

Summary Minutes
City of Sedona
Planning & Zoning Commission Work Session/Public Hearing
Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, May 15, 2018 - 3:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chair Losoff called the work session/public hearing to order at 3:30 p.m.

Roll Call:

Planning & Zoning Commissioners Present: Chair Losoff, Vice Chair Kathy Levin and Commissioners Randy Barcus, Eric Brandt, Kathy Kinsella, Larry Klein and Gerhard Mayer.

Staff Present: Warren Campbell, James Crowley, Andy Dickey, Audree Juhlin, Cynthia Lovely, Robert Pickels Jr., Rob Pollock, Mike Raber, Donna Puckett and Molly Spangler.

Councilor(s) Present: Mayor Sandy Moriarty and Councilor Jessica Williamson

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

Audree Juhlin noted that Commissioner Barcus submitted his resignation, and we received two applicants. The interview committee met about a week ago and is recommending George Braam. The City Council will consider his appointment next Tuesday at 4:30 p.m. Her other announcement is that she has also submitted her resignation from the City and her last day will be July 5th. She has been with the City over 24 years but will be heading for Montana.

3. APPROVAL OF THE FOLLOWING MINUTES:

a. April 17, 2018 (R)

Chair Losoff indicated that he would entertain a motion to approve the minutes.

MOTION: Vice Chair Levin so moved, and Commissioner Klein seconded the motion. VOTE: Motion carried seven (7) for and zero (0) opposed.

4. 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. 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.)

Chair Losoff opened the public forum and, having no requests to speak, closed the public forum.

5. Discussion and possible direction regarding the Land Development Code Update.

Chair Losoff noted that the Commission has been going through the Land Development Code for many months. Today's subject of chickens and bees was discussed at the last meeting and the public's comments are on the record.

Presentation: Mike Raber explained that this item is a continuation of the April 3rd work session regarding the potential keeping of bees and chickens in the City. We received a lot of comments about raising chickens and bees, so as a result, the new Land Development Code draft was drafted to include the keeping of chickens and bees under the land use of Urban Agriculture. We're continuing to work on the specifics for those topics and based on the Commission's input regarding chickens on April 3rd, the draft Code would allow the keeping of poultry as an accessory use in all districts, as accessory to residential or educational uses only on lots with an occupied dwelling unit,

so some things have been added, including a sliding scale to regulate the maximum number of chickens. On lots under 10,000 sq. ft. up to two would be allowed, between 10,000 and 20,000 sq. ft. up to four would be allowed and on lots greater than 20,000 sq. ft., a maximum of six would be allowed. No roosters would not be allowed. Enclosures would have to be at least 10 ft. from the property line and 25 ft. from nearby residences. We are also developing standards for the enclosures and ranging areas that you will see in the consolidated draft.

In the April 3rd work session, the Commission requested more information about the beekeeping issue, and some of the common regulatory tools implemented elsewhere include limiting the lot size, the maximum number of hives, setbacks, vertical barriers or flyway of sorts to cause bees to fly upward, and assured access to water. Staff contacted both Yavapai and Coconino County Health Departments and their Planning staffs, and we have a local beekeeper with the Northern Arizona Organic Beekeepers' Association with us today. We have Cecil Newell who is the Section Manager for Environmental Health with Yavapai County and Ken Miller with the Northern Arizona Organic Beekeepers' Association to talk about their experience and perspectives.

Mike noted that staff had the opportunity to briefly discuss the topic of chickens with Jeff Schalau, Director of Yavapai County Cooperative Extension Office for the University of Arizona, and we got a little correspondence with him.

Cecil Newell, Section Manager for Yavapai County Community Health Services: Mr. Newell stated that under Arizona Statutes, they have the public nuisance dangers to the public health law, §36-601, which gives them the authority to have them removed voluntarily or by court order if bees become a problem. He has been with the County for 12 to 13 years, and they have had to do it three times that he is aware of. It is a route they prefer not to take, because bees are very important to the community and agriculture throughout the County, plus for our flowers, etc. They have a handout for training material, "Yavapai County Africanized Bees", and you can make copies and hand them out if you like. They have the authority, but if someone is being attacked by bees call 911, have the bees removed immediately, and seek medical attention. If they are a problem and are not being attacked, you can call them, and they will investigate it and either contact a beekeeper or have them remove the bees voluntarily or by court order.

Chair Losoff asked about the reason for the three times they had to take action, and Mr. Newell explained that in one they had a beehive in a storage unit next to a house. They contacted the family to have the bees removed, but got no response, so they did a Notice of Violation and again got no response, so they had to remove the bees because of complaints in the neighborhood. Another time there was an elderly lady in the Black Canyon City/Cordes Junction area that had bees in the roof and it destroyed her walls, and the bees were starting to attack neighbors, so they had to get a court order to remove them. Then, they were able to get some funds to help the lady remove the bees and do part of the repairs.

Vice Chair Levin asked Mr. Newell to compare and contrast a residential beekeeping practice versus a commercial one, and Mr. Newell explained that he is not an expert on that, but he knows other counties have allowed residential, like in Maricopa and a few other cities. He also is not an expert on behavior, but bees are good.

Commissioner Brandt asked about the third incident, and Mr. Newell stated that was at a residence in Cottonwood, and his predecessor took care of that issue, because they refused to remove the bees. The Commissioner noted that the first two sounded like they had bees accidentally, and Mr. Newell confirmed they were feral hives, not maintained hives, where the beekeeper couldn't get in to remove them or the property owner just refused to move them, and they had to take action. Commissioner Brandt asked if the third incident was the same and Mr. Newell stated yes, all three of them were feral.

Commissioner Mayer asked about any accidents or injuries in Arizona; and Mr. Newell indicated that he is aware of a few in the Prescott Valley area where they foamed the bees, because they were

attacking, but he doesn't get all of the reports. The Commissioner then asked about the Africanization of honeybees, when other bees get into the hives, and Mr. Newell deferred to the expert. You can't tell by the naked eye which ones are Africanized or European honeybees just by the action, and it is not a good idea to have feral bees on your property, because of the possibility and risk that incurs.

Ken Miller, Northern Arizona Organic Beekeepers' Association: Mr. Miller indicated that he has lived in Rimrock since 1991 and has been keeping bees for the last several years. He has a rare approach in that all of his involve feral bees; a specialty that he started as a way to get bees without paying for them by doing structural removals. The incidents that were described is what he does. The Africanized bee, as stated, you can't tell the difference. According to the federal bee lab, the Carl Hayden Bee Lab in Tucson, all feral honeybees in Arizona are considered Africanized. The characteristic that would apply to this group is that they are more defensive. People use the term 'aggressive', but bees aren't aggressive. They won't go looking for somebody, but if they feel threatened, they will attempt to discourage the threat. In the European hives, America's experience with honeybees historically has been that if you stir up a honeybee hive and they come after you, they will usually follow you up to maybe 50 yards, but the Africanized bees will follow you for one-quarter of a mile. They are really serious about not wanting to be bothered.

Mr. Miller stated that to contrast that with his experience in the last two weeks; he has done at least four structural removals in shirt sleeves without a veil. He did two of them with grandchildren, and they also were quick to remove their veils. Honeybee behavior is quite variable; this time of year, they are generally a lot more docile, but later when they get honey stores laid up as the hive grows, which grows and shrinks with the season, they shrink for winter and make babies in the spring, so as their numbers increase and their stores increase, they become more protective. The recommendations you have to create for urban beekeeping should take into account – someone asked about the difference between commercial and residential or hobby beekeeping, and he has four different out yards where he keeps his bees. Last year, he had 22 hives on his residential lot. He had more neighbors thanking him than complaining; only his adjacent neighbor had a couple of birthday parties disrupted by grumpy bees, because he works with the feral hives and doesn't try to calm them down. I

Mr. Miller indicated that if he gets a hot hive, he takes it to a remote location. His definition of remote for keeping the hottest hives is that it be 300 ft. to 500 ft. from where people will be working. He has one yard on a gravel pit, another one on an isolated private property. For urban beekeeping, because the hobby beekeeper works with the bees more and would say they don't want the hot bees, so the process is to move them or re-queen them. The act of re-queening a hive, even with another feral queen, will calm the hive for a season. You can take a hive that wants to eat your face and give them another queen, and in a month, that hive will be as gentle as the colony that produced that earlier queen. Most hobbyist beekeepers are buying queens from sources that are breeding for docile bees.

Mr. Miller stated that he saw Flagstaff's recent rules, and the size or number of hive limitations, setbacks, and two things he would like to point out is their definition of a flyway screen. It was mentioned that if you get them up to fly at 6 ft. close to the hive, they will maintain that altitude until they drop in to where they are working, and if you have a tree that is full of bees, you can do almost anything, because when the bees are out working, they are not looking to defend anything. The only risk is when you disturb a hive and whether that is a feral hive in a structure or in one of the hive boxes. You pretty much have to get in the region of the hive and be perceived as a threat.

