

# **Collaborative Planning on State Trust Lands:**

## **A University of Michigan Study**

*for the State Trust Lands Partnership Project  
of the Sonoran Institute and the Lincoln Institute of Land Policy*



## About the Study:

Collaborative planning on state trust lands was identified for further research at the 2004 State Trust Lands Research and Policy Analysis Roundtable convened by the State Trust Lands partnership project of the Sonoran Institute and the Lincoln Institute of Land Policy. In March 2005, under the guidance of Dr. Steven L. Yaffee, a team of eight graduate students from the University of Michigan School of Natural Resources and Environment began conducting a region-wide survey and analysis of eight case studies in which state trust land agencies collaborated with stakeholders in trust land planning and management. The research team conducted 117 on-site and telephone interviews, each lasting roughly one to three hours. Through these interviews, the team answered a set of research questions concerning the benefits, challenges, costs and outcomes of collaborative planning on state trust lands. The goals of this research were to:

- Capture on-the-ground experiences of collaborative planning on state trust lands
- Analyze the advantages and disadvantages of this trust land management approach
- Distill a set of best management practices
- Provide broader recommendations for overcoming barriers to collaborative planning on state trust lands

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# **HOUGHTON AREA MASTER PLAN PROCESS: Urban Planning for Future Growth**



Houghton Road Area, Tucson, Arizona

Photograph by Alden Boetsch

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## INTRODUCTION

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Mountain vistas and the ecologically-diverse and beautiful Sonoran Desert surround the City of Tucson in southeastern Arizona. Like many popular Western cities, Tucson is experiencing significant growth as more and more people make their home there. As Tucson's pattern of growth trends from northwest to southeast, a large section of undeveloped land on the southeastern edge of the city known as the Houghton Road area is projected to become the focus of future development. The Arizona State Land Department (ASLD), the agency responsible for managing Arizona's state trust land, owns the majority of the land in this area.

Traditionally Tucson has grown by annexing small pieces of land from surrounding Pima County that the county already has developed or planned. This method has not allowed for comprehensive or planned growth in Tucson and has resulted in development that is not well-connected. However, the Houghton Road area, which was annexed into the city between the 1970s and the 1990s, is a large section of mostly undeveloped land. The City of Tucson decided to take the opportunity to develop a comprehensive growth strategy for the area as part of a larger sustainable growth initiative. The product of this effort was the Houghton Area Master Plan (HAMP), which serves as a framework to guide development in the area based on the Desert Village model. The Desert Village model is a style of development that promotes mixed-use land use patterns, a range of housing types and prices, transportation options that encourage walking, biking and mass transit and development that is sensitive to the desert's natural features.<sup>1</sup>

In 2003, the city initiated a collaborative planning process for the development of the HAMP by creating a Citizens Review Committee (CRC). The CRC was comprised of citizen representatives of neighborhood groups surrounding the Houghton Road area, as well as a number of local people with professional land use planning and development backgrounds. A planner from the ASLD attended the CRC meetings and served as a resource on ASLD-related issues that arose during the process, although he was not an official member of the CRC.

The HAMP was completed in 2005 and unanimously adopted by the Tucson Mayor and City Council the same year. Despite this citywide approval, the future of the HAMP remains uncertain and only time will tell how effective this planning document will be as the ASLD, the largest landowner in the area, begins disposing of property in the area. To achieve the goals of the Desert Village model put forward in the HAMP, the city has encouraged the ASLD to sell parcels of no less than 500 acres in the area covered by the HAMP, and to push the purchasers of these parcels to develop a master plan for each parcel before selling off smaller pieces for development.<sup>2</sup>

The HAMP development process raises some interesting issues and offers some valuable lessons about the collaborative planning process, including the importance of having a well-planned and prepared-for process and the important role momentum and consistency can play. It also reveals some of the nuances of collaborating with a state trust land management agency that operates under one of the strictest mandates in the country.

## CONTEXT FOR COLLABORATION

In assessing the development of the Houghton Area Master Plan (HAMP) it is important to first understand the historical, political and legal context in which the process took place.

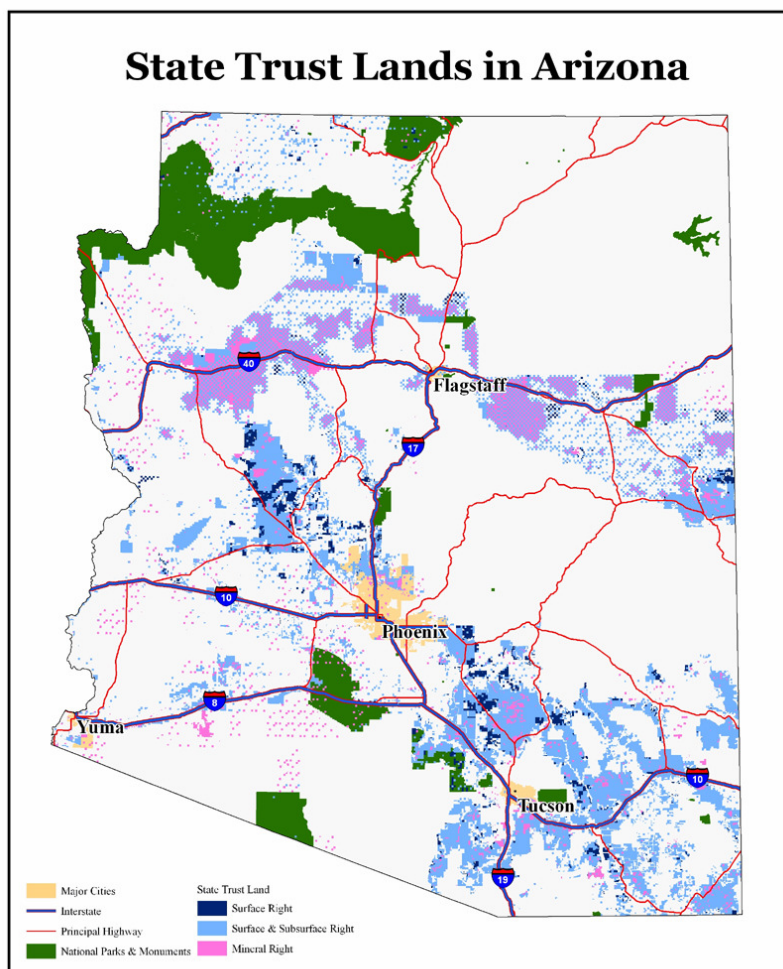
### ARIZONA'S LAND GRANT

The federal government granted Arizona sections two, 16, 32 and 36 in every township at statehood to be managed “for the support of the common schools.”<sup>3</sup> Arizona has retained a significant amount of the 10.8 million acres originally ceded to it and the Arizona State Land Department (ASLD) currently manages 9.2 million acres of trust land throughout the state.<sup>4</sup>

Some of Arizona's state trust land is scattered in a checkerboard pattern across the state, but the majority of it is in larger, contiguous parcels (Figure 7-1). The reason for this distribution is that by the time Arizona became a state, some of the sections it was granted already were being used by the federal government for other purposes. Arizona was allowed to choose other sections of land *in lieu* of the original sections to make up the difference.<sup>5</sup> In many cases the state chose contiguous *in lieu* sections that helped consolidate their holdings and provide for more efficient management of the land.

While the majority of Arizona's state trust land is in rural areas of the state and is primarily leased for grazing, the ASLD's most lucrative activities involve their urban land holdings.<sup>6</sup> As a result, the ASLD focuses many of its resources on the lease and sale of these parcels. The state trust land in the area addressed by the HAMP is one such large, contiguous parcel of urban land with high development potential.

Figure 7-1: State Trust Land in Arizona



Source: “Arizona Trust Lands,” Trust Land: A Land Legacy for the American West, The Sonoran Institute & Lincoln Institute of Land, available at <http://www.trustlands.org>.

## **THE NEW MEXICO-ARIZONA ENABLING ACT AND ARIZONA CONSTITUTION**

The New Mexico-Arizona Enabling Act was passed in 1910, and as the name suggests, contained provisions for both the territories of New Mexico and Arizona. In 1912, the two territories were admitted to the Union as separate states. Because the New Mexico-Arizona Enabling Act was the last of such legislation in the continental United States, it is the most restrictive with regard to the management of state trust land.<sup>7</sup> This Enabling Act is the only federal legislation to specifically require that the land granted to the states at statehood be held “in trust,” which has heightened the Arizona State Land Department’s (ASLD) sense of its fiduciary duty in the management of Arizona’s state trust land.<sup>8</sup> The stringency with which the ASLD approaches this responsibility was apparent during the development of the Houghton Area Master Plan (HAMP) and is one of the elements explored later.

The Act also outlines specific parameters about the disposition and management of state trust land, including the requirement that the land only be sold or leased “to the highest and best bidder at a public auction” for no less than its appraised value.<sup>9</sup> This requirement has a significant effect on current land management and transactions. While this provision ensures that the ASLD maximizes the revenue for the trust beneficiaries from any transaction, it also limits the flexibility the ASLD has to conduct these activities. For example, the ASLD is not allowed to act as a private landowner might and negotiate the terms of a sale or lease with a potential buyer privately.

The Arizona Constitution contains many of the same guidelines and restrictions for the use and management of state trust land as the Enabling Act, including that the land be held in trust and that it only be sold or leased at public auction to the highest bidder.<sup>10</sup>

## **LEGAL INTERPRETATIONS OF ARIZONA’S TRUST RESPONSIBILITY**

Over the years, Arizona’s trust responsibility has been interpreted by state and federal courts to impose a restrictive trust responsibility.<sup>11</sup> Through these interpretations the courts have confirmed that: all state trust land sales have to take place at public auction, even if the purchaser is a city; the Arizona State Land Department (ASLD) is prohibited from engaging in land exchanges; and the ASLD must be compensated for the full appraised value of any right-of-ways it grants on state trust land.<sup>12</sup> Arizona’s strict trust management mandate and these legal interpretations of it preclude the ASLD from interacting with other state agencies and municipalities in the more accommodating manner that is often afforded state agencies.

## **TRUST LAND MANAGEMENT IN ARIZONA**

The Arizona State Land Department (ASLD) was established in 1915 to manage Arizona’s state trust land and maximize revenue generation for the Trust’s beneficiaries.<sup>13</sup> A gubernatorially-appointed State Land Commissioner manages the Department. The ASLD is divided into six divisions, which include Administration and Resource Analysis; Land Information, Title, and Transfer; Real Estate; Southern Arizona Real Estate Division; Natural Resources; and Forestry Management.<sup>14</sup> In addition, the department has a five-member Board of Appeals, which is responsible for approving land sales and commercial leases, and hearing appeals of the

Commissioner's classification and appraisal decisions.<sup>15</sup> The Governor appoints Board members for six-year terms. Three board members are appointed to represent the 15 counties in Arizona, which are divided into three districts of five counties each, and two members are appointed at large.<sup>16</sup> No more than three members can be of the same political party and each must have a background in real estate classification and appraisal.<sup>17</sup>

The ASLD's current mission is:

To manage State Trust lands and resources to enhance value and optimize economic return for the Trust *beneficiaries*, consistent with sound stewardship, conservation, and business management principles supporting socioeconomic goals for citizens here today and generations to come. To manage and provide support for resource conservation *programs* for the well being of the public and the State's natural environment.<sup>18</sup>

### **A SHIFT IN FOCUS TO URBAN LAND USE ISSUES**

Most of Arizona's state trust land is leased for grazing, but the Arizona State Land Department (ASLD) currently manages more than one million acres of state trust land that is adjacent to or within rapidly growing urban areas of the state.<sup>19</sup> The lease and sale of the ASLD's urban lands currently generates the most revenue for the trust. According to Commissioner Winkleman, "We don't have oil and gas, so the revenues that we generate are from disposing of our real estate in these expanding urban areas that have grown out into our properties."<sup>20</sup> In the past, most of the ASLD's urban land transactions have been focused in and around Phoenix. However, as that state trust land continues to be sold and leased, the ASLD has begun to focus some of its attention on its state trust land holdings around Tucson. This change was reflected in the ASLD's involvement in the issues surrounding the development of the Houghton Area Master Plan (HAMP).

