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An eye on open space:
Prescott gets motivated

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In a lawsuit over open space, a judge ruled the Prescott city council's promises are "unenforceable." But the action may have motivated the city to take another look at acquiring the Dahlke property.

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Despite helping to draft a proposed new law managing off-highway vehicles, OHV users are on a track of their own.

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The world's only known centenarian trumpet player, Rosie's been blowin' his own horn here since 1928. Tell Jay Leno you saw Rosie here first.



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On the cover: Open space litigant Meredith Marder keeps an eye on the Prescott City Council. RIH photo/Art Merrill

Paradise subdivided:

Prescott struggles with open space

By Erica Ryberg

On a stormy day in late October, the last stragglers trespassed on what has been for decades an unofficial Prescott park. They braved blasting zones and the sound of machines pulverizing granite to dust.

Entering a trailhead, a hiker asked me if they had started working on the housing development yet. A few steps later, we passed a sign that read, "Warning Construction Blasting Zone No Trespassing". The sound of trucks backing up pierced the forest. {mosimage}. The

Her suit charged that the mayor and council reneged on open space promises in a ballot initiative that collects a one percent sales tax for roads and open space.

Specifically, Marder said that the council had promised to spend \$40.7 million by 2015, but has so far spent almost nothing on open space.

"If they keep going at this rate, they'll spend \$13 million in 15 years," she said.

In her suit, Marder said the city should keep its promise.

But the judge, who ruled in favor of the city, disagreed. Sort of.

"The judge said specifically that the City made a political promise that could not be enforced [by the public]," said Marder's attorney, Gil Shaw.

Positive progress

Meanwhile, the mayor's Open Space Acquisition Committee was quietly working with the council and landowners to acquire the Community Nature Center next to Abia Judd Elementary and numerous properties in Granite Dells. None are as centrally located as the Dalke property, and there is no clear plan guiding the purchases, but still it's progress.

"I think the committee is being listened to and the council is very excited about what's in the pipeline," said Walt Anderson, who sits on the committee. As for the plan, "There is a master plan for the city that's going to be revised really soon and open space is going to be a part of that."

It will have to make up a lot of lost ground.

In 1999, the Council passed a resolution implementing a 30-page open space plan complete with goals and target properties. But last year the Council killed it in favor of a three-page Open Space Program Policy Statement that provides the city's philosophy of open space and guidelines for making purchases -- but no plan. By contrast, other Western cities like Durango have comprehensive Open Space Master Plans with clearly measurable short and long term objectives.

According to Council Member Bob Roecker, the mayor's liaison to the open space committee, even without an explicit plan, the council is focusing on greenways, riparian corridors and on preserving Granite Dells. Since 2001, the city has spent just over \$2 million purchasing 87 acres in the Dells.

"Connectivity is a big thing," he said.

"When we purchase open space it's not just a piece here or there, which is how we started. We're moving [land purchases] into connecting into the Peavine Trail. We're starting to put the pieces of the puzzle together."

It's a vision appealing to open space advocates, but a personal one unguided by planning documents and ultimately unenforceable. And it leaves park-like parcels like the Dalke property out in the cold.



Above: Dorothy Dalke explains the history of the land she and her family owned and loved for many decades. Photo by Walt Anderson, 1993.

Right: A hiker passes a sign warning of blasting on the Dalke property. RIH photo/ Erica Ryberg.

Far right top: Heavy equipment pauses on a new road cut close to the petroglyph rocks. Courtesy photo.

Far right bottom: Impressive petroglyphs on the Dalke land have introduced thousands of Prescott residents to an important archaeological sight and cultural heritage.

remaining boulders matched the contours of the overhead cumulus in form, if not in color. Just out of sight of where we stood, thousand-year-old petroglyphs stood sentry over four neighborhoods.

"This is an exquisite property," she said. "You can see why it should have been open space." When the trail disappeared under construction debris, it finally dawned on her. The Dalke property was no more.

"Oh my god," she said. "They're doing it."

The Dalke property, a wayward, boulder-strewn patch of West Prescott, has been a lightning rod for public outcry and a thorn in the side of the city council, some of whose members felt that preserving the park would pander to special interests.

In June, the City's treatment of the Dalke motivated a lawsuit. The plaintiff, Prescott College graduate Meredith Marder, had already worked for years to preserve the Dalke property as open space.



Losing the Dalke

In refusing to consider the Dalke property for open space, two members of the council said they wouldn't use open space money to buy property that surrounding neighborhoods would use as "their own private park."

"I have a hard time warming up to open space when it's somebody's personal property that somebody wants to preserve," Councilmember Steve Blair said. "The Dalke property is a good example. You cannot take all private properties out of inventory and think that you're not going to have taxes that are raised."

Tom Pettit, however, says that the Dalke property was an ideal candidate for open space.