Mr. Miller explained that for a flyway barrier, a porous barrier is as effective as a solid one. A chain link fence is seen by the bee's compound eye as a wall. He was working a hive in Cottonwood yesterday, and she was pointing out their flight path. They have a 4 ft. chain link fence about 2 ft. from the hive, another fence on the side and trees all around, and the bees fly a circular route to go out through an opening in the branches. If you have a lattice or chain link or a bamboo screening, they work well and let air flow continue, but solid things work as well. Flagstaff also addressed swarming. People misunderstand swarming, which is just bee reproduction, and when they go out to

make a new colony, they are their most gentle. He removed a swarm yesterday out of a fruit tree in Clarkdale in shirt sleeves. He hasn't been stung since January and he currently has about 40 hives.

Chair Losoff explained that we don't want to be bee experts, but we are trying to update the Land Development Code for the safety of the public. Mr. Miller pointed out that this town is loaded with bees. He does numerous removals and spoke with someone who has been keeping bees illegally in Sedona for years and has only moved hives by his own initiation and has had no problem with his neighbors. Verde Valley is very healthy. You have heard of Colony Collapse Disorder and the bees being in trouble, but the Verde Valley is almost an exception. There are some strains and stresses on the bees, and in his opinion, it is man-caused, but the Verde Valley is very healthy, and he does removals all over the Verde Valley all year long.

Commissioner Barcus indicated that his understanding is that beekeeping is not a cheap hobby and asked about the cost for equipment and to process the honey, etc., because there is a fear that every backyard will have a hive. Mr. Newell stated that beekeepers are considered like electricians, almost godlike, because they mess with these stinging critters. He has spent nothing on bees and so far the bees have paid for their whole thing. The removal business can be quite profitable. Typically to get into a beehive you are looking at \$500.00. By the time you buy the hive equipment, personal equipment and buy the bees, you will easily be over \$500.00. You've heard of the flow hive maybe, where you turn the tap and it comes out, but that starts at over \$500.00 for the box, so unless someone is very industrious, you will have a significant investment, but the biggest thing that will limit beekeeping in your community is that people are scared of them.

Commissioner Mayer asked what a resident needs to know about beekeeping, and Mr. Newell indicated that you need a lot of education. Beekeeping is incredibly diverse and can be as complex as doctoral dissertations. We are continuing to learn. The Commissioner then asked where one would go if interested in having a beehive, and Mr. Newell indicated there are numerous local clubs, like the Northern Arizona Organic Beekeepers' Association, which he is the Vice President of. Commissioner Mayer stated that a bee sting is more hurtful than the wasp sting; however, Mr. Newell stated no way. Commissioner Mayer then said it lasts longer, because it keeps the stinger in your skin, but Mr. Newell stated not necessarily. The Commissioner then commented that beehive transportation from orchard to orchard for pollination is a big business, and Mr. Newell agreed.

Commissioner Brandt asked how big his property is and Mr. Newell stated 150 ft. square and the nearest neighbor is 100 ft. away. The Commissioner then asked about the problems at the birthday parties, and Mr. Newell explained that he worked the hives and angered a couple of colonies without knowing it, and his neighbor told him that several kids took several stings, and then she said that she didn't know that they were his bees, but that is the exceptional attitude. People are always fussing that his bees were messing up their backyard party, and he asks if they had his brand.

Commissioner Brandt commented that he heard that a fellow in Utery Park outside of Mesa or McDowell Mountain Park outside of Scottsdale was killed by African bees last year. The Commissioner then asked how you get them so mad that they are going to take you down. Mr. Newell explained that one thing about the sensational and tragic death reports are that they never follow-up with the analysis of whether the fellow was allergic. Beestings cause anaphylaxis in a certain percentage of the population, and in that case, one sting could take them out. There was somebody in Cordes Junction last year running a backhoe and broke into a colony; and he died, but Mr. Newell didn't hear a sting count or whether he was allergic to it. The rule of thumb is that a healthy person can take 100 stings per pound. Commissioner Brandt asked how you find out if you are allergic to bees, and Mr. Newell stated that most people who think they are allergic aren't. They think that because it swells up or itches for a week; they are venomous insects. Allergy is when you get anaphylaxis – either a rash that indicates you may be more sensitive next time or restricted breathing, and those happen with sensitive people with just one sting, but most people find their sensitivity diminishing with subsequent stings. Early in the season, he gets a sting and it swells up and itches, but today, he doesn't even know that night where the sting was.

Commissioner Kinsella asked if the Association recommends warning signage or do other municipalities require it, and Mr. Newell stated that he has seen codes that require it; but most people recognize the white boxes and that is enough of a warning sign. He does have warning signs at one of his yards by the owner's request, because it is a commercial operation, so they put one on the road into the yard. Commissioner Kinsella asked how much honey is produced by a hive, because this is going to get into the residential hobbyist versus commercial. Mr. Newell explained that the biggest money now is in pollination. Honey for the commercial guys is a byproduct and a well-managed hive can produce 100 lbs. to 200 lbs. per year. Honey is heavy at 12 lbs. per gallon, and most hobbyists get less than a gallon. With similar hives next to each other, one may produce a bountiful amount and the one next to it may need to be fed.

Commissioner Kinsella then asked if, somebody was maintaining five hives, they could expect about five gallons in the course of a year, and Mr. Newell stated yes in a decent year. If we don't get some rain this year, all of the hobby beekeepers, unless they are urban – the urban vegetation is watered, so it provides a more stable food source for them, but that would be a good rule of thumb with great variability.

Chair Losoff commented that if you are around you can move a hot hive or act to control it, but what if you are not around? Mr. Newell stated that you would be notified, and if someone is being attacked, the Fire District comes in with foam. If you just encounter nuisance bees, the Fire Districts typically say to contact a beekeeper.

Chair Losoff asked about his experience with cities being sued; and Mr. Newell stated that he hasn't heard of it and in the codes, such as in Flagstaff's, there is a statement that if any of the code violates law or is considered to be illegal, it doesn't invalidate the rest, and you have nuisance laws in place, but he hasn't heard of municipalities, because you have bees everywhere, and backyard beekeeping is probably not going to cause a significant increase in population; however, the population in the Verde Valley is increasing.

Mike Raber asked Mr. Newell which of the issues listed are most important if we develop regulations, and Mr. Newell stated lot size. Flagstaff's is two hives on the smallest size lot and around a one-half acre, they jump to four hives. There is some discussion and disagreement there; again, as far as the resources and health of the bees, he kept 24 hives on his lot last year without any problems except for the two birthday parties, so their numbers are a good guide. The maximum number of hives should be around the six to ten range even on a couple-acre site, because with the work involved to notice if you have a hot hive, it is easy to overlook, and they might get away from you. Setbacks of 20 ft. to 25 ft. are unnecessary if you use the fly barriers. You could have it within 4 ft. of your property line if you have a fence that causes the bees to go straight up; that is one benefit in his backyard. It is a sloping lot and they take off level, but they are soon 10 ft. to 12 ft. in the air. Access to water is unnecessary in urban beekeeping, because there are so many leaking faucets, bird baths and swimming pools. You will get calls about bees in swimming pools, and the only thing they can do to prevent that is drain the pool. Bees love chlorinated water; they will fly over a pond to go to a swimming pool, but there is so much water here, he wouldn't expect that to be a problem. Sedona doesn't need to worry about that; commercial beekeepers need to make sure there is water within one-quarter mile.

Commissioner Klein asked about how high the vertical barriers are supposed be, and Mr. Newell stated 6 ft. would be great and 4 ft. is probably effective, because you establish them climbing. They should be within 4 ft. to 6 ft. of the hive to force them up, but they see a chain-link fence as a solid barrier. Chair Losoff asked about the height of fences in the Land Development Code and Audree stated that it is 6 ft.

Mr. Newell indicated that regarding chickens, his neighbor called and asked if he wanted five roasters. He had a friend that had to get rid of them, so Mr. Newell said sure, throw them over the back fence to go with his other chickens. The neighbor then texted him and said he was wrong, there were eight

and Mr. Newell said no problem. About 5:00 p.m., Mr. Newell's wife texted him and asked what idiot was throwing roosters over their back fence; they are 3 ft. tall.

Commissioner Barcus referenced the suggestions for chickens, including accessory use, non-commercial use and licensing or permitting, and asked if we are going to have the same kind of list for beekeeping and can they be as compatible as possible. Mike Raber indicated that staff wanted some direction from the Commission on that. Flagstaff takes that approach for bees and chickens, but they have some different standards for both, although they are all basically allowed in the same districts. Commissioner Barcus repeated his suggestion for the regulations to be as identical as possible to simplify things for the public.

Chair Losoff asked if licensing and permitting had been decided, and Mike Raber indicated that would be included in the draft, but part of it has to be flushed out with the City Code, because there is some overlap.