The state of Arizona has recently experienced a population increase that far exceeds the national growth average for the United States.<sup>21</sup> This increase in population has meant, among other things, an increase in the size and number of the state's urban areas. In many cases, this expansion has meant that the demand to develop state trust land in and around these urban areas has increased. This demand, combined with the large amounts of revenue the ASLD can earn from urban land transactions has helped shift the ASLD's role and focus as a land management agency from one that deals primarily with traditional land use management issues like grazing to an agency involved in urban growth issues like real estate disposition and land use planning. Also instrumental are three important pieces of legislation that have helped create the framework in which this shift has occurred:

- **The Urban Lands Act**

The Urban Lands Act, passed in 1981, allows the Commissioner, either on his or her own initiative or at the request of the governing body of a city, town or county, to designate certain parcels of state trust land as urban lands suitable for urban planning or conservation purposes if the land is to be planned in conjunction with land that is to be developed.<sup>22</sup> The Act is the first legislative indication of the shift of the ASLD's primary

focus away from natural resource management to real estate and urban development issues, and allows the ASLD to capitalize on the increase in revenue that planning adds to state trust land appropriate for development.<sup>23</sup>

- **Growing Smarter and Growing Smarter Plus Legislation**

In 1998 and 2000, the Arizona Legislature passed the Growing Smarter and Growing Smarter Plus Legislation, respectively, which were intended to strengthen land use planning activities throughout the state. The legislation requires, among other things, that the ASLD prepare and periodically update conceptual plans for state trust land located in urban areas of the state and create five-year disposition plans. The purpose of the conceptual plan is to portray the ASLD's long-term land use goals for the area.<sup>24</sup> The ASLD also is required to work with local municipalities to integrate their conceptual plans with the general plan of the city, town or county in which the land is located.<sup>25</sup> In addition, local communities are required to identify potential growth areas and develop strategies to ensure that the growth is planned so that it can provide for its share of the public facilities that will be necessary to serve it, including the development of master planned communities.<sup>26</sup> The City of Tucson's General Plan identifies the Houghton Road area as one of the city's areas of potential growth.<sup>27</sup>

The Urban Land Planning Oversight Committee, consisting of five members appointed by the Governor for staggered, four year terms, was established to make recommendations to the ASLD on the creation of these conceptual plans, give advice on the kinds of studies that are necessary to create the conceptual plans, and review and make recommendations for approval of the conceptual plans and five year disposition plans.<sup>28</sup>

- **The Arizona Preserve Initiative**

The Arizona Preserve Initiative (API), passed in 1996, and revised in 1997, 1998 and 1999, is intended to encourage the preservation of certain parcels of state trust land as open space in and around urban areas.<sup>29</sup> The API allows the Commissioner to sell, or lease for up to fifty years, state trust land in urban areas for conservation purposes and describes the processes that must be followed to do so.<sup>30</sup> Consistent with the Enabling Act, these sales or leases must be done at public auction and based on a fair market value appraisal of their worth. The API also establishes a Conservation Advisory Committee whose role is to help evaluate and prioritize applications for land to be considered for conservation and making recommendations to the Commissioner.<sup>31</sup> Members of this five-member Committee, three of whom are appointed by the Governor and two of whom are appointed by the Commissioner, serve staggered five-year terms and must have a background in natural and historical conservation issues.<sup>32</sup>

In addition, Governor Napolitano appointed Mark Winkleman to head the ASLD as Commissioner in January 2003. Commissioner Winkleman has applied his previous professional experience in real estate to his management of the agency and has been credited with helping increase the ASLD's revenues to historic levels through urban land dispositions.<sup>33</sup>



## **CURRENT ARIZONA POLITICS AND THE ARIZONA STATE LAND DEPARTMENT**

Arizona, in general, is a politically conservative state. However, although the governor appoints the Arizona State Land Department's (ASLD) Commissioner and the agency relies on the State Legislature to appropriate its funding, the agency is less affected by the more direct sorts of political influence than it would be if the Commissioner were an elected official. This, combined with the fact that the ASLD has experienced a substantial increase in revenue generation under the current Commissioner, has meant that the agency has been able to operate relatively autonomously.

As the state capital as well as the biggest urban area in the state, Phoenix is where most of the political power is concentrated and where the ASLD has its headquarters. Historically, the majority of the ASLD's urban land development resources focused in and around Phoenix where development is primarily welcomed and encouraged. In contrast, Tucson is known as a more liberal city where there is less agreement on issues related to development and growth. While some in Tucson see development as a necessary element in attracting new residents and sustaining the city's economic vitality, others are more resistant to the idea.<sup>34</sup> The city's desire to address these kinds of questions by managing and planning for its growth was the main reason for creating the Houghton Area Master Plan (HAMP).

Historically, there has been some tension between the City of Tucson and Pima County, in which it is located. The reason for this tension is that Pima County is the only county in Arizona that has a substantial urban population living in an unincorporated area (only slightly more than half of the population of the Tucson metro area lives within city limits, the rest live in Pima County). This situation forces the county to provide urban services, a task it is not really equipped to do.<sup>35</sup> This tension over provision of services has led to conflict between the two entities in the past. However, some of this tension was relieved as the two entities interacted during the development of the HAMP.

After the passage of the Urban Lands Act in 1981, the ASLD's relationship with other agencies and municipalities began to change. Instead of being perceived as a public land agency like the U.S. Forest Service or the U.S. Bureau of Land Management, the ASLD began to be seen as a real estate focused agency.<sup>36</sup>

This new, more development-centric focus, and the enforcement of the ASLD's specific mandate to generate revenue has caused and continues to cause tension between the ASLD and other agencies, municipalities and in some cases organized interest groups who either do not understand the ASLD's unique mandate or construe it in ways that differ from the ASLD interpretation.<sup>37</sup> The different interpretations of the ASLD's mandate are seeing it as a guide for what the ASLD cannot do versus exploring how new or different land management and development ideas might compliment the ASLD's mandate.<sup>38</sup> Both points of view exist to some extent, within and outside of the ASLD. This debate manifested itself during the development of the HAMP, not as differences of opinion over whether or not the area should be developed, but instead as the details of what form the development should take.

Historically, as a state agency, the ASLD has had super zoning power over local municipalities and technically did not have to cooperate with them in terms of zoning. In the past, this authority was a point of contention between the ASLD and Arizona localities. However, the Growing Smarter and Growing Smarter Plus legislation requires that before adopting a conceptual land use plan for state trust land, the ASLD Commissioner must consult with the local municipality in which the land is located on integrating the conceptual plan into the general land use plan of the municipality.<sup>39</sup> Likewise, the legislation directs municipalities to work with the ASLD in coordinating the production of their general plans with the creation of the ASLD's conceptual plans.<sup>40</sup>

Commissioner Winkleman has recognized that sales suffer because of the uncertainty created by this lack of past cooperation and has begun working with municipalities to make sure the ASLD and the municipality share a common vision for the property before it is put on the market.<sup>41</sup> As demonstrated during the development of the HAMP, others at the ASLD also recognize the potential importance and attendant benefits of working together with a locality during the planning phase of a development endeavor.

## **TRADITIONAL METHODS OF STATE TRUST LAND MANAGEMENT IN ARIZONA**

As mentioned earlier, the Arizona State Land Department (ASLD) historically has focused on natural resource management, although recently it has shifted its primary focus to urban land management and planning issues. The ASLD often works together with local communities and jurisdictions on state trust land management issues, by either serving as a resource for the community or planning group, or soliciting public comment and holding public hearings.<sup>42</sup> The former role was exemplified during the Houghton Area Master Plan (HAMP) process; an ASLD representative attended the Citizens Review Committee, participating as a resource person in an advisory capacity.<sup>43</sup> It is difficult to make a general statement about how the ASLD interacts with local jurisdictions because it varies across the state, but from the ASLD's perspective, the more a city is interested in growth and interested in planning, then the more cooperative the relationship will be.<sup>44</sup>

Traditionally, the City of Tucson has grown by annexing land that has already been planned or developed by Pima County.<sup>45</sup> The opportunity to develop a plan for an undeveloped area as large as the one covered by the HAMP thus was a new experience for the city.<sup>46</sup> While Tucson was inexperienced with such large-scale planning, it had been involved with citizen-based groups in the past. However, prior to the HAMP process, the city never had initiated a citizens process that addressed land use planning issues for such a large area.<sup>47</sup> This inexperience had some interesting repercussions for the development of the HAMP that are discussed in depth later.

## **THE STORY: THE HOUGHTON AREA MASTER PLAN PROCESS**

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Set in the ecologically unique and beautiful Sonoran desert, and surrounded by four arresting mountain ranges, Tucson has been inhabited for thousands of years. Traditionally a center for farming, mining and ranching, and now a popular location with tourists, retirees, outdoor enthusiasts and professionals alike, Tucson is the second largest city in Arizona.<sup>48</sup> Drawn by its

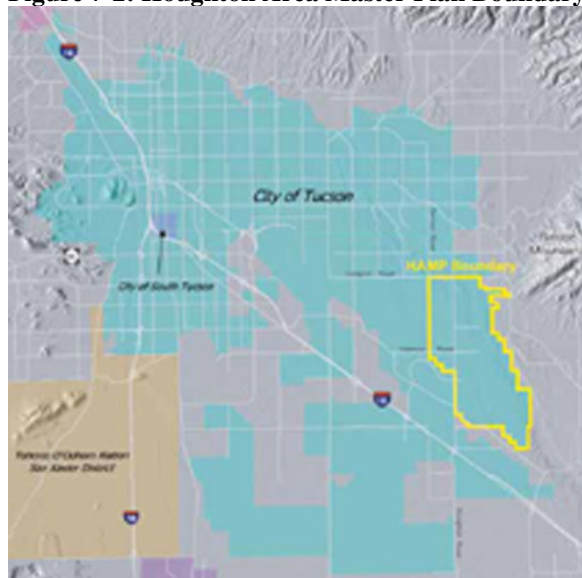
natural and cultural attractions and economic and academic opportunities, an increasing number of people are calling Tucson home.<sup>49</sup>

As it grows, the City of Tucson is interested in protecting its character and expanding in a sustainable way. The city hopes to accomplish this goal by focusing on growing “smarter” in new areas of development through urban planning efforts, by taking advantage of opportunities to redevelop the downtown area and by improving existing services and infrastructure.<sup>50</sup> The Houghton Road area is on the “evolving edge” of the southeast side of Tucson, an area where the majority of new growth in the city is predicted to take place.<sup>51</sup>

In an effort to direct how this growth will occur in a way that is consistent with their development goals, the city decided to create a Houghton Area Master Plan (HAMP). The HAMP addresses an area of approximately 10,800 acres of land that, while within city limits, is still about twenty miles from downtown Tucson.<sup>52</sup> The area is bounded by the city’s corporate boundary to the east and south, Irvington Road to the north and extends about one mile west of Houghton Road, which runs directly north south through the area.<sup>53</sup> (Figure 7-2) The Rincon Mountains rise to the east in the Saguaro National Park and the saguaro and cholla cactuses and ironwood trees of the Sonoran desert stretch out to the east and south (Figure 7-3).

