

Katie Hobbs
Governor



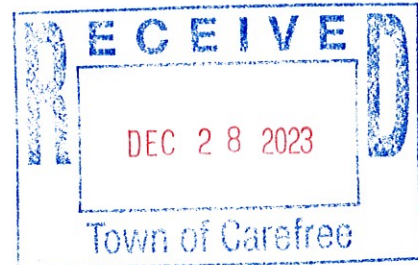
Robyn Sahid
Cabinet Executive Officer
Executive Deputy Commissioner

Arizona State Land Department

1110 West Washington Street, Phoenix, AZ 85007
(602) 542-4631

December 18, 2023

Honorable John Cane, Mayor
Honorable Cheryl Kroyer, Vice Mayor
Honorable Sheila Amorosa, Councilmember
Honorable Vince D'Aliesio, Councilmember
Honorable Stephen Hatcher, Councilmember
Honorable Michael Johnson, Councilmember
Honorable Clint Miller, Councilmember



RE: 60-Day Draft Carefree General Plan Update

Dear Mayor Cane, Vice Mayor Kroyer, and Members of the City Council:

The Arizona State Land Department (“ASLD”) is the fiduciary charged with managing approximately 9.2 million acres of State Trust Land (“STL”) on behalf of 13 institutional Beneficiaries, the largest of which are Arizona’s K-12 public schools. The land and its resources are the assets that fund the Trust. Accordingly, ASLD proactively guards against changes in land use, policy, or regulation that would detract from the value of the Trust. For this reason, ASLD objects to the Conservation Overlay applied to STL in Carefree’s 60-Day Draft General Plan Update.

The Town of Carefree only has approximately 48 acres of STL within the Town boundaries, located in Township 6N, Range 4E, Section 36. This land is zoned for single-family residential development. The Town’s current General Plan designation meets the Statutory requirement of one-dwelling unit per acre on STL. Arizona Revised Statute 9-461.06 (N) states that:

In applying an open space element or a growth element of a general plan, a municipality shall not designate private land or state trust land as open space, recreation, conservation or agriculture unless the municipality receives the written consent of the landowner or provides an alternative, economically viable designation in the general plan or zoning ordinance, allowing at least one residential dwelling per acre...

The General Plan’s land use designation should be consistent with the existing zoning to avoid any uncertainty as to the land use currently permitted by right. The current designation does not preclude a successful buyer from conserving the land for open space. Further, we have found that when STL is inappropriately designated as open space or conservation, there is greater potential for trespass on the parcel without obtaining the necessary Recreation Permit. We therefore ask that the overlay be removed and the current land use designation for the parcel remain unaltered.

ASLD understands that many Carefree residents desire to preserve the STL through acquisition. However, page 48 of the 60-Day Draft General Plan Update notes that "...there are various strategies that may be used to preserve this property for open space in the future." This statement is not accurate. Acquisition at market value through public auction is the only strategy that can guarantee preservation of STL for open space in perpetuity. ASLD does not object to the General Plan's discussion of the community's goals to preserve the parcel, but the final document must clearly demonstrate an understanding that any purchase application and acquisition of STL must follow ASLD's mandated processes and procedures.

Our team is happy to discuss the purchase process and timeline with the Town or other interested parties. If you have further questions, please feel free to contact me or Karen Dada, Planning & Engineering Manager, at kdada@azland.gov or (602) 542-3118.

Sincerely,



Robyn Sahid, Cabinet Executive Officer
Executive Deputy Commissioner
Arizona State Land Department

cc: Gary Neiss, Town Administrator
Stacey Bridge-Denzak, Planning Director & Zoning Administrator