"Open space should not be something you go to— it should be around you and easily accessible," he said. "What you need to do is be able take a walk and to touch base

in nature and think 'What's important?'"

Unlike Prescott Valley, where every neighborhood has a nearby park of some kind, Prescott doesn't require that developers put parks in their developments. That leaves many residents in West Prescott with no park option within walking distance other than the Dalke.

Many residents of the Forest Trails neighborhood, which not so long ago was itself open space, as well as neighborhoods off of Oregon Avenue, Gail Gardner Way and Iron Springs Road used the Dalke property to walk their dogs or just get a nature fix without having to drive.

{mosimage}Though the council said that these walkers were trespassing, the Dalke family, and especially its matriarch



Dorothy Dalke, welcomed them. In fact, Marder and Anderson both said that it was Ms. Dalke's dream to preserve the land as open space. In the last 10 years the family negotiated with Prescott College, the Trust for Public Land and even the city itself to protect it. Then Dorothy Dalke died and the family threw up their hands and sold to a developer.

Despite the rampant growth and development in Prescott, many of the elderly dogwalkers, mountain bikers, teachers and hikers never imagined the Dalke property would be anything but open space. Its rugged terrain with single track trails winding through boulders, crags, canyons and grama grass was hardly suitable for a development, and so the fight to save the Dalke ended up being too little too late.

"People thought that the Dalke couldn't be developed. You can't look at it that way. You have to look at it that it can be

done and will be done," said Lora Lopas. "We can't have that mindset any more."

Developers warm to open space

Lopas is the chair of the Open Space Acquisition Committee. She's the only realtor on the committee, hailed as an asset by open space advocates and the council alike.

"A lot of people are surprised that I'm in real estate and want to preserve open space," she said.

But Lopas, who has lived in Prescott since she was in the third grade, has every reason to care about open space. Not only does she have a personal stake (she's busy raising the next generation in between open space meetings), but she says that local developers are starting to see that keeping more open space in a development means higher sale prices for the houses they build. And that's led to another positive development on the Open Space Acquisition Committee.

"They're starting to bring us the plats," Lopas said. "The open space committee is reviewing the PADs."

This is important, Lopas said, because while the City requires developers to set aside 25 percent of their projects as open space, without oversight it often ends up, literally, in the ditches.

"Right now you say 'Where's the 25 percent?' and you look. 'Oh, it's in the drainage ditches,'" Lopas said.

But there may be some hope for the Dalke property after all. The developer, John Finn, has been working with the committee to see that he preserves about 40% of the land as open space and that he donates its petroglyphs to the city.

Members of the council are pleased with the compromise. Roecker encourages residents who have enjoyed the Dalke as a park to wait until the development is done before they assume all is lost.

"There's certainly going to be public access on all the trails. We're going to insist on it," he said. "All the petroglyphs, all the walking trails, and I've pushed and am going to continue to push with Mike Haywood, the guy who's doing plat for Finn, that it be turned into conservation easements."

Marder, who has seen some of the property's plans, is less enthusiastic about the developer's efforts.

"He has picked the harshest parts of that land to preserve as 'open space,'" she said "To my knowledge, the petroglyphs will not be destroyed. However, there will be a five or six foot fence around them and there will be fences between all of the parcels. The way that these parcels look with these block walls between them, it will look a lot like Granville." [Granville is a 'cookie-cutter' housing development in Prescott Valley. - Ed.]

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Ancient ruins may give Dalke 'archaeological merit'

by Erica Ryberg



In mid-November, during the preliminary phase of developing the Dalke property into a another housing subdivision, bulldozers scraping away the scrub oak and manzanita uncovered a significant archaeological find – what one witness called “an entire village,” replete with human remains. While hikers and explorers have been finding archaeological artifacts on the property for more than a century, this major discovery, combined with an anonymous offer of \$2.5

million, sparked new hope that the Dalke might yet become a public park.

The discovery coincides with another unfolding drama that, for a few days, seemed to mean the salvation of the property as open space when an anonymous donor came forward with an offer of \$2.5 million for the land. The bulldozers stopped. The developer, John Finn, seemed agreeable, even relieved. The Trust for Public Lands got involved. Even the previously intractable Open Space Acquisition Committee perked up, and it seemed like everything would fall into place to officially designate the property as a park.

There were a few annoying details of course, like the fact that whoever purchased the property would have to foot 20 percent of the bill for the East West Connector road, and the fact that the developer wanted to include in the price of the property the ‘improvements’ wrought by the bulldozers. Still, it seemed possible.

But, according to two knowledgeable independent sources, the Dalke, once priced on par with that patch of impassable scrub at the base of Thumb Butte that the city bought a few years ago, would now sell for no less than \$10 million - about one quarter of Prescott's total 15-year open space budget.