Commissioner Mayer asked if an expert on chickens was present, and Mike Raber indicated no, but he can relay some information. The Chair mentioned that the issue of Salmonella came up at the last meeting, and Mike Raber stated that he talked with Jeff Schalau, Director of the Yavapai County Extension Office and acting Director for Mohave for the University of Arizona AG extension, and he indicated that fenced containment for chickens is probably important. Salmonella is probably not a big issue if pens are kept clean, and there is an NPR article on the importance of having some regulations. There is a trend in urban areas to have no regulations for chickens, but when you have an unsanitary condition, the threat of that or other diseases would increase. Mr. Schalau felt that the suggested two chickens on the smaller lots would have a very small impact on neighbors.

Commissioner Mayer stated that he is more concerned about attracting predators, and Mike stated that is another reason for the fencing. The Commissioner commented that bobcats can get over the fence; however, Mike Raber pointed out that the fencing is important to keep the chickens from roaming, but they return to the chicken coop at night, so if you have standards for those that are predator-resistant that is a way to deal with that. Commissioner Mayer explained that he is concerned about neighbors who might not have chickens but have kids or pets. The predators are attracted there because of the chickens. Mike Raber then repeated his information about fencing and coops.

Commissioner Klein asked the City Attorney about any potential liability for the City if a bobcat or coyote jumps in the yard and injures someone or the bees sting someone and they die, and Rob Pollock explained that we have health and safety and public nuisance laws in the Code that would cover that. The Commissioner questioned if that would protect the City from liability; how is the City protected from liability? Rob repeated that it would be a public nuisance issue; however, Commissioner Klein stated that you can make a complaint against someone, because they are creating a nuisance on your property and asked how that has anything to do with protecting the City from liability. Rob indicated that personal injury is one thing, but he doesn't see a risk; that would be an issue of trying to prove causality, but he can look into it if the Commission wishes.

Chair Losoff opened the public comment period.

Meghan Kincheloe, Sedona, AZ: Ms. Kincheloe stated that she is a lifelong resident, except for four years when she lived in Camp Verde and raised bees, chickens, turkeys, ducks, pigs and cows during that time. She is really supportive of keeping chickens and bees, and from her personal experience, she has two little kids and dogs, and they had two hives on their property and never had any issues. The only time she and her husband were stung was when they opened the hives if they hadn't sufficiently calmed the bees beforehand, and distance does matter; they are not going to chase you for ages. They never felt anybody would be unsafe around those hives. Regarding chickens and predators coming, they never had any issues with predators except before they put in their fence and the chickens were running free on their property. They go into their coop every night around sundown, and they had a fence, so there were no issues with animals trying to break in the coop, etc., so she never felt any real concern about that. Hawks would be the only type of animal that might

come into a yard like that. With a fence, they are not going to try to get the chickens; there are plenty of rabbits out there. It would be a lovely thing for the community to support local agriculture and people sustaining that. The one thing she thought of while you talked about numbers was that when you keep chickens, they bear eggs successfully for about three years, so people are going to want to get chicks and you might want to include how many chickens you can have plus chicks that are coming in to replace the chickens that are going to retire.

Kurt Gehlbach, Sedona, AZ: Mr. Gehlbach indicated that he is a 22-year resident of Sedona, and he wrote a 7-page brief on this subject that is online. Regarding the town and its liability, if the town decides to go through with this, his suggestion would be umbrella insurance for the hens and bees. Also, when he looked at the henhouse that was built online, it unfortunately is going to decrease the property values of not only that home, but the homes around it, so he would suggest that if the henhouse is going to be built, stick with our codes and guidelines. Let's have it match the homes and structures as much as possible or keep them hidden. He wrote about sustainability and our town is in a unique position for self-sustainability. We are in a position to be at the forefront of sustainability globally, so when dealing with things like this, he highly suggests that we all start considering keeping bees and hens where others can use this for their own income, revenues, and help generate those revenues around town. We have possibilities of bringing in younger adults and children in the future to teach them to be part of our growth. He isn't talking about playing games with little gardens, but full agriculture to support our stores and our community. We have it in place and it can succeed if only we could come together as a community. In the back of the room, he has a poem and when you read it, the holy spirit shared it with him for all of you -- it is called the "Winds of Change", so read the whole thing, start on the red line, skip every line, the purple line. He wants the community to come together in love; let's make this happen. *(Mr. Gehlbach was advised that his allotted time was up.)*

Linda Crawford, Sedona, AZ: Ms. Crawford stated that she supports sustainable organic agriculture and apiculture, all pollinators and chickens in Sedona. She has been a resident since 1976, and she is a property owner, business owner, and a retired teacher from the Sedona Oak Creek School District. She is a member of Northern Arizona Organic Beekeeping Association whose purpose is to support the efforts of its members as we work together to advance the health and wellbeing of honeybees and encourage organic beekeeping practices in our home bioregion. She is also a member of the Bee Corp out of Santa Fe, New Mexico who promote sanctuary cities, which guides a cultural change towards replacing chemical living with systems that promote healthy living. These 501(c)3 organizations are continually sharing current scientific and experiential information, classes, discussions and workshops to promote a healthy environment. The history of bees and apiculture is ancient. According to archeological evidence, humans have been beekeeping for around 9,000 years through cultural and religious practices. The honeybee, this wild animal, needs support now more than ever. It is essential to seek to understand her needs and support her with appropriate organic beekeeping and land management practices, creating landscapes where all bees can thrive. Her concern for Sedona, as she practices organic gardening on her properties, is that she knows that if all of the surrounding properties are using chemicals, it adversely affects her beings on her land. The use of Roundup and other products that contain Glyphosate puts all of us at risk of slowly being poisoned by the use of these products in the gardens, neighborhoods, public spaces, sports fields and school playgrounds. Both NAOBA and the Bee Corp support these endeavors through education of alternatives to strategically plan for the removal of systemic pesticides and other neurotoxins, so our community can truly become safe havens for bees, other pollinators, humans and beings. With the world's insatiable demands, we have lost our reverence and compassion for all forms of life and understanding of the web of our 'interdependentness' and connectedness. Sedona was founded on agriculture with people caring for the land and nurturing this beautiful environment. We need to respect and remember to be aware that the important thing is not good intentions, but what we actually do. The European Union officially banned harmful pesticides last month. Now Sedona has the opportunity to be a city that is different, going beyond and becoming a chemical-free community, which will allow our lands to heal and have sustainable, organic urban agriculture including bees and chickens. As you develop your standards, she urges you to collaborate, educate and seek understanding for the love of bees and all beings. Create a city that is not only a dark-sky

city, but a pollinator-protected city as well. Become the environmental stewards of Sedona's 2020 vision.

Dan Hester, Sedona, AZ: Mr. Hester indicated that he previously spoke about the predator issue, but he doesn't think he answered any of the topic on it that came up today. The one thing about people is that the ones usually going into your yards are sick, so you can't stop that by not having chickens. If you have anything in your yard, they will attack a grown man, so that is a predator issue to have people. As far as chickens, they are no different than other pets that are always out. Most of the time a lot of people have them inside, but there are a lot of times they are outside and would attract predators a lot easier than a chicken that is kept in a coop. Regarding bees, he has been stung a few times and had a shock from it over the course of probably about four times in his life, but he is not afraid of bees and has never worried about going around hives. His problem was if you smash one on your finger when you are driving, you get stung and when the stinger stays in you, it has a little bit more affect on him. When you are hiking, the mean bees, watch out for those, because they are really aggressive, and he has been stung by them too.

Mary Elizabeth Raines, Sedona, AZ: Ms. Raines indicated that she also belongs to the beekeeping organizations mentioned and, as a hobbyist beekeeper for 13 years and a seven-year resident of West Sedona, she is strongly in favor of permitting beekeeping in Sedona city limits. There are three powerful reasons to support this. One, honeybees have made a little comeback but are still endangered across the world. Honeybees continue to disappear and die at an alarming rate; some believe that honeybees are facing possible extinction. According to sources like *Scientific American*, this is due in large part to our uncontrolled use of pesticides and herbicides not just on farms but in cities and backyards. Since one-quarter of our food supply depends specifically on honeybees for pollination, it is crucial that we encourage hives wherever and whenever it is feasible. Having honeybees in Sedona is also a boom for many neighbors who have gardens or fruit trees, as the bees ensure pollination and an abundant harvest. Let's address beestings and defensive bee colonies and recall that Ken Miller's hives are feral; he has a specialty. The type of bees found in the backyard beehives in Sedona would be of European strains that have been domesticated for thousands of generations, and these honeybees are extremely mild and gentle. Beekeepers monitor the temperament of their hives carefully; the more managed hives we have in our City, the fewer opportunities there will be for highly defensive Africanized bees to invade our neighborhoods and that is very important to consider. It is also important to note that the honeybees that leave the hive do not linger around their home; they immediately fan out for up to a distance of two miles to gather nectar, and again, European honeybees are very mild. Many cities permit hives; there are honeybee hives in New York City at such places as the Waldorf Astoria and the Bank of America towers. By permitting beekeeping in Sedona, we will join such cities as Chicago, Los Angeles, Milwaukee, Boston, Denver, Detroit, Portland, Salt Lake City, Minneapolis, Sacramento, Montreal, Toronto, Berlin, Sidney, Hong Kong, Tokyo and London to name a few. When queens from new colonies are ready to mate, they leave the hive, and as a member of Sedona Organic Beekeepers, she recommends that they be consulted about any rules and regulations regarding city beekeeping, since they know the best and safest way to situate hives and have the knowledge about how many hives can be supported per acre, according to the kinds of plants we have in and around Sedona, which is different from other cities like Flagstaff. They would be happy to work with the City in recommending the safest and most sustainable regulations.

