

AGENDA



4:30 P.M.

CITY COUNCIL MEETING

TUESDAY, FEBRUARY 14, 2023

NOTES:

- Public Forum:
Comments are generally limited to 3 minutes.
- Consent Items:
Items listed under Consent Items have been distributed to Council Members in advance for study and will be enacted by one motion. Any member of the Council, staff or the public may remove an item from the Consent Items for discussion. For additional information on pulling a Consent Item, please contact the City Clerk's Office staff, preferably in advance of the Call to Order. Items removed from the Consent Items may be acted upon before proceeding to the next agenda item.
- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:

www.SedonaAZ.gov

THE MEETING CAN BE VIEWED
LIVE ON THE CITY'S WEBSITE AT
WWW.SEDONAAZ.GOV OR ON
CABLE CHANNEL 4.

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.
- No disruptive behavior or profane language will be allowed.

PROCEDURES:

- Fill out a "Comment Card" and deliver it to the City Clerk.
- When recognized, use the podium/microphone.
- State your:
 1. Name and
 2. City of Residence
- Limit comments to **3 MINUTES.**
- Submit written comments to the City Clerk.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE/ROLL CALL

2. CITY'S VISION/MOMENT OF ART

3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT =

- a. Minutes - January 17, 18,& 19, 2023 City Council Special Meeting - Council Retreat.
- b. Minutes - January 24, 2023 City Council Regular Meeting.
- c. Minutes - January 25, 2023 City Council Special Meeting.
- d. Approval of a Proclamation, Unity Pledge Day, February 13, 2023.
- e. AB 2918 Approval of a Settlement Agreement with Jean McDonald to settle claims arising out Forest Road Connection Project and to resolve ongoing litigation in the eminent domain matter of City of Sedona vs. Jean McDonald Revocable Trust, et al., Coconino County Superior Court Case No. CV202200080.
- f. AB 2921 Approval of an amended Resolution modifying the vehicle type in the previously approved lease/purchase agreement with Zions Bancorporation, N.A., Salt Lake City, Utah for the purchase of three police vehicles.

4. APPOINTMENTS - None.

5. SUMMARY OF CURRENT EVENTS BY MAYOR/COUNCILORS/CITY MANAGER

6. PUBLIC FORUM (This is the time for the public to comment on matters not listed on the agenda. The City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

7. PROCLAMATIONS, RECOGNITIONS & AWARDS - None.

8. REGULAR BUSINESS

- a. AB 2913 Public hearing/discussion/possible action regarding an approval of a Minor Community Plan Amendment (Minor CPA) from Single-family Low Density (0.5 to 2 DU/AC) to Public/Semi-Public and Zone Change (ZC) from RS-18 (Single-Family Residential) to CF (Community Facilities) to allow for the operation of a trailhead shuttle from an existing parking lot at 1294 & 1406 State Route 179 (Church of the Red Rocks Overflow Parking Lot) and option to purchase the property. The subject property is ±1.94 acres, and is located southwest of the intersection of State Route 179 and Bowstring Dr. APN: 401-25-002N & P Case Number: PZ22-00010 (Minor CPA, ZC) Applicant: City of Sedona.
- b. AB 2915 Presentation/discussion and update from the Arizona Game and Fish Department to discuss the consideration of a wildlife feeding ordinance.
- c. AB 2861 Discussion/possible direction/action regarding proposed State legislation, short-term rental legislation and State budget and their potential impact on the City of Sedona.

CITY COUNCIL CHAMBERS
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.



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- d. Reports/discussion regarding Council assignments.
- e. Discussion regarding ideas for future meeting/agenda items.

9. EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

10. ADJOURNMENT

Posted: 02/09/2023

By: DJ

JoAnne Cook, CMC,
City Clerk

Note: Pursuant to A.R.S. § 38-431.02 notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with materials relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at www.SedonaAZ.gov. The Council Chambers is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made forty-eight hours prior to the meeting.

CITY COUNCIL CHAMBERS
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

Action Minutes
Special Meeting - City Council Retreat
Residence Inn By Marriott, Agave Room
4055 W. State Route 89A, Sedona, Arizona
Tuesday, January 17,
Wednesday, January 18, & Thursday, January 19, 2023, 8:00 a.m.

1. Call to Order

Mayor Jablow called the meeting to order at 8:00 a.m.

2. Roll Call

Roll Call: Mayor Scott Jablow, Vice Mayor Holli Ploog, Councilor Melissa Dunn, Councilor Brian Fultz, Councilor Pete Furman, Councilor Kathy Kinsella, Councilor Jessica Williamson.

Staff in attendance (in person): City Manager Karen Osburn, City Attorney Kurt Christianson, Assistant City Manager/Director of Public Works Andy Dickey, Deputy City Manager Joanne Keene, Housing Manager Shannon Boone, Transit Administrator Robert Weber, Director of Financial Services Cherie White, Communication Manager Lauren Browne, Information Technology Manager Chuck Hardy, Sustainability Manager Alicia Peck, Director of Wastewater Roxanne Holland, Public Relations Coordinator Kegn Moorcroft, Web Content Coordinator Rob MacMullan, Principal Planner Cynthia Lovely, Director of Community Development Steve Mertes, Budget and Financial Analyst Lisa Lau, Accounting Supervisor Renee Stanley, City Clerk JoAnne Cook.

Staff in attendance (via Teams Wednesday & Thursday): Human Resources Manager Brenda Tammarine, Sustainability Coordinator Zack Swartz, Sustainability Coordinator Owen Kerslake, Executive Assistant Jill Adams, Public Relations Coordinator Kegn Moorcroft, Assistant Director of Public Works/Engineering, Housing Coordinator Jeanne Frieder, Web Content Coordinator Rob MacMullan, Transit Administrator Robert Weber, Principal Planner Cynthia Lovely, Accounting Supervisor Renee Stanley, Budget and Financial Analyst Lisa Lau, Police Chief Foley, Budget and Financial Analyst Lisa Lau, Principal Planner Cynthia Lovely, Director of Community Development Steve Mertes.

3. Special Business

a. Discussion/possible direction regarding the following:

- i. Overview of Retreat Schedule**
- ii. Facilitated Session to Discuss team building, Council/staff relations, & Rules of Procedure, communication protocols, Council meeting format, etc. (Projected for Tuesday, January 17, 2023 beginning at 8:00 a.m.).**

Presentation by Nicole Lance.

Comments and questions from Council.

Break at 8:33 a.m. Reconvened at 8:35 a.m.

Comments and questions from Council.

Break at 9:34 a.m. Reconvened at 9:45 a.m.

Comments and questions from Council.

Break at 10:59 a.m. Reconvened at 11:05 p.m.

Comments and questions from Council.

Break at 12:03 a.m. Reconvened at 12:23 p.m.

Comments and questions from Council.

Break at 1:40 p.m. Reconvened at 1:49 p.m.

Comments and questions from Council.

Break at 3:15 p.m. Reconvened at 3:21 p.m.

Comments and questions from Council.

By majority consensus, Council agreed to the following:

- **Use the City's staff policy regarding credit card and per diem amounts as a model for the Mayor's credit card use.**
- **Test eliminating the tag-on comments during Council meetings from councilors and to ask for additional questions once all have had a chance to comment/ask questions on the item. This may be changed in future depending on how effective the new process is.**
- **Keep the Moment of Art on the Council agenda and limit performances to 15-minutes.**
- **Add clarification to the Council Rules of Procedure, Rule 3.R.1, to include if there are four councilors in favor of the item, the item will be placed on a future agenda without the need to bring back to council for preliminary consideration and clarify the process and requirements for how two councilors may agendaize an item.**
- **To clarify the Council Rules of Procedures, Rule O.4.C., to add, 1) If public cede their public comment time to a common speaker, the Mayor can allow the speaker additional time to speak; and 2) Mayor can reduce the 3-minute time limit as needed.**
- **To rotate an interested councilor to attend the Agenda Team Meetings.**

Break at 3:48 p.m. Reconvened at 4:02 p.m.

- iii. **Review of Status/Accomplishments/Next Steps for Existing Priorities including the following (Tuesday, January 17, 2023 beginning at 8:00 a.m.):**
 - 1. **Traffic Improvements (SIM)**
 - 2. **Transit**
 - 3. **Affordable/Workforce Housing & Homelessness**
 - 4. **Sustainability/Climate Action**
 - 5. **Citizen Communication/Relations**
 - 6. **Manage Impacts from Short Term Rentals**
 - 7. **Economic Diversification**
 - 8. **Emergency Preparedness**
 - 9. **Trailhead Congestion/Impact to Neighborhoods**
 - 10. **Community Plan Update**
 - 11. **Other Property Acquisition**
 - 12. **Brewer Road Park Buildout**
 - 13. **Chamber Contract Review**
 - 14. **Environmental Impact Statement/Assessment on OHVs**
 - 15. **Airport**
 - 16. **Pickleball Courts**
 - 17. **Harmony Neighborhood Shared Use Path**
 - 18. **Rescind the CFAs That Include Lodging Components**

Action Minutes

Special Meeting - City Council Retreat

Tuesday, January 17, Wednesday, January 18, & Thursday January 19, 2023 at 8:00 a.m.

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19. Home Rule/Permanent Base

Other Projects /Initiatives:

- 1. Revisit Sedona Land Development Code**
- 2. Development Impact Fee (DIF) Update**
- 3. Dells Land Use Planning**
- 4. Uptown Paid Parking Fee Changes**
- 5. Enterprise Resource Planning (ERP)**
- 6. Update Building Code**

Presentation from Karen Osburn and Andy Dickey.

Comments and questions from Council.

Break at 4:58 p.m. Reconvened on January 18, 2022 at 8:01 a.m. with all Council members present.

Presentation by Karen Osburn, Shannon Boone, Alicia Peck, Andy Dickey, Robert Weber, Lauren Browne, Joanne Keene, Cynthia Lovely, Chief Foley, and Cherie White.

Questions and comments from Council.

Break at 10:19 a.m. Reconvened at 10:33 a.m.

Questions and comments from Council.

Break at 12:06 p.m. Reconvened at 12:41 p.m.

Questions and comments from Council.

Break at 2:28 p.m. Reconvened at 2:39 p.m.

Questions and comments from Council.

Break at 3:51 p.m. Reconvened on January 19, 2023 at 8:00 a.m. with all Council members present.

iv. Budget & Finance Overview including Revenue Projections (Projected for Thursday, January 19, 2023 beginning at 8:00 a.m.)

Presentation by Cherie White.

Questions and comments from Council.

Break at 9:40 a.m. Reconvened at 9:54 a.m.

Presentation from Ann Kelley.

Questions and comments from Council.

v. Possible/New City Council Priorities Discussion/Update; including the following: (Projected for Thursday, January 19, 2023)

- 1. Other property acquisition - Oak Creek frontage**
- 2. Actively pursue the creation of age-in-place housing**
- 3. Community Plan update governing ordinance**
- 4. Performance audits**

Questions and comments from Council.

Break at 12:07 p.m. Reconvened at 12:41 p.m.

By majority consensus, Council agreed to the following direction regarding the Sustainability Priority:

- Directed staff not to rush the implementation of additional public EV charging**

Action Minutes

Special Meeting - City Council Retreat

Tuesday, January 17, Wednesday, January 18, & Thursday January 19, 2023 at 8:00 a.m.

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infrastructure and City Fleet EV charging infrastructure before thorough evaluation of feasibility, and that staff will come back to Council with future recommendations regarding quantities and locations.

- Directed staff to continue to progress toward the goal of evaluating the Land Development and Building Code for future water conservation, and other environmental sustainability, measures.
- Directed staff to move forward with a revised proposal for the OHV Environmental Impact Assessment to include the five sites of concerns and more data collection days, and to seek consultant guidance on what makes a robust data set.
- Agreed with staff's recommendation to remove items 1.2 Summary of Past Studies and Nearby Projects, 1.4 Potential Solutions/Recommendations, 2.6 Potential Solutions/Recommendations, and 2.7 Other Criteria from the EIA scope of work.

By majority consensus, Council agreed that the existing priorities should proceed as is, with emphasis on the following:

- Other property acquisition – Oak Creek frontage (as opportunities present themselves)
- Citizen Communications/Relation – develop options for the mayor and city councilors to write articles or other informational messages for regular distribution to the community (could be through a local partner or internal program distributed through City communication channels)

By majority consensus, Council directed staff to add the following to the City Council Priority List:

- Enterprise Resource Planning (ERP)
- Revisit Sedona Land Development Code (contingent on staffing)

By majority consensus, Council directed staff to add the following to the Other Projects/Initiatives:

- Performance Audits

By majority consensus, Council directed staff to convene with Ann Kelley and Bob Pifke to discuss approach and next steps towards assisting the City and SCC&TB with the development of a plan for sustainable tourism including identifying common goals, as well as strategies, and tactics to achieve those goals. This will be brought back to Council at a future date for further input and direction.

- vi. Finalization of the 2023-2024 Work Program (Projected for Thursday, January 19, 2023)

Presentation and overview by Karen Osburn.

Questions and comments from Council.

- vii. Items not completed on Tuesday, January 17, 2023 will be carried over to Wednesday, January 18, 2023 and Thursday, January 19, 2023, beginning at 8:00 a.m. each day.

4. Adjournment

Mayor Jablow adjourned the meeting at 1:25 p.m. on January 19, 2023.

I certify that the above are the true and correct actions of the Special City Council Retreat held on January 17,18, & 19, 2023.

JoAnne Cook, CMC, City Clerk

Date

Action Minutes
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, January 24, 2023, 4:30 p.m.

1. Call to Order/Pledge of Allegiance/Moment of Silence/Roll Call

Mayor Jablow called the meeting to order at 4:30 p.m.

Council Present: Mayor Scott Jablow, Vice Mayor Holli Ploog, Councilor Melissa Dunn, Councilor Brian Fultz, Councilor Pete Furman, Councilor Kathy Kinsella, and Councilor Jessica Williamson. Councilor Dunn attended via phone.

Staff Present: City Manager Karen Osburn, Deputy City Manager Joanne Keene, Assistant City Manager/Director of Public Works Andy Dickey, City Attorney Kurt Christianson, Police Chief Stephanie Foley, Housing Administrator Shannon Boone, and City Clerk JoAnne Cook.

2. City's Vision

The City's Vision Statement was played.

3. Consent Items

- a. **Minutes – January 10, 2023 City Council Regular Meeting.**
- b. **Minutes – January 11, 2023 City Council Special Meeting.**
- c. **AB 2916 Approval of a Resolution approving the form of the federally taxable lease purchase agreement with Zions Bancorporation, N.A., Salt Lake City, Utah and authorizing the execution and delivery thereof.**

Motion: Councilor Kinsella moved to approve consent items 3a, 3b, and 3c. Seconded by Councilor Williamson. Vote: Motion passed with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, Williamson) and zero (0) opposed).

4. Appointments - None.

5. Summary of Current Events by Mayor/Councilors/City Manager – None.

6. Public Forum – None.

7. Proclamations, Recognitions & Awards – None.

8. Regular Business

- a. **AB 2912 Public hearing/discussion/possible action regarding potential project for Community Development Block Grant (CDBG) funding and approval of a Resolution authorizing the submission of a grant application for CDBG funds.**

Presentation by Shannon Boone, Habitat for Humanity Director Tania Simms, and CEO and Co-Founder of Steps to Recovery Homes Damien Browning.

Questions and comments from Council.

Opened the public hearing at 5:48 p.m.

The following spoke in favor of the Steps to Recovery's Transitional Housing Program funding:

David Cooper, Sedona, Jennifer Perry, Cornville, Angie Dickson, Cottonwood, Maudelle Terry, Sedona, and Frank Ferrante, Sedona.

Brought back to Council at 6:03 p.m.

Questions and Comments from Council.

Motion: Councilor Williamson moved to authorize staff to prepare a CDBG application for 2023 funding for Steps for Recovery or for the Habitat for Humanity program as an alternative should the application for the preferred project be unable to be successfully completed. Seconded by Councilor Kinsella. Vote: Motion passed with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, Williamson) and zero (0) opposed).

Motion: Councilor Williamson moved approve Resolution No 2023-02, authorizing the submittal of an application for 2023 CDBG funding. Seconded by Councilor Kinsella. Motion passed with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, Williamson) and zero (0) opposed).

Break at 6:18 p.m. Reconvened at 6:24 p.m.

Item 8f. was moved up prior to item 8b.

b. AB 2861 Discussion/possible direction regarding City Council's State Legislative priorities.

Presentation by Policy Development Group Principal, Paul Senseman and Policy Development Group Lobbyist Todd Baughman, and Joanne Keene.

Questions and comments from Council.

By majority consensus, Council agreed with staff and the lobbyist's recommendations for support, opposition, and continued tracking.

Item 8d and 8e were moved up on the agenda prior to item 8c.

c. AB 2906 Discussion/possible action regarding amending the Historic Preservation Commission Handbook, reducing the number of members of the City's Historic Preservation Commission from 7 to 5 members.

Presentation by Karen Osburn.

Comments and questions from Council.

Motion: Councilor Williamson moved to approve amending the Historic Preservation Commission Handbook, reducing the Historic Preservation Commission membership from 7 to 5. Seconded by Councilor Kinsella. Vote: Motion passed with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, Williamson) and zero (0) opposed).

d. AB 2901 Discussion/possible action regarding the proposal of a new program to assist homeowners in voluntarily placing deed restrictions on their own property, with requiring owner-occupancy or disallowing short-term rentals.

Presentation by Shannon Boone.

Questions and comments from Council.

Opened to the public at 10:16 p.m.

Sandy Moriarty, Sedona, spoke in support of the deed restrictions.

Brought back to Council at 10:18 p.m.

Comments and questions from Council.

Motion: Councilor Kinsella moved to approve the Voluntary STR Deed Restriction Program in amount not to exceed \$15.00 per Deed, subject to approval of a Use Deed Restriction form by the City Attorney as is. Seconded by Vice Mayor Ploog. Vote: Motion passed with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, Williamson) and zero (0) opposed).

- e. AB 2900 Discussion/possible action regarding updates to the Down-Payment Assistance Programs.**

Presentation by Shannon Boone.

Comments and questions from Council.

Motion: Vice Mayor Ploog moved to approve the three changes to the City's two Down-Payment Assistance Programs and related documents as recommended in AB 2900. Seconded by Councilor Kinsella. Vote: Motion carried unanimously with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, Williamson) and zero (0) opposed).

- f. AB 2917 Discussion/possible action regarding the request by the Sedona Chamber of Commerce and Tourism Bureau (SCC&TB) to use FY 23 contract contingency funds in the approximate amount of \$225,000 to resume a targeted destination branding/marketing effort.**

Presentation by Sedona Chamber of Commerce & Tourism Bureau CEO Michelle Conway and OH Partners Vice President of Media Engagement and Strategy Kim Bender.

Comments and questions from Council.

Opened to the public at 8:03 p.m.

The following spoke about struggling business in Sedona due to a down turn in business: Jesse Alexander, Flagstaff, and John Bradshaw, Sedona.

The following spoke in favor of the Sedona Chamber of Commerce and Tourism Bureau's plan and request: Jennifer Rivera, Cottonwood, Nena Barlow, Clarkdale, John Martinez, Sedona, Al Comello, Sedona.

Steve Segner, Sedona, spoke regarding the vision of the City of Sedona and urged Council to support local businesses, the .5% bed tax, and expressed the interest of businesses to visit from Phoenix.

Richard Keppel, Sedona, spoke regarding the focus and tactics of marketing. He suggested the focus should be on the profile of the current clientele.

Brought back to Council at 8:29 p.m.

Comments and questions from Council.

By majority consensus, Council requested the SCC&TB revisit the proposal and come back to Council with a revised proposal for marketing for a presentation.

Motion: Councilor Williamson moved to approve the use of unspent Sedona Chamber of Commerce and Tourism Bureau (SCC&TB) FY23 contract contingency funds, in the approximate amount of \$225,000, for their use towards destination branding and marketing efforts as directed by City Council. Seconded by Mayor Jablow. Vote: Motion fails with three (3) in favor (Jablow, Furman, Williamson), and four (4) opposed (Ploog, Dunn, Fultz, Kinsella).

Break at 9:22 p.m. Reconvened at 9:33 p.m. to item 8b that was moved down on the

agenda.

g. Reports/discussion regarding Council assignments – None.

h. Discussion regarding ideas for future meeting/agenda items

Mayor Jablow advised there will be a Council meeting at 3:00 p.m. tomorrow at City Hall in Council Chambers.

9. Executive Session

Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).

b. Return to open session. Discussion/possible action on executive session items.

No Executive Session was held.

10. Adjournment

Mayor Jablow adjourned the meeting at 10:32 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on January 24, 2023.

JoAnne Cook, CMC, City Clerk

Date

**Action Minutes
Special City Council Meeting
City Council Chambers, Sedona City Hall
102 Roadrunner Drive, Sedona, Arizona
Wednesday, January 25, 2023, 3:00 p.m.**

1. Call to Order

Mayor Jablow called the meeting to order at 3:00 p.m.

2. Roll Call

Roll Call: Mayor Scott Jablow, Vice Mayor Holli Ploog, Councilor Brian Fultz, Councilor Pete Furman, Councilor Kathy Kinsella, Councilor Jessica Williamson.

Councilor Melissa Dunn was absent and excused.

Staff in attendance: City Manager Karen Osburn, City Attorney Kurt Christianson, City Manager/Director of Public Works Andy Dickey, Assistant Engineer Hanako Ueda, Director of Community Development Steve Mertes, Planning Manager Cari Meyer, Sustainability Manager Alicia Peck, Sustainability Coordinator Owen Kerslake, Economic Development Specialist / AmeriCorps VISTA Abby Hill, City Clerk JoAnne Cook, Deputy City Clerk Cherise Fullbright.

3. Special Business

- a. **AB 2905 Public hearing/discussion/possible action regarding an appeal of the Planning and Zoning Commission's November 15, 2022, denial of a development review application for the Arabella Spa located at 95 Sombart Lane. PZ21-00009 (DEV), APPE22-00003.**

Presentation of Arabella Spa application by City of Sedona Planning Manager, Cari Meyer.

Presentation by Benjamin Tate, Attorney for the Appellant.

Opened the public hearing at 3:28 p.m.

The following spoke regarding this item: Suzanne Gosar, Sedona, John Griffin, Sedona, Megan Smith, Sedona, Dennis Lewis, Sedona, Tyler Carson, Sedona.

Closed the public hearing and brought back to Council at 3:42 p.m.

Questions and comment from Council were answered by Appellant's Attorney Benjamin Tate (Withey Morris, PLC), Project Architect William Erwin (Erwin Architecture & Development), Civil Engineer Andrew Baird (Kimley-Horn and Associates, Inc.), Asset Manager Bill Muench (Representative for Arabella), Alicia Peck, Hanako Ueda, Steve Mertes, Cari Meyer, Andy Dickey, and Kurt Christianson.

Rebuttal by Benjamin Tate, attorney for the appellant.

Additional questions and comments from Council.

Motion: Councilor Williamson moved to approve case number APPE22-00003 (appeal), thereby reversing Planning and Zoning Commission's denial of case number PZ21-00009 (DEV), Arabella Spa, at 95 Sombart Lane, based on compliance with all ordinance requirements of LDC Section 8.3 and 8.4 and satisfaction of the

Development Review findings and applicable Land Development Code requirements as outlined in the Planning and Zoning Commission staff report, which staff report is hereby adopted as the findings of the City Council, and the recommended conditions of approval, and the following additional conditions (specify amendments): The developer will add parking if the shared parking proves insufficient and proceed with using the pool designer presented. Seconded by Councilor Fultz. Vote: Motion failed with three (3) in favor (Jablow, Fultz, Williamson) and three (3) opposed (Ploog, Kinsella, Furman), Councilor Dunn was absent and excused.

Councilor Furman stated the following reasons for objection: The project does not meet the approval criteria of LDC 5.5.E(2)b, 'Parking & Loading Demand Study Required'. Further, the LDC allows for, but does not require, an internal capture credit for parking. The authorized 38% credit reduction does not adhere to the standards for which the project was developed and it should be subject to a higher level of scrutiny for parking and traffic impact analysis.

Councilor Kinsella stated the following reasons for objection: The project will have a negative impact on traffic in that corridor with 1,100 trips projected a day, there is an insufficient traffic analysis, and insufficient parking. Additionally, the proposal lacks community plan conformity in the areas of traffic reduction and economic diversity.

Vice Mayor Ploog confirmed the objects stated by Councilors Furman and Kinsella.

4. Executive Session

Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

None.

5. Adjournment

Mayor Jablow adjourned the meeting at 5:31 p.m.

I certify that the above are the true and correct actions of the Special City Council Meeting held on January 25, 2023.

Cherise Fullbright, Deputy City Clerk

Date

Office of the Mayor
City of Sedona, Arizona



Proclamation
Unity Pledge Day, February 13, 2023

WHEREAS, Civil rights serve as the foundation of our free society and deserve our vigilance to ensure an equal and fair opportunity for all in our community to live authentically, to prosper and thrive. In just the past few years, we have witnessed long overdue – advancements in the rights to recognize and help protect LGBTQ+ Arizonans and Americans. Despite positive steps forward, we still have significant work to do to improve the quality of life for all. Sadly, bias and discrimination are still prevalent, and we must remain diligent in our efforts to cultivate true equality.

WHEREAS, on February 13, 2013, ONE COMMUNITY launched the UNITY PLEDGE, a concerted effort by businesses, organizations and individuals who support our LGBTQ+ community and inclusive non-discrimination policies in the workplace, housing and in public accommodations, including restaurants and hotels.

WHEREAS, **ONE COMMUNITY and UNITY PLEDGE** signers are committed to fostering, cultivating and preserving a culture of diversity, inclusion, fairness and equality.

WHEREAS, to commemorate the 10th anniversary of **ONE COMMUNITY UNITY PLEDGE**, we celebrate this inclusive act, as well as all Arizonans regardless of age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, race, religion, sexual orientation, veteran status and other characteristics that make our community unique.

WHEREAS, our City and residents here within are grateful to **ONE COMMUNITY** and leaders in our community who promote and believe that diversity is our strength and that all Arizonans deserve fair and equal treatment.

NOW, THEREFORE, I, SCOTT JABLOW, MAYOR OF THE CITY OF SEDONA, ARIZONA, ON BEHALF OF THE SEDONA CITY COUNCIL, do hereby proclaim February 13, 2023, and going forward as ONE COMMUNITY, UNITY PLEDGE DAY, welcoming of all people in the City of Sedona.

Issued this 14th day of February, 2023.

Scott M. Jablow, Mayor

ATTEST:

JoAnne Cook, CMC, City Clerk



City of Sedona Proclamation Request Form

Full Name of Contact Person	Angela Hughey
Contact Phone Number	602-284-1418
Contact Mailing Address	3550 N. Central Avenue, STE 1600, Phoenix 85012
Contact Email Address	angela@onecommunity.com
Group, Organization, Activity or Event Being Recognized (Please make sure you provide complete and current information about the group or event)	ONE Community
Website Address (if applicable)	https://www.onecommunity.com
Name of the sponsor(s) of the Proclamation (2 Council members or the City Manager)	Mayor Jablow Councilor Kinsella
What is the proclaimed day, days, week or month? (e.g. 10/11/12, October 11-17, 2012, October 2012)	February 13, 2023 and annually if possible to be recognized at ONE Community, UNITY Pledge Day
Would you like to attend a Council meeting for formal presentation of the Proclamation or would you like to pick it up?	Presentation at Meeting ☒ Pick up Proclamation
If you would like the Proclamation presented at a Council meeting, please provide the full name and contact information (phone number and email address) of the party who will accept it on behalf of the group.	

Provide information about the organization/event including a mission statement, founding date, location and achievements.

We are ONE Community, the coalition of socially responsible businesses, organizations and individuals who are moving diversity, inclusion, equity and equality forward for all Arizonans by supporting an update to Arizona's non-discrimination policies in the areas of employment, housing and public accommodations in Arizona. We provide a variety of educational opportunities to ensure better understanding of nondiscrimination measures and the importance and benefits of being LGBTQ inclusive in our workplace and community.

Please explain why this Proclamation and any events accompanying it are important to the Community and are consistent with the City's vision statement and Community Plan goals. What is the clear reason for the Proclamation and why are you requesting this honor? What activities/events are planned around this Proclamation and how do you plan to promote this to the community?

In February 2013, ONE Community launched the UNITY Pledge a concerted effort by Arizona businesses, organizations, faith leaders, and individuals to advance workplace equality and equal treatment in housing and public accommodations for Lesbian, Gay, Bisexual, and Transgender (LGBTQ) individuals and their allies statewide.