And so it was “no deal.” But when the bulldozers roared back to life, they uncovered ancient ruins and added fire to the widespread struggle to save the Dalke.

“It's no longer petroglyphs and potsherds,” the anonymous donor said. “It's circular stone rooms and human remains.”

Archaeologist Tom Motsinger, who's responsible for the

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OHVs by the numbers

- 5.9 million** The number of Arizona residents.
- 354,000** Total estimated number of OHVs of all types and categories in Arizona today.
- 230,000** ATVs and cycles registered (street legal) or titled (off road only) in Arizona as of July, 2006.
- 51,000** ATVs and cycles registered or titled in Arizona in 1998.
- 347** The percent increase of ATVs and cycles between 1998 and 2006.
- 29** The percent of Arizonans (1.6 million) who participate in OHV recreation, according to an Arizona State Parks study.
- 16** The number of county, state and federal law enforcement and other government agencies on the OHV Legislative Work Group.
- 5** The number of OHV groups on the OHV Legislative Work Group.
- 2** The number of hunters groups on the OHV Legislative Work Group.
- 0** The number of conservation/environmental groups on the OHV Legislative Work Group.

Paradise continued from page 5

A year or two from now, when the hammering of framers and roofers replaces the blasting of boulders and the cracking of uprooted trees, those who walked Dalke's trails will decide whose projection is more correct -- whether the Enchanted Canyon Estates still has a park or merely a do-not-touch archeological exhibit.

Today, residents like Peg Millett, who now lives in Mayer but walks dogs for a Forest Trails resident, still tries to enjoy the property. But to her, the sounds and sights of development on land she's been enjoying for nearly 30 years feel like a death.

"It's right up to the petroglyphs -- it's pretty hard to watch," she said. "I don't know where I'm going to take those girls when that's going to be gone."

She paused and then asked. "They had money for open space, didn't they?"

To hear some of the voices of this story, visit www.readitnews.com and click on the story in RIH Features.

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development's archaeological compliance, said that it's pretty hard to develop property in Prescott without encountering burial sites, and that the City is actually doing an uncommonly good job managing the Dalke's "cultural resources" (archaeological sites). But while the Dalke may have a wealth of cultural resources in common with Prescott Lakes and Daybreak at Bensch Ranch, even Motsinger agrees it's a very special piece of property.

"I would have loved to see the land picked up and purchased as open space like a lot of people would have," he said.

What's happening instead, Motsinger said, is a second-best scenario that protects the archeology and designates the area around the petroglyphs as public land. "They're probably the most outstanding petroglyphs within the city limits, so it'll be very nice to get them passed out of private hands and into public ownership," he said.

And that's what the developer had apparently always intended. "This is truly an opportunity to incorporate the past [with] the present and make the best of both," said Finn's surveyor, civil engineer Mike Haywood, in an April, 2005 site analysis.

Meredith Marder's attorney, Gil Shaw, wasn't so encouraged, and he echoed the calls of a few residents this week for the City's use of eminent domain to protect the Dalke's archaeological resources. The archeology was, after all, Marder's rallying cry last year when she submitted a petition with 500 signatures along with a letter that read, in part:

"Many feel that the Dalke Property should be preserved as Open Space based on its archaeological merit."

Eminent domain is a touchy subject in Arizona, and in Prescott particularly.

"I can't see eminent domain for open space," Prescott City Councilman Bob Luzius said, "not with the things that have gone on before" - a reference to the Council's controversial use of eminent domain for the Walmart on Gale Gardner Drive.

But the councilman who, in part, won his 2005 campaign on a platform to protect open space, ended his comments on what save-the-Dalke proponents could take as a more hopeful note. "If it's for the good of the people, I could see eminent domain," he said. "I hope we can find a way to save that site."

But the bulldozers continue to crush and scrape around archaeologists excavating the site while hopefuls continue to talk and plan; Shaw says that the hotly contested development should cool its heels while Motsinger and his staff excavate the Dalke.

"I think they have the responsibility to stop the development on this property until people can take a collective deep breath and decide what to do," he said.

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Open space on unsure ground

They put together stellar open space deals, no two alike. They tap whatever resources they can to secure and pay for open space. It's a committee that any open space activist can get behind. And it could disappear. "Every two years, open space is in danger," said Committee Chair Lora Lopas, in reference to the semi-annual council elections. When you read the fine print, the Open Space Acquisition Committee, whose meetings attract the loyal attendance of Councilmembers Bob Luzius and Bob Roecker, exists "at the pleasure of the mayor." Elect a mayor with a dim view of open space and the Open Space Acquisition Committee could go the way of the 30-page open space plan and the Dalke property. The solution? Adopt a clear, enforceable open space plan with measurable short and long term objectives. And once the plan's in place, hire open space staff - even a single part-timer - who sticks around through the changing of the political guard to ensure some continuity.