Radhika Jen Marie Warr, Sedona, AZ: Ms. Warr stated that she has been a resident in the area for about 13 years, and she is a beekeeper as well as a gardener and restaurateur. Chocolatree Organic Oasis is her home to many bees and a beautiful orchard. Sedona was founded on orchards and those orchards all depend on the bees; the culture and heritage of Sedona depend on bees. She also is the chicken mother of about 200 chickens and many roosters, but she does not live in Sedona, so that is okay. She is surrounded by National Forest, so they have the idea of many predators that could possibly come up but that has never been an issue. Last summer, she homed over 60 beehives, and it was never an issue with any wildlife or any stings to any of her animals. She has nine goats and three potbelly pigs, and they never harmed her pigs, chickens, goats, dogs, cats or the people or kids. She agrees that the local beekeepers and chicken farmers and friends of all of

our furry-faced and two-legged winged ones should be notified of any changes to this code. We are all one voice, because we all eat daily, and we would not be eating, whether it be chickens or beautiful flowered friends like almonds if not for the bees.

Having no additional requests to speak, Chair Losoff closed the public comment period.

Summary Discussion:

Commissioner Kinsella asked to see a more fully-developed list regarding the bees, as we have done for the poultry, and there be a Conditional Use Permit and all those kinds of things on each and we enumerate them, but one thing we hadn't talked about for the bees was some warning signage that we might consider requiring, because that might ease some of the liability concerns. She also is interested in the vertical barrier and that is something we might want to consider requiring. She would lean towards the 6 ft. height that is allowed under the zoning.

Commissioner Kinsella referenced the first slide regarding poultry and the maximum number based on lot size. Prior to coming to the meeting, she was thinking of larger lot sizes; that seems a little small. The Commissioner then asked what those were based on, and Mike Raber stated that several communities don't have it quite as restrictive. Flagstaff allows five on lots less than 20,000 sq. ft. and up to 15 on lots of 40,000 sq. ft. This was suggested based on comments from the Commission on April 3rd, and we had talked about two to six and having a sliding scale, so staff just came up with these as the cutoff points, but we are certainly open to the Commission's thoughts. Commissioner Kinsella noted that she doesn't have anything to base it on in terms of the appropriate lot size, so she is leaving it to staff, but she thought it looked a little small based on the last conversation. She then asked if six would be a cap, and Mike stated yes. In the more urban residential zones, Yavapai County allows chickens without a minimum lot area. Cottonwood has a cap of 12 chickens, so there is a wide range, and this is more conservative than some of the ones we checked.

Commissioner Kinsella suggested having language to make it clear that if a Conditional Use Permit is being sought, there will be a list of conditions and could we specify that a community's CC&Rs or Rules and Regulations apply first? Mike Raber explained that we can make people aware that they should check their CC&Rs, but we are not responsible for enforcing those, so he is not sure that would go into a code. Commissioner Kinsella then referenced the previous discussion on poultry and indicated that she had more of an understanding of the needs of chickens in terms of their quality of life and their need for a coop and access to care, natural light and earth, but she doesn't know what bees need for quality of life, so she wants to ensure there is some research done and considered in the regulations as well.

Chair Losoff asked if that is something that can be legislated, and Audree Juhlin indicated that it is something that we can look into. The Commissioner stated that she is not as familiar with bees, but chickens need access to earth and dirt, so if they were kept in a coop with a wooden floor or in a coop without natural light, that is not a quality of life for those chickens, and she wants to make sure we give the same consideration to bees. Audree Juhlin explained that staff can check the City Code that has a chapter on the caring of animals to see if there is something already in there that talks about the humane treatment of pets and animals. Mike Raber indicated he knows that the Commissioner will see with the chickens a set of standards for coops that has been suggested, and you will be able to look at that when the draft comes out.

Commissioner Klein referenced the rear yard 10 ft. setback and indicated that should also apply to side yards, and he agrees with Commissioner Kinsella about the bees. We need more specific standards about what will be allowed. The lady who said we should consult their organization about what to do with the bees is a good idea, and the vertical fencing is a good idea, so the bees will fly up and not into someone's yard.

Vice Chair Levin stated that she is 100% in support of enhancing and legitimizing the ability of this community to move in the direction of creating opportunities for urban agriculture, and that includes chickens and bees with appropriate standards that we have offered up. She would like to underscore

Commissioner Kinsella's suggestion about warning signs, especially as they relate to bees and the allergies that some people have. Her brother has to carry a kit, because he is deathly allergic to them, so that in addition to a Conditional Use Permit process that would enable the neighborhood to know that these potential agricultural uses may be introduced into their neighborhood. She would like to see that permitting process for both.

Commissioner Brandt stated that he agrees with everything that has been said and has nothing more to add. Commissioner Mayer commented that the people will have to obtain permits to have chickens and bees and asked if the permit has a stipulation that they have to notify the neighbors. Mike indicated that had been suggested with the CUP process, but other than . . . The Commissioner interrupted to say that people should be aware in case they have a kid, or someone is allergic. He then asked if we still have an Animal Control Officer, and Audree stated yes. Commissioner Mayer then wanted to know if he is the one who would check on the construction of a chicken coop, and Audree Juhlin stated no, that would be the Community Development staff.

Commissioner Barcus reiterated that we need to have as much identical as possible for chickens and bees and be as specific as possible on what is allowed and required. He is supportive of urban agriculture, chickens and bees in the community, but they need to be in fenced back yards. For the number of chickens, we have a problem in that this is too few. The first speaker mentioned that, and the Commissioner indicated that he has about 10 years of experience with chickens. It takes about six months before chicks start laying eggs, and people aren't going to be raising chickens to eat; they will have chickens to get the eggs, and that number is too few and should be doubled, because it takes six months for a chick to start laying eggs and, after about three years, it slows down, so managing the fleet of chickens to ensure you are getting the right amount of eggs is important, so that would be his recommendation. He would also recommend that on any size lot in the City of Sedona, the maximum number of hives would be two, because that gives a signal that we are supportive and the issue can be revisited in five years or the next time we update the Plan, but we need to go in with specificity and have the public understand that it is new for the community and we want to take baby steps. Third and most importantly, the conflict is that if you have bees, you are going to have more honey that you could use in your household, and it is going to be sticky as to whether or not people are selling honey from their hives informally. Gifting honey is fine, but we are not looking to have people establish urban agriculture for income purposes; this is for personal use. The same thing applies to chickens, and in his experience, it cost him about \$1.00 per egg, so we have those three issues.

Audree Juhlin pointed out that staff is proposing that all zoning districts, so residential and commercial. She then asked if the Commissioner is wanting to just impose the commercial-free, no commercial uses in the residential areas and allow it for commercial purposes in the commercial areas, or are you saying no commercial in any zoning district. Chair Losoff stated no commercial ventures in residential areas. He agrees that warning signs and the Conditional Use Permit process including licensing are important. Regarding barriers, he is concerned about 6 ft. fences, because if somebody puts up a fence next to him, it destroys the view. He agrees with larger lot sizes, but he doesn't agree with doubling those numbers; they should stay as they are. In fact, that would make this more restrictive. As one Commissioner mentioned, take baby steps, so he would take baby steps on the side of being more restrictive, because what we are hearing in the community today are all of the proponents. We are not hearing from those that are not too excited about this – they are all saying not in their backyard. If we could come up with a good set of criteria that shows we are listening to the pros and the cons, that would do us well in the community. The issues we heard last time and from what we've talked about today, whatever we can do to minimize the issue of predators and the health and safety with noise; all of the experts talked about that and we have enough information that he thinks we could recommend putting into the Code something to capture what we are talking about. He doesn't think there is too much of a disagreement on most of the issues.

Mike Raber stated that he is hearing that the CUP process, which we didn't really structure into the Code the way we are drafting it, so that is something we may want to change and call it a minor CUP. Which is one of those. . . Vice Chair Levin interjected "administrative" and stated that she agreed.

The Chair added or some permitting or licensing. Mike Raber noted that staff heard that from the Commission last time.

Commissioner Kinsella stated that she doesn't want to create the opportunity for a commercial business to get through on this versus other commercial ventures that are started, such as she doesn't want a 1,000-egg production, and she wants to be sure we are regulating what we intend to regulate. Audree Juhlin pointed out that it now says no commercial use, so if you have a sustainable restaurant in town growing their own herbs, vegetables and fruit for the restaurant, and they also want to provide fresh eggs, would the Commission support that? In this case, it says no commercial use, so we would probably say no. If the Commission wants to talk about it, we could structure regulations to ensure you don't have 1,000-egg production but would allow some small accessory sustainability component.