There are currently three subdivisions in the area, but the majority of the land is undeveloped. While two of the subdivisions resemble typical suburban development, one of them, Civano, stands out. Civano was developed in the late 1990s using the tenets of New Urbanism, which include creating communities that contain mixed-use areas and a range of housing types and prices, are walkable and denser than typical subdivisions and are environmentally sustainable in their use of energy.<sup>54</sup> Civano is considered a mixed success depending on from which perspective it is approached. On the one hand, it has had significant financial struggles in the past, which makes some developers wary of the market readiness of that kind of development in the Houghton Road area. On the other hand, however, Civano embodies the type of growth that many espouse and is home to many happy residents.<sup>55</sup> Finding a balance between using smart growth development strategies for the area and ensuring that the new development is financially viable and lucrative is one of the biggest tasks facing those involved in the development of the Houghton Road, namely the city and the Arizona State Land Department (ASLD).

**Figure 7-2: Houghton Area Master Plan Boundary**



**Note:** The blue denotes the city of Tucson and the yellow line outlines the HAMP boundary.  
Source: *Houghton Area Master Plan*, Tucson Department of Urban Planning and Design, <http://www.tucsonaz.gov/planning/plans/all/hamp.pdf>.

**Figure 7-3: Cholla and Saguaro Cactuses in the Sonoran Desert**

The ASLD owns 76 percent (7,742 acres) of the area covered by the HAMP, all of which is undeveloped and currently not adequately served by public facilities. The rest of the land is either owned privately or by the City of Tucson or by Pima County.<sup>57</sup> As the major landowner in the area, the ASLD's land disposition decisions will have a significant effect on how the land will be developed, and subsequently how that part of Tucson will take shape. Both the ASLD and the city have an interest and a stake in how the Houghton Road area is developed and the HAMP planning process was one step in the process of bringing them together.



Source: Photograph by Alden Boetsch

### **PRECURSORS TO THE HOUGHTON AREA MASTER PLAN**

The passage of the Growing Smarter and Growing Smarter Plus legislation in 1998 and 2000, respectively, had a big effect on the planning efforts of the ASLD and Arizona towns and counties. The new legislation required the ASLD to develop and integrate conceptual plans for state trust land in and around urban areas of the state with city and county plans for the same areas. The ASLD uses conceptual plans to assess the allocation of land uses on a particular parcel and determine if it is being used in a way that is most financially beneficial to the trust.<sup>58</sup> One of the requirements of the City of Tucson, like all cities, through the legislation was to identify potential areas of growth at its edges and ensure that development in these areas was planned. The purpose of requiring the ASLD and local jurisdictions to integrate their conceptual plans was to ensure that growth occurred in a coordinated way.

In 1999, the ASLD, as part of its compliance with the new law, awarded a land use planning contract to Houghton Road Plan Associates to create a conceptual plan for 7,742 acres of state trust land in the Houghton Road area of southeast Tucson.<sup>59</sup> Houghton Road Plan Associates was a consortium of area planning, development, engineering and conservation professionals, as well as representatives from the City of Tucson.<sup>60</sup> Within a few months, the group submitted a plan to the ASLD, although the plan was later modified by the ASLD to include higher density development and less open space.<sup>61</sup>

Using information in the conceptual plan to inform its decision, the ASLD held an auction for a 1,071-acre parcel of state trust land in the Houghton Road area in 2002. Vistoso Partners, a Phoenix-based development company, was the successful bidder and bought the parcel for \$29.1 million.<sup>62</sup> However, they later defaulted after failing to pay the additional money due within 30 days of the auction.<sup>63</sup> Vistoso Partners sued to have the auction rescinded, claiming it had been misled about what lands were included in the auction.<sup>64</sup> The suit was settled, with Vistoso Partners forfeiting most of the money it paid at auction.<sup>65</sup> Although no land ultimately was sold

as a result of this auction, it still crystallized for the city the fact that development in the area was imminent, and helped catalyze the Houghton Area Master Plan (HAMP) development process.<sup>66</sup>

Also, in accordance with the new law the City of Tucson in 2001 amended its General Plan to identify areas of potential growth and strategies to plan for that growth in ways that ensured that it would be able to pay for an equitable share of the additional services required. These amendments to the General Plan, the document at the top of the plan hierarchy, created some inconsistencies with the two existing area plans – documents on the next lower level in the plan hierarchy – for the Houghton Road area.<sup>67</sup> Instead of amending the two area plans, the city began to consider developing a single new plan for the area, an idea that would later be manifested as the HAMP.<sup>68</sup>

In addition to these activities by the city and the ASLD, city Councilperson Shirley Scott, who represents Ward Four where the majority of the Houghton Road area is located, also began to get involved in planning efforts for the area. In September 2002, she convened the Southeast Planning and Coordinating Committee (SPCC). The SPCC was made up of planning and development professionals, neighborhood representatives, architects, members of the education community, representatives of the nearby Davis-Monthan Air Force Base, area business people, religious organizations in the area, local politicians and various other interested parties.<sup>69</sup> The group was tasked with addressing planning issues in the area.<sup>70</sup> The group met regularly for almost two years to study the area and to get a sense of what residents and area land and business owners envisioned in terms of future development.<sup>71</sup>

The ASLD's activities in the Houghton Road area, as well as the city's own sense that it was time to start actively planning for growth in the area, led to the formal commencement of the Houghton Area Master Plan development process.

### **THE CITY OF TUCSON CONVENES THE CITIZENS REVIEW COMMITTEE**

Tucson's Department of Urban Planning and Design began work on the Houghton Area Master Plan (HAMP) in early 2003. As part of this process they decided to include a public participation element in the form of the Citizens Review Committee (CRC). The city's decision to create a citizens committee was reflective of both its general management philosophy and the way it perceived the community expected to be engaged on civic issues.<sup>72</sup> The city saw the CRC as a way to receive feedback on the HAMP from a variety of local interests and perspectives.<sup>73</sup> The city's expectations for the CRC were that its members would review and provide input on the policies, concepts and other components of the HAMP as they were developed.<sup>74</sup>

As the major landowner in the area, the Arizona State Land Department (ASLD) also was asked to participate on the CRC, an offer that they accepted in an advisory capacity. Greg Keller, a project manager in the ASLD's Real Estate Planning Division in Phoenix, attended the majority of CRC meetings on behalf of the ASLD. Keller served as a resource for the CRC on issues relating to state trust land management, but was not an official member of the group. The ASLD prefers being involved in community planning groups in an advisory capacity to maintain a greater amount of flexibility in their final decision making about how to manage their land assets.<sup>75</sup>

Prior to the creation of the CRC, city council member Scott asked the city to assume the role of managing the SPCC because it was becoming too difficult for her office to manage.<sup>76</sup> The city did not fulfill Scott's request, instead deciding that it would be better politically if a new committee was created.<sup>77</sup> The Mayor and Council decided that membership in the group should include representatives of registered Neighborhood Associations, appointees from city Wards made by city council members and individuals and professionals from a broad range of interests applicable to the development of the HAMP.<sup>78</sup> Using these recommendations, the city's Department of Urban Planning and Design's project leader for HAMP, Roger Schneider, then extended invitations to a large number of potential members to join the CRC.<sup>79</sup> While quite a large group, many participants thought that the appropriate range of interests was represented (Table 7-1).<sup>80</sup>

The city's Department of Urban Planning and Design's project leader for HAMP, at first Roger Schneider and then later Michael Wyneken, was in charge of preparing materials and running the meetings, while professional facilitator Freda Johnson was hired by the city to facilitate CRC meetings for the first year.<sup>81</sup> Officials at the Department of Urban Planning and Design thought that it would be beneficial to have an outside facilitator because of the large size of the group and because the city had never run a citizens input process for a project of the magnitude of the HAMP process.<sup>82</sup> While Johnson kept meetings running on time, some CRC members commented that this adherence to process sometimes came at the expense of creative discussion.<sup>83</sup> Professional planner and CRC member Linda Morales summed up her impression in this way: "Freda ran an amazingly structured meeting. She made sure you stayed on topic and you got out on time, which everybody loves. She didn't allow anyone to dominate, but in a way this stifled some of the creative process."<sup>84</sup>

Johnson's one-year contract was renewed around the time that the CRC went on hiatus until there was a complete HAMP draft on which to comment.<sup>85</sup> By the time the group reconvened, however, Michael Wyneken, the city's project leader for the HAMP, decided the group could effectively proceed without an outside facilitator and assumed the facilitation role in place of Johnson.<sup>86</sup>

The city also created a Technical Advisory Team (TAT), to advise them on the creation of the HAMP. The TAT was made up of representatives from the City of Tucson, Pima County, the Arizona State Transportation and Land Departments, Vail School District and private utility companies. The group was tasked with addressing the technical aspects of providing services for any future development in the HAMP area.<sup>87</sup> The TAT, as the name suggests, was more technical in nature and did not contain the citizen element of the CRC. The two committees served different purposes for the city and worked relatively independently of one another, although information about what each group was working on was shared intermittently between the two.

**Table 7-1: Houghton Area Master Plan Citizens Review Committee Members**

<b>Affiliation</b>	<b>Name</b>
Diamond Ventures	Ken Abrahams
Sonoran Institute	Suzanne Bott
Community Technical Assistance Center	Dale Calvert
Saguaro National Park	Sarah Craighead
American Institute of Architects	Brent Davis
Resident	Sheila Enos
Bear Canyon Neighborhood Association	Margaret Fowler
School of Landscape Architecture, University of Arizona	Mark Frederickson
Vail School District	Margie Hildebrand
Washington Mutual	Sandie Jacobson
Esmond Station Historical Interests	Bill Kalt
Transportation and Infrastructure Planning	Curtis Lueck
McGraw's Restaurant	Lex McGraw
Commercial Federal Bank	Carl Maass
South Harrison Neighborhood Association	John Macko
Pima College East	Suzanne Miles, Ph.D.
The Planning Center	Linda Morales
Coyote Corridor Neighborhood Association	Peggy Nolty
Development Center for Appropriate Technology	Tony Novelli
Civano Housing and School Design	Cathy Rex
Eastside Neighborhood Association	Frank Salbego
Ray Schneider Company (real estate)	Ray Schneider
Bicycle Community	Roy Schoonover
Pantano Stables	James Shinn
Pantano Stables	Betty Shinn
Civano Neighborhood Association	Jeff Simms
Architect, SPCC member	Phil Swaim
Rita Ranch Neighborhood Association	Michael Tone
Rincon Institute	Michelle Zimmerman

Source: *Houghton Area Master Plan*, Tucson Department of Urban Planning and Design, <http://www.tucsonaz.gov/planning/plans/all/hamp.pdf>.

