

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, May 18, 2021

NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a meeting open to the public on Tuesday, May 18, 2021, at 4:30 pm in the City Hall Council Chambers.

NOTES:

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

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

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

PROCEDURES:

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

Due to continued precautions related to the COVID-19 pandemic, there will be very limited seating for the public within the Council Chambers arranged in compliance with CDC guidelines for physical distancing.

Comments in advance of the 4:30 p.m. call to order are strongly encouraged by sending an email to clovely@sedonaaz.gov (Uptown CFA) or cmeyer@sedonaaz.gov (AWC Tank) and will be made part of the official meeting record. Those wishing to comment on scheduled agenda items may be asked to wait outdoors or in an alternate location if there is not adequate seating in Council Chambers. The meeting can be viewed live on the City's website at www.sedonaaz.gov or on cable Channel 4.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. APPROVAL OF THE FOLLOWING MINUTES:
 - a. May 4, 2021 (R)
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.)*
5. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:
 - a. Discussion/possible action regarding the draft plan for the Uptown Community Focus Area (CFA). Case Number: PZ21-00008 (CFA)
 - b. Discussion/possible action regarding a rehearing of an application for a Conditional Use Permit to construct a 1.5 million gallon, mostly subterranean, water tank with associated booster station structure, ancillary uses, and landscaping. Applicant: Arizona Water Company. Case Number: PZ17-00001 (CUP)
6. FUTURE MEETING DATES AND AGENDA ITEMS
 - a. Tuesday, June 1, 2021
 - b. Tuesday, June 15, 2021
7. 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:

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, May 18, 2021

- 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.

8. ADJOURNMENT

Physical Posting: May 13, 2021 By: DJ

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

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



Meeting Date:	May 18, 2021 Public Hearing
Other Meetings:	April 20, 2021 Work Session April 6, 2021 Work Session January 19, 2021 Work Session
Hearing Body:	Planning and Zoning Commission
Action Requested:	Recommendation to City Council regarding the Draft Uptown Community Focus Area (CFA) Plan
Staff Recommendation:	Recommend the Draft Plan to City Council
Project Summary:	The Uptown CFA Plan addresses circulation, land use, and design in the areas along N SR 89A (Main St), Forest Rd, and Jordan Rd (mostly commercial zoning). Staff is requesting a recommendation from the Planning and Zoning Commission to City Council regarding the Draft Uptown CFA Plan.
Report Prepared By:	Cynthia Lovely, Principal Planner
Attachments:	
1. Revised draft Uptown CFA Plan, May 5, 2021	6
2. List of revisions to the April 1, 2021 Draft	41
3. Public Comments	43

The May 18, 2021 public hearing will focus on the revised draft Uptown CFA plan dated May 5, 2021 (Exhibit A). Changes made to the April 1, 2021 draft are listed in Exhibit B.

Background information and public comments on this project can be found in the meeting materials for the April 6, 2021 P&Z work session: <https://www.sedonaaz.gov/your-government/meetings-documents/-folder-5139>.

Public Input

Each phase of the process provides opportunities for public review and input. All the public comments are forwarded to the Commission. To get the word out that the city was seeking feedback on the draft concepts for the Uptown CFA approximately 750 postcards (Fig. 1) were sent out to all property owners in the Uptown area (beyond the boundaries of the CFA). Throughout the process, social media (Facebook/Instagram/Twitter) was used to announce the

comment periods and direct people to the Plan Uptown website. There were three articles in the Red Rock News.

The public took advantage of multiple options for providing input on each version of the draft plan, such as:

- Comments on the documents
- On-line comment forms
- Social media
- E-mails and phone calls



FIGURE 1 POSTCARD

This is the first city project to use the Konveio software for citizen engagement. The “Plan Uptown” website served three important functions: make the draft plans available for public review, provide the ability to comment at a specific point within the document, and provide a general comment form. Participation on the website as of May 11, 2021:

- 116 Individuals
- 260 Comments on draft plans

Project Timeline

The following is the schedule for the CFA plan review. The process was kicked off with an introduction of the Plan Uptown website to the Commission on January 19, 2021.

Plan Uptown website plan review:

- Draft Concept Plan (1/28/21)
- Draft Plan (April 1, 2021)
- Revised Draft Plan (May 5, 2021)

Planning and Zoning Commission:

- April 6th and April 20th work sessions
- April 20th site visit
- May 18th public hearing

City Council:

- June 23rd tentatively scheduled work session
- Public hearing date to be determined

Recommendations and Motions

To move the plan forward, the Commission will need to make a recommendation to City Council regarding the draft plan. The motions listed below are offered as samples only and the Commission may make other motions as appropriate.

Motion of support

I move to recommend the adoption of PZ21-00008 (CFA), the Uptown Community Focus Area Draft Plan of May 5, 2021 to City Council.

Motion of support with revisions

I move to recommend the adoption of PZ21-00008 (CFA), the Uptown Community Focus Area Draft Plan of May 5, 2021 to City Council with the following revisions: ...

Motion without support

I move to not recommend the adoption of PZ21-00008 (CFA), the Uptown Community Focus Area Draft Plan of May 5, 2021 to City Council.

DRAFT

UPTOWN COMMUNITY FOCUS AREA PLAN

DRAFT

May 5, 2021



City of Sedona Community Development Department
www.sedonaaz.gov/CD

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I. INTRODUCTION

- Why We Plan
- Emerging Vision for Uptown



Why We Plan

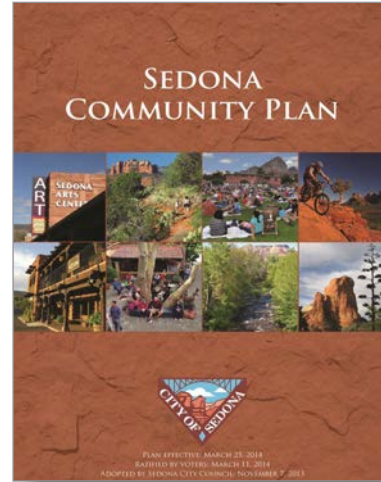
Change with a Vision

When changes in land use happen, a plan provides direction to new construction proposals, redevelopment of an existing site, or city public works projects (such as streets or parking).

The purpose of a CFA Plan is to provide a guide for future development, redevelopment, and City projects to align with:

- The Sedona Community Plan's vision, goals, and policies
- A vision for the desired future of Uptown

The strategies may be accomplished through private development projects, City capital improvement projects, or public-private partnerships. Changes will happen incrementally over time as projects occur and funding allows.



What is the Sedona Community Plan? It defines the city's vision and goals for future growth, approved by voters in 2014. It is a policy document that addresses:

- land use
- circulation
- economy
- environment
- community



This CFA Plan and the Community Plan are:

- Expressions of the community's and a CFA's vision and goals
- Guides for future growth
- Assessments of community and CFA priorities

The CFA Plan and the Community Plan are not:

- A change in zoning (this plan does not change zoning)
- Capital improvement program budgets
- Maintenance and operations plans
- A commitment for expenditures of public funds
- An infringement on private property rights

A Vision for Uptown

Uptown Key Issues

Identified through stakeholder input, the 2018 Transportation Plan, and the 2020 Parking Study.

- Traffic congestion
- Few sidewalks
- Parking problems
- Housing shortage
- Oak Creek impacts
- Uptown reputation (resident's attitude that its "just for tourists")



Sedona Community Vision & Uptown Goals

The following are the Community Plan's vision themes, desired outcomes, and goals more specific to Uptown.

- Improved traffic flow
- Walkability
 - Focus on pedestrian experience and safety
- Housing diversity
 - Variety of housing types (apartments, townhomes, etc)
- Environmental stewardship and access to Oak Creek
 - Preserve Oak Creek
- Sense of Place*
 - Improved Uptown image and identity
- Community connections and community gathering places
 - Provide public plazas and other spaces



Uptown Vision Statement

*(draft)
Experience Uptown:
- a distinctly Sedona destination,
- welcoming both residents and visitors
- active and interesting
- a walkable place to live, work, stay, or visit.*

A yellow sticky note graphic with a drop shadow, containing a draft vision statement in handwritten-style text.

*Sense of Place:
The perception or feeling about a place based on experiences and characteristics that give it an authentic, distinct identity.

CIRCULATION RECOMMENDATIONS



- Traffic flow
- Walking, Biking, and Transit
- Parking

Circulation Strategies:

Traffic Flow

Neighborhood Streets

- Complete a comprehensive evaluation of streets in the CFA that considers connections between pedestrian safety, on-street parking, and traffic flow.

The evaluation should address the following:

- The anticipated impacts of new development, increased tourism, and projects such as the Forest Rd extension, a parking garage on Forest Rd, and the recently completed Owenby Way.
- Reducing interruptions to traffic flow:
 - Signage that provides clear directions to parking, resorts, and other destinations (see Wayfinding strategy)
 - Strategically located loading and delivery zones (see below)

Loading Zones

- Take a partnership approach to identifying solutions that alleviate the traffic impacts of passenger loading/unloading.

Main St (N SR 89A) is the most congested street in the city, and one component of the traffic is the tour company vehicles loading and unloading passengers. While it may be convenient for the business and customers, it is an added stress on the already crowded street and sidewalk.

Any changes to current operations will need the support and participation from each of the businesses. The recommendation is to form a working group to identify solutions that all of the businesses can support.

Street Connectivity

- Create new street connections to improve traffic flow and provide alternatives to Main St.

See Creekside Resorts for specific recommendations. Owenby Way was built in 2020 to provide an alternate route to neighborhoods and the City parking lot at 260 Schnebly Rd. The Forest Rd connection design is underway, which will link Main St to W 89A.

Circulation Strategies:

Complete Streets*

- Provide sidewalks, bike lanes, and future transit stops on Forest Rd and Jordan Rd.

Accommodating all users — cars *and* people walking or biking can contribute to better traffic flow. Forest Rd and Jordan Rd can be improved to safely accommodate all modes of travel whether you are walking, biking, driving, or taking a shuttle.

There are no sidewalks on the majority of Forest Rd despite the fact that there is public parking on both sides of the street. There are sidewalks on the west side of Jordan Rd, but the sidewalk on the east side ends at Schnebly Rd. Although it is outside the CFA boundaries, extending sidewalks the length of Jordan will encourage employees and other residents to walk to Uptown. People are more likely to walk if it is safe, convenient, and comfortable.

Improvements to both streets needs to be integrated with the construction of future projects. The City is planning the Forest Rd extension and a new parking garage on Forest Rd. On Jordan Rd, the future development of private property is expected. All of these projects will need to integrate bicycle, pedestrian, and transit needs.

* Complete Streets:
Streets designed and managed for the safety of all users, abilities and modes of travel ("multi-modal", whether driving, walking, biking, or taking transit.



Forest Rd potential "Complete Street" improvements

Circulation Strategies:

Walkability *

**and Bike-ability*

Pedestrian Improvements

In addition to the recommendation to transform Forest Rd and Jordan Rd into multi-modal complete streets, the following are needed throughout the CFA.

The Uptown CFA is essentially a pedestrian district. There are a lot of people walking, either to or from the public parking lots, shopping, restaurants, apartments, or lodging. More sidewalks connecting these destinations are needed to improve pedestrian safety and encourage more people to walk.

Pedestrian Connectivity

- Improve pedestrian connectivity.
- Establish pathways linking destinations, that provide alternatives to driving and offer a recreational experience

There are many opportunities for pedestrian connectivity between destinations such as parking lots and Main Street. There are existing alleys and passageways that may only need improved signage to improve the walkability of Uptown.

Lighting

- Add lights along streets, such as solar posts or street lights.

The lack of lights at night is another concern, particularly for employees returning to their cars after work. Fixtures will need to meet dark sky lighting standards.

Main St Sidewalks

- Establish clear pedestrian zones, especially on Main St.

Pedestrians should be the priority along the Main Street frontage, with walkway 'clear' zones wide enough for people to walk. Benches, trash cans, and other obstructions should be placed outside of the clear zone.

Pedestrian Bridge

- Consider a pedestrian bridge over Main St

Evaluate the feasibility, need, and anticipated use of a pedestrian bridge over Main St. This was recommended in the Transportation Master Plan, and is on hold to provide time to evaluate the effects of the Uptown Roadway Improvements. Partnering with landowners will be essential as the bridge will extend beyond the City right-of-way.

Bicycling Improvements

Bike Parking

While the busy Uptown streets may not be the most ideal place for biking, a lack of places to securely park your bike can be a deterrent to biking. Employers such as resorts, shopping centers, and small businesses are encouraged to provide bicycle parking. Other bike amenities to consider are bike fix-it repair stations and bike lockers.

Bike Lanes

See previous page on Complete Streets.

Transit Improvements

Improvements listed throughout this plan will benefit the transit system once completed, such as improving sidewalks, lighting, loading zones, street connectivity, complete streets, wayfinding, etc. Major public parking lots and parking garages are key locations for transit stops.

Circulation Strategies:

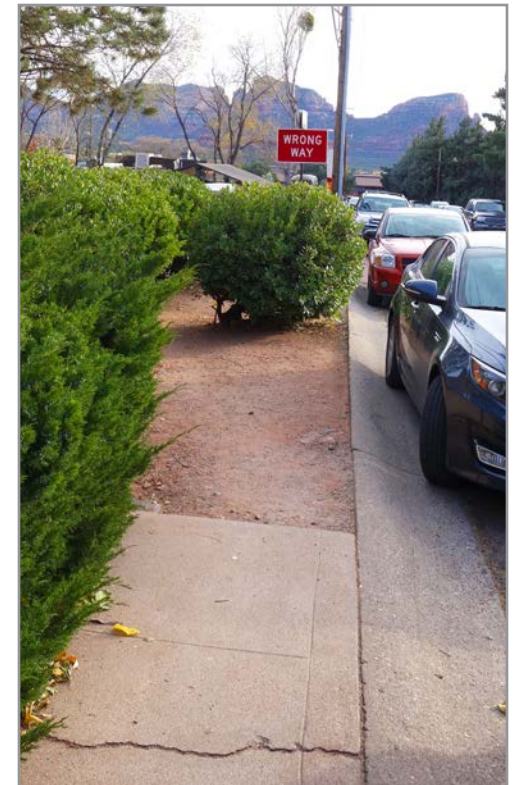
Sidewalks

- Install sidewalks or pathways where feasible and appropriate.
- Ensure that new sidewalks are ADA accessible

The traffic and on-street parking do not make for a very safe or pleasant experience when there are no sidewalks. At a minimum, the most congested streets, especially where there are public parking lots should have a sidewalk or shared-use path.



Pedestrian access to the Van Deren Rd public parking lot.



Circulation Strategies:

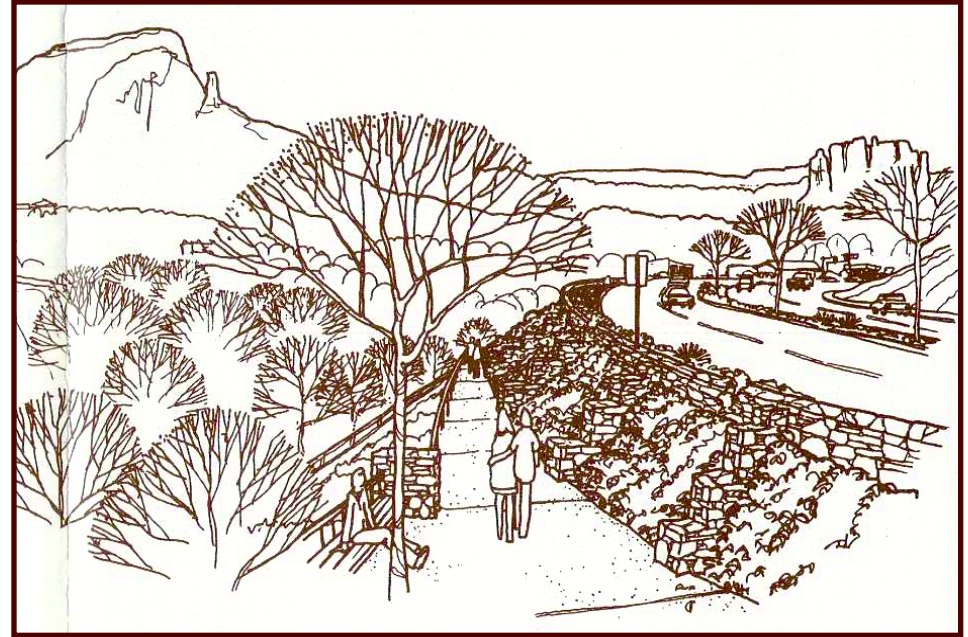
Pathways

Vista Trail

Proposed: A scenic path linking Uptown to the Gallery District and Tlaquepaque.

Pedestrians could avoid the traffic by taking a scenic walk away from the highway. Include seating, shade, and interpretive signs to make walking a better experience than driving.

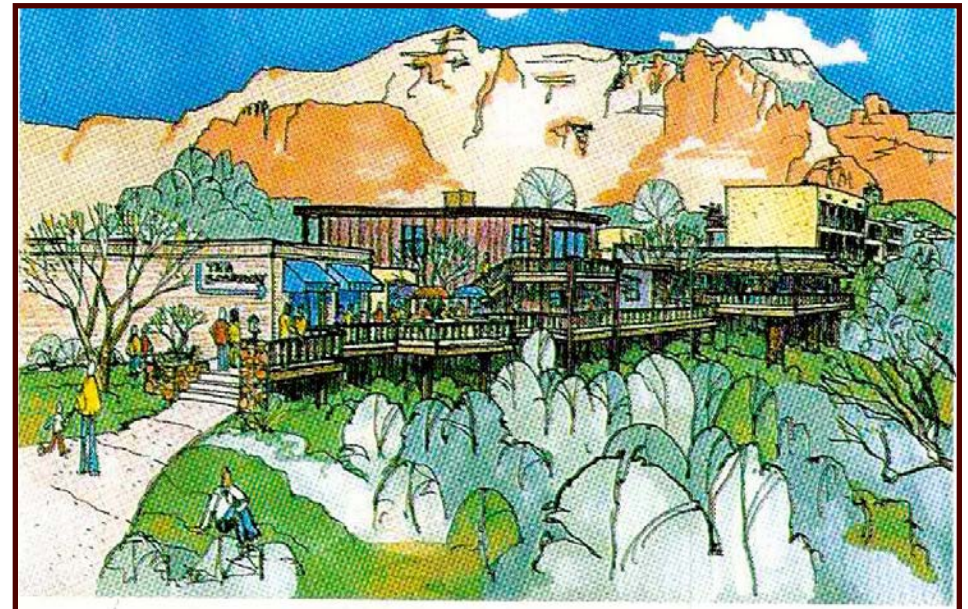
Today, people are taking photos or reading the history signs along the narrow sidewalk at the edge of the road, not quite big enough for groups to pass or photographers to get the best shot of the scenic view.



Resort and Creek Walk

Proposed: A path across the Creekside Resort Area, giving visitors, resort guests, and employees an alternative to the busy sidewalks of Main Street.

To make this happen will require crossing resort properties, winding around parking lots, over hillsides, and across driveways. While challenging, it is not impossible. Where possible, establish a path along Oak Creek that will connect with the resort walk.



Images from the 1993 Uptown Creek Area vision plan by Design Group Architects

Circulation Strategies:

Parking

A parking study of Uptown was completed in 2019 to address one of the CFA's key issues — current conditions and the future demand for parking. The City has already taken steps to implement the major recommendations of the study.

New parking garage

- To be located at 430/460 Forest Rd
- Proposed capacity of 272 spaces
- Design to fit Sedona's character, with minimal viewshed impacts
- To include public restrooms, EV charging, water refill station

In-Lieu Parking Fee Program

An in-lieu parking fee gives developers the option to pay a fee "in-lieu" of providing a portion of the number of parking spaces required by the Land Development Code. This can reduce the amount of land devoted to surface parking lots and concentrate parking in one location, both of which can contribute to improving traffic flow and the walkability of Uptown. Revenues from the fees will go towards the cost of building and maintaining a public parking garage.

- Program established in 2020 (Resolution 2020-17)
- The amount per parking space is \$35,000 (as of 2020)
- Participation is voluntary

Recommended Parking Strategies:

On-Street Parking

- Evaluate on-street parking in the CFA.

An assessment can determine where parking may need to be removed, limited, or added. The assessment may also look at potential areas for expanding parking meters, which can be used to manage parking. See the Neighborhood Streets strategy.

RV and Bus Parking

- Identify locations for more designated RV and bus parking.

There are only a few locations that are designated for RV and bus parking in Uptown. RVs and buses can be seen in public parking lots, although there may not be marked or signed spaces. There is a need for designated RV and bus parking, as well as information on where it is located and how to get there.

Employee Parking

- Partner with businesses to address employee parking needs.

Many Uptown employees park off-site in public parking lots or on-street and walk to work from there. For large employers such as hotels and resorts, this makes up a significant percentage of parking demand. Many predate the parking requirements of the City's Land Development Code, and thus do not have enough parking for both guests and employees. Some of the larger hotels do offer shuttles for employees. The City will continue to work with businesses to identify solutions to the demands for employee parking.

2019 Parking Study Analysis

- Occupancy estimate is 84% at peak season, and 85% is considered at capacity and no longer effective
- Challenges:
 - Inefficient and scattered locations
 - Many small parking lots
 - Lack of sidewalks
 - High proportion of reserved parking, for customers and management
- Future demand for parking:
 - 5-year projected deficit of 189 parking spaces
 - 10 year projected deficit of 372 parking spaces

LAND USE RECOMMENDATIONS

- Future Land Uses
 - Mixed Land Use
 - Multi-Family Residential
 - Lodging
- Zoning Map
- Historic Preservation



Land Use Strategies:

Future Land Uses

Future Land Uses

- To further the goals of the Community Plan and this CFA Plan, alternate land uses as described below may be supported.

The Sedona Community Plan includes a Future Land Use Map that depicts the desired future uses of property, which does not always mirror the Zoning Map (see next page). Requests for changes to either designation will need to address the goals of this CFA Plan. Alternate land uses that are supported are described below. Residential land use changes are not intended to allow for short-term vacation rentals.

Mixed Land Use

1. The "Planned Area" (PA) on the Future Land Use Map along Van Deren and Wilson.
2. Properties shown as Commercial on the Future Land Use Map.
3. Properties with frontage on Forest Road, within 1/4 mile of Main St.

Multi-Family Residential

1. The "Planned Area" on the Future Land Use Map along Van Deren and Wilson.
2. Properties north of Apple Ave shown as Commercial on the Future Land Use Map.

Lodging

See the Creekside Resort Area for additional information on lodging.
















1. New or expanded lodging will only be supported in the Creekside Resort Area between Main St and Oak Creek.
 - Projects must reflect the CFA Plan vision and goals.
 - Flexibility in development standards may be considered when a project complies with the goals of this CFA.
2. Lodging Area Limits
 - No new or expanded lodging is supported west of Main St.
 - Amend the Sedona Community Plan "Lodging Area Limits" map.

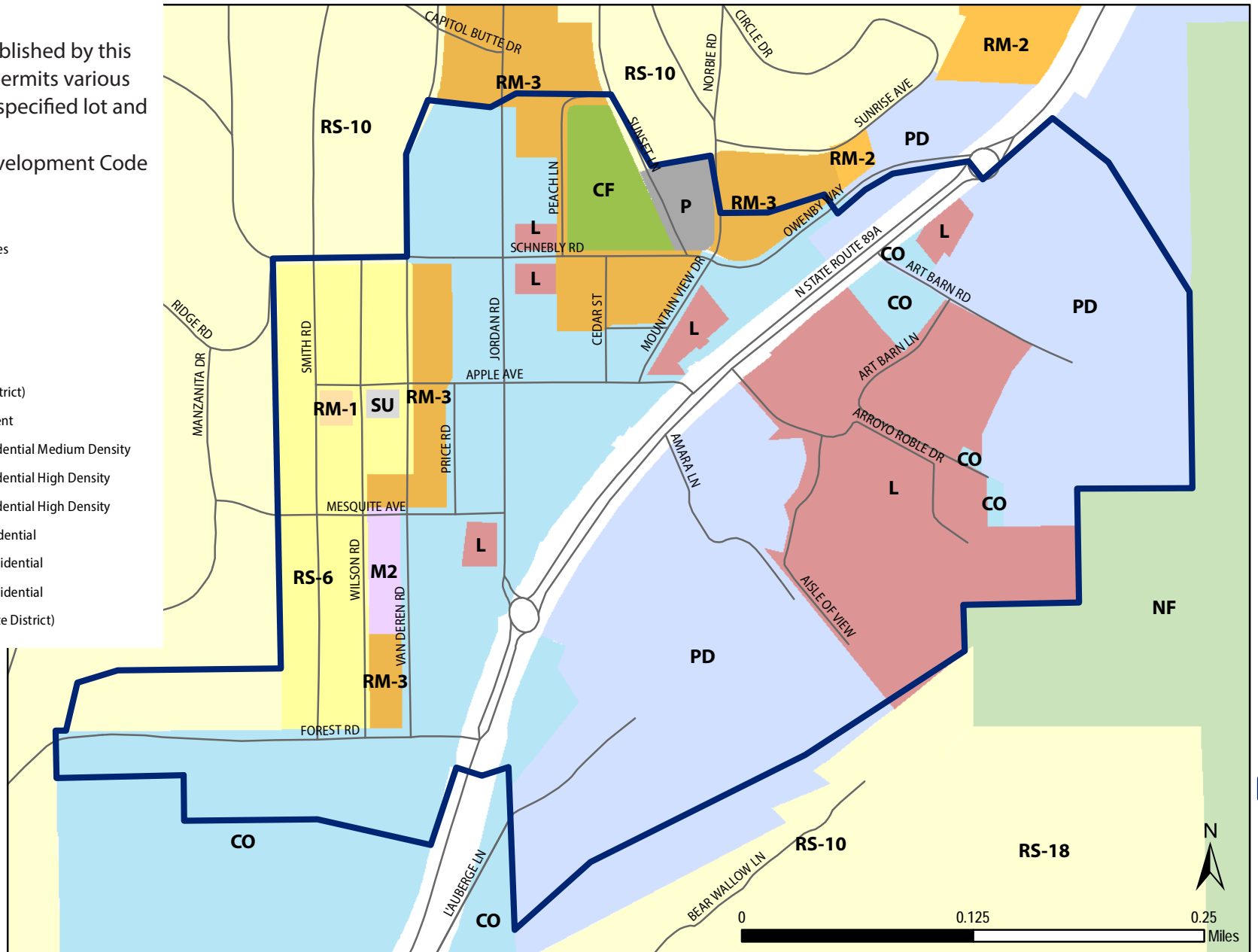
Zoning Map of CFA

What is Zoning?

"A classification established by this Code that limits or permits various and specific uses at specified lot and building standards:

- Sedona Land Development Code

-  CFA Boundary
-  CF Community Facilities
-  CO Commercial
-  L Lodging
-  M2 Mixed Use Office
-  NF National Forest
-  P Parking (Obsolete District)
-  PD Planned Development
-  RM-1 Multi Family Residential Medium Density
-  RM-2 Multi Family Residential High Density
-  RM-3 Multi Family Residential High Density
-  RS-6 Single Family Residential
-  RS-10 Single Family Residential
-  RS-18 Single Family Residential
-  SU Special Use (Obsolete District)



Land Use Strategies: Historic Preservation

Historic Preservation

- Promote historic preservation, which contributes to Sedona's character, identity, and local experience, or 'sense of place'.
 - Preserve the historic elements of a building facade.
 - Encourage adaptive reuse of historic structures.
 - Recognize Sedona's first subdivision (see Van Deren area strategies)
- Expand interpretation and education on cultural and natural history.
 - Expand the historic recognition sign program.
 - Include the history of indigenous cultures.