Chair Losoff pointed out that the restaurant is a commercial business as opposed to residential, and Audree agreed, but explained that in this case, we are saying no commercial use, so that restaurant wouldn't be able to incorporate eggs. The Chair asked if Audree is suggesting differentiating between the two, and Audree explained that she is asking the Commission if you want to. Commissioner Kinsella stated that most restaurants serving organic carrots are use carrots coming in from elsewhere; however, Audree stated not necessarily; we have a number of restaurants that do grow their own vegetables, herbs and fruit on site. Chair Losoff then summarized that the issue is if commercial is prohibited at all or divided between residential and commercial.

Commissioner Klein indicated that he hasn't heard any proposed solutions. If someone has a quarter-acre lot under that proposal, they could have four chickens and, after 3 years, those chickens stop laying eggs, so they want to bring in four more chickens, so what happens to the four chickens they had? Vice Chair Levin stated that they eat them. The Commissioner then asked if that is going to be a requirement in the Code that you have to get rid of the four that no longer lay eggs. Chair Losoff stated that he doesn't think we can legislate everything, but it would seem that there is somewhat of an enforcement issue and the burden is on the City, but the policy is only as good as the enforcement, unless somebody complains. Staff can't check all of the chickens, so somebody has to raise the issue for any policy.

Vice Chair Levin stated that there is a difference between a commercial operation and a neighborhood. She is not offended by the cardboard sign that says eggs for sale, in fact she would love to see that, and that is not commercial. If she only has four chickens, she is going to keep some for her family and she will have too many – like when you grow zucchini, you always have too much, so you are giving it away. She is not offended by neighborhood sales, and you might end up talking about if it is a home occupation if you are going to grow to sell eggs to a local restaurant, and she doesn't have a problem with that either if that is your home occupation, and you stick to the number that is appropriate in a residential area, but she does want to get away from saying "commercial" to what she would call living in a neighborhood where you support your neighbors who may have chickens and extra eggs and are going to give you that extra quart of honey – that is the community she would like to encourage.

Commissioner Brandt agreed that there shouldn't be restrictions on commercial uses; the scale isn't big enough to make a difference. You're restricted in the number of chickens you can have. Commissioner Barcus mentioned fencing, and just the farm needs to be fenced; not the entire backyard, and 6 ft., you look up over the fence to see the mountains, so that won't be a problem.

Commissioner Mayer stated that regarding the honey produced by the beekeepers, a lady talked about organic beekeeping, but he agrees with Vice Chair Levin that when people have a lot of honey, they could give it to that organic beekeeping organization, like a co-op, and they could sell it. Wouldn't that make sense? He agrees that this is not industrial farming; it is more a farmer's market kind of stuff.

Chair Losoff stated that he feels the more restrictive the better. Sedona is not a farming community and we move to our areas not for the chickens or bees, etc., we are here because we like the beauty that surrounds us, and he is afraid that if we get too much farming in residential areas, where the space is not a great as it could be, it could cause problems. Certainly, those areas or neighborhoods with CC&Rs can regulate this as they see fit, but those that don't are limited in what they can do, so the more restrictive a policy is, and he does agree with most of the Commissioners in that the policy should be as similar as possible for bees and chickens, and we will see the final version in the final draft. Audree Juhlin added that the next discussion on this will be on June 5th, and you will have the consolidated draft.

Chair Losoff recessed the meeting at 5:05 p.m. and reconvened the work session at 5:12 p.m.

6. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:
a. Discussion/possible action regarding the Draft "Shelby/Sunset Live/Work Community Focus Area Plan." Applicant: City of Sedona; Case number: PZ18-00008 (CFA).

Chair Losoff noted that the Commission has had a site visit and discussions, so today depending on how comfortable we are, we could make some final recommendations or continue discussions.

Presentation: Cynthia Lovely indicated that the Commission discussed this item at the March 6th work session, and today she will give a brief overview of the draft plan and address some of the questions and comments from the March 6th meeting. Cynthia described the location of the CFA, read the vision and explained that they came up with the vision by looking at the strengths and opportunities in this location. Many people see it as a 'diamond in the rough' with a lot of potential for development of vacant properties and redevelopment of existing development in the area. Currently, the plan calls for a mix of uses. We already have that in the area with the park and surrounding National Forest, and the community services and non-profits with things like the Humane Society, church and recycling center. Commercial is the dominant use with everything from offices to warehouse buildings, and you also have residential, which is probably a little unexpected for some. There are some apartments associated with the Sunset Chateau Hotel and some older apartments above a warehouse that date back to the 1980s and are grandfathered, so there is a mix of a little housing in there. There is also property zoned Multi-family housing and Single-family.

Cynthia indicated that the area is pretty hidden off of the highway. About half-way down Sunset, you get a glimpse of the corner of the CFA at the end of Sunset Drive, but if you are going down Shelby, you don't see it at all. There are a few houses in the area that have views of it, but compared to other commercial areas in town, it is not very visible. On the flip side, the strength of the area would be the views you have from the CFA. Half of it, you are sitting up high and looking towards Thunder Mountain, so in a lot of cases, you get panoramic views.

Cynthia stated that their first focus in the CFA Plan was Economic Diversity and, compared to other CFA Plans, the primary focus on this one is Economic Development and Promoting Economic Diversity -- again, going for a dynamic mix of thriving businesses and community services would be the objective. We also have a couple of different strategies. The Plan talks about partnerships and incentives and the importance of retaining the Light Industrial, because this is one of two areas in the City that is zoned for Light Industrial, plus retaining and encouraging the mix of uses. The other one that is called out, because it was so important to property owners and stakeholders, is the need to improve the infrastructure, so the CFA Plan ties back to the Community Plan, which makes the point that infrastructure is important to support businesses and economic development. Specific to this area, the two main issues were the private portions of Shelby Drive that are in need of improvements, and the fact that a lot of these properties are not connected to the City's wastewater system, so the plan recommends improving that. Probably a lesser issue we heard from the public was the need for a bridge over Carroll Canyon Wash on Sunset Drive. Another big topic was housing diversity, which comes straight from the

Community Plan and is a big need citywide. There already is some property zoned Multi-family, so we want to encourage that development. Therefore, the objective for this area would be a full spectrum of housing options, and we say the Sunset-Shelby Drive Corridor, because all the way down Sunset and Shelby from the highway, you have one of the more diverse mix of housing types in the City with the Nepenthe townhomes and a variety of different condos and townhouses, and when you get to the CFA, there are some Multi-family zoned properties as well as a couple of apartments there already.

Cynthia indicated that the next topic would be Neighborhood Connections, so we are looking at non-motorized – bicycle and pedestrian, and this is already a well-connected area if you compare it to other parts of the City. This is one of the few areas with existing sidewalks coming down Sunset and Shelby, and Sunset also has a bike lane, so the Plan calls for a bike lane on Shelby. We are emphasizing building on what we already have and making more connections. We have the Forest Service trail system, so adding a few more connections to that with the intent of keeping people from driving as much as possible, so if you work in the CFA or live in or next to it, the idea is that you could go for a walk or bike ride without having to drive. We don't want to encourage people to drive if they don't have to, and the other piece is that if this is an Economic Development area and these are places of employment, we would like to see employees walk or bike or take a bus, if we get transit. This is one of the few spots where we could make a connection with Shelby Drive extending over to Sunset. You can do that now, but if the road was improved it would be an easier connection and an obvious loop for transit through the area.

Cynthia pointed out that another thing addressed in this CFA Plan, even though it is a citywide issue, is trailhead access. The map shows that on the south side of the highway there are very few places to park if you want to go to the trails, and in this area, there are basically three marked parking spaces in a private office development, so it has become more popular and we are seeing more cars parked in the area, especially on Shelby Drive, because the Forest Service expanded the trail system in the past two years, so more mountain bikers are going from the end of Shelby all the way over towards the high school and down towards Red Rock Loop Road, so it is an increasingly popular area. The map goes beyond the CFA boundaries and shows citywide, because if we can get some official parking trailheads in this area, it hopefully could take pressure off of some of the other neighborhoods and trailheads, plus not wanting the neighbors to have to drive to the north side, like to the Sugarloaf trailhead, because that becomes an impact on that neighborhood. If we could provide parking on the south side of the highway or give them access, they won't need to drive, and it hopefully will have an impact on the city's traffic congestion.

Cynthia stated that the other recommendation from the Community Plan is a Sense of Place, and it talks a lot about how Sedona wants to retain that unique, distinct character, and for this CFA, the objective would be a distinct character that melds modern and efficient living and work spaces with the surrounding landscape, which takes a unique twist on our citywide Sense of Place. This is a unique area with light industrial, and the idea is to take advantage of that with a modern Sedona spin on that area that you wouldn't see in other parts of Sedona.

