Corey asked for an update on the amount of funds remaining in each category.

10. Habitat Protection Priorities

Ms. Fyffe provided an overview of the Habitat Protection Priorities, with the understanding that prior planning processes and methods used to identify which parcels in eastern Pima County would be placed on the Habitat Protection Priorities list, would be discussed in detail at the August 25 Commission meeting.

Chairman Roe stated that Commissioner Arnold provided a conflict of interest statement to the Commission regarding a few properties already going through the County Real Property Acquisition process. Since specific properties were not going to be discussed, Commissioner Arnold could participate in a general discussion. Chairman Roe suggested that Commissioners pay close attention to ownership information that should be provided by the County regarding each property and potential representatives of owners, with regard to any possible conflicts of interest.

Commissioner Arnold noted that the contractor listed for the Baker property is actually Anthony Fiore, not Ruth Baker.

Commissioner Johnson asked what the white areas were on the Habitat Protection Priorities map. Commissioner Marshall proposed that he provide an in-depth presentation on the development of the Habitat Protection Priorities at the August 25 meeting, which would answer questions such of these in the context of prior planning processes.

Commissioner Sheridan stated that it is absolutely critical to have Commissioner Marshall present at the August meeting. It was agreed that Commissioner Marshall would present during the later part of the August meeting.

Commissioner Wilson asked if the Commission could direct staff to provide an update on high priority State Trust land in the Tortolita Fan area, most of which is in the Town of Marana, but is not part of a current API application. Commissioner Hare stated that he sits on the Marana Habitat Conservation Plan Technical Biology Team, and that this area is part of what Marana is hoping to place into a pygmy own preserve. Staff agreed to provide more information on this area.

Chairman Roe suggested that the Commission also discuss as potential criteria, large landscape acquisitions versus smaller acquisitions. Commissioner Corey agreed, stating that acquisitions close to the urban core cost more per acre than acquisitions further out from the urban core. Commissioner Arnold stated that one important criteria needs to be the acquisition's potential to provide credit to meet the requirements of an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act. For example, if two properties are equal on all counts except one provides potentially more credit than another, that property should be recommended over the other.

Vice-Chairwoman Johnson stated that she would like to know the percentage of properties with willing sellers. Chairman Roe clarified that out of the 500,000 acres included in the Habitat Protection Priorities, very few landowners have been contacted to see if they are willing sellers.

Commissioner Sheridan suggested adding criteria to the Community Open Space, such as biological criteria, costs, and geographic balance. As for the Habitat Protection Priorities, Commissioner Sheridan recommended that the County begin an aggressive, pro-active campaign to approach property owners with regard to conservation easements.

Commissioner Wilson suggested that the Commission have separate criteria for the different categories of open space. As for geographic balance, Commissioner Wilson added that this should be flexible because opportunities may arise.

Commissioner Shattuck stated that the Commission needs to set goals and could start with the critical habitat connections between mountain ranges. Also, Commissioner Shattuck stated that Linda Mayro, Cultural Resources Manager, has given presentations on conservation easements, and that it's a good idea to continue such presentations to ranchers in Pima County. In addition, a rangeland

trust exists in Colorado. Commissioner Hare noted that a similar trust exists in SE Arizona.

Chairman Roe praised the expertise among Commission members.

11. Jurisdictional Open Space Acquisitions

Jim Barry, County Administrator's Office, provided a brief overview of this category of open space acquisitions.

Commissioner Roe asked whether there was much prioritization needed by this Commission with regard to the Jurisdictional open space projects. Little if any prioritization will be needed because the dollar amount of bond funds allocated meets the cost estimates for the projects.