DESIGN RECOMMENDATIONS *FOR A SENSE OF PLACE AND COMMUNITY*

- Streetscapes
- Sustainable Public Spaces
- Wayfinding and Signs
- Gateways



Design Strategies: Streetscapes

Streetscape Design

- Develop Uptown design standards that will improve the experience, appearance, and safety of Uptown.

A streetscape is the area along a street that encompasses building facades, sidewalks, landscaping, street furniture, and signs. The quality, design, and placement of features influence the appearance and experience of streets as public spaces. The design should be functional, safe, and add to Sedona's sense of place. The development and design standards for the city can be found in the Land Development Code or the Design Review, Engineering, and Administrative Manual.



Design Principles for Streetscapes

The features typical of active and interesting public spaces that are listed below are examples of potential design standards for Uptown.

Quality Design

- Quality materials and compatible colors
- Compatible building size and design
- Appropriate Sizing
 - Wide, clear sidewalks on Main St in particular
 - Compatible building scale and appearance
- Safety & Security
 - Lighting for pedestrians (dark sky compliant)

Interesting & Comfortable

- Active building fronts
 - Visibility into storefronts, courtyards, restaurants
 - Welcoming and open entrances
 - Outdoor, sidewalk dining
- Appealing outdoor spaces
 - Seating: benches, tables, low walls
 - Courtyards, plazas, pocket parks
 - Artwork
- Local Identity/Sense of Place
- Historic Features
 - Preserving building facades
 - Interpretive signs on cultural and natural history
- Landscaping
 - Native plants
 - Trees, especially for shade
 - Plants to buffer/screen traffic from sidewalk

Design Strategies: Sustainable Public Spaces

Public Restrooms

- Expand the amount and distribution of public restrooms in Uptown.

The importance of public restrooms is usually overlooked until you need one. Not only are there not enough in Uptown, but they are not evenly distributed which can make for a long walk. The first priority need for a restroom is at the City's public parking lot at 260 Schnebly Rd. Restrooms must be included in parking garages, large parking lots, new shopping centers. In some cases, a public-private partnership may be necessary.

Trash and Recycling

- Establish partnerships for shared trash dumpsters and expanded recycling efforts.

In most cases businesses have individual dumpsters or they share with the shopping center tenants. This means that dumpsters are scattered throughout Uptown. A shared approach to trash collection would be more efficient and cost-effective, such as shared trash compactors. Improving recycling would also reduce the volume of trash. Recycling efforts could be expanded and improved, especially where there is a lot of foot traffic such as Main St, shopping centers, and hotels.

Water Bottle Refill Stations

- Install water bottle refill stations and replace standard water fountains throughout Uptown.

The small, plastic water bottles are a common sight - either in the hands of a tourist or as litter. Unfortunately, many hotels, resorts, and tour companies offer complimentary bottles of water. Providing water bottle refill stations will reduce the number of plastic bottles that end up in the trash or recycling bin. Refill stations offer complimentary water that is more convenient, less expensive, and sustainable.

Electric Vehicle (EV) Charging Stations

- Install EV charging stations throughout Uptown.

Electric vehicles are increasing in sales yet charging stations are not prevalent in Sedona. To adequately meet future demand, there will need to be far more EV stations. New development and major redevelopment projects must include EV stations. This includes the proposed parking garage as well as the existing City parking lot at 260 Schnebly.

Design Strategies: Wayfinding and Signs

Wayfinding

- Continue and expand the wayfinding sign program.
- Remove unnecessary signs.

The wayfinding sign program was launched in 2017 and includes a comprehensive collection of sign designs for use around the city. The intent is to standardize signs so that they are easily recognizable and provide simple, easy to read directions to destinations.

In Uptown the signs installed so far include parking signs (public parking lots and directional street signs) and the pedestrian maps. Additional signs are proposed for private or public facilities, such as restrooms, parking, and directional signs. To reduce 'sign pollution' an inventory should be completed to identify and remove all unnecessary or redundant signage and identify where new signs are needed.



Design Strategies: Uptown Gateways

- Transform gateway sites with functional and aesthetic improvements such as landscaping and pedestrian amenities.

Three locations along Main St can be considered gateways to Uptown:

- 1) Forest Rd
- 2) Jordan Rd
- 3) Owenby Way

Improvements may include pedestrian amenities (tables, benches), enhanced pedestrian safety (expanded/new sidewalks) and general appearance. Landscaping can reflect Sedona's natural environment, provide shade, and in the case of the Owenby/Main St intersection, restore disturbed areas with native plants, discourage weeds, and reduce erosion.

A public/partnership will be necessary as some locations that include both City right-of-way and private property.



Forest Rd Gateway

An important benefit to renovating this corner is to provide ample room for people waiting to cross the street. It would also beautify one of the busiest and most prominent corners in Uptown, and improve upon a small plaza.

Figure 1.1. Illustration of a renovated public plaza at Forest Rd/Main St.

Design Strategies:

Forest Rd Gateway



Before (Now)

Figure 1.2. Photograph of the northwest corner in 2020.



After (Future?)

Figure 1.3. Illustration of what the corner could look like.

Design Strategies:

Jordan Rd Gateway Plaza and Streetscape

- Add sidewalks and landscaping on both sides of the street and a public plaza with seating in partnership with adjacent businesses.

Jordan Rd is the primary access, or gateway, for residents of the Uptown neighborhoods, visitors going to public parking lots, and businesses on Jordan. Today, pedestrians and drivers are greeted by parked cars backing into the road, blank walls, and dumpsters.

The Jordan gateway could be transformed to improve pedestrian safety and traffic flow with a more welcoming and attractive streetscape. Proposed improvements:

- sidewalks to accommodate pedestrians on both sides of the street,
- improve traffic flow by reducing the number of vehicles backing into the street at a congested area next to the crosswalk and roundabout by:
 - remove parking spaces from the public right-of-way on the east side of the street,
 - clearly delineate the motel parking from the sidewalk on the west side,
- relocate and consolidate the two dumpsters,
- add landscaping as a buffer from the street,
- and create a public plaza with seating.



Fig 3.1. Aerial view of Jordan Rd north of the roundabout.



Fig 3.2. Illustration of re-imagined streetscape and plaza at Jordan Rd north of the roundabout.

Design Strategies:

Jordan Rd Gateway Plaza and Streetscape



Fig 3.3. Photograph of Jordan Rd north of the roundabout.

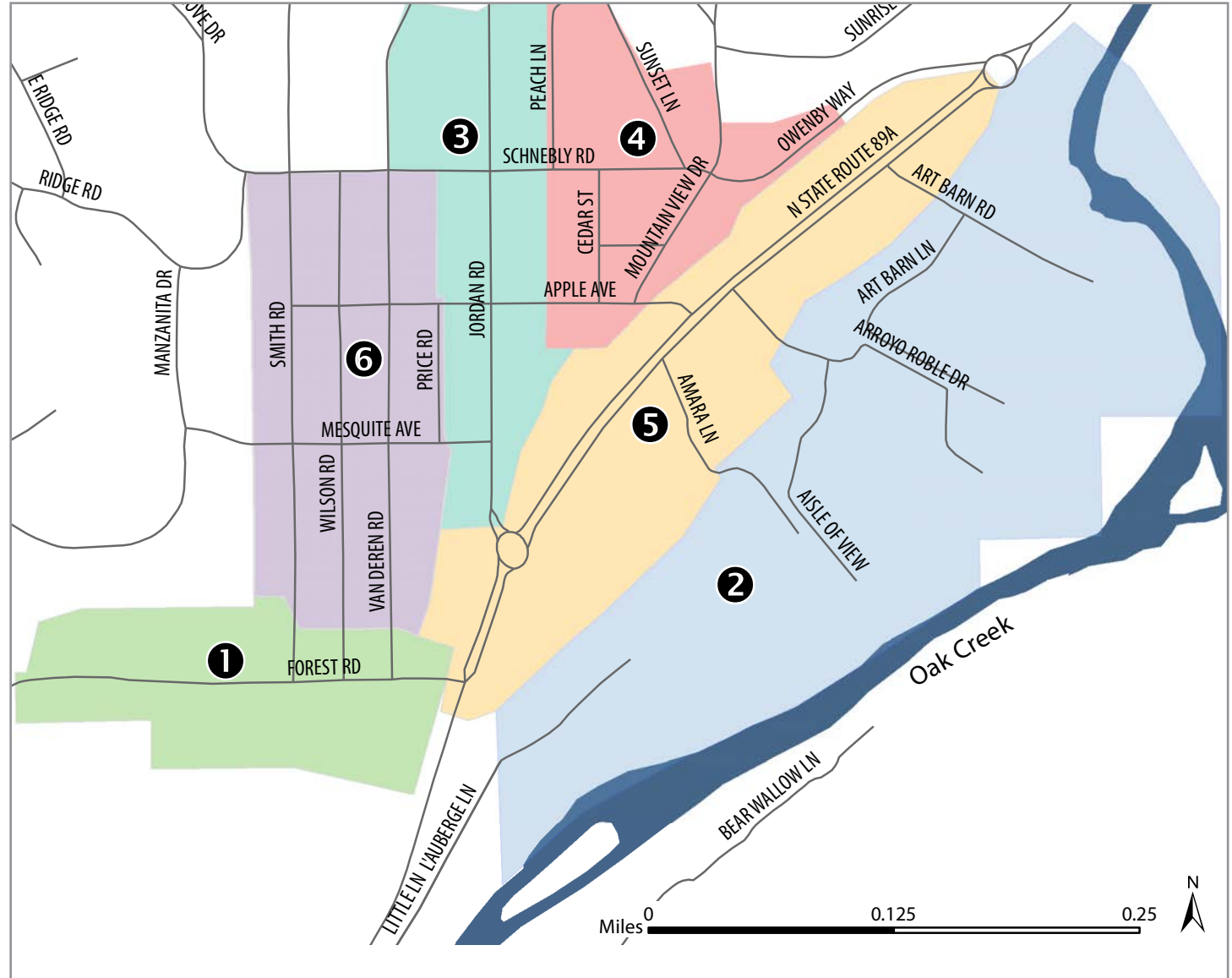


Fig 3.4. Illustration of how this area could be transformed into a public plaza.

UPTOWN PLACES

The planning area is divided into 6 distinct areas with a variety of needs, opportunities, and strategies.

- 1 Forest Rd**
- 2 Creekside Resorts**
- 3 Jordan Rd**
- 4 Apple-Owenby**
- 5 Main St.**
- 6 Van Deren**



Strategies:
1. Forest Rd



Planned Strategies

The following projects have been approved by City Council and are now in the design phase.

- Parking Garage on Forest Rd
- Forest Road Extension

Multi-Modal Complete Streets

- Provide sidewalks, bike lanes, and future transit stops on Forest Rd and Jordan Rd.

See Circulation Strategies for details.

Mixed Land Use

- To further the goals of the Community Plan and this CFA Plan, alternate land uses as described below may be supported.

See page 14 "Future Land Use Strategies" for details, and for properties within the Planned Area see page 34. The following changes to the land use designations along Forest Rd will be supported:

1. Properties shown as Commercial on the Future Land Use Map.
2. Properties with frontage on Forest Road, within 1/4 mile of Main St.

Strategies:

2. Creekside Resort Area



Google image

Street Connectivity

- Create new street connections to improve traffic flow and provide alternatives to Main St.
 - Connect and share driveways
 - Connect resorts to the new roundabout at Owenby and Main St
 - Extend Arroyo Roble Dr. to the roundabout.
 - Consider signs on Main St to assist resort guests with finding their destination which can improve traffic flow by preventing missed turns.

Currently all of the streets and resort driveways lead to/from 89A, and there is no cross-connectivity of streets. A parallel alternative to 89A that connects to a roundabout can improve circulation and reduce traffic congestions, especially alleviating left turns.

Creekside Resort Area Strategies:

Walkability

None of the resorts along Oak Creek have sidewalks or safe, dedicated walkways. Resort guests and employees share the road with cars and delivery trucks on steep, narrow driveways.

- Develop pedestrian connections between resorts and Main St.
- Encourage development of a "creek walk" that could link to a "resort walk" where it is not feasible to locate a path along the creek.

Parking

- Encourage development projects to provide additional parking above the required amount, and to build parking garages to decrease the paved area required for surface parking lots.
- Encourage shared parking to accommodate resort employees and the general public.

The current parking capacity is not sufficient to accommodate all of the resort guests, employees, and visitors. Any new development or redevelopment will need to provide sufficient parking.

Oak Creek Conservation

- Ensure that new development preserves the Oak Creek riparian area and floodplain.
- Limit land uses on the far side of the creek to passive, low impact activities such as trails, picnic areas, and benches with no permanent structures or paved areas.

Oak Creek and the riparian corridor along its banks are ecologically important as wildlife habitat and a source of perennial water. The established resorts were built at the edge of the creek, leaving a narrow strip of large Sycamore trees between the buildings and water.

The Sycamore trees are more abundant on the vacant land along the creek. These areas can be restored and preserved through conservation-minded development that is designed to preserve, enhance, and highlight the values of Oak Creek.



Figure 2.1. Oak Creek flood zones, the floodway is where water can flow during a flood and should not be obstructed.

Creekside Resort Area Strategies:

Resort Lodging

- Designate a "Creekside Resort" district with shared elements such as signage, pedestrian and street connections, and shared parking.
- Resort lodging (new development or redevelopment) will need to integrate the goals of this CFA plan into their designs, such as:
 - Pedestrian walkways to Main St, along Oak Creek ("creekwalk"), and connecting to other resorts in this area ("resort walk").
 - Street connections to the Owenby roundabout and to Arroyo Roble Dr.
 - Parking garage that could be a public-private partnership to provide sufficient parking for guests and resort visitors, as well as shared parking for Creekside Resort employees, and the public.
 - Shuttles for guests and employees
 - Workforce housing
- A traffic impact analysis will be required at the conceptual stage of development review of a proposed lodging project.

The Creekside Resort area could be a more cohesive district sharing common goals beneficial to the environment and community, as well as the resort and its employees and guests. The goals would align with the CFA and Community Plan goals - stewardship of Oak Creek; walkability between resorts, Main St, and Oak Creek; pedestrian and vehicular street connectivity; sufficient parking for guests and employees.

Compared to other land uses, resorts can be somewhat self-sufficient. To address concerns about additional traffic on Main St, resort guests can "park once," and leave their cars on site during their visit.

Traffic generation rates and recommended mitigation measures from a traffic impact analysis will be critical to the project evaluation and may result in revisions to the proposal, which is best done at the earliest, conceptual stage.

There is approximately 12 acres of privately owned, vacant land on the Uptown side of the creek that is of interest to developers. This CFA is an opportunity to identify the most appropriate land use and how the community would like to see this land developed.

Figure 2.2. View from the Art Barn looking towards Oak Creek



Strategies:

3. Jordan Rd



Multi-Modal Boulevard

- Transform Jordan Rd into a multi-modal boulevard.

Jordan Rd could have sidewalks and landscaping on both sides of the street. This would improve the walkability and appearance of this corridor. A portion of Jordan Rd features the "Pioneer Walkway," a design that could be replicated on both sides of Jordan Rd.

Mixed Land Use

- Support a mix of residential and commercial land uses.

The Jordan Rd corridor is zoned either commercial or multi-family residential (north half). Rather than separating these uses, they could be combined into a mix of land uses such as a vertical mix, for example shops on first floor, housing or lodging on the second floor; or a horizontal mix such as a restaurant next to housing.

401 Jordan is currently a public parking lot. Once the parking garage is in place, this property could address other community needs. A phased approach is proposed: 1) public parking until Forest garage is built, 2) affordable housing, and if space allows, additional parking for the public.

Strategies:

4. Apple-Owenby Area

Traffic Flow

- Evaluate and improve pedestrian safety, parking, and traffic flow.

To improve efficiency and pedestrian safety, the streets in this area could be reconfigured to be one-way with pedestrian walkways.

Pedestrian Zone

- Add sidewalks where appropriate.
- Add lights along streets, such as solar posts or street lights.

There are only a few sidewalks yet there are a lot of people walking, either to or from the public parking lots, apartments, or lodging. The lack of lights at night is another concern, particularly for employees returning to their cars after work.

City Public Parking Lot

- Build a public restroom at the parking lot.
- Redesign the lot for efficient circulation, ADA access, and sidewalks.

Currently the largest public parking lot in Uptown, the new Owenby Way links it to Main St. Circulation through the lot can be improved, as well as signs for pedestrians, additional accessible (ADA) routes, and sidewalks on Sunset Ln and both sides of Schnebly Rd. Designate an accessible transit stop to include shelter, information kiosk, benches. Perhaps the most important improvement is to add public restrooms as there are none nearby.



Strategies:

5. Main St (N SR 89A)



Pedestrian Zones and Connectivity

- Establish clear pedestrian zones.
- Improve pedestrian connectivity.

Pedestrians should be the main priority on Main Street. The walkways should be clear of obstructions and obstacles such as benches and trash cans. Road crossings should be clearly marked for people walking and driving. Connectivity may include signage or designating walkways between destinations such as parking lots and Main Street.

Streetscape Improvements

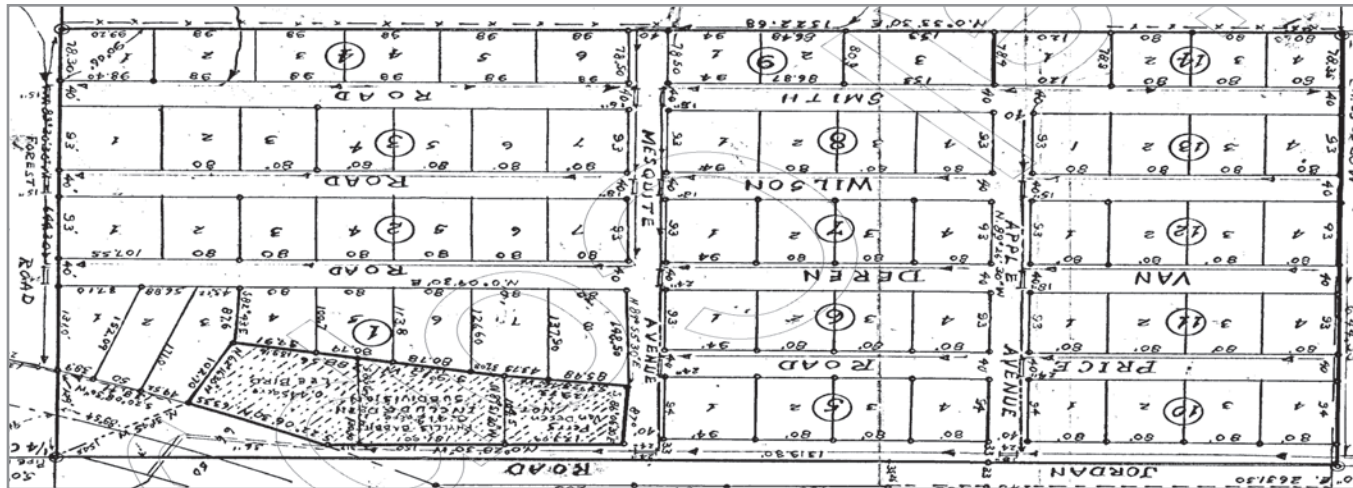
- Develop design standards for street frontages that will improve the experience, appearance, and safety of Uptown.

Streetscape (or street frontages) design standards can designate styles, colors, sizes, and placement of any of the following:

- Building facade renovations
- Landscaping
- Street furniture
- Artwork
- Signs

Strategies:

6. Van Deren Area



This is Sedona's first residential subdivision, platted in 1948. Earl and Leah Van Deren were the original owners.

Figure 6.4. 1948 plat map for the Sedona subdivision.

Zoning Map with PA Boundary of Van Deren Area

The Community Plan includes a "Future Land Use Map" showing desired land uses which may differ from the zoning. The area outlined in this map is designated as a "Planned Area" (PA).

"Planned Areas were established in the 2002 Community Plan ... to address needs and provide benefits for certain areas, including land use transitions or buffers between residential areas, commercial uses, and highway corridors. As an incentive, a rezoning to an alternative land use may be considered ... Residential densities cannot exceed 12 units per acre and land uses must be consistent with the range of land use designations described ... within a CFA". - Community Plan, page 30

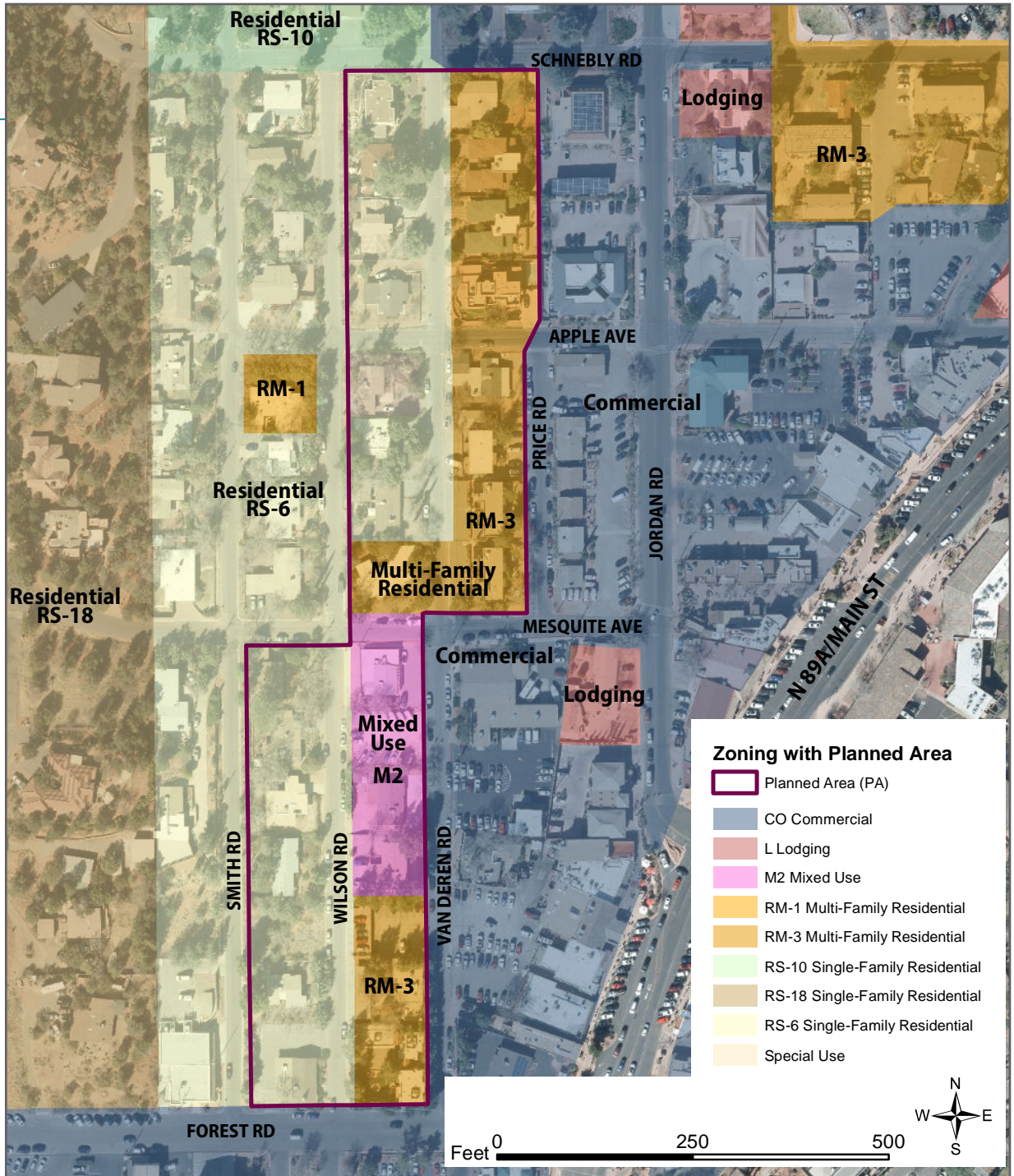
Below are the alternative land uses that may be supported within this Planned Area (also see page 14). Some uses may require a rezoning.

Mixed Land Use

1. The "Planned Area" (PA) on the Future Land Use Map along Van Deren and Wilson.
2. Properties shown as Commercial on the Future Land Use Map.
3. Properties with frontage on Forest Road, within 1/4 mile of Main St.

Multi-Family Residential

1. The "Planned Area" on the Future Land Use Map along Van Deren and Wilson.
2. Properties north of Apple Ave shown as Commercial on the Future Land Use Map.



Van Deren Area Strategies:

Historic Preservation

- Promote historic preservation, which contributes to Sedona's character, identity, and local experience, or 'sense of place'.
 - Preserve the historic elements of building facades.
 - Encourage adaptive reuse of historic structures.
 - Recognize Sedona's first subdivision
 - Establish a distinct identity for the subdivision, using signage and other design elements
 - Retain the original street layout of the Sedona subdivision.



City Historic Landmark, the Williamson House,
now a Bed and Breakfast

EXHIBIT B

Draft Plan Revisions: April Draft Plan to May Draft Plan

Page #	New Page #	Change	Text
4		Added	<p>This CFA Plan and the Community Plan are:</p> <ul style="list-style-type: none"> • Expressions of the community's and a CFA's vision and goals • Guides for future growth • Assessments of community and CFA priorities <p>The CFA Plan and the Community Plan are not:</p> <ul style="list-style-type: none"> • A change in zoning (this plan does not change zoning) • Capital improvement program budgets • Maintenance and operations plans • A commitment for expenditures of public funds • An infringement on private property rights
7		Added	Owenby Way was built in 2020 to provide an alternate route to neighborhoods and the City parking lot at 260 Schneby Rd. The Forest Rd connection design is underway, which will link Main St to W 89A.
8		Replaced	"users" with "modes of travel" (first paragraph)
9		Added	Partnering with landowners will be essential as the bridge will extend beyond the City right-of-way.
9		Added	<p>Transit Improvements</p> <p>Improvements listed throughout this plan will benefit the transit system once completed, such as improving sidewalks, lighting, loading zones, street connectivity, complete streets, wayfinding, etc. Major public parking lots and parking garages are key locations for transit stops.</p>
11		Added	Include seating, shade, and interpretive signs to make walking a better experience than driving.
14		Added	<p>2. Lodging Area Limits</p> <ul style="list-style-type: none"> • No new or expanded lodging is supported west of Main St. • Amend the Sedona Community Plan "Lodging Area Limits" map
	15	New Page	Zoning Map
18	16	Moved Page	Historic Preservation
	19	New Page	Sustainable Public Spaces
17	20	Added	<p>Wayfinding <u>and Signs</u></p> <p>Continue <u>and expand</u> the wayfinding sign program.</p>
14	26	Added	See "Future Land Use Strategies" for details, and for properties within the Planned Area see page 34."
	30	Added	Designate an accessible transit stop to include shelter, information kiosk, benches.

EXHIBIT B

27	29	Added Strategy	A traffic impact analysis will be required at the conceptual stage of development review of a proposed lodging project.
27	29	Added	Traffic generation rates and recommended mitigation measures from a traffic impact analysis will be critical to the project evaluation and may result in revisions to the proposal, which is best done at the earliest, conceptual stage.
29	31	Added	Designate an accessible transit stop to include shelter, information kiosk, benches.
	34	New Page	Zoning Map with PA Boundary of Van Deren Area

EXHIBIT C

**DRAFT UPTOWN CFA PLAN
PUBLIC COMMENTS**

EXHIBIT C

**DRAFT UPTOWN CFA PLAN
PUBLIC COMMENTS**

PLAN UPTOWN COMMENT FORM

Angela D Dye
4/16/2021 11:02

I just read the article in Red Rock News 4 16 21 regarding the P&Z discussion of the Uptown Plan. As new owners of a house on Old Crow Lane, we're thrilled that the City is looking at ways to improve multi-modal mobility in the Uptown area and throughout the region. One of the reasons we bought there was to be able to leave our car parked when we are in town, and walk to restaurants in Uptown and other destinations like trails and shopping. We are cyclists as well, and hope there are more connections planned as well as safer ways to access all of what Sedona has to offer, including to a grocery store where we could use our bike trailer.