In February 2014, SB1062 began making headlines. ONE Community was in a unique position to reach out to our UNITY Pledge signers and encouraged them to share what they know –that discrimination is bad for business and bad for the State of Arizona. We partnered with ONE Community business member, FASTSIGNS on Central to create the OPEN for Business to Everyone signs. During the peak of SB 1062, we distributed more than 3500 signs in less than 72 hours and the sign was shared more than 100,000 times on the internet, garnering national attention. This campaign along with the efforts of our partners was integral in encouraging our governor to veto the bill, and a movement was born.

Since that time the UNITY Pledge has become the largest equality pledge in the nation with over 3500 businesses and individuals who have taken the pledge in support of updating Arizona's non-discrimination policies.

Our innovative educational and advocacy programs have built the foundation for our actionable work. Each year brings new victories and new challenges on the path to true equality for all

our Arizonans. We continue to build the bridges and the partnerships that will get us there and we promise that we will not rest until we reach the goal of creating an Arizona that truly celebrates, respects and protects us all.



CITY COUNCIL AGENDA BILL

AB 2918
February 14, 2023
Consent Items

Agenda Item: 3e

Proposed Action & Subject: Approval of a Settlement Agreement with Jean McDonald to settle claims arising out Forest Road Connection Project and to resolve ongoing litigation in the eminent domain matter of City of Sedona vs. Jean McDonald Revocable Trust, et al., Coconino County Superior Court Case No. CV202200080.

Department City Attorney

Time to Present N/A

Total Time for Item N/A

Other Council Meetings September 28, 2021, December 13, 2022

Exhibits
A. Settlement Agreement
B. Resolution Approving Settlement Agreement
C. Map of Project

City Attorney Approval	KWC 2/7/23	Expenditure Required	\$ 145,435 net after amount to be returned from Superior Court, plus estimated interest of approx. \$13,010
City Manager's Recommendation	Approve a resolution authorizing the settlement agreement for Case No. CV202200080	Amount Budgeted	\$ 630,000 (portion for land acquisition)
		Account No. (Description)	22/48-5320-89-6872 (Forest Road Connection)
		Finance Approval	☒

SUMMARY STATEMENT

Background:

In September 2021, City Council approved the Forest Road Connection Project and authorized by resolution the use of the City's eminent domain authority to acquire properties that could not be acquired through purchase negotiations. Construction on the Project began in 2022.

The Project required right-of-way or easements on 11 parcels, owned by 9 separate entities/individuals. The City commissioned multiple appraisals to determine the fair market value of the needed right-of-way and easements and made multiple offers to each of the owners. Ultimately, the necessary right-of-way and/or easements were successfully

purchased through negotiations in 6 of the 11 parcels. In the remaining 5 cases, the City and the property owners were unable to agree on the fair market value of the property prior to commencement of construction. In those cases, the City commenced condemnation proceedings in 2022 and the parties each stipulated to the right of immediate possession in order for the Project to proceed. As part of the orders of immediate possession, the City deposited its appraised value of the takings with the Coconino Superior Court.

Settlement Agreement:

After mediation on January 12, 2023, the City and Jean McDonald, subject to City Council approval, agreed to settle the eminent domain lawsuit and the cost of the City's takings for \$256,000 plus statutory interest of approximately \$13,010. The Settlement Agreement is attached as Exhibit A. In exchange for the City's payment, Jean McDonald agrees to release all claims against the City related to the Project, resolve the ongoing litigation, stipulates to judgment in favor of the City on the condemnation of the right-of-way/easements and to file a satisfaction of judgment with the Superior Court. The Superior Court will return to the City its \$110,565 deposit made for the right of immediate possession. A map showing the area acquired by the City is attached as Exhibit C.

To avoid the time and expense of trial, this is the first of up to five settlement agreements regarding the Forest Road Connection Project that may be brought to City Council for potential approval.

Climate Action Plan/Sustainability Consistent: ☐Yes - ☐No - ☒Not Applicable

Board/Commission Recommendation: ☐Applicable - ☒Not Applicable

Alternative(s):

MOTION

I move to: approve Resolution 2023-____, authorizing the City of Sedona to enter into a Settlement Agreement with Jean Ann McDonald, trustee of the Jean Ann McDonald 1994 Revocable Trust Agreement to settle claims arising out of the Forest Road Connection Project and to resolve ongoing litigation in the matter of City of Sedona vs. Jean Ann McDonald, et al., Coconino County Superior Court Case No. CV202200080, subject to approval of the written settlement documents by the City Attorney.

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is entered into as of the Effective Date defined below by and between the City of Sedona, a political subdivision of the State of Arizona (“Sedona”), and Jean Ann McDonald, Trustee of the Jean Ann McDonald 1994 Revocable Trust Agreement as Amended and Restated, July 1, 2016 (“McDonald”). Sedona and McDonald shall be referred to collectively herein as the “Parties.”

RECITALS

A. McDonald as of February 28, 2022 owned certain real property located in Sedona, Coconino County, Arizona, and which property is more particularly identified in the pleadings and other papers filed in the action described below (“Property”).

B. On February 28, 2022 Sedona filed a Complaint in Eminent Domain in the Superior Court of Arizona, Coconino County (“Court”), Case Number CV2022-00080 (“Action”), seeking to acquire by the exercise of the power of eminent domain and for a public roadway and utilities certain title and easement rights to the Property (“Subject Property”), which title, rights, and locations are more particularly identified in the Complaint and other papers filed in the Action. The Complaint named McDonald as a party defendant.

C. Pursuant to negotiation of the Parties, on March 14, 2022, the Parties caused to be filed in the Action a stipulation to the entry of and filed in the Action, and the Court entered, an order of immediate possession, inter alia, (a) finding that the taking of the Subject Property was for a necessary public use and purpose, and (b) granting Sedona the right of immediate possession of the Subject Property upon Sedona’s deposit with the Court’s Clerk of the sum of \$110,565.

D. Pursuant to the stipulation and order of immediate possession, on March 18, 2022, Sedona deposited the sum of \$110,565.

E. On March 21, 2022, Sedona caused to be recorded in the records of Coconino County, Arizona, a Notice of Lis Pendens noticing the Action, which notice is located at Coconino County Recorder document number 3945855 (“Lis Pendens”).

F. On March 24, 2022, McDonald filed an Answer in the Action.

G. Thereafter, the Parties proceeded to actively litigate the remaining issue of just compensation owed for the taking of the Subject Property. The Parties also participated in a private mediation with mediator Sean K. Aiken, Esq. in an effort to resolve the Action.

H. As a result of these activities and efforts, the Parties have reached agreement on the terms and conditions of a settlement of disputed claims, in particular the issue of just compensation owed as a result of the taking, and the Parties now desire to settle and fully resolve the Action in every respect.

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual covenants set forth below, and intending to be legally bound hereby, the Parties agree as follows:

AGREEMENT

1. The Parties agree that in compromise and settlement of disputed claims, and in order to resolve the Action, Sedona shall pay to McDonald the total sum comprised of:

(a) \$256,000, plus

(b) interest on the above sum, accrued at the statutory rate (pursuant to A.R.S. §§ 12-1123(B), 44-1201(C), and 9-409) from the date of the Court’s entry of the order of immediate possession (March 18, 2022, as identified herein above), until paid.

The total sum identified in (a) and (b) above shall be referred to herein as the “Settlement Sum.”

2. Upon execution of this Agreement, the Parties shall lodge with the Court a Stipulated Judgment in Condemnation consistent with the form attached as Exhibit A to this Agreement (“Stipulated Judgment”). Sedona has prepared and McDonald has

approved the Stipulated Judgment form. The Stipulated Judgment shall include direction to the Clerk of the Court for the release to Sedona of the deposited funds referenced herein above and any interest thereon.

3. After Sedona's payment as set forth in paragraph 1, above, McDonald shall timely execute and file a Satisfaction of Judgment ("Satisfaction of Judgment") in the form attached as Exhibit B to this Agreement. Sedona has prepared and McDonald has approved and will add counsel heading information to the Satisfaction of Judgment form.

4. After the filing of the Satisfaction of Judgment, the Parties shall lodge with the Court a Final Order of Condemnation ("Final Order") in the form attached as Exhibit C to this Agreement. Sedona has prepared and McDonald has approved the Final Order form.

5. No persons or entities shall be entitled to any compensation or remuneration as a result of or under the Action other than McDonald. (Subsequent to the filing of the Complaint and the recording of the Lis Pendens, McDonald sold the Property to purchaser DFF Holdings, LLC, a Utah limited liability company ("Purchaser"), pursuant to an agreement dated on or about April 2, 2022, in which McDonald reserved, expressly, the right to receive the Settlement Sum, and which sale concluded with a deed transferring title from McDonald to the Purchaser recorded in the records of Coconino County on April 29, 2022, at document number 3949384. The Purchaser shall not be entitled to any compensation or remuneration as a result of or under the Action.) McDonald shall be entitled to no additional compensation or remuneration as a result of the Action or the taking of the Subject Property beyond or in addition to the Settlement Sum.

6. Sedona's payment to McDonald under this Agreement shall be made by (a) check payable to Sedona to McDonald and mailed or delivered to McDonald's counsel (Jackson White, PC, c/o Anthony H. Misseldine) or (b) wire transfer, or (c) other

commercially acceptable means of transmission or delivery of funds as the Parties may agree.

7. Any notice (“Notice”) under this Agreement shall be in writing and sent by email, regular mail, or by nationally recognized overnight courier service that obtains receipts (i.e., Federal Express, UPS, etc.), addressed to the appropriate Party. Any Party may change the address or individual’s attention to which the Notices to it shall be sent, as is provided below, by giving to each other Party at least 10 days prior Notice thereof. The Parties’ addresses for providing Notices shall be as follows:

Sedona:

City of Sedona
Attention: City Attorney, Kurt Christianson, Esq.
102 Roadrunner Drive
Sedona, Arizona 86336

McDonald:

Jean Ann McDonald, Trustee of the Jean Ann McDonald 1994 Revocable Trust
Agreement as Amended and Restated, July 1, 2016

1994 Revocable Trust Agreement as Amended and Restated, July 1, 2016

8. This Agreement constitutes the entire agreement of the Parties and such is intended to complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with its subject matter. This Agreement replaces and supersedes the Settlement Term Sheet agreement reached and entered by the Parties via their representatives at the mediation referenced herein above. No modification or amendment to this Agreement shall be binding upon either Party unless the same is in writing and signed by both Parties.

9. This Agreement is governed by and construed in accordance with the laws of the State of Arizona without regard to principles of conflicts of law. Any claim, action, suit, or proceeding between or among the Parties that arises from or relates to this Agreement shall be brought and conducted solely within the Superior Court of Arizona, Coconino County, Arizona.

10. The Parties acknowledge and agree that this Agreement has been prepared jointly by the Parties and has been the subject of arm's length and careful negotiation over a period of time, that each Party has been given the opportunity to independently review this Agreement with legal counsel, and that each Party has the requisite experience and sophistication to understand, interpret, and agree to the particular language of the provisions hereof. Accordingly, in the event of an ambiguity in or dispute regarding the interpretation of this Agreement, this Agreement shall not be interpreted against the Party preparing it, and instead other rules of interpretation and construction shall be used.

11. This Agreement may be executed in counterparts, each of which shall be deemed to be an original as against any Party whose signature appears thereon and all of which shall together constitute one and the same instrument.

12. The Effective Date of this Agreement shall be the date of the last Party's signature as shown below.

13. The Parties agree to cooperate to fully execute any and all documents and to take all additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

14. Each Party shall bear its or her own attorneys' fees and costs in connection with this Agreement and the Action. In the event a dispute arises between the Parties arising from or regarding the Agreement or its terms, the successful or prevailing Party to such dispute shall be entitled to an award of its reasonable attorneys' fees, costs, and expenses.

IN WITNESS WHEREOF, this Settlement Agreement has been executed by the Parties as of the dates set forth below:

City of Sedona, a political subdivision of the State of
Arizona

By:_____

Its:_____

Date:_____

Jean Ann McDonald, Trustee of the Jean Ann
McDonald 1994 Revocable Trust Agreement as
Amended and Restated, July 1, 2016

Date:_____

Exhibit A

[Stipulated Judgment in Condemnation]

(to be attached)

Exhibit B

[Satisfaction of Judgment]

(to be attached)

Exhibit C

[Stipulated Judgment]

(to be attached)

1 **MURPHY CORDIER CASALE AXELL PLC**

4647 North 32nd Street, Suite 150

2 Phoenix, Arizona 85018

Telephone (602) 274-9000

3 Facsimile (602) 795-5896

4 Russell R. Rea (AZ State Bar No. 014616)

5 rusty@mccalaw.com

6 *Attorneys for Plaintiff City of Sedona*

7
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF COCONINO

10 CITY OF SEDONA, a political subdivision
of the State of Arizona,

11 Plaintiff,

12 vs.

13 JEAN ANN MCDONALD, TRUSTEE OF
14 THE JEAN ANN MCDONALD 1994
REVOCABLE TRUST AGREEMENT AS
15 AMENDED AND RESTATED JULY 1,
2016; COCONINO COUNTY, a political
16 subdivision of the State of Arizona; JOHN
DOES 1-10; JANE DOES 1-10; ABC
17 COMPANIES 1-10; ABC
CORPORATIONS 1-10; and ABC
18 PARTNERSHIPS 1-10,

19 Defendants.

Case No. S0300 CV202200080

**STIPULATED JUDGMENT IN
CONDEMNATION**

[Eminent Domain]

(Priority Case, A.R.S. § 12-1121(B))

Parcel No. 401.38.003E

(Assigned to the Hon. Cathleen Brown
Nichols)

20 Upon stipulation of the parties, as represented by the signatures below, and good
21 cause appearing therefore, the Court finds as follows:

22 The only remaining issue herein concerning the amount of just compensation owed
23 for the taking of fee title and easement rights to certain real property sought to be acquired
24 in this action by Plaintiff City of Sedona ("Plaintiff"), said real property being more
25 particularly described on and in Exhibit 1 (Warranty Deed with legal description and
26

1 diagram), Exhibit 2 (slope easement with legal description and diagram), and Exhibit 3
2 (temporary construction easement with legal description and diagram) attached hereto
3 (“subject property”); and it appearing that the only person having any right, title, claim, or
4 interest in any award for damages by reason of the taking of the property is Defendant Jean
5 Ann McDonald, Trustee of the Jean Ann McDonald 1994 Revocable Trust Agreement as
6 Amended and Restated July 1, 2016 (“Defendant McDonald”);

7 IT IS HEARBY ORDERED:

8 1. Defendant Coconino County, a political subdivision of the State of Arizona,
9 whose interest is in any unpaid taxes on the subject property, having filed a disclaimer of
10 interest on July 15, 2022, shall take nothing by reason of the Complaint filed in this action,
11 this Stipulated Judgment in Condemnation, or the Final Order of Condemnation. by and
12 through their respective counsel, hereby stipulate and request this Court enter an order of
13 immediate possession in this action.

14 2. Defendants John Does 1-10, Jane Does 1-10, ABC Companies 1-10, ABC
15 Corporations 1-10, and ABC Partnerships 1-10, are fictitious parties, and have served no
16 answer or made other appearance, and are hereby dismissed, taking nothing by reason of the
17 Complaint filed in this action or by this Judgment.

18 3. Plaintiff has judgment condemning and vesting in Plaintiff (a) fee to the real
19 property described in Exhibit 1 attached hereto and (b) easement rights as set forth in Exhibit
20 2 and Exhibit 3 attached hereto and to the portions of the real property described more
21 particularly therein, and Defendants and all others with legal notice of the Complaint, are
22 forever barred and stopped from asserting any right, title, claim, or interest adverse or
23 inconsistent with the fee title acquired to the above-described property.

24 4. Plaintiff shall pay to Defendant McDonald the total sum of (a) \$256,000 plus
25 (b) interest on such sum, accrued at the statutory rate (pursuant to A.R.S. §§ 12-1123(B), 44-

1 1201(C), and 9-409) from the date of the Court's entry of the order of immediate possession
2 on March 14, 2022, until paid, as just compensation for the transfer of fee title and easement
3 rights in and to said real property ("Total Sum"). Payment shall be pursuant to the terms of
4 a separate settlement agreement between Plaintiff and Defendant McDonald.

5 5. Upon Plaintiff's payment of the Total Sum, above, Defendant McDonald shall
6 file a Satisfaction of Judgment allowing a Final Order of Condemnation to be entered.

7 6. The Clerk is directed to release to Plaintiff sums in the amount of \$110,565
8 deposited with the Clerk by Plaintiff on March 18, 2022, and interest accrued thereon if any.

9 7. Each party to this action shall bear their own costs and fees.

10 DONE IN OPEN COURT this ____ day of _____, 2023.

11
12 _____
13 Hon. Cathleen Brown Nichols
14 Judge of the Superior Court

15 Approved as to Form and Content

16 Murphy Cordier Casale Axel, PLC

17 By: /s/ Russell R. Rea
18 Russell R. Rea
19 4647 N. 32nd Street, Suite 150
Phoenix, Arizona 85108

20 Jackson White, P.C.

21 By: /s/ Anthony H. Misseldine
22 Anthony H. Misseldine
23 40 North Center Street, Suite 200
24 Mesa, Arizona 85201

1 E-filed through www.azturbocourt.gov
2 and a COPY e-mailed this ____th day of _____ 2023 to:

3 Anthony H. Misseldine, Esq.
4 Jackson White, P.C.
5 40 North Center Street, Suite 200
6 Mesa, Arizona 85201
7 AMisseldine@jacksonwhitelaw.com
8 *Attorneys for Defendant Jean Ann McDonald*

9 Mark D. Byrnes, Esq.
10 Deputy County Attorney
11 Coconino County Attorney's Office
12 110 East Cherry Avenue
13 Flagstaff, Arizona 86001
14 mbyrnes@coconino.az.gov
15 *Attorneys for Defendant Coconino County*

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/s/ Tiffany J. Hayes

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Exhibit A

[Warranty Deed with legal description and diagram]

(to be attached)

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Exhibit B

[Slope Easement with legal description and diagram]

(to be attached)

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Exhibit B

[Temporary Construction Easement with legal description and diagram]

(to be attached)

1 **MURPHY CORDIER CASALE AXELL PLC**

4647 North 32nd Street, Suite 150

2 Phoenix, Arizona 85018

Telephone (602) 274-9000

3 Facsimile (602) 795-5896

4 Russell R. Rea (AZ State Bar No. 014616)

5 rusty@mccalaw.com

6 *Attorneys for Plaintiff City of Sedona*

7
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF COCONINO

10 CITY OF SEDONA, a political subdivision
of the State of Arizona,

11 Plaintiff,

12 vs.

13 JEAN ANN MCDONALD, TRUSTEE OF
14 THE JEAN ANN MCDONALD 1994
REVOCABLE TRUST AGREEMENT AS
15 AMENDED AND RESTATED JULY 1,
2016; COCONINO COUNTY, a political
16 subdivision of the State of Arizona; JOHN
DOES 1-10; JANE DOES 1-10; ABC
17 COMPANIES 1-10; ABC
CORPORATIONS 1-10; and ABC
18 PARTNERSHIPS 1-10,

19 Defendants.

Case No. S0300 CV202200080

**FINAL ORDER OF
CONDEMNATION**

[Eminent Domain]

(Priority Case, A.R.S. § 12-1121(B))

Parcel No. 401.38.003E

(Assigned to the Hon. Cathleen Brown
Nichols)

20 It appearing to the Court that pursuant to the provisions of the Stipulated Judgment in
21 Condemnation dated _____, 2023, this Court may enter its Final Order of
22 Condemnation at this time,

23 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that fee title and
24 easement rights, as are set forth in Exhibit 1 (Warranty Deed with legal description and
25 diagram), Exhibit 2 (Slope Easement with legal description and diagram), and Exhibit 3
26

1 (Temporary Construction Easement), all of which Exhibits are attached hereto and
2 incorporated herein by reference, and to the real property identified and described in the
3 foregoing referenced Exhibits, are hereby condemned and vested in the Plaintiff, the City of
4 Sedona.

5 DONE IN OPEN COURT this ____ day of _____, 2023.

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7 _____
8 Hon. Cathleen Brown Nichols
9 Judge of the Superior Court
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Exhibit A
[Warranty Deed with legal description and diagram]
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Exhibit B

[Slope Easement with legal description and diagram]

(to be attached)

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Exhibit B

[Temporary Construction Easement with legal description and diagram]

(to be attached)

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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF COCONINO

8 CITY OF SEDONA, a political subdivision
9 of the State of Arizona,

10 Plaintiff,

11 vs.

12 JEAN ANN MCDONALD, TRUSTEE OF
13 THE JEAN ANN MCDONALD 1994
14 REVOCABLE TRUST AGREEMENT AS
15 AMENDED AND RESTATED JULY 1,
16 2016; COCONINO COUNTY, a political
subdivision of the State of Arizona; JOHN
DOES 1-10; JANE DOES 1-10; ABC
COMPANIES 1-10; ABC
CORPORATIONS 1-10; and ABC
PARTNERSHIPS 1-10,

17 Defendants.
18

Case No. S0300 CV202200080

SATISFACTION OF JUDGMENT

[Eminent Domain]

(Priority Case, A.R.S. § 12-1121(B))

Parcel No. 401.38.003E

(Assigned to the Hon. Cathleen Brown
Nichols)

19 Defendant Jean Ann McDonald, Trustee of the Jean Ann McDonald 1994 Revocable
20 Trust Agreement As Amended and Restated, July 1, 2016, hereby acknowledges receipt of
21 all monies due under the Stipulated Judgment in Condemnation entered by the Court in this
22 matter on _____, 2023, in full satisfaction thereof.

23 . . .
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1 DATED this ____ day of _____, 2023.

2 **JACKSON WHITE, P.C.**

3 By /s/ Anthony H. Misseldine
4 Anthony H. Misseldine
5 *Attorneys for Defendant Jean Ann McDonald,*
6 *Trustee of the Jean Ann McDonald 1994*
7 *Revocable Trust Agreement as Amended and*
8 *Restated, July 1, 2016*

8 E-filed through www.azturbocourt.gov
9 and a COPY e-mailed this ____ day of _____ 2023 to:

10 Russell R. Rea, Esq.
11 Murphy Cordier Casale Axel, P.L.C.
12 4647 N. 32nd St., Suite 150
13 Phoenix, AZ 85018
14 *Attorneys for Plaintiff City of Sedona*

13 Mark D. Byrnes, Esq.
14 Deputy County Attorney
15 Coconino County Attorney's Office
16 110 East Cherry Avenue
17 Flagstaff, Arizona 86001
18 mbyrnes@coconino.az.gov
19 *Attorneys for Defendant Coconino County*

19 By: _____

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Exhibit A
[Proposed First Amended Scheduling Order]
[to be attached]

1 **MURPHY CORDIER CASALE AXELL PLC**

4647 North 32nd Street, Suite 150

2 Phoenix, Arizona 85018

Telephone (602) 274-9000

3 Facsimile (602) 795-5896

4 Russell R. Rea (AZ State Bar No. 014616)

5 rusty@mccalaw.com

6 *Attorneys for Plaintiff City of Sedona*

7
8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF COCONINO

10 CITY OF SEDONA, a political subdivision
of the State of Arizona,

11 Plaintiff,

12 vs.

13 JEAN ANN MCDONALD, TRUSTEE OF
14 THE JEAN ANN MCDONALD 1994
15 REVOCABLE TRUST AGREEMENT AS
16 AMENDED AND RESTATED JULY 1,
2016; COCONINO COUNTY, a political
subdivision of the State of Arizona; JOHN
DOES 1-10; JANE DOES 1-10; ABC
COMPANIES 1-10; ABC
CORPORATIONS 1-10; and ABC
PARTNERSHIPS 1-10,

18 Defendants.
19

Case No. S0300 CV202200080

RELEASE OF LIS PENDENS

[Eminent Domain]

(Priority Case, A.R.S. § 12-1121(B))

Parcel No. 401.38.003E

(Assigned to the Hon. Cathleen Brown
Nichols)

20 NOTICE IS HEREBY GIVEN that the Notice of Lis Pendens recorded in Coconino
21 County, Arizona, on March 21, 2022, as Coconino County Recorder document number
22 3945855, is hereby released.
23
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1 DATED this ____ day of _____, 2023.

2 **MURPHY CORDIER CASALE AXEL PLC**

3 By ____/s/ Russell R. Rea
4 Russell R. Rea
5 *Attorneys for Plaintiff*

6 E-filed through www.azturbocourt.gov
7 and a COPY e-mailed this ____th day of _____ 2023 to:

8 Anthony H. Misseldine, Esq.
9 Jackson White, P.C.
10 40 North Center Street, Suite 200
11 Mesa, Arizona 85201
12 AMisseldine@jacksonwhitelaw.com
13 *Attorneys for Defendant Jean Ann McDonald*

14 Mark D. Byrnes, Esq.
15 Deputy County Attorney
16 Coconino County Attorney's Office
17 110 East Cherry Avenue
18 Flagstaff, Arizona 86001
19 mbyrnes@coconino.az.gov
20 *Attorneys for Defendant Coconino County*

21 ____/s/ Tiffany J. Hayes

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Exhibit A

[Warranty Deed with legal description and diagram]

(to be attached)

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Exhibit B

[Slope Easement with legal description and diagram]

(to be attached)

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Exhibit B

[Temporary Construction Easement with legal description and diagram]

(to be attached)

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, APPROVING A SETTLEMENT AGREEMENT WITH THE JEAN ANN
MCDONALD, TRUSTEE OF THE JEAN ANN MCDONALD 1994 REVOCABLE
TRUST, TO RESOLVE ONGOING LITIGATION IN COCONINO COUNTY SUPERIOR
COURT CASE NUMBER CV2022-00080.**

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY
OF SEDONA as follows:

Section 1. That it is deemed in the best interest of the City of Sedona and its
citizens that the City enter into a Settlement Agreement with Jean Ann McDonald, trustee
of the Jean Ann McDonald 1994 Revocable Trust Agreement to resolve ongoing litigation
in Coconino County Superior Court Case No. CV202200080, which Agreement is now
on file in the office of the City Clerk of the City of Sedona.

Section 2. That the Mayor is authorized and directed to execute and deliver said
agreement on behalf of the City of Sedona.

ADOPTED AND APPROVED by the Mayor and Council of the City of Sedona,
Arizona, this 14th day of February, 2023.

Scott M. Jablow, Mayor

ATTEST:

JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney

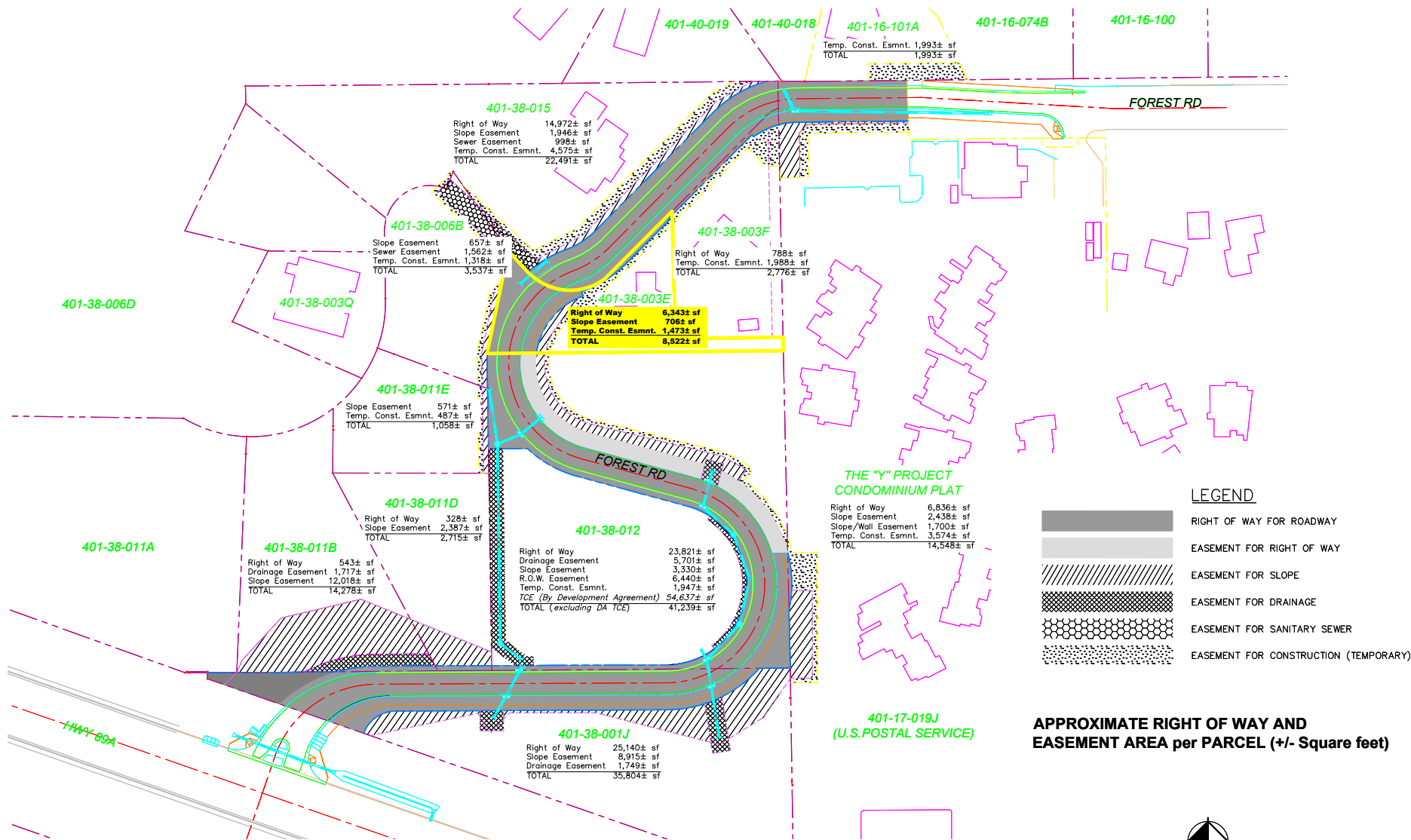


EXHIBIT A - FOREST RD EXTENSION PROJECT - RIGHTS OF WAY AND EASEMENTS TO BE ACQUIRED

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CITY COUNCIL AGENDA BILL

AB 2921
February 14, 2023
Consent Items

Agenda Item: 3f

Proposed Action & Subject: Approval of an amended Resolution modifying the vehicle type in the previously approved lease/purchase agreement with Zions Bancorporation, N.A., Salt Lake City, Utah for the purchase of three police vehicles.