The first CRC meeting was held in March 2003. The original schedule for the group included a monthly meeting for one year, after which the HAMP would be submitted to the Tucson Mayor and City Council for approval in April 2004.<sup>88</sup> This schedule was later revised because of delays in the plan development process and the HAMP was eventually approved in June of 2005.

During the first CRC meeting, participants introduced themselves and identified the group or interest they represented. Then, led by the facilitator Freda Johnson, CRC members developed a set of ground rules to guide the meetings:<sup>89</sup>

- Stay on point
- Start and end meetings on time
- No one person should monopolize the meeting
- There will be a “parking lot”, or list of questions and requests for information from city staff to be answered in writing by city staff at future meetings
- Be nice and play fair
- No side conversations
- Meeting participants will put \$1.00 in a communal pot if their cell phone or beeper goes off during meetings
- Add new rules as needed

In response to questions from CRC members during this first meeting, the city later clarified for the group that decisions generally would be made by consensus, but that some voting would occur on specific proposals and anyone wishing to make a minority statement on a vote was welcome to do so.<sup>90</sup>

Also at the first meeting, Roger Schneider, HAMP project leader for the city, presented background information on the area covered by the HAMP and the themes of the plan development project and described the advisory role the CRC would take in the process.<sup>91</sup>

Linda Morales, a professional planner and CRC member, commented that the first meeting was a bit of a surprise for some members: “I think everybody was a little taken aback when we started because it was a huge committee first of all, and we went to the very first meeting and they started presenting plans and it felt like we were there just to kind of rubber stamp.”<sup>92</sup> Frustrations continued at different points throughout the plan development process because of differing perceptions and expectations of the role of the CRC members.

The CRC met monthly for the next two years, with the exception of a few interruptions. During these interruptions the city gathered and assessed data on the area, and during one six-month period the city finished writing the full draft of the HAMP.<sup>93</sup> These interruptions were frustrating for CRC members and city staff, alike, and many commented that they caused the group to lose momentum and connection to the plan development process.<sup>94</sup>

For the most part, meetings consisted of a brief review of the previous meeting, a presentation to the group on some element of the plan development process or other relevant information by city staff, outside consultants or experts and, on at least two occasions, CRC members themselves and a discussion period. During one meeting, CRC members worked in small groups to brainstorm a list of issues and concerns they had about future development in the HAMP and identify important topics they would like discussed in future meetings.<sup>95</sup> Also, in an effort to provide an opportunity for a shared experience and to make sure everyone on the CRC had a good sense of the area they were discussing, the city organized a field trip to the Houghton Road area in April 2003.<sup>96</sup>



## THE CITIZENS REVIEW COMMITTEE PROCESS FALTERS

Although the CRC's involvement in the development of the HAMP was at first envisioned as an engaging experience, some elements of the process began to fray. Between a change in the city's HAMP project leader, delays, a lack of data on the area being planned and frustration and confusion over the roles of the CRC, the city and ASLD, attendance at CRC meetings dwindled and many members stopped participating.<sup>97</sup>

A few months after the CRC began meeting, the city's Department of Urban Planning and Design's original HAMP project leader, Roger Schneider, retired. Michael Wyneken, another planner in the department, was assigned the task of managing the process.<sup>98</sup> As Wyneken jokingly told it, "I personally got involved because everybody who was working on the plan left and it got dumped on me while I was out of town."<sup>99</sup> Wyneken found it difficult to work within the parameters the previous manager had established for the development of the HAMP and the use of the CRC. He found that with the budget and time constraints already facing the HAMP development process, "the care and feeding of a monthly meeting process drives the process ... you spend more time on that at some points than you do on the actual plan."<sup>100</sup> He also reflected that if he had been in charge of the process from the beginning:

I personally would have done all of the constraints mapping and then brought in as many good examples as we could of what master planned communities are like with some pictures and maps and descriptions and said "Okay, here's our landscape, here are the constraints, here is the policy direction we have from the General Plan. How do we get from these constraints in this area to [the HAMP] and what components do you want to put emphasis on?"<sup>101</sup>

Developing a plan for an area of undeveloped land as large as the one covered by the HAMP was a new experience for the city. As CRC member, and local planning professional Linda Morales noted, "a lot of times [in Tucson] the planning is done after the horse is out of the barn and you've got development that you're working around. This was a blank slate and was a really unique opportunity."<sup>102</sup> However, the CRC was initiated before the city had compiled information on the natural and physical constraints of the area and relevant social and economic data.<sup>103</sup>

The city tried to simultaneously collect this data and run the CRC input process, but this led to interruptions and delays in the CRC meeting schedule and frustration for CRC members who felt their time was being used inefficiently. CRC member and local developer, Ken Abrahams observed that:

It was so obvious to us that what was going on was so confused ... [the CRC asked the city to] show us what you're trying to do, and they couldn't do that ... they were busy worrying about hydrology maps when they didn't have an idea of where they wanted to drive the bus they were driving.<sup>104</sup>

Phil Swaim, a local architect and CRC member, mentioned that his previous experience with developing a land use plan was typically that, "you do your research, and then you bring it

forward and you do the planning after, you keep people moving and building consensus and then go out and resolve things. Unfortunately I think the momentum [of the HAMP development process] was difficult to keep going.”<sup>105</sup>

Eventually, the city completed the necessary mapping and developed a partnership with the Sonoran Institute, a Tucson-based non-profit dedicated to community-based environmental stewardship, to, with support from the Lincoln Institute of Land Policy, hire the consulting firms Clarion Associates and Economics Research Associates to complete background research on the economic and social issues affecting planning in the area. The two firms produced two reports that helped inform the planning process. One, *Growing Smarter at the Edge*, was a selection of case studies that served as examples of successful models of development similar to what was being envisioned for the HAMP area.<sup>106</sup> The second was a market conditions report that set the context into which the HAMP was being introduced by describing the regional economic context, market, population and employment trends, and the success of other master planned communities in the Tucson area.<sup>107</sup>

In addition to concerns about the CRC meeting process, there was also confusion about what role, and the influence of that role, each of the three main entities – the city, the ASLD and the CRC – was playing in developing the HAMP. Some CRC members used terms like “rubber stamping” and “a box checking exercise” to describe how they or others perceived their involvement in the process.<sup>108</sup> There was also confusion sometimes about how their input was being used and incorporated in the different drafts of the HAMP.<sup>109</sup>

Some CRC members noted that although it was helpful to have a representative from the ASLD present at the meetings to answer questions and inform the group about the ASLD’s perspective on issues, there was also uncertainty about what kind of influence the plan would actually have over what the ASLD ultimately decided to do with the land they owned in the area.

CRC member Ken Abrahams mentioned that in terms of the city and the ASLD working to define their roles with one another, “the communication between two governmental bureaucracies trying to reconcile two significantly different mandates is very interesting and kind of painful to watch.”<sup>110</sup> Although the ASLD’s representative at the HAMP meetings, Greg Keller, was perceived positively by many involved, there was some frustration over the message of the strictness of the ASLD’s mandate in terms of what they could and couldn’t do that he had to deliver.<sup>111</sup>

## **COMPLETION AND ADOPTION OF THE HOUGHTON AREA MASTER PLAN**

Despite the challenges faced along the way, the Houghton Area Master Plan (HAMP) was eventually completed. After a two-year planning process the document was submitted to the Tucson Mayor and City Council and was approved unanimously on June 7, 2005.

The HAMP not only provides a plan for the Houghton Road area that is in compliance with Tucson’s updated General Plan, but also helped the city clarify its vision for growth in that area. The process of developing the HAMP also allowed the city to communicate this vision to the Arizona State Land Department (ASLD) and in turn learned what the ASLD’s expectations for

the area are. Building on some of the ideas already proposed for the area, the HAMP also includes many of the elements found in the Houghton Road Plan Associates plan from 1999 and the subsequent ASLD plan from 2001.<sup>112</sup>

The HAMP includes written policy guidance on six major development elements, including proposed land use patterns, circulation and mobility patterns, the treatment and incorporation of natural and cultural resources, the provision of public services and facilities, the ways new development will help pay for itself and generally how parcels of land within the HAMP area should be developed.<sup>113</sup>

The HAMP also includes maps that show the area covered by the plan and its surroundings, the existing constraints on development in the area (e.g. washes and existing development), an example of the components of a planned community and how they are usually arranged, conceptual land uses and circulation routes, a cross section of what major streets should look like (complete with pedestrian paths and vegetated areas), conceptual parks and trails, locations of the 100-year floodplain and riparian habitat, a chart with the parameters of different kinds of parks and the potential location of public facilities.<sup>114</sup>

Many involved in the planning process call the Houghton Area Master Plan (HAMP) a qualified success, as it has yet to be implemented, and are reserving judgment until its effectiveness can be proven.<sup>115</sup> Also, under Tucson's current Land Use Code, there is no mechanism with which to implement the master planned community concepts included in the HAMP. The city's Department of Urban Planning and Design has drafted an amendment to the Land Use Code that would establish a Planned Community District zone to allow for the implementation of the new planning concepts in the HAMP. Planning staff at the city are planning to present the new zoning classification to the Mayor and City Council in the spring of 2006 for approval.<sup>116</sup>

A major factor in determining the outcome of the area seems to be the ASLD. The ASLD is under no legal obligation to implement the HAMP or require that whoever buys state trust land in the area act within its parameters. This is not to say, however, that the ASLD intends to disregard the plan, as they recognize the financial benefit of having a common development vision with the municipality in which their land is located.<sup>117</sup> The significant uncertainty that remains about the eventual implementation of the HAMP will not be resolved until the ASLD starts to auction off the land and developers begin to develop it.

## **THE ANALYSIS: THE HOUGHTON AREA MASTER PLAN PROCESS**

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The Houghton Area Master Plan (HAMP) development process illustrates many of the benefits, costs and challenges of using a collaborative approach for land use planning. The benefits and costs of the HAMP process were in general similar to the elements typically found in collaborative processes, while the challenges faced by participants in the HAMP process illuminate some of the unique challenges of collaborative planning on state trust land. The challenges also are reflective of the unfamiliar situation the City of Tucson found itself in as it set out, without any previous experience, to develop a master plan for the thousands of undeveloped acres that make up the HAMP area.

### **WAS THE HOUGHTON AREA MASTER PLAN PROCESS COLLABORATIVE?**

Participants in the HAMP development process had a range of opinions about whether or not it was a collaborative experience. Although there is no consensus among participants, it seems as though the HAMP development process was collaborative to a certain extent, as measured by the three representative categories used in this report: (1) breadth of stakeholders, (2) degree of transparency of process and (3) degree of influence the participants had on decision making.

**Breadth of Stakeholders:** CRC member and architect Phil Swaim commented that he thought the city “did a good job of being inclusive” in the composition of the CRC, a view that was reflective of general sentiment about the group.<sup>118</sup> Membership on the CRC was comprised of representatives from neighborhood associations, local business owners and citizens with professional planning and development backgrounds. Even though, the ASLD representative, Greg Keller, was not an official member (because of agency preference), his presence at the meetings helped provide an important link to the agency for the group.