Cynthia indicated that one of the main strategies discussed in the Plan is taking advantage of the unique topography. Half of the area sits up higher, and the other half is a lot lower than surrounding areas, especially when you are by the Carroll Canyon Wash, so the thought is that you can work with that topography and possibly do things a little differently, since some of it is not very visible. For example, if you were going to do some housing, there might be a possibility of going taller, if it is not visible from the surrounding area.

Cynthia then showed examples of mixed-use developments with housing on the second and third floors and commercial on the first floor, and she explained that the idea is if you provide affordable housing or some other options such as improving the connections, trailhead access, shared parking for trailhead access, the live-work combination with workforce housing built into the development, the thought is to encourage some of these things, so we could be a little more flexible on some of the development standards. A question raised by the Commission last time

was how people will know that they can do this, and in most cases, people ask staff what they can do. An example is if a property is for sale, we often get phone calls or have people walking in and asking what they can do with the property, so that would be an opportunity to tell them their options and what we would like to see worked in, if the CFA Plan goes forward as is. There are different options where you may or may not have to rezone, and that is the type of thing we would discuss with them.

Cynthia explained that the end of the Plan talks about implementation, and the idea is that this CFA will be implemented in a variety of ways – the City could pursue a project to improve the road. so that would be city-initiated, but there might be other projects where we could work with a developer on some trailhead parking or maybe there is a way to do some shared parking when a business is not in use; it could be used for trailhead parking. It could be a combination of things that may happen through redevelopment, partnerships or be city-initiated. This also provides policy direction on future developments as well as City projects, so if the Plan says the road is a priority, then in it could be pushed higher on the list in future policy discussions or the capital improvement planning.

Commissioners' Questions:

Commissioner Mayer noted that the road is privately owned and asked what comes first, the road improvement or redevelopment or the improvements on the whole CFA. Cynthia Lovely explained that if some private development came in, we wouldn't put anything on hold for that. It really depends on if we have some private developers coming in that might precede the City pursuing the road project, but there are a lot of questions on how and when the road project would happen.

Commissioner Mayer referenced the church's property and their interest in doing some residential development, but then asked if that was somebody else. Cynthia stated that the church property is zoned Residential.

Presentation (continued): Cynthia indicated that there had been three major questions, and we did some homework and included that information in the packet. Additionally, we sent out a survey to about 130 property and business owners, but only eight were returned. Some of that information helps form the list, and in your packet, we did a table with a spreadsheet listing the businesses we are aware of. . . Chair Losoff interrupted to ask if they were owners or renters, and Cynthia indicated that, of the eight surveys, there were seven land and business owners and one business owner that was leasing. Cynthia then continued to say that one of the questions was what type of businesses there are today, and a spreadsheet is in the packet listing those we are aware of, but unfortunately, it is not as easy as you would think. We don't have a database of all of the businesses in an area. The closest thing would be business licenses, and we did cross check our list with that, but it isn't always as comprehensive as you might think, because it could be a secondary operation like the Sedona Trolley that leases some space, but that is not their primary point of business, and their business license probably lists their main customer office. Some also are not public businesses and are not advertising, so they won't be on the warehouse complex sign, and some don't want to be known or advertised, although it is a pretty thorough list. Under the 22 Services & Specialists you get the real variety, including welders, plumbers, heating and cooling, new distillery, artists, landscaping companies, hair salon, etc., but the majority of these businesses serve residents and are not necessarily tourist-oriented, which goes back to one of the reasons we want to retain the Light Industrial, so residents have these services in the City. Like for a car repair or repairs after a crash, and in some small towns, you would have to go to another city for that type of service, so there is already a really good mix of businesses in there.

Cynthia stated that the next question was about Shelby Drive and some information is in the draft Plan with more detail in the packet. She explained that it is really more detailed questions on how this would happen, so she would remind everyone that as far as a CFA Plan, it is looking at whether or not this is a priority and if it is a priority for the City that we want to recommend

pursuing the improvement of the road. Getting to this level of detail shown in the map is probably beyond what we need to do during the CFA discussions, but it can help inform us as to the complexity; it is not a simple solution, and there are various options as to how we would tackle it.

Cynthia indicated that another question last time was how many property owners we would have to work with, and the map shows there are 16 properties that the road crosses, and as far as how that would happen, there are a couple of different ways of going about it. You could do an easement or a right-of-way, and currently the private portion of the road is an easement across these properties that is shown on the Subdivision Plat, but there are even different ways of approaching an easement. There is that method or you get an easement recorded document saying that the City would be taking over maintenance, etc., of the road, and the easement would allow public access, etc. The right-of-way would be more like breaking off a piece of property. We don't need to get into all of the technical details of the approaches, because first we would need Council support for this route, and we would also need funding and all of that would take negotiations with property owners. Some funding could be capital improvement or grants, and Molly has found some grants related to economic development that might fund road improvements, so there is potential, but it is not an easy, simple matter. The eight surveys returned confirmed what we heard from stakeholders in that their preference is the option of the City taking it over, because what is happening how isn't working; there is no formal agreement, and they don't seem to have an interest in trying to form some association, so there was support for improving the road and the city-ownership option of the three alternatives.

Commissioners' Questions (continued):

Commissioner Brandt asked if to bring it up to City standards, it is just the driving surface or the easement or right-of-way width, and Cynthia stated that she thinks it is going to be all of the above, but it may or may not need to be wider, and they would have to figure out if we could fit in a sidewalk and a bike lane, etc., so a lot of those details would have to be worked out to determine the width needed to do all of that.

Commissioner Mayer asked about underground utilities along Shelby, and Cynthia stated that she is not aware of the location of the utilities, but one thing that came up is if the road is rebuilt, it would be an opportunity to put the sewer line underneath.

Commissioner Klein asked if, for the goals of the CFA to be implemented along Shelby Drive, staff feels that the first thing that would have to occur would be for the road to be improved or that development could happen in conjunction with road improvements. Cynthia referenced the newest business in there, the distillery, and pointed out that is going in without the road improvements, and we have learned from some owners that if the road was improved, it would probably spur development and encourage more development than what is occurring now, but we could have redevelopment without the road improvements.

Cynthia indicated that there also was a question about the zoning in the area, so a map and a table were included that describes the acreage. The map shows that C-3 is primarily the Light Industrial. We talked about the Multi-family, which is RM-3; half of it is developed and half is vacant. An example would be the Sunset Chateau that is on the north end; the south end is vacant and the other portion of the RM-3 is the hotel. The church is zoned Low-density Residential and that would be large lots, single-family homes, if it were developed that way. The CFA Plan does propose those alternatives, so this would be an opportunity. If the church wanted to do something different in line with the Plan, they wouldn't necessarily have to go with RS-35; they could rezone. The other is one parcel with the existing office building that is OP. The table with the different percentages shows the number of acres of each zoning type and how much is vacant and built. Activities like outdoor storage was shown as vacant, because if the outdoor storage was removed, there are no structures there, so they were grouped into the vacant category and that is an example of something that could be redeveloped.

Commissioner Barcus stated that he likes it, and the only strong recommendation that he has is that the City pursue acquiring the road. Everything else has a nice balance, and what we want to do and not do is clear. He is a little worried that there are some million-dollar views that might push out some current light industrial uses, but each of those could be handled when a developer makes a proposal. He thought this was going to be one of the hardest ones, but the way you have laid everything out is one of the most straightforward, and he likes the connectivity issues as well that are encouraged for the walking, biking and mixed use.

Commissioner Mayer indicated that there is an opportunity to do a lot of stuff, and we know we need housing for people who work in town. Maybe there are some possibilities for housing people who work there or own businesses there, but he doesn't want to see existing businesses being pushed out just because of the value of the property, but on the other hand, the distillery started in that direction – the vision we all discussed. It is going to be a slow process. The Commissioner then asked what is considered heavy industrial, and Cynthia stated that she doesn't consider any of it heavy industrial. Commissioner Mayer then stated that it is zoned for heavy industrial, and Cynthia explained that is in the official zoning terminology. In the Land Development Code update, we will be using the term Light Industrial.

Commissioner Mayer then commented that he is a little discouraged by the response by the property owners; this affects them a lot and could make a change in the approach of what we are going to do there. Again, the distillery is a start and that is great.