Department Police/Financial Services

Time to Present N/A

Total Time for Item

Other Council Meetings April 12, 2022

Exhibits A. Resolution

		Expenditure Required
City Attorney Approval	Reviewed 2/07/23 KWC	\$ 52,737.67 (FY2023- FY2027 annual lease purchase payments)
		Approx.\$37,000 one-time supplemental cash purchase
City Manager's Recommendation	Approve an amended Resolution modifying the vehicle type in the previously approved lease/purchase agreement with Zions Bancorporation for the purchase of three police vehicles.	
		\$ 52,740 Account No. 10-5510-43-6925 (Description) (Lease Purchase Payments) Finance Approval ☒

SUMMARY STATEMENT

Background: During the budget process for Fiscal Year 2022-2023, PD requested three vehicle replacements. Given supply chain lead time and the opportunity to lock in a low interest rate, the lease purchase of three hybrid police patrol vehicles was requested prior to the start of the FY2023 fiscal year, in April 2022.

Quotes were obtained at that time for the lease purchase financing of three *hybrid* police vehicles. The lowest financing quote was Zions Bank at an interest rate of 2.72% and annual payments of \$52,738 for five years. The lease purchase agreement and escrow agreement were approved by Council in April 2022.

Current Situation

The Police Department has now been waiting ten months for word on when those vehicles might be available for delivery. The auto dealership has informed the department that there are severe constraints on hybrid batteries right now, and none of the orders that are active in their system have yet been scheduled. The dealership cannot provide any indication of when the order for these vehicles might be fulfilled.

On January 24, 2023, the dealership informed the Police Chief that they have three gas-powered 2023 Ford Explorer Police Interceptors (not hybrid) available for purchase, and that those vehicles could be delivered in 6-8 weeks. They only gave the City a few days to make a decision about whether or not to purchase these vehicles in lieu of the hybrids. They also let PD know that if we were not interested or were unable to make that decision in the given timeframe, they had other buyers to sell the vehicles to.

The three vehicles are needed and are replacing end of life vehicles that should have already been rotated out of the fleet and gone to auction. Due to the Covid supply chain delays in obtaining vehicles, even last year the Police Department was over budget almost \$40,000 for vehicle maintenance. Through January FY23 the department has nearly spent their entire vehicle maintenance budget and there are five full months remaining in the fiscal year.

Because there was no time to agendize this for Council action, the City Manager consulted with the Mayor and Vice Mayor at the urging of the City Attorney, and ultimately authorized the purchase.

The gas-powered vehicles are priced at \$49,925 each. Last year's approval for three 2023 Ford Explorer Hybrid Police Interceptors was for \$38,862 each. These costs include some but not all of the upfitting and in-car camera system costs, most of which is budgeted separately. This change will result in approximately \$37,000 in additional costs for the three vehicles, tax and some additional upfitting cost. While the financing was set last year, and the advantageous interest rate and terms will still be honored, the City will need to pay cash for the difference. Adequate budget capacity in other Police Department accounts is expected to be available to cover these costs.

In the interest of ensuring the Police Department's continued ability to provide law enforcement and public safety services to our community, the City Council is now being asked to ratify the City Manager's decision by amending the previously authorized Council Resolution that specified the purchase of hybrid vehicles.

Climate Action Plan/Sustainability Consistent: ☒Yes - ☐No - ☐Not Applicable

The Sustainability department was consulted about this purchase and suggested that the desire to transition the fleet to hybrid and electric vehicles should not slow down the Police Department's operational tempo for the sake of trying to purchase vehicles that are either not available or could possibly result in excessive maintenance costs due to the long-distance location of maintenance facilities. The City is hopeful that sometime soon, our avenues for hybrid/EV procurement will become more reliable in technology and supply.

Board/Commission Recommendation: ☐Applicable - ☒Not Applicable

Alternative(s):

MOTION

I move to: approve Resolution No. 2023-___, modifying the vehicle type in the previously approved lease/purchase agreement with Zions Bancorporation, N.A., Salt Lake City, Utah for the purchase of three police vehicles.

RESOLUTION NO. 2023-__

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, AMENDING RESOLUTION 2022-12 FOR A LEASE PURCHASE AGREEMENT WITH ZIONS BANCORPORATION, N.A., FOR FUNDS TO BE USED BY THE CITY TO LEASE/PURCHASE POLICE VEHICLES.

WHEREAS, the City of Sedona ("City") has determined through previous action in April 2022 that the leasing of police vehicles as described in the Lease Purchase Agreement is for a valid public purpose and is essential to the operations of the City; and

WHEREAS, the City cannot procure the hybrid vehicles due to their unavailability from the dealer;

WHEREAS, the dealership cannot tell the City when the previously ordered vehicles will be available; and

WHEREAS, the dealership does have gas-powered vehicles to sell the City in place of hybrid powered vehicles;

BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

SECTION 1. That it is deemed in the best interest of the City of Sedona and the citizens thereof that the previously approved Resolution for the Lease Purchase Agreement for leasing/purchasing of hybrid police vehicles is hereby amended to indicate the purchase of gas-powered police vehicles.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 14th day of February, 2023.

Scott M. Jablow, Mayor

ATTEST:

JoAnne Cook, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney



CITY COUNCIL AGENDA BILL

AB 2913
February 14, 2023
Regular Business

Agenda Item: 8a

Proposed Action & Subject: Public hearing/discussion/possible action regarding an approval of a Minor Community Plan Amendment (Minor CPA) from Single-family Low Density (0.5 to 2 DU/AC) to Public/Semi-Public and Zone Change (ZC) from RS-18 (Single-Family Residential) to CF (Community Facilities) to allow for the operation of a trailhead shuttle from an existing parking lot at 1294 & 1406 State Route 179 (Church of the Red Rocks Overflow Parking Lot) and option to purchase the property. The subject property is ±1.94 acres, and is located southwest of the intersection of State Route 179 and Bowstring Dr. APN: 401-25-002N & P Case Number: PZ22-00010 (Minor CPA, ZC) Applicant: City of Sedona.

Department Community Development

Time to Present 15 minutes

Total Time for Item 45 minutes

Other Council Meetings N/A

Exhibits

- A. Resolution for Minor Amendment to the Sedona Community Plan
- B. Ordinance for Rezoning
- C. Planning and Zoning Commission Packet, January 3, 2023
- D. Planning and Zoning Commission Minutes, January 3, 2023
- E. Conditions of Approval as recommended by the Planning and Zoning Commission.
- F. Ground Lease and Option to Purchase Agreement

City Attorney Approval	Reviewed 2/07/23	Expenditure Required
		\$ TBD
City Manager's Recommendation	Approve the zone change from single family residential to CF and execute the option to purchase the property.	Amount Budgeted
		\$ Adequate capacity anticipated in the CIP Budget
		Account No. (Description) CIP Budget – project accounts to be transferred from TBD
		Finance Approval ☒

SUMMARY STATEMENT

This is a public hearing on a proposed minor Community Plan Amendment (Minor CPA) from Single-family Low Density (0.5 to 2 DU/AC) to Public/Semi-Public and Zone Change (ZC) from RS-18 (Single-Family Residential) to CF (Community Facilities) to allow for the operation of a shuttle from an existing parking lot at 1294 & 1406 State Route 179 (Church of the Red Rocks Overflow Parking Lot).

Background:

The following is a summary of the proposal; for more specific information about the proposal and staff's analysis, please review the Planning and Zoning Commission's January 3, 2023 staff report and packet provided in Exhibit C. In addition, the minutes from the Commission's January 3, 2023 meeting are provided in Exhibit D. All public comments received are included in the Planning and Zoning Commission Packet; staff has not received additional public comments on this project since the Commission's meeting. Complete project information, including links to watch the Commission's January 3 meeting, is on the webpage for the project, available at the following link:

<https://www.sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/trailhead-shuttle>

The properties under consideration are approximately 1.94 acres and located southwest of the intersection of State Route 179 and Bowstring Drive. The properties are developed with an overflow parking lot for Church of the Red Rocks, designated Single Family Low Density (0.5 to 2 dwelling units/acre) in the Community Plan and zoned RS-18 (Single Family Residential).

While the properties are currently used as a trailhead shuttle and parking lot under an existing CUP, this is permitted as an accessory use to the primary use as a church. Establishment of a parking facility as the primary use of the site is not permitted in the RS-18 zone.

Application Components

1. Minor Community Plan Amendment to the Future Land Use Map. (Minor CPA)
 - a. The requested Minor CPA is from Single-family Low Density (0.5-2 dwelling units per acre) (SFLD) to Public/Semi-Public (P/SP).
 - b. The Major Amendment criteria in the Community Plan (Chapter 9) does not include a change from Residential to Public/Semi-Public, so the change is a Minor Amendment.
2. Zone Change (ZC)
 - a. The requested ZC is from Single-Family Residential (RS-18) to Community Facilities (CF).
 - b. The Minor CPA would only change the Future Land Use Map. While the P/SP designation supports the ZC, the property would remain in the RS-18 zoning district without the ZC.
 - c. The CF zone provides for public/semi-public uses (uses or buildings located on private property to serve public benefits). A shuttle stop and park and ride lot fits this definition and is listed as a conditionally permitted use.
3. Conditional Use Permit (CUP)
 - a. Parking Facilities in the CF zone require approval of a CUP.
 - b. The Planning and Zoning Commission approved with CUP, but it will not become effective unless the Council approves the associated Minor CPA and ZC.

Existing and Proposed Community Plan and Zoning Designations

The properties are designated Single-family Low Density, 0.5-2 dwelling units per acre (SFLD) on the Future Land Use Map and zoned Single-family Residential (RS-18). In addition, the properties are within the Morgan Road Community Focus Area (CFA 11, Sedona Community

Plan page 47). There is no CFA plan for this area, but the Community Plan includes the following Community Expectations:

- Explore opportunities for non-residential uses along SR 179 if key public or neighborhood amenities are provided (e.g., good pedestrian access to neighborhoods, open space retention, or enhancement next to the highway).
- Consider new non-residential development only if compatible with the character of the neighborhood.

The proposed Community Plan designation is Public/Semi-Public (P/SP), which is typically used for public facilities. Other properties with this designation include school sites, the Sedona-Oak Creek Airport, the U.S. Post Office, City Hall, the library, and the public parking lot in Uptown.

The proposed zoning is Community Facilities (CF). The purpose of the CF zone is:

primarily for the accommodation of public/semi-public uses (other than street rights-of-way). The CF district includes community uses such as public safety facilities, schools, libraries, community centers, City buildings, and public utilities as well as incidental and accessory uses. [LDC Section 2.17.A](#)

The Planning and Zoning Commission Packet (Exhibit C) provides a full evaluation of the proposal in relation to applicable Community Plan vision, goals, and policies as well as applicable adopted plans, including the Transportation Master Plan, Climate Action Plan, and Municipal Sustainability Plan.

The Staff Report also provides an evaluation of the proposal relative to Land Development Code Article 8 (Administration and Procedures), more specifically Section 8.3.E.5., containing the approval criteria applicable to all development, subdivision, and rezoning applications.

Staff Recommendation

As outlined in the staff report, Staff recommended that the Commission forward a recommendation of approval to the City Council for this request based on compliance with applicable Community Plan goals and Land Development Code criteria as enumerated in the Planning and Zoning Commission Staff Reports (Exhibit C).

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission held a public hearing on this item on January 3, 2023, at which time they reviewed the application submitted by the applicant, the materials provided by staff, asked questions of staff and the applicant, took public comment, and unanimously (5-0, Commissioners Braam and Gajewski were excused) moved to forward recommendations of approval to the City Council regarding the proposed Minor Community Plan Amendment and Zone Change.

The complete list of recommended conditions of approval are included in Exhibit E.

Option to Purchase

The City began to lease the subject property in January 2022 for use as a trailhead shuttle parking lot. Pursuant to Section 9 of the lease agreement, the City has the exclusive first right to purchase the property, see Exhibit F. Staff recommends that City Council approve the purchase of the subject property. The City budgeted \$1.6 million for the purchase of this property in its FY2024 Budget; however, adequate capacity is anticipated in the FY2023 CIP Budget if the purchase will occur prior to July 1. The exact purchase price will depend on the current fair market value as determined by an appraiser acceptable to both parties and closing

costs. A real property purchase agreement will later be brought to Council for potential approval.

Climate Action Plan/Sustainability Consistent: ☒Yes - ☐No - ☐Not Applicable

The project aligns with strategies to improve and increase public transit ridership and to develop and maintain a safe, convenient, and effective system for walking, biking, and other forms of active transportation. In addition, the project aligns with the City's waste reduction goals by using an existing parking lot rather than constructing a new one, avoiding the need for new pavement and clearing of natural areas.

Board/Commission Recommendation: ☒Applicable - ☐Not Applicable

The Planning and Zoning Commission held a public hearing on this item on January 3, 2023 and unanimously (5-0, Commissioners Braam and Gajewski were excused) moved to forward recommendations of approval to the City Council regarding the proposed Minor Community Plan Amendment and Zone Change, subject to the recommended conditions of approval in Exhibit E.

Alternative(s): Council can choose not to approve the Minor Community Plan Amendment and Zone Change.

MOTION

Minor Community Plan Amendment

I move to: approve Resolution No. 2023-____, amending the Sedona Community Plan Future Land Use Map by re-designating the subject property from Single-family Low Density Residential to Public/Semi-Public.

Zone Change

(After First Reading)

I move to: approve Ordinance No. 2023-____, regarding case number PZ 22-00010 (ZC), rezoning the property identified herein from its present designation of RS-18 (Single-Family Residential) to CF (Community Facilities), based on conformance with the requirements for approval of a zone change, consistency and conformance with the Sedona Community Plan and subject to all applicable ordinance requirements.

Option to Purchase

I move to: approve purchase of the subject property per the option to purchase terms outlined in the Ground Lease and Option to Purchase Agreement effective January 1, 2022, between the City of Sedona and the Church of the Red Rocks.

RESOLUTION NO. 2023-__
SEDONA SHUTTLE
MINOR COMMUNITY PLAN AMENDMENT
PZ 22-00010 (MINOR CPA)

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, AMENDING THE SEDONA COMMUNITY PLAN AND FUTURE LAND USE
MAP BY RE-DESIGNATING APPROXIMATELY 1.94 ACRES OF PROPERTY
LOCATED AT 1294 AND 1406 STATE ROUTE 179 FROM SINGLE FAMILY LOW
DENSITY RESIDENTIAL TO PUBLIC/SEMI PUBLIC.**

WHEREAS, a major amendment, pursuant to A.R.S. § 9-461.06(H) is any “substantial alteration of the municipality’s land use mixture or balance” as defined by criteria set forth in the adopted Community Plan, and

WHEREAS, a major amendment under Chapter 9 of the Community Plan does not include a change to the Future Land Use Map in land use designation from Residential to Public/Semi-Public, allowing this application to be considered as a minor amendment, and

WHEREAS, an application for a minor amendment to the Community Plan was properly submitted for consideration for the property designated herein, and

WHEREAS, the Sedona Planning and Zoning Commission duly considered the proposed minor amendment on January 3, 2023 and recommended approval of said minor amendment,

THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA:

1. The area to be re-designated consists of 1.94 acres of property located along the west side of State Route 179 at 1294 and 1406 State Route 179, as depicted in Exhibit A. This property is further described as Coconino County Assessor’s Parcel Nos. 401-25-002N & P.
2. That portion of the Sedona Community Plan Future Land Use Map depicting the aforementioned area is re-designated from “Single Family Low Density Residential” to “Public/Semi-Public”, subject to all applicable Community Plan requirements and based on the Planning and Zoning Commission findings as outlined in the Staff Report and adopted by the Commission, including:
 - The proposal reduces traffic, addressing one of the Community Plan’s six major outcomes, and is in compliance with applicable goals and policies and implements Community Plan Circulation Actions.
 - The proposal implements the 2017 Transportation Master Plan
 - The proposal does not directly contradict any goal or policy in the Community Plan or other adopted plan.
3. By making this re-designation of the Future Land Use Map, affected property owners have the opportunity to propose changes to the zoning of the designated

property that are consistent with the Community Plan and Future Land Use Map as amended and the Sedona Land Development Code.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 14th day of February, 2023.

Scott M. Jablow, Mayor

ATTEST:

JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney

Exhibit A (Page 1 of 2)
PZ22-00010 (Minor CPA)
Sedona Shuttle Legal Description and Community Plan Map
APN 401-25-002N & P

Minor Community Plan Amendment:

SFLD (Single Family Low Density) to P/SP (Public/Semi-Public)

401-25-002N

Legal Summary Sixteenth: SW Quarter: SE Section: 18 Township: 17N Range: 06E DESC AS FLLWS:BEG AT MOST SLY COR LOT 80 FAIRVIEW HEIGHTS PLAT 2;TH N 26D43M28S E 17.92' TO POB;TH N 26D 43M28S E 203';TH N 40D30M13S W 77.24';TH NELY ALNG SELY R/W BOWSTRING DR BEING NON-TANG CURVE CONCAVE SE R=617' C/A=25D21M41S 273.11' TO WLY R/W AZ ST HWY 179;TH SLY ALNG R/W BEING NON-TANG CURVE CONCAVE W R=539.96' C/A=27D16M50S 257.10';TH S 26D46M45S W 202.47' ALNG R/W;TH N 63D20M02S W 150.18' TO POB LESS ADOT #3425789.

Neighborhood 08.03 - BROKEN ARROW -FAIRVIEW HEIGHTS-OAK CREEK KNOLL - DOODLEBUG-CASA MANANA-CHAPEL BELLS AREA

401-25-002P

Legal Summary Sixteenth: SW Quarter: SE Section: 18 Township: 17N Range: 06E DESC AS FLLWS:BEG AT MOST SLY COR LOT 80 FAIRVIEW HEIGHTS PLAT 2;TH N 26D43M28S E 17.92';TH S 63D20M02S E 150.18' TO NLY R/W AZ HWY 179;TH S 26D46M45S W 92.92' ALNG R/W TO POC;TH SWLY ALNG ARC OF SD CURVE 178.11';TH N 41D50M10S W 150.40' TO NON-TANG POC;TH NELY ALNG ARC OF SD CURVE 121.85';TH N 26D54M 27S E 74.85' TO POB. LESS ADOT #3425789. (ASSESSOR'S DESC)

Neighborhood 08.03 - BROKEN ARROW -FAIRVIEW HEIGHTS-OAK CREEK KNOLL - DOODLEBUG-CASA MANANA-CHAPEL BELLS AREA

Exhibit A (Page 2 of 2)

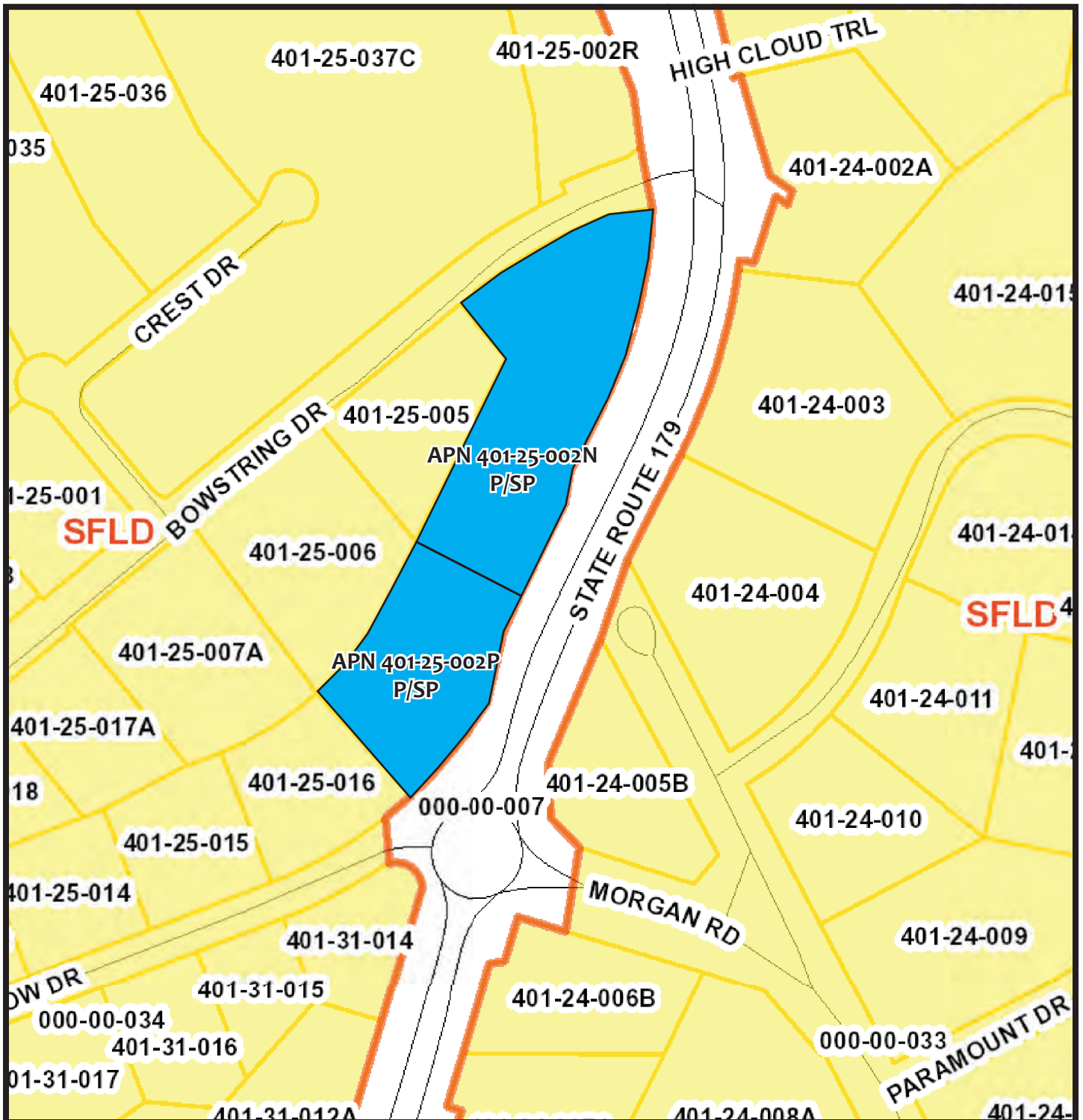
PZ22-00010 (Minor CPA)

Sedona Shuttle Legal Description and Community Plan Map

APN 401-25-002N & P

Minor Community Plan Amendment:

SFLD (Single Family Low Density) to P/SP (Public/Semi-Public)



ORDINANCE NO. 2023-__
SEDONA SHUTTLE
PZ 22-00010 (ZC)

AN ORDINANCE OF THE OF THE CITY OF SEDONA, ARIZONA, REZONING THAT PROPERTY DESCRIBED HEREIN FROM ITS PRESENT DESIGNATION OF RS-18 (SINGLE FAMILY RESIDENTIAL) TO CF (COMMUNITY FACILITIES); DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the Planning and Zoning Commission has formally considered the proposed rezoning, following proper notice and a hearing on January 3, 2023, and has recommended approval of the requested rezoning.

WHEREAS, City Council has read and considered the staff reports prepared by the Community Development Department staff and all attachments to those reports, the applicant's application, the narrative provided by the applicant and all statements made by the applicant and its representatives during the presentations to the Planning and Zoning Commission and to City Council, City Council finds that the proposed rezoning meets the findings required by the Sedona Land Development Code (LDC) Section 8.6.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Description and Rezoning

The subject property, as depicted in Exhibit A, consists of Coconino County Assessor's Parcels 401-25-002N & P, containing approximately 1.94 acres, and is located along the west side of State Route 179 at 1294 & 1406 State Route 179 in Sedona, Arizona, a legal description and zoning map of which is provided in "**Exhibit A**" attached hereto and incorporated by this reference. The owner/applicant desires to rezone the property from RS-18 (Single Family Residential) to CF (Community Facilities).

The subject property that is currently zoned RS-18 (Single Family Residential) is hereby rezoned to CF (Community Facilities), based on conformance with the requirements for approval of a zone change and consistency and conformance with the Community Plan and subject to all applicable ordinance requirements and based on the Planning and Zoning Commission findings as outlined in the Staff Report and adopted by the Commission and City Council, including:

A. Generally

The development applications submitted complies with the general review criteria of LDC Section 8.3.E(5) as follows:

B. Prior Approvals

The proposed development is consistent with the terms and conditions of the Community Plan, the Transportation Master Plan, Climate Action Plan, and Municipal Sustainability Plan. There are no other land use approvals, plans, or plats applicable to this property.

C. Consistency with Sedona Community Plan and Other Applicable Plans

The proposed development is consistent with and conforms to the Sedona Community Plan, the Transportation Master Plan, Climate Action Plan, and Municipal Sustainability Plan.

D. Compliance with This Code and Other Applicable Regulations

The proposed development is consistent with the purpose statements of this Code and complies with all applicable standards in this Code and all other applicable regulations, requirements and plans. Compliance with these standards is applied at the level of detail required for the subject submittal.

E. Minimizes Impacts on Adjoining Property Owners

A Citizen Participation Plan was completed for the existing CUP, during which the applicant met with neighbors and adjusted the plans to address neighbor concerns. After approval of the current CUP, City staff continued to monitor the parking area and has made adjustments to ensure the parking area is not negatively impacting the surrounding residents.

A new Citizen Participation Plan was completed for the current application. The City will continue to monitor the parking area and address any other impacts that may arise due to the shuttle operations and parking.

F. Consistent with Intergovernmental Agreements

There are no intergovernmental agreements that impact this project.

G. Minimizes Adverse Environmental Impacts

The proposed development is designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment.

H. Minimizes Adverse Fiscal Impacts

The proposed development does not result in significant adverse fiscal impacts on the City.

I. Compliance with Utility, Service, and Improvement Standards

The proposed parking garage complies with all utility, service, and improvement standards.

J. Provides Adequate Road Systems

The shuttle serves an existing parking need. There are no uses proposed that would generate additional parking requirements. The City has implemented the recommendations in the traffic memorandum for the existing CUP, including installing signage to direct traffic to the site and out of the surrounding neighborhoods. No changes to the road network in the area are recommended or proposed. The City has and will continue to monitor the traffic situation in this area and implement changes as needed if the impact from the shuttle operations and parking are greater than anticipated.

K. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity exists to accommodate the proposed use on this site. This use will not generate additional demand, but provide a service for existing demand. Providing maintenance and enforcement of this area has been included in the City's planning and budgeting processes.

L. Rational Phasing Plan

The project is proposed to be developed in a single phase.

Section 2. Zoning Map

The zoning map of the City of Sedona is hereby amended to reflect this rezoning, and at least three (3) copies of the map shall be kept in the office of the City Clerk for public use and inspection.

Section 3. Repeal

All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. Effective Date

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 14th day of February, 2023.

