

AGENDA

4:30 P.M.

CITY OF SEDONA, CITY COUNCIL SPECIAL MEETING MONDAY, JULY 23, 2018

NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:

www.SedonaAZ.gov

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.
- The decision to receive Public Comment during Work Sessions/Special City Council meetings is at the discretion of the Mayor.

PROCEDURES:

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

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

2. ROLL CALL

3. SPECIAL BUSINESS

- a. AB 2274 Discussion/possible direction/action regarding the City's comments & objection to the Forest Service on the Draft Decision in the Final Environmental Assessment, which assessed possible alternatives to create an access easement for the construction of a private road to Coconino County parcels 408-27-003 C, E, and F (Tobias/Flynn) located across Oak Creek from Poco Diablo Resort and Chavez Crossing Campground in Sedona.



4. ADJOURNMENT

Posted: _____

By: _____

Susan L. Irvine, CMC
City Clerk

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

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

**RED ROCK RANGER STATION
8375 STATE ROUTE 179, SEDONA, AZ**

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

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**CITY COUNCIL
AGENDA BILL**

**AB 2274
July 23, 2018
Regular Business**

Agenda Item: 3a

Proposed Action & Subject: Discussion/possible direction/action regarding the City's comments & objection to the Forest Service on the Draft Decision in the Final Environmental Assessment, which assessed possible alternatives to create an access easement for the construction of a private road to Coconino County parcels 408-27-003 C, E, and F (Tobias/Flynn) located across Oak Creek from Poco Diablo Resort and Chavez Crossing Campground in Sedona.

Department City Manager

Time to Present 5 minutes

Total Time for Item 60 minutes

Other Council Meetings April 5, 2007, April 10, 2007, October 23, 2007, January 8, 2008, February 12, 2008, December 13, 2011, September 12, 2017, June 26, 2018

Exhibits
A. Council letter: Comments to USFS – 2017 Draft EA
B. Council Letter: Objection to Draft Decision letter to USFS - 2018

| | | | |
|-------------------------------|---|-----------------------------|-------------------------------------|
| City Attorney Approval | Reviewed 7/17/18 RLP | Expenditure Required | |
| | | \$ 0 | |
| City Manager's Recommendation | Discuss the objection to the Forest Service Draft Decision. | Amount Budgeted | |
| | | \$ 0 | |
| | | Account No. (Description) | N/A |
| | | Finance Approval | <input checked="" type="checkbox"/> |

SUMMARY STATEMENT

Background: City Council considered the draft Environmental Assessment (EA) for the Tobias Flynn property access at its September 12, 2017 council meeting. The draft EA considered four alternatives to providing access. The major decision concerned two alternatives taking access from SR 179 utilizing a bridge over Oak Creek and taking access from Chavez Ranch Rd, which would include a 1.4-mile road through an open area of undeveloped land.

Council gave direction to staff to draft a letter to be signed by the Mayor that, 1) established environmental concerns as the first priority and impacts to viewshed as the second priority for selecting an alternative; and, 2) indicated a hybrid of Alternatives B and C appeared to be

most consistent with those priorities. The Forest Service Draft Decision selected Alternative D.

The Forest Service attended a City Council meeting on June 26th to explain the reasons behind selecting Alternative D and answer questions asked by councilors.

The July 23rd meeting is meant to be the formal Objection Resolution meeting with the Deputy Regional Forester. This meeting is essentially about further exploring the City's objection and looking for any possible resolution.

Important Considerations:

- Councilors should generally frame comments and questions in light of the City's original letter and objection issued to the Forest Service.
- This meeting is agendaized for action in the event Council wants to consider any formal position, including withdrawal of the objection, restatement of the objection or any other conditional agreement with the Forest Service.
- Council has the option to table the meeting until Tuesday in the event it wants to deliberate further or take public comment before taking action.

Summary of Alternatives:

Alternative A. This alternative does not allow road access on National Forest as a baseline (No Action). No Action will be used as a baseline with which to compare the expected effects of implementing the proposed access. This alternative is not an option given the court judgment that the USFS must provide access.

Alternative B. This alternative crosses Oak Creek at the head of an identified informal water play area or "swimming hole" and starts from Oak Creek Cliffs Drive. This alternative would include a road approximately 4,500 feet long (0.85 miles) from Oak Creek Cliffs Drive to the subject property. The route would include a 24-foot wide bridge approximately 450 feet in length that would cross Oak Creek just above the upper end of the "swimming hole" and cross one ephemeral natural drainage tributary to Oak Creek. The bridge would be approximately 60 feet above the surface of Oak Creek. The access road would be constructed to City of Sedona standards. The design speed would be 25 MPH. The road would be private and a gate would be installed at the entrance of the road.

Alternative C. This alternative crosses Oak Creek upstream from Alternative B and the "swimming hole", starts from SR 179 approximately 850 feet south of Oak Creek Cliffs Drive, and would cross one ephemeral natural drainage tributary to Oak Creek twice. This alternative would include a road approximately 2,600 feet long (.49 miles) and a 24-foot wide bridge of approximately 650 feet in length. The bridge would be approximately 80 feet above the surface of Oak Creek. The access road would be constructed to City of Sedona standards. The design speed would be 25 MPH. The road would be private and a gate would be installed at the entrance of the road.