Suggestions:

1. My experience with one way vehicle traffic is that it only encourages vehicles to travel faster. Having parked cars actually slows traffic. As you consider whether to make Smith and Wilson one way to make room for walkways, please also add a bike lane, and where possible, parallel parking where right of way allows. Otherwise, consider some traffic calming like mini roundabouts with landscaping, raised crosswalks, four way stops, etc. We discovered Smith Rd. is a great way to access the neighborhood to avoid the chaos of 89A through Uptown, as it is currently a slow but reliable route, and would welcome the slower speed measures if the configuration changes. It also appears that either the right of way is very narrow, or that there are numerous encroachments from properties over time. Perhaps there's more space there than is evident?
2. While the planning area ends at Schnebly Road, please also look beyond to the north and west as far as the Museum, to include the neighborhoods when considering pedestrian and bike access. This is especially true of upper Schnebly Hill Road and Navahopi. On Navahopi, perhaps walkways could be added over the swales on either side of the road. Pedestrians have nowhere to go with traffic except to jump into the swale, which in some places is very deep.
3. On a subject related to but not perhaps in your immediate planning focus is planning for sewer hookups for these older neighborhoods. We have had to replace the septic system at this house but would've preferred to connect to sewer. Perhaps an Improvement District should be discussed for that and walkways, etc.
4. We would also like the City to solicit a grocery store to be added to the retail mix. perhaps with affordable housing upstairs? As you design the Parking Structure, please also consider retail/mixed use attached. A mix of housing types including affordable and market rate could be wrapped around or on top of the parking structure. please don't make it a single use structure. In a town with limited land area, all parcels should serve multi-functions to keep the urban area walkable but also vibrant.

PLAN UPTOWN COMMENT FORM

Michael Coyne
5/5/2021 17:38

It is long overdue for the City of Sedona to formally collaborate more with the Forest Service and to have a City liaison working on Forest Service/ trail issues. So many of our traffic and neighborhood woes are because individuals and small groups drive to the trailheads and park nearby. Imagine if the most popular trailheads only had enough parking for those handicapped, a finite group for those with permits and the rest for forest service and emergency vehicles (Devil's Bridge, Cathedral Rock etc.). Folks would be driven to find another way to access those spots. Here is where a transportation and tourism hub and shuttle service come in. The result- less traffic on the roads, less congestion at trailheads and in neighborhoods near the most problematic trailheads, quicker commutes. In many ways, Sedona is similar to a National park- look at how this issue was tackled in Zion and the Grand Canyon. A long overdue implementation is needed. Locals can by and large find a way to park and access these trails whilst avoiding certain trailheads. Alternatively, give locals free or deeply discounted shuttle passes to the trailheads.

COMMENTS ON THE MAY 5, 2021 DRAFT UPTOWN CFA PLAN

#001

Posted by **Corrie Cooperman** on **05/06/2021** at **11:27am** [Comment ID: 545] - [Link](#)

Agree: 0, Disagree: 0

The plan to add sidewalks on both Forrest Rd. and Jordan Rd is great. I live in the Jordan Park area of Uptown and drive up and down Jordan Rd. daily. It is worrisome to see people walking in the street, where the sidewalks end. The road also narrows where the sidewalk ends, making it dangerous to be both a driver and a walker. Sidewalks, on both sides would allow people to walk to town more safely and to the trailheads!

#002

Posted by **jo** on **05/11/2021** at **9:09am** [Comment ID: 549] - [Link](#)

Agree: 0, Disagree: 0

This should be priority one above all other items listed here. Solve the most difficult issues first. Spend the money where it will have the most impact.

#003

Posted by **Lenore Hemingway** on **05/11/2021** at **12:29pm** [Comment ID: 560] - [Link](#)

Agree: 0, Disagree: 0

ABSOLUTELY NOT> The last thing we need added to our view shed is another manmade structure interfering with the scenery. All the "stuff" that has been added instead of the beautiful flowers in the medians is distracting enough.

#004

Posted by **jo** on **05/11/2021** at **9:03am** [Comment ID: 547] - [Link](#)

Agree: 0, Disagree: 0

This seems an untenable solution. Uptown is already so cluttered up by the new "improvements." I feel claustrophobic driving through it. I can't imagine how trucks, buses and wider vehicles manage it with a bridge. The barrier in the center was a decent idea, but all the plantings are over the top. This doesn't feel like a Main Street, but a side street perhaps for an arts district. Rather than adding a bridge, the city should be streamlining (up and down paths, divided pathways, etc.). Tunnel?

#005

Posted by **jo** on **05/11/2021** at **9:08am** [Comment ID: 548] - [Link](#)

Agree: 0, Disagree: 0

These are great ideas. Perfect for the tourists. I know this is for uptown improvements, but the focus on tourists is very unbalanced. Why start with uptown? Why isn't West Sedona or the area south of Tlaquepaque the primary focus. Improving these areas for residents first will make it easier for everyone trying to get uptown and to West Sedona. These specific improvements should have lower priority than solving the bottlenecks we are all experiencing.

#006

Posted by **jo** on **05/11/2021** at **9:14am** [Comment ID: 550] - [Link](#)

Agree: 0, Disagree: 0

Good idea to include the history of indigenous culture, but only if it's created/curated by indigenous people. Uncensored and not romanticized.

#007

Posted by **jo** on **05/11/2021** at **9:17am** [Comment ID: 551] - [Link](#)

Agree: 0, Disagree: 0

Uptown is already so very cluttered. Yes, it needs streamlining and there're many good ideas here. But as noted before, it's important to focus on quality of life issues before aesthetics. Money for these specific streetscapes should be partially funded by the uptown businesses, not fully tax dollars. In other words, before you start redecorating uptown, make sure the infrastructure is solid. And right now, it is not solid.

#008

Posted by **jo** on **05/11/2021** at **9:18am** [Comment ID: 552] - [Link](#)

Agree: 0, Disagree: 0

It's hard to believe that recycling efforts are minimal or not already in place. The city of Sedona is so far behind in its approach to recycling. Please do this ASAP.

#009

Posted by **Jeff Grove** on **05/10/2021** at **12:26pm** [Comment ID: 546] - [Link](#)

Agree: 0, Disagree: 0

If you're looking to make Sedona more RV friendly, in addition to parking and a water refill station, Sedona could also use an RV dump station. It would discourage illegal waste water dumping on public lands. It could also give residents with RVs a place to dispose of waste water when returning home to Sedona. The closest public dump stations are in Flagstaff or Cottonwood. On a recent trip to Moab it was nice to see this service available at the edge of town.

#010

Posted by **jo** on **05/11/2021** at **9:26am** [Comment ID: 553] - [Link](#)

Agree: 0, Disagree: 0

Take a look at how the State of Vermont handles signage. They keep it minimal but effective. No billboards are allowed in the state. They use a unified color, which makes it easy for way finding. Very effective. Here are some examples:
<https://vtrans.vermont.gov/highway/sign-information>

#011

Posted by **jo** on **05/11/2021** at **9:28am** [Comment ID: 554] - [Link](#)

Agree: 0, Disagree: 0

Conservation should be the absolute first priority. Walking trails are all well and good, but adding more lodging here seems to be a mistake. It will just bring more people uptown when it's already quite crowded. A principle of sustainable tourism is to disperse crowds to other destinations throughout the city.

#012

Posted by **jo** on **05/11/2021** at **9:29am** [Comment ID: 555] - [Link](#)

Agree: 0, Disagree: 0

Yes, to nature trails. No to more lodging, per my previous note. Please do not add to the density of uptown traffic, foot traffic and lodging traffic.

#013

Posted by **jo** on **05/11/2021** at **9:30am** [Comment ID: 556] - [Link](#)

Agree: 0, Disagree: 0

A well-intentioned plan, but should not be top priority.

#014

Posted by **jo** on **05/11/2021** at **9:31am** [Comment ID: 557] - [Link](#)

Agree: 0, Disagree: 0

Have there been a number of complaints regarding safety and lighting? Would love to know more about this.

#015

Posted by **jo** on **05/11/2021** at **9:34am** [Comment ID: 558] - [Link](#)

Agree: 0, Disagree: 0

If the streetscapes involve cluttering up more areas, rather than having great lines of sight and walkability, then I would oppose this. Already the street seems so cluttered. And perhaps many of these ideas will streamline pedestrian traffic. But given what's been done so far with the meridian through Mainstreet, I'm doubtful. Feels like I'm at my grandmother's house with the lots of tchotchkes and porcelain doll collection.

#016

Posted by **jo** on **05/11/2021** at **9:38am** [Comment ID: 559] - [Link](#)

Agree: 0, Disagree: 0

Many good ideas throughout this plan, but the obvious skew to tourism neglects or downplays the day-to-day living experience for residents. There is a lot of \$\$ involved in making these improvements. I would prioritize streamlining traffic (pedestrian and cars) over any beautification efforts (and put that \$\$ into other parts of town). I do appreciate the amount of thought put into this proposal.

COMMENTS ON THE APRIL 1, 2021 DRAFT UPTOWN CFA PLAN

#001

Posted by **Peggy Chaikin** on **04/20/2021** at **3:05pm** [Comment ID: 543] - [Link](#)

Agree: 0, Disagree: 0

Residential areas need protection from traffic presence and noise. We must continue to transition away from personal vehicle use to a shuttle system with remote parking away from residential areas.

#002

Posted by **anthony hauserman** on **04/19/2021** at **6:52pm** [Comment ID: 542] - [Link](#)

Agree: 0, Disagree: 0

Please stop tourists from parking on the back streets in uptown. I live here and walk the streets everyday, the cars parking on Smith st. are causing a serious safety hazard. When walking, I'm forced into the middle of the street. When driving, I'm forced to drive on the wrong side of the street to get around the parked cars. To make matters worse, there is a hill in Smith that makes me not visible to the oncoming traffic (whose lane I'm either during or walking in). So, I'm just hoping that no one is coming. It's just luck every time whether I'll get hit or not. One way streets or sidewalks and prohibited parking is the way to make it safe again.

#003

Posted by **Jeffrey Goward** on **04/16/2021** at **12:03am** [Comment ID: 536] - [Link](#)

Agree: 0, Disagree: 0

Please enhance planning by upholding a large concentration of concern for maintaining the residential nature of the neighborhoods of Uptown Sedona, including the Jordan Road roadway which is one of the oldest streets in town and is still in this day lined with the personal and family homes of full-time residents who greatly value the protection of peaceful and quiet living ambiance.

#004

Posted by **Mark J TenBroek** on **04/07/2021** at **2:40pm** [Comment ID: 398] - [Link](#)

Agree: 1, Disagree: -1

I think the "Experience Uptown" is focused exclusively on tourists. I would bet that the majority of the Uptown residents steer clear of the Uptown Main Street area given the number of tourists and focus mostingly on walking the back streets to meet with other residents and relax. I think most of the components of the plan are focused on serving the needs of the tourists and the businesses that benefit from the tourists and trying to mitigate their impacts. That local tax dollars would flow to the Chamber of Commerce to advertise and bring even more tourists to our already clogged Uptown area is a mistake. I think we should focus on reducing tourist impacts on the area.

#005

Posted by **Mark J TenBroek** on **04/07/2021** at **2:51pm** [Comment ID: 400] - [Link](#)

Agree: 1, Disagree: -1

One of the major contributors to the traffic and parking issues in Uptown are the jeep tour companies. Most of these trips start from and end in Uptown, and most of their riders park their cars in Uptown. I think it would be a better for all of these companies to have parking in West Sedona and these tours should begin at these parking areas to limit the parking and traffic issues as US-89A can better absorb this increase traffic. In addition, the jeep tours leaving and returning to Uptown add to the traffic congestion that already exists.

#006

Posted by **Mark J TenBroek** on **04/07/2021** at **2:46pm** [Comment ID: 399] - [Link](#)

Agree: 1, Disagree: 0

In case it is not clear, the traffic congestion is a significant problem to most uptown residents. Many of us do not venture out on weekends and limit trips on weekdays to early or evening times so that we are not caught up on the potential 30-45 minute waits on Cooks hill for a trip to the stores in West Sedona. The Forest Bypass may help, but remember that you still need to navigate from Airport Road to the turn to the proposed Forest Road bypass to save any time.

#007

Posted by **Mark J TenBroek** on **04/07/2021** at **2:59pm** [Comment ID: 401] - [Link](#)

Agree: 2, Disagree: 0

As noted by others, the current proposal to change zoning on the two Quail Tail Trail parcels to high-density multi-family would add 84 apartment units (at least initially as more apartments could be constructed at a later date). This would increase the number of dwelling units (84) at that point and north in Uptown by 80% with an estimated additional daily automobile trips of about 600. That would relate to an additional car on Jordan Road every 30 seconds throughout the day. To say that these

apartments would be used for local workforce is disingenuous as they would surely morph into short term rentals for tourism after the first 90-day rental term expires. This development would also place high-density development into areas that are currently planned for single family homes and which are surrounded by single family homes, significantly changing the "sense of place" for the residential part of Uptown. This change in zoning would be a terrible decision.

#008

Posted by **David Myers** on **04/05/2021** at **10:35pm** [Comment ID: 388] - [Link](#)

Agree: 0, Disagree: 0

The Jordan Lofts project proposes 82, mostly 2-bedroom units on 4 acres, with close to 600 trips a day from the new development. The traffic will clog Jordan, and, once the Forest Ave extension is built, do the same for Smith, Wilson, and Van Deren. That's going to worsen traffic flow and make walking on the latter 3 streets dangerous, even more so if converted to one-way traffic. Forty-eight of the units are off Quail Tail Trail and will make traffic on Hillside, Sunset, and Wilson Canyon horrible.

#009

Posted by **David Myers** on **04/05/2021** at **10:47pm** [Comment ID: 389] - [Link](#)

Agree: 1, Disagree: -1

This is a general comment. I understand tourism funds about 65% of the Sedona general operating budget. I am quite willing to have a tax increase for residents, via real estate or whatever, to increase our share of the budget so we have more of a voice. I share most of the complaints and concerns about Sedona government's tourist-centric planning, and I'm willing to pay for the respect we residents deserve, rather than just complain.

#010

Posted by **Mark J TenBroek** on **04/07/2021** at **3:02pm** [Comment ID: 402] - [Link](#)

Agree: 0, Disagree: -1

As noted earlier, the use of Uptown for loading and unloading of jeep tours impacts both traffic and parking in the Uptown area. These tours should all move these parking, loading, and unloading to areas in West Sedona where they can better handle these activities.

#011

Posted by **Robert Weber** on **04/13/2021** at **1:15pm** [Comment ID: 524] - [Link](#)

Agree: 0, Disagree: 0

For illustration purposes, suggest a transit stop be added.

#012

Posted by **Mark J TenBroek** on **04/07/2021** at **3:08pm** [Comment ID: 403] - [Link](#)

Agree: 1, Disagree: -1

The sidewalk on the west side of Jordan Road provides passage from Main Street to the Sedona Beer, Bloom Dispensary, and the City parking area that is adjacent. This seems sufficient in this section of Jordan Road. Sidewalks to the east give off-street passage to the businesses and parking to the east of Jordan. As noted before, the remainder of the streets in Uptown largely do not have sidewalks, and local residents use these for walks and meeting with neighbors without much trouble because they are not used by the majority of tourists. I do not think a significant effort to add sidewalks would benefit local residents away from Main Street.

#013

Posted by **Jeffrey Goward** on **04/15/2021** at **10:53pm** [Comment ID: 526] - [Link](#)

Agree: 0, Disagree: -1

My house for the 12 years of my full-time residence in Sedona is on the east side of Jordan Rd. at 470 Jordan, a house built in the 1930s by George Jordan, perhaps the first house built on Jordan Road other than the Jordan ranch now the Sedona museum.

It's just a few doors beyond the end of Jordan Road's east side sidewalk's present termination point ending at Schnebly Rd. There has been enormous increase in foot traffic at my house due to the approval of recreational marijuana sales directly across the street and extremely much increased flow of vehicle and foot traffic attracted to the new Sedona Beer Company also directly across the street from me. The east side of Jordan Rd. does not need sidewalk improvement to attract even more foot traffic. The west side sidewalk is sufficient and already provides for walking to and from Main Street Uptown. Employees and other residents do not need any further encouragement to walk this street, encouragement is unnecessary and detrimental to the residential nature of the neighborhood already too much affected by the slow shift of commercial business and tourism northward along Jordan Road. This is a location of homes and residences and the peace of the neighborhood with such shift is affected detrimentally by any permissions given and plans made by town authorities which ignore the concerns of the residents such as myself as I'm voicing here. The residential neighborhood ambience in this location has for long been gradually being destroyed, as I've seen in my 12 years residence, by incremental incursion of commercial and tourist interest, businesses permitted and public parking lots created in this immediate surrounding. Please do not encourage in any way this further incursion movement. Tourists walking to and from from the Peach Ln.-Schnebly-Sunset Lane public parking

lot regularly trespass across my lawn and garden to get to the Jordan Rd. Sedona Beer Company and Bloom recreational marijuana store, and cars continually park along the east side of the street in front of my house. Crowds of people all day into the evening at least 4 days each week hang out milling around in front of the Sedona Beer Company and Bloom marijuana store. Crowds in front of and dining at the restaurant patio in front are noisy and boisterous through the business' open hours. Further, since the public parking lot has been purchased and improved beside the Sedona Beer Company building, at the corner of Jordan and Schnebly Rd, also across the street from me, there has been enormous increase in traffic here all day every day from this "improvement" to Sedona's traffic and parking problems. All this "improvement" has been a great depreciation in the peaceful ambiance of the immediate neighborhood already. I would plead for you to please plan and permit in any manner you can so as to decrease the traffic and commercial and tourist use already too much encouraged in this location in Uptown.

#014

Posted by **Jeffrey Goward** on **04/15/2021** at **10:59pm** [Comment ID: 527] - [Link](#)

Agree: 0, Disagree: 0

Please restrict this "expected" development of private property as much as reasonably possible. Such further development will result in further increase in the neighborhood traffic and further deterioration of the present residential ambiance for full-time locals in their daily home lives. Please plan for "integration" for bicycle, pedestrian and transit needs to be kept to minimal expense and minimal further encouragement of traffics along Jordan Road.

#015

Posted by **Mark J TenBroek** on **04/07/2021** at **3:18pm** [Comment ID: 405] - [Link](#)

Agree: 0, Disagree: 0

Pedestrian bridges would limit traffic congestion from the canyon, which I would support. However, it is always difficult to enforce the use of these bridges. Already it is common to see pedestrians crossing in unsafe locations. It is not uncommon, for example, to see large groups crossing directly through the Jordan roundabout, sometimes following the roadway and disrupting traffic.

#016

Posted by **Mark J TenBroek** on **04/07/2021** at **3:22pm** [Comment ID: 406] - [Link](#)

Agree: 1, Disagree: 0

Given the traffic throughout the city, it is fantastic that there are bike lanes along the major traffic routes. However, the Jordan roundabout (and most others at the Y and on 179) requires bikes to enter the auto traffic lane to navigate through this area as moving onto the sidewalks in Uptown is not realistic given the pedestrian density. That is a major pinch point that makes me nervous when biking through this area.

#017

Posted by **Jeffrey Goward** on **04/15/2021** at **11:14pm** [Comment ID: 529] - [Link](#)

Agree: 0, Disagree: -1

Already there are plenty of sidewalks connecting the destinations throughout this residential area. More are not needed for pedestrian safety. Encouragement is not needed for more people to walk. More needed is encouragement that fewer people should walk around in residential areas where local full-time residents live to maintain the peaceful ambiance of their full-time home locations.

Perhaps "no trespassing" signage or inobtrusive directional indicators could channel the people walking to find their way to the already sufficient sidewalks on Jordan Road.

#018

Posted by **Jeffrey Goward** on **04/15/2021** at **11:07pm** [Comment ID: 528] - [Link](#)

Agree: 0, Disagree: -1

Please do not over think this idea of transforming Jordan Road into something called a "multi-modal complete street". This sounds utterly unnecessary in reality, fiddling with already fine small town ambiance which should be maintained, as well as sounding like bureaucratic promotional gibberish, as I may say if you'll excuse my criticism.

#019

Posted by **Jeffrey Goward** on **04/15/2021** at **11:24pm** [Comment ID: 530] - [Link](#)

Agree: 0, Disagree: 0

The lighting from the Schnebly Rd/Jordan Rd. corner's public parking lot greatly

impinges personally on my residence at this location as this lot is kept fully and brightly lit until 1 a.m. each night; and further, lighting from the Sedona Beer Company/Bloom marijuana store building itself is kept lit until 1 a.m. each night casting bright light across my residential property as well as does light from the parking lot. Please do not add street lighting along Jordan Road. Nighttime wandering of this street by tourist crowds is not favorable to the local residents. Minimizing of street lighting is of concern to the residents whose homes are on this street, concern that should be favored above concern for "employees returning to their cars", returning from businesses recently permitted objectionable incursion into the residential neighborhood of Jordan Road.

#020

Posted by **Mark J TenBroek** on **04/07/2021** at **3:15pm** [Comment ID: 404] - [Link](#)

Agree: 0, Disagree: 0

The low solar sidewalk lighting that has been installed seems to be working well to provide safe walking while not having major impacts on the Dark Sky Community that we all love. I am very concerned about the higher street lighting at the Jordan Roundabout and the soon to be commissioned northern street crossings along Jordan Road that are using LEDs. While these may meet Dark Sky requirements, they are much brighter than existing City street lights and they project light out horizontally than existing City street lighting. I would want to consider side shielding on all LED lights of this type and reduce the wattage of these LED lamps to reduce the area of impact these lights have on the community. I do not think they are in the spirit of Dark Skies.

#021

Posted by **Mark J TenBroek** on **04/07/2021** at **3:24pm** [Comment ID: 407] - [Link](#)

Agree: 0, Disagree: 0

Agree that a pathway should be provided from all parking areas. I think existing parking areas have this feature to prevent tourists from walking down the middle of heavily trafficked roadways.

#022

Posted by **Mark J TenBroek** on **04/07/2021** at **3:26pm** [Comment ID: 408] - [Link](#)

Agree: 1, Disagree: 0

Agree that this would be beneficial. I have also had tourists walk out into the bike lane or even traffic to get their group photos from the scenic views. A separate trail would help prevent this safety issue.

#023

Posted by **Robert Weber** on **04/13/2021** at **12:19pm** [Comment ID: 521] - [Link](#)

Agree: 0, Disagree: 0

I would recommend that any future parking plans include an offset for future Transit use. Less available parking creates a natural incentive for a higher use in public transit, which will help to mitigate traffic congestion and greenhouse gas emissions.

#024

Posted by **Mark J TenBroek** on **04/07/2021** at **3:35pm** [Comment ID: 409] - [Link](#)

Agree: 3, Disagree: 0

I continue to be amazed that there is a belief that continuing to increase tourism is a benefit. I believe that this drumbeat to bring increasing numbers of tourists to a confined area is not the answer and should be limited. Clearly adding more parking will bring more tourists. Limiting the number of parking spots will limit tourists to some finite capacity. If new parking is to be provided, it should be for the exclusive use of staff, not more tourists. Already there are significant increases of tourists due to the increased use of AirBNBs throughout Uptown. There are also many new developments for tourists throughout the City. We need to recognize that this is a problem to livability of the community and stop this type of expansionism. More is not always better.

#025

Posted by **Jeffrey Goward** on **04/16/2021** at **12:17am** [Comment ID: 537] - [Link](#)

Agree: 0, Disagree: 0

I would fully agree with Mr. TenBroek in his suggestion here. It would be reprehensible to maintenance of the Uptown residential neighborhood ambiance to add such numbers of housing units causing great increase in Jordan Road traffic and such effects of allowing further crowding of this area of homes or Sedona residents.

#026

Posted by **Mark J TenBroek** on **04/07/2021** at **3:40pm** [Comment ID: 410] - [Link](#)

Agree: 1, Disagree: 0

As has been mentioned before, the change in zoning for the Quail Tail Trail parcels to high-density multi-family is inconsistent with the single family residential character of areas off Jordan Road. The increased traffic congestions on Jordan Road from this development would be hard to comprehend. I would suggest that these parcels be made into an Uptown nature park for the benefit of local residents and not focusing on increasing the number of tourists.

#027

Posted by **Mark J TenBroek** on **04/07/2021** at **3:43pm** [Comment ID: 411] - [Link](#)

Agree: 1, Disagree: 0

This entire section is focused on drawing more tourists to the area for the benefit of the tourists. I do not believe that many local residents visit this area of Uptown given its congestion and mass of people. Why do tourists get all the good stuff?

#028

Posted by **Jeffrey Goward** on **04/16/2021** at **9:11pm** [Comment ID: 539] - [Link](#)

Agree: 0, Disagree: 0

Best care and benefit to the Community of Sedona would be to direct the developers to take their interest elsewhere. It seems obvious that a project of expansion for resorts along this Creekside area will more vastly increase volumes of traffic in and out of Sedona with added guest rooms, more resort visitors and all their vehicle parking needs and necessary traffic. With all the ongoing years of talk, repetitive large expense on traffic studies, puzzlement at how to control and channel traffic from the choke points everywhere around Uptown, this plan of commercial interest to expand new development of a "Creekside Resort" district seems utterly contra-indicated.

#029

Posted by **Robert Weber** on **04/13/2021** at **12:29pm** [Comment ID: 522] - [Link](#)

Agree: 1, Disagree: 0

Consider incorporating plans for first mile - last mile transit solutions providing connections to newly created parking garages to / from the central district. E.g., Microtransit, E- Trolley circulators, shared e-bike rentals Etc.

#030

Posted by **Jeffrey Goward** on **04/16/2021** at **9:21pm** [Comment ID: 540] - [Link](#)

Agree: 0, Disagree: 0

New expanded development will obviously only increase one of the most major current problem afflicting life in Sedona: uncontrolled increase in vehicular traffic resulting from the expanding floods of incoming tourism that has been too much encouraged by special interests misguided, misguided in that concern for financial/commercial expansion is allowed to overwhelm more important needs for environmental stability and quality of life.

#031

Posted by **Jeffrey Goward** on **04/15/2021** at **11:36pm** [Comment ID: 533] - [Link](#)

Agree: 1, Disagree: 0

Please do nothing to create more traffic in and out of this boundary area separating Jordan Road's residential homes and the commercial interests encroaching farther and farther into the home-like ambiance and use of Jordan Road. Enormous flow of traffic to and from the 410 Jordan Road Public Parking lot is already impinging the areas previously more residential nature.

#032

Posted by **David Myers** on **04/05/2021** at **10:52pm** [Comment ID: 390] - [Link](#)

Agree: 0, Disagree: 0

I support the use of this parking lot for low to medium density, multi-family housing once the lot is not needed for parking.

#033

Posted by **Jeffrey Goward** on **04/15/2021** at **11:32pm** [Comment ID: 532] - [Link](#)

Agree: 0, Disagree: 0

Please keep commercial and residential use strictly separated, not combined as suggested here. Otherwise the nature of the peaceful home-style ambiance for residents will become more and more ruined as it already has much become by the encroachment of commercial business northward on Jordan Road. This would not be improvement for the full-time Sedona residents who's homes are established along Jordan Road.