Scott M. Jablow, Mayor

ATTEST:

JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney

Exhibit A (Page 1 of 2)

PZ22-00010 (ZC)

Sedona Shuttle Legal Description and Zoning Map

APN 401-25-002N & P

Zone Change Request:

RS-18 (Single Family Residential) to CF (Community Facilities)

401-25-002N

Legal Summary Sixteenth: SW Quarter: SE Section: 18 Township: 17N Range: 06E DESC AS FLLWS:BEG AT MOST SLY COR LOT 80 FAIRVIEW HEIGHTS PLAT 2;TH N 26D43M28S E 17.92' TO POB;TH N 26D 43M28S E 203';TH N 40D30M13S W 77.24';TH NELY ALNG SELY R/W BOWSTRING DR BEING NON-TANG CURVE CONCAVE SE R=617' C/A=25D21M41S 273.11' TO WLY R/W AZ ST HWY 179;TH SLY ALNG R/W BEING NON-TANG CURVE CONCAVE W R=539.96' C/A=27D16M50S 257.10';TH S 26D46M45S W 202.47' ALNG R/W;TH N 63D20M02S W 150.18' TO POB LESS ADOT #3425789.

Neighborhood 08.03 - BROKEN ARROW -FAIRVIEW HEIGHTS-OAK CREEK KNOLL - DOODLEBUG-CASA MANANA-CHAPEL BELLS AREA

401-25-002P

Legal Summary Sixteenth: SW Quarter: SE Section: 18 Township: 17N Range: 06E DESC AS FLLWS:BEG AT MOST SLY COR LOT 80 FAIRVIEW HEIGHTS PLAT 2;TH N 26D43M28S E 17.92';TH S 63D20M02S E 150.18' TO NLY R/W AZ HWY 179;TH S 26D46M45S W 92.92' ALNG R/W TO POC;TH SWLY ALNG ARC OF SD CURVE 178.11';TH N 41D50M10S W 150.40' TO NON-TANG POC;TH NELY ALNG ARC OF SD CURVE 121.85';TH N 26D54M 27S E 74.85' TO POB. LESS ADOT #3425789. (ASSESSOR'S DESC)

Neighborhood 08.03 - BROKEN ARROW -FAIRVIEW HEIGHTS-OAK CREEK KNOLL - DOODLEBUG-CASA MANANA-CHAPEL BELLS AREA

Exhibit A (Page 2 of 2)

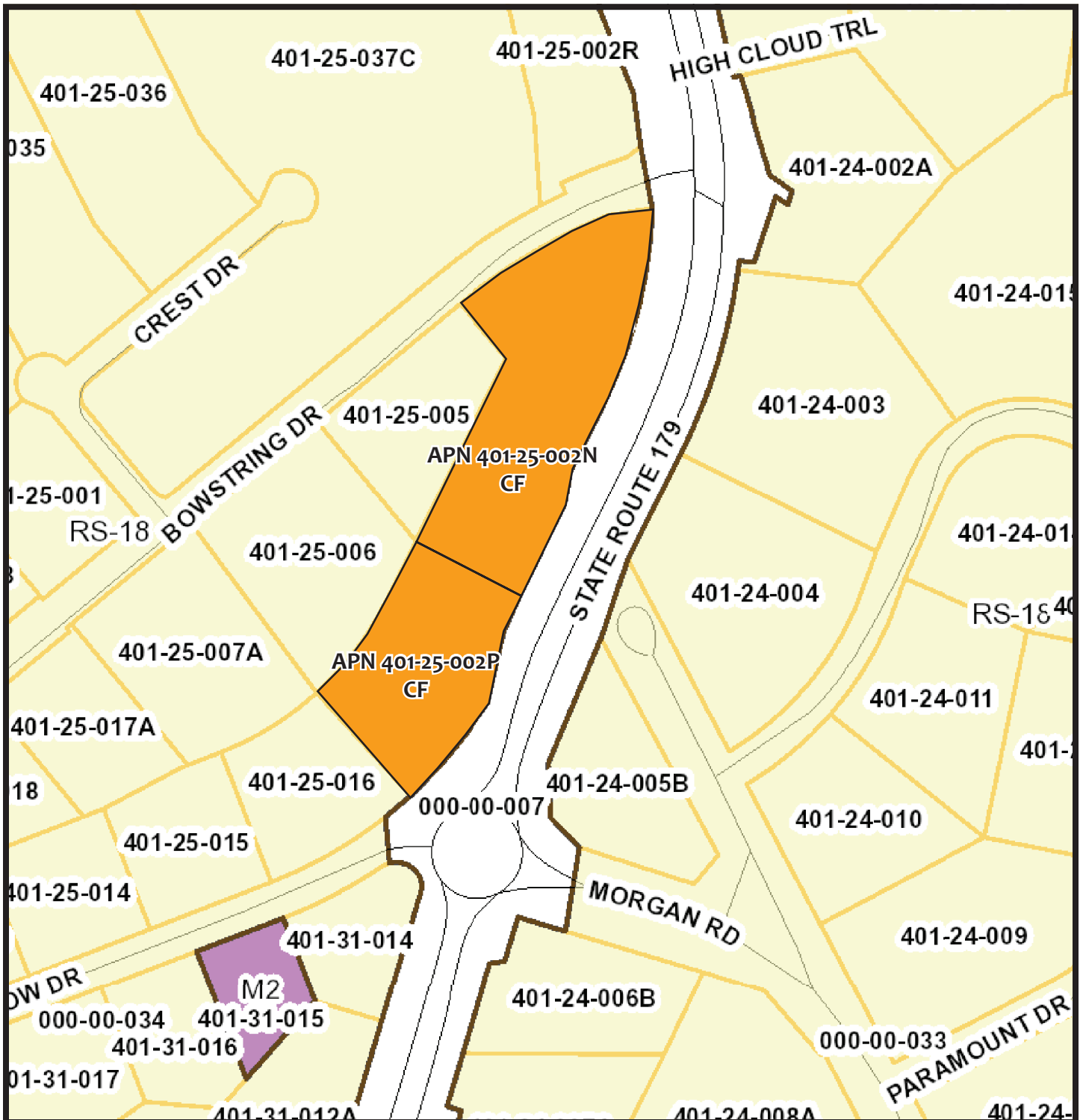
PZ22-00010 (ZC)

Sedona Shuttle Legal Description and Zoning Map

APN 401-25-002N & P

Zone Change Request:

RS-18 (Single Family Residential) to CF (Community Facilities)



AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, January 3, 2023

NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a meeting open to the public on Tuesday, January 3, 2023, at 4:30 pm in the City Hall Council Chambers.

NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least 24 hours in advance.
- Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the Planning and Zoning Commission on a particular subject scheduled on the agenda.
- Please note that this is not a question/answer session.

PROCEDURES:

- It is strongly encouraged that public input on the agenda items be submitted by sending an e-mail to cnorlock@SedonaAZ.gov in advance of the 4:30 Call to Order.
- Fill out a "Comment Card" and deliver it to the Recording Secretary.
- When recognized, use the podium/microphone.
- State your Name and City of Residence
- Limit comments to 3 MINUTES.
- Submit written comments to the Recording Secretary.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. APPROVAL OF THE FOLLOWING MINUTES:
 - a. November 15, 2022 (R)
4. Nomination and election of Chair and Vice Chair.
5. PUBLIC FORUM: *(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further consideration and decision at a later date.)*
6. Update/discussion regarding the Community Plan Update.
7. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:

- a. Public hearing/discussion/possible action regarding a request for approval of a Minor Community Plan Amendment (Minor CPA) from Single-family Low Density (0.5 to 2 DU/AC) to Public/Semi-Public, Zone Change (ZC) from RS-18 (Single-Family Residential) to CF (Community Facilities), and Conditional Use Permit (CUP) to operate a shuttle service and park and ride lot from an existing parking lot at 1294 & 1406 State Route 179 (Church of the Red Rocks Overflow Parking Lot). The subject property is ±1.94 acres, and is located southwest of the intersection of State Route 179 and Bowstring Dr. APN: 401-25-002N & P

Case Number: PZ22-00010 (Minor CPA, ZC, CUP)

Applicant: City of Sedona

8. NEW MEMBER, OPEN MEETING LAW, APPROVAL CRITERIA TRAINING
 - a. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public to consult with legal counsel for advice on the training matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
9. FUTURE MEETING DATES AND AGENDA ITEMS
 - a. Tuesday, January 17, 2023
 - b. Tuesday, February 7, 2023
10. EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

 - a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, January 3, 2023

- b. Return to open session. Discussion/possible action on executive session items.

11. ADJOURNMENT

Physical Posting: December 22, 2022 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov or in the Community Development Office, 102 Roadrunner Drive approximately one week in advance of the meeting.

Note that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.

Staff Report
PZ22-00010 (Minor CPA, ZC, CUP)
Sedona Shuttle
Summary Sheet



City of Sedona
Community Development Department
102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • www.sedonaaz.gov/cd

Meeting Date:	January 3, 2023	
Hearing Body:	Planning and Zoning Commission	
Project Summary:	Minor Community Plan Amendment, Zone Change, and Conditional Use Permit to allow for the continued operation of a Sedona Shuttle service stop and park and ride lot	
Staff Recommendation:	Recommendation of Approval, with conditions of a Minor Community Plan Amendment to the Future Land Use Map, Zone Change, and Conditional Use Permit	
Location:	1294 & 1406 State Route 179 (Church of the Red Rocks Overflow Parking Lot)	
Parcel Numbers:	401-25-002N & P	
Applicant:	City of Sedona	
Site Size:	± 1.94 acres	
Existing Sedona Community Plan Designation:	Single-Family Low Density (0.5-2 DU/AC) (SFLD)	
Proposed Sedona Community Plan Designation:	Public/Semi-Public (P/SP)	
Existing Zoning:	RS-18 (Single-Family Residential)	
Proposed Zoning:	CF (Community Facilities)	
Current Land Use:	Overflow parking for Church of the Red Rocks	
Surrounding Properties:		
	<u>Area Zoning</u>	<u>Area Land Uses</u>
North, South, East, West:	RS-18	Single Family Residential

Report Prepared By: Cari Meyer, Planning Manager

Attachments:	
1. Vicinity/Aerial Map	20
2. Approved Conditions of Approval, PZ21-00022 (CUP)	22
3. Project Application Materials.....	23

Staff Report

PZ22-00010 (Minor CPA, ZC, CUP)

Sedona Shuttle



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • www.sedonaaz.gov/cd

PROJECT DESCRIPTION

This is a City-initiated request for approval of a Minor Community Plan Amendment (Minor CPA), Zone Change (ZC), and Conditional Use Permit (CUP) to allow for the continued operation of a Sedona Shuttle service stop and park and ride lot.

The properties are zoned Single-Family Residential (RS-18), and uses are permitted in accordance with Land Development Code (LDC) requirements, specifically [Article 3 \(Use Regulations\)](#). While the properties are currently used as a parking facility (trailhead shuttle and parking lot) under an existing CUP, this is permitted as an accessory use to the primary use as a church. Establishment of a parking facility as the primary use of the site is not permitted in the RS-18 zone.

APPLICATION COMPONENTS

While the operation of the site would largely remain the same, this application would allow the use independent of the church. The following must be approved to provide consistency between the project and the Community Plan, Zoning Map, and Land Development Code:

1. *Minor Community Plan Amendment to the Future Land Use Map. (Minor CPA)*
 - a. The requested Minor CPA is from Single-family Low Density (0.5-2 dwelling units per acre) (SFLD) to Public/Semi-Public (P/SP).
 - b. The Major Amendment criteria in the Community Plan (Chapter 9) does not include a change from Residential to Public/Semi-Public, so the change is a Minor Amendment.
2. *Zone Change (ZC)*
 - a. The requested ZC is from Single-Family Residential (RS-18) to Community Facilities (CF).
 - b. The Minor CPA would only change the Future Land Use Map. While the P/SP designation supports the ZC, the property would remain in the RS-18 zoning district without the ZC.
 - c. The CF zone provides for public/semi-public uses (uses or buildings located on private property to serve public benefits). A shuttle stop and park and ride lot fits this definition.
3. *Conditional Use Permit (CUP)*
 - a. Parking Facilities in the CF zone require approval of a CUP. There are no use specific standards for parking facilities, but the trailhead parking standards used for the existing CUP may be used as a reference when evaluating this proposal.
 - b. The existing CUP will expire in June 2023 and permits the use as an accessory use to the church. A new CUP is required to allow operation independent of the church.

BACKGROUND

Site Characteristics

- The property is located southwest of the intersection of State Route 179 and Bowstring Drive in Coconino County (See [Attachment 1](#)).
- The property is accessed via Bowstring Drive.
- The property is a parking lot for Church of the Red Rocks, approved in September 2001 under CUP2001-12, and is currently operating as a trailhead shuttle and park and ride lot, approved in February 2022 under PZ21-00022 (CUP) ([Attachment 2](#)).
- There are no floodplains on the property.
- The property is not part of a recorded subdivision.

Trailhead Shuttle and Parking Use

In January of 2020, the city completed the Sedona Area Transit Implementation Plan. This plan recommended that a series of trailhead shuttles be deployed, and public outreach conducted during the development of the plan found strong public support for the city to provide public transportation – specifically to the area trailheads.

In exploring locations for Sedona Shuttle park and ride lots, the subject property was identified as a potential location due to its development as a church parking lot, its location adjacent to State Route 179, and its accessibility to two popular trailheads – Cathedral Rock and Little Horse.

On February 1, 2022, the Planning and Zoning Commission approved a CUP to use the property as a trailhead shuttle stop and park and ride lot. In addition to standard conditions of approval requiring the use to operate as described in the application, additional conditions require the City to monitor the use and impact on the neighborhood (traffic, trash, etc.) and take steps to mitigate the identified impacts.

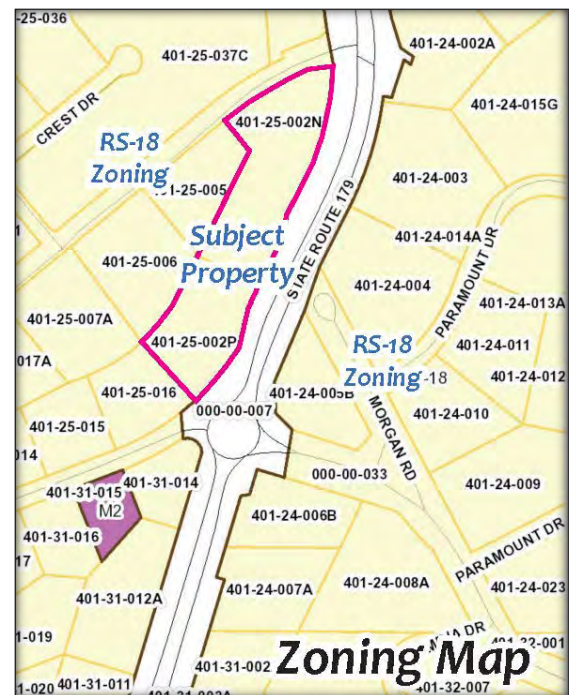
The trailhead shuttle stop and park and ride lot began operating on this property on March 24, 2022. Shuttle logs have shown over 57,000 passenger boardings at this lot and traffic data have not shown an increase in traffic in the surrounding neighborhoods.

The current CUP will expire on June 30, 2023. To continue operation, the existing CUP will need to be renewed (continued use as accessory to the church) or a Minor CPA, ZC, and new CUP will need to be approved. While there are no significant changes proposed to the overall operation of the property, if the Minor CPA, ZC, and new CUP are approved, the property will be able to operate independently from the church.

Existing and Proposed Community Plan and Zoning Designations

The properties are designated Single-family Low Density, 0.5-2 dwelling units per acre (SFLD) on the Future Land Use Map and zoned Single-family Residential (RS-18). In addition, the properties are within the Morgan Road Community Focus Area (CFA 11, Sedona Community Plan page 47). There is no CFA plan for this area, but the Community Plan includes the following Community Expectations:

- Explore opportunities for non-residential uses along SR 179 if key public or neighborhood amenities are provided (e.g., good pedestrian access to neighborhoods, open space retention, or enhancement next to the highway).
- Consider new non-residential development only if compatible with the character of the neighborhood.



The proposed Community Plan designation is Public/Semi-Public (P/SP), which is typically used for public facilities. Other properties with this designation include school sites, the Sedona-Oak Creek Airport, the U.S. Post Office, City Hall, the library, and the public parking lot in Uptown.

The proposed zoning is Community Facilities (CF). The purpose of the CF zone is:

... primarily for the accommodation of public/semi-public uses (other than street rights-of-way). The CF district includes community uses such as public safety facilities, schools, libraries, community centers, City buildings, and public utilities as well as incidental and accessory uses.

[LDC Section 2.17.A](#)

Requirement for a Conditional Use Permit

[LDC Section 3.2.E, Table 3.1, Table of Allowed Uses](#), lists “Parking Facility” as a conditionally permitted use in the CF zone. Though there are no use-specific standards for this use, the use-specific standards for trailhead parking in [LDC Section 3.4.D\(7\)](#) were used in evaluation of the existing CUP and may be used as a reference when evaluating this proposal.

PUBLIC INPUT

- The applicant completed a Citizen Participation Plan. A copy of the Citizen Participation Report is included in the application packet ([Attachment 3](#))
 - In addition to completing a Citizen Participation Plan for this application, a separate Citizen Participation Plan was completed for the existing CUP.
 - After approval of the CUP in February, City staff continued to monitor conditions in the neighborhood and have worked to address issues as they have arisen.
- Project documents submitted by the applicant were placed on the [Projects and Proposals](#) page of the Community Development Department website.
- Property owners within 300 feet of the subject properties, along with all properties accessed from Bowstring between Arrow Drive and State Route 179, were included in the public outreach and notified of the Public Hearing.
- The property was posted with a Notice of Public Hearing and a notice was published in the Red Rock News on December 16, 2022.
- All notices contain contact information and a way to submit comments. As of writing this report, Staff has not received any comments on the proposal.

REVIEW AGENCY COMMENTS AND CONCERNS

All internal and external review agencies were given an opportunity to review this application. As this is a City-initiated project, comments from City staff were incorporated into the original application or are included as recommended conditions of approval. No other comments were received.

DEVELOPMENT PROPOSAL

The Sedona Shuttle and park and ride lot is proposed to continue operation as it has been operating under the existing CUP, with the following modifications:

- Installation of permanent restrooms (portable restrooms have been used)
- Installation of permanent shade structures (no existing shade structure)
- Sidewalk connection to SR 179 (connection to transit stop and shared use path)
- Installation of permanent bicycle racks
- Designation of no parking zones on Arrow Drive and Bowstring Drive
- Construction of a Traffic Control Assistant (TCA) guard house

A detailed description of the proposal, including a site plan of the property, are included in [Attachment 3](#). The City is requesting that the CUP be approved without an expiration date.

Access, Traffic, and Parking

- Access to the site is off Bowstring Drive, which intersects with State Route 179 approximately 125 feet northeast of the entrance to the site. This use will not alter existing access.
- There are 64 parking spaces on the property and a designated shuttle stop and passenger boarding/waiting area.
- Kimley Horn provided a traffic memorandum for the existing CUP, reviewing proposed shuttle operations, anticipated parking demand, and potential improvements. The parking lot has operated as expected and has not generated negative impacts on the surrounding neighborhoods.
- As part of this application, the City will be designating no parking zones on Arrow Drive and Bowstring Drive.

Hours of Operation

- The lot generally operates Thursday through Sunday, 7:00 am to 5:30 pm.
- The lot is gated and locked overnight and on non-service days.
- Additional days and hours are added when warranted by demand, for example, during spring break or other select holiday weeks.

Signage

- Shuttle signage has been installed along State Route 179 to direct users to the parking lot.
- Signage to discourage shuttle users from using local roads has been installed.
- The application materials ([Attachment 3](#)) contains pictures of the shuttle signs.

REVIEW GUIDELINES

The following is requested from the Planning and Zoning Commission at this time:

- **MINOR COMMUNITY PLAN AMENDMENT:** Recommendation to City Council
- **ZONE CHANGE:** Recommendation to City Council
- **CONDITIONAL USE PERMIT:** Final action, pending City Council action on other application components and any potential appeal

In making a recommendation regarding a Minor CPA and ZC and taking action on the CUP, the Planning and Zoning Commission should determine whether the proposal is in the interest of the public and is consistent with the community's vision, and overall consistency with the Sedona Community Plan.

DISCUSSION (MINOR COMMUNITY PLAN AMENDMENT)

Community Plan Amendments are addressed in ARS §9-461.06, which allows each City to set the criteria for a major vs. a minor amendment. Based on the criteria set by the City of Sedona in the Community Plan (Chapter 9, page 113), a change from Residential to Public/Semi-Public is not considered a Major Amendment, so a Minor Amendment is required.

While the application is a Minor CPA, the evaluation criteria is the same as for a Major Amendment. The primary differences between a major and minor amendment are the review procedures, noticing requirements, and the number of Councilors who must vote in favor of the amendment for it to pass.

The requested designation of P/SP supports the requested zoning designation of CF. While a Commercial designation would support the proposed use, that designation would also support zoning districts (Commercial or Mixed Use) that may not be appropriate for the surrounding residential area. The P/SP designation is the lowest intensity designation that allows for the proposed use.

Evaluation of Proposal

When considering a change to the Future Land Use Map designation, consideration should be given to the following:

- The Community's Vision
- Overall consistency with the Sedona Community Plan
- Adopted Plans

Community Vision

Reduced Traffic is one of the 6 Major Outcomes the Sedona Community Plan has sought to achieve since its 2013 adoption. This outcome statement is intended to reflect a future condition:

Sedona has reduced traffic by working with developers and property owners to create mixed use walkable areas and districts, while limiting the construction of new roads. Sedona has built new sidewalks, trails, and bikeways to enhance travel options between existing neighborhoods and commercial areas and provide cross-community connections. We have a robust transit system that offer residents and visitors an alternative to driving.

The Plan's Circulation Chapter (page 57) includes the following goals:

- Reduce dependency on single-occupancy vehicles.
- Provide for safe and smooth flow of traffic.
- Coordinate land use and transportation planning and systems.
- Make the most efficient use of the circulation system for long-term community benefit.
- Limit the building of new roads and streets and make strategic investments in other modes of travel.
- Create a more walkable and bike-able community.

In addition to these general goals, the implementation of transit is addressed in the Community Plan, is a priority of City Council, and is supported by several policies, including the following:

- Policy 1: Pursue a range of multi-modal options to reduce traffic to safe and convenient levels, including but not limited to: park and walk/ride, access control, parking interconnections, street connections, transit, and incentives for reducing vehicle trips.
- Policy 7: Support a future transit system that is a clear benefit to Sedona residents and a beneficial investment for the City.
- Policy 12: Focus on making the most efficient use of existing parking facilities before creating new facilities and investigate the creation of additional public parking through lease, purchase, or development.
- Policy 13: Support increased coordination and integration of land use and transportation planning and implementation to reduce traffic congestion and protect the natural environment.

Staff Evaluation

Implementation of a transit system, including shuttles serving trailheads, helps implement the goal of reducing dependency on single-use vehicles. Further, shuttles were implemented due to overcrowding at trailheads that creates unsafe conditions with illegally parked vehicles and pedestrians using roads that are not designed for pedestrian traffic. Removing passenger vehicles from these trailheads at the most congested times, having them park in a centralized location where vehicles are better managed, and shuttling to trailheads creates a safer and smoother flow of traffic. This proposal uses an existing

parking lot that was built by the church but that the church no longer needs, allowing for use of existing infrastructure rather than building new facilities.

In conjunction with this approval, the City will build a pedestrian connection from the site to State Route 179, for a direct connection to the existing Verde Shuttle stop adjacent to the property, leading to a more integrated transit system in Sedona and giving users the option to take transit to the shuttle stop, further reducing dependency on single-occupancy vehicles.

Overall Consistency with the Sedona Community Plan

Staff has also evaluated this proposal for overall consistency with the Sedona Community Plan. The following goals and policies are addressed by the application.

Land Use, Housing and Growth

The properties are within the Morgan Road Community Focus Area (CFA 11, Sedona Community Plan page 47). There is no CFA plan for this area, but the Community Plan includes the following Community Expectations for this area:

- Explore opportunities for non-residential uses along SR 179 if key public or neighborhood amenities are provided (e.g., good pedestrian access to neighborhoods, open space retention, or enhancement next to the highway).
 - *The properties are adjacent to SR 179 and provide a shuttle stop, a key public amenity. No access to the neighborhood is proposed, as this is a community amenity that aims to have minimal impact on the neighborhood. The project will provide enhancements along the highway as well as a direct pedestrian connection to the shared use path along the SR 179.*
- Consider new non-residential development only if compatible with the character of the neighborhood.
 - *The property was developed as a church parking lot in 2001. The entrance is close to SR 179 and access through the neighborhood is not required for operation of the parking lot. Since the existing CUP was approved, the City has monitored traffic levels and use of the lot to ensure that it does not negatively impact the neighborhood. The City will continue to work with the neighbors to address any potentially negative impacts.*

In addition to the specific land use expectations for this property, other, more general, land use goals support the redesignation of this property and its use as a shuttle stop and park and ride location. These include the following:

- Goal: Grow only within currently established residential and commercial limits
 - Policy 2, page 53: "Limit expansion of the existing commercial areas, as represented on the Future Land Use Map, unless supported by an approved plan within a Community Focus Area or Planned Area."
 - Policy 3, page 53: "Ensure that a balance of land uses is maintained and identify general areas for concentrated, mixed use development, public gathering places, and land use transitions to provide healthy and sustainable residential neighborhoods and commercial areas and to address specific area needs."
 - *While a Commercial designation and zoning could accommodate the project without the need for a CUP, given the existing residential designations, the proposal is for P/SP and CF designations. This is more compatible with the residential areas and ensures that other, more impactful uses, as would be permitted under the Commercial designations, are kept out of the residential area.*

- *The properties are adjacent to the highway and have been previously developed as a church parking lot. Reuse of this property as a shuttle and park and ride lot maintains the use of a parking lot and provides a buffer between State Route 179 and the neighborhood.*
- Goal: Ensure harmony between the built and natural environments.
 - Policy 7, page 53: “Require parking standards that are consistent with mixed and shared uses, promote efficient use of space, and minimize asphalt coverage.”
 - *The shuttle uses a parking lot that was developed for the church, but that the church no longer uses on a regular basis. Use of an existing parking lot limits the need to pave additional area.*

Parks, Recreation, and Open Space

- Goal: Ensure the protection of the environment while providing for responsible outdoor recreation.
- Goal: Provide activities and amenities that allow for community interactions and encourage active and healthy lifestyles.
 - Policy 5, page 86: “Support collaboration between agencies, organizations, and businesses on trails marketing, management, and maintenance in recognition of the value of trails to the community and the economy.”
 - *This phase of the shuttle program is a collaboration between the City of Sedona and the Forest Service to ensure the trails are being managed in a sustainable manner.*
 - *Providing connecting service between the Sedona Shuttle and the Verde Shuttle will lead to further collaboration to promote transit and limit the number of single-occupancy vehicle usage.*

Adopted Plans

Staff evaluated the existing CUP relative to other adopted plans, including the Transportation Master Plan, the Climate Action Plan, and the Municipal Sustainability Plan. That proposal was found to be in compliance with these plans. The current proposal does not change that evaluation, summarized below.

Transportation Master Plan

The Transportation Master Plan recommends the implementation of a transit system to “reduce both road volumes and the demand to park along the highway and at trailheads.”

Climate Action Plan

The project aligns with strategies to improve and increase public transit ridership and to develop and maintain a safe, convenient, and effective system for walking, biking, and other forms of active transportation.

Municipal Sustainability Plan

The project aligns with the City’s waste reduction goals by using an existing parking lot rather than constructing a new one, avoiding the need for new pavement and clearing of natural areas.

Conclusion

The decision of whether to make a particular amendment is a legislative policy action left to the judgement and discretion of the Planning and Zoning Commission and City Council. A variety of factors are considered when making these decisions, including how the proposal relates to the community’s vision and overall consistency with the Sedona Community Plan. The Planning and Zoning Commission is being asked to evaluate the proposal and forward a recommendation to the City Council.

Findings of Fact

From the evaluation of the proposal, staff finds that:

- Reduced traffic is one of the six major outcomes of the Sedona Community Plan.
- Community Plan Circulation Goals, Policies, and Actions support the implementation of a transit system, making efficient use of the existing circulation system, and creating a more walkable and bikeable community.
- Strategy #8 of the Transportation Master plan includes the implementation of trailhead shuttles.
- The proposed project is in substantial compliance with applicable Community Plan goals and policies and does not directly contradict any goal or policy in the Plan.
- The property has operated as an accessory use to the church since March 2022 with over 57,000 boardings and two complaints. No substantial changes to the operation of the property are proposed with this application.