Alternative D. This alternative provides access from the west and Chavez Ranch Road and does not cross Oak Creek. This alternative would include a road

approximately 7,500 feet long (1.4 miles) plus 1,850 feet (.35 miles) of reconstructed Chavez Ranch Road to the private property starting from Chavez Ranch Road. It would cross a total of approximately nine small ephemeral natural drainages and washes that are tributaries to Oak Creek. The proposed access route would start from Red Rock Loop Road and Chavez Ranch Road and then access above the Rancho Chavez subdivision and along the side of Airport Mesa north to the subject property. An approximate .35 mile portion of Chavez Ranch Road would need to be widened and paved to Yavapai County standards to connect with the proposed new road. The new road would be constructed to City of Sedona standards. The design speed would be 25 MPH. The road would be private and a gate would be installed at the entrance of the road.

Community Plan Consistent: Yes - No - Not Applicable

Goals outlined in the Community Plan Section 4, Circulation, (page 57) include:

- Coordinate land use and transportation planning and systems
- Make the most efficient use of the circulation system for long-term community benefit
- Limit the building of new roads and streets and make strategic investments in other modes of travel

None of the USFS alternatives promote these goals.

A key issue identified under the Traffic and Parking Section (page 60) is a lack of connecting streets between neighborhoods.

All three USFS alternatives exacerbate this issue.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

MOTION

I move to: possible direction/action will be based on Council discussion.

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102 Roadrunner Drive
Sedona, Arizona 86336
www.SedonaAZ.gov

Laura Jo West
Supervisor, Coconino National Forest

This letter is written to submit comments to the Draft Environmental Assessment for the Tobias-Flynn Private Land Access.

The City believes strongly that there are two priority considerations that should determine the preferred alternative for achieving access to the Tobias-Flynn property. The first priority consideration is that the final alternative should be the one that best mitigates environmental impacts. The second priority consideration is for the alternative that best mitigates aesthetic impacts to the view shed in and around the project.

It should be noted that the city's comments come after very little time to fully review and vet three alternatives. Similarly, while the Draft EA is thorough, questions remain about environmental and aesthetic impacts. For instance, it is challenging to compare the environmental impacts of a much longer road to impacts to riparian areas associated with a bridge. Similarly, it is difficult to assess the aesthetic impacts of the two bridges of different height and length and different proximity and orientation to SR 179 and surrounding neighborhoods.

Additionally, it is not clear if the three action alternatives outlined are exhaustive of the access options available. The City's comments below reflect the thought that a combination of certain components from more than one alternative may be better than any one alternative on its own. There also continues to be suggestions that other access may be possible. While it appears from public comments that many residents of Oak Creek Cliffs are not interested in granting access through a private drive, and technical details about that possible access are not fully understood, some continue to advocate for the proposition that such access could presumably be negotiated in the future. However, such access, while primarily involving private land, could impact small portions of forest land. It appears as though that impact has not been studied as part of the Draft EA, likely because it depends on the cooperation of private property owners. This results in a situation where if an agreement were ever reached with private property owners, the lack of an EA would preclude participation by the Forest Service, even if it were a far superior option.

To ensure the best possible outcome for legal access, the City encourages the Forest Service to consider any and all potential scenarios where access could be accomplished and to review them thoroughly to better understand negative impacts. Doing so will further ensure an alternative that best minimizes environmental and aesthetic impacts is accomplished.

Based solely on the information contained in the Draft EA, the city has formulated the following position based on what appears to best mitigate negative environmental and aesthetic impacts:

1. **Alternative D should not be considered.** Alternative D has by far the longest road at approximately 7,500 feet (1.4 miles). The route of this road would cut through pristine forest. Similarly, the routing of the road would be visible to numerous residents and recreationists, exacerbating aesthetic impacts. This alternative also poses greater risk to health and safety of potential residents by drastically increasing response time to any emergency situation.
2. **Access from SR 179 as contemplated in Alternative C should not be considered.** Consolidated highway access is always preferable to separate access as intersections are already a point of conflict. Similarly, access to SR 179 from Oak Creek Cliffs Drive is provided by a full movement intersection. The access to SR 179 in Alternative C is limited to right in, right out turning movements. Northbound travelers exiting the property will need to first travel south and either use residential streets to turn around or travel 3,360 feet (.64 miles) to the nearest roundabout at Chapel Rd. Northbound travelers returning to the property would have a similar issue, having to travel beyond the access at SR 179 and turning around utilizing residential streets or traveling 3,300 feet (.63 miles) to the closest round a bout at Morgan Rd.
3. **Extending an access road to the west of the property as contemplated in Alternative B appears to have excessive negative impacts.** The access road in Alternative B is 4,500 feet (.85 miles) and crosses two ephemeral drainage ways. Conversely, the road contemplated in Alternative C is shorter (2,600 feet) and only crosses one ephemeral drainage way. Similarly, the longer road in Alternative B wraps around the property from the east, south and west, creating visibility to a larger area of potential residents and recreationists.
4. **Combining elements of Alternative B and C appears to best mitigate negative impacts.** Utilizing the point of origin for access off of Oak Creek Cliffs Drive as contemplated in Alternative B and the point of terminus for access at the south end of the property as contemplated in Alternative C appears on its face to best mitigate environmental and aesthetic impacts. In this scenario, full movement access to SR 179 via Oak Creek Cliffs Drive is preserved, the length of the road is reasonably constrained (estimated at 3,400 ft) and requires crossing of only one ephemeral drainage way.