#034

Posted by **Jeffrey Goward** on **04/15/2021** at **11:27pm** [Comment ID: 531] - [Link](#)

Agree: 0, Disagree: 0

One side of Jordan Road has sidewalk; this is sufficient. Additional foot traffic should not be encouraged to impinge on the original residential nature of Jordan Road as traffic already has been edging farther and farther along the road northward.

#035

Posted by **Jeffrey Goward** on **04/15/2021** at **11:42pm** [Comment ID: 534] - [Link](#)

Agree: 1, Disagree: 0

This public parking lot creates continuous disturbance to the immediately adjacent homes' ambiance, from noise of continual soundings of car alarms, foot traffic crossing private property, tourist activity in the parking lot, sound of traffic movement.

Please keep fully in consideration the effects upon Sedona residential living in the immediate area that may be caused by any "improvements" you might approve to be made to the parking lot.

#036

Posted by **Robert Weber** on **04/13/2021** at **12:31pm** [Comment ID: 523] - [Link](#)

Agree: 0, Disagree: 0

Add a transit stop - fully ADA accessible w/ passenger amenities - e.g. bench, shelter, transit information.

#037

Posted by **Jeffrey Goward** on **04/15/2021** at **11:45pm** [Comment ID: 535] - [Link](#)

Agree: 0, Disagree: 0

But not on Jordan Road, please, where maintenance of the peaceful residential nature of the area should be of great consideration in planning and execution of any changes contemplated.

Staff Report
 PZ17-00001 (CUP)
 AZ Water Company Tank
 Summary Sheet



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

Meeting Date: **Public Hearing: May 18, 2021**
Hearing Body: Planning and Zoning Commission
Action Requested: Rehearing of a Conditional Use Permit application
Staff Recommendation: Approval, with conditions, of a Conditional Use Permit
Location: 55 Bell Rock Trail
Parcel Number: 401-33-031
Applicant: Arizona Water Company, represented by Water Works Engineers
Site Size: ± 1.03 acres
Zoning: Single-Family Residential (RS-18b)

Sedona Community Plan Designation:
 Single Family Low Density

Current Land Use: Vacant

	<u>Area Zoning</u>	<u>Area Land Uses</u>
North:	Single-Family Residential (RS-18b)	Residential
South:	Single-Family Residential (RS-18b)	Residential
East:	Right-of-way	State Route 179
West:	Single-Family Residential (RS-18b)	Residential

Report Prepared By: Robert Pickels, Deputy City Manager

Attachments:

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PROJECT SUMMARY

Water Works Engineers, on behalf of the Arizona Water Company, requested approval of a Conditional Use Permit (CUP) and Development Review to allow for a new public utility and public service substation water tank and pumping plant. The facility is proposed to include a new 1.5 million gallon, mostly subterranean, water tank and booster pump station to provide water to the properties along the State Route 179 corridor of Sedona.

This supplemental staff report is intended to outline the reasons for rehearing by the Commission of this application and the actions necessary to move the application forward at this time. Materials provided in conjunction with the August 21, 2018 and October 16, 2018 public hearings are included as a link in [Attachments 3.b](#) and [3.d](#). The complete history of the project, including previous iterations of the project, complete meeting materials (agendas, minutes, packets, audio recordings) are available on the project page on the City's website at the following link:

<https://www.sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/arizona-water-company-storage-tank>

This matter now comes before the Commission for rehearing by order of the Coconino County Superior Court ([Case No. CV2019-00120, Attachment 2](#)) for the purpose of expressing in greater detail the requisite findings as described in the Sedona Land Development Code (LDC) to support the grant of a conditional use permit.

Because the application was filed in 2017, and before the December 2018 amendments to the LDC were adopted by the City Council, consideration for approval of the CUP by the Commission continues to be governed by the 2017 version of the LDC.

The Commission previously considered the application at a public hearing on August 21, 2018. At that time, the Commission determined that additional information and considerations by the applicant were necessary. Accordingly, the public hearing was continued to October 16, 2018.

At the conclusion of the October 16, 2018 public hearing, in reliance on detailed analyses presented in the staff report ([Attachment 3.b](#) and [3.d](#)), the Commission voted to approve the conditional use permit (CUP) with the following motion:

*"I move for approval of case number PZ17-00001 (CUP), Arizona Water Company Water Tank and Booster Facility **based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.**" (Emphasis added).*

The foregoing form of motion for approving a CUP application was consistent with that used historically by the City of Sedona's Planning & Zoning Commission for numerous prior CUP applications.

Following the Commission approval, a Sedona resident, Mr. Vincent McGeary, timely appealed the Commission's decision because he alleged the Commission action did not comply with the specific "findings" required by the then existing Sedona Land Development Code (LDC).

Under Section 402.06 of the relevant LDC, the following “findings” shall be made before granting a conditional use permit:

- A. *That the proposed location of the conditional use is in accordance with the objectives of this Code and the purpose of the zoning district in which the site is located.*
- B. *That the granting of the conditional use permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*
 - 1. *Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination;*
 - 2. *Any hazard to persons and property from possible explosion, contamination, fire or flood;*
 - 3. *Any impact on surrounding area resulting from unusual volume or character of traffic.*
- C. *That the characteristics of the use as proposed and as may be conditioned are reasonable compatible with the types of use permitted in the surrounding area.*
- D. *That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.*
- E. *That the proposed expansion or change of a nonconforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.*

As a substantive matter, Mr. McGeary postulated that the scale of the proposed water tank as presented by the applicant was “industrial,” with a “chemical storage and feed system” that were not appropriate in a residential neighborhood.

The matter was appealed to the City Council, as per the review process established in the LDC. The City Council affirmed the Commission’s action in approving the CUP.

Mr. McGeary then filed a special action complaint in the Coconino County Superior Court in which he alleged that the Commission and City Council decisions were arbitrary, capricious or contrary to law. Nearly two years after the case was fully briefed and submitted to the Superior Court judge for consideration, the Court found that there was insufficient information in the record of the Commission and Council proceedings from which to draw any conclusion as to the legal sufficiency of the Commission and Council actions.

The Court remanded the matter back to the Commission and City Council for further findings to be made from which any future legal challenge could be objectively analyzed. In short, the Court held that the motion made and passed by the Commission at the October 16, 2018 public hearing was insufficient and needs more detailed clarification.

The Court specifically held that the Commission should “...explain their factual and legal basis for their decisions approving the subject CUP, to include reference to the applicable LDC provisions that they considered and based their decisions upon.”

In this rehearing, the Commission is asked to review the evidence as presented to the Commission in August and October of 2018, along with any supplemental material that may be necessary to update the Commission on the current status of the applicant’s project, then to articulate its findings accordingly.

Recommendation and Motion

PZ17-00001 (CUP)

AZ Water Company Tank



Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • www.sedonaaz.gov/cd

Staff Recommendation:

Staff continues to believe that the proposed use complies with all ordinance requirements and elements required by LDC Section 402.06 (Findings). Accordingly, staff recommends approval of case number PZ17-00001 (CUP), Arizona Water Company Water Tank and Booster Facility, subject to all applicable ordinance requirements and the previously approved conditions of approval.

Recommended Motion for Approval:

I move that in case number PZ17-00001 (CUP), in consideration of the applicable goals, objectives and recommendations described in the Sedona Community Plan, the Commission find as follows:

1. That, pursuant to Sedona Land Development Code Section 402.06(A) and Sedona Land Development Code Section 605.01, the proposed location of the conditional use as requested by the applicant, Arizona Water Company, is in accordance with the objectives of the Sedona Land Development Code and the Single-Family Residential (RS-18b) zoning district in which the site is located and supports the overall purpose for promoting and preserving residential development within the community; that the public utility and public service use requested by the applicant is specifically allowed subject to a conditional use permit pursuant to Section 605.02(B)(6) of the Sedona Land Development Code, which allows "Public utility and public service... water tanks, pumping plants and similar installations 650 square feet or greater;" and, that after consideration of the potentially negative operational characteristics and impacts, the applicant's proposed use is appropriate subject to conditions of approval set forth in the "Conditions of Approval PZ17-00001 (CUP) Arizona Water Tank Facility" and the "Conditional Use Permit," which conditions will mitigate or remove such potentially negative characteristics and impacts.
2. That, pursuant to Sedona Land Development Code Section 402.06(B), and based on the evidence presented in the staff report and through testimony at the public hearings during which the subject application was considered by the Commission, the use requested by the applicant is unlikely to result in property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination; that the use requested by the applicant is unlikely to result in hazards to persons and property from possible explosion, contamination, fire or flood; and, that any impact on the surrounding area resulting from unusual volume or character of traffic can be effectively mitigated. Facts that support these findings are set forth the applicant's East Sedona Water Storage Tank, Booster Pump Station and Related Appurtenances Conceptual Design Report (the "Applicant Report") in Attachment A of the report and include the following: the tank will be located below finished grade and the site will be restored to preserve the native vegetation and line of sight its preconstruction condition except for the superstructure which will be developed to blend with the surrounding, residential aspect of the area; the project will not cause additional flooding as shown by the reports from John Matta and from Brian Bucholtz of Lyon Engineering; sound from applicant's mechanical equipment will not exceed 50 decibels at the property boundary; traffic to the site during construction will be directly from State Route 179 and after construction will be limited because the site will be remotely operated. Accordingly, and subject to the conditions of approval, the granting of the conditional use permit will not be materially detrimental to the public health, safety or welfare and in fact will increase the public health, safety, and welfare by providing additional water storage and pumping for the public drinking water supply and for fighting fires.

3. That, pursuant to Sedona Land Development Code Section 402.06(C), and based on the evidence presented in the Applicant Report, in the staff report, and through testimony at the public hearings during which the subject application was considered by the Commission, the applicant has designed the proposed water tank with sufficient consideration of the surrounding residential properties so that the proposed use of a 1.5 million gallon, mostly subterranean water tank, subject to the conditions of approval, is compatible with the uses permitted in the surrounding area.
4. That, pursuant to Sedona Land Development Code Section 402.06(D) and Sedona Land Development Code Section 605.02(B)(6), the proposed use for a water tank, subject to the conditions of approval set forth in the "Conditional Use Permit" and the "Conditions of Approval PZ17-00001 (CUP, DEV) Arizona Water Tank Facility," complies with the provisions of the Sedona Land Development Code regulating the Single-Family Residential (RS-18b) zoning district and other ordinances that may be applicable thereto.
5. That, pursuant to Sedona Land Development Code Section 402.06(E), the subject property is currently vacant land and, accordingly, there is no expansion or change of a nonconforming use associated with this conditional use permit application.
6. That approval of case number PZ17-00001 (CUP) is subject to the conditions for approval as outlined in the October 16, 2018 staff report.

In accordance with these findings, that case number PZ1717-00001 (CUP) be approved subject to the conditions as outlined in the staff report.

Alternative Motion for Denial

I move for denial of case number PZ17-00001 (CUP) based on the following findings (specify findings that support denial of application).

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

Attachment 1: Recommended Conditions of Approval

Conditions of Approval

PZ17-00001 (CUP)

AZ Water Company Tank



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

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As recommended by Staff

As originally approved by Planning and Zoning Commission, October 16, 2018, and City Council, January 23, 2019

PZ17-00001 (CUP)

1. The approval of this conditional use permit is contingent upon approval of the associated Development Review application. If PZ17-00001 (DEV) is not approved, this conditional use permit approval shall become null and void.
2. The use shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Community Development Director shall require reconsideration by the Planning and Zoning Commission at a public meeting.
3. The applicant shall ensure that the use is operating in compliance with the Land Development Code requirements and applicable conditions of approval. If contacted by City Staff regarding a potential violation in the operation of this use, the applicant shall work with City Staff to address the issue in a timely manner. If a satisfactory solution is not found, City Staff may initiate proceedings to revoke the CUP.
4. The Conditional Use Permit shall remain valid as long as the building and site is used as a public utility substation, water tank, and pumping plant. If this use ceases for more than twelve (12) months, a new conditional use permit application shall be submitted, reviewed, and approved before the use may be reinstated.
5. The applicant shall obtain a building permit for the proposed modifications.
6. All requirements of the Sedona Fire District shall be satisfied.
7. Within thirty days of approval of the Conditional Use Permit, the property owner of record of subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.

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

Cathleen Brown Nichols, Judge
Division 5
Date: April 14, 2021

Christal Stump, Judicial Assistant

VINCENT MCGEARY,)	
)	
Plaintiff,)	Case No. CV 2019-00120
)	
)	ORDER
vs.)	
)	
CITY OF SEDONA, an Arizona municipal)	
corporation, and the COUNCIL OF THE)	
CITY OF SEDONA, a legislative body,)	
)	
Defendants.)	
)	

Re: Special Action

The Court has read and considered the Plaintiff's Brief in Support of Request for Special Action Relief, the Defendants' Response, the Plaintiff's Reply, as well as the record of the subject proceedings.

Standard of Review

Arizona Rules of Procedure for Special Actions, Rule 3 (Questions Raised), states:

- The only questions that may be raised in a special action are:
- (a) Whether the defendant has failed to exercise discretion which he has a duty to exercise; or to perform a duty required by law as to which he has no discretion; or
 - (b) Whether the defendant has proceeded or is threatening to proceed without or in excess of jurisdiction or legal authority; or
 - (c) Whether a determination was arbitrary and capricious or an abuse of discretion.

When a superior court is asked to review a decision made by the Commission and Council, the superior court is presented with and reviews the record before the Commission and Council when they made their decisions to approve the subject CUP. *See Murphy v. Town of Chino Valley*, 163 Ariz. 571, 574–75, 789 P.2d 1072, 1075–76 (App.1989). The dispositive question the superior court must decide is whether the Commission and Council, in making their decisions, acted arbitrarily, capriciously or abused their discretion. *Pingitore v. Town of Cave Creek*, 194 Ariz. 261, 264, ¶ 18, 981 P.2d 129, 132 (App.1998).

This Court may not substitute its opinion of the facts for that of the Commission and Council. Rather, if there is credible evidence to support the Commission’s and Council’s decisions, they must be affirmed. *See, Austin Shea (Arizona) 7th Street and Van Buren, L.L.C., v. City of Phoenix*, 213 Ariz. 385, 392 (2006); *see also Mueller v. City of Phoenix*, 102 Ariz. 575, 581, 435 P.2d 472, 478 (1967).

Accordingly, the Commission’s decision to grant the CUP is presumptively valid and “one who attacks it is met with the presumption that it is correct and carries the burden of showing the decision to be against the weight of the evidence, unreasonable, erroneous or illegal as a matter of law.” *Ivancovich v. City of Tucson Board of Adjustment*, 22 Ariz. App. 530, 535 (1974).

Given the limited scope of judicial review in this matter, the only issue before this Court is whether Plaintiff McGeary has met his burden to rebut the presumption that the Commission’s decision to grant the CUP was lawful, within its discretion, supported by evidence, and not arbitrary or capricious.

Record of Proceedings

The record before this Court shows that the Commission considered the evidence presented during the two (2) public hearings regarding the Arizona Water Company's ("AWC") CUP application, including concerns residents expressed about the project.

Following the presentation of evidence at the August and October 2018 public hearings, the Commission voted and granted the subject CUP. Significantly, the language of the subject Commissioner's motion, which passed, stated that the Commission's decision to grant the CUP was **"based on compliance with all ordinance requirements and satisfaction of the conditional use permit findings and applicable Land Development Code requirements and conditions as outlined in the staff report"** [See audio recording of Commission Hearing on October 16, 2018] [Emphasis added.]

Plaintiff McGeary contends that the Land Development Code ("LDC") required the Commission and Council to make specific findings when approving the CUP. In the present case, the Commission, and later the Council, when they approved the CUP, did not state any of the LDC sections they considered and relied upon in granting the subject CUP. All the Court knows from the record is that the Commission based its decision on "satisfaction of the Conditional Use Permit findings (without setting forth the said findings) and applicable Land Development Code requirements (without setting forth any of the LDC requirements that were considered) and conditions as outlined in the staff report" (without any reference at all to the said conditions in the staff report that were considered).

Defendants assert that Plaintiff McGeary has not met his burden to prove that the Commission's decision was arbitrary, capricious, unlawful, or not supported by substantial

evidence. (Citing *Ivancovich v. City of Tucson Board of Adjustment*, 22 Ariz. App. 530, 535 (1974).

Plaintiff McGeary also contends that the Council's action, in denying his appeal of the Commission's decision granting the subject CUP, was improper since the Council did not make any specific findings pursuant to the LDC. Before making a decision on said appeal, the Council conducted a public hearing and heard from City staff, the Plaintiff, a representative of the CUP Applicant, and members of the public. The Council, after meeting in executive session, then by motion approved the subject CUP, which operated as a denial of the Plaintiff's Appeal of the Commission's decision approving the CUP.

At said Council hearing, before granting a motion to approve the subject CUP, City staff specifically referred to and read from City staff's Memorandum/Report reviewing the applicable provisions of the LDC. Significantly, the Council voted and granted the following motion made to approve the subject CUP, which stated in relevant part:

I move to grant, with conditions, case number PZ17-00001 (CUP, DEV), Arizona Water Company's Water Tank and Booster Pump Facility at ..., to allow for a new public utility and public service substation, water tank, and pumping plant based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as amended by the Planning and Zoning Commission.
[Emphasis added.]

[See audio recording of Council Hearing on January 23, 2019, and COSOO1209.]

Very importantly, in voting to approve said CUP (and deny the Plaintiff's Appeal of the Commission's decision granting the CUP), the Council did not state any of the "conditional use permit findings" it considered, and it also did not state any of the "applicable Land Development Code requirements" it considered and based its decision on in granting the CUP.

This Court cannot determine from the record of the above-mentioned proceedings if the Commission's decision and the Council's decision to grant the CUP was or was not arbitrary, capricious, unlawful, or not supported by substantial evidence, since the Commission and Council did not specifically state any of the "conditional use permit findings" they considered, and they also did not state any of the "applicable Land Development Code requirements" they considered and based their decisions on in granting the CUP. Moreover, the Commission also failed to state any of the conditions in the staff report that they considered, and just stated they considered the "conditions as outlined in the staff report." Interestingly, the Council did not refer at all to said staff report when it voted to approve the CUP, and deny the Plaintiff's Appeal.

This Court cannot decide the merits of the underlying dispute because both the Commission's decision approving the subject CUP, and the motion granted by the Council to approve the subject CUP (which operated as the Council's denial of the Plaintiff's appeal of the Commission's decision granting the CUP), lacked any findings of fact, as required by the LDC, and, as such, has prevented meaningful judicial review of both the Commission's and the Council's decisions approving the subject CUP. Based on the forgoing reasons, this Court must vacate the granting of the subject CUP by the Commission and Council, and remand this matter to the Commission and Council to explain their factual and legal basis for their decisions approving the subject CUP, to include reference to the applicable LDC provisions that they considered and based their decisions upon.

The decision to remand is within this Court's discretion. A.R.S. Section 12-910(E) (Supp.2013) permits the superior court to "affirm, reverse, modify or vacate and remand the ... action." To that end, the superior court is authorized to "[s]pecify questions or matters requiring further hearing or proceedings and give ... proper instructions," and to remand for further

development “when from the state of the record ... or otherwise it appears that such action is just.” A.R.S. § 12–911(A)(6)–(7) (Supp.2013).

This Court acknowledges its role is to examine whether the actions taken by the Commission and the Council, in approving the subject CUP, were arbitrary, capricious, or an abuse of discretion, and, in so doing, it must defer to the Commission’s and Council’s factual findings if supported by substantial evidence. However, because both the Commission and the Council did not state any factual findings, as required by the LDC, this Court has no way of knowing whether substantial evidence supported the findings the Commission and Council may or may not have made. As such, for there to be meaningful review in this matter, the Commission and Council must state their reason or reasons for granting the subject CUP.

“Findings ... must be explicit to enable the reviewing court to review the decision intelligently and to ascertain whether the facts as found afford a reasonable basis for the decision or be sufficiently definite and certain to permit judicial interpretation.” *Wammack v. Indus. Comm'n*, 83 Ariz. 321, 325, 320 P.2d 950, 953 (1958).

Significantly, this Court, based on a review of the record of the proceedings before the Commission and Council in this matter, has no knowledge about the specific factual and legal bases for the Commission’s and Council’s decisions granting the subject CUP.

The Plaintiff set forth in detail in his Brief in Support of said Special Action, and in his Reply Brief, the specific provisions in the LDC that the Commission and Council were required to consider before granting the subject CUP. However, the subject Commissioner’s motion, which passed, only stated that the Commission’s decision to grant the CUP was **“based on compliance with all ordinance requirements and satisfaction of the conditional use permit findings and applicable Land Development Code requirements and conditions as outlined**

in the staff report” [See audio recording of Commission Hearing on October 16, 2018]

[Emphasis added.]

Moreover, the Council’s motion approving the CUP (which operated as a denial of the Plaintiff’s Appeal of the Commission’s decision granting the CUP) simply stated the following:

I move to grant, with conditions, case number PZ17-00001 (CUP, DEV), Arizona Water Company’s Water Tank and Booster Pump Facility at ..., to allow for a new public utility and public service substation, water tank, and pumping plant based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as amended by the Planning and Zoning Commission.
[Emphasis added.]

[See audio recording of Council Hearing on January 23, 2019, and COSOO1209.]

The Defendants contend that they considered and “adopted” the City staff’s findings in said staff’s report/memorandum prepared before the Commission’s hearing granting said CUP. It is impractical, if not impossible, for this Court to divine what factual and legal issues, if any, the Commission and Council considered and decided, and whether their conclusions were legally correct without any findings of fact or conclusions of law. For example, this court cannot ascertain from the Commission’s and Council’s votes whether their respective decisions were based on a determination that granting the CUP was consistent with, and not in violation of the applicable provisions in the LDC.

The decisions granting the CUP by the Commission and Council do not indicate the factual or legal basis for their decisions, other than their statements as referenced above. An abuse of discretion encompasses incorrect legal rulings or conclusions, *see Flying Diamond Airpark, LLC v. Meienberg*, 215 Ariz. 44, 50, ¶ 27, 156 P.3d 1149, 1155 (App. 2007).

Importantly, without more detailed decisions, setting forth that the Commission and Council considered the applicable sections of the LDC, and that they found that granting the CUP was consistent with said LDC provisions, this Court cannot meaningfully review the Commission's and Council's conclusions, as this Court does not know what, if any, legal or factual conclusions it reached.

Factual findings and conclusions of law clearly would facilitate judicial review of the subject matters, and, as such, and for the reasons discussed above, this Court must vacate the granting of the subject CUP by the Commission and Council, and remand this matter back to the Commission and Council for such clarification.

ORDERED, based on the forgoing reasons, this Court vacates the granting of the CUP by the Commission and Council, and hereby remands this matter to the Commission and Council to explain the factual and legal basis for their decisions approving the subject CUP, to include reference to the ordinance requirements that were complied with, the conditional use permit findings that were considered satisfied, and the applicable LDC provisions that the Commission and Council considered and based their decisions upon.



Hon. Cathleen Brown Nichols

cc: Vincent McGeary 20 Cathedral Rock Trail, Sedona, Arizona 86336,
vmcgearyster@gmail.com
Robert L. Pickels, Jr., and Shelley D. Cutts, Sedona City Attorney, 102 Roadrunner Drive,
Sedona, AZ 86336, Rpickels@sedonaaz.gov, and Scutts@sedonaaz.gov

Attachment 3a: August 7, 2018 Site Visit Minutes

Summary Minutes
City of Sedona
Planning & Zoning Commission Site Visit
Leaving from the Community Development Lobby
102 Roadrunner Drive, Sedona, AZ
Tuesday, August 7, 2018 – 3:30 p.m.

1. Call to Order & Roll Call

The Chair called the site visit to order at 3:30 p.m. and asked for roll call.

Roll Call:

Planning & Zoning Commissioners Present: Chair Marty Losoff, and Commissioners Larry Klein, Eric Brandt, and Gerhard Mayer. Commissioners Kathy Kinsella and George Braam joined at the site at approximately 3:50 pm. Commissioners excused: Vice Chair Kathy Levin.

Staff Present: Warren Campbell, Matthew Kessler

Warren Campbell explained that the site visits are meant for the Commission to familiarize themselves with the specific site. Discussion regarding the project should be reserved for the Public Hearing on Tuesday, August 21, 2018.

2. The Commission and Staff will carpool to the site of the following projects currently under review by the Commission.

The Commission left the Community Development lobby at Sedona City Hall at 3:35 p.m.

- a. Discussion regarding a request to approve a Conditional Use Permit and Development Review application to allow for a new public utility and public service substation, water tank, and pumping plant for Arizona Water Company at 55 Bell Rock Trail (vacant lot). The property is zoned Single-Family Residential (RS-18b) and is located west of and adjacent to State Route 179 south of W. Mallard Drive. APN: 401-33-031. Applicant: Arizona Water Company Case Number: PZ17-00001 (CUP, DEV)**

The Commission arrived at the site at 3:50 p.m.

Staff members James Crowley and Ryan Mortillaro from the Public Works Department, as well as Ron Eland and Justin Gilliland of the Red Rock News, met the Commission at the site along West Mallard Drive. The following items were discussed:

- Property boundaries
- The proposed site plan and location of the water tank, including design, landscaping, lot coverage, and the existing drainage wash
- Surrounding properties
- Proposed access, including alternative construction access option that would require ADOT permission

The Commission then drove onto the site through the proposed access off of Bell Rock Trail at 4:10 p.m. One adjacent neighbor, Bob Campbell (APN 401-33-029G), joined the meeting. Warren Campbell distributed a map that will be included in the agenda packet for August 21st that shows the location of existing water company facilities, including tanks, within city limits. The following items were discussed:

- Installation of story poles to be placed by the applicant on August 9th, in order to indicate location and height of the structure atop the water tank
- Visibility of the tank and building from surrounding residences
- Proposed access

Attachment 3a: August 7, 2018 Site Visit Minutes

No action was taken. Commissioners Kathy Kinsella and George Braam left the site at 4:22 p.m.

3. Adjournment and return by carpool to City Hall

The site visit was adjourned by the Chair on site at approximately 4:35 p.m. without objection.

I certify that the above is a true and correct summary of the site visit of the Planning & Zoning Commission held August 7, 2018.

Matt Kessler, Associate Planner

Date

Attachment 3b:

August 21, 2018 Planning and Zoning
Commission Public Hearing Packet

Available online at:

<https://www.sedonaaz.gov/home/showpublisheddocument/35389/636698613574400000>

Packet for AZ Water Company Tank begins on
Page 42 of the PDF

Attachment 3c: August 21, 2018 Public Hearing Minutes

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, August 21, 2018 - 5:30 p.m.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

Chair Losoff called the meeting to order at 5:30 p.m., led the Pledge of Allegiance and requested roll call.

Roll Call:

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

Staff Present: Warren Campbell, Justin Clifton, James Crowley, Andy Dickey, Matt Kessler, Cari Meyer, Ryan Mortillaro, Karen Osburn and Donna Puckett.

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

There were no announcements

3. APPROVAL OF THE FOLLOWING MINUTES:

- a. July 17, 2018 (R)
- b. August 7, 2018 (SV)

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

MOTION: Commissioner Kinsella so moved. 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. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:

- a. **Discussion/possible action regarding a request for Preliminary Plat approval to allow for a 3-unit subdivision at 460 Peach Lane. The property is zoned Multifamily Residential (RM-3) and is located on the corner of Sunset Lane and Peach Lane. APN: 401-14-100 Applicant: Verde Valley Habitat for Humanity Case Number: PZ18-00001 (SUB, DEV)**

Presentation: Matt Kessler indicated that he wanted to start his presentation with a brief disclaimer, understanding that the Commission has recently seen a Preliminary Plat approval with Foothills South, and the fact that you should be pretty familiar with this project as we have done the Administrative Waiver and Development Review portions of this application, a lot of his slides on the subdivision process, as well as the property background for this site, are going to be pretty brief. There is more information in the Staff Report, but if you have questions feel free to stop him and he would be happy to provide more detail for you.