In conclusion, staff believes that the request is supported by the evaluation and the findings of fact.

Staff Recommendation

Staff is recommending approval of the proposed Minor CPA based on the following:

1. The proposal addresses one of the Community Plan's six major outcomes, is in compliance with applicable goals and policies and implements Community Plan Circulation Actions.
2. The proposal implements the Transportation Master Plan
3. The proposal does not directly contradict any goal or policy in the Community Plan, Transportation Master Plan, or other adopted plan.

DISCUSSION (ZONE CHANGE)

The zone change component of this project proposes to rezone the subject property from RS-18 to CF. The CF zoning district provides for public/semi-public uses and allows for a parking facility with approval of a CUP. While other zoning districts (Commercial or Mixed Use) would allow for the use without the need for a CUP, those zoning districts would allow for other commercial uses that may not be appropriate for the surrounding residential area. The CF zone is the lowest intensity zone that allows for use of the property as a shuttle park and ride lot.

Evaluation of Proposal (Zone Change)

In evaluating the proposal for consistency with the Community Plan, the same evaluation used for the Minor CPA (see previous section of Staff Report) would be applicable to the zone change evaluation. Rather than repeat this evaluation, Staff would refer to the evaluation in the previous section regarding how this project is consistent with the Community Plan, the Transportation Master Plan, and other adopted goals and policies of the City.

In addition, all development applications are reviewed under [LDC Article 8 \(Administration and Procedures\)](#). [LDC Section 8.3](#) contains procedures and rules applicable to all development applications while the following sections contain procedures and rules that apply to specific development applications. [LDC Section 8.3.E\(5\)](#) contains the approval criteria applicable to all development, subdivision, and rezoning applications. As the criteria are the same for a Zone Change and Conditional Use Permit, these criteria and staff's evaluation are provided after the CUP section below for both the ZC and CUP requests.

DISCUSSION (CONDITIONAL USE PERMIT)

Use Specific Standards

Though the LDC does not list use specific standards for parking facilities in the CF zone, the LDC does include use specific standards for trailhead parking lots operating as accessory uses to nonresidential uses ([LDC Section 3.4.D\(7\)](#)). These standards were used in evaluation of the existing CUP and include the following:

Within residential districts, parking for nonresidential uses may be used as parking for trailheads; provided, that the total number of parking spaces is not being increased for this purpose. In addition to any other conditions required by the conditional use permit, parking facilities shall include:

- a. Provisions for restroom facilities;*
- b. A traffic control plan and signage;*
- c. Management of trash pickup and recycling;*
- d. Hours of operation;*
- e. Evaluation of possible implementation of shuttle service;*
- f. Any other conditions deemed necessary to mitigate impacts on the residential area.*

The existing CUP was found to be in compliance with these criteria and the current application does not propose any changes in operation. The City will continue to monitor the use and work to address negative impacts and implement additional mitigation measures if necessary.

[LDC Section 8.3](#) contains procedures and rules applicable to all development applications while the following sections contain procedures and rules that apply to specific development applications. [LDC Section 8.3.E\(5\)](#) contains the approval criteria applicable to all development, subdivision, and rezoning applications. As the criteria are the same for a Zone Change and Conditional Use Permit, these criteria and staff's evaluation of the project for compliance with these criteria are provided below for both the ZC and CUP requests.

APPROVAL CRITERIA APPLICABLE TO ALL APPLICATIONS (ZC & CUP)

A. Generally

1. Unless otherwise specified in this Code, City review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the general review criteria stated below.
2. The application may also be subject to additional review criteria specific to the type of application, as set forth in section 8.4 through 8.8.
3. If there is a conflict between the general review criteria in this section and the specific review criteria in section 8.4 through 8.8, the applicable review criteria in sections 8.4 through 8.8 control.

Staff Evaluation: *The project has been reviewed for compliance with all applicable criteria. Therefore, staff believes this criterion is met.*

B. Prior Approvals

The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.

Staff Evaluation: *The site has an approved CUP for a trailhead shuttle parking lot that has been in effect since February 2022 and used since March 2022. The site has operated in compliance with that CUP and any issue that the City has been made aware of has been addressed. There are no other land use approvals, plans, or plats applicable to this property. Therefore, staff believes this criterion is met.*

C. Consistency with Sedona Community Plan and Other Applicable Plans

Except for proposed subdivisions, the proposed development shall be consistent with and conform to the Sedona Community Plan, Community Focus Area plans, and any other applicable plans. The decision-making authority:

1. Shall weigh competing plan goals, policies, and strategies; and
2. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Sedona Community Plan or other applicable plans.

Staff Evaluation: *As outlined in the evaluation of the Minor CPA, this proposal is consistent with and conforms to the Sedona Community Plan, the Transportation Master Plan, the Climate Action Plan, and the Municipal Sustainability Plan. The proposal does not contradict any of the policies within the Community Plan. Therefore, staff believes this criterion is met.*

D. Compliance with This Code and Other Applicable Regulations

The proposed development shall be consistent with the purpose statements of this Code and comply with all applicable standards in this Code and all other applicable regulations, requirements and plans, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

Staff Evaluation: *The CF district is meant to provide for the accommodation of public/semi-public uses, and allows for a parking facility with approval of a CUP. A shuttle stop and park and ride lot falls into this use category. Modifications to the site and a new connection to the sidewalk along State Route 179 will be done in compliance with LDC requirements.*

The existing CUP was found to be in compliance with LDC requirements and no changes are proposed to the operation of the parking lot that would alter this finding. No separate Development Review application is required for the proposed improvements; City Staff will review the final plans and ensure all applicable code sections are met. Therefore, staff believes this criterion is met.

E. Minimizes Impacts on Adjoining Property Owners

The proposed development shall not cause significant adverse impacts on surrounding properties. The applicant shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the Citizen Participation Plan for the specific development project, if such a plan is required.

Staff Evaluation: *The applicant completed a Citizen Participation Plan for the existing CUP, during which they met with the neighbors and adjusted the plans to address neighbor concerns. After approval of the current CUP, City staff has continued to monitor the parking area and has made adjustments to ensure the parking area is not negatively impacting the surrounding residents.*

A new Citizen Participation Plan was completed for the current application. This report was provided by the applicant ([Attachment 3](#)). The City will continue to monitor the parking area and address any other impacts that may arise due to the shuttle operations and parking.

Staff completed the required noticing and has not received any public comments.

Therefore, staff believes this criterion is met.

F. Consistent with Intergovernmental Agreements

The proposed development shall be consistent with any adopted intergovernmental agreements and comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this Code.

Staff Evaluation: *There are no intergovernmental agreements that impact this project. This criterion does not apply to this request.*

G. Minimizes Adverse Environmental Impacts

The proposed development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.

Staff Evaluation: *No negative environmental impacts are anticipated due to the proposed use. The City's Sustainability staff evaluated the original proposal and found it to be in compliance with the Climate Action Plan and the Municipal Sustainability Plan. No changes are proposed that would alter that evaluation. The major factors in making this finding are the implementation of transit and the use of an existing parking area rather than construction of a new parking area. Therefore, staff believes this criterion is met.*

H. Minimizes Adverse Fiscal Impacts

The proposed development shall not result in significant adverse fiscal impacts on the City.

Staff Evaluation: *No adverse fiscal impacts on the City are anticipated. Implementation of transit, including costs to operate and maintain the shuttles and parking areas, has been included in the City's budgeting process. Therefore, staff believes this criterion is met.*

I. Compliance with Utility, Service, and Improvement Standards

As applicable, the proposed development shall comply with federal, state, county, service district, City and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

Staff Evaluation: *The existing CUP was reviewed and approved by all review agencies. The application materials for this proposal were provided to review agencies for an opportunity to review and Staff did not receive any comments. As conditioned, the CUP complies with all applicable regulatory authority standards. Therefore, staff believes this criterion is met.*

J. Provides Adequate Road Systems

Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety,

and EMS services. The proposed development shall also provide appropriate traffic improvements based on traffic impacts.

Staff Evaluation: *No change in site access is proposed. The City's Public Works Department implemented the recommendations contained in the traffic memorandum provided for the existing CUP, including installing signage to direct traffic to the site and out of the surrounding neighborhoods. No changes to the road network in the area are recommended or proposed. The City has and will continue to monitor the traffic situation in this area and implement changes as needed if the impact from the shuttle operations and parking are greater than anticipated. Therefore, staff believes this criterion is met.*

K. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity must exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, potable water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

Staff Evaluation: *Adequate public service and facility capacity exists to accommodate the proposed use on this site. This use will not generate additional demand, but provide a service for existing demand. Providing maintenance and enforcement of this area has been included in the City's planning and budgeting processes. Therefore, staff believes this criterion is met.*

L. Rational Phasing Plan

If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

Staff Evaluation: *The proposed modifications to the site (shade structure, restrooms, new pedestrian connection) are minor improvements that do not require a separate development review approval and are not necessary for the operation of the shuttle service. If any changes are proposed that are outside of the scope reviewed under the CUP, the CUP would need to be amended through a public hearing process. No phasing plan is needed. Therefore, staff believes this criterion is met.*

It is Staff's opinion that this request for a ZC and CUP meets the required findings. The proposed zoning district is consistent with the Community Plan and proposed Minor CPA, the proposed use is consistent with the purpose of the CF zoning district, and no nuisances because of this proposed use are anticipated. The City has committed to continuing to monitor the situation and implement and needed measures to address any unforeseen impacts that occur because of this use.

Conditional Rezoning and Conditional Use Permit Time Frame

[LDC Section 8.6.A\(2\)e](#), states that, to mitigate the negative impact of the proposed use on citizens and surrounding properties and to assure compatibility with adjacent land uses, the Commission may recommend, and the Council may approve, a rezoning conditioned upon one or more of the following:

1. Development in accordance with a specific schedule for the development of specific improvements or uses for which zoning is requested;

2. Development in accordance with a specific Site Plan or a Site Plan to be subsequently approved under this Code;
3. Modifications in the otherwise applicable lot coverage, building height, or density;
4. Public dedication of rights-of-way for streets, alleys, public ways, drainage, public utilities and the installation of improvements that are reasonably required by or directly related to the effect of the rezoning;
5. Other conditions reasonably calculated to mitigate the impact of the proposed development.

As this is a City-initiated project, the City has been operating its shuttle service out of this property since March 2022, and the City is pursuing development and operation of the property, the only proposed condition is that the existing property owner (Church of the Red Rocks) sign a Proposition 207 waiver. No additional conditions or timeframes are recommended by Staff for this project.

[LDC Section 8.4.B\(3\)f](#) permits a CUP to be granted for a limited time period or granted subject to conditions. Staff's recommended conditions of approval are contained at the end of this Staff Report and are the same conditions the site is currently operating under. This has been operating with minimal complaints since March 2022, the City has addressed issues as they have come up, and is committed to continue to operate the parking lot in the same manner. If any issues arise and the City does not address the issue or if the City decides to no longer operate the shuttle service out of this lot, a revocation process could be initiated. Therefore, Staff is recommending that the CUP be approved without an expiration date.

Staff Recommendation

Staff is recommending approval of the proposed Zone Change and Conditional Use Permit based on the following:

1. The proposal addresses one of the Community Plan's six major outcomes, is in compliance with applicable goals and policies and implements Community Plan Circulation Actions.
2. The proposal implements the Transportation Master Plan
3. The proposal complies with the Community Plan Future Land Use Map as amended under PZ22-00010 (Minor CPA).
4. The proposal does not directly contradict any goal or policy in the Community Plan, Plan Uptown CFA Plan, or other adopted plan.
5. The proposal complies with all applicable review criteria as outlined in the Staff Report.



STAFF RECOMMENDATION (MINOR COMMUNITY PLAN AMENDMENT, ZONE CHANGE, CONDITIONAL USE PERMIT)

Based on compliance with ordinance requirements as conditioned, general consistency with the Land Development Code and the requirements for approval, Staff recommends approval of the proposed Minor Community Plan Amendment, Zone Change, and Conditional Use Permit as set forth in case number PZ22-00010 (Minor CPA, ZC, CUP), Sedona Shuttle, subject to applicable ordinance requirements and the attached conditions of approval listed at the end of this staff report.

Sample Motions for Commission Use

(Please note that the following motions are offered as samples only and that the Commission may make other motions as appropriate.)

Recommended Motion for Approval (Minor CPA):

I move to recommend to the Sedona City Council approval of the proposed Minor Community Plan Amendment as set forth in case number PZ22-00010 (Minor CPA), Sedona Shuttle, redesignating APN 401-25-002N & P from Single Family Low Density (SFLD) to Public/Semi-Public (P/SP), based on the findings as outlined in the Staff Report and subject to all applicable requirements, as outlined in the staff report, which staff report is hereby adopted as the findings of the Planning and Zoning Commission, and the attached conditions of approval.

Alternative Motion for Denial (Minor CPA)

I move to recommend to the Sedona City Council, denial of case number PZ22-00010 (Minor CPA), Sedona Shuttle, based on the following findings (please specify findings).

Recommended Motion for Approval (ZC):

I move to recommend to the Sedona City Council approval of the proposed zoning request as set forth in case number PZ22-00010 (ZC), Sedona Shuttle, rezoning APN 401-25-002N & P from RS-18 (Single-Family Residential) to CF (Community Facilities), based on consistency and conformance with the Community Plan, compliance with all ordinance requirements of LDC Section 8.3 and 8.6, and satisfaction of the Zone Change findings and applicable Land Development Code requirements as outlined in the staff report, which staff report is hereby adopted as the findings of the Planning and Zoning Commission, and the attached conditions of approval.

Alternative Motion for Denial (ZC)

I move to recommend to the Sedona City Council, denial of case number PZ22-00010 (ZC), Sedona Shuttle, based on the following findings (please specify findings).

Recommended Motion for Approval

I move for approval of case number PZ22-00010 (CUP), Sedona Shuttle, based on compliance with all ordinance requirements of LDC Section 8.3 and 8.4 and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements as outlined in the staff report, which staff

report is hereby adopted as the findings of the Planning and Zoning Commission, and the attached conditions of approval.

Alternative Motion for Denial

I move for denial of case number PZ22-00010 (CUP), Sedona Shuttle, based on the following findings (specify findings).



As proposed by Staff

Conditions of Approval, PZ22-00010 (Minor CPA, ZC)

1. Within thirty days of approval of the Minor Community Plan Amendment and Zone Change, the property owner of record of subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Minor Community Plan Amendment and Zone Change.

Conditions of Approval, PZ22-00010 (CUP)

1. The Conditional Use Permit shall be valid upon City Council approval of the associated Minor Community Plan Amendment and Zone Change applications. If City Council does not approve the associated application, this approval is null and void.
2. The use shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Community Development Director shall require reconsideration by the Planning and Zoning Commission at a public meeting.
3. The Conditional Use Permit is approved without an expiration date. If the use for which the conditional use permit was approved ceases for a period of two years, the permit shall automatically expire. (LDC Section 8.4.B(3)g.1.i)
4. The applicant shall ensure that the use is operating in compliance with the Land Development Code requirements and applicable conditions of approval. If any unforeseen problems or nuisances arise due to the operation of this use, City may require additional measures to be taken by the permit holder to correct the violation, problem, or nuisance. If a satisfactory solution is not found, City Staff may initiate proceedings to revoke the CUP.
5. The City shall monitor the impacts from the use of the trailhead shuttle and parking on the surrounding residential neighborhood. If any unanticipated impacts occur, the City shall take steps to mitigate the impacts.
6. The applicant shall ensure that the use operates in compliance with the requirements of all applicable agencies, including, but not limited to, Sedona Community Development Department, Sedona Public Works Department, Sedona Police Department, Sedona Fire District, and the Arizona Department of Transportation (ADOT).
7. Within thirty days of approval of the Conditional Use Permit, the property owner of record of subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.



Aerial View

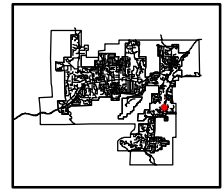
Parcel
401-25-002N/P
Church of the
Red Rocks
TH Parking/Shuttle

-  Parcel 401-25-002N/P
-  Parcel Boundary
-  Street Centerline



0 30 60 Feet

City Index

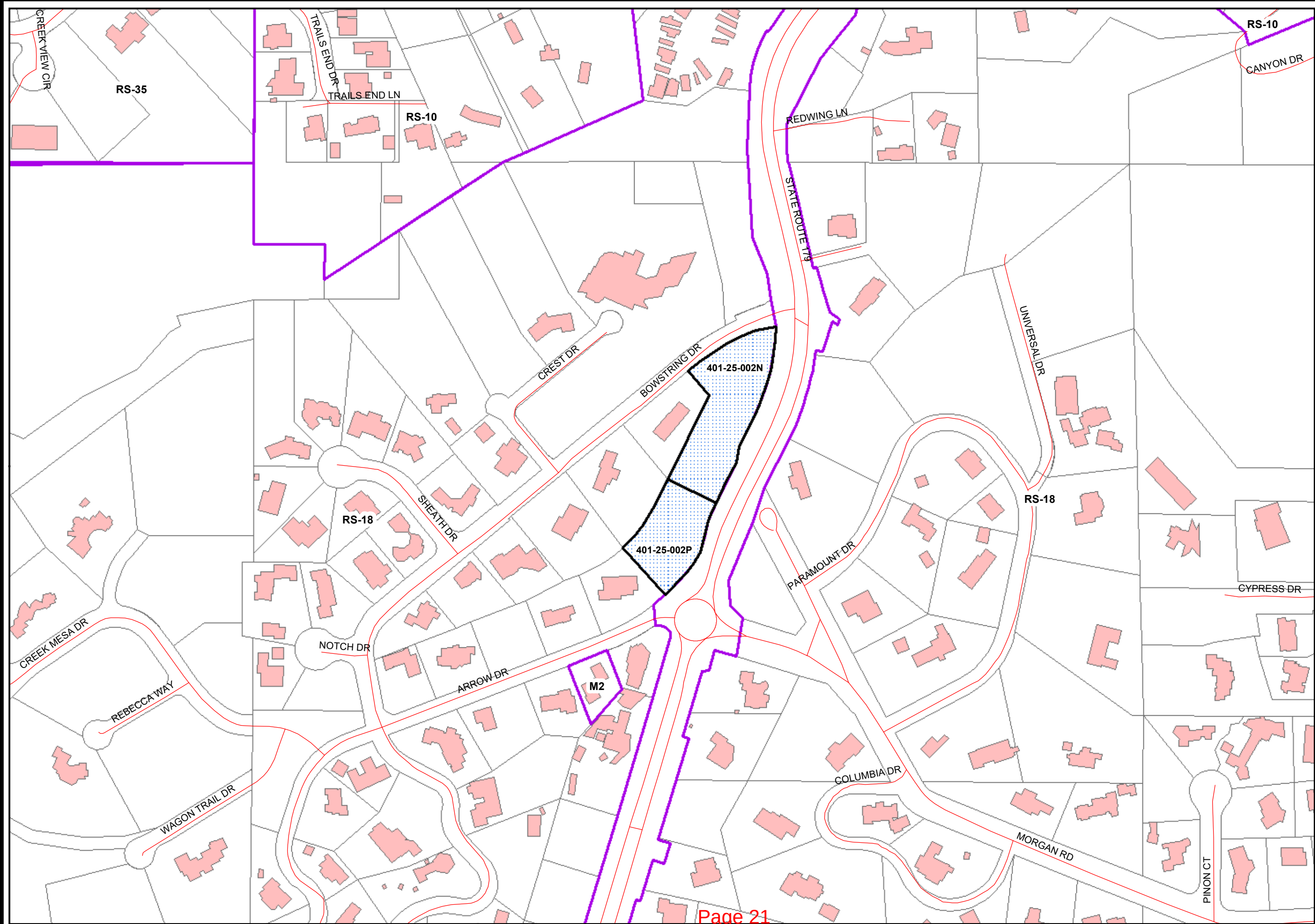


GIS, City of Sedona
11/04/2021
[g:\pub\proj\projects\churchoftheredrocks/mxds/401-25-002N_P_aerial.mxd](https://gis.cityofsedona.gov/projects/churchoftheredrocks/mxds/401-25-002N_P_aerial.mxd)

This map is designed to provide information about Sedona, and has been prepared for general planning and informational purposes only. It is not necessarily accurate to engineering or surveying standards. Every effort has been made to make this map as complete and as accurate as possible; however, no warranty or fitness is implied.

The information is provided on an "as-is" basis. The City of Sedona shall have neither liability nor responsibility to any person or entity with respect to any loss or damages in connection with or arising from the information contained on this map.





Vicinity Map

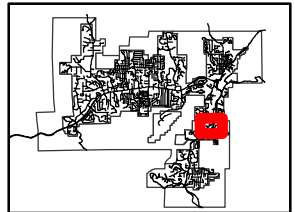
Parcel
401-25-002N/P
Church of the
Red Rocks
TH Parking/Shuttle

- Parcel 401-25-002N/P
- Zoning Boundary
- Building Footprint
- Parcel Boundary
- Trail
- Street Centerline



0 75 150 Feet

City Index



GIS, City of Sedona
11/04/2021
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Conditions of Approval

PZ21-00022 (CUP) Church of the Red
Rocks Trailhead Shuttle & Parking



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • www.sedonaaz.gov/cd

As approved by Planning & Zoning Commission, February 1, 2022

1. The use shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Community Development Director shall require reconsideration by the Planning and Zoning Commission at a public meeting.
2. The Conditional Use Permit shall expire on June 30, 2023. Prior to the expiration date, the applicant or property owner may file an application for renewal of the Conditional Use Permit.
3. The applicant shall ensure that the use is operating in compliance with the Land Development Code requirements and applicable conditions of approval. If any unforeseen problems or nuisances arise due to the operation of this use, City may require additional measures to be taken by the permit holder to correct the violation, problem, or nuisance. If a satisfactory solution is not found, City Staff may initiate proceedings to revoke the CUP.
4. The City shall monitor the impacts from the use of the trailhead shuttle, parking, and drop off locations on residential neighborhoods and trailheads. If any impacts occur, the City shall take steps to mitigate the impacts.
5. The applicant shall ensure that the use operates in compliance with the requirements of all applicable agencies, including, but not limited to, Sedona Community Development Department, Sedona Public Works Department, Sedona Police Department, Sedona Fire District, and the Arizona Department of Transportation (ADOT).
6. Within thirty days of approval of the Conditional Use Permit, the property owner of record of subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.



City Manager's Office
102 Roadrunner Dr.
Sedona, AZ 86336

179 Park and Ride Minor Plan Amendment/Zone Change/Conditional Use Permit: Supporting Documentation

**City of Sedona
102 Roadrunner Dr.
Sedona, AZ 86336**

**On Behalf of Church of the Red Rocks
54 Bowstring Drive
Sedona, AZ 86336**

Subject Properties: 1294 & 1406 SR 179 APN 401-25-002P & 401-25-002N

STATEMENT OF INTENT:

The city of Sedona on behalf of the Church of the Red Rocks located at 54 Bowstring Drive, Coconino County is applying for a Minor Plan Amendment/Zone Change and Conditional Use Permit for the 1.94-acre parcel located at 1294 and 1406 State Route SR-179.

In February 2022 a Conditional Use Permit was approved for the city's intended use of these parcels is to establish a park and ride and shuttle stop for the city's new trailhead shuttle program (generated through the Sedona In Motion program and further supported by the Sedona Area Transit Implementation Plan). Shuttle service commenced in March 2022 from this location to nearby USFS trailheads to include Cathedral Rock and Little Horse. The subject properties are accessed via Bowstring Drive, southeast of the church's main facility adjacent to SR-179 (**Preliminary Site Plan included as an Attachment**).

This site is zoned RS-18. The City is seeking a Zone Change to Community Facility (CF) and a Conditional Use Permit (CUP) to continue to use as parking facility.

CONSISTENT WITH COMMUNITY PLAN, CLIMATE ACTION/SUSTAINABILITY PLAN, AND TRANSPORTATION MASTER PLAN

The General Purpose of the Land Development Code (LDC) is to promote the public health, safety and welfare by providing appropriate and reasonable controls of the development and use of lands in Sedona. Two plans that support this effort, adopted by the City and implement through the LDC, are the Community Plan and Climate Action Plan/Sustainability. The 2018 Transportation Master Plan recommends transit as a strategy to reduce traffic congestion.

The 179 Park and Ride is consistent with all these plans as shown in the following subsections.

Community Plan Consistent - Yes

The Sedona in Motion along with the Sedona Area Transit Implementation Plan support the six Vision Themes of the Sedona Community Plan. Specifically, the 179 Park and Ride will provide the following:

- Environmental Stewardship: Conserves natural resources associated with wasteful vehicle operations due to congested travel time and adaptive reuse of an underutilized asset. Also, restricting trailhead access will help protect the natural environment. See additional discussion the Climate Action Plan / Sustainability Section below.
- Community Connections: Trail users and nature enthusiast are now able to meet at a common location, share a ride to one of the two trailheads on the proposed trailhead shuttle route which will truly increase community connection. One of the ultimate goals of the Transit Program is to create a “shuttle culture” among both tourists and residents, a sense that using shuttles is part of the Sedona experience with added benefit of a more connected, multimodal user community.
- Improved Traffic Flow: Reduces congestion by pulling single occupancy vehicles off the road or trailheads and replacing with a 20-person capacity transit shuttle. This will provide a direct improvement on Back ‘O Beyond Road, where traffic congestion has been an issue due to primary access to Cathedral Rock.
- Walkability: Both walkability and overall safety will be improved with the implementation of the trailhead shuttle system, specifically allowing visitors and residents to be safely transported to and from the city’s most popular trailheads, such as Cathedral Rock.
- Economic Diversity: Improves local resident and visitor access through multimodal transportation options and connections.
- Sense of Place: This project will improve a well-known, highly used trailhead that has deteriorated over the years due to the high volume of vehicular traffic, ultimately restoring the “Sense of Place” unique to the City of Sedona.

Sedona. Climate Action Plan/Sustainability Consistent - Yes

Public transit aims to remove vehicles from our roadways and displace Co2 emissions. Additional connectivity will reduce travel times and passenger vehicle miles traveled. Furthermore, the existing parking lot is an underutilized asset, through adaptive reuse, this project will provide the needed parking for the trailhead shuttle without the need to construct a new parking lot.

See attached support letter from the City of Sedona Sustainability Coordinator included as an Attachment.

Transportation Master Plan Consistent – Yes

The Transportation Master Plan recommends transit to “reduce both road volumes and the demand to park along the highway and at trailheads.”

PROJECT HISTORY AND SCOPE:

In January of 2020, the city completed the Sedona Area Transit Implementation Plan. This seven-year plan recommended that a series of trailhead shuttles be deployed in conjunction with three core fixed-route bus lines. Additionally, public outreach conducted during the development of the plan found there to be strong public support for the city to provide public transportation – specifically to the area trailheads.

Traffic congestion during the peak visitor season continues to be the number one complaint by city residents. Add to that the overflow of trailhead parking into some of the city's neighborhoods and surface streets, and it becomes clear that this issue is adversely affecting public safety as well as the quality of life of many of Sedona's residents.

The city has been compelled to expedite the implementation of the trailhead shuttle program to address a worsening pedestrian safety issue that is occurring on some of the roadways leading to the city's most popular trailheads.

Limited trailhead parking is causing visitors and residents to park up to 1/3 of a mile from some of these locations and walk the rest of the way. This has put scores of pedestrians on roadways that are simply not designed for them. Limited line of sight, fast moving vehicles, and distracted motorists and pedestrians make it a very dangerous situation.

The city has redirected many of its resources (e.g., law enforcement, public works, etc.) to attempt to manage the problem, however, this approach is simply not sustainable.

On February 1, 2022, the Conditional Use Permit was approved by the Planning and Zoning Commission. As planned, the shuttle system became operational in March of 2022 and will include several park and ride locations – including the subject properties. The service operates year-round Thursday through Sunday between 8:00 a.m. and 6:30 p.m. providing fifteen-to-thirty-minute frequency depending upon demand. However, city staff also anticipates that the shuttles may operate daily during spring break and other select holiday weeks.

The city has entered into a lease agreement with the Church of the Red Rocks for the subject properties for the intended use as stated above. The city intends for the 179 Park and Ride to continue to operate after the Zone Change.