**Degree of Transparency:** CRC meetings were open to the public and meeting notes and summaries often were compiled and distributed to members, which lent a degree of transparency to the process. However, some CRC members expressed frustration over how the CRC’s comments were being incorporated into the creation of the HAMP. Ken Abrahams commented that he thought, “There was a gigantic disconnect between the dialogue [during CRC meetings] and what kept coming back when [the city] brought [the HAMP] back.”<sup>119</sup> There was also a fair amount of direct communication between city staff and the ASLD going on simultaneous to the CRC process, the results of which were not always shared openly with the group.<sup>120</sup> Abrahams also offered the following critique of both the HAMP development process and other collaborative processes he had been involved in in the past:

It was representative of what I’ve seen happen to the public input process over the last decade, which has been what I call the “talking into the microphone” approach. You can say anything you want, but the microphone isn’t connected to anything. It’s a process of checking boxes, having meetings, allowing people to gather, but there’s no connectivity between what is said and then what is actually changed in the process or implemented in the planning process.<sup>121</sup>

Abrahams' comments hold valuable lessons about the kinds of behaviors and techniques to avoid when developing and conducting an effective collaborative process

**Degree of Influence on Decision Making:** CRC members' use of terms like "rubber stamping" and "box checking exercise" to describe how they perceived the CRC's level of influence over the decisions made during the development of the HAMP mark this as one of the least collaborative aspects of the process.<sup>122</sup> Abrahams made this comparison to illustrate how he felt about this aspect of collaborative processes in general: "There's a Bob Dylan lyric 'the masters make the rules for the wise men and the fools' and that's what you feel like when you sit in those meetings."<sup>123</sup>

## **BENEFITS OF THE PROCESS**

Participants in the Houghton Area Master Plan (HAMP) development process identified four major areas in which they found the process beneficial. These included: creating a higher quality product and ensuring a more beneficial outcome than would have been possible without the Citizens Review Committee, forming positive relationships that will make future interactions more effective, creating an experience to learn from and build off of in the future and planning for a larger amount of open space than may have been possible without a plan. ASLD Commissioner Winkleman also offered this observation about the benefit of land use planning activities to the trust: "Obviously planning will add value to our property – our business is to add value to as much as we possibly can and to maximize revenue for our beneficiaries."<sup>124</sup>

### **A Higher Quality Outcome**

City of Tucson officials' decision to include the ASLD, the largest landowner in the HAMP area, in the Houghton Area Master Plan (HAMP) development process was a step toward accomplishing its goal of creating the kind of planned development it envisions for the Houghton Road area. Opening a line of communication between the two agencies on what each wanted and was able to do allowed for greater understanding and more efficient decision making.

Albert Elias, the Director of the City of Tucson's Department of Urban Planning and Design recognized the mutual benefits to the city and the ASLD:

All this planning work only enhances the value of their land and it's good for the city too because it ensures that we have better quality development ... our mission and their mission do have a lot of overlap and by working together instead of against each other we'll have a better outcome. Both of us will have a better outcome and both of us will be in a better position to fulfill our respective organizational objectives.<sup>125</sup>

Members of the CRC also recognized the benefits of working together on the plan development process in terms of the quality of the actual plan that was produced. CRC member and local developer Ken Abrahams observed that "the product ... does move us one step further and with its strong points and its weak points it's still better than where we were."<sup>126</sup> According to Michael Wyneken, the HAMP project leader for the city, the plan the ASLD currently has in place for the

area includes significant amounts of density and only about nine percent open space. In his view, the land use patterns outlined in the HAMP are much more attractive than the existing ones.<sup>127</sup>

### **Relationships Created Through Collaboration**

Another commonly mentioned benefit that participants observed from the HAMP development process was the relationships that were forged through working together. Participants not only recognized the benefit of these relationships during the HAMP development process in terms of facilitating professional interactions, but also forecasted that they will be beneficial in future professional interactions between participants.

In some cases the creation of these relationships came as a welcome surprise, as Albert Elias, the Director of the City of Tucson's Department of Urban Planning and Design, observed:

The level of trust and interaction and willingness to work together and all of that is a benefit of that planning process that I would never have predicted at the beginning of the process, and I'm very pleased about that, and I think those bode well for the challenges that we face ahead.<sup>128</sup>

Freda Johnson, the facilitator for part of the HAMP development process, noted that she thought, "There was much more respect cultivated between people who might not normally be in the same camp on some of these issues."<sup>129</sup> The creation of this respect helped cultivate an atmosphere where CRC members could work together in a positive way, which had benefits both during the HAMP process and potentially in the future also.

Addressing this benefit from a professional perspective, ASLD Commissioner Winkleman noted the historical significance of the relationship forged between the City of Tucson and the ASLD through the HAMP development process: "It showed that we could sit down with city staff and work cooperatively ... this is a much better position for us to be in with the City of Tucson than the Land Department has ever been in before."<sup>130</sup> The ASLD opened a Southern Arizona Office in Tucson in May 2005 to focus more attention on its property in and around Tucson, of which the HAMP area is currently one of the most important pieces.<sup>131</sup> The relationship building experience afforded by the HAMP development process served as the first step in the two agencies evolving involvement.

In addition to the beneficial relationships created between the ASLD, the city and CRC members, HAMP Project Manager Michael Wyneken mentioned that, as a result of the HAMP process, the city has been working with staff from Pima County on wastewater-related issues in the HAMP area, which has facilitated a broader discussion about drinking water issues.<sup>132</sup> An unexpected benefit, this city-county dialogue is particularly significant because of the tension that has plagued the two entities since the 1970s regarding jurisdictional issues and the provision of urban services.<sup>133</sup>

## **Learning from Experience**

The HAMP development process was the City of Tucson's first experience creating a plan for such a large area. Albert Elias, the Director of the city's Department of Urban Planning and Design, recognized how the HAMP experience can benefit future planning projects on large parcels of state trust land south of Tucson: "I think a lot of the lessons that we learned in the HAMP can be applied there, not that we want to replicate it, but getting through the hard parts will be easier because of the things we learned in the Houghton process."<sup>134</sup>

Going through the HAMP development process also gave the city an opportunity to clearly express its vision for development in the southeast part of Tucson. This experience doing large-scale planning may prove helpful in the future as other similar planning opportunities arise. Thus, the city is now in a better position professionally than they were prior to initiating the HAMP process. Albert Elias commented that "We are better positioned to continue in the process of what ultimately is going to happen out there ... we're better equipped to make good decisions about the quality of growth and development there than we were before."<sup>135</sup>

## **Opportunities for Conserving Open Space**

One of the benefits of engaging in master planning is the opportunity to approach the development of an area holistically and plan for features like open space. Although there is debate in Tucson over the benefits of continuing to develop at all, HAMP project leader, Michael Wyneken noted that "We can't stop people from coming here, so what we have to do is make sense of it. Plan it out and be ready to make [the development] the best we can."<sup>136</sup>

Although the ASLD is very clear on its mission to maximize revenue for its beneficiaries, Ron Ruziska, Director of the ASLD's Southern Arizona Office, mentioned that it is sometimes possible to accomplish this goal while also creating open space if a parcel is appropriately planned and includes open space as part of a larger development plan.<sup>137</sup>

## **Adding Value to the Trust**

From the ASLD's perspective, working together with the municipality within which the land it owns is located to develop a common vision for how the land should be planned can lead to an increase in revenue for the trust.<sup>138</sup> Developing a common vision can help eliminate the uncertainty that potential state trust land buyers face in terms of knowing what they will be allowed to do with the land once they buy it. Typically, the less uncertainty there is for the buyer, the higher the price of land can be, which translates to an increase in revenue generation for the ASLD.<sup>139</sup>

In reference to this benefit in general terms, ASLD planner and CRC meeting attendee, Greg Keller, said, "Chances are, if you collaborate with [the community] and you show that you're willing to listen to their issues, most of the time, not all ... we're able to enhance the value of the trust land which is really our goal."<sup>140</sup> Gordon Taylor, ASLD Planning Section Manager elaborated on this point and gave a specific example in terms of going through the land entitlement process, which can at times be lengthy: "When you have a collaborative effort ... by

the time you bridge all your differences and you have a final product, there is normally a consensus which means it's going to be easier to sail it through that entitlement process.”<sup>141</sup> Likewise, ASLD planner Greg Keller observed that “Before, Tucson had nothing in that area, but they now have a vision for that area that didn't exist before that ... As far as the collaborative effort, it [has] helped both the city and their vision.” According to Keller, the process also was a success for the ASLD because a land use plan has been created which will “further the effort of the agency to generate revenue, to get those properties out to disposition.”<sup>142</sup>

## **COSTS OF THE PROCESS**

When the Citizens Review Committee (CRC) was convened, members anticipated a one-year process, however, it actually took two years to develop the HAMP. The monthly meetings during the HAMP development process imposed significant time costs on citizen CRC members. Professional planner Linda Morales mentioned that this cost was manifested for CRC members as personal time given up, or missing spending time with family.<sup>143</sup>

However, when asked if they would engage in a similar collaborative effort in the future, all the citizen CRC members interviewed responded that they would. The biggest reason for this was because they cared about their community and wanted to be involved in the way it was developed.<sup>144</sup>

Commissioner Winkleman expressed the same sentiment about time, although not from a personal perspective, but from one of deciding how to devote scarce staff resources.<sup>145</sup> Allocating staff time to the Citizens Review Committee meant that other things could not be done. However, in this case the benefits of engaging in the collaborative process outweighed the costs.

## **CHALLENGES AND RESPONSES**

The HAMP planning process was full of challenges. However, there is a lot that can be learned about collaborative planning by examining these challenges and extrapolating from them lessons about when collaborative planning can be a useful tool, what kinds of elements need to be in place for a collaborative planning effort to be successful and what should be avoided. The challenges faced during the HAMP development process include dealing with a new planning situation and a new interaction between the city and the Arizona State Land Department (ASLD), creating an effective structure for the collaborative process to occur in, interpreting and working within the parameters of the ASLD trust mandate and addressing issues of authority, bridging expectations about the outcome of the process and grounding them in political, economic and market realities and dealing with both the ASLD and city's lack of staff and financial resources.

### **A New Experience**

Not only had the City of Tucson never engaged in the large-scale planning of a mostly undeveloped area before, but the city had never worked together with the ASLD on such a project. Michael Wyneken commented:



The whole thing was new, it was new to everybody, so it's just a dance that you have to do. You have two entrenched bureaucracies who are trying to do something a little bit, you know, totally new, a little bit innovative and it was a struggle on both parties' parts.<sup>146</sup>

Wyneken also highlighted another aspect of this challenge by discussing the differences between Phoenix, which embraces development and is “the Land Department’s world ... when it comes to selling their land,” and Tucson, which is less clear on its development position and where finding a balance between continuing to develop or not is hard to find.<sup>147</sup> As Wyneken put it, “It’s almost like you have to drive a bulldozer or you have to be chained to a tree, there’s no middle ground allowed here.”<sup>148</sup> He also reflected on how these polarized views can be difficult for a planner who recognizes that, “we’re going to grow, we can’t stop people from coming here so what we have to do is make sense of it. Plan it out, be ready and make it the best we can do.” Wyneken was curious to see if the HAMP could become a working example of finding middle ground on this issue.