Thank you for the opportunity to submit comment. The City remains hopeful for the best possible outcome.

Sincerely,



Sandy Moriarty
Mayor
City of Sedona



102 Roadrunner Drive
Sedona, Arizona 86336
www.SedonaAZ.gov

Laura Jo West
Supervisor, Coconino National Forest

This letter is written to object to the draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Environmental Assessment (EA) for the Tobias-Flynn Private Land Access.

The City believes strongly that there are two priority considerations that should determine the preferred alternative for achieving access to the Tobias-Flynn property. The first priority consideration is that the final decision should be the alternative that best mitigates environmental impacts. The second priority consideration is for the alternative that best mitigates aesthetic impacts to the view shed in and around the project.

After considering alternatives A-D city council determined that the only option that should not be considered is Alternative D. The city submitted the following on Alternative D in its original comments:

Alternative D should not be considered. Alternative D has by far the longest road at approximately 7,500 feet (1.4 miles). The route of this road would cut through pristine forest. Similarly, the routing of the road would be visible to numerous residents and recreationists, exacerbating aesthetic impacts. This alternative also poses greater risk to health and safety of potential residents by drastically increasing response time to any emergency situation.

The DN provides reasons for selecting Alternative D that primarily focus on the value of riparian areas and the impact to riparian areas associated with a bridge over Oak Creek. However, it is not clear how the Forest Service considered short term vs. long term impacts to riparian areas associated with Alternatives B and C compared to the permanent aesthetic impacts associated with Alternative D. City Council discussed impacts from all alternatives with Forest Service staff. Impacts to riparian areas were generally described as most significant in the short term and associated with construction of the bridge. The long term impacts were generally described as limited to an area where bridge abutments would be located. While the Reasons for the Decision in the DN reference the estimated 60-80 foot height of the bridge in the context of construction oversight and cost, there is no information that suggests the long term impacts from abutment structures is more significant than described to council by Forest Service staff. It further seems that all alternatives that provide access to the property can be controlled by a gate to limit general public use, further mitigating some of the environmental impacts cited in the DN.

While City Council established environmental concerns as the first priority consideration for selecting an alternative, mitigating aesthetic impacts was also very important. The DN acknowledges the aesthetic impacts of Alternative D but does not describe them in quantitative or qualitative ways like the description of riparian impacts. Alternative D would seem to have the most significant negative aesthetic impacts given the 1.4 mile road. It should further be noted that the proposed alignment of Alternative D cuts through an area of pristine forest designated as Semi-Primitive Non Motorized (SPNM). While environmental impacts associated with construction of Alternative D may be appropriately mitigated through best management practices, the impact to Recreational Opportunity Spectrum (ROS) and scenic viewsheds will be permanent. This area of open forest is one of the largest within city limits and associated with some of the most iconic rock formations, including cathedral rock. The DN only makes brief reference to "mitigation measures to reduce the results of road and bridge construction to scenery." This creates the appearance that these impacts were not given appropriate weight in the DN.

During discussion with Forest Service staff, City Council expressed concerns that the EA was not thorough in analyzing scenic impacts of Alternatives B-D and recommended further study. It appears no further study was conducted. It seems even more appropriate now, with the rendering of the DN, that greater understanding of scenic impacts and the effectiveness (or ineffectiveness) of "mitigation measures" should be considered. Similarly, the aesthetic impacts from Alternatives B and C (or a hybrid as suggested by the City) are proximate to other developed property and SR 179. Alternative D, on the other hand, appears to be exactly half way between developed property at the airport to the northwest and residential development and SR 179 to the southeast. It is not clear how permanent impacts of this alignment in the middle of a large open area of forest designated SPNM can be mitigated. Rather, it would appear that this impact will forever change the landscape of one of Sedona's most pristine areas and will be visible from all directions to a large number of residences and recreationists.

The City remains supportive of any Final Decision that appropriately accounts for environmental and aesthetic concerns. Based on the information contained in the DN, however, it is not clear that those concerns have been fully addressed. The City recommends greater consideration of the short and long term impacts to the environment and area viewshed prior to issuing a Final Decision.

Thank you for the opportunity to submit this objection. The City remains hopeful for the best possible outcome.

Sincerely,

A handwritten signature in black ink that reads "Sandy Moriarty". The signature is written in a cursive, flowing style.

Sandy Moriarty
Mayor
City of Sedona