

430.1 Open Space Acquisition Program

Purpose

To expand national, state and County parkland and conservation areas for benefit of the community and wildlife, increasing opportunities for outdoor recreation, protecting important rivers and washes, conserving local water supplies, reducing flooding, maintaining scenic views, protecting historic and culturally important places, and preserving working farms and ranches. Pima County is applying for a permit under the federal Endangered Species Act whereby conserving these natural areas will provide more certainty and mitigation lands, for public and private development projects to continue in areas suitable for development.

Basic Acquisition Guidelines

The following guidelines shall apply to all property acquisitions or the acquisition of rights in property associated with the open space acquisition bond program.

1. Acquisition Amount - No property and/or rights in property shall be acquired unless the amount to be paid is at or near the value established by an appraisal commissioned by the County that meets the minimum standards for land acquisition as defined by Uniform Standards for Professional Appraisal Practice.
2. Condemnation Prohibited - The County shall not use its powers of eminent domain to acquire property or rights in property for open space purposes unless such a legal proceeding is requested by the property owner, and then only for the purpose of extinguishing claims and adverse interests, satisfying conditions of tax and/or estate planning, or resolving value disputes.
3. Rights of Property Owners - Nothing shall prohibit the owners of property identified as eligible for possible acquisition under the open space bond program from using their property in accordance with existing zoning and land use or development codes of Pima County, including, but not limited to, filing for any change in the status of land use designated in the Comprehensive Plan, or filing for a land use or zoning change. Any property owner filing for a building permit, conditional use permit, Comprehensive Plan Amendment, or zoning change on property targeted for possible open space acquisition will only need to comply with the standard procedures and processes established for same.
4. Value of Eligible Properties Exceeds Bond Funding Allocated – This allows flexibility since the County will only purchase properties from willing sellers and some properties will be developed during the implementation of this program.
5. Independent Review – In compliance with Chapter 3.06 of the Pima County Code, no acquisition will be presented to the Board of Supervisors for consideration until the Pima County Conservation Acquisition Commission has reviewed, approved and recommended the acquisition to the Board of Supervisors. This 11-member Commission includes the following representatives: two members appointed by land conservation organizations active within Pima County, one member appointed by the Parks and Recreation Commission, one member appointed by the local Board of Realtors, one member appointed by the ranching community, one member appointed by each of the members of the Pima County Board of Supervisors, and one member appointed by the County Administrator.
6. Conservation in Perpetuity - Provided that the County receives an incidental take permit pursuant to Section 10(1)(a)(B) of the Endangered Species Act of 1973, land conserved through

the acquisition of property or rights in property to meet the requirements of this permit will be conserved in perpetuity and will be managed consistent with the Sonoran Desert Conservation Plan.

6. State Trust Land - Eligible State Trust land can only be purchased through the standard State Trust land acquisition process requiring a public auction. State grazing leases associated with eligible ranch lands can be transferred to the County for management in connection with privately owned ranch land acquired by the County, so long as the transfer is approved by the State Land Department.

7. Conservation Easements and Development Rights - Pima County shall make use of conservation easements or the purchase of development rights whenever these are an appropriate means of protecting the values of the properties identified as eligible for acquisition under this program. Conservation easements are voluntary agreements between a willing seller and Pima County, or a non-profit established for this purpose, that are mutually advantageous to both parties. If the County purchases development rights from a willing seller, a conservation easement shall also be executed. The County may also acquire other interests in property such as remainder interests combined with conservation easements, which enable the immediate protection of and the eventual acquisition of land.

8. Recreational Access – Every property acquired will be open to the public consistent with the types of public access provided to properties purchased by the County with past voter-approved bond funds.

9. Wildlife and Game Management - Properties or interest in properties acquired shall not change or alter game and wildlife management, which is exclusively reserved to the State through the Arizona Game and Fish Commission. Further, the County recognizes the authority of the Arizona Game and Fish Commission over all non-migratory wildlife, and the United States Fish and Wildlife Service over all migratory wildlife. No County action shall limit access for the recreational purposes of sportsmen lawfully engaged in activities related to the legal taking of fish and game. The County will cooperate with, and accede to the decisions of, the Arizona Game and Fish Commission in all matters relating to game management when advancing the goals of the Sonoran Desert Conservation Plan through acquisition or conservation of lands. Public lands owned by Pima County, or where the County has acquired a conservation easement allowing such, are eligible for the full spectrum of active wildlife management and conservation activities prescribed by either the Arizona Game and Fish Department or the United States Fish and Wildlife Service. This includes activities designed to manage, re-establish, maintain, and enhance wildlife populations. If undertaken, these activities are to be carried out in consultation with Pima County.

Property Acquisition Process

Real property acquisition by Pima County is a multi-phase and often time-consuming process. The acquisition process for each property follows three phases.

Phase I may last approximately 3 to 6 months, and includes identification of the parcel, approval by the Conservation Acquisition Commission to initiate due diligence, and initiation of due diligence data gathering and formal appraisal.

Phase II may last approximately 4 to 8 months, and includes analysis of the due diligence data gathered, appraisal review, negotiation with the seller, processing of an acquisition agreement for review and approval by the Conservation Acquisition Commission, and if approved, for review

and approval by the Pima County Board of Supervisors.