Matt presented a brief overview of the platting procedures indicating that the applicant completed the required pre-application conference with staff in May of this year. The second stage of the Conceptual Review was waived per Section 704.03 which allows subdivisions under 10 lots to

Attachment 3c: August 21, 2018 Public Hearing Minutes

be waived by the Director, and in the current stage of the Preliminary Plat, the Commission is tasked with providing to the City Council a recommendation, which they will take action on. It is also important to note that this is the last and only time the Commission will see this application, from this point on, the Revised Preliminary Plat as well as the Final Plat will go to the City Council.

Matt explained that the main difference between this one and the last one with Foothills South is that this application was submitted and reviewed as a townhouse subdivision, which has an additional section in Article 7, Section 711 and the Subdivision Checklist. With their intent to sell the individual units to the qualified homeowners, this process will allow them to create individual parcel numbers for those units and sell them individually, and there is more information on that in the Staff Report.

Matt showed a Vicinity Map of the site and surrounding area in Uptown; it is located on the corner of Peach Lane and Sunset Lane bordering the municipal parking lot. Matt noted that the Administrative Waiver was brought to the Commission in March of this year for a side setback reduction request and that was approved by the Director. The Commission heard the Development Review portion of the application that looked at the design and site of the building which was approved on July 3rd, and the building permit process has begun as well. The applicant has applied for those permits, and they are currently being reviewed for the Conditions of Approval set forth by the Commission.

Matt stated that the owner is the Verde Valley Habitat for Humanity, and they are doing the blitz build for the qualified homeowners with the intent to sell it to them. The Community Plan designation is Multifamily Medium-High Density and the zoning is Multifamily Residential or RM-3. The site is currently vacant and will be developed as a triplex.

Matt showed the Preliminary Plat with the approved footprint and indicated that the main things to point out is the division of the boundaries for each unit, so there is no common open space per se. Each strip of area surrounding the building would be owned by the individual property owner. He then pointed out the access to the site to the west of the building within a proposed access easement that provides access to each lot.

Matt indicated that the application was reviewed for all subdivision requirements of Article 7, and you will see the required findings for a subdivision as well as the condominium subdivision specific requirements of Section 711 in your Staff Report. The Subdivision Checklist is provided as an attachment to the Staff Report, which covers the design guidelines. You will see in the Staff Report and the Checklist that staff believes the proposed Preliminary Plat complies with all of the applicable sections of the Code. Not included in our review and analysis was the Multifamily Residential review which the Commission previously saw in the Development Review and it is continuing to be looked at under the building permitting process.

Matt indicated that the application was routed to all reviewing agencies and the internal review meeting was held. Staff received comments from Public Works as well as the Fire District, and the applicant completed their required notification of all property owners within 300 ft. as did the City. The Citizen Participation Report has been provided in the packet from the applicant. They did not receive any feedback. Staff received two comments one of which is in the packet and the other one you should find on the dais that was received today. Both comments were from surrounding property owners and largely revolved around the number of units proposed. We have covered it in the Development Review and in the Staff Report for this application that with the current zoning of RM-3, they are allotted 20 units per acre. They are doing these three units on .26, which is approximately a density of 11.5 units per acre, so the number proposed is in compliance with the zoning.

Matt stated that staff is recommending approval, with the conditions as shown in the Staff Report, of this Preliminary Plat and now the Commission is tasked with making the recommendation to the City Council.

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There were no questions from the Commission, so Chair Losoff opened the public comment period for this item.

Elizabeth Johns, Sedona, AZ: Ms. Johns stated that the letter is from Catherine Janik who is the president of their HOA. They are the immediate neighbors to the new proposed units, and she would like to add this to the minutes. "I have no issue with respect to the good work that the Verde Valley Habitat for Humanity provides to the community. I also have no issue with the initiative to develop the plot of land currently the subject of the Zoning Commission's hearing. What I do take issue with is the need to waive easements and shoehorn three units into a space that would otherwise only sustain two units at the most. But for the fact that it is the Habitat for Humanity petitioning for this parcel, I find it highly unlikely that the City of Sedona and its Zoning Commission would allow any other developer the same degree of latitude. Go ahead and develop the multifamily unit but administer the statutes of the City of Sedona equally amongst all people." So, this is setting a pretext for you guys for any precedent and you will have to deal with it in the future. She knows the people next door wanted to buy the property and they were not allowed the easement, so this sets up a can of worms for you and high density for them.

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

The Chair noted that the Commission had just received a letter from Jim Dydo and asked the Commissioners to take a minute to read it before we continue. Chair Losoff then indicated that we can enter this into the record, since he cannot make it tonight.

Chair Losoff asked how staff would respond to what the Commission heard from the one public comment and the letter regarding easements and two units versus three.

Matt stated that he isn't aware of any easement issues on the property. He took that waiver of easements to mean the setbacks that were approved. Staff believes the findings were met, the lot is undersized, and the number of units proposed is in compliance with the density for the District. The current zoning would actually allow for a maximum of five units on the property, so the three proposed is in alignment with the Zoning District.

Chair Losoff indicated that overall, we are encouraging Habitat and owners like Habitat to come into the city for this type of housing, so we can make some waivers to our benefit. Cari added that the city has an adopted Housing Policy that addresses some development incentives for affordable housing, when things are deed restricted and that includes some setback reductions. The setback reductions in the policy that you are allowed are front and rear setbacks; they were asking for side setbacks, so they went through the Administrative Waiver process, but there is a handful of different developments, because workforce housing is a priority of the City Council, so they adopted the Housing Policy, and it has been in place for a number of years. Not many have used it, but we do have some policies that state that when it is for affordable deed-restricted housing setback reductions and some other incentives are supported.

Chair Losoff indicated that initially the applicant was very much aware of the sensitivity of the neighbors and stated that they would be a very good neighbor and easy to work with; he then asked if that is correct, and Matt Kessler agreed and indicated that they have been in contact with the condominium complex to the west and Ms. Janik is the president. They discussed the vetting process for the property owners and the fact that they would be good stewards to the neighborhood.

MOTION: Vice Chair Levin moved to recommend to the Sedona City Council approval of the proposed Preliminary Plat as set forth in case number PZ18-00001 (Subdivision), Habitat for Humanity Triplex, based on compliance with all ordinance requirements and satisfaction of the Subdivision criteria and applicable Land Development Code requirements and the conditions as outlined in the Staff Report. Commissioner Kinsella seconded the motion.

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Chair Losoff commented that we had two other meetings on this, plus other discussions, so it made it easier tonight.

VOTE: Motion carried seven (7) for and zero (0) opposed.

- b. **Discussion/possible action regarding a request to approve a Conditional Use Permit and Development Review application to allow for a new public utility and public service substation, water tank, and pumping plant for Arizona Water Company at 55 Bell Rock Trail (vacant lot). The property is zoned Single-Family Residential (RS-18b) and is located west of and adjacent to State Route 179 south of W. Mallard Drive. APN: 401-33-031 Applicant: Arizona Water Company Case Number: PZ17-00001 (CUP, DEV)**

Presentation: Warren Campbell introduced the following members of the team from the Arizona Water Company: John Matta is one of the engineers and John Snickers is with AZ Water here in a local capacity managing the water systems for the city.

Warren stated that the submittal of the AZ Water Company application last year generated a number of comments regarding the appropriateness of the proposed water tank and booster pump facility within a residential neighborhood adjacent to homes. In response to these numerous comments, staff examined the code wanting to understand to a greater degree this particular land use and the location within this Zoning District, and it should be noted that this particular land use, public utilities and water tanks, exist in all of our Residential Zoning Districts, so this is not unique to this particular Zoning District.

Warren indicated that staff found that the inclusion of the public utility and public service substations, water tanks and pumping plants, which are being proposed today, occurs in each and every Residential Zoning District. The inclusion as a permitted and conditional use reflects the necessity of this land use and its necessity to support the residential development within our community. It also further recognizes, because of the Conditional Use Permit nature, that there may be conditions that need to be applied to the particular use to make it a better neighbor as there may be some negative impacts associated with these types of uses, so again, it was couched in the list of conditional uses very specifically to give the ability to apply the conditions to make it a good neighbor.

Warren stated that for a greater understanding of the water system, he asked the GIS Department to work with staff and John Snickers to identify where we have well, tank and pump sites, and one is an arsenic treatment site. The stars on the map show the dispersal of those elements. Warren added that he provided that exhibit during the site visit and encouraged the Commissioners to visit some of the other sites.

Warren indicated that he will go through some slides of several sites that he found to show how this particular use has been implemented within the community. The white star is the location of the proposed water tank, and they are fairly evenly distributed around town, so we have water tanks, well sites and other facilities dispersed throughout the city, but along the SR 179 corridor, you don't see the same spacing and you do see some well sites and an arsenic treatment site; there is only one tank site and it sits on top of Tip Top Lane and provides water service for only that particular subdivision.

Warren stated that he went to a few sites and took photos to try to show what you will see in terms of water tank facilities as they exist today. He then showed photos of existing tanks, including one on Thompson Trail above the Jordan Ranch Historic Park next to some homes and this particular water tank went on the pad. As you see the photos, notice that all of the water tanks area above ground and they have walls or fences to help them be secure. They typically use paint to camouflage them from the view of the neighbors, and there is some great landscaping around this site. Another tank is at the top of Norbie Road, and he thinks there is a Christmas tree put up there, but again, you see it sits high to help provide water pressure, and it

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sits amongst a number of residential properties and is highly visible, which some would say is more or less desirable depending on your perspective. On Vista Grande Ct., you have a tank and residential; it is up high and secured with fences and walls. At the end of Panorama Blvd, two water tanks next to a house, so it is not uncommon to have these facilities in close proximity to residential. He again showed the one on Tip Top Lane and noted that there is a house that has to drive by the tank for access, and you see it is secured with fences and gates.

Warren showed a photo of the arsenic treatment facility, one of the newer facilities on Morgan Road. It is behind a house and accessed by a gravel road; they have done their best to screen it and his understanding is that the homeowner worked closely with them and after construction he asked for a few more trees to be planted, and the water company said sure. He then showed that it is not a large tank, but it is a facility that deals with the treatment of arsenic in provision of our water services in the city, and again another fence securing the site. Warren added that this particular application does not include some of those elements, because they are trying to address that neighborly concern with their property and the adjacent residential.

Warren indicated that the location is at 55 Bell Rock Trail, and someone may speak tonight who provided some information in advance; there are three properties with that address, one is developed and two are vacant. The reason behind that is when someone did a lot split years ago, they didn't request any address change. We now require that, and he recommended that we add a condition that if this were to be approved, in conjunction with their building permit application, we submit the appropriate paperwork to get a new address appropriate for this site, so there is some confusion.

Warren stated that this particular site, and he included the parcel number to be more specific, is vacant. The water company owns it, and the agent for the water company is Water Works Engineers. The site is approximately 1.3 acres; the Community Plan designation is Single-Family Low Density and the current zoning is Single-Family Low Density, RS-18b. While the site has frontage on SR179, it has a long route to gain access. You go down Cathedral Rock Trail to Bell Rock Trail and it turns into a private driveway/road that takes you past homes to the particular site. The site looks larger than the adjacent lots, because it was previously four parcels combined into two, and the attorney that submitted documentation prior to the meeting showed that previous configuration. It was two larger lots and two slivers that were combined; it was four lots, but two lots that were developable. The lot behind it that gets access by going around the proposed tank is undeveloped. There are two lots on West Mallard Drive undeveloped, this lot is undeveloped, another lot is undeveloped, and one lot had a home previously but is now scraped and just a pad site waiting for redevelopment. Warren again pointed out the route to the site and indicated that the water company has been working with ADOT and the City and things are looking somewhat favorable for putting a temporary construction road access up to West Mallard Drive so the trucks wouldn't have to take the long circuitous route every time. We are hoping that will work out, and if it does, we would ensure that the site is regraded and revegetated upon completion of construction, but identifying the concerns of the neighbors, staff made the recommendation and we have been working towards that.

Warren indicated that the current lot was the combination of four lots. The water company purchased it in December of 2012 and the application submitted for this water tank was submitted in January of 2017. There were two different rounds of responses to comments and we are now here on the third round of comments which are included in your packet.

Warren stated that the proposal is for a 1.5-million-gallon tank and a booster pump facility. The booster pump facility is necessary, because they are putting it in a depression underground, and they need to pressurize the water. They have designed the 2,350 sq. ft. structure above grade to enclose that facility and provide sound deadening, so the impact of noise at the property line is greatly reduced and in the neighborhood of about 30 decibels; they have done some studies on that.

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Warren indicated that the tank is about 113 ft. in diameter and the facilities sit on top of the tank, so they don't further expand the site disturbance and the site coverage. When compared to how a house might be developed on this site, it is below the maximum site coverage allowed for the site. The height is 24 ft. at its worse location; it is permitted to be that height and at the lower locations, it is 22 ft. You might be surprised to see that the location of the 24 ft. is at the lowest pole, but by the way we measure height, it is the highest point. This application has been reviewed by all of the reviewing agencies and four did provide comments – Community Development, Public Works, Sedona Fire District and the U.S. Forest Service.

Warren showed a map of the vicinity, the parcel lines and the easements, and identified a number of vacant lots. The access would be off of the existing dirt road that would probably be graded to some degree, but it would maintain the access to the properties in the rear. There would be no wall or fence, so it will continue the idea of a residential character. He pointed out where the building sits and stated that the story poles were along the back wall to show the closest it would get to the property line and the height along that. The building of 2,350 sq. ft. sits on top of that and you have some pump rooms, chemical storage, and electrical room where a permanent generator could go in the future or a temporary generator could be brought in.

Warren indicated that there has been concern about how this site creates a huge area of impermeability and recognizing that and needing to address the city's requirements to ensure that the water flow off of the site post-development does not increase the water flow or the speed of the water, the applicant has looked at how to address the fact that they have built an impermeable surface on the site of a little over 10,000 sq. ft. They created one retention basin on the north side, and in the attorney's documentation they noted that there is nothing on the downside; however, there is a manhole that catches all the surface water and releases it after peak flows, and the report shows that this site, after development, should reduce at peak flow the water running off of the site by 20%, so this site will be improving with the proposed design.

Warren stated that some of the language in the memo and public notices says a mostly subterranean tank, and the reason it is identified as that is because it is below grade, but this particular portion of the tank where you will park, and the building is at the surface, so you will be driving on the deck of the tank below, when you come onto the site. Then, they use a series of 3 ft. walls to bury the lower edge, because the grade is falling off as it goes down to the wash.

Warren indicated that they will use materials like the red rock harvested from the site when they do the excavation to make the walls blend in, and another element is that there are only three bollard lights and five lights on the building that will only be on if there is service needed when it is dark. It is not an issue where the lights will be on all night; the property has been designed without a lot of windows or fenestration to provide the security and noise mitigation, so a wall or fence is not needed around the site.

Warren showed the proposed elevations, pointed out the large roll-up doors on the east elevation, and noted that there has been some commentary about the west elevation being a bit non-residential in nature. The applicant did add some patina in steel fins to provide some break-up, but the applicant is wide open for any suggestions to improve the building or make it a better neighbor. He also showed the north elevation with the 3 ft. retaining walls and one 4 ft. wall, so there is roughly 10 ft. in grade change that they are obscuring with the walls.

Warren displayed a material board and explained that the X through one color is because of the height being in excess of 22 ft., and 24 ft. at the far northerly location, the LRVs (Light Reflectance Values) or brightness of the color have to come down, so this one particular color would be omitted, because it excess 22% LRV, and the applicant is aware of that and will be deleting that color. There will be a condition that will recommend that when or if approved, this particular color cannot be used. He then pointed out the weathering steel that will be used to make the fins, and there are samples of the red rocks to be used on the site to build those walls.

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Warren showed some photo simulations from the corner of Mallard and SR179 and a photo with the story poles, showing white as the height of the building. He again pointed out the high point of the building and explained that it appears to be lower than the rest, but because of the existing grade below that location, that end of the building increases the height by the way we measure to the grade below. Warren explained that the picture was taken at his height standing at the intersection of West Mallard Drive and SR 179, and he showed another picture looking directly to the west and pointed out the location of the poles. He noted that there is a house in the background, the pad site of a previous home, and the possible location of future surrounding homes. Warren also noted that a large amount of vegetation will be eliminated with construction but pointed out one tree that is on the right side of the wash and will not be disturbed.

Warren stated that we received a lot of public input and will probably hear a lot tonight. The applicant completed a Citizen Participation Plan, and part of the reason your packet was so lengthy is we included all of the PowerPoints and commentary they received at each of those public input sessions, so you can see all the conversations that occurred. Both the applicant and staff did the proper mailings at 300 ft., and there was even some effort by the applicant to go door to door to ensure people were aware, and all of the documents were posted on the website. The site was posted with a hearing sign but recognizing that the hearing sign on the site required by code was a sign that no one would see, we also got ADOT permits and put a sign on SR 179, and we sent a notice to the Red Rock News. Public comments have been provided to the Commission; you got a set with the application and two emails since. The public comment has ranged from great concern to one in support.

Warren indicated that staff believes that the application meets the required findings for the granting of a Conditional Use Permit. There are five criteria, and in the packet, they begin on page 46. We are reviewing two different applications, so we will be looking for two motions with two sets of conditions if these applications move forward. We also did the review on the Development Review application, which is more of the aesthetics and how the building complies with the Development Standards, and we included the checklist to show how this building is in compliance. If a house were to be built on this site, it could be like this tank. If someone wanted to do an underground basement, it could be just as big. The site coverage is in compliance even if they didn't put it underground, they could cover it on this site on the surface with about 15,000 sq. ft. of site coverage.

Warren repeated that they are in compliance. There are 10 criteria for the Development Review, and we explained how it complies in each one of those, but there are some outstanding review comments from the review agencies and those would be applied at different levels if the review moves forward. An example is that the Public Works Department noted that if this gets building permits, they would have to submit appropriate plans to deal with dust and mud, tracking onto the road, how any runoff would be secured, erosion control and fencing, etc., so there are additional things that would come into play if the application continues to move forward.

Warren stated that staff made two recommendations, two suggested motions, one for the Conditional Use Permit and one for the Development Review, and we ask that if we approve the Development Review that we add one more condition about getting the addressing cleaned up, because it has created some confusion. One neighbor would like to point out that his house does exist, and it is built upon, so that is why we included the parcel number to ensure we are talking about projects that have the same address, but different parcel numbers.

Warren indicated that he can answer questions and the applicant has a presentation as well.

Commissioners' Questions of Staff:

Commissioner Kinsella asked about the exterior lights and the frequency and times of the servicing when lights would be on. Warren indicated that if everything is running as scheduled, they probably would not be at the site at night. They would only be there at night if there was an emergency, and in the documentation provided, they would be there once a week and then once

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a month to do other stuff, so it is five times a month they would be at the site and most of the time not in the darkness.

Commissioner Klein referenced the photos showing the poles and asked what type of camera was used and what the focal point length was. Warren stated a Cannon and he didn't know the focal length. The Commissioner then stated that he took photos and his look at lot different than those; he just took them with his iPhone and the poles are much more visible than in those photographs. He is not sure of the reason for that, but it is true. When he went there to look at the poles for the second time today, depending on where you stand, in some places there is a very clear view of a large portion of the poles, so he doesn't know that these photographs are accurate representations of what those poles look like.

Commissioner Klein stated that the maximum height is 24 ft. and asked what the allowed height is in Mystic Hills HOA. Warren stated that he knows what the city could apply, but he doesn't know if they have CC&Rs that apply something different, but it would be the same here, for a sloped roof it could be 32 ft., and for a flat roof, it could be 27 ft. if you are using the alternate standards available. The Commissioner then stated that if the HOA CC&Rs say 19 ft. and this is 24 ft., that is a significant difference isn't it? Warren stated that would be 5 ft. in difference.

Commissioner Brandt pointed out that it is not in Mystic Hills, so it is not part of their review. Commissioner Klein stated that some of the houses are right on West Mountain, and Commissioner Brandt agreed but pointed out that the lot is not. Commissioner Klein indicated that he is just trying to point out that this height may be significantly higher than the houses in Mystic Hills, and Commissioner Brandt stated that you could build to 27 ft. under the code for the City of Sedona.

Commissioner Klein referenced staff's report and indicated that it says that given time, the installed landscaping will mature and obscure the structures atop the tank. He then asked how long of a time period staff is talking about. Warren explained that would depend largely on the amount of water and growing time for some of the plant species, but it could take 10, 15 or 20 years for some of those plants to reach the heights necessary to do some real screening.

Commissioner Klein asked if it would be accurate to say that the building on top of this tank looks more like an industrial building than a house, and Warren said he would not agree with that. He would say it is a residentially-scaled structure based upon how we review houses in terms of heights, setbacks, articulations and massing. The Commissioner then asked if when you look at these buildings, they are going to look more like a house or an industrial building, and Warren stated he would have no comment on that.

Commissioner Klein asked, if we are going to vote on this tonight, wouldn't it be fair to assume that we don't know if they are going to be able to work out a deal with ADOT; therefore, we should assume that the route for the construction trucks will be going through those four streets. Warren stated that if the ADOT solution doesn't work out, they would use their legal access back to SR 179. The Commissioner then stated that as of tonight that is what they are going to be using, right? Warren stated that is all we are assured of tonight unless he hears something different in their presentation.

Commissioner Klein referenced a letter that said in 2010, the City Council recommended no action be taken and requested further justification for the project, and he asked what that was referring to. Warren stated in general terms yes, but he would refer to the AZ Water Company for specifics. There have been multiple attempts to site a water tank along the SR 179 corridor to service the area, so that was in response to some of the previous applications. The Commissioner then asked why the previous application went before the City Council and tonight it is coming before P&Z as part of a Conditional Use Permit. Warren explained it was a different site; this is a new site that only came into play in January of 2017 after it was purchased in 2012. This site was not contemplated in 2010.

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Commissioner Klein then referenced other tanks shown around the city and asked if those were put in pursuant to City Council action or a Conditional Use Permit. Warren stated that the more recent ones have followed the Conditional Use Permit process; some of the older ones were when we were in the county, so he doesn't know what process they went through.

Vice Chair Levin indicated that she wanted to better understand how this new water source would address water supply for that geographical area – the number of customers that it would serve, its potential effect on homeowners' insurance rates with the better availability, ease of service and fire protection, so with respect to water availability and fire safety, she would like to understand the service area, what is served now and if it is the opinion of the applicant that it is underserved, and therefore, there is a public good that would be maximized by the installation. Warren indicated he would let the applicant address all of those, so we can wait until their presentation and if any aren't answered, we can address those.

Commissioner Mayer indicated that he looked at the poles from Mallard, and they were fairly high and the picture taken by the City seemed to be taken down from the highway, so they don't appear as high. When he saw the poles, he was really surprised how high the whole thing is going to be. That is a comment in regard to Commissioner Klein's comment, which he agrees with.

Commissioner Mayer stated that he has a major question for the applicant, but on the impact of the construction, it says we have one or two trucks per hour – so that would be about 16 trucks per day and the duration of the construction is estimated at four months, so that means (audio of number is unclear) trucks going in and out, and that is a lot. That impact on the residents and the neighborhood is tremendous, so he wants to hear something from the applicant on what they are going to do about that.

Commissioner Mayer then asked if during the week the construction is Monday – Saturday. Warren stated that he doesn't know their plan, so they can speak to their construction schedule. The Commissioner indicated that is what it says; it is like six days a week just like the regular construction duration during the week and it starts at 6:00 a.m.; however, Warren stated that he thinks it is a little later than that, and the Chair asked what the question is. Commissioner Mayer stated how long are they going to be suffering from the truck traffic? Also, he has a question for the applicant but is done asking staff.

Commissioner Braam indicated that the applicant would be better to answer most of his questions.

Applicant John Snickers, Division Manager for the Verde Valley Division: Mr. Snickers introduced John Matta with Water Works Engineering; Fred Schneider, Vice President of Engineering with Arizona Water Company; Richard Hacker, Project Manager; Makenzie Beltran, Staff Engineer for Water Works Engineering, and Rick Ruiz, Consultant for Arizona Water Company who will be available to answer questions.

Chair Losoff asked who is responsible for bringing the Fire Marshal? [The Fire Marshal was in the audience.] Mr. Snickers stated that he didn't know.

Mr. Snickers indicated that the proposal is for 1.5 million gallons of storage in an underground storage tank with a structure on top for operating equipment. He noticed in the depiction on the top left that it appears to take a bigger space than the actual structure is going to take. He then showed a map of the Sedona area and pointed out the blue squares depicting the existing wells in Sedona, including one that pumps 65 gallons a minute and only serves the top of Sky Mountain in a small storage tank. The green circles show the current storage facilities for available storage in Sedona. The current volume is about 3.2 million gallons depending on how much water is in the tank. The red line is a critical bottleneck in the system and he will discuss that in a minute

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when he talks about where the water flows. The blue line is the relative path of Oak Creek which is also a critical spot.

Mr. Snickers indicated that most of the storage is on the west side of town and in the Uptown area. The area in question along SR 179 gets all of its storage from those tanks. The water has to travel quite a way to get across the Creek to get to the SR 179 corridor.

Mr. Snickers stated that as a quick example of something that happened about six weeks ago that lays out how fragile it is during this time of year, it hadn't started raining yet and it was hot and everybody was cranking up their air conditioners, when the motor on the Rainbow Well failed. It only pumps a couple hundred gallons a minute, so they weren't too alarmed; they have ways to move the water around to take care of something like that, but the next day a switch failed on another well, so they then had three wells at the hottest time of the year supplying water to the west side of Sedona, and that is where Rolling Hills comes in. They have the ability to move water from Uptown with booster pumps into the west part of Sedona. They did that, and everything was working fine; they were regaining there, but the tanks had been low, and in the middle of the night they got an alarm from the one-million-gallon storage tank that it was only half full. During that time of the year, that is not a good scenario with all the people and tourists in town; it just won't cut it. He then pointed out a well that failed because of an electrical component, so everything was low and the only thing feeding the storage in those tanks were two wells on the SR 179 corridor, which affects a lot of people below that. Quite arguably the largest, most expensive homes in Sedona are in the area of Back O' Beyond and there are a lot of homes condensed in the area of the Chapel.

Mr. Snickers explained that when something like that happens and there is a fire or if they have a main break or another equipment failure, they come very close to running out of water in that part of town. From one elevation to another, the water drops down to the Creek and climbs back up again, so it is like a big dish. Everything settles down in that dish and everybody at the top is going to feel it. He put a booster pump on there, because there is a 7.5 hp. booster pump, which isn't very big, at the bottom of Chapel Road that pumps against a closed system and supplies water to most of the Chapel area and upper Chapel area.

Mr. Snickers stated that when those tanks went low and the well started pushing that way, they lost the suction pressure to that pump and had low pressure in that area with no fire flow. In times like that, 3,000 gallons a minute for two hours is unheard of, so you can see the need for the storage. He showed the proposed site and stated that it needs to be in that general area of the water system.

Mr. Snickers explained that they need the water storage on the east side, because there is no water storage south of SR 89A along the SR 179 corridor. The 100,000-gallon tank on Sky Mountain is at an elevation that even if they opened it up to the system, it would drain immediately and not give any relief. There is a single water main along SR 179 that is the only source of supply from the "Y" all the way to the end of the road at the dead-end. If something were to go wrong at the Creek, the wells on that side of the Creek don't do any good, because they have nowhere to pump to; there is no storage, so they have to shut those wells off or blow-up pipes – essentially that end of the system can go dead pretty easily.