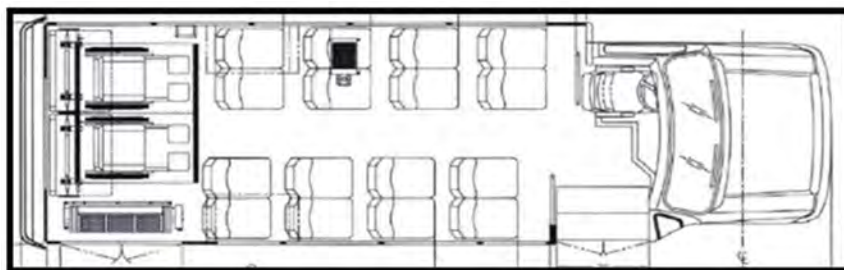
As stipulation of the Conditional Use Permit, traffic has been monitored and counted at several times before and after the implementation of the Park and Ride. Since the March 24, 2002, service launch through 11/27/22 – The shuttles logged 52,399 passenger boardings at the N SR 179 Park & Ride. Traffic counts were ongoing during August and September and do not conclude an increase in traffic since the inception of the park and ride. A summary of this data is included in the Appendix.

CONTEXT PLAN:

Transit Vehicle Information

The trailhead shuttle service shall use the Allstar 25' E-450 twenty passenger medium-duty gasoline-powered bus with a hybrid upfit. The buses shall be fully ADA accessible and capable of accommodating two wheelchairs and sixteen ambulatory passengers or twenty ambulatory passengers.

It should be noted that the hybrid upfit is engineered to engage an electric motor to initially propel the vehicle from a dead stop, which allows the engine to remain at idle. The vehicles will be quieter during stop / start operation while serving the park and ride locations.



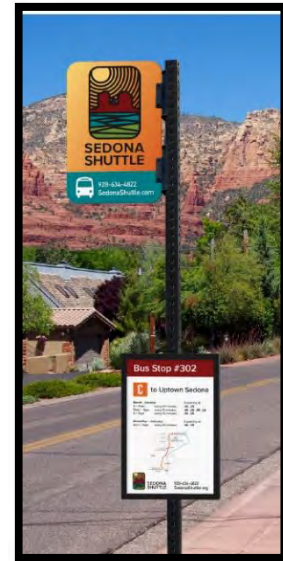
Current state of the project & moving forward:

Under the current CUP the Park and Ride includes the following site improvements:

- Restripe the parking spaces
- Install portable restrooms
- Designate a passenger boarding area with distinctive pavement markings.
- Provide garbage and recycle containers
- Complete general landscaping / clean up
- Install a pole with an attached flag & transit schedule information panel as seen to the right

As part of the Rezone the City intends to provide (See details on the following page)

- Permanent Restroom
- Permanent Shade Structures
- Sidewalk connection to SR 179
- Permanent Bike Racks
- No Parking zones on Arrow Dr and Bowstring Dr
- Traffic Control Assistant (TCA) guard shack







Sedona Shuttle Trailhead Pickup

Thur - Sun



Cathedral Rock
Little Horse



SEDONA SHUTTLE



Trailhead
Pickup

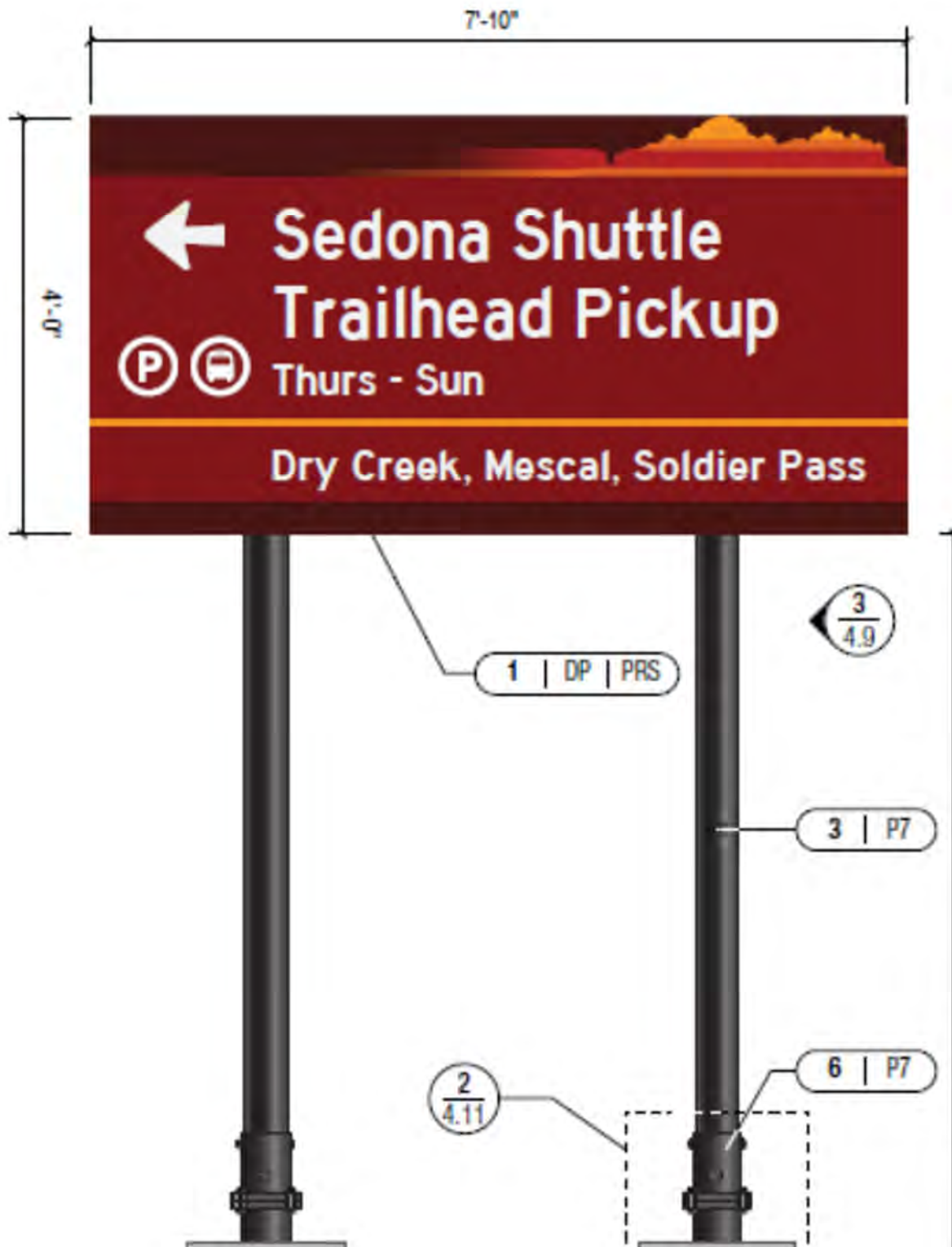


Thurs - Sun

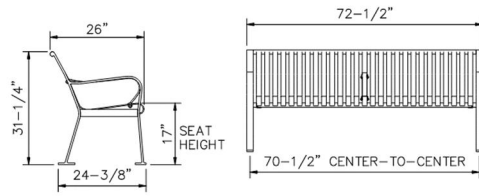


Cathedral Rock
Little Horse

No overnight parking

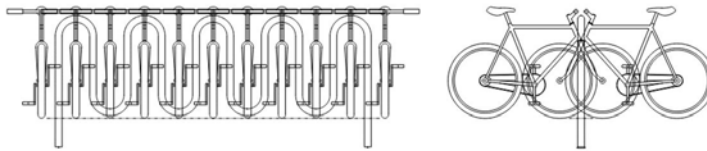


Site Maintenance:



VICTOR STANLEY RB-28 BENCH IN GREY

NTS

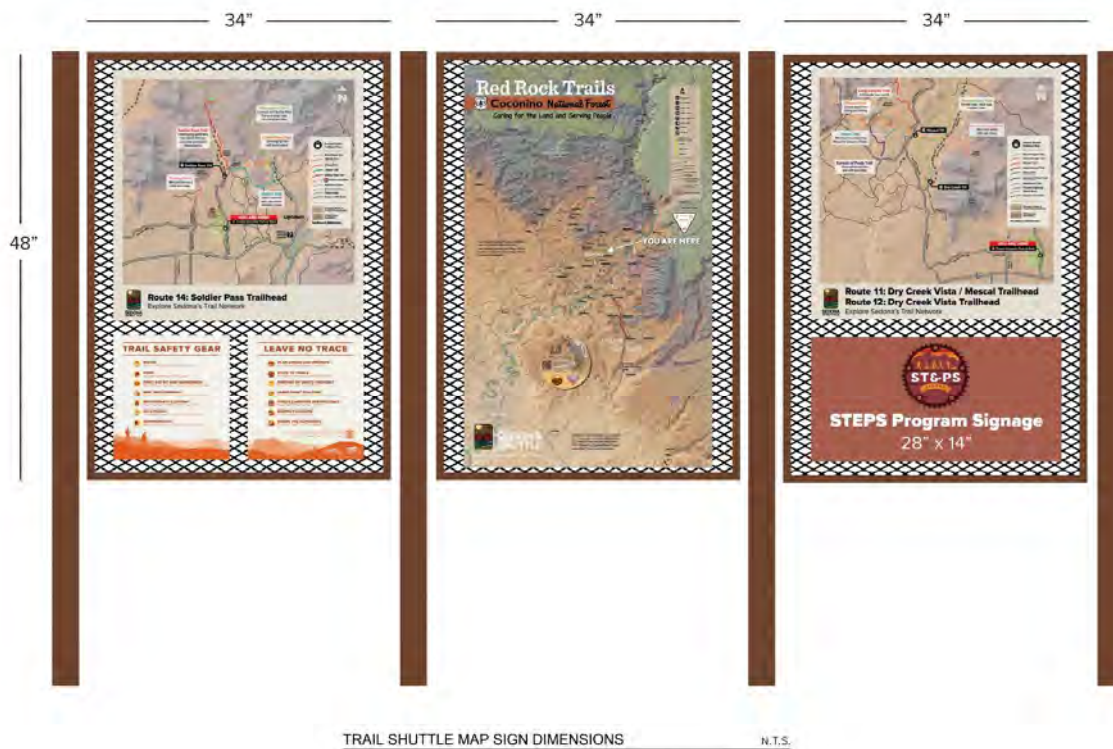


- NOTES:
1. IN-GROUND MOUNT.
 2. COLOR: POWDER-COAT LIGHT GRAY

©2018 Dero

DERO ROLLING BIKE RACK
MODEL #: RR5H - IG

NTS



TRAIL SHUTTLE MAP SIGN DIMENSIONS

N.T.S.

The city shall assume responsibility for all maintenance requirements for the site to include, but not limited to:

- Garbage collection and litter removal
- Public restroom maintenance and cleaning
- Landscape maintenance
- Pavement re-sealing, re-striping, and resurfacing as needed
- General repairs

PUBLIC SCOPING / OUTREACH

Conditional Use Permit Summary

In early August of 2021, the city mailed a preliminary public scoping letter to nine property owners or residents who reside near the subject properties informing them of the city's proposed use of the site. The letter invited each to provide comment or contact the city for additional information. That effort yielded one comment from a property owner in where they inquired about the city's intended strategy to reduce the anticipated noise levels at the site.

In November and December of 2021, additional outreach occurred in the form of two letters and an Open House.

The Open House was held on December 7th from 4:30 PM to 6:30 PM at the Church of the Red Rocks. There were approximately thirty (30) residents in attendance which yielded several comments / concerns which are summarized below and included as an **Attachment**.

Overall, the attendees wanted their concerns/comments addressed. Our Team noted the potential time restrictions and stipulations that must be met with the Conditional Use Permit.

Zone Change Public Scoping/Outreach

An Open House is scheduled for December 1, 2022 at the Church of the Red Rocks.

The summary of the meeting is in the Citizen Participation Report.

STIPULATIONS OF THE REZONE

- The city will continue to monitor traffic on local streets. As of November 2022, traffic has not increased with the implementation of the park and ride.
- The city will continue to respond to requests from the neighborhood. As of November 2022, there have been two calls/complaints (only one of which was related to the park and ride). The city responded within 24 hours to remove vehicles parked along the neighborhood streets.

ATTACHMENTS:

- A. Application
- B. Vicinity Map/Aerial
- C. Site Plan
- D. Current Route
- E. Citizen Participation Report

Project Application

fillable PDF available online at:
www.sedonaaz.gov/projects



City Of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • www.sedonaaz.gov/cd

Application for (check all that apply):

☒ Conceptual Review

☐ Comprehensive Review

☐ Appeal

☐ Time Extension

☐ Community Plan Amendment

☐ Development Review

☐ Subdivision

☒ Minor Modification

☒ Zone Change

☒ Conditional Use Permit

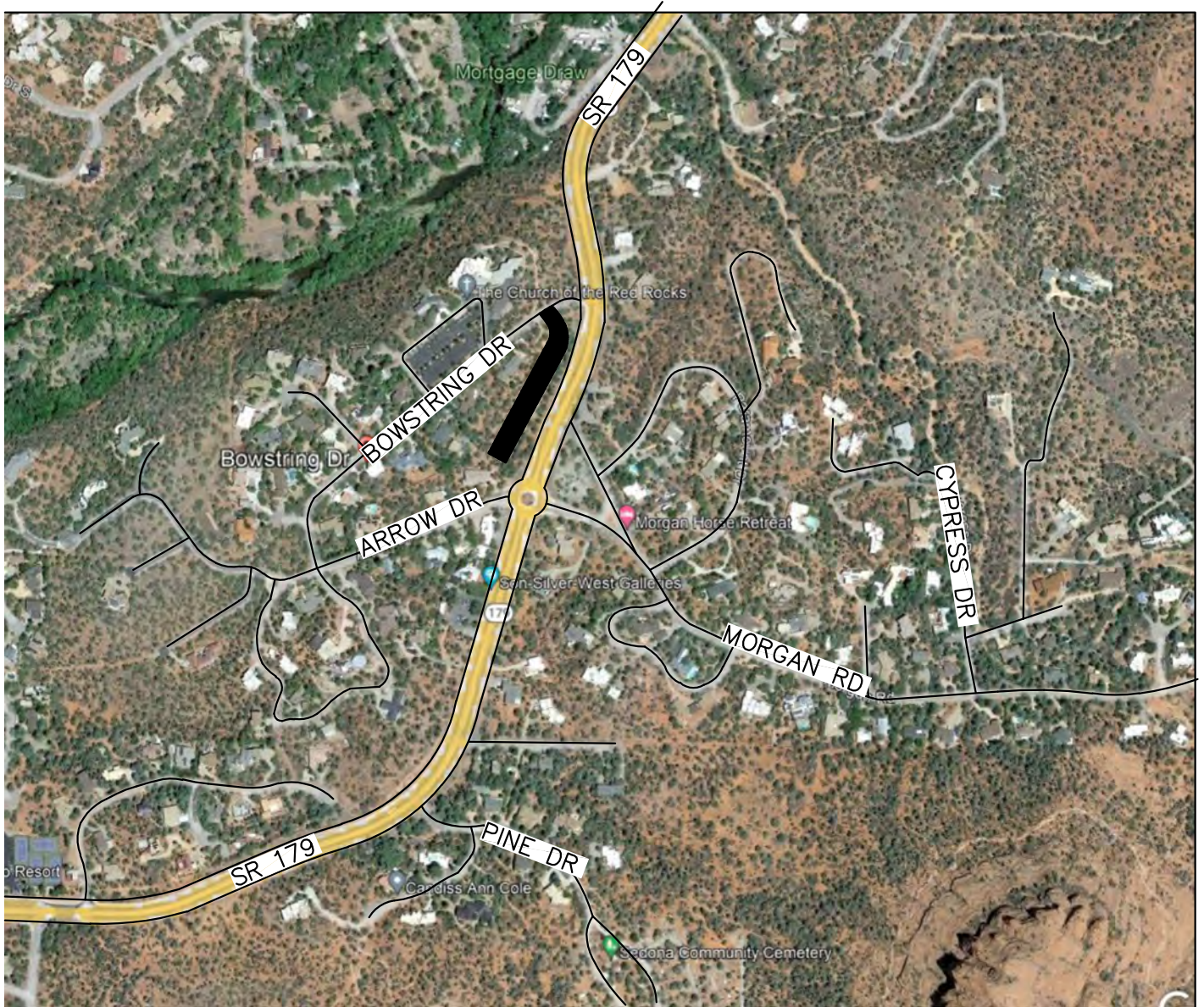
☐ Variance

Project Information	Project Name	179 Park and Ride		
	Project Address	1294 SR179	Parcel No. (APN)	401-25-002N & 401-25-002P
	Primary Contact	Church of The Red Rocks	Primary Phone	(928) 282-7963
	Email		Alt. Phone	
	Address	54 Bowstring Dr	City/State/ZIP	Sedona, AZ 86336
Office Use Only	Application No		Date Received	
	Received by		Fee Paid	

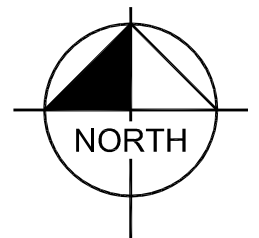
Project Description	The project continue use of the park and ride trailhead shuttle stop in the existing paved, overflow parking lot. The proposed improvements consist of striping, shuttle stop amenities, and signage.
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Additional Contact Information: Please complete the following for all companies/people authorized to discuss the project with the City. Please attach additional sheets if necessary.

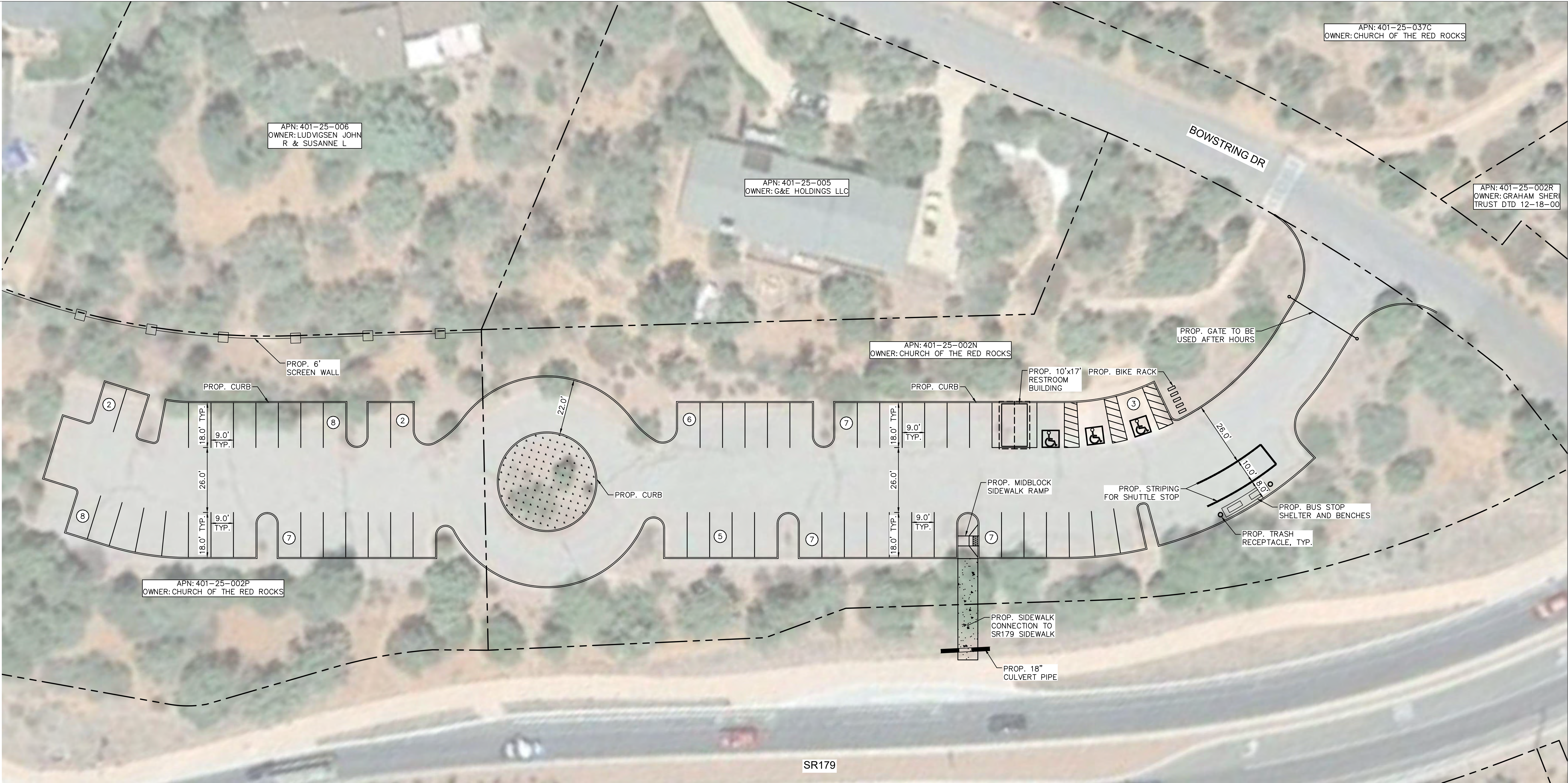
Contact #1	Company	City of Sedona - Transit	Contact Name	Robert Weber
	Project Role	Transit Administrator	Primary Phone	(928) 203-5086
	Email	adickey@sedonaaz.gov	Alt. Phone	
	Address	102 Roadrunner Dr	City/State/ZIP	Sedona, AZ 86336
Contact #2	Company	Kimley-Horn	Contact Name	Andrew Baird
	Project Role	Civil Project Manager	Primary Phone	(928) 458-7121
	Email	andrew.baird@kimley-horn.com	Alt. Phone	
	Address	201 N Montezuma St. Suite 206	City/State/ZIP	Prescott, AZ 86301
Contact #3	Company		Contact Name	
	Project Role		Primary Phone	
	Email		Alt. Phone	
	Address		City/State/ZIP	



Vicinity Map
NTS



K:\PRS_Roadway\191502021-179 Park and Ride\CAD\PlanSheets\Preliminary Site Plans\SP01_191502014.dwg



LEGEND

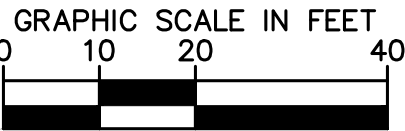
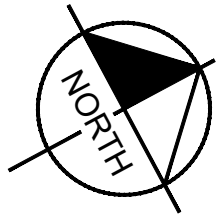
- PROPERTY LINE, R/W
- PROP CONCRETE SIDEWALK & WAITING AREA
- PROP AWNING/BENCHES
- PROP BIKE RACK
- PROP TRASH RECEPTACLE
- PROP PARKING COUNT

PARKING

ACCESSIBLE SPACES	3
STANDARD SPACES	59
TOTAL	62

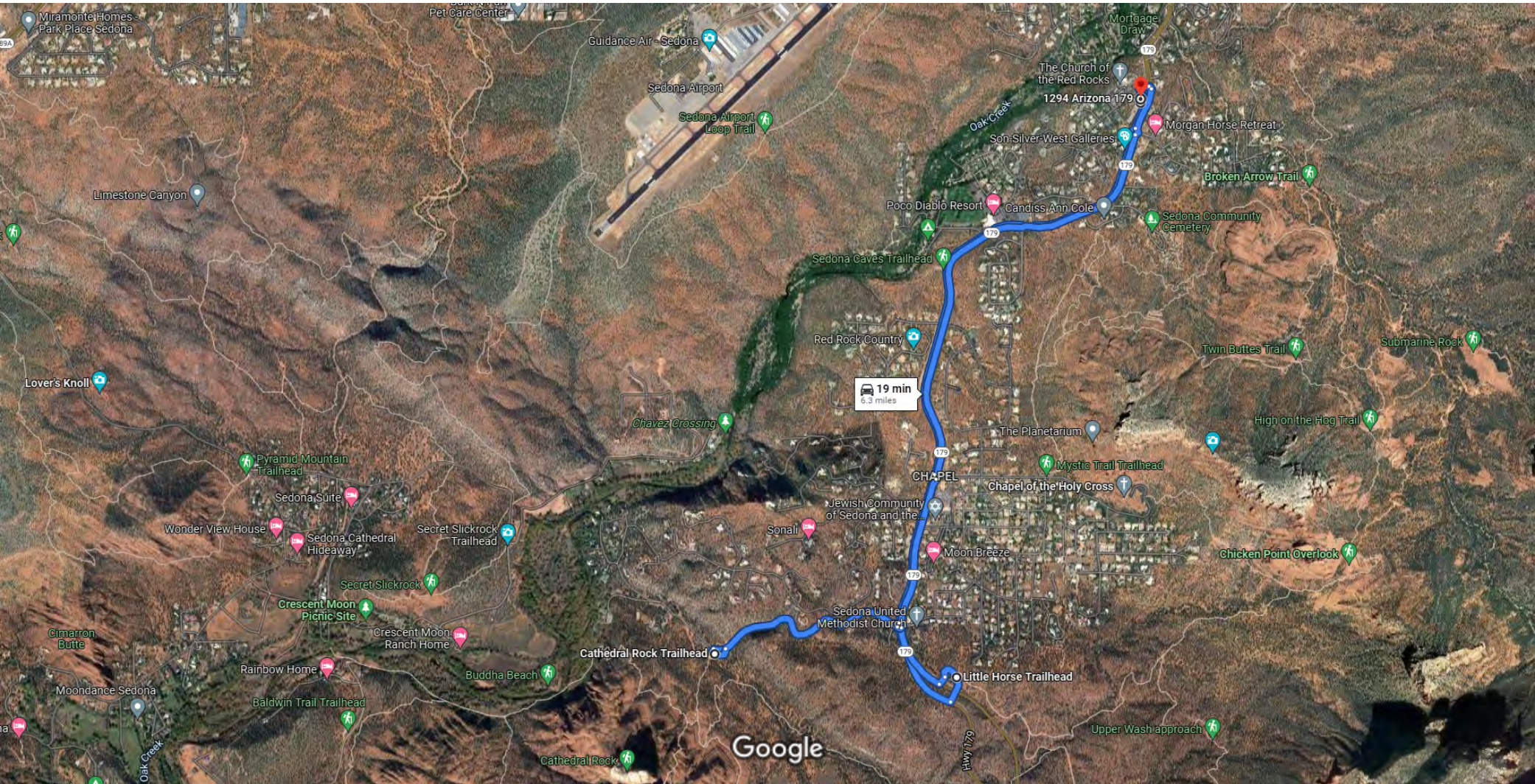
PROJECT INFORMATION

ASSESSOR'S PARCEL NUMBER:	401-25-002N & 401-25-002P
NET ACREAGE:	1.94± ACRES
EXISTING ZONING:	RS-18: SINGLE FAMILY RESIDENTIAL
JURISDICTION:	CITY OF SEDONA, ARIZONA



Symbol	Revisions	Date	Appr.	Designed by: JTH	Date: 10/19/2022	PRELIMINARY FOR REVIEW ONLY NOT FOR CONSTRUCTION Kimley»Horn ENGINEER <u>A. BAIRD</u> PE NO. <u>48841</u>, DATE <u>12/22</u>	Kimley»Horn © 2022 KIMLEY-HORN AND ASSOCIATES, INC. 101 WEST GOODWIN ST SUITE 303 PRESCOTT ARIZONA, 86303 PHONE: 928-458-7121 WWW.KIMLEY-HORN.COM	 CITY OF SEDONA PUBLIC WORKS DEPARTMENT 102 ROADRUNNER DRIVE SEDONA, ARIZONA 86336 928-204-7111	179 PARK AND RIDE PRELIMINARY SITE PLAN	SHEET ID SP01
			Drawn by: JWL	Scale:	SHEET NO. 01 OF 04					
			Checked by: ACB	Project Code: 191502021						

Bowstring Shuttle Bus Route



Imagery ©2021 Landsat / Copernicus, Maxar Technologies, USDA Farm Service Agency, Map data ©2021 1000 ft

 via AZ-179 S 19 min
19 min without traffic 6.3 miles

Explore 1294 AZ-179



Citizen Participation Report

Applicant Name: Andrew Baird, Kimley-Horn

Mailing Address: 101 West Goodwin Street, Suite 303, Prescott AZ, 86301

Phone: 928-458-7121

E-mail: andrew.baird@kimley-horn.com

Property Address or Parcel Number(s): 401-25-002P & 401-25-002N

Brief Description of Permit Request(s)/Type(s): The City of Sedona with the support of their consultant, Kimley-Horn, is seeking a Zone Change. The city's intended use of these parcels is to permanently continue park and ride and shuttle stop for the city's new trailhead shuttle program (generated through the Sedona in Motion program and further supported by the Sedona Area Transit Implementation Plan). The shuttles will continue to provide service from this location to nearby USFS trailheads to include Cathedral Rock and Little Horse. The subject properties are accessed via Bowstring Drive, southeast of the church's main facility adjacent to SR-179.