Commissioner Brandt referenced Light Industrial in the new Land Development Code and asked what is by right; can you do schools? Audree Juhlin stated that the primary focus of Light Industrial/Heavy Commercial and transferring to our draft code is those uses that are outdoor or nuisance-related, such as noise and auto repair. They do allow for some limited types of office uses, but she doesn't remember specifically, regarding your question. Commissioner Brandt indicated that he is asking, because we want to create opportunities for economic diversity and provide options for housing, and they go hand-in-hand in a way to create a dynamic place, so what can happen naturally that can go along with light industrial? What is great about this spot is that no one is going to say they can't do it in their back yard. The distillery is not going to have that problem with noise, because there is no one living right over the fence and the park provides a nice barrier, but it would be good to know and maybe include in the CFA what more possibilities there are for diversification. For instance, maybe someone wants the church to be more of a community gathering place as a church or a lot of people come to learn about themselves or culinary, etc., so could someone open a school there? He needed to be reminded of what can happen by right. Even multi-family in the Light Industrial would have to go through a Planned Development or Zone Change. It would be great if you didn't have to in this district, to make it more of a downtown spot, but that would lead to a bigger question as to how those things happen that can be encouraged and how that is talked about in here? What is listed is what is already there and, to create a dynamic place that people are attracted to, you need to have things for the kids and social beyond going to a trailhead, so how can that happen naturally as opposed to going through the big process? How can it happen just by right? Cynthia stated that the incentives are if the road is improved and the sewer is expanded, and that is in response to what we heard from the property owners, plus looking at the existing uses. The impression is that one of the reasons you have outdoor storage or construction yards is that those properties have no wastewater service, but if they did, they would probably expand into other uses.

Audree Juhlin added that if the Commission agrees with Commissioner Brandt, we could add more qualifying language. We talk about the public service, non-profit component, but perhaps we expand it a little bit to say smaller-scale education or community gathering would be highly encouraged, because these are things that are not generally allowed in C-3 currently, and when you ask how we can make it easier for people, the CFA process itself is intended to make it easier, because in most cases, the Community Plan Future Land Use designation won't support some of the items we are talking about in the CFA, so this removes that additional layer of

approvals through Community Plan Major Amendment process. The CFA becomes the guiding document for the Community Plan and removes that other approval process.

Commissioner Brandt noted that we have done three or four CFAs, and Audree indicated we have done four, because the Western Gateway included two. The Commissioner added that there is a lot of development potentially happening. He then asked how much interest there has been in the CFAs for development. Has the CFA process sparked anything in the other CFAs? Audree Juhlin indicated that she doesn't know that it has sparked anything, but it is helping staff guide people coming in by giving better direction on the expectations for those areas.

Commissioner Kinsella thanked staff for the obvious amount of work done, but stated that to create more work for you, is there a way to stimulate additional survey responses? Audree Juhlin stated that is a tough question. She has been here almost 25 years and getting people to respond to surveys, to come to town halls, etc., has been difficult and is often disappointing. We'll have a neighborhood with maybe 200 properties around it and two people will show up, so getting the public participation is not easy and we have tried everything from online to going out to living rooms, etc.,

Commissioner Kinsella asked if the surveys were sent by mail, and Audree indicated yes. The Commissioner asked if there is no follow-up in terms of email, and Audree stated no. Commissioner Kinsella then asked about the sewer capacity and if we have an area that is currently not on the system and we want to encourage development in that area – where are we going to reach capacity and how will that affect that? Audree Juhlin stated that there is a process in place, and we have phasing areas throughout the City where people are connected, and those we anticipate connecting. She is not positive if this area is in that phased area, but the other part of the planning process for sewer capacity is that we have a certain number of excess capacity, so first come, first serve and that would be subtracted from the total remaining capacity.

Chair Losoff pointed out that staff analyzes that, and if they thought there was a capacity issue, they would let us know. We need to be aware of some of those issues, but at this point, he is not sure that is something we need much detail on. Commissioner Kinsella stated that her question related to if there is a way to reserve future hook-up. Andy Dickey joined the discussion, and Audree Juhlin summarized that the first question is if this area is included in the capacity figures already, and Andy Dickey stated no, because we don't have a facility there, so it would be considered not sewer. If there is an adjacent sewer system to an area, it would be considered sewer, and we would reserve capacity for that area with our facilities, but that is not the case here. Audree Juhlin indicated that the next question was how the sewer issue is addressed for future development, and Andy explained that if we were going to install the sewer main and connect it and not have just a dry line, we would need to reserve capacity at that time, if we anticipate allowing those properties to be sewer.

Commissioner Kinsella indicated that a potential stimulus in the CFA is increased heights for buildings and asked what system would limit the heights. Audree Juhlin explained it is in the Land Development Code in the development guidelines regulations. The Commissioner then asked what the highest building would be at the low point. Audree stated that based on Code without any flexibility, you can build a structure up to 22 ft. plus 5 ft. with darker colors, and then you can increase that by another 5 ft. with a pitched roof. The Commissioner then referenced the road development and alternatives 1, 2 and 3 and asked if there had been any consideration for a hybrid of options 2 and 3. Under alternative 3.B.3, she is concerned about 'contributions from property owners' and asked if that is a property tax. Audree Juhlin explained there are a number of ways that could be addressed. Tax would be one for a Special Improvement District, but that is just one component, and the City Council would set the policy direction in how that would come about, but staff is setting the stage that it could be an option. Chair Losoff added that if you look at the overall CFA, the Council would discuss funding more so than the Commission. Commissioner Kinsella stated that she wanted the Council to know that we are considering some of these issues, when we send something forward to them.

Commissioner Kinsella then referenced the easement versus a right-of-way and asked if the right-of-way means the road would be dedicated to the City, and the City would be the property owner of the fee-simple land underneath the surface, and therefore, some of the infrastructure question would be resolved, because the City would own the property and have the right to maintain, etc. but that would not be the case with some of the easements. Rob Pollock stated that the easement gives you the right to do something on that property, and Audree Juhlin added that the easement spells out the what the permission is.

Commissioner Klein stated that the CFA for this area is excellent, and the vision is great. The two biggest issues are the road and the sewer, and he noticed that of the seven people who responded to the questionnaire, six said the City should be responsible for the road, and it seems that is probably the best solution given that you have to have the financial ability to do that. Then, Andy said something that confused him, because the staff papers said that the property and business owners in the area indicated they would hookup to the sewer system except for the high cost, but he thought he heard from Andy that there is no sewer system there. The Commissioner then asked if there is a sewer system that they could hook up to, and Andy clarified that for some parcels, if they connected across other parcels and made a connection to a main like North Road, there is a possibility, but under the current Code that would not be compliant with what is allowed. There is a cost consideration with a long connection like that as well as Code considerations, if we would allow that. A couple of parcels could connect if they got an easement and passed through another parcel or if they are within a short distance from another facility, but there is no sewer main in Shelby Road. Commissioner Klein asked if, the property owners said they were willing to hook up except for the high cost, the City has a plan to allow them to hook up at a lower cost. Andy stated that he assumes the folks are talking about construction of a line themselves, and what we are proposing is the possibility of the City acquiring the street and an option of the City constructing a sewer line.

Vice Chair Levin stated that one of the most important features of this CFA and how it might build out is that we have the ability to encourage the retention of existing uses, and she doesn't know that we can build that in, but the majority of those existing uses are resident uses. They are really vital like car repair, the Humane Society, recycles and hair salon, etc. She can think of a dozen reasons that take her to that area, so she is somewhat fearful of gentrification with a buildout that would make it more attractive for people that own storage areas to create those million-dollar views, but she sees that could be balanced by the existing uses themselves, many of which are noise creators. She is just giving commentary and really doesn't have the ability to phrase it more than just having concerns. She likes the idea of additional multi-family affordable housing diversity in our community. There are reasons those highly sloped lots haven't developed, because they are highly sloped, so she is not sure we will get that kind of investor to develop those and a key component is adding residential to create the vibrancy that you created out of this CFA. Market economics are going to drive this, infrastructure improvements that the City participates in are going to drive this, but it could be affected equally negatively as it potentially could affect it positively. Some uses there are really solid; others have a much greater potential for redevelopment, and redevelopment for affordable housing - great, but redevelopment for something else like another distillery or restaurant, etc., isn't where we want to be.

Vice Chair Levin indicated that something we haven't talked about is the adjacency to the other neighborhoods. There will be impacts for redevelopment in the CFA and impacts on the quiet, on the amount of traffic on Shelby and Sunset, and if we want to build out that trailhead and make those connections, there will continue to be impacts as we invite redevelopment and housing into the area. She doesn't want this to entirely sound like she is beating it back, because she likes the big picture, but she is not sure there is any way we can guarantee the redevelopment will achieve those goals, because it will be incremental over time, and someone needs to keep that barometer up there on what we want out of this CFA – just commentary and concern.

Chair Losoff stated that the CFA draft is excellent; staff did a great job. It gives us a great opportunity to redevelop an area with a solid vision, particularly since there are a lot of things in

there that haven't been done before, so the opportunity to achieve the vision is extremely strong. He likes what Commissioner Kinsella said; we need to do more outreach with the landowners and business people. We send out letters, we get a poor response and that is it, but in this case, we need to make an effort to go beyond what we have already done and make a strong effort to get these people in – not just send out a letter and hope they will respond but do some major follow-up, because one of the successes in this area will be partnerships, so don't just rely on the seven or eight who responded.