### **Creating and Implementing an Effective Process**

One of the first challenges faced by the CRC came in the first few months of the HAMP development process when the city planner that had initiated the HAMP process retired.<sup>149</sup> Michael Wyneken was assigned to take over the project management and, in his own assessment of the situation in which he found himself, Wyneken reflected, “Always try to be the person who starts the project, it’s really difficult to take over a project.”<sup>150</sup> Around the same time that the HAMP project manager changed, the Department of Urban Planning and Design experienced a reorganization that left it with fewer planners and a reduction in the amount of money that had been allocated for the HAMP process and product development.<sup>151</sup>

Although more a result of circumstance than any controllable element, these changes in staff and resources created a situation where the project manager felt constrained by the parameters set by the previous manager. While Wyneken was recognized as a talented planner by the CRC members interviewed and many appreciated his technical ability and grounded approach to the HAMP, he lacked the group process expertise that would have helped guide more effective CRC interactions.<sup>152</sup> This point illustrates the importance of recognizing and preparing for the human elements demanded by a collaborative planning process. As Calvin Baker, the Superintendent for the Vail School District and Technical Advisory Team member observed, “It seems so easy to call a group of people together and work on something, but it’s not, there are a lot of nuances involved.”<sup>153</sup> Having someone leading the process who recognizes the nuances of running a collaborative planning process and has a sufficient amount of time and resources at their disposal is an important step in creating an effective collaborative planning effort.

### **Providing Adequate Information to Enable the Process**

Once the HAMP development process began, the city’s inexperience with large-scale land use planning quickly became apparent. This inexperience frustrated many of the CRC members with professional planning or development backgrounds; in their opinion, the city had not conducted the background research necessary to meaningfully involve the CRC in the planning process.

This lack of research meant that the CRC had very little context in which to base their recommendations with regards to the natural features and economic and market conditions of the area. It also meant that there were periods when the CRC was not meeting to plan, but waiting for the necessary research to be completed. According to CRC member and local architect Phil Swaim, the HAMP process was not following the typical structure of collaborative planning efforts: “You do your research, and then you bring it forward and you do the planning after, you keep people moving and building consensus and then go out and resolve things.”<sup>154</sup>

Joint fact-finding and research often is identified as a benefit of collaborative planning; by uncovering the information together, the group often strengthens its bonds and the outcome of the process. However, this particular critique of needing to have basic information in place before beginning the collaborative planning process addresses a slightly different situation. In this case, the issue was not about what was already in the HAMP area, but what was going to be there; basic maps and studies about existing conditions were needed to inform the plan that was being produced.

CRC member Linda Morales recognized that while the research phase may have been helpful for the members of the CRC without professional planning or development backgrounds, others more familiar with the planning process found it frustrating and attributed some of the attrition the committee experienced to this factor.<sup>155</sup> This comment raises an interesting point that in addition to the importance of having basic information in place before beginning the collaborative planning process, it is important to recognize and manage disparate levels of familiarity with the subject during a collaborative planning effort so that everyone is engaged and appropriately informed.

Both ASLD planner Greg Keller and CRC member and local developer Ken Abrahams commented on the unusualness of the city attempting to produce this background information in-house. In their prior experiences, consultants usually are hired by a municipality to develop it before the planning process begins. Eventually, the city, in partnership with the Sonoran Institute, contracted for two studies, one of which examined the existing market conditions of the area and another that provided examples of other Western master planned communities that the CRC and the city used to inform the HAMP.

### **Clarifying the Role of the Citizens Review Committee**

Another challenge of the HAMP process was clarifying and communicating the expectations for the Citizens Review Committee (CRC). This ambiguity frustrated some CRC members, as they struggled to figure out what their role in the process was. CRC member Phil Swaim remembered the group asking themselves, “Why are we here if you’re just coming and presenting to us as opposed to actually getting our feedback and what we are supposed to be able to tell you?”<sup>156</sup> Linda Morales, another CRC member also mentioned that at first the CRC felt like they were being asked to just “rubber stamp,” or approve the city’s ideas without much discussion or opportunity to provide substantive input.<sup>157</sup> This confusion over whether the CRC was to absorb information about the process or actually participate in plan development decisions fueled CRC members’ frustration.

The issue of how to best use the expertise and time of the CRC members also arose in some CRC members' response to how meetings were structured. Suzanne Bott, a former employee of the Sonoran Institute and CRC member made this observation, "I think a citizens committee needs a lot of structure so that people really can evaluate various elements and have kind of a road map to follow as they proceed through discussion."<sup>158</sup> In her assessment, the CRC meetings lacked this element.

### **Maintaining Momentum**

The delays caused by the need to complete background research and later write the HAMP impaired the momentum and continuity of the planning process. This lack of momentum led to feelings of disconnection, lack of interest and attrition. Developer and CRC member Ken Abrahams expressed this frustration:

In fact, the committee process was not what it should have been because it just got burned out. You can't restart the process four times and have people come and spend hours and hours of their personal time and say "now we're going to start all over again, now where going to start all over again," people stopped coming.<sup>159</sup>

This lack of momentum also led to an unanticipated lengthening of the timeframe for the plan's completion and contributed to some of the attrition of the CRC. According to CRC member Phil Swaim:

It went for months and months at a time and nothing happened. They hired a consultant to go out and do floodplain mapping and said "this will take three months" and it actually took nine months ... Because it was drawn out so long, probably half the Committee stopped participating ... It was very difficult to be able to maintain interest and keep things going.<sup>160</sup>

One of the ways the city tried to address this challenge was to send updates and schedule meetings only when there was something new to present to the CRC.<sup>161</sup> However, Michael Wyneken, the city's HAMP project leader recognized that the loss of momentum due to unanticipated breaks in the meeting schedule was a challenge and concluded that even though he sent periodic updates to the CRC during those breaks "we just really lost all connection."<sup>162</sup>

### **Getting Bugged Down in Process**

The city's inexperience with a collaborative planning process for such a large-scale project also made it difficult for the CRC and city to find a balance between developing the process and developing the product. Ken Abrahams offered this critique of the situation: "What happens in this new style of public input and committee work is you talk a lot about process and hardly at all about product ... Talking all about process and hardly anything about product isn't any way to have public input."<sup>163</sup>

Some CRC members also observed that the professional facilitator who was involved for the first year of CRC meetings occasionally emphasized keeping the meeting process moving in a way that “stifled some of the creative process” to the detriment of productive group discussion.<sup>164</sup>

### **The Unique Nature of State Trust Land Management**

The ASLD’s mandated obligation to maximize revenue generation in its management of state trust lands adds a unique element to the collaborative planning process. Usually collaboration, like any kind of negotiation, involves parties making certain concessions in pursuit of a mutually-accepted outcome. However, the ASLD’s legal obligation to generate revenue for the trust beneficiaries presented a challenge to making any kind of concessions during the HAMP development process.

ASLD Commissioner Winkleman offered this perspective that recognizes the importance of collaborative planning, but also the potential limitations of the process for the ASLD:

I’m personally always a proponent of trying to work with people and accomplish something. While we can sit back and say, “Well, we’re the state and we’re not going to listen to your plan and if you don’t like our plan we’re going to take our ball and go home,” that really doesn’t further our mission of generating revenue ... But, that being said, it’s something that we’d be supportive of unless we get to the point where you’re saying “well, our goals are not the same and the ASLD is not being treated fairly and we can’t afford to spend this much time and effort working with folks with whom we’re not going to get anything accomplished so we’re going to go work somewhere else.”<sup>165</sup>

All of the HAMP development participants interviewed had a clear understanding of the ASLD’s trust mandate and understood the limitations within which they were working. However, even though the CRC’s understanding of these parameters was essential to the plan development process, some expressed frustration with what this meant in terms of participation in a collaborative process. Some members of the CRC noted that participants sometimes struggled with how their collaborative planning efforts would effect the ASLD’s ultimate decision on what they did with their parcels in the HAMP area.<sup>166</sup>

However, CRC member Suzanne Bott observed that the ASLD’s mandate does not have to impede collaborative planning, “For the most part as long as people can agree that they are working toward the ultimate goal of getting the state land department the most revenue, and yet providing the local community with the best possible outcome, then they can agree that they’re not working at cross purposes.”<sup>167</sup>

The biggest challenge the ASLD faces when participating in collaborative planning processes is the lack of public understanding of what state trust lands are and how they are managed. Mary Mangotich Grier, an Assistant Attorney General in the Natural Resource Section of the Arizona Attorney General’s Office, who was peripherally involved in the HAMP development process, assessed the situation in this way, “The land department is in a relatively unique position because

it's a state agency and citizens expect there to be responsiveness to their concerns, but it's a state agency with a private party mandate."<sup>168</sup>

Commissioner Winkleman narrowed this point by explaining under what kinds of circumstances this becomes an issue:

We don't get along well with communities who see state trust land as their open space. And so instead of trying to facilitate growth or add value they say, "well, that's public land so we're not going to have any growth out there," and that is obviously counter to our mission. Generally speaking, we're going to be okay with somebody if we're treated similarly to similarly situated private land.<sup>169</sup>

Commissioner Winkleman elaborated further on how this issue should be addressed in a collaborative planning process by saying, "To have a successful process I think there needs to be an education of 'here's what the trust is, here's what it's set up to do, here's what it can do, and here are the things we can't do,' and acknowledge that up front."<sup>170</sup>

### **Defining the Boundaries of the Arizona State Land Department's Authority**

The ASLD believes that in order to engage in collaborative planning in a way that remains beneficial for the trust, it must make sure that it is protecting its interests. This position makes it difficult for the ASLD to find a balance between participating and maintaining decision-making authority. During the HAMP Process, this position also posed a challenge for the CRC participants in terms of determining the influence the HAMP will have and the evaluating the value of their participation.