Mr. Snickers stated that he has been with the water company over 30 years, all in Sedona, and there have been a number of times that they have been really close to having a lot of people out of water. Fortunately, the gods smiled upon them.

Mr. Snickers referenced the population and stated that they have approximately 2,000 service connections in the area from where the main line crosses Oak Creek all the way to the end of Back O' Beyond, so that calculates to something over 6,000 people. A break in the water main would undoubtedly leave the area without water not to mention fire flow. A lot of this whole area is rock, but there is a lot of brush, especially toward the back side of Chapel with a lot of cedar

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trees, and it does affect the fire flow. The Fire District is looking for 3,000 gallons per minute for two hours, and even in the best-case scenario right now, they are not going to get that. When they go to flow fire hydrants on a regular maintenance program, and they are in communication with the new Fire Station 6 out there, they actually notify customers at the top of Rufous Lane in the Chapel area that they will be flowing fire hydrants, so they are going to experience low pressure. They also have to make adjustments to the well with the arsenic treatment facility, and the nature of the beast there is that when there is differential pressure downstream of the plant from where the well comes, it affects that well and it shuts off, so it is not detrimental to the plant.

Mr. Snickers explained that if you open a fire hydrant out here and the Fire District is using a lot of water, that well automatically goes out of service and you lose almost 400 gallons per minute. Then you have 550 gallons per minute that tries hard to keep up, but it is nowhere near 3,000 gallons per minute, so the rest of the water has to come from the other side of town, and it doesn't get there very fast. He is not sure that you could get 3,000 gallons per minute anywhere out there.

Mr. Snickers added that to provide an adequate margin of safety, the proposal is for at least a 1.5-million-gallon water storage tank, and as a little about the history, there had been a search for this tank before 2003, but it never got to the City of Sedona or the public, although they have always been trying to find a way to supply that end of town. In 2003, Arizona Water proposed to build an above-ground storage tank, which is preferred, elevated is preferred -- you pump into it, it drains back and that is how all of the other tanks in Sedona are. The proposed area was in the Broken Arrow area, because that is the best place for them to have storage, not all the way at the end necessarily, but somewhere in-between, so they can provide water in both directions. They began the permitting process with the U.S. Forest Service. In 2008, there was a lot of opposition from just about everybody -- Pink Jeep Tours, environmental organizations, Forest Service and residents because of viewsheds, scarring of the landscape, putting something on the Forest Service isn't what Sedona is about, so at the request of the Forest Service, Arizona Water expanded; they wanted to know where else the tank could be located, so the hunt was on. In 2010, they narrowed it to three sites -- Little Horse, Broken Arrow and Chapel. He then pointed out the three locations and indicated that again with significant public opposition to those three sites and the recommendation from the U.S. Forest Service, Arizona Water Company withdrew their application.

Mr. Snickers stated that the Arizona Water Company then pursued alternative sites that would allow for buried water storage, and by now, it is pretty evident that they can't build something that sticks up out of the ground, because people don't want to see that, even though they have a number of those around town that are visible, but colored. They built the Shadow Rock tank in that subdivision and camouflaged it -- it looked like it was bought from Cabela's.

Mr. Snickers explained that this tank would be a buried water storage tank and a pump into the water storage system with a booster pump station. The lower elevation and buried storage tank loses the ability to gravity feed, so they need to move the water out of that tank. In the scenario six weeks ago, it would have been comforting to know he had 1.5 million gallons sitting in a tank ready to pump that hadn't already drained into the system to use for supply.

Mr. Snickers stated that in 2012, Arizona Water Company searched several locations for private land to purchase, and locations had restrictions with homeowner associations that were not viable for water storage tank construction, so they paid attention to that. All of those locations required a City of Sedona use permit. The current site was viable and had no HOA restrictions. It was mostly below the level of SR 179 and that might be why a lot of the photos have been taken from that angle. The viewsheds coming into Sedona have always been critical to people coming and going in terms of if they are going to see it and what it will look like, so it would become virtually invisible from the highway.

Mr. Snickers stated that their proposal for a 1.5-million-gallon underground tank with a structure on top for the operating equipment located at SR 179 and Mallard Drive is on private property

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and covers two residential lots on 1.05 acres. It is adjacent to an existing water main sizable enough to move the water back and forth in either direction and the site is naturally below grade and would be easy to hide the structure.

Mr. Snickers indicated that they coordinated four meetings with the surrounding community and three of those meetings were coordinated with the public, and one was to discuss the drainage at the request of the public after the first two meetings. Another meeting was specifically with the Mystic Hills homeowners' association board. Those meetings were held on March 15, 2017, October 4, 2017, January 10, 2018 and February 21, 2018. At one meeting, there was a question about use of the Forest Service again, and so Arizona Water Company once again reached out to approach the Forest Service to construct on Forest Service land. They met with the Forest Service, and they were pretty direct in their answer, and from their brochure, it says, "Alternative, you must first consider using non-federal land. Lower costs or fewer restrictions are not adequate reasons for use of National Forest Service lands. Provide alternative locations for proposal in your applications." In their documentation, there is a line that says the same thing – "Do not authorize the use of National Forest System lands solely because it affords the applicant a lower cost or less restrictive location." So, that means no.

Mr. Snickers stated that regarding tank design volume calculation, the maximum daily demand is 880,600 gallons per day plus fire flow of 3,000 gallons per minute for three hours. The dimensions are 22 ft. with a diameter of 113 ft. and a tank roof surface of 10,029 ft.

Mr. Snickers indicated that he also wanted to add something about the daily consumption. He keeps a weekly record of the daily consumption of Sedona, and there is roughly 3.2 million gallons of available storage in Sedona, and for last week, the daily consumption was 3.4 million gallons a day. It is pumping over 200,000 gallons more than there is in storage, which does not allow for much time with some kind of failure.

John Matta with Water Works Engineering: Mr. Matta stated that regarding construction, it is a big excavation and the reason is because they want to hide the tank. They have 16,000 cu. yd. of material to move in 1,500 truck round trips. Heavy traffic will happen during the excavation which is estimated to be three to four months, and then after that, there will be a lot less traffic with maybe one or two trucks a day, unless they are doing some concrete pours, so the heavier traffic will be for three to four months during the excavation.

Mr. Matta indicated that they are working with ADOT and have a letter that is very favorable to having the alternative route. They can't say better at this point; the letter was very promising and there were no restrictions other than following the procedures to get that permit.

Mr. Matta stated that there is nothing special about the construction; they are using standard equipment allowed by ADOT. Standard trucks will be used plus standard concrete trucks and some pick-up trucks used by construction crews. They looked at various options to reduce the nuisance and impact during construction. They looked at mechanical excavation versus blasting, and they were not considering cost. They were just looking for the easiest way to reduce the impact to the neighbors. The blasting method they are recommending is something they are not committed to; they will do whatever works with the neighbors, but this is just an example of if they use blasting, it would have minimal impact on the neighbors.

Warren then showed a video of blasting, and Mr. Snickers indicated that those are blast blankets on top of that in case you were wondering what was over the site. Mr. Matta stated that those are examples of what could be used on the construction site to reduce the sound and impact on the surrounding neighbors. They have used those on previous projects within residential neighborhoods. They have looked at various options for excavation and reducing the project schedule, and from the contractors they have talked to, blasting is the best and recommended option, but they are willing to work with the neighbors to find whatever suits them.

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Mr. Matta stated that as far as storm water runoff, they agree that the area has flooding issues, and he wishes their project could solve that issue, but they are one acre in a 180-acre watershed, so the drainage is roughly from the area on the other side of SR 179 where there is a huge mountain that drains into the wash, and with only one acre, the number estimated by ADOT there is about 203 cu. ft. per sec. that comes through that culvert, outside generating about 1 cu. ft. per sec., so even if they eliminate everything that comes off their site, it won't make a difference, but even with that, they are committed to reduce the drainage from their site. They are not required to provide retention per city code, although they are doing it to help mitigate this issue, but he is telling you now that it is not going to solve the problem, but it might have a minimal impact or benefit to it.

Mr. Matta then showed the area drainage and indicated that there are culverts and at least one has 240 cu. ft. per sec. plus two others have 54 in. pipes that have 68 cu. ft. per sec., and their site is under 2 cu. ft. per sec. They are building a tank and putting the building that looks like residential above the tank to address some of the aesthetic concerns. Their architect did a study of the buildings and homes in the area and developed the architectural concept from the fire station in the neighborhood and some of the residential properties, but if anybody has any concern with the proposed architecture, they are willing to work with it. They are not committed to the architectural concept; they are just trying to get it to look like a residential property in the residential neighborhood.

John Snickers indicated that some questions have come up and he has heard concerns about operations; things they do day to day and regarding perimeter fencing. There will be no perimeter fencing around the site. There is no danger of anybody getting inside the tank; it is made out of solid concrete, and the building on top would be locked just like any other home. Regarding noise, noise has always been an issue in Sedona. He has facilities all over town and there are booster stations all over town and none are enclosed in a building like this, and they have gone so far as to put up structures with sound-dampening materials inside them that keep the complaints down, and they are sensitive to that. It says in the study that it is going to be 30 to 35 decibels at the edge of the property, so you are not going to hear what those pumps do unless you are standing right outside the door. Lighting will only be on when there is somebody there in the dark; there is no reason to light it up or have porch lights, runway lights, etc. If the serviceman needs to be there during the night, they will be there with a flashlight and turn the lights on, do what they have to do and leave.

Mr. Snickers stated that he also heard routine visits once a week, but they are passionate about what they do, and they have regular maintenance. They visit all sites three times a week; there are reasons to visit those to read meters, take pressures and monitor mechanical equipment, because if you just leave it, something is going to break and the longer it goes, the bigger problem it can be, so it would be three times a week. Their hours of operation are Monday – Friday from 8:00 a.m. to 5:00 p.m. If they have to go in there on a weekend or at night, it is because they are there for a reason and a typical visit probably would be less than 30 minutes, unless they are doing something else on the site.

Mr. Snickers then showed a picture of their generator and explained that they had a fire in Overgaard on one of their other systems, and they called about 4:00 p.m. The generator was onsite in Overgaard hooking it up to a well by 10:30 p.m.; it is kept in Rimrock about one-half hour away. Just because generators are needed, it doesn't mean that if the pumps and power go out we are going to need those generators right now. The case is that they will lose fire flow and that added ability to move water around for a period of time, but you are never going to lose the ability to gravity feed like we do now, so it would be a pretty big catastrophe for them to be scrambling for generators that fast, and they are probably going to have a lot more concerns, but they can have them set up within two to four hours. This system will have a quick connect, so they just plug it in; they don't have to bring in an electrician to do any wiring.

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Mr. Snickers stated that regarding chemicals, all well sites have chlorine. It is really the only chemical that they deal with; it is 12.5% sodium hypochlorite (bleach) used for disinfection, and it is commonly used in the water industry and put into our system in low doses. When you pump water into a storage tank, it has a tendency to have to sit there, so you need to polish up your chlorine residual a little and all wells use it, so on that site, it would be typical to have a 30-gallon can full of bleach with a little pump on top that distributes the chlorine into the system, and that would be one reason the guys would need to spend a little more time in order to transfer that into another container.

Chair Losoff opened the public comment period at this time and asked the people being represented by Mr. Cunningham if they are not going to be speaking, so we don't duplicate; he then stated that he will give Mr. Cunningham not to exceed 10 minutes. There was also a request from a gentleman to double his time on behalf of his wife who is not here, but we cannot allow that.

Whitney Cunningham, Attorney with Aspey, Watkins and Diesel in Sedona, AZ: Mr. Cunningham thanked the Commissioners for their volunteer service and indicated that he is speaking on behalf of Jennifer Shaw, Fern Kane, Desiree Brackin and Kim Francisco, so none of those individuals will be speaking. Although he believes that some of the points he will be making are shared by a number of folks in the room, he is also sure you are going to hear points from them that he is not going to make; he is not going to try to cover the waterfront. He would just like to cover a few discreet points. There is deep concern within the community. Everyone understands that we need water and that the Arizona Water Company is trying to position itself to serve the growing needs in the community, but that doesn't mean that any installation at any site is the right decision, and that is why a Commission like this one is so important and why he wants to talk about context.

You heard a little about the past history of the concerns in trying to place a water tank on Forest Service property, and those prior efforts were gravity-fed tanks that were going to be extremely visible at different points within the community, but AWC has come around to understanding that a below-grade facility will serve its purposes and that opens a lot of possibilities not just on private property, but also on Forest Service property. One point you should understand that comes directly from the Forest Service District Ranger, Nicole Branton, when she wrote on April 17 of this year that the Forest Service policies are to offer as a use National Forest only if it cannot reasonably be accommodated off National Forest lands, and that creates an interesting situation for you, because the National Forest Service lands are perhaps unavailable to the Arizona Water Company for its new facility until you say no to this proposed project, at which point those lands can be considered, and they were considered in 2010. The Forest Service acknowledges that it has done this in the past, although that particular project didn't come to fruition, and it will do so in the future once this Commission says no to the idea of putting an industrial-sized 1.5-million-gallon tank in the middle of two residential subdivisions in this town; that is the context. The Arizona Water Company doesn't have the right to place this water facility on this property, but it has to right to ask your permission, and then you are either going to grant or withhold your permission depending on whether you choose to make a number of specific findings, and he believes there are a couple of findings that you should in your discretion choose not to make this evening. This industrial-sized installation is proposed in the midst of a low-density residential area only because lot combinations not contemplated by the Sedona City Code have allowed this property in its current configuration to come into place.

It is interesting to point out when you look at the conditional use exceptions in this RS-18b residential area, it says that with a Conditional Use Permit you can place a water tank greater than 650 ft., and that is such a comical number, but it gives you a little bit of the idea of the context we are dealing with. When the code talks about electrical substations or 650-gallon water tanks and you compare that to 1.5-million-gallon water tanks, this is where a Commission with common sense would have the opportunity to step-in. Staff is evaluating arguably a permissible use granted on condition, but it doesn't make common sense when you consider the scale of the

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project in its proposed location. For that reason, the Commission should decline to find that the proposed location of the conditional use is in accordance with the objectives of the code and the purpose of the Zoning District in which it is to be located. This project is over 10,000 sq. ft. in footprint on this lot, and the only way you get to a 10,000 sq. ft. footprint on a lot like this is by taking four residential lots and combining them, and that is what happened. You saw that in the earlier presentation, and about September of 2012, the then owner filed a lot combination in Coconino County, and it was attached to the letter provided to you, taking four lots and combining them into one, and a couple of months later, in December of that year, sold the property to the Arizona Water Company.

Would it make sense to endlessly combine residential lots and just grow the size, and then come in and build a utility – electrical, water, gas, etc., because you have the property, and is that really what the zoning code contemplated for this area. He submits to you that it is too large a project for the location in which it is being proposed.

That is the first finding that you should decline to make. This project does not fit within the character or context of the zoning code. Secondly, the project will increase flooding risks across a residential area where the city bears some contractual risks. He submits that the Commission should decline that the granting of the Conditional Use Permit will not be materially detrimental to public health, safety or welfare, particularly as it concerns any hazard to persons and property from possible explosion, contamination and fire or flood.

You heard that AWC, through a retention pond and a manhole, is in a position to represent to you that water discharged off of the property will be 20% less post-construction than now. That may be a true statement but look at where they are pulling the water. They are pulling the water from the southwest corner of the property, furthest away from where the 100-year floodplain is. In your materials, he showed you a picture of the city's water drainage easement across the properties located on Mallard Drive in the Mystic Hills subdivision; that is in the northeast corner of the project where the water comes rushing under SR 179, and then along these properties and toward the city's lift station. Now, that water comes across SR.179, across a dirt road where it is then diffused on this undeveloped property, notwithstanding the capture of water on the far side of the proposed project where the water rushes across SR 179, it is now going to be met by concrete and retaining walls that will focus and accelerate the water into the drainage, into the Mallard Dr. properties, onto Mallard Dr., the Mallard Dr. drainage facility, then right to the city's lift station.

He didn't submit an appeal brief, because he just wanted to make a few points. His letter is only five pages, and even then, it is mostly pictures, but two of the most important pictures are on page 5, and that is of the Brackin's property at 95 W. Mallard Dr. You see that in current conditions, the drainage facility is overrun, and these properties are subject to flooding today. When this AWC facility is constructed it is going to divert more water at a higher velocity in this direction.

An additional problem for the city is that the city entered into a drainage easement with Mystic Hills to allow for the safe drainage of storm water. Mystic Hills built to the city's specifications and if the city now alters the conditions to allow more water or simply creates a condition that makes the drainage facility unstable, it is not just a problem for the folks that live on Mallard Dr., it is going to be a problem for all of the citizens of the City of Sedona. It is a situation that doesn't work, but enlightened leadership means if you simply say no; yes, we need a water tank, but we don't need it here. If you say no tonight, it opens the possibility for the site just a short distance away, between this area and Poco Diablo, where you could build an above ground tank, and he heard the gentleman from AWC say that is preferred. It has access to SR 179, there are no houses, there is no increased flooding, there is no city lift station in the way, but it does require your leadership.

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John O'Brien, Sedona, AZ: Mr. O'Brien stated that he owns a home on Bell Rock Trail and after listening to the attorney, his concern is simple compared to his. He is of the assumption that it will be approved, and if it is, who is going to maintain that road while they are building it. The Bell Rock Trail is a marginal street to begin with and someone commented that it is a private road, but he wasn't aware of that and they have owned the property for over eight years. If the truck traffic is on that, and he used to be a Mack truck dealer and they aren't easy on roads, so he wants to know if the city will invest in or take pictures of the road prior to construction and then restore it after the construction. Who is going to be responsible? The other thing is the noise from the pumping station, which they claimed would be 30 decibels; that may be correct and hopefully it is, but after listening to the attorney, he hopes the city turns it down altogether and goes for Forest property.

Dr. David Francisco, Member of the Mystic Hills HOA Board representing many of the community members: Dr. Francisco stated that there are many individuals speaking tonight who will address other problems. He has been asked to bring about the concerns from the community members with the misleading, deceptive and inconsistent information that was provided by AWC. The first point regards the artist's rendering of the proposed project. As you look at that, they feel it was designed to create a feeling that this was not going to be obtrusive to their community. This depiction does not adequately demonstrate the height of the industrial water plant or its appearance. He is very glad that the members of the Commission have had an opportunity to see the poles raised on the site. If you compare the height of the poles to the adjoining trees and look at that with the artist's depiction, you will see that is an erroneous depiction they feel was generated to reduce complaints from the community. The company refers to this industrial project as the "East Sedona Water Tank Pumping Station and related Appurtenances", because it does not want to front the fact that is it more than just a water tank and pumping station. Water tanks and pumping stations will qualify for Conditional Use Permits, but they want to minimize the references to chemical storage and electrical supply facilities. It is their understanding that storage facilities, pumping houses, electrical supply plants or offices are not permissible in a residential area for a Conditional Use Permit. He references 605 RS, "Public utility and public services stations, water tanks and pumping plants can be granted a 'CPU', but public utility offices or repair storage facilities are not subject to 'CPU'. They say that this would be compatible to two single residences being built on this area, but it is far greater than that. They themselves admit that there is 13,000 to 15,000 cu. ft. of rock to be removed. They say that is accurate. This is not compatible with two residential areas. They say there is no reason to expect that the project would have a negative effect on home values. This is not true; common sense would dictate that a prospective buyer would be inclined not to purchase land or a home next to an industrial water plant. That would mean that the seller would have to reduce the asking price, which will reduce all the other residential property values. *[His time expired.]* Dr. Francisco stated that he is sorry he cannot continue with his other objections.

Kevin Brackin – Sedona, AZ: Mr. Brackin stated that he and his wife oppose this project. Buying or building a home next to a water tank or any commercial development is an informed decision that a buyer would make. Unfortunately, that is not the case for them. They built their home in 2006, six years before Arizona Water Company acquired their property. Who would build a million-dollar plus home next to a proposed industrial water facility? That is exactly how this project should be characterized – industrial. The specs bear that out with 2,500 amps of electrical power, enough to power 10 homes, the use and storage of potentially hazardous chemicals, four 1,000 gallon a minute pumps, so large they need to be lifted through the ceiling, all enclosed in a building that from SR 179 may look like a residence, but not from many of the other elevations. Their current view of the property is that of mature piñon pines and junipers. After almost clearcutting the full acre, their view from the north and west will be that of an industrial-looking building with blank solid walls. The mere presence of this facility will have a direct negative impact on their property value and the values of the other adjoining property owners, as well as properties in the area when comps are considered. In their submittal, Arizona Water Company addresses property values in a single statement. "There is no evidence the property values will be affected by the presence of this underground reservoir." They do not cite any study or

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authoritative source to support their statement. He has consulted many local real estate experts and appraisers, and they all agree that their property values will suffer. Other points to consider are the fact that their home is within 90 ft. of the blasting for the excavation, the potential worsening of the flooding problem that already exists on W. Mallard and the noise from the facility if they don't achieve their abatement goal - these are all reasons that this project should not be built at this location, especially when a viable alternative location exists that would not disrupt any residence nor decrease anyone's property values. They urge the Commission to deny the Conditional Use Permit.

Patrick Dummigan, Sedona, AZ: Mr. Dummigan stated that what they are looking for is a solution; they are not into a win-lose thing here. He ditto's what the attorney said, if indeed you find a way to refuse Arizona Water Company, there is a solution and that is the Forest Service. They have been very open about this, and Arizona Water has experience with them where they had partial or virtual approval, but then it was stopped not by the Forest Service, but by other elements within the community. Let's look at Arizona Water and this prosperous 30 db's. Do you all hear? That is about right on, that is how quiet it is going to be at the industrial site. Don't you think that is baloney? He does. It is nonsense; let's look at how they have performed in their predictions. In March of 2017, it was under the ground, totally invisible. During that meeting it rose 2 ft. above the ground, because we wanted to be a little more specific. Now, it is 12 ft. above the ground; it is the resurrection of a water tank the likes of which he has never seen before. Please take the bull by the horns and refuse and solve for all of them this problem of where the site is located. We ask for your no vote.

Robert Tusso, Vice President of the Mystic Hills Homeowners' Association and Chairman of the Mystic Hills Design Review Committee, Sedona, AZ: Mr. Tusso stated that to address the one question the Commissioner had about Mystic Hills regulations on height, they normally follow the city code of 22 ft. and an additional 5 ft. for alternate design, but there are 41 lots out of 138 lots that are limited to 22 ft., so we do in some cases limit it to 22 ft. The Mystic Hills HOA Board is fully supportive of the efforts to oppose locating a commercial-sized water storage treatment plant in a residential neighborhood. Most of the points he was going to make have already been made, but he would urge that the Commission reject this request for a conditional use, so the alternate sites can be pursued.

Fred Shinn, Sedona, AZ: Mr. Shinn indicated that after Commissioner Klein asked the gentleman about the design and whether it looked like an industrial site or home, and he said home, he almost stopped listening. It began to question whether the facts and thoughts of a home that he originally heard was going to be the presence, and as you know from SR 179 and not from another home; he found it to be somewhat discouraging, but there is another alternative and that is what he can't understand, why we don't just pursue it? The other side of Mallard is a perfect site, and it has been discussed. He asks please think of yourself with that wonderful home that they described in your backyard, if you had the Brackin's home and looked at that every morning.

Nancy Campbell, Sedona, AZ: Ms. Campbell stated that she is speaking on behalf of both herself and her husband Bob Campbell. They live on Bell Rock Trail, and they are here to oppose the construction of a water tank and booster station structure that is proposed to be built on the residential lot behind their property. They have already submitted a group of photos, one taken from the deck off of their living room, and it represents what can be seen from their living room windows, along with another that was taken from the window in their master bedroom. These two photos show the poles that were recently erected on the site behind their property, and they clearly depict the close proximity the proposed structure will have to their home. A third photo of the site and story poles was taken from the position of SR 179 and W. Mallard. They then made copies of all three photos and inserted overlays to determine the actual size and scale of the structure and what it would look like with walls. As seen in the overlaid copies, the proposed structure is going to be an eyesore, no matter what is done to try to camouflage its appearance. It is also much larger than what has been represented in the conceptual design report, as can be

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seen in an additional photo. This kind of monstrosity in their backyard is going to have a grave impact on the value of their home, which will subsequently reduce the value of the rest of the homes in the area. Had they known about this project beforehand, they never you have bought their house. If this plan becomes a reality, they are going to want to move, but how are they going to sell their house with this massive obstruction right in their backyard. They wouldn't want to buy it, and they can't imagine that anyone else will want to buy it. That is only part of the problem. What about the other negative aspects that were brought up by so many other concerned residents - possible flooding, chemical runoff, noise. None of that is conducive to a peaceful residential lifestyle, and it is going to wreak havoc on the wellbeing of everyone who lives here as well as the wildlife that it will affect. Even though she and her husband agree that bringing water to this area will be serving the greater cause, they don't see why the residents who live here should have to suffer the consequences of installing what will likely turn out to be a massive industrial complex, especially if there is a viable alternative within a quarter-mile of this one that will not infringe upon any nearby homeowners. To them, utilizing this other site would be a much better solution and one that they are hoping you will consider. Please let this reasonable alternative be the choice you end up making for the greater good of everyone concerned.

Mark McGowan, Sedona, AZ: Mr. McGowan indicated he has been an attorney in Southern Arizona for the last 33 years. He owns the vacant lot next to the Brackins'. They were nice enough to allow him to visit their home, so he got a good look at what is going on. He is a distant viewer here, but this is a major investment for his family, and he is not representing anyone else except his family, and we are kind of upset. He never expected something like this to happen next to the lot he purchased for \$200,000 in 2006; it might be valued now at \$130,000 or \$140,000 best case scenario according realtors. If this tank goes in, this investment is going to be a nightmare. Who would buy his lot next door to this tank? If you go into the ground level and look up to where the tank is going in, looking up at it, not an eagle's eye view or parallel, but looking up at it from where the Brackin's house is or from where his lot is, it is a different picture. You've got something that is marring your view. This is one of the most beautiful communities in the country and that is why he invested here, but who is going to buy his lot if it is next door to this commercial water tank, and the side of the water tank that is going to be looked upon by whoever is going to buy his lot, this is just an investment for him and his family, but it definitely looks commercial from that angle. It doesn't look like another building or a residential structure; it looks like a water tank. There are flooding issues; one of the spigots, he has seen the plans, is direction flow and if there is an overflow, it is going to impede on his lot; there is going to be flow coming in on his lot, which is a real concern, because there is flooding there already. There is a potential noise problem that he is very worried about, and his family is very worried about the commercial traffic, and this is an issue looking at this as an attorney; it is a misplacement issue. You are putting this water tank, of course it is needed in this community; he surprised there are so many wells in this community. In Sierra Vista, they have water problems too, but he is amazed at the water problems here, like electrical components that aren't working, but this particular tank can be placed somewhere else. It doesn't have to be right next to his lot or the Brackin's lot or anyone else. He doesn't understand what the federal service people are doing, but he knows based on the law that if this tank can go nowhere in Sedona itself, the Forest Service has to look upon this very seriously and allow the water company to put the tank there; they have already looked at it before. There are so many reasons why he and his family are against this. He is honest with you; this is just an investment and they have no plan to put a house on this lot, but if this commercial tank goes in, this investment is gone.