1. Please list the dates and locations of all meetings where citizens were invited to discuss the applicant's proposal: An Open House was held on December 1st from 4:00 PM to 6:00 PM at the Church of the Red Rocks. There were three (3) residents in attendance which yielded several comments / concerns which are included as **Attachment A**.

2. Please attach and note the content, dates mailed, and numbers of mailings, including Community Meeting letter(s), other meeting notices, newsletters and other publications

(if applicable): Below are letters that have been mailed or emailed out to the property owners all are included in **Attachment B**.

November 14, 2022 – Information Letter and invitation to open house on December 1st, 2022.

3. List the notification radius in feet or miles as identified by Community Development staff, and any other entities (and their locations) notified outside of that radius: 300'+ (extended west into the community to include more properties along Bowstring.

4. Please list the number of people that participated in the process (that commented) and the total number of people/entities notified: 48 entities were notified in the letter on November 14, 2022.

Three (3) Attendees at the Open House

1 Email (Also in attendance at the Open House)

5. Please list the substance of (or attach) the concerns, issues, and problems raised per citizen input and how the applicant will or has addressed the concerns, issues and problems that were expressed during the process? How will the applicant keep the



Community Development Department informed on the status of Citizen Participation efforts?

The majority of the comments discussed at the Open House were from the email included in Attachment C. Below is a summary of the discussion:

More details on permanent bathroom structure – More details will be provided as the project progresses and ultimately receives approval/permit from the City.

Concern the sidewalk connection to SR179 will increase traffic – The added sidewalk connection is to an existing bus stop on SR 179 which will connect to a regional bus system. attempt to park or to drive through creating additional, unnecessary traffic)

Will the Bike racks be used – To promote multi-modal usages, bike racks are necessary at the park and ride.

Signage is confusing and shows maps to different trailheads– The signage is generic, actual trailhead signage for the routes will be provided at each park and ride.

Permanent signage – Temporary no parking will ultimately be removed and likely install larger boulders to reduce on street parking.

Confusion internal to the park and ride – More education and enforcement to direct cars back to SR 179 either with a T type turnaround or more enforcement to remove from the circle.

Overflow Parking and concern with added traffic—It was noted the traffic has not increased based on recent traffic counts in Sept/October. There has only been one complaint on on-street parking based on overflow parking. The City responded within 24 hours.

Additionally, discussions were held with the owner of 111 Bowstring Drive (APN 401-25-006) noting the request for a wall to be placed along the shared property line. The request was made on 12/17/21. On 12/23/21, the owner was notified that to meet City Code a 6' wall will be installed to screen the residential and non-residential use. This was discussed further at the 12/1/22 meeting and a 6' screen wall is included in the site plan.

7. Please list any concerns, issues and problems the applicant is unwilling or unable to address, and why: We will continue to address all concerns from the neighborhood.

Attachments

- A. Open House Sign in Sheet**
- B. Outreach Letter on 11/14/22**
- C. Emailed Comment**

[illegible]

November 14, 2022

Re: 179 Park and Ride Rezone

Dear Resident,

As an immediately adjacent neighbor, we are writing to inform you that the City is seeking to rezone the 1.94-acre property which is currently operating the trailhead shuttle service park and ride under a Conditional Use Permit that was approved in February 2022. The City's intention is to continue to operate the park and ride and shuttle stop for the trailhead shuttle program, which will serve nearby trailheads to include the Cathedral Rock and Little Horse trailheads. The property of interest is currently accessed via Bowstring Drive, southeast of the church's main facility adjacent to SR 179.

We invite you to an Open House at the Church of the Red Rocks on **Thursday, December 1st, 2022, from 4:00 pm to 6:00 pm** to further discuss the project.



Project History & Scope:

In January of 2020, the city completed the Sedona Area Transit Implementation Plan. This seven-year plan recommended that a series of trailhead shuttles be deployed in conjunction with three core fixed-route bus lines. Additionally, public outreach conducted during the development of the Transit Implementation Plan found there to be strong public support for the City to provide public transportation – specifically to the area trailheads.



With increased visitation seen in 2020, City staff accelerated the trailhead shuttle deployment to mitigate traffic congestion and lesson illegal parking in and around some of the more popular trailhead areas.

On February 1, 2022, the Conditional Use Permit was approved by the Planning and Zoning Commission. As planned, the shuttles became fully operational in March of 2022 and will include several park and ride locations.

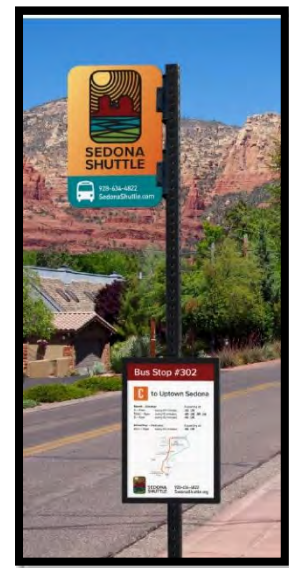
Current state of the project & moving forward:

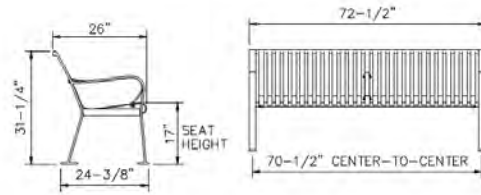
Under the current CUP the Park and Ride provides the following:

- Restripe the parking spaces
- Install two portable restrooms
- Designate a passenger boarding area with distinctive pavement markings.
- Provide garbage and recycle containers
- Complete general landscaping / clean up
- Install a pole with an attached flag & transit schedule information panel as seen below

As part of the Rezone the City intends to provide (See details on the following page)

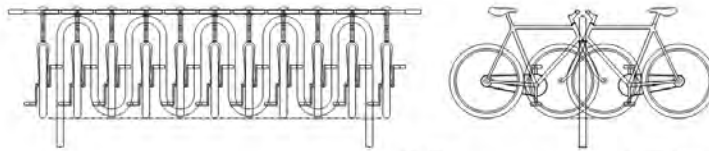
- Permanent Restroom
- Permanent Shade Structures
- Sidewalk connection to SR 179
- Permanent Bike Racks





VICTOR STANLEY RB-28 BENCH IN GREY

NTS



- NOTES:
 1. IN-GROUND MOUNT.
 2. COLOR: POWDER-COAT LIGHT GRAY

©2018 Dero

DERO ROLLING BIKE RACK
 MODEL #: RR5H - IG

NTS



TRAIL SHUTTLE MAP SIGN DIMENSIONS

N.T.S.

Site Maintenance:

The city shall continue all maintenance requirements for the site to include, but not limited to:

- Garbage collection and litter removal
- Public restroom maintenance and cleaning
- Landscape maintenance
- Pavement re-sealing, re-striping, and resurfacing as needed
- General repairs

We look forward to meeting you in person at the Open House. If you would like to know more information, please reach out to me via telephone at 928-458-7121 or email at andrew.baird@kimley-horn.com.

Sincerely,

Andrew Baird

Project Manager/Applicant
Kimley-Horn

Baird, Andrew

From: Althea Johnson <althea.m.johnson@gmail.com>
Sent: Thursday, December 1, 2022 3:01 PM
To: Baird, Andrew
Subject: CRR Lot Meeting Comments

Categories: External

You don't often get email from althea.m.johnson@gmail.com. [Learn why this is important](#)

Hi Andrew -

Although we realize it is all part of the requirements for these types of projects, we appreciate the opportunity for engagement! While I largely agree with the city publications that the shuttle service has seen some successes in its initial rollout, I see multiple areas of concern as ongoing for the surrounding community along Bowstring Drive. I know we are only a short time ahead of this evenings' meeting at this point, but I thought I would at least send this over to you to have 'on record.' Perhaps some of these concerns are already planned to be addressed, but if not, at least this is a preview of some things that may come up:

- (1) Permanent bathroom structure – more details and location would be appreciated, nothing was included in the most recent packet received; also some indication of how the construction of the structures might impact access along Bowstring
- (2) Sidewalk connection to SR179 – this indicates an intent for the parking lot to be utilized by more than individuals driving in and getting directly on to the shuttle bus; which could overrun the lot and push cars into the neighborhood streets (to attempt to park or to drive through creating additional, unnecessary traffic)
- (3) Bike racks – is there data to show that people have and would actually use these at similar shuttle lot locations or could the space be used more effectively? Are bikers currently allowed to access Back O' Beyond road while the shuttle is running?
- (4) Signage – the map/sign shown in the provided documentation is hard to see clearly, however is the intent for riders to really just see the trail maps of the places they are going to on the shuttle? The concern here is that it would encourage people to park in the shuttle lot but access other trails (such as Marg's Draw or the Broken Arrow/Hog Wash trail system, which we walk to easily and often from our home). If people do start using the lot in this way it will cause more overflow traffic moving through the neighborhood. Have there been issues with overflow parking at the end of Morgan? Do you anticipate guests usage of the lot in this way moving forward?
- (5) Permanent signage – how long are the 'Temporary No Parking' cones intended to stay on the street. What is the permanent solution for this? Recently there were also similar signs and cones along Arrow (which in addition to the cars parked in front of the residence connected to Son Silver West) caused the already narrow road to feel even narrower. We were glad these seemed to be very temporary at this time. What is the longer term intent along Arrow as well? Especially during the busiest season?

Additionally – In the initial packet of information presented to the P&Z Committee it clearly indicated that the Traffic Memorandum concluded that *"Local Traffic Only" signage should be installed on Bowstring Drive and Arrow Drive to deter Shuttle users from using local roads.* This was also something requested by the local residents at our meeting a year ago, however there has not been any

such signage installed. We are aware that these are technically non-enforceable, but it would help to alleviate some cars as people make their decision about driving through the neighborhood or not.

(6) Overflow -- parking is a concern of course (although this has not become the significant issue, as was anticipated by many in the community, to which we are thankful) however, my concerns are higher with overflow cars driving through the neighborhood who were not able to get into the full shuttle lot. I do feel there has been a noticeable increase during peak shuttle usage. On multiple occasions we have witnessed (We walk our dog and toddler through the area frequently) the staffers monitoring the lot waving people up Bowstring Drive when there are no spaces left in the lot, not allowing anyone to take the left turn into the lot. Sometimes these people will turn around in one of the roads leading towards the CRR main lot, and sometimes they will continue along Bowstring to either turn around at the end (not realizing Arrow also exits) or then turn down Arrow to exit back out to 179. Or try to park along the street – I have had multiple cars throughout the year stop and ask if they can park along the street while I have been out walking.

I have just reviewed the packet available prior to the P&Z Committee meeting in Feb 2021 and could not find what I was looking for, however, I believe that during the meeting itself there were images shown that indicated the turn around for cars not able to fit into the lot would be within the lot. If I recall correctly, the fact that there was a roundabout already in the space was touted as making this turn around feasible within the footprint of the parking lot itself. However, waving cars up Bowstring, or coning off the access to the lot so that cars are confused as to what to do (so they stay there waiting to turn left causing a backup down towards 179 or they continue on and drive directly through the neighborhood) means the issue of increased traffic is not contained to the lot itself, but directly affecting those of us who live along Bowstring Dr.

I would finish by saying, we just hope that the City doesn't take for granted the fact that there have not been major issues with locating the shuttle parking here. It sometimes feels that way when the gate is left open overnight and on non-shuttle operating days (which has and does happen, even recently). And by assuming that the 'no through traffic' type signage the community members requested are not really a priority. We hope that as this lot's usage for the shuttle becomes more and more permanent, that the community members' concerns don't get lost amongst the shuffle. And that we can ALL feel that it really has been a success!

Many Thanks!
Althea

Althea Johnson & Mitch Witteman
171 Bowstring Dr.
Sedona, AZ 86336
919 368 0540

Althea M Johnson
M.Sc. International Sustainable Tourism (MIST)
University of North Texas, USA jointly with CATIE, Cartago, Turrialba, Costa Rica
althea.m.johnson@gmail.com
+1 919 368 0540

Action Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, January 3, 2023 - 4:30 p.m.

1. CALL TO ORDER, PLEDGE OF ALLEGIENCE, ROLL CALL

Chair Levin called the meeting to order at 4:40 p.m., led the Pledge of Allegiance and requested roll call.

Planning & Zoning Commission Participants: Chair Kathy Levin, Vice Chair Charlotte Hosseini, and Commissioners Will Hirst, Sarah Wiehl via Zoom, and Lynn Zonakis. Commissioners George Braam and Kali Gajewski were excused.

Staff Participants: Kurt Christianson, Andy Dickey, Cynthia Lovely, Steve Mertes, Cari Meyer, Christopher Norlock, Donna Puckett, and Robert Weber.

2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF

Chair Levin welcomed Commissioner Will Hirst who indicated he wanted to become involved in the community and gave a brief introduction summarizing that he was the Executive Director of several labor unions, Executive Director of a County Public Authority in California, and he has built about five homes and a commercial building.

Cari Meyer reported that the Chapel View Terrace Subdivision was approved, and they did not approve the Refuge at Sedona Subdivision. The Arabella project was appealed, and Council will hear that appeal on January 25th at 3:00 p.m.

3. APPROVAL OF THE FOLLOWING MINUTES:

a. November 15, 2022 (R)

Chair Levin asked if there were any corrections to the November 15, 2022, regular meeting minutes. If not, the minutes will stand as approved.

No corrections were identified; minutes were approved.

4. Nomination and election of Chair and Vice Chair.

NOMINATION(S) FOR CHAIR:

NOMINATION: *Charlotte Hosseini nominated Kathy Levin for Chair. There were no additional nominations.*

VOTE: *Nomination carried five (5) in favor (Hirst, Hosseini, Levin, Wiehl and Zonakis) and zero (0) opposed. Commissioners Braam and Gajewski were excused.*

NOMINATION(S) FOR VICE CHAIR:

NOMINATION: *Kathy Levin nominated Charlotte Hosseini for Vice Chair and Charlotte Hosseini accepted the nomination. There were no additional nominations.*

VOTE: *Nomination carried five (5) in favor (Hirst, Hosseini, Levin, Wiehl and Zonakis) and zero (0) opposed. Commissioners Braam and Gajewski were excused.*

5. PUBLIC FORUM: (This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be

limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further consideration and decision at a later date.)

Opened the public forum at 4:45 p.m. and, having no requests to speak, closed the public forum at 4:46 p.m.

Brought back to the Commission.

6. Update/discussion regarding the Community Plan Update.

Introduction by Chair Levin.

Update provided by Cynthia Lovely included the following information:

- Two virtual Listening and Learning Workshops were held – one with about 50 people on circulation and one with about 40 people on economic development. There were about double the number of people that registered. Cynthia thanked Andy Dickey who presented the circulation section and Molly Spangler who presented economic development plus to regional representatives.
- An in-person, half-day partner workshop will be held next week with a combination of city staff and a variety of different partners, including the U.S. Forest Service, the water company and several non-profits, and we may do at least one more of those in the future.
- Two in-person workshops will be held similar to community forums with stations for people to participate – one will be on land use, housing, and growth and the other one will be on tourism management
- January 18th – will be the next workgroup meeting
- We will be collaborating with different departments on different sections of the plan to look at the goals, policies, and action items from their perspectives.
- Work is continuing on the website to improve information
- Timeframe is February – March for the in-person workshops

7. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:

- a. **Public hearing/discussion/possible action regarding a request for approval of a Minor Community Plan Amendment (Minor CPA) from Single-family Low Density (0.5 to 2 DU/AC) to Public/Semi-Public, Zone Change (ZC) from RS-18 (Single-Family Residential) to CF (Community Facilities), and Conditional Use Permit (CUP) to operate a trailhead shuttle from an existing parking lot at 1294 & 1406 State Route 179 (Church of the Red Rocks Overflow Parking Lot). The subject property is ±1.94 acres, and is located southwest of the intersection of State Route 179 and Bowstring Dr. APN: 401-25-002N & P. Case Number: PZ22-00010 (Minor CPA, ZC, CUP). Applicant: City of Sedona**

Introduction by Chair Levin

Presentation by Planning Manager Cari Meyer

Presentation by applicant's representative Andrew Baird with Kimley Horn

Commission's questions of staff and applicant's representative

Opened the public comment portion of the hearing at 6:00 p.m. and, having no requests to speak, closed the public comment period at 6:01 p.m.

Brought back to the Commission.

Commission's additional questions and comments for staff

MOTION: Vice Chair Hosseini moved to recommend to the Sedona City Council approval of the proposed Minor Community Plan Amendment as set forth in case number PZ22-00010 (Minor CPA), Sedona Shuttle, redesignating APN 401-25-002N & P from Single Family Low Density (SFLD) to Public/Semi-Public (P/SP), based on the findings as outlined in the Staff Report and subject to all applicable requirements, as outlined in the staff report, which staff report is hereby adopted as the findings of the Planning and Zoning Commission, and the attached conditions of approval. Commissioner Zonakis seconded the motion.

VOTE: Motion carried five (5) in favor (Hirst, Hosseini, Levin, Wiehl and Zonakis) and zero (0) opposed. Commissioners Braam and Gajewski were excused.

MOTION: Commissioner Zonakis moved to recommend to the Sedona City Council approval of the proposed zoning request as set forth in case number PZ22-00010 (ZC), Sedona Shuttle, rezoning APN 401-25-002N & P from RS-18 (Single Family Residential) to CF (Community Facilities), based on consistency and conformance with the Community Plan, compliance with all ordinance requirements of LDC Section 8.3 and 8.6, and satisfaction of the Zone Change findings and applicable Land Development Code requirements as outlined in the staff report, which staff report is hereby adopted as the findings of the Planning and Zoning Commission, and the attached conditions of approval. Commissioner Hirst seconded the motion.

VOTE: Motion carried five (5) in favor (Hirst, Hosseini, Levin, Wiehl and Zonakis) and zero (0) opposed. Commissioners Braam and Gajewski were excused.

MOTION: Commissioner Hirst moved for approval of case number PZ22-00010 (CUP), Sedona Shuttle, based on compliance with all ordinance requirements of LDC Section 8.3 and 8.4 and the satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements as outlined in the staff report, which staff report is hereby adopted as the findings of the Planning and Zoning Commission, and the attached conditions of approval. Vice Chair Hosseini seconded the motion.

VOTE: Motion carried five (5) in favor (Hirst, Hosseini, Levin, Wiehl and Zonakis) and zero (0) opposed. Commissioners Braam and Gajewski were excused.

Note: Chair Levin recessed the meeting at 6:14 p.m. and reconvened the meeting at 6:22 p.m.

8. NEW MEMBER, OPEN MEETING LAW, APPROVAL CRITERIA TRAINING

- a. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public to consult with legal counsel for advice on the training matters listed on this agenda per A.R.S. § 38-431.03(A)(3).

Introduction by Chair Levin

Presentation by Kurt Christianson including a review of Open Meeting Laws, Executive Sessions, Violations and Penalties; Conflict of Interest and Penalties; Planning & Zoning, Commission's Role, Taking Claims, the Nollan/Dolan Test, How P&Z Commissions go wrong, and Criteria for Approvals.

Questions from Commission

Kurt Christianson stated that he did have some legal advice on applicable criteria and the Open Meeting Law if the Commission would like to receive that.

Chair Levin read, "Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public to consult with legal counsel for advice on the training matters listed on this agenda per A.R.S. § 38-431.03(A)(3)."

MOTION: Chair Levin moved to go into Executive Session. Seconded by Commissioner Hirst.

VOTE: Motion carried unanimously with five (5) in favor (Hosseini, Hirst, Levin, Wiehl and Zonakis) and zero (0) opposed. Commissioners Braam and Gajewski were excused.

Commission went into Executive Session at 7:05 p.m.

Commission returned to open session at 7:40 p.m.

9. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, January 17, 2023
- b. Tuesday, February 7, 2023

Cari indicated that there would be no meeting on January 17th, and she doesn't currently have anything for February 7th, but will confirm that later.

Vice Chair Hosseini indicated she will be absent the first meeting in March.

10. EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

No additional Executive Session was held.

11. ADJOURNMENT

Chair Levin adjourned the meeting at 7:46 p.m. without objection.

I certify that the above is a true and correct summary of the actions of the Planning & Zoning Commission in the meeting held on January 3, 2023.

Donna A. S. Puckett, Administrative Assistant

Date

Conditions of Approval

PZ22-00010 (Minor CPA, ZC, CUP)

Sedona Shuttle



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • www.sedonaaz.gov/cd

As approved and recommended for approval by Planning and Zoning Commission, January 3, 2023

Conditions of Approval, PZ22-00010 (Minor CPA, ZC)

1. Within thirty days of approval of the Minor Community Plan Amendment and Zone Change, the property owner of record of subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Minor Community Plan Amendment and Zone Change.

Conditions of Approval, PZ22-00010 (CUP)

1. The Conditional Use Permit shall be valid upon City Council approval of the associated Minor Community Plan Amendment and Zone Change applications. If City Council does not approve the associated application, this approval is null and void.
2. The use shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Community Development Director shall require reconsideration by the Planning and Zoning Commission at a public meeting.
3. The Conditional Use Permit is approved without an expiration date. If the use for which the conditional use permit was approved ceases for a period of two years, the permit shall automatically expire. (LDC Section 8.4.B(3)g.1.i)
4. The applicant shall ensure that the use is operating in compliance with the Land Development Code requirements and applicable conditions of approval. If any unforeseen problems or nuisances arise due to the operation of this use, City may require additional measures to be taken by the permit holder to correct the violation, problem, or nuisance. If a satisfactory solution is not found, City Staff may initiate proceedings to revoke the CUP.
5. The City shall monitor the impacts from the use of the trailhead shuttle and parking on the surrounding residential neighborhood. If any unanticipated impacts occur, the City shall take steps to mitigate the impacts.
6. The applicant shall ensure that the use operates in compliance with the requirements of all applicable agencies, including, but not limited to, Sedona Community Development Department, Sedona Public Works Department, Sedona Police Department, Sedona Fire District, and the Arizona Department of Transportation (ADOT).
7. Within thirty days of approval of the Conditional Use Permit, the property owner of record of subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.

CITY OF SEDONA

GROUND LEASE and Option to Purchase

THIS GROUND LEASE AND OPTION TO PURCHASE ("Lease") is made and entered into this 22nd day of December 2021, to be effective as of January 1, 2022 ("**Effective Date**"), by and between the City of Sedona, an Arizona municipal corporation (the "**City**"), and The Church of the Red Rocks a(n) Arizona corporation ("**Owner**").

In consideration of the mutual covenants contained herein, Owner and the City agree as follows:

1. **Premises.** Owner hereby leases to the City and the City hereby leases from Owner, subject to the provisions of this Lease, 1294 and 1406 State Route 179 (APN 401-25-002N and 401-25-002P).

situated in the City of Sedona, legally described on Exhibit A attached hereto, and generally depicted as Exhibit B attached hereto (the "**Premises**").

2. **Term.**

- 2.1 The term of this Lease is for a period of six months commencing on the Effective Date and terminating on June 30, 2022 (the "Lease Term"), subject to earlier termination pursuant to any of the terms, covenants or conditions of this Lease or pursuant to law.
- 2.2 The City is granted, in its sole discretion, the option to extend the initial Term of this Lease for up to two (2) successive additional term of six (6) months on a month to month basis (such additional term being referred to as an "Extension Term" and such option being referred to as an "Extension Option") until June 30, 2023. The City will notify Owner in writing of its intent to exercise the Extension Option at least thirty (30) days prior to the expiration of the Lease Term.
- 2.3 Any Extension Term of the month-to-month lease will continue under the same terms and conditions as in effect immediately prior to the expiration of the then-current term.

3. **Rent; Security Deposit.**

- 3.1 The City will pay to Owner rent for the Premises at the rate equal to One Thousand Three Hundred Thirty-Four Dollars (\$1,334.00) monthly, until the earlier of the expiration of this Lease or termination of this Lease (the "Rent"). Rent will be considered fully-earned when paid pursuant to Section 3.2.
- 3.2 Rent is due and payable in advance commencing on the first day of each month during the Term, without notice or demand. Rent due for any period of less than one full month shall be appropriately apportioned based upon the number of days in such month.
- 3.3 By no later than January 1, 2022, City shall deposit with Owner the sum of Ten Thousand Dollars (\$10,000.00), which shall be held by Owner as a refundable security deposit for City's performance of all of the terms, covenants and conditions of this Lease (the "Security Deposit"). If City is not then in default under this Lease, Owner shall return the Security Deposit to City within thirty (30) days after the (a) the termination or expiration of the Lease Term, and (b) the date City vacates the

Premises. Alternatively, if City exercises its option to purchase the Premises pursuant to Section 9 of this Lease, the Security Deposit will be applied as a City payment towards the purchase price of the Premises, reducing the purchase price in an amount equal to the amount of the Security Deposit.

4. Use of Premises.

- 4.1 The City will use the Premises only for transit purposes, including establishing a park and ride shuttle stop for the city's new trailhead shuttle program ("Permitted Use").
- 4.2 Only with the prior written consent of Owner in each instance, the City may use the Premises for any other lawful purpose subject to the terms hereof.
- 4.3 Owner reserves the right to enter upon the Premises at any time during business hours to inspect the same, and the City agrees to allow Owner free access of the Premises for the purpose of examining or exhibiting the same at all reasonable times.
- 4.4 Owner, pursuant to its Conditional Use Permit, may in coordination with the City continue to use the Premises for occasional Church overflow parking.

5. Taxes and Utility Expenses.

- 5.1 Commencing on the Effective Date, and continuing throughout the term of this Lease, the City will pay any water or sewer fees imposed with respect to the Premises or any improvements thereon and the City will pay all charges for sewer, water, and electricity or other services furnished to the Premises or the occupants thereof.
 - a. Owner makes no representations regarding the availability of utilities at the Premises.
 - b. It shall be the City's responsibility to arrange for and connect the Premises to any utilities and/or other services that the City may wish to have serve the Premises, which connection(s) shall remain on the Premises at the end of Lease Term. Owner shall have the exclusive right to continue any such utilities at its sole expense.
- 5.2 Throughout the term of this Lease, Owner will remain responsible for timely payment of real estate taxes and special assessments, if any, that are assessed against the Premises.
- 5.3 Any refunds or rebates of amounts paid hereunder will belong to the party obligated to pay the amounts due and the other party will aid the receiving party in obtaining any such refund or rebate.

6. Improvements and Maintenance.

- 6.1 Consistent with the Permitted Use, as defined herein, the City may, at its own cost, further improve the Premises, but only to accommodate the Permitted Use, which improvements may include parking lots, curbs, parking lot marking, lighting, and landscaping, restrooms and the City at its sole cost will maintain the Premises and all improvements through the Lease Term and which improvements shall remain with the Premises at the end of the Lease Term.
- 6.2 Prior to commencing any such improvements on the Premises, the City will submit a complete set of designs for the same to Owner.

- a. Owner will have the right to review and provide comments to the City regarding such designs for a period of 30 days after receipt of the complete set of designs.
 - b. No such improvements may be made without Owner's prior written approval, which approval shall not be unreasonably withheld.
- 6.3 Any construction by the City shall be performed by a general contractor licensed with and in good standing in the State of Arizona.
 - a. All improvements shall be constructed in full compliance with any and all laws, ordinances, rules, regulations which may govern the Premises or such construction.
 - b. Once it commences construction, the City will diligently and expeditiously pursue and complete such construction on the Premises.
- 6.4 The City will do all things necessary to prevent the filing and upon any such filing City at its sole expense will cause the immediate removal of any mechanics' or other liens against the Premises, the City's leasehold interest, or the interest of Owner by reason of any work, labor, services or materials performed or supplied or claimed to have been performed or supplied to the City or anyone holding the Premises, or any part thereof, through or under the City.
- 6.5 The City will, at its own cost and expense, keep, maintain and repair the Premises, including all improvements of every kind which may be constructed thereon and all appurtenances thereto, in good working order, condition and repair during the Lease Term. The City will, at its own expense, keep the Premises in sanitary, clean and neat order and keep the sidewalks and parking area free of trash. If Premises are returned to Owner, the Premises will be returned in as close to original condition as possible, reasonable wear and tear excepted.
- 6.6 Should the City's improvements be damaged by fire, the elements or other casualty during the term of this Lease, except to the extent of insurance coverage provided herein, the City has no obligation to restore any improvements after the casualty but in such event must remove all of such damaged improvements from the Premises and restore the Premises to as nearly as practicable its condition on the Effective Date, and may at its option terminate this Lease by written notice to Owner within 30 days after said casualty effective on the date specified in such notice (provided that removal of such damages improvements from the Premises and restoration of the Premises is a condition precedent to any such termination).
- 7. **Assignment and Subletting.**
 - 7.1 The City may not assign or sublease this Lease or any part of the Premises without the prior written consent of Owner.
- 8. **Indemnity and Insurance.**
 - 8.1 The City, at its sole cost, will provide and keep in force during the Term general liability insurance, or comparable self-insurance retention, with respect to the Premises, naming Owner as an additional insured, in the amounts of \$1,000,000 in respect to injuries to any one person, \$2,000,000 in respect to any one accident; \$200,000 in respect to property damage; and to deliver certificates of such insurance

to Owner. Such insurance shall not limit the City as to any obligation to indemnify Owner.