One of the ways the ASLD tries to maintain its decision-making authority during a collaborative process is by remaining in a resource role. The reason for this approach was explained by the ASLD's Gordon Taylor:

We get involved with committees, but it's as a resource person. We've found that if we get put on a committee, like a general planning committee or a steering committee, and then they craft their document and we're listed as one of the people that has supported it even though we may be in objection to certain elements of it, but by virtue of our association with the committee then there's ... tacitly the buy in, if you will, and that could conceivably be used by the community to leverage the Department on various land issues. So for that reason we ... basically like to be on the outside looking in and be there in an advisory capacity and not to have our name listed on the document.<sup>171</sup>

Taylor went on to mention that in the case of the HAMP development process he thought the ASLD was able to find this balance of participation and maintenance of decision-making authority by making their mandate clear to the group.<sup>172</sup> Commissioner Winkleman further elaborated on the issue of maintaining the ASLD's interests throughout a collaborative planning process and also recognized an additional aspect of the ASLD's balancing act in terms of trying

to strategically make the best use of the additional resources that can be provided by a collaborative planning process:

We don't have enough people and we don't have the money to do an adequate job. One of the things I've stressed since I've been here is we're going to accept the help and embrace the help as much as we can, don't be fearful of these people, we'll look after our own interests. But if somebody can truly help us, let them help us because we can't adequately help ourselves. But, you do that knowing that everybody's going to have a reason for helping. There are few times where it's just the benevolence of "we want to help the Land Department." It's because they're furthering some issue. The City of Tucson has its goals, the Sonoran Institute has its goals, and the citizens that show up at these meetings have the things they like. So the challenge for us is accepting help and accomplishing something, but not having somebody undermine our goals and satisfy their own to the detriment of the beneficiaries and us. So that is the tension that always goes with these processes.<sup>173</sup>

However, these actions by the ASLD also can be challenging for other participants in terms of determining what influence their advice and participation in the collaborative process has. CRC member Phil Swaim noted that it is "difficult with the State Land Department sort of sitting back and saying we'll wait and see what you come up with and see if we support it or not."<sup>174</sup>

Another challenge related to the ASLD's authority was the uncertainty among CRC members as to the extent to which the ASLD will use the HAMP as a guide when disposing of land in the Houghton Road area, as it is under no legal obligation to follow it. While the ASLD does not anticipate that it will radically depart from the guidance of the HAMP, questions still remain about how the plan will be implemented.<sup>175</sup> CRC member and former Sonoran Institute employee Suzanne Bott commented, "[The ASLD doesn't] feel like they have to abide by the plan. That can be particularly frustrating and make participants feel, 'well, why are we even going through the exercise, what difference does it make?' yet it is empowering because it is a public process."<sup>176</sup>

### **Linking the Plan to Effective Implementation**

Throughout the HAMP development process, the CRC faced the challenge of figuring out how to make sure that the product that resulted from the collaborative effort was grounded in economic and development realities and could be realistically implemented. The reports produced by Clarion Associates and Economic Research Services on similar kinds of planned communities and the specific market conditions in the Tucson area helped address this challenge by providing the HAMP participants with information with which to make more informed decisions. However, uncertainty remains because of the possibility that market conditions will change over the course of the many years it will take to develop an area as large as the area covered by the HAMP. For this reason, some participants expressed the importance of the plan having the flexibility to adapt to changing conditions because, as Commissioner Winkleman put it, "You can't plan the perfect community, things are going to evolve, trends will come and go."<sup>177</sup> Ken Abrahams, developer and CRC member also commented on the importance of having

flexibility in a master plan: “It is a living thing, it’s not just a paper exercise and it has to have in it a pretty flexible adaptability to changing market conditions because they are ten- to fifteen-year projects.”<sup>178</sup>

Another challenge was Tucson’s ability to implement the HAMP under its current land use code. CRC member and developer Ken Abrahams explained the situation:

Probably the biggest concern, which the city is working on with its planned community district ordinance for the land use code, is there’s no tool in the tool box to implement this plan, it’s a plan that has to sit on the shelf until they amend the land use code.<sup>179</sup>

The city’s Department of Urban Planning and Design has addressed this challenge by developing an amendment to Tucson’s Land Use Code that would create a Planned Community District zone to allow for the implementation of the new planning concepts in the HAMP. The city’s planning staff intends to present the new zoning classification to Tucson’s Mayor and City Council in the spring of 2006 for approval.<sup>180</sup>

### **Lack of Resources**

Both the ASLD and the City of Tucson’s Department of Urban Planning and Design experienced the common challenge faced by many government agencies of being understaffed and underfunded.

This challenge was manifested in the HAMP development process on the part of the city in terms of being able to complete the necessary background research on the area and keeping the process moving effectively to meet plan development deadlines.<sup>181</sup> One of the ways the city addressed the challenge of completing some of the necessary background research was to take advantage of some of the additional resources brought to the planning process by other members of the collaborative process. In partnership with the Sonoran Institute, with support from the Lincoln Institute of Land Policy, the city was able to hire the consulting firms Clarion Associates and Economics Research Associates to complete background research on the economic and social issues affecting planning in the area.

The ASLD also faced this challenge in the sense that they had to be strategic about how they devoted their limited resources. According to Commissioner Winkleman:

We really do have to be careful how we allocate our people and our planning dollars ... so where we devote time to the HAMP it means we’re not devoting it to something else. And when you look at the amount of land that is in the path of growth – as a matter of fact growth has leapt over and gone beyond us – we’re shortchanging ourselves always at some point.<sup>182</sup>

## **FACILITATING FACTORS**

There were a number of elements of the Houghton Area Master Plan Process that helped facilitate the collaborative effort. These include participants having a common goal, a financial interest and the potential for a higher quality outcome.

### **A Common Goal**

In the HAMP Process, the City of Tucson's Department of Urban Planning and Design and the Arizona State Land Department (ASLD) shared the common goal of wanting to plan for development in the Houghton Road area. By initiating a collaborative process in the form of the Citizens Review Committee, the city was able to create a forum in which both governmental agencies, as well as interested citizens, could work together in pursuit of that goal. While there was a certain amount of variation in why and how each party wanted to accomplish this goal, they were able to work together to begin achieving it. The city and the ASLD had professional and financial reasons for wanting to plan for development in the Houghton Road area, while some members of the CRC expressed both a professional and personal interest in how the area developed.

### **Financial Motivation**

As the majority land owner in the area covered by the HAMP, the ASLD had a financial motivation to remain involved in the CRC process and be party to the creation of the HAMP. By both working with the city on a common goal for development in the area, and by planning for the development, the ASLD may be able to realize an increase in revenue for the trust once it starts to sell or lease its land in the area. Working with the city on a common vision of how the area will be developed could help eliminate some of the uncertainty that may otherwise face potential buyers of the state trust land. Having a better idea of what they will be allowed to do with the land once they buy it makes the land more valuable to potential buyers, which could translate into an increase in the amount the land would sell for at auction, and therefore an increase in revenue for the trust.

### **The Potential for a Higher Quality Outcome**

Planners in the City of Tucson's Department of Urban Planning and Design and participants in the CRC, alike, recognized the potential to produce a higher quality outcome for development in the Houghton Road area by working together in a collaborative planning process. By creating the HAMP, the city was able to both express its vision for how it would like development in the southeastern part of town to take place, and create a plan that it hopes will guide future growth in the area. Some members of the CRC were motivated to engage in the collaborative process because of the potential to help create a plan that could result in higher-quality development in the area and that some see as an improvement over the plan that is currently in place for the area.



## LESSONS LEARNED

### **1. Prepare appropriate background information and research before initiating a collaborative process.**

One of the keys to an effective collaborative process is gathering as much relevant information relating to the issue at hand before initiating the process. Being prepared in this way will not only allow for a more efficient and effective use of participants' time, but also help avoid possible delays while additional information is collected. In the case of the HAMP, the City of Tucson had not prepared enough information about the physical, social and economic characteristics of the area they were planning and had to interrupt the schedule of meetings in order to do so. CRC member Phil Swaim commented on the critical aspect of keeping up process momentum: "I think there needs to be a certain amount of momentum and efficiency in keeping people involved and enthusiastic about what's happening. Otherwise there's no way to keep everybody going and so as soon as you start losing all the members then it's no longer this collaborative effort."<sup>183</sup>

### **2. Have a clear vision of what is to be accomplished and how the collaborative process will help achieve it.**

Having a clear idea of what is to be accomplished by the end of a collaborative process will help structure how to get there. This is not to say that a specific result should be predetermined, but that it is helpful to have a clearly communicated goal for the content of the end product or result of the collaborative effort to guide the process. Some participants in the HAMP Process felt confused at points about what the goal for the product was. CRC member Ken Abrahams expressed his frustration about this element of the HAMP development process in reference to the city: "They ought to just sit down and figure out what they want to do and then start from there."<sup>184</sup> It is also important to have a clear idea of how the collaborative process will help achieve these goals. Clearly defining participants' roles and addressing any concerns regarding participants' expectations can help alleviate confusion or frustration among group members.

### **3. Set and keep realistic deadlines.**

Having a clear sense of how long a collaborative process will take and sticking to deadlines once they are set will make participating in or running a collaborative planning process much more enjoyable and productive. The process of developing the HAMP took twice as long as originally expected, and many members, frustrated by what they saw as an inefficient use of their time, stopped participating. If deadlines need to be extended or modified, it is important to clearly communicate the reasons for the delays and work to keep participants engaged in the process during them.

### **4. Understand the unique management mandate of the state trust land agency.**

Collaborative planning on state trust land is different from other kinds of land use planning because of the unique mandates of state trust land agencies. Understanding these mandates from the beginning can help clarify the parameters within which the collaborative group is working.

HAMP participants offered a lot of advice on the importance of understanding the unique management requirements of state trust land based on the lessons they learned during the HAMP development process. Albert Elias, the Director of the city's Department of Urban Planning and Design mentioned:

The only advice I would give is really try to learn as much as you can about how the trust land was originally established and learn all the background ... Learn as much as you can about the enabling statutes, learn as much as you can about the agency that has a fiduciary role in managing the trust, learn as much as you can about the politics associated with trust land and their own unique challenges ... It's a very different animal, it's not like operating a relationship with a regular private landowner.<sup>185</sup>

HAMP project manager Michael Wyneken offered this advice: "Do the best you can to get the land department into the process from day one and fully absorb what their constraints are, because the more you do that the easier the whole thing is going to be."<sup>186</sup> Likewise, Citizens Review Committee (CRC) member Ken Abrahams noted, "Understand their mandate. It doesn't do any good to try and put something together unless you really understand and accept the box that the other person's in."<sup>187</sup>

Officials from the ASLD also commented on the importance of making sure a collaborative group understands their trust mandate and how it influences their land management decision-making. The ASLD's Southern Office Director, Ron Ruziska, encouraged collaborative planning participants to "think long-term, embrace the mandate of the trust."<sup>188</sup> Commissioner Winkleman recognized the role that the ASLD can play in helping others achieve a greater understanding of what the ASLD's trust mandate:

Probably the biggest key for us to succeed is to sit down with whoever it is, whether it's the city, the citizens group, or the county or whoever and say, "Here's who we are, here's what we do, here's the things we can do and here's the things we can't do."<sup>189</sup>

## **5. Maintain communication throughout the process.**

Maintaining communication between parties during a collaborative planning process will ensure that everyone is informed about how things are developing as the process progresses. This communication also will help participants maintain a feeling of relevancy if they are well-informed about how their suggestions are being incorporated into the final product.

CRC member Suzanne Bott offered some suggestions on ways the feelings of uncertainty felt by CRC participants about the effectiveness of what they were doing could be alleviated:

I think more of a commitment to take the information under advisement by the state land department would help people feel like they weren't just whistling in the wind and that their voices were going to be heard and would have an effect, would enhance the credibility of the process.<sup>190</sup>

HAMP project leader Michael Wyneken pointed out that he learned from his experience during the HAMP development process that in order to keep participants interested in continuing to work collaboratively it is important to, “Provide as much information and have a series of meetings and then come back and develop some alternatives and show how the input that we took resulted in different components of these alternatives.”<sup>191</sup>

## **ACKNOWLEDGEMENTS**

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We would like to thank the following people for taking the time to reflect on their experience in the Houghton Area Master Plan Process. These participants were invaluable resources during the interview and writing processes:

Ken Abrahams  
Calvin Baker  
Suzanne Bott  
Albert Elias  
Freda Johnson  
Greg Keller

Andy Laurenzi  
Mary Mangotich Grier  
Linda Morales  
Ron Ruziska  
Shirley Scott

Andrew Singelakis  
Phil Swaim  
Gordon Taylor  
Mark Winkleman  
Michael Wyneken

## Endnotes

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<sup>1</sup> *Houghton Area Master Plan*, city of Tucson Department of Urban Planning and Design, <http://www.tucsonaz.gov/planning/plans/all/hamp.pdf>.