Phase III may last approximately 2 to 6 months, and includes the time to finalize Board of Supervisors approval of the acquisition agreement, and closing of the sale.

Specific Program Details

Location: Numerous eligible properties throughout eastern Pima County and within Ajo, as shown on attached map titled Proposition 430 – Open Space Acquisition Program 2015 Pima County Bond Election.

Scope: Continue past voter-approved efforts to expand a network of national, state and County parks and natural areas for the benefit of the community and wildlife. Bond funding would be combined with other available funds to purchase as many eligible properties as possible from willing sellers. Many of these eligible properties were identified as the result of a science-based regional planning process shaped by extensive public debate. Known as the Sonoran Desert Conservation Plan (SDCP), this plan has been guiding regional efforts since 2001 to conserve important natural areas, while facilitating continued growth and development.

As a result of the 2004 voter-approved bond measure, Pima County was able to purchase 53 properties, totaling 47,000 acres and 192 miles of rivers and washes, as well as almost 130,000 acres of State grazing leases now managed for conservation as part of working ranches. It is estimated that \$95 million in bond funding could conserve approximately 20,000 acres of the remaining land conservation priorities. Note that not all of the eligible properties shown on attached map titled Proposition 430 – Open Space Acquisition Program 2015 Pima County Bond Election, would be acquired as part of this program.

Bond funding would support the purchase of properties in two categories: (1) Habitat Protection Priorities and Associated Wildlife Corridors and (2) Community Open Space Priorities. Both of these categories include privately-owned properties and State Trust land.

(1) The Habitat Protection Priorities were developed in 2003 in order to identify the most biologically important lands to protect first to implement the SDPC and more specifically, Pima County's Multi-Species Conservation Plan. The Habitat Protection Priorities were updated between 2006 and 2010 to reflect information not available in 2003. Eligible properties identified as Habitat Protection Priorities include a wide range of important natural areas critical to the survival of numerous vulnerable plants and animals in Pima County. These eligible properties range from large working ranches containing high quality grasslands, to small properties along important rivers and washes. These eligible properties are located between Interstate 10 and Tortolita Mountain Park, along the Santa Cruz River in Marana, along the Brawley Wash west of the Tucson Mountains, east and west of Green Valley, west of Madera Canyon, north and south of Vail, along the northeastern slopes of the Catalina Mountains, and along the San Pedro River. Associated wildlife corridors were added in 2007 and include lands linking existing and future national, state and County parks and natural areas.

(2) The Community Open Space Priorities were developed in 2003 and updated between 2003 and 2011. Many of the properties were proposed for conservation by community groups, conservation organizations, neighborhood associations, and the general public due to their special importance to the community and their accessibility to residents living in or visiting the greater Tucson area. Eligible properties in this category include lands near Saguaro National Park East and West, Tucson Mountain Park, Green Valley, the Santa Rita Mountains, Colossal Cave

Mountain Park, the Catalina Highway, Sabino Canyon, and Catalina State Park. Not more than 25 percent of the bond funding will be allocated to Community Open Space Priorities, and not less than 75 percent will be allocated to Habitat Protection Priorities.

Benefits: Acquiring these properties will expand national, state and County parks and natural areas for benefit of the community and wildlife, increasing opportunities for outdoor recreation, protecting important rivers and washes, conserving local water supplies, reducing flooding, maintaining scenic views, protecting historic and culturally important places, and preserving working farms and ranches. Pima County is applying for a permit under the federal Endangered Species Act, whereby conserving these natural areas will provide more certainty, and mitigation lands, for public and private development projects to continue in areas suitable for development. Natural resource parks are also an integral part of the local economy. The top two reasons people travel here are the natural environment and outdoor natural area recreational opportunities (Visit Tucson survey 2012). In 2013, more than 4 million people visited this region, spending \$2.66 billion, generating \$150 million in tax revenues, and supporting 22,000 jobs (Arizona Office of Tourism). The National Park Service estimated that 680,000 visitors to Saguaro National Park spent over \$41 million locally, supporting 570 jobs. Tucson Mountain Park, owned and operated by Pima County, is estimated to have more than 700,000 visitors annually, not counting visits to the Arizona-Sonora Desert Museum and Old Tucson, both located in Tucson Mountain Park. Conserving important natural lands in rural areas of the County also prevents the unnecessary expansion of roads and other public facilities, as well as the associated increased costs of public services to taxpayers

Total Cost Estimate: \$95,000,000

Bond Funding Estimate: \$95,000,000

Other Funding Estimate: Pima County will actively apply for Federal, State and private grants. Other sources of funding may include Starr Pass Environmental Enhancement Funds, Flood Control District Tax Levy funds, and development related mitigation funding.

Total Cost Estimate by Major Task: \$95,000,000 for land acquisition.

Implementation Periods: 1, 2, 3, 4, 5, 6

Project Schedule by Major Task: Land acquisitions over 12 years.

Project Manager: Pima County

Operator: Pima County

Future Operating and Maintenance Costs: Based on the average cost to operate and maintain the existing natural open space parks system of Pima County, it is anticipated that future operations and maintenance will cost on average \$7 per year per acre of added natural open space, which equates to \$140,000 for the estimated 20,000 acres.

Regional Benefits: Eligible properties are located throughout eastern Pima County, including areas within cities and towns, as well as in Ajo, located in western Pima County.