Audree Juhlin stated that she wanted to respond to that. In that case, it was the survey and was in response to the last meeting, but the previous interactions, in developing the CFA was with partnerships and the property and business owners, where Molly and Cynthia met with them on a number of occasions, and they held an open house at the park, so we have been actively engaged. It was just the response to the survey was low, but in the creation of this document we had a much higher percentage of participation.

Chair Losoff opened the public comment period.

James Almada, representing the Morning Sun Homeowners Association of 74 units as the Board Treasurer: Mr. Almada stated that they are not a 'diamond in the rough' in Morning Sun; they are a diamond. They bought this area, because of how it was zoned around them with the church above them, so they knew that certain development wouldn't happen. One of the big issues they have is the traffic on Sunset. According to Justin Clifton, City Manager, they are the third busiest residential street in Sedona, and it measured four years ago with 2,400 vehicles a day. A lot of those are trucks, and they see them all day long. He doesn't see any of this reducing that traffic. They have asked for the City for the last 12 years to put in speed bumps; that is one of the reasons the trucks don't use Shelby. The noise and pollution are one of their main concerns, and they see all of this just driving more traffic down their road. If you want to put a trailhead with parking at the top and benches and bathrooms, again, it will drive more people into the area. It really has them scared, and this is great if some of the housing could stay, low-cost housing like you are saying, but according to his information, Nepenthe was passed as low-cost housing, and it was bought and flipped, so now it is very expensive. If that indeed could be held, plus he really loves the area and the quiet, and he is scared. Those million-dollar views at the top of the hill are a beautiful spot, and he is afraid that some developer will buy it and flip it, because it is gorgeous. Some of the parts of this plan that scares him is right below the church is a well for Oak Creek Water, and when you are talking about the sewer, it runs downhill in that area. When you talk about building a bridge across Sunset, we have talked to you guys for ten years about working on the wash that comes through their property. *(Mr. Almada's allotted time expired, and Chair Losoff suggested that he put his thoughts more together and send a letter.)* Mr. Almada thanked them and indicated this was the first time they actually got a letter from the City letting them know about the meeting.

Richard Ledbetter, Sedona: Mr. Ledbetter stated that he lives in the same place that Jim does, and most of what he had to say is the same as him, so he would just say that looking at that view when he takes the trailhead at the top to get on Bandit or go over by the recycling center and get on a trail, when go back near his home at the bottom on the right, there will be housing there that will take away that view. He can see the tops of houses and that just doesn't cut it for him. If you take the Airport Loop around and come back, you get the same thing. The traffic is a big thing; it starts at 6:00 a.m., and there are dump trucks, 18-wheelers and vans back and forth all day long, and then they have the homeless who sleep up there, and they go back and forth all the time, and the more traffic and people you bring into this area also brings crime. They don't have a lot of crime, but the more people you bring in, the more accessible it makes it and it just brings more crime. Also, there is talk of a bike trail around the back of their complex and that would be along the arroyo, so what is to say the people won't come onto their private property. They don't have it fenced in, so it is easy to drive in and drive out, but the more people you bring in, they are going to make a mistake; they are running up and down their roads, and they maintain their own roads.

Summary Discussion:

Commissioner Brandt stated that this is a great CFA with the vision, etc. He asks some difficult questions sometimes, but it is just what the things are that we haven't thought about and how we can answer those. A couple of things that he would like to add – one is the notion of transit and that it could be added as a sentence somewhere that it is a dedicated loop for this area from SR 89A, when transit is a little more intense in the City, which could help with the trailheads as opposed to creating parking for the trailheads. Then, regarding walkability on page 13, the way you presented it for this CFA probably works, because the CFA is relatively small lots if it is developing in 20, 40 or 60 years as this Plan is laid out. It is a walkable place if there is the diversity of uses. People would be able to walk from businesses to restaurants to services and to their homes, but his point is that you are saying that for walkability, it might be the best walkable place in Sedona, and he thinks you are saying walking for walking sake, like for exercise, not necessarily for social improvement or to get cars off of the highway. In this case, it probably works but, in the future, the priority for walkability should be that development is created to make more of a traditional downtown where it is easy to walk to the post office, stores and restaurants, etc. Now, he might be wrong; this is what is in the Sedona Master Plan as walkability, so maybe you have come down to the actual definition, but for him, the definition should be that we are creating those walkable town spaces. There are plenty of hiking and sidewalks along the highway for walking. The other thing that could be better illustrated is the potential for diversity of uses – not just what exists but what could be accomplished to create a pearl on the string of pearls.

Commissioner Mayer noted that one Commissioner mentioned a community gathering area, and it is already there – the Sunset Park, so if you connect some of those businesses on the north side of Shelby to the Sunset Park, you need to connect it with walking paths. You also have artists living there in that one building on Mountain Road, so there is a little infrastructure there that tends to go in that direction and that is a good thing. If he could say what he thinks totally out of the box, he has a totally different idea, but he is not going to say it, because it might offend other people regarding what he thinks this could be.

Commissioner Barcus stated that when he read through the CFA draft plan, he felt it was the big picture that we have been looking for in CFA drafting, and he is prepared to move forward with a recommendation that this go to the City Council as is. The discussion we have had is good in terms of clarification, but we are not doing master planning; this is not a master plan or a blank area. It has existing development and a lot of potential for redevelopment. Some of that will change the texture and uses of the existing facilities – some for the better and some for the worse, depending on how it works. It will be gradual and this is a long-term look – the 20, 30 or 40-year look, and it gets to the guts of what we are trying to do with these CFAs.

Vice Chair Levin stated that she concurs, and Commissioner Kinsella stated that she thinks it is a thoughtful plan, but she wanted to ensure that the comments were heard about preserving the commercial and light industry uses there, and she thinks they were, so she is comfortable with this Plan.

Chair Losoff agreed that good planning was put into this and we have come up with a very different kind of CFA that will be great for the City. He likes the vision – live, work, play and meet. Those are all very good from an overall point of view. We have specific questions and get into the weeds sometimes, but once the Plan is approved, we can get involved with some of the nitty-gritty; we don't have to at this point. We heard some concerns from adjacent neighborhoods, and we have to look at those communities too. Sometimes we work in a vacuum, and residents outside of the CFA have some legitimate concerns, but we can minimize some of those issues as we develop the CFA. We can't ignore traffic and this could increase some traffic on both Shelby and Sunset, but if it is planned well, it can be achieved. He agrees with it.

MOTION: Commissioner Barcus moved to recommend to the Sedona City Council approval of the Draft Shelby/Sunset Live/Work CFA Plan for the area located at the

**southern end of Shelby Drive and Sunset Drive. Commissioner Mayer second the motion.
VOTE: Motion carried seven (7) for and (0) opposed.**

- 7. FUTURE MEETING DATES AND AGENDA ITEMS**
- a. Tuesday, June 5, 2018; 3:30 pm (Work Session)**
 - b. Tuesday, June 5, 2018; 5:30 pm (Public Hearing)**
 - c. Tuesday, June 19, 2018; 3:30 pm (Work Session)**
 - d. Tuesday, June 19, 2018; 5:30 pm (Public Hearing)**

Audree Juhlin stated that June 5th will be the work session on the consolidated Land Development Code draft, so we expect questions because the layout will be foreign to what you are used to with the current Code. At 5:30 p.m., there will be a public hearing for a Development Review and CUP for a small animal clinic on Pinon Drive.

Audree indicated that on June 19th, there will be a very long public hearing on the consolidated draft of the Land Development Code. If we need to go to June 20th, that date is reserved as well. The consultants will be here on the 19th, so we want to get the most use of their time, and they are planning to be here two days if necessary. Chair Losoff suggested locking the Commission in on the 5th to ask as many questions as we can; then by the time we get to the 19th, we shouldn't spend a lot of time debating and reviewing. The 5th is a key date; however, Vice Chair Levin interrupted to say that the way it is set up, that is a 3:30 p.m. meeting. The Chair then asked staff if that could be extended, and Audree explained that the plan is to include a continuation of the discussion in the 5:30 p.m. meeting after the Development Review on the animal clinic.

Vice Chair Levin asked about a Staff Report around the end of the month, and Audree stated that we are finishing staff's review and getting it back to the consultants, and then turning it around within a week, so hopefully, you will have it soon, but at least a week in advance. The Chair also requested that hard copies be printed.

Vice Chair Levin asked if everything from July 3rd to August 21st is the same, and Audree indicated yes, except July 3rd, we may have some additional items. We have the Park Place Development Review and Habitat for Humanity, but there may be one or two more items for 3:30 p.m.

Commissioner Kinsella asked about the time if the Commission meets on June 20th, and Audree indicated that she will send out an email to determine the Commissioners' availability.

- 8. EXECUTIVE SESSION**
- If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. 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 Executive Session was held.

- 9. ADJOURNMENT**
- Chair Losoff called for adjournment at 6:35 p.m., without objection.

I certify that the above is a true and correct summary of the work session/public hearing of the Planning & Zoning Commission held on May 15, 2018.

Donna A. S. Puckett, *Administrative Assistant*

Date