<sup>2</sup> Ibid.

<sup>3</sup> NM-Ariz. Enabling Act, 36 Stat. 557, § 24 (1910).

<sup>4</sup> “State Trust Land at a Glance,” 2003, Arizona State Trust Land Department, <http://www.land.state.az.us/news/2002/ata glance.htm>.

<sup>5</sup> Peter W. Culp, Diane B. Conradi, and Cynthia C. Tuell, *Trust Lands in the American West: A Legal Overview and Policy Assessment*. A Policy Assessment Report of the Lincoln Institute of Land Policy / Sonoran Institute Joint Venture on State Trust Lands, 2005, 62 n.379.

<sup>6</sup> “State Land Department Programs, Natural Resources Division, Rangeland Management Program,” Arizona State Land Department, [http://www.land.state.az.us/programs/natural/rangeland\\_mgt.htm](http://www.land.state.az.us/programs/natural/rangeland_mgt.htm); See, e.g., ASLD Press Releases, “Five Hundred Million Dollars! State Land Department Shatters Previous Annual Sales Record and All Time Sale Record Shattered,” available at <http://www.land.state.az.us/index.html>.

<sup>7</sup> Culp, Conradi and Tuell, 62.

<sup>8</sup> NM-Ariz. Enabling Act, 36 Stat. 557, § 28 (1910).

<sup>9</sup> Ibid.

<sup>10</sup> Ariz. Const. Art. X.

<sup>11</sup> Culp, Conradi and Tuell, 63.

<sup>12</sup> Ariz. State Land Dep’t v. Superior Court In and For Cochise, 633 P.2d 330 (Ariz. 1981); city of Sierra Vista v. Babbitt, 633 P.2d 333 (Ariz. 1981); Fain Land & Cattle Co. v. Hassell, 790 P.2d 242 (Ariz. 1990); Lassen v. Ariz. ex rel. Ariz. State Highway Dep’t, 385 U.S. 458 (1967)

<sup>13</sup> “State Land Department Historical Overview,” Arizona State Land Department, <http://www.land.state.az.us/history.htm>.

<sup>14</sup> “Arizona State Land Department Organizational Chart,” Arizona State Land Department, <http://www.land.state.az.us/divisions/OrgChart.pdf>.

<sup>15</sup> Ariz. Rev. Stat. §§ 37-214, 37-215 (2006).

<sup>16</sup> Ariz. Rev. Stat. §§ 37-213 (2006).

<sup>17</sup> Ibid.

<sup>18</sup> “State Land Department Commitment,” Arizona State Land Department, [http://www.land.state.az.us/support/mission\\_goals.htm](http://www.land.state.az.us/support/mission_goals.htm).

<sup>19</sup> Culp, Conradi and Tuell, 63.

<sup>20</sup> Mark Winkleman (Commissioner, Arizona State Trust Land Department), interview by Alden Boetsch and Jessica Mitchell, August 2, 2005, Phoenix, AZ.

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<sup>21</sup> “2005 State and County QuickFacts: Arizona,” U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/04000.html>.

<sup>22</sup> The Urban Lands Act is codified at Ariz. Rev. Stat. §§ 37-331, 37-331.01, 37-332, 37-335.01, 37-336 and 37-338 (2006).

<sup>23</sup> Ron Ruziska (Director, Southern Arizona Office, Arizona State Land Department), interview by Alden Boetsch and Jessica Mitchell, August 5, 2005, Tucson, AZ; “State Land Department Historical Overview,” Arizona State Land Department, <http://www.land.state.az.us/history.htm>.

<sup>24</sup> Ariz. Rev. Stat. § 37-331.03 (2006).

<sup>25</sup> *Ibid.*

<sup>26</sup> *Houghton Area Master Plan*, city of Tucson Department of Urban Planning and Design, <http://www.tucsonaz.gov/planning/plans/all/hamp.pdf>, 3.

<sup>27</sup> *Ibid.*

<sup>28</sup> Ariz. Rev. Stat. § 37-331.02 (2006).

<sup>29</sup> “State Land Department Programs: Arizona Preserve Initiative Program,” Arizona State Land Department, <http://www.land.state.az.us/programs/operations/api.htm>.

<sup>30</sup> Ariz. Rev. Stat. § 37-281 *et seq.* (2006).

<sup>31</sup> Ariz. Rev. Stat. § 37-316 (2006).

<sup>32</sup> *Ibid.*

<sup>33</sup> According to the Arizona State Land Department’s *Annual Report*, Fiscal Year 2004 was the most economically productive year in the Department’s history that generated \$232.8 million in revenue for the Trust.

<sup>34</sup> Michael Wyneken (Principal Planner, city of Tucson, Department of Urban Planning and Design), interview by Alden Boetsch and Jessica Mitchell, August 4, 2005, Tucson, AZ.

<sup>35</sup> Albert Elias (Director, city of Tucson, Department of Urban Planning and Design), interview by Alden Boetsch and Jessica Mitchell, August 4, 2005, Tucson, AZ.

<sup>36</sup> Ron Ruziska (Director, Southern Arizona Office, Arizona State Land Department), interview by Alden Boetsch and Jessica Mitchell, August 5, 2005, Tucson, AZ.

<sup>37</sup> *Ibid.*

<sup>38</sup> Andy Laurenzi (Director, State Trust Lands Program, Sonoran Institute), interview by Alden Boetsch and Jessica Mitchell, August 1, 2005, Tucson, AZ.

<sup>39</sup> Ariz. Rev. Stat. § 37-331.03(A)(3) (2006).

<sup>40</sup> Ariz. Rev. Stat. § 11-821(A) (2006).

<sup>41</sup> Mark Winkleman (Commissioner, Arizona State Trust Land Department) interview by Alden Boetsch and Jessica Mitchell, August 2, 2005, Phoenix, AZ.

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<sup>42</sup> Greg Keller (Project Manager, Planning Section, Real Estate Division, Arizona State Land Department), interview by Alden Boetsch and Jessica Mitchell, August 2, 2005, Phoenix, AZ.

<sup>43</sup> Ibid.

<sup>44</sup> Mark Winkleman (Commissioner, Arizona State Trust Land Department), interview by Alden Boetsch and Jessica Mitchell, August 2, 2005, Phoenix, AZ.

<sup>45</sup> Michael Wyneken (Principal Planner, city of Tucson, Department of Urban Planning and Design), interview by Alden Boetsch and Jessica Mitchell, August 4, 2005, Tucson, AZ.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> “Welcome to Northern Pima County, Arizona!” Northern Pima County Chamber of Commerce, 2003, <http://www.the-chamber.com/welcome.htm>.

<sup>49</sup> Tucson’s population grew from 405,390 people in 1990 to an estimated 512,023 people in 2004. U.S. Census Bureau, available at <http://www.census.gov/>.

<sup>50</sup> “city of Tucson, Arizona: City Strategic Plan, Fiscal Years 2005 and 2006,” city of Tucson, 3, <http://www.tucsonaz.gov/pdf/finalcsp2.pdf>.

<sup>51</sup> Ibid, 1.

<sup>52</sup> *Houghton Area Master Plan*, city of Tucson Department of Urban Planning and Design, <http://www.tucsonaz.gov/planning/plans/all/hamp.pdf>, 5.

<sup>53</sup> Ibid.

<sup>54</sup> “Future Community is Now,” *Arizona Daily Star*, April 17, 1999, The Principles of New Urbanism, [www.newurbanism.org](http://www.newurbanism.org).

<sup>55</sup> Mark Winkleman (Commissioner, Arizona State Trust Land Department), interview by Alden Boetsch and Jessica Mitchell, August 2, 2005, Phoenix, AZ; Linda Morales (Principal, The Planning Center), interview by Alden Boetsch and Jessica Mitchell, August 3, 2005, Tucson, AZ.

<sup>56</sup> *Houghton Area Master Plan*, city of Tucson Department of Urban Planning and Design, <http://www.tucsonaz.gov/planning/plans/all/hamp.pdf>, 5.

<sup>57</sup> Ibid.

<sup>58</sup> “Asset Management Division,” Arizona State Land Department, <http://www.land.state.az.us/programs/realestate/sections/techsupport.htm#planning>.

<sup>59</sup> “State Land Department Awards Planning Contract to Tucson Consortium: Growing Smarter Legislation Begins to Take Effect,” Diamond Ventures, Inc. Press Release, September 23, 1999, [http://www.diamondventures.com/pr\\_092399.htm](http://www.diamondventures.com/pr_092399.htm).

<sup>60</sup> Ibid.

<sup>61</sup> Michael Wyneken (Principal Planner, city of Tucson, Department of Urban Planning and Design), interview by Alden Boetsch and Jessica Mitchell, August 4, 2005, Tucson, AZ.

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<sup>62</sup> “Vistoso is Top Bidder for Tucson Trust Land,” *Arizona Republic*, May 10, 2002.

<sup>63</sup> Mary Mangotich Grier (Assistant Attorney General, Natural Resources Section, Arizona Attorney General’s Office), personal communication with Alden Boetsch, February 14, 2006.

<sup>64</sup> *Ibid.*

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<sup>68</sup> *Ibid.*

<sup>69</sup> Shirley Scott (Councilmember, Ward Four, city of Tucson), personal communication with Alden Boetsch, February 13, 2006.

<sup>70</sup> Shirley Scott (Councilmember, Ward Four, city of Tucson), telephone interview by Alden Boetsch and Jessica Mitchell, August 30, 2005.

<sup>71</sup> *Ibid.*

<sup>72</sup> Albert Elias (Director, city of Tucson, Department of Urban Planning and Design), interview by Alden Boetsch and Jessica Mitchell, August 4, 2005, Tucson, AZ.

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<sup>74</sup> “Responses to Questions & Requests from March 11, 2003 Citizens Review Committee Meeting,” city of Tucson Department of Urban Planning and Design.

<sup>75</sup> Gordon Taylor (Manager, Planning Section, Real Estate Division, Arizona State Land Department), interview by Alden Boetsch and Jessica Mitchell, August 2, 2005, Phoenix, AZ.

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<sup>78</sup> Houghton Area Master Plan Citizens Review Committee Meeting Summary, August 12, 2003.

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- <sup>90</sup> Ibid.
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- <sup>92</sup> Linda Morales (Principal, The Planning Center), interview by Alden Boetsch and Jessica Mitchell, August 3, 2005, Tucson, AZ.
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<sup>106</sup> Sonoran Institute, *Growing Smarter at the Edge*. (Tucson: Sonoran, 2004).

<sup>107</sup> Economics Research Associates, *Houghton Area Master Plan Market Conditions Report*, July 2004, Tucson, Ariz.

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<sup>113</sup> Ibid, 7.

<sup>114</sup> Ibid., 4, 6, 11, 15, 19, 32, 35, 39, 46, 51, 56.

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