Suzanne Shields, Deputy Director for the Flood Control District, presented information to the Commission on the County's Floodprone Land Acquisition Program (FLAP) and overlaps between the Flood Control District's acquisition goals and activities, and the 2004 Conservation Bond Program. For example, within the City of Tucson's 36th Street Corridor project area, the Flood Control District is interested in protecting areas along the Enchanted Hills Wash, and has already made significant investments along the West Branch of the Santa Cruz. A goal of the Floodprone Land Acquisition Property is to prevent development in floodprone areas, or to purchase properties with existing development within floodprone areas. It is much cheaper to purchase important riparian areas before they are developed than to restore areas.

Within the City of Tucson's Agua Caliente project area, the Flood Control District has been talking to property owners for at least 10 years. Ms. Shields provided a map of priority properties for the Agua Caliente project area, and noted that in some cases the Flood Control District already has biological assessments for some of these properties.

Commissioner Hare asked if Ms. Shields was aware of a property along the Agua Caliente Wash close to La Miligrosa Canyon, which is not included in the current 2004 bond program list of properties, but which has been offered to the County for acquisition. Ms. Shields said that properties are circulated through the various County departments for comment.

Commissioner Arnold asked whether floodprone properties should be purchased with FLAP funds as opposed to open space bond funds. Ms. Shields stated that the Flood Control District partners on many open space projects and will continue to contribute funds to such areas.

Chairman Roe asked whether the City of Tucson's Agua Caliente Jurisdictional Open Space project was limited to properties within the City boundaries. Ms. Fyffe clarified that the bond language did not limit the properties to those within the City's boundary. Specific properties were not specified in the bond language, and

the Commission may want to adopt the priority properties that Ms. Shields presented.

Ms. Shields clarified that \$46 million was approved for Flood Control District properties, \$5 million of which was specifically for floodprone land acquisitions. The Flood Control District also has a secondary tax levy. Ms. Shields clarified that the FLAP program is a voluntary acquisition program, but that the Flood Control District does have the power of condemnation.

12. Potential Acquisitions Not Included in the 2004 Bond Implementation Plan Ordinance

Ms. Fyffe explained that the County has been receiving offers to sell properties to the County that are not include in the 2004 bond implementation plan ordinance. Ms. Fyffe asked the Commission how they'd like to handle such offers.

Commissioner Shattuck asked about a particular offer to sell, the Rincon Creek parcels, and why these weren't habitat protection priorities. Commissioner Marshall explained that the habitat protection priorities are specific parcels, and that every parcel in vacant or agricultural status and greater than 20 acres in eastern Pima County was evaluated to see which should be included as habitat protection priorities.

Commissioner Sheridan stated that the Commission needs to be careful when considering properties outside of the 2004 bond implementation plan ordinance, since there already isn't enough funds to purchase those identified in the ordinance. Commissioner Sheridan suggested that the County have a stringent screening process to see if such parcels offered for sale were evaluated during the Habitat Protection Priorities process and if so, why they were not included.

Commissioner Pettis said that there may be compelling reasons to amend the ordinance to acquire some of these properties, and that the properties should be evaluated a set of criteria.

Mr. Huckelberry added that some Community Open Space properties were included because an active community group brought the property to the Commission. So there may be other properties out there that warrant being identified as a Community Open Space property.

Commissioner Wilson stated that these need to be held to a high standard.

Commissioner Hare stated that the Rincon Creek parcels may warrant an amendment.

Commissioner Johnson requested a presentation on conservation easements - what are they and when are they useful.

Commissioner Corey warned that while conservation easements may be cheaper in the short run, costs could be large over the long term. He suggested setting aside

part of a meeting to discuss this topic. Commissioner Corey proposed that the Commission should add to the criteria list, whether other public funding sources area available.

Commissioner Prouty stated that perhaps a separate process needs to be set up to gather public input on properties outside of the plan.

Chairman Roe asked the Commission to think about priorities for purchase. For example, the Commission can run potential acquisitions through a criteria list but how does the Commission decide which one's to purchase first?

13. Call to the Audience

No member of the public spoke at this time

14. Adjournment

The meeting was adjourned at 7:40 p.m.