- 8.2 In addition, the City, at its sole cost, will provide and keep in force during the Term insurance covering all improvements that are hereafter a part of the Premises insured against loss or damage by fire, wind, storm, malicious mischief and extended coverage hazards in an amount equal to at least 100% of the full replacement value thereof.
- 8.3 Owner shall not be liable for any loss, injury, death or damage to persons or property which at any time may be suffered or sustained by the City or by any person whosoever may at any time be using or occupying or visiting the Premises or be in, on, or about the same whether such loss, injury, death, or damage shall be caused by or in any way result from or arise out of any act, omission, or negligence of the City or of any occupant, subtenant, visitor, invitee, contractor, subcontractor or user of any portion of the Premises, or shall result from or be caused by any other matter or thing whether of the same kind as or of a different kind than the matters or things above set forth, and the City will indemnify, hold harmless and defend Owner and its members, managers, agents, employees, successors and assigns (the "Owner Parties") from liability from any and all claims, liabilities, expenses and reasonable attorneys' fees and court costs which may be claimed or asserted against the Owner Parties arising out of breach or default by the City under this Lease, the condition of the Premises during the Term, or the use of the Premises, or any portion thereof, by the City or its successors, assigns, licensees, invitees, employees, consultants, agents and/or members of the general public, including, but without limitation, claims for property damage and bodily injury or death and any mechanics' or materialmen's liens or claims of lien which may be asserted against the Owner. The foregoing sentence shall not apply to loss, injury, death or damage arising by reason of Owner's breach of its covenants contained in this Lease or, the negligence, or intentional misconduct of Owner or its agents, invitees or employees.

9. Purchase Option.

- 9.1 City shall pay at the beginning of the Lease Term to Owner the non-refundable sum of \$10,000.00 ("Option Fee") for the exclusive first right to purchase the Premises ("Purchase Option") which may be exercised for up to eighteen months from the Effective Date during the Lease Term or any Extension Terms provided City is not in default of the Lease terms and upon City giving notice in writing to Owner (the "Purchase Notice") of City's intention to purchase the Premises prior to the termination of this Lease. If City exercises this Purchase Option, then City shall purchase, and Owner shall sell the Premises to the City. The purchase price for the Premises ("Purchase Price") shall be the fair market value as determined by an appraiser mutually acceptable to both parties. City shall be responsible for the cost of the appraisal and closing costs shall be shared equally between the parties. The Purchase Option shall expire without notice upon the termination of this Lease. The Owner upon receipt of the Option Fee, shall be entitled to the immediate and exclusive use of the non-refundable payment. If City exercises its Purchase Option, the \$10,000 Option Fee shall be credited against the Purchase Price of the Premises and the Purchase Price shall be reduced accordingly.

- 9.2 Provided that City uses its best efforts to close the purchase without any delay caused by City upon exercising its Purchase Option, this Lease shall continue in full force and effect on a month to month basis for up to an additional six months following the initial Lease Term or Extension Term until the closing of the sale of the Premises to City. Upon the closing of title pursuant to this Purchase Option, this Lease shall terminate and end. Except upon an agreement by the parties, Closing shall not be delayed beyond six months following the exercise of the Purchase Option by City.
10. **Quiet Enjoyment and Permitted Uses.** Owner covenants and warrants that for so long as the City fulfills the conditions and covenants required of the City under this Lease, the City will have and peaceably enjoy the sole possession of the Premises during the Term, free from interference from Owner or any person claiming by or through Owner.
11. **Defaults.**
- 11.1 A party shall be deemed to be in default of this Lease if (a) default shall be made in the payment of Rent or any other charge due hereunder, and such default remains uncured for a period of ten days after the non-defaulting party provides to the defaulting party written notice of delinquency, or (b) default shall occur in the due performance or observance of any other covenant, condition or provision of this Lease on the part of the defaulting party to be performed, kept or observed, and such default remains uncured for a period of 30 days after the non-defaulting party provides to the defaulting party written notice specifying such default, provided that if the default by its nature cannot reasonably be cured within 30 days, then such period will be extended for so long as the defaulting party is proceeding diligently to cure such default as soon as reasonably possible under the circumstances.
- 11.2 The parties waive any claims to punitive, indirect or consequential damages. The parties must use reasonable efforts to mitigate damages resulting from the other party's default hereunder.
12. **Owner Representations.** Owner represents and warrants that:
- 12.1 OWNER has a fee simple title interest in the Premises that allows for a lease of the Premises to the City, and that, in accordance with any other agreements that are or may be affected by this Agreement, Owner has the power and authority to execute and deliver this Lease and to comply with all the provisions hereof.
- 12.2 The Premises has vehicular access to the following public streets: Bowstring Drive.
- 12.3 Owner has received no notice of, nor is Owner aware of, any pending, threatened or contemplated action by any governmental authority or agency having the power of eminent domain, which might result in all or any part of the Premises being taken by condemnation or conveyed in lieu thereof, except any such action by or on behalf of the City, as to which the City is deemed to be aware.
- 12.4 There is no action, suit, or proceeding pending or, to Owner's knowledge, threatened by or against or affecting Owner or the Premises that does or will involve or affect the Premises or title thereto or Owner's ability to perform its obligations under this Lease or any documents entered into pursuant to this Lease, except any such action by or on behalf of the City, as to which the City is deemed to be aware.

- 12.6 To Owner's knowledge, there is no dispute involving or concerning the location of the lines and corners of the Premises; to Owner's knowledge there are no encroachments on the Premises, no gaps or gores exist within the Premises and no portion of the Premises is located within any "Special Flood Hazard Area" designated by the United States Department of Housing and Urban Development, Federal Emergency Management Agency, or in any area similarly designated by any agency or other governmental authority; and no portion of the Premises is located within a watershed area imposing restrictions upon use of the Premises or any part thereof.
- 12.8 No prior options or rights of first refusal have been granted by Owner to any third party to purchase or lease any interest in the Premises, or any part thereof, which are effective as of the Effective Date and that could be exercised during the Term.
- 12.11 Owner will defend, indemnify and otherwise hold the City harmless from any and all claims of any person due to, arising out of or relating to Owner's breach of its representations made in this Lease and Owner will, promptly upon receiving any such notice or learning of any such contemplated or threatened action, give the City notice thereof.
- 13. City Representations and Covenants.** The City represents and warrants to and covenants with Owner as follows:
- 13.1 The City has the power and authority to execute and deliver this Lease and to comply with all the provisions hereof.
- 13.2 The activities conducted on the Premises during the Term will not pose any significant hazard to human health, the environment or violate any Environmental Laws.
- 13.4 At the expiration of the Term or any renewal term, the City will surrender the Premises in substantially the same condition as at the commencement of the term, reasonable wear and tear excepted.
- 13.5 The City will not encumber its leasehold interest in the Premises.
- 13.6 The City accepts the Premises "as is." The City acknowledges that it is fully aware of, and familiar with, the condition of the Premises, and acknowledges that it has received no representations, warranties, promises, statements or covenants from Owner regarding the condition or suitability of the Premises, except as otherwise explicitly set forth in Section 12 of this Lease.
- 14. Miscellaneous.**
- 14.1 Any and all notices, demands or requests required or permitted hereunder must be in writing and will be effective: (a) upon personal delivery, (b) four business days after being deposited in the U. S. Mail, registered or certified, return receipt requested, postage prepaid, (c) one business day after being deposited with any commercial air courier or express service, or (d) or upon receipt when sent to Owner or City by facsimile (with confirmation of good transmission) or via email (in the case of facsimile or email, with follow-up delivery by any other method proscribed above); in each case addressed as follows:

If to the City:
City Manager
City of Sedona
102 Roadrunner Drive
Sedona, Arizona 86336

If to the Owner:
Moderator
Church of the Red Rocks
54 Bowstring Drive
Sedona, Arizona 86336
Facsimile:
Email

With a copy to:
City Attorney
City of Sedona
102 Roadrunner Drive
Sedona, Arizona 86336

With a copy to:
General Counsel
Street Address
City, state zip
Facsimile:
Email:

- 14.3 This Lease is governed by the laws of the State of Arizona and the venue of any dispute will be Coconino County, Arizona. Each party hereby waives its rights to trial by jury in any action, proceeding or counterclaim arising out of or in any way related to this Lease or City's use or occupancy of the Premises.
- 14.4 The invalidity of any portion of this Lease will not affect any other portion hereof.
- 14.6 This Lease may be executed in multiple counterparts each of which will be deemed an original.
- 14.7 This Lease contains the entire agreement among the parties hereto, supersedes all prior agreements and may be modified only in writing.
- 14.8 Unless otherwise expressly provided herein, the provisions of this Lease will bind and inure to the benefit of Owner and the City and their respective successors and assigns.
- 14.9 Any commissions, brokerage fees, or any other similar fees arising as a result of, or because of the consummation of this Lease will be its sole responsibility of the party contracting with the agent, broker, or any other entity making any claim under that contract, and the party so contracting agrees to indemnify, defend, and hold the other harmless from any such claim.
- 14.10 Conflicts. Owner acknowledges this Lease is subject to A.R.S. §38-511, which allows for cancellation of this Lease in the event any person who is significantly involved in initiating, negotiating, securing, drafting, or creating the Lease on the City's behalf is also an employee, agent, or consultant of the Owner.
- 14.11 The Parties agree that they are not currently engaged in, and agree that for the duration of the Lease they will not engage in, a boycott of Israel, as that term is defined in A.R.S. §35-393.

[Remainder of this page intentionally left blank. Signatures appear on the following pages.]

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by their duly authorized officers as of the day and year set forth below their respective signatures.



The City:

City of Sedona, an Arizona municipal corporation

By: Karen Osburn
Name: Karen Osburn
Title: City Manager

ATTEST:

Christie Grit
Deputy City Clerk (SEAL)

APPROVED AS TO FORM:

[Signature]
City Attorney

OWNER:

The Church of the Red Rocks

By: [Signature]
Name: Robert I. Evans, Jr.
Title: Vice-Moderator CRR

State of ARIZONA)
County of Yavapai) ss.

The foregoing instrument was acknowledged before me this 30 day of December, 2021, by Robert I. Evans, Jr., the Vice-Moderator CRR of Church of the Red Rocks, on behalf of the company.

Jo Anne Cook
Notary Public

My Commission Expires:
02/06/2023



EXHIBIT A

Legal Description of Premises

Parcel Number 401-25-002-N

Legal Summary Sixteenth: SW Quarter: SE Section: 18 Township: 17N Range: 06E DEESC AS
FLLWS:BEG AT MOST SLY COR LOT 80

FAIRVIEW HEIGHTS PLAT 2 as recorded in Case1, Map7;

THENCE along the Southeasterly line of lot 81 of said Fairview Heights Plat Tow, South 27deg 13' West, a distance of 75' and along a curve to the right with a radius of 330.7', a distance of 121.9' to the most Southerly corner of said lot 81;

THENCE along the northeasterly line of Lot 5 of Broken Arrow Heights, the map of which is Recorded in Case 2, Map 150, records of Coconino County, AZ, South 41deg38'30" East, a distance of 150', to the Northerly line of Arrow Drive:

THENCE along said line of Arrow Drive and the Westerly line of right of way (right of way 66') for State Highway 179 along a curve to the left with a radius of 480.7', a distance of 177.3', and North 27deg 13' East, a distance of 75';

THENCE North 62deg 47' West, a distance of 150' to the Point of Beginning

Parcel Number 401-25-002-P

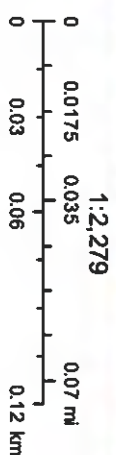
Legal Summary Sixteenth: SW Quarter: SE Section: 18 Township: 17N Range: 06E DEESC AS
FLLWS:BEG AT MOST SLY COR LOT 80

FAIRVIEW HEIGHTS PLAT 2 as recorded in Case 1, map 7;

THENCE along the Southeasterly and Northeasterly lines on said Lot 80, North 27deg 13' East, a distance of 220.7' and North 39deg 56' West, a distance of 77.5' to the Southeasterly line of Bowstring Dr,

THENCE along said line of Bowstring Drive, Northeasterly along a curve to the right with a radius of 617' a distance of 272.7' to the Westerly line of State Highway 179 (Westerly line of Right of way 66' wide)

Exhibit A-2



OAK CREEK

PARCEL BOUNDARY

COUNTY LINE

— **Street Centerline**

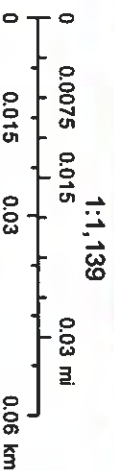
The City of Sedona makes no warranties, expressed or implied, with respect to the information shown on this map. The data is not accurate to engineering or surveying standards. No portion of this information should be considered or used as a legal document. Copyright 2019.

Exhibit A-2 City of Sedona, Arizona



December 22, 2021

- OAK CREEK
- PARCEL BOUNDARY
- COUNTY LINE
- Street Centerline



The City of Sedona makes no warranties, expressed or implied, with respect to the information shown on this map. The data is not accurate to engineering or surveying standards. No portion of this information should be considered or used as a legal document. Copyright 2019.

City of Sedona, 102 Roadrunner Drive, Arizona, 86368, USA



CITY COUNCIL AGENDA BILL

AB 2915
February 14, 2023
Regular Business

Agenda Item: 8b

Proposed Action & Subject: Presentation/discussion and update from the Arizona Game and Fish Department to discuss the consideration of a wildlife feeding ordinance.

Department	City Manager
Time to Present	15 Minutes
Total Time for Item	45 Minutes
Other Council Meetings	N/A
Exhibits	A. Arizona Game and Fish Presentation

City Attorney Approval	Reviewed 2/07/23 KWC	Expenditure Required
		\$ N/A
City Manager's Recommendation	For information and discussion only.	Amount Budgeted
		\$ N/A
		Account No. (Description)
		Finance ☒ Approval

SUMMARY STATEMENT

Background: Timothy Holt with the Arizona Game and Fish Department will present to City Council on the current authority within State statute to adopt a wildlife feeding ordinance, as well as outline wildlife feeding ordinances adopted in other cities throughout the State of Arizona.

The primary goal of the presentation is to gather feedback from Council on whether there is interest in bringing a wildlife feeding ordinance back to Council for approval at a later date.

Climate Action Plan/Sustainability Consistent: ☐ Yes - ☐ No - ☒ Not Applicable

Board/Commission Recommendation: ☐ Applicable - ☒ Not Applicable

Alternative(s):

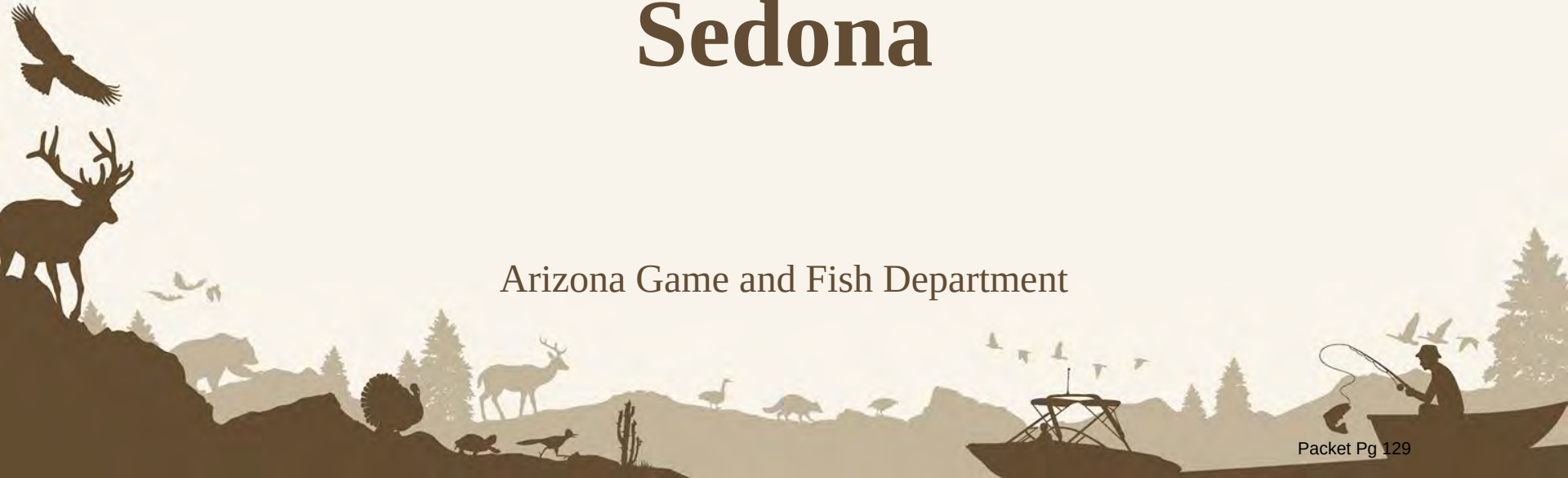
MOTION

I move to: for presentation and discussion only.



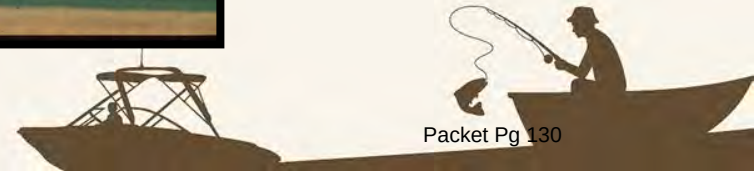
Living with Wildlife in Sedona

Arizona Game and Fish Department



What we will cover:

- Background
- Living with wildlife
- Is a wildlife feeding ordinance right for Sedona?
- Questions?



Background

Arizona Game and Fish Department – Mission

- *“To conserve Arizona’s diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.”*
- User-pay, public benefit model, no general tax revenue.
- Statutorily responsible for managing Arizona’s 800+ wildlife species in public trust



Background

Human-Wildlife Interactions

- Most calls forwarded through AGFD 24-hour dispatch center
- Wildlife categorized based on species, behavior, circumstances
- Category 1 & 2 wildlife calls generally require on-site response by AGFD staff
- Category 3 & 4 wildlife calls result in education and self help and/or referral. Monitoring.



Background

Recent Javelina Removal – Uptown Sedona

- December 9, 2022 – first victim bite to hand
- December 17, 2022 – second victim bite to ankle after intentional feeding
- During site visit on December 18, 2022, a third bite victim was discovered, elderly male bitten on calf while filling bird feeder
- All three victims sought emergency medical treatment and post-exposure rabies treatment
- One herd of 18 javelina observed on site visit, little to no fear of humans, public safety threat, recommendation for removal
- Javelina on site did not respond to hazing, ran towards gravel thrown as though it was food



Background

Recent Javelina Removal – Uptown Sedona

- Cage trapping and tranquilizer dart effort December 27-31, 2022.
- 19 javelina removed and placed at Southwest Wildlife Conservation Center in Scottsdale
- Majority of offending herd believed to have been removed during this effort



Living with Wildlife in Sedona

- Most wildlife problems result from human behaviors that create opportunity for wildlife.
- Wildlife simply reacts to the available opportunities, particularly when there are no negative consequences for doing so.
- Only humans have the ability to modify their behavior to minimize negative conflicts with wildlife



All wildlife need the same things

1. Food
2. Water
3. Shelter
4. Open Space



Attractants

"If you build it they will come." – *Field of Dreams*



Food Attractants

- Pet food outside
- Unsecured gardens
- Unsecured compost piles
- Unsecured garbage cans
- Fruit trees and fallen fruit
- Plant landscaping (succulent plants, plants with bulbs)
- Direct and indirect feeding (pet food, food scraps, bird feeders, bird seeds, cracked corn, salt, alfalfa, etc.)



Water Attractants

- Fountains/ponds/wetlands
- Bird baths
- Pet water bowls
- Garden hose leaks
- Sprinklers/Drip Irrigation
- Golf courses, Parks and Urban areas
- Street runoff
- Troughs (specific for wildlife)



Shelter Attractants

- Cave like area
- Decks/porches
- Unsealed attics/chimneys
- Under houses and trailers
- Barns and sheds
- Brush and wood piles
- Shrubs/trees
- Decorative rock piles
- Heavier vegetative landscapes



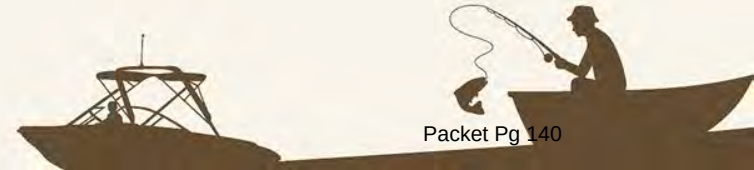
Open Space Attractants

- Open space
- Trails
- Stream/wash corridors
- Riparian areas

Sound like a good place to live?



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Sharing Habitats with Wildlife

Because of similar desires for preferred habitats, human-wildlife conflicts will continue to occur, but can be managed.



Sharing Habitats with Wildlife

- Human-wildlife conflicts usually result from circumstances under human control...
- Indifference/Tolerance results in wildlife losing fear of humans
- Active/inadvertent feeding leads to habituation
- Removal of “problem animals” is a *Short-term* Solution

- *Long-term* Solutions require:

Education
Community Support
Active participation



Living with Wildlife

Smaller animals (skunks, raccoons, coyotes, javelina)

- Remove or protect the attractants (food, water, shelter)
- Mechanical means (motion sensor light, sprinkler, noise, fence (electric))
- Chemical means (moth balls, ammonia)
- Spray with garden hose, throw rocks, large squirt gun or water balloons with ammonia solution (70% ammonia, 30% water)
- Make them feel unsafe
- Make loud noises
- If safe, open your gate and leave the area
- If aggressive:
 - Make louder noises!
 - Keep children and pets close
 - Keep eye contact and move inside
 - Call Arizona Game and Fish Department



REMOVAL IS A LAST RESORT



Living with Wildlife

Larger animals (deer and elk)

- Remove or protect the attractants (food, water, shelter)
- 8 foot fences – field fence, off set fence, electric fence, buck-and-pole
- Fence trees and gardens
- Mechanical means (motion sensor light, sprinkler, noise)
- Chemical means (Deer Away, Deer Out, predator urines)
- Make them feel unsafe
- Make loud noises
- Open gates to allow animals to leave on their own



REMOVAL IS NOT AN OPTION



Wildlife Feeding

- Intentional or unintentional wildlife feeding causes changes in natural animal behavior
- When people feed wildlife, the wildlife become habituated to humans
- They become dependent on humans, less wary of humans, lose natural fear of humans, become dangerous, unpredictable and aggressive
- In many cases people that feed wildlife have been bitten, scratched, stomped, or attacked



Wildlife Feeding

- Feeding creates unnatural crowding
- Attracts predators
- Feeding usually creates problems for surrounding neighbors, wildlife do not understand fence lines or property boundaries
- Feeding wildlife exposes them to harassment or attacks from our pets.
- The pets usually loose!
- In all cases both people and the wildlife are effected



Wildlife Feeding

- Food being fed to wildlife is usually not formulated for consumption by wildlife
- Wildlife need to depend on THEIR own ability to find and utilize natural foods



Wildlife Feeding – Disease Issues

- Feeding concentrates wildlife in small areas and increases animal to animal contact; further spreading disease and parasites; such as distemper and rabies
- Chronic Wasting Disease
- TB in deer in Missouri
- Rabies is relatively common in the skunks, foxes, and raccoons in the Sedona area



Wildlife Feeding

In most cases fed animals become a public safety problem and have to be removed from the area and/or killed

A fed _____ is a dead _____!



Wildlife Feeding

What are your neighbors doing?



Wildlife Feeding

Feeding Responsibly

Birds and Squirrels only.

- Use feeders with trays, clean spilled seeds regularly, ideally placed four feet above ground
- If your feeding attracts other wildlife, please stop temporarily
- If your feeder is knocked over, you may have unwanted guests



Wildlife Feeding - Statewide Issue

Status of other jurisdictions:

- Maricopa, Pima, & Pinal Counties – State law: ARS 13-2927, > 280,000 population
- Navajo County – Ordinance
- Cochise County – Ordinance
- Gila County – Ordinance
- Pinetop/Lakeside – City Ordinance
- Show Low – City Ordinance
- Scottsdale – City Ordinance related to City Parks
- Prescott – City Ordinance
- Flagstaff – City Ordinance



Wildlife Feeding - Statewide Issue

- The Arizona Game and Fish Department responds to many wildlife bites/attacks as a direct result of wildlife getting food from humans.
- Most common incidents are with coyotes, followed by javelina, and bears



Is a Wildlife Feeding Ordinance Right for Sedona?

- Sedona averages about 100 human-wildlife interaction calls per year:
 - 2022 - 113 calls
 - 2021 – 109 calls
 - 2020 – 107 calls
 - 2019 – 88 calls
 - 2018 – 105 calls
- AGFD receives 1-2 calls per year specific to wildlife feeding in Sedona (currently lawful to feed wildlife)
- This number expected to rise initially with a wildlife feeding ordinance, but settle back into the 1-2 calls/reports per year
- The AGFD website “Living with Urban Wildlife” receives the most hits regarding javelina, almost 4X any other species.



Is a Wildlife Feeding Ordinance Right for Sedona?

- A wildlife feeding ordinance is a proactive wildlife management tool
- An ordinance would regulate feeding of wildlife in an effort to protect the welfare and safety of the public and the wildlife.
- An ordinance would make it unlawful for any person to knowingly feed wildlife or attract wildlife with reasonable exceptions.



Is a Wildlife Feeding Ordinance Right for Sedona?

Existing wildlife feeding ordinances generally include several exceptions:

- Seeds, nectar and other material manufactured for birds and tree squirrels, placed at least four feet above the ground and in a closed topped container designed for feeding birds and/or squirrels
- Edible materials located in a residence, closed vehicle or fully enclosed storage structure or in a closed trash container
- Feeding domestic livestock, horses, swine, poultry or other domestic animals



Is a Wildlife Feeding Ordinance Right for Sedona?

Existing wildlife feeding ordinances generally include several exceptions:

- Growing plants or parts for growing plants if attempts are made to frequently remove dropped or ripened fruits, vegetables, grains or nuts
- Compost piles that are fully contained and made inaccessible to wildlife
- Public authorities doing regular duties



Is a Wildlife Feeding Ordinance Right for Sedona?

- Existing ordinances are enforced based on complaints generated from the public and not proactive patrols to locate possible violations.
- For initial complaints, contact by an officer with a written warning and education regarding wildlife feeding is standard practice.
- After initial contact, the person must take the actions prescribed by the officer
- From AGFD experience, voluntary compliance is high once individuals are educated about wildlife feeding.
- Proactive outreach to short term rental owners would be beneficial



Questions?





CITY COUNCIL AGENDA BILL

AB 2861
February 14, 2023
Regular Business

Agenda Item: 8c

Proposed Action & Subject: Discussion/possible direction/action regarding proposed State legislation, short-term rental legislation and State budget and their potential impact on the City of Sedona.

Department	City Manager
Time to Present	15 Minutes
Total Time for Item	45 Minutes
Other Council Meetings	January 24, 2023
Exhibits	None

City Attorney Approval	Reviewed 2/07/23 KWC	Expenditure Required
		\$ N/A
City Manager's Recommendation	For discussion and direction only.	Amount Budgeted
		\$ N/A
		Account No. N/A (Description)
		Finance ☒ Approval

SUMMARY STATEMENT

Background: During the course of the State Legislative Session, many bills are introduced that have a potential impact on the City of Sedona. The League of Arizona Cities and Towns, the City's legislative advocate and City staff routinely monitor bills of interest as they progress through the legislative process.

This item is scheduled to provide a summary update on relevant bills and the proposed State budget, to answer questions that the City Council may have regarding any individual bill or the budget, and to consider the need for the City Council to take a formal position in support or opposition of any particular bill.

Climate Action Plan/Sustainability Consistent: ☐ Yes - ☐ No - ☒ Not Applicable

Board/Commission Recommendation: ☐ Applicable - ☒ Not Applicable

Alternative(s): None

MOTION

I move to: for presentation and direction purposes only.