Josh Townsend, Sedona, AZ: Mr. Townsend stated that he also owns property on Bell Rock Trail. If you notice on the plat maps, they are kind of landlocked. Their lot is in the back, and he was concerned about their access if this were to be pushed through. He spoke with Mr. Snickers and he said that they would allow the way the access still goes back in there for them to get in there, but then the reality is obviously they are directly to the west of the proposed area, and they like to look at Chapel Rock and that view would be nonexistent from what he saw today. This is the first time he has seen actual drawings. Again, like everybody else is saying, property values are going to be gone, the construction timeline - it is such a tight area, you get in there and you

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have trucks running in and out. He essentially won't have any access to their property as long as it takes to construct this, so that is all he has.

Mike King, Sedona, AZ: Mr. King stated that he lives on Ranch House Circle, and regarding the alternative site the Brackins are talking about, he is the closest house to it. The golf course at Poco Diablo is in-between that and his house, so it wouldn't really impact him at all, and that is where this should go. It is a travesty to put it where it is.

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

Chair Losoff asked staff about comments that the project does not fit the character of the Land Development Code, and Warren stated that based on staff's analysis and the criteria for both the Development Review and Conditional Use Permit, staff believes it is compatible based on the bulk, mass, articulation, heights and site coverage, and it is smaller than the two homes that would have been able to be built on the lots had they remained two lots.

The Chair then asked about the issue of flooding and safety, and Warren stated that John Matta explained it quite well. While there is a reduction on this site of 20%, during a peak flow and 100-year flood events, there is still drainage from 180 other acres that would be in play and cause the same condition, but this particular site would be in compliance in terms of not exacerbating the problem.

Chair Losoff recessed the meeting at 7:27 p.m. and reconvened the meeting at 7:35 p.m.

Commissioners' Questions:

Chair Losoff indicated that there were several comments about flooding, drainage, etc., and he asked Andy Dickey for his thoughts. Andy stated that staff reviewed the drainage analysis for this development and found that the offsite drainage, which passes through this proposed development site is not impacted by the development. The onsite drainage is reduced through the proposed retention facilities and the overall impact to the drainage for this area is not negative. They have mitigated any impacts that might be created by the increased impervious area and the development itself.

Chair Losoff asked what would give cause for some people to think it would be an impact, and Andy explained that there are existing issues in this drainage area, and any development adjacent to that drainage way could be alarming and concerning for some, but staff has reviewed the information and agrees with the findings.

Vice Chair Levin referenced the attorney speaking for some residents in the area and indicated that he said three things about this issue. It will increase flooding risks; he questions the placement of the retention basin and manhole, and water would run through the city's lift station. The Vice Chair then asked Andy if he would refute all of those. Andy stated that he does; the point of a retention basin versus a detention basin is that there is no outflow from that basin. Therefore, the placement of it is irrelevant. The impact to the downstream lift station is so far removed from this site, there would be zero impact to that lift station site.

Commissioner Klein stated that the point the attorney made was that this retention thing is going to be located in the southwest corner of this property, but the property slopes down to the north, so if you are just having the retention tank at the southwest corner, how is that going to totally alleviate the problem of water that is already further north? Andy explained that the drainage is directed into that basin. It is the quantity of captured flow, so there are two different retention basins on this site. The way they capture the flow and direct it to those basins is how they accommodate it. Where it is located is really not the issue; it is getting the water into those basins and that is the intent of the design. The Commissioner then stated that this project is going to have concrete and retaining walls, and with the concrete, the water is just going to runoff of it. Andy stated that is correct and that is the impervious area he talked about. The increase of the

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impervious area on this site is offset by the retention proposed by the developer. The Commissioner then asked if the retention at the southwest is not going to capture the water that is going to be on the cement. It is going to run to the north isn't it? Andy explained it is going to capture the volume that is directed into that basin as well as the other basin. There may be some water that bypasses those basins, but the amount of flow in the pre-development condition that runs off from the site is still allowed to run off from the site.

Commissioner Klein then referenced the construction phase and stated that before these retention tanks and the manhole are built, they are going to be clearing this area and that could lead to more water flowing down, so isn't there an increased risk of having increased water coming down before all of this is built. Andy stated that there is a possibility of that and we will have to assess that when we go through the permitting process, if we get to the point of actually developing permit documents. The Commissioner stated that during the construction phase, that is going to increase the potential for water flowing down to the north, right? Andy stated that it may, so staff may require that retention basins be built upfront. Chair Losoff asked if that would be true if houses were built on there, and Andy stated that it would.

Commissioner Kinsella referenced the manhole, and Andy stated that there are two retention basins on the site – one is an open basin and the other one is like a wet well structure or dry well. The Commissioner then asked what the capacity is in the dry well, and Andy stated that he couldn't cite that off the top of his head. Mr. Matta stated that they size them to have full retention capacity for the 100-year, two-hour storm event. The Commissioner then wanted to know the gallon figure, and Mr. Matta indicated he could look up the exact number. Commissioner Braam stated it is 1,000 cu ft. and Mr. Matta agreed.

Commissioner Kinsella asked about Warren using the word "released" in an off-peak time and asked for more of an explanation. Warren stated that it is the manhole where there are devices, and Mr. Matta explained that part of the site drains to the southwest and the rest of the site drains to the north. One basin captures the southwest and the manhole with the pumps will capture the drainage to the north. The manhole has two pumps in it, but after the storm has passed, then they can pump from the manhole into the wash.

Commissioner Braam indicated that if there is a concern about runoff from the site; this isn't a floodplain issue, it is a runoff from the site issue. The floodplain should not be affected, but runoff from the site, if you need to put in a 10 ft. diameter manhole versus 8 ft. or if you need to expand the detention area to the southwest, that is an easy thing to do; you don't have site restrictions. He looked at the report, prepared by the professional engineer and reviewed by the city, and he looked at the numbers and concurs with the numbers, but if there is an overriding concern about that, it seems that it is a pretty easy fix to expand things. He'd look for AZ Water to look at that and concur, but he doesn't think that is a deal breaker.

Chair Losoff asked Andy Dickey if he was comfortable with what the Commission is talking about and Andy indicated he was. There were comments about potential damage to the road coming in, and we certainly would cover that though conditions with any permitting staff might issue. We would have inspectors working for Public Works go out and video the road, so if there is damage to it, and staff felt it was beyond normal wear and tear and attributable to the contractor, they would be responsible for that. Commissioner Kinsella asked if that is a private road, and Andy indicated that a portion of it is private. Warren then pointed out the public and private portions of the road.

Commissioner Kinsella referenced the letter provided from ADOT and indicated that it enumerates six different requests in order for them to favorably consider, as long as you give them documentation for those six requests. She then asked the applicant if he anticipates any issues meeting those six requests or should we consider that you will be able to supply that information. Mr. Snickers explained those are pretty standard requests with ADOT permitting, and anything that we would apply for would require those same requests, so those are pretty

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standard. Vice Chair Levin noted that could be a Condition of Approval, and Commissioner Kinsella indicated that leads to where she is going, because she is figuring that you are going to get that access, and she wants to know what the impact of the construction vehicles on that area will be, what the restoration of that area will be and how the city makes sure that happens, because that is through private property with ADOT access, and do we have the right to make that a Condition of Approval? Andy indicated that would be a Condition of Approval, and we would work with ADOT closely to ensure that remediation work is performed.

Chair Losoff stated that for the sake of the public, there is a letter from ADOT that says they would favorably consider using access off of SR 179 for construction as opposed to coming through the properties, and in order to consider it, they would have these five or six conditions, so that is what we are referring to. In any case, the applicant is responsible for any damage to the public or private. Andy agreed and indicated that he has talked with ADOT about this potential access being approved, and one of the reasons why ADOT is supportive of this is that the remediation work that would occur at the outlet end of that drainage structure would be helpful to them. After recent storms, there has been damage to the outlet, etc., and they would look to have these guys improve that.

Chair Losoff asked if public utilities are entitled to a CUP, and Warren stated that pursuant to Section 605, which is the RS-18b, Single-Family Zoning District. Under subsection B. Uses Subject to Conditional Use Permits, it reads, "Public utility and public service substations, water tanks, pumping plants and similar installations 650 sq. ft. or greater, but not including public utility offices or repair or storage facilities" qualify for a CUP.

Commissioner Braam indicated that as a professional engineer and a citizen of Sedona, his biggest concern is the state of the water system in Sedona. As Arizona Water pointed out the deficiencies that occur and the catastrophic events that could occur, he is 100% in favor of additional storage. Granted we all have issues to discuss and deal with, with this site, but it is the right thing for all of the citizens of Sedona to have additional storage. He asked AWC if they anticipate the water tank being put in for emergency purposes or future growth, and Mr. Snickers stated both; it will be a standard operation, not just sitting there for emergency purposes; that is the purpose of the booster pumps.

Commissioner Braam then asked if there is a deficiency now in storage based on existing population, and Mr. Snickers stated yes, there is a deficiency. The Commissioner stated that what he has typically seen is three times the daily use per gallon and asked if Mr. Snickers knew where they are at. If you use one million gallons per day, you should have three million gallons of storage. Mr. Matta indicated that from the number that Mr. Snickers shared about the demand for this year, when he had to deliver 3.4 million gallons in a day and the storage was only 3.2, so ideally they would like the maximum daily demand to be covered in the water storage tanks, plus 20% to 25% buffer, plus the fire demand, so during that day when he was at 3.4 million gallons of demand, he did not have adequate storage to comply with that code. Commissioner Braam stated that is his concern.

Commissioner Braam indicated that talking about construction and, as Andy pointed out, there are mitigating things that can be done in terms of runoff from the site before the site is developed, whether it is temporary ponds, typical erosion control measures, everything will have to be done according to the SWPPP that would be prepared for the site. Additionally, extensive use of video tapes, whether it is for pre-construction conditions of the roadways or even homes in the area, if there are concerns with blasting or excavation of rock in the area, that will all be a prudent thing to do within the permitting process.

Commissioner Mayer indicated that a CUP is usually time-limited and this one seems to be unlimited. Warren stated that staff has not proposed a time period. In those other situations, it is usually less in nature in terms of its permanence; this one couldn't go away very easily. The Commissioner referred to the applicant and stated that it also says the lot coverage is about

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15,703 sq. ft., which is about 5,427 sq. ft. less than the maximum coverage, correct? Mr. Snickers and Warren replied yes. The Commissioner then indicated that his follow-up question is if we have 5,427 sq. ft. left, why the construction of that industrial-looking facility has to be up on top of the tank, if it is only 2,350 sq. ft. Why can't it be below on the same level as the tank? Mr. Matta indicated that they can make it lower, but their intention was to build a structure that looks like a residential property, and if they did not achieve that, they can fix it. The architectural concept can always be worked on. They have asked that question numerous times in their public meetings, whether they have any input or feedback on the architectural concept of the project, and they never received comments. They hired a residential property architect, and he did a survey of the area, and that is the concept he came up with. If you look at the structure, industrial facilities are usually square boxes; they build them too. If you look at their project, it has three separate areas for that super-structure; there is the pump room, the chemical room and electrical room, and they have different aspect ratios and they are not a straight wall, so they attempted to make it more appealing to the neighborhood. If they did not achieve that, they can always work on that. The Commissioner again stated that with 2,350 sq. ft. versus the available space of 5,427 sq. ft., he doesn't see a reason that it has to be on top of the tank.

Warren Campbell indicated that he wanted to add a thought to that question, because displacing the building from on top of the tank would mean it has to go adjacent to or near the tank, so that would decrease some of the setbacks that the applicant increased to keep a bigger buffer between it and the neighboring properties, so if it got moved, you. . . , the Commissioner interrupted to ask what is the lesser evil? Chair Losoff asked if the Commissioner had any more questions and Commissioner Mayer stated that is his question, if it cannot be on those 5,427 sq. ft. There is no reason it has to be on top; that might be a solution, he doesn't know.

Commissioner Brandt stated that it is a flat spot, so it is easiest to build if it is already flat, but 3,000 sq. ft. sounds like a big area. It's nice that it looks like a luxury home with no windows but is it possible to meet in the middle and have a smaller footprint with less height and still be on top of the tank where it is efficient to build, and you are not having to impact more ground? Could we review what is inside the building, because the CUP is for the facilities, not for storage or administration, etc., so could you speak to the use, size and need for the tall part of the structure?

Mr. Matta explained that they essentially made the pump room as small as they can. Normally, it is a surge tank; it is a steel tank and if you look at 99% of pump stations, this tank is usually located outdoors. They put it inside, so nobody can see it, so there is very little they could do in that room. The chemical room could be made a little smaller, but not much. The reason why they have an open space in the electrical room is that when they have to bring in a generator, it gives them room to put it indoors and close the door on it, so nobody can see it, and it mitigates the noise. If it is acceptable to have a temporary generator sitting outdoors during an emergency, they could make the electrical room smaller, so if that is your preference, they will go that route. They can reconsider height and see if they can make it lower. They went with 8 ft. lower than what is allowed by the city ordinance, but we can reconsider that and see if we can get it down by another foot or 18 inches, but he can't promise a lot more than that.

Chair Losoff indicated that he would like to see if the size can be reduced, and he would like to see a revised architectural design. He doesn't think it looks residential and if you can make it look more residential, it may help him made his decision. He is also concerned about landscape; we take a lot of the landscape and trees down and start from scratch, so it could take 15 to 20 years until they mature. It would be nice if you could put in mature landscaping at the beginning and not wait for it to grow, and maybe we make these conditions. Again, the size, architectural design and landscaping are his concerns.

Vice Chair Levin referred to AWC's presentation about some of the findings. We debunked one about flooding risks, but the other two are worth discussion and the Brackins and Campbells, and perhaps to a lesser degree the investor, really have some real issues with proximity and size. When the representative from the law firm, Mr. Cunningham, mentioned that it is too large for the

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location, that is exactly where we need to start. She liked the direction in which Commissioner Brandt was taking this discussion. It needs to be pancaked, you need to eliminate all space that can be eliminated, the footprint needs to be smaller, the square footage needs to be smaller, and it needs to resemble maybe a tiny home, but the impacts to the nearest neighbor is really a concern, and you can address that. You said more than once you wanted some direction on architectural detail, and the architect on this Commission has provided that, so that is where you need to go. Also, she wants to ask, even though you have provided information about storage versus daily consumption, is it possible that the tank size itself can be less than 1.5 million; therefore, its footprint and that which rests on top of it can be shrunk as well and still meet the water needs of the community and fire protection. Mr. Matta explained that the water tanks are sized based on maximum daily demand, plus fire flow demand which is set by the Fire District, and the operational contingency which is 10% to 20%, so can the tank be smaller? It maybe can be smaller by a 50,000 or 100,000-gallon tank and still function with a purpose, but it won't be noticeable if you make it any smaller. Can it be taken from 1.5 million to a 200,000-gallon tank, no, it will not serve the purpose if they do it that way. They are in the range they need to be to serve all of the goals.

Vice Chair Levin asked if, the Commission were to continue this hearing, you would be willing to come back with another design, and Mr. Matta indicated that for that building yes. The Vice Chair then asked if, with the specs on height and design, you would be willing to come back and redesign that. Mr. Matter indicated that he wanted to be clear that they have flexibility with the architectural and building height, but they don't have a lot of flexibility with the tank size. The Vice Chair acknowledged that she heard him.

The Vice Chair stated that everyone in the room, including those residents, agree that we do need extra storage in the community and it is the impacts on the neighbors that we need to address, so we are in agreement that this facility is needed, but we need to make it with the least impact as possible to the neighborhood.

Commissioner Klein asked, assuming this project is approved, what the hours and days of construction are going to be. Mr. Matta stated that they would comply with the city's work hours. He thinks it is 7:00 a.m. to 4:00 p.m.; however, Andy indicated he thinks it is 7:00 a.m. to 6:00 p.m. Monday – Friday and it is reduced on Saturdays like 8:00 a.m. to 4:00 p.m. Commissioner Braam stated it is 9:00 a.m. on Saturdays and Vice Chair Levin added that the summer hours are different too; however, Andy stated no.

Commissioner Klein referenced the blasting and asked how many blasts there would be per day. Mr. Matta indicated that he couldn't answer that, but he could get that answer. The Commissioner then wanted to know if we are talking about more or less than 20, and Mr. Matta indicated that his understanding from the consultant is that they probably have to do the blasting in two or three levels to go down 20 ft., and on each level, there would probably be about 10, but he would rather get you that information. Commissioner Klein wanted to know the time period that the blasting will encompass, and Mr. Matta stated that between the blasting and removal of the material, they are estimating three months. The Commissioner asked about just the blasting, and Mr. Matta stated that normally they would blast for a day then stop to remove the material, and then they would come back to do blasting maybe three days later. The Commissioner asked if this will go on for three or four months and Mr. Matta stated that the excavation will take that long. Commissioner Klein asked how loud the blasts will be and Mr. Matta stated that they have two demos, and it won't be louder than one of those latest machine guns; you won't even hear a bang, it will be like (Mr. Matta demonstrated a sound). The Commissioner wanted to know if the blasting is going to cause vibrations, and Mr. Matta stated that they have expert blasters that monitor vibrations on the site, and they will size the charge, so it will not have vibrations that would affect any surrounding properties, and they would be liable for any damage. Commissioner Klein then asked about the dust caused by the blasting, and Mr. Matta stated that they will have to comply with the dust control from the City and County.

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Commissioner Klein stated that the bedrock removal of about 15,000 - 16,000 cu. ft. is going to be one to two trucks hauling each hour. Mr. Matta stated that is their estimate at this point. The Commissioner then asked when you need cement trucks, how many there would be per day. Mr. Matta indicated that normally, they will pour maybe 50 to 100 cu. yds., so that is about 15 to 20 trucks for a large pour, and they would do that in a day. The Commissioner then asked how many days that will go on, and Mr. Matta stated that it is estimated to be about five months. The Commissioner then stated that for four or five months, there will be a considerable amount of trucks going in and out of this construction site; he then asked if that is a fair statement, and Mr. Matta stated that is a fair statement. The Commissioner then noted that the overall time period for construction is going to be 14 to 18 months, and Mr. Matta stated that is correct.

Commissioner Klein referenced their Citizen Participation Report and indicated that it states that the noise and truck traffic will be considerable, correct? Mr. Matta stated yes. The Commissioner noted that this property is surrounded by eight or so lots and houses, and then asked if someone wanted to sell one of those lots or houses during the 14 to 18-month construction period if they would be able to do so, and Mr. Matta stated that he didn't know. The Commissioner then referenced their paperwork that said there is going to be no diminution in value to the real estate in that area and asked what they base that on. Mr. Snickers stated that what the end result is going to be; it won't be something that you won't want to look at, but the design if we put our heads together on what is on top of the tank. The Commissioner then stated that there was a real estate agent from Russ Lyon who wrote a letter saying that he thinks this project will cause a diminution in value of surrounding properties, and he has already experienced that in some of properties he is dealing with. The Commissioner then asked if they disagreed with what he says, and Mr. Snickers stated that he didn't see that.

Commissioner Klein then referenced the gentleman who owns the lot and the Brackins' house next to where the buildings are going to be and asked if they don't think that once these are built, it is going to cut down the value of their property. Mr. Snickers stated that he doesn't know that.

Commissioner Klein asked if there is going to be any equipment on the roof of any of these buildings, and Mr. Matta stated no. The Commissioner then referenced their paperwork and stated that they classify the chemical room under F1 and asked if he is correct in stating that under Section 306.2 of the International Building Code that relates to a moderate hazard factory and industrial type of building. Mr. Matta stated that is the designation, yes. The Commissioner then asked staff if given that is the classification of the chemical building, which they refer to as a storage building, Section 604.02 of the Land Development Code says that you can't have a Conditional Use Permit for a storage facility, so does that building comply? Warren explained that the way that has been interpreted is the type of storage facility where you keep your trucks, utility poles, all the equipment to service it, but you wouldn't have a laydown yard or service yard for storage; it does mean what you need on the site and we have this occurring already. The Commissioner then stated that the storing of hazardous chemicals is okay under the Land Development Code, and Warren indicated yes, as long as it is associated with the use and it is mitigated.

Commissioner Kinsella asked what the decibel level of the blasting would be, and Mr. Matta stated that he doesn't have that answer, but it is less than a shotgun and they can rerun the video that they have on an active project. Commissioner Kinsella asked if there is a system in place or a requirement for a warning whistle to go off before a blast, and Mr. Matta stated yes, and they can have that available. Commissioner Kinsella then wanted to know if that is something in our requirements, and Andy stated that the blasting permit would go through the Fire District, and he would point out that when Park Place was built, they had a blasting permit and blasting occurred there, and a lot of the conditions they talked about were required on that site as well.

Commissioner Kinsella referenced the comments about the reduction in values and stated that there are water tanks in other areas. She then asked if they are aware of any reduction in values of home adjacent to other facilities. Mr. Matta stated not on any projects that they have done.

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Commissioner Braam asked if the material in their chemical storage room is sodium hypochlorite, and Mr. Matta stated that is correct. Commissioner Braam added that is the same as people use in swimming pools, and Mr. Matta stated yes sir.

Chair Losoff asked if the Fire Marshal wished to speak to the Commission and the Fire Marshal stated that they have his written commentary in the packet.

Summary Discussion:

Commissioner Kinsella indicated that it was a good point about putting additional conditions regarding mature landscaping and improvement of the residential design, and then asked how that would be judged. Is that something that goes to the staff level? Chair Losoff explained that staff would work with them and it would come back to the Commission as a Design Review, and we will have to see if we are comfortable with the revised design.

Commissioner Klein stated that the residents in Mystic Hills are strongly opposed to this project and one of their main points is, "Don't approve the Conditional Use Permit now, that way the water company can go to the Forest Service", because the Forest Service said in the paperwork that is being quoted, that they won't approve a project if it can be placed on private land, so if this is voted down and they go to the Forest Service and the Forest Service approves it, then it can be put on the area that is one-quarter mile away and that alleviates all of the concerns that the neighbors have about this project. If they go to the Forest Service and the Forest Service says no, they can come back and reapply for the Conditional Use Permit. Given how opposed all of the residents are, the prudent approach is to deny this and have them go to the Forest Service and see if the Forest Service will approve putting the tank on their land, and if so, everyone is happy. If not, they can come back. No one is disputing the need for the water; we realize that is necessary, but that is the most prudent approach.

Commissioner Klein stated that being a licensed real estate agent in Sedona and a real estate broker in California for 38 years, the building of this project will definitely reduce the value of the properties on W. Mallard and the surrounding properties in Yavapino Estates. What happens is the way people look at the value of property is they look at what it is selling for per sq. ft., so if this project is built and reduces the value of the surrounding properties. . . ., Chair Losoff interrupted to point out that we are looking at this as a Conditional Use Permit and the various criteria of a Conditional Use Permit, and that is not a criteria. He doesn't disagree, but we have to focus on the Conditional Use Permit.

Commissioner Klein then stated that his other point is that you can deny a CUP if there is going to be a nuisance resulting from noise, dust, vibration, and if it is not in the best interest of the public welfare, so this is submitted that this project is going to cause a lot of noise, dust and vibration, so again if you can put this on the Forest Service land, you are eliminating all of those concerns. Additionally, one of the most important things in Sedona is the views, that is why people come here, and with all due respect to the Arizona Water Company, their mock-up of what this is going to look like doesn't adequately show what is going to be visible. He has been out there several times and looked at those poles, and this thing is going to be a lot more visible than is depicted on their mock-up. Also, he was at the house at 55 Bell Rock, and if this is constructed as proposed, the people there who now have a great view to the north and somewhat to the east is going to be pretty much gone, because of the height of the poles, and people going down SR 179 are going to look at this stuff, and again, it has been brought up that maybe the look can be changed, but as proposed, it looks like an industrial building. It doesn't look like something that is going to fit in a residential neighborhood, so the best solution is to turn down the Conditional Use Permit now and see if they can put it on Forest Service land, and then proceed from there, whatever happens.

Chair Losoff stated that the problem is that it is a viable alternative, and the problem he sees is in the past, we have worked with the Forest Service and tried to put something up and the community rose up in arms, so you are damned if you do and damned if you don't. If you put it

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on the Forest Service, citizens don't like it. If you put it on this property, the citizens don't like it, so he agrees we need water, where the right places are is a decision we are going to have to make. He understands what you are saying, but when you were talking about the history with the Forest Service, it was turned down two or three times, so as an alternative to the Forest Service, this is being presented, and if we go back to the Forest Service, there could be more opposition, so it is kind of back and forth; it's a viable alternative.

Vice Chair Levin stated that she would like for the Commission to give the water company and the residents an opportunity to redesign what is on top of that tank, so they are actively involved via staff to see if you can come up with something that is less obtrusive, smaller, shorter and more residential in character before we decline to review this anymore and/or to disapprove it.

Chair Losoff stated that he agreed and would like to consider continuing this discussion for another date to see if we can redesign it -- size, architectural design, more landscaping, talk more about the blasting issues, and see if we can't make it more amenable to the neighboring citizens.

Vice Chair Levin asked the staff to amend its Conditions of Approval to reflect what we discussed. Chair Losoff indicated that he was also going to suggest as a Condition of Approval that we add the construction route. We have a letter from ADOT that says favorably, but he would like to see that approved before starting the project as a Condition of Approval, and mature landscaping would be important. Some of these things maybe we can work on when you come back, and we could have a more definitive response to it.

Commissioner Brandt commented that he is glad that this isn't a cell tower. He doesn't mean to make light of the situation; it is going to be an impact to the neighborhood, but he sees it as being an impact needed somewhere. Everybody agrees on that, but no one wants to put it in their backyard. He disagrees with you, Commissioner Klein, about it reducing the value. Maybe that would be true if it was an above-grade tank like we see everywhere else in town but being that it is below grade . . . [Commissioner Brandt was interrupted by members of the audience, and the Chair had to advise the audience if there were any more outbursts, he would have to ask everybody to leave.] Commissioner Brandt then stated that the attorney made really good points for the opposition -- just say no to this and it could go to the Forest Service, but we already know that the Forest Service has said no in the past, because everybody else in the city told them not to, but regardless, if you say no, it would still be arbitrary when we already have similarly sized tanks that are above grade elsewhere in many residential sites in the city, so saying we can't do this one, the Forest Service is going to say, you put them in other places, why can't you put one there? Personally, he would rather not see any more impacts from the City of Sedona onto the National Forest. They are going to happen, but we don't deliberately need to do them. We don't deliberately need to put our impacts from our infrastructure, structures, schools, etc., onto the National Forest, and he doesn't think he is the only person in town that feels that way. Saying no would be an arbitrary thing, and it is interesting that the major tank, the one-million-gallon tank in Jordan Park is on a building envelope that is probably less than one-quarter acre, right at the top and very visible in Jordan Park. The adjoining property that he knows of is probably a \$2 million house, and those people are probably saying, "What, you think our house is only worth \$2 million." He doesn't think that tank has anything to do with that house, causing it to be valued high or low; people understand the need for water. He was thinking during the last three hours wouldn't it be ironic if there is a fire in this neighborhood and that tank up there runs out. There have been a couple of little points made about making the retention ponds bigger, and that means they are going to take more trees out and to have a good balance to that we need more trees for screening. Making it more residential, if you could make it as small as it can possibly be that would be a step in the right direction.

Commissioner Brandt stated that the other thought about it reducing values of houses is that he would trade his neighbor's 4,500 sq. ft. house with this tank on an acre - his lights, cigar smoke, music coming out of the house. It is not as if this is going to be on forest; we're talking about that it is just in forest and nothing can be built there, and we are going to build this there. We are

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talking about where we can build a similar size house; actually, we could have built two, but now we are only going to build one, and it is the same size as a house, it is just blank with no lights, windows, you might hear the laptop singing when the pumps are on, but wow, he will trade for that. That sounds good to look over that, but yes, it is going to have height, but any building there is going to have height. It is not going to be restricted, unless you buy the property, and/or the subdivision buys the property. Otherwise, it is a developable piece of property. Residential – this building is residentially scaled on one acre, so if we can make the building on top of the underground tank as small as can be, he thinks it is in the right spot.

Commissioner Mayer asked Commissioner Brandt if he is saying that the property value goes up, and Commissioner Brandt stated that the impact is negligible, because you always have the opportunity to have a house, and it is not even in an HOA, so you could have a short-term rental next door where the lights are always on and the party is always going, because a short-term rental is coming. Chair Losoff interrupted to say a CUP is what we are talking about, and Commissioner Brandt added a 24 ft. high, out of an HOA house that could be rented short-term; it could be two of them there. Commissioner Mayer stated that he should be happy to have a water tank next to him, correct? Commissioner Brandt stated it is just kind of . . . , Chair Losoff advised the Commissioners to stay on topic.

Commissioner Mayer stated that he would have probably proceeded differently. Prior to closing on that property, he would have talked with the neighbors to see what they had to say about it before this would have come before the Commission to have to decide yes or no. What he hears from the neighbors impacted by that, he doesn't know if he would like to have that approved, but that is a matter of possibly leaving again and seeing if there is a possibility of compromise or the Forest Service, so he would suggest kind of go by now and see what the water company can come up with in regards of the comments we made and possibly talk to the Forest Service again.

Commissioner Braam asked how many CUPs have occurred in Sedona in the past 10 years greater than one acre. Warren stated that quite often they are for a type of business in a location, so on one acre, they are usually a business, so he would venture a guess that there have been very few. There are not very many one-acre sites that would need a Conditional Use Permit, but he could check. The Commissioner stated that he is trying to figure out if this has any more or less impact than a Marriott or other developments throughout the community that have occurred or are going to occur in the future. Warren clarified that you may have a larger property with a smaller element that has a Conditional Use Permit in it, so from that framework, there are probably more than he was thinking of, larger developments that had at least a small element. Chair Losoff noted that he doesn't know the numbers, but we have not considered size as a factor for CUPs. We've just looked at the projects as a whole.

Commissioner Braam asked if this project has been taken to the state for permitting approval yet through ADEQ, and Mr. Matta stated no, because the state won't review it without construction documents, but they are complying with all their requirements, so this is all in compliance. We won't be able to get approval if we don't have the chlorine system in there, for example. Commissioner Braam then asked if they don't have any reason to think they wouldn't approve it if you comply with their technical requirements. Mr. Matta stated no, they will approve it.

Chair Losoff indicated that if he heard your responses correctly, you are willing to look at the size, architectural design, landscaping, and ADOT's approval of the access off of SR 179. Warren explained that he doesn't know that ADOT will give final approval until there is a time set; this is about as good of a letter as we will get saying that if you meet these six conditions, which are fairly standard. So, he doesn't think we will get anything better, but we will look into it. On the landscaping, building design, reduction in size, he will work with the applicant on that.

Vice Chair Levin asked if the Commission chose to continue this, what amount of time would staff and the applicant need to come back, having worked with the community and staff to present

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another design. Warren stated that he doesn't know how we would be back before October 16th and it could get pushed from there.

Chair Losoff noted that we want it done right so if it comes back to the Commission, we are able to make a good decision. He then pointed out that he knows there is consternation and major concerns from the community at large, but the applicant has done a lot to try to comply with a lot of staff's request. Staff has worked with them a lot over the last year or so and you have done a lot to help conform to what we think we would like to see for the water tank; it is unusual to be underground. It would be nice if the whole thing was underground, but that is not going to happen.

The Chair stated that the Commission's decision can be to deny, approve or continue, and he heard some comments about continuing.

Motion: Vice Chair Levin moved to continue this public hearing to October 16 with the guidance to the applicant that we want to see a redesign in cooperation and consultation with staff and the affected property owners. Commissioner Brandt seconded the motion.

Commissioner Kinsella stated that one point is that they bring in some information about the blasting, because that wasn't adequately answered. Chair Losoff stated that the things he has on the list are size, architectural design, landscaping and blasting.

Commissioner Braam added drainage; however, the Chair stated that Andy covered it. Commissioner Braam asked if the residents are happy with that. It is a fairly small issue to reexamine it. Chair Losoff pointed out that at some point we have to accept our experts, and he told us what it was, but if we get a letter from Andy pointing out what he said tonight that is fine. Karen Osburn confirmed that the Chair just wants something in the packet from the City Engineer explaining what he explained.

Warren added that because of the blasting and sound, even if we were to get the video to work here, he is going to post those videos to the website, and each of you can view two videos.

Chair Losoff stated that depending on the revisions, we may want another site visit to get a feel for what the revision looks like. Vice Chair Levin agreed and noted that we might need a repositing of the poles.

Vote: Motion carried seven (7) for and zero (0) opposed.

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, September 4, 2018; 3:30 pm (Work Session)
- b. Tuesday, September 4, 2018; 5:30 pm (Public Hearing)
- c. Tuesday, September 18, 2018; 3:30 pm (Work Session)
- d. Tuesday, September 18, 2018; 5:30 pm (Public Hearing)

Warren stated that we have nothing scheduled for the September 4th work session, but for the public hearing on September 4th, we have a wireless facility tower at the Orchards. Currently, we have nothing scheduled for both the work session and the public hearing on September 18th. Commissioner Klein, Chair Losoff and Commissioner Brandt noted that they would not be available on September 18th.

7. 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).**

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

No Executive Session was held.

8. ADJOURNMENT

Chair Losoff called for adjournment at 8:40 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on August 21, 2018.

Donna A. S. Puckett, *Administrative Assistant*

Date

Attachment 3d:

October 16, 2018 Planning and Zoning
Commission Public Hearing Packet

Available online at:

<https://www.sedonaaz.gov/home/showpublisheddocument/35809/636746757148200000>

Additional Public Comments provided at this meeting:

<https://www.sedonaaz.gov/home/showpublisheddocument/35858/636752137464730000>

and

<https://www.sedonaaz.gov/home/showpublisheddocument/35994/636764848133370000>

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, October 16, 2018 - 5:30 p.m.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

Vice Chair Levin called the meeting to order at 5:30 p.m., led the Pledge of Allegiance and requested roll call.

Roll Call:

Planning & Zoning Commissioners Present: Vice Chair Kathy Levin and Commissioners George Braam, Eric Brandt, Kathy Kinsella and Gerhard Mayer. Chair Marty Losoff and Commissioner Larry Klein were excused.

Staff Present: Warren Campbell, James Crowley, Andy Dickey, Matt Kessler, Karen Osburn, Robert Pickels Jr. and Donna Puckett.

Councilor(s) Present: Mayor Sandy Moriarty and Councilor Scott Jablow

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

Commissioner Mayer stated that he had a power outage until 3:00 a.m. so he is a little tired.

3. APPROVAL OF THE FOLLOWING MINUTES:

- a. August 21, 2018 (WS)
- b. August 21, 2018 (R)
- c. September 4, 2018 (R)

Vice Chair Levin indicated she would entertain a motion to approve the minutes listed in 3a, b and c.

MOTION: Commissioner Kinsella so moved. Commissioner Braam seconded the motion.
VOTE: Motion carried five (5) for and zero (0) opposed. Chair Losoff and Commissioner Klein were excused.

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.)

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

5. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:

- a. Continuation of the August 21, 2018 Public Hearing discussion/possible action regarding a request to approve a Conditional Use Permit and Development Review application to allow for a new public utility and public service substation, water tank, and pumping plant for Arizona Water Company at 55 Bell Rock Trail (vacant lot). The property is zoned Single-Family Residential (RS-18b) and is located west of and adjacent to State Route 179 south of W. Mallard Drive. APN: 401-33-031 Applicant: Arizona Water Company Case Number: PZ17-00001 (CUP, DEV)

Presentation: Warren Campbell explained that this is a continuation of the August 21st public hearing, so we will not be covering all of the materials again. Materials from the August 21st meeting are a part of the record, including staff's analysis and proposal with regard to this

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proposal's compliance with the criteria and findings for a CUP and Development Review. The Commission was sent a number of emails on Monday and today, and he included paper copies of those at your desk in case you didn't receive those via the emails, in trying to give you advance opportunities to read those. What you have is nothing new; it is what you were sent via email.

Warren indicated that one of the documents the Commission received was a report from a third-party engineer, Christine Laguna a PE from Flagstaff. She comments on several concerns regarding the storm water runoff calculations and designs for the site. The applicant's and city's engineers are prepared to address those concerns, and some of those will be addressed in the presentation, so if something isn't addressed that you have a question on, please do not hesitate to ask.

Warren stated that regarding comment 19 in that report, Ms. Laguna identifies a zoning issue of site coverage, and he wanted to confirm that the proposal complies with our site coverage calculations. She alludes that with the structures and driveways, it would exceed 35% in our code, but we do not count driveways towards site coverage; it is structures on the site, so the site is currently at approximately 24% site coverage, below the 35% allowed.

Warren indicated that there was an additional document received that expressed a concern by a mechanical engineer, George Sedol, who was working for Mr. McGeary. There is a citation that there is a concern with the Sodium Hypochlorite and the determination of the building-type use that is being identified in the applicant's materials of an F1 building use type. Our Chief Building Official looked at the plans and the IBC for this type of use, and there is a memorandum included in the materials that was emailed to the Commission. Warren then read a few statements from that memo as follows: "Sodium Hypochlorite is classified by the Building Code and other regulatory agencies as a corrosive material that falls under the larger classification of hazardous materials; however, the use or storage of any hazardous material does not in and of itself create hazardous use group classification H. The code does establish the maximum allowable quantities to be stored before you are determined to be a use group H. Taking a conservative approach and assuming that the treatment facility proposal before us will engage in an open system of adding the Sodium Hypochlorite to the water supply, the IBC permits the storage and use of 100 gallons of such material per control area. The number of control areas being limited to four in a single building." Warren noted that it is important that a control area means it is a one-hour rated facility. It could be the size of a closet and you could have up to four of those in a building or structure, so ultimately, if the treatment facility was designed appropriately, they could have up to 400 gallons of Sodium Hypochlorite and be under the use group classification of F. Again, there is memo to that effect, and from what we know and understand of the proposal today, which is that they will be using a 55-gallon drum of Sodium Hypochlorite, he would imagine there would be one in reserve on the site as well, but it can be designed and fall under a use group F classification.

Warren indicated that moving into his planned presentation, this is a continuation of the public hearing and we will not be covering a lot of the information we have already covered. Tonight, you are seeing revisions to address the concerns raised at the August 21st hearing by the Commission. It is still a 1.5 million-gallon tank, mostly subterranean with the structures on top. They relocated the pump facility structure from the western edge of the tank to the eastern edge of the tank closer to SR 179. They reduced the square footage of the above grade structure by 817 sq. ft., and they broke the facility into two smaller structures and connected them with a trellis structure to give it a more residential appearance in scale and size, in trying to achieve a better fit for the neighborhood, as they had heard. They also developed a plan to harvest and save as many of the existing trees as possible. For any of the trees that don't survive that would be going back on the site, they would plant a minimum of 8 ft. tall trees, which is an increase from the previous submittal.

Warren then showed a map of the water facility that shows up as a white star, and Warren noted that if this is approved it will become part of the overall water distribution system that is identified

by the yellow stars on the map. He then showed a vicinity and aerial map of the site location and the surrounding area that showed the legal access to the site off of Cathedral Rock Trail to Bell Rock Trail. The applicant has had further conversations with ADOT and will again be showing preliminary plans to allow construction access only. Warren then pointed out where the access would temporarily come out to avoid going through the neighborhood.

Warren displayed the revised site plan and pointed out that before the building kind of curved with the curve of the tank and explained that they moved it away from the Campbell's home. He then noted that there are now two structures. One is the separate electrical room, and then the pump room with a trellis facility between them.

Regarding elevations, Warren showed the elevations that would be seen from Mallard Drive, the Campbell's residence, SR179 and the Brackin's residence plus other neighbors. The height is 24 ft., which requires the use of alternate standards, so they are using the darker browns. He also showed some color renderings of it to show how the facility had been broken up. The height differentiations are required by our massing requirements, and the height of it is still 24 ft. at one point, so that requires the use of alternate standards, and you will see that the paint colors are 22% Light Reflectance Value or less, so they only stuck with the two darker browns, and they went to a dark brown roof; before it was a grey color. They are reusing some of the rocks on the site and some are a type of bronze-brown as well. He has the actual material board and can pass it around if you would like to see a true representation of the colors.

Warren explained that since story poles were placed at the site, Monday's wind was quite heavy and you can see one pole kind of leaning, but you can see the pole tops that would be the electrical building. He was standing on Mallard Drive maybe 15 ft. down from the stop sign. You can also see the top of the poles for the pump building and the poles for the electrical building out front.

Warren stated that as outlined in the Staff Report of August 21st and October 16th, staff believes this application meets the required findings for a Conditional Use Permit and Development Review application. There are some outstanding review agency comments, but those would typically be addressed at later stages. Again, on August 21st, we discussed what some of the comments were from some of the review agencies, so we have made a recommendation for approval of the Conditional Use Permit with a suggested motion and a Development Review application with a suggested motion. He also can get additional information from other PowerPoints if needed, and we still want to include a condition that talks about getting the address fixed, which was discussed on the 21st, because when properties were combined, the addressing didn't follow suit, so there are a couple of properties with the address of 55 Bell Rock Trail.

Commission's Questions and Comments:

Vice Chair Levin asked for the color board to be passed to the Commissioners.

Commissioner Mayer stated that it would be nice to have a comparison of what it was before next to the new proposal, if we have those renderings. Warren responded that it will be in the next presentation.

Commissioner Braam stated that he looked at the story boards and drove to five of the other facilities in Sedona that were randomly picked close to his neighborhood, just to stop the car, get out and listen for sound. One location you could determine that there was some humming sound at the driveway; all other four locations were quiet, and he couldn't detect any sound. The one site that had a little bit of sound, he couldn't hear at 50 ft. away, so he feels positive about that and we will be using newer materials and capabilities here if this project moves forward.

Presentation: Applicant John Snickers, Division Manager of the Verde Valley Division of Arizona Water Company, introduced John Matta, Design Engineer with Waterworks Engineers; Fred

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Schneider with Arizona Water Co.; Richard Hacker with Arizona Water Co.; Rick Reese, consultant for Arizona Water Co.; Don Hansen with MGC Contractors and Makenzi Beltran with Waterworks Engineers.

Mr. Snickers stated that they are going to update a meeting they had with the Mystic Hills Homeowners Association, including the concept of a single tank versus a two-tank design, which has come up recently, and they decided to address that. Public comments were also received recently from the Brackins and their consulting engineer along the lines of what Warren mentioned, as well as a letter from Vincent McGeary addressing uses of the Sodium Hypochlorite and any concerns there might be. Then, they will get into the meat of the presentation, and the four action items put upon them from the Commission that were 1) To reduce the building size and height, 2) A revised landscaping plan that would be associated with the movement that will take place with the buildings, 3) Additional information on the excavation/blasting that will take place with some calculations and times, etc., and 4) The access road for the construction phase that will lead off of the corner of W. Mallard and SR 179.

Mr. Snickers indicated that on October 5th, he reached out to the President of the Mystic Hills Homeowners Association and they coordinated a meeting to share the design changes and concept, and it was an open-minded conversation, and they left knowing that there could still be things that could be adjusted. It is not that everything is set in concrete; they just want to share it and show it to them. One of the subjects was the conceptual redesign. They discussed materials, and you have the material board. They also discussed colors, building size, windows/no windows, number of buildings, and whether the building could look more residential than even in the concept they are going to share tonight. They had a lengthy conversation on the line of sight impacts, and they looked at that from all four directions -- from SR 179, W. Mallard, south from the homes along the entrance to Cathedral Rock and most importantly from the Campbell's residence looking towards Wilson and Munds Mountains. He believes you will see some differences there.

Mr. Snickers indicated that he wanted to address the tank size justification, which was also brought up in the meeting with the homeowners' association by an individual that was there. They took that to heart, so he wants to review the calculation. The Maximum Daily Demand (MDD), and the 880,600 gallons is just what the demand is in that area of the system, estimated demand, and knowing the volumes like he does, he would venture to say that probably was taken and calculated in the wintertime, because it is going to be higher than that in the summertime. The fire flow (FF) demands by the Fire District is 3,000 gallons per minute for three hours, and that is 540,000 gallons of water. He has to put in his mind that it seems far-fetched that would ever happen, but when you think of some place like Poco Diablo catching on fire or a forest fire, forbid something like that ever happens, but they are going to be drawing off of that system on that end of town from this proposed structure. They do not have that kind of flow in this part of the system at this time -- nowhere close, all the way from the creek out to the end of the system. The Fire Flow (FF) plus the Maximum Daily Demand is 1,420,600 gallons and the tank size is 1.5 million gallons.

Mr. Snickers indicated the question of why not two 750,000-gallon tanks was brought up, but with two tanks the pump requirements would not change. They would still need to produce the Fire Flow demands for the system, even if it was from two tanks, because that is what the addition to the system would be. Two tanks would require construction at two different sites; they may be higher or lower. Currently, they are looking at a buried tank, and he doesn't know what is available along there, but if it was built on two sites, it could do something to the design. If it is higher on a hill, a buried tank high on a hill leans more towards the gravity-feed type of system, and they know how that doesn't work. Regarding additional piping, the existing site happens to be adjacent to and only a few feet from a water main sizable enough to receive the water from the booster pumps that will be installed in that facility, and of all the sites they have proposed in the past, each one would have required out build from the tank site to the water main on SR 179 to accomplish what they need to do, and that would require pipelines through neighborhoods and

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further construction from the tank site. Two sites that were constructed exactly like this would still require the same building on top of each site, so you pretty much would have two of everything somewhere in the system not too far from each other in the area where the water is needed, and it is more cost effective to build one larger tank than two tanks with the same type of pump station.

Mr. Snickers indicated that John (Matta) is going to review the public comments that Warren mentioned in his presentation.

John Matta, Design Engineer with Waterworks Engineers, stated that they received one set of comments from CD&E regarding drainage and the drainage calculations, and he will touch on that. Other letters that were received from Mr. Vincent McGeary were covered by Warren, and he has the same opinion that there is no need to worry about the Hypochlorite.

Mr. Matta indicated that they essentially got a set of comments five or six pages long, but at the end they were summarized with an Executive Summary that has three main comments. The first comment, which is the more concerning comment to everybody, is about their drainage calculations to the site, and whether they are accurate or not. The method used by the reviewer is correct, and they would have done the same thing, if they have on their site any storm piping or infrastructure used for conveyance, meaning pipelines used to convey storm water; they don't have that in their project. It is only surface flow that is getting to a retention basin, which is the manhole. The calculations that were used were also applicable if it was a detention basin. A retention basin is essentially, you create a volume that can take all the storm water and you let it percolate in the ground. A detention basin, you create a wide spot in the line that would slow down the flow so what comes out your project. After you build the project, you cannot slow down the water flow, so it is critical to do what the reviewer did, if you were designing a detention basin, because you want to know if the water is moving in 10 minutes as fast. Let's say you have a water volume that takes two hours, but then you squeeze it all in in 10 minutes, you want to get rid of that water, and that is what the calculation would do. In their case, they are not discharging from their site during a storm event. They are holding the entire water. They sized the manhole and the retention basin to hold the water onsite. Once the storm passes, they have the luxury to pump the water. The proposed method, although it is accurate for peak flow calculation, they are not doing peak flow calculation; they are doing volume retention, and that is why it doesn't apply to their project.

Mr. Matta stated that the second concern in Comment 2 is about the material quantity of excavation that they are doing, and unfortunately, the comment referenced a comment produced by one of the residents through a reporter, and the wrong unit was used. Cubic feet were used instead of cubic yards. They repeatedly said in their presentation that this is a 15,000-cu. yd. project. They are going to excavate about 15,000 – 16,000 cu. yds. The reviewer mentioned 7,500 cu. yds., because they only used the 1.5 million-gallon tank. The 1.5 million-gallon tank is bigger than 1.5 million gallons. There is a freeboard on top, a concrete thickness, and there is also over-excavation needed around the tank to be able to work around the tank. Their estimate is actually 16,000 cu. yds., not 7,000 cu. yds., and that was presented to you in the last presentation and presented to the homeowners before that, so they think they need more than 7,000 cu. yds. They wish the project was 7,000 cu. yds., but those quantities need to be adjusted, and they always presented 16,000 cu. yds. of material that they have to remove from the site.

Mr. Matta indicated that regarding the truck traffic, if a certain amount of truck traffic was estimated, and they think they will need double that, because the estimate was based on the 7,000 cu. yds. with about 500 trips in seven weeks. They always said about 1,000 truck traffic and most of it is for rock excavation and removal, but it is also to bring concrete to the site, and they always said the excavation will take three to four months, not seven weeks.

Mr. Matta stated that the third bullet is about the site coverage and whether their site complies with the zoning. Warren addressed that, and he is more qualified to deal with that issue, but they

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have the detailed calculations in front of you, and they are well within the compliance of the zoning requirement on this project.

Mr. Matta referenced an Executive Summary and stated that the first comment is about the documents being preliminary in nature and consistent with what is necessary for a Conditional Use Permit application. They agree; they provided all the details needed for the Conditional Use Permit application. They need to provide more details during the design phase. He then indicated that if the Commission would like, he could go through the rest of the comments individually that feed into the four main bullets in the Executive Summary. Vice Chair Levin asked him to go ahead.

Mr. Matta indicated that the first comment is a lengthy narration of the Rational Method, which is $Q = C \times I \times A$ and all that is essentially if you are trying to estimate storm water runoff on a certain area, the A is area in acres, the I is the precipitation intensity or how much water is falling through rain, and that is a function of the duration and frequency of the event. Their project is required to design for a 100 yr. storm event, but they are also required to check the storage required for multiple storm events, which they did in their report. The C is the factor of how much water the soil can absorb, and the fraction of it that is going to be the surface runoff. That is how you calculate those things, and then it talked about the time of concentration, which they did not do in their report, because the time of concentration is required for the peak flow estimate and that is the bulk of the five or six comments; they keep going back to the time of concentration. The time of concentration essentially is what is the longest distance for the farthest point onsite for the water drop, so if it drops on the farthest point onsite, to get to where you have the retention basin or collection point. The reason you make those calculations is by the time that farthest point gets to that collection point, it means the rest of the site made it to that point, and that is the highest flow you will see at that location. That is critical if you are trying to figure out how big the pipe needs to be to bring the water to that location, but they don't have a pipe, or it is critical for how much this flushing effect is through this detention volume. They don't have that; they have retention, so it doesn't matter how long it takes or how quickly it gets to their retention basin. They are collecting it there; it is not going to leave the site. They are not trying to get water out of their site during a storm event; they are holding everything on their site. That is essentially item one.

Mr. Matta stated that the second one is item three that says the site runoff as a percentage of the offsite watershed will change slightly when the correct Qs are used, so this Comment 7, and this is an acknowledgment that even if they use the method they are proposing, which isn't needed, the flow coming out of the ADOT culvert under the highway and into the wash isn't going to make any difference, because there are 180 acres that drain through that culvert by their site, and their site is one acre, and they are holding everything. Even if they don't hold everything, they are under about 3% or 4% of what is coming through that culvert, and even if they are off by 10% or 20%, it is a very minute amount.

Mr. Matta indicated that Comment 4 says, "The statement that offsite runoff does not impact the site" is incorrect. The channel in the northeast corner of the site is significant and prevents development in the corner. What is written in their report said that due to the topography of the property, offsite runoff is minimal and does not impact the drainage design, so they are saying that the topography of their site that is in kind of a small hill, so the offsite runoff doesn't impact their site, but they designed the site to keep the development out of the drainage channel. Actually, the drainage channel is in the setback, and they are not building anything in the drainage channel, so he is not sure why that comment was made.

Mr. Matta referenced Comment 5 that states, "The time of concentration needs to be calculated for the site and the correct intensity used", and they have the same comment on that. They don't need to do the time of concentration. They are not designing for peak flow; they are not doing detention, they are doing retention.

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Mr. Matta indicated that it is the same thing with Comment 6; however, he can go through the details. It references some of the validity of the method used, the Rational Method. He has a printout from Coconino County Drainage Manual, and he also had one for Yavapai County that is similar, but the numbers are a little different. Essentially for Coconino County, if your site is less than 20 acres, then you can use this method and their site is one acre. If the time of concentration cannot be less than five minutes or greater than 60 minutes, according to their calculation, they have about 12 minutes, but what is more critical is that the time of concentration is used for peak runoff and that is highlighted here. Other criteria that they comply with is whether the site is fairly consistent. They don't have half of it commercial and half of it residential; it is all one parcel.

Mr. Matta then read Comment 7, "If recalculated, the increase in runoff is likely to exceed 1 cfs. See Attachments B." Mr. Matta explained that they go back to the same retention issue; they don't think it is going to exceed 1 cfs. Although their calculations are that they are not exceeding 1 cfs, they don't have to provide any detention on their site. They are providing the retention, so even if it exceeds 1 cfs, they are complying with that condition.

Mr. Matta read Comment 8 that states, "Table 3-3 will change significantly when the correct "I" is used.", and that is the same response as before. Comment 9 is "No calculation is provided for the volume." Actually, that table is provided in Table 3-3, and then the calculation is in the appendix of that report, and if there is any question, they can answer the question. Mr. Matta added that numbers cited were taken at face value, although he doesn't agree with them, and they ran the calculation for the storage needed based on those numbers, and it showed that they needed an extra 10% or 15% of storage if those numbers are used, which would mean the 8 ft. manhole becomes a 9 ft. manhole, so there are minor things even if you use those extreme numbers, which don't apply to this project.

Mr. Matta referenced the comment about the FIRM Maps, and indicated the comment said there is an updated one, but there is not much change to it, so that is Comment 10. Comment 11 is, "The Rational Method typically includes a Cf coefficient, and even if they use that, and they did check that coefficient, they are about twice the storage they need, so even by having 25% additional coefficient, they have that. Then, the next comment is about ADOT, talking about the Directional Method and whether time of concentration could be used. Same response to that. (Statement 13), "The author of the document is not identified, and it does not appear that the document was prepared by a professional engineer.", Mr. Matta indicated he has no comment on that; their logo is on the document and the company name.

Mr. Matta stated that item 14 is, "Existing Site Grading Conditions illustrate that runoff leaves the site in two directions", which is correct. "The design of the retention does not have a proportional amount of storage that relates to the size of the subarea. The larger retention volume is in the smaller watershed", which is in the southwest corner, ". . . and the smaller detention is in the larger watershed area." Mr. Matta explained that is not correct. If you look in their appendices, they tracked both areas separately. Area 1 and Area 2, and the manhole is about 1,000 cu. ft., and the retention provides about 400 cu. ft., so the manhole is in the larger area, and the retention basin is the smaller area. He gets the sense that there was some confusion about the function of the manhole, and then there is a pump station in there that can pump the water, which is not typical of regular storm water, but they did that to have the flexibility to be able to discharge the water to the wash without impacting the flow in the wash.

Mr. Matta read Comment 15 that states, "Retention is not typically used in Northern Arizona, due to the poor percolation rates. Typically, detention is used in Northern Arizona.", and Mr. Matta stated that they have a retention manhole; they are not counting on infiltration rates, they have a pump station that can pump from that manhole and other retention. They aren't counting on infiltration, and they talked with the city doing the review and were told they needed a perc test once they get into the design phase, and if they need to do something more than that, then they can do that.

Mr. Matta stated that Comment 15 also states, "If calculations were to be updated with the correct "I", the volumes to be retained would be much larger.", and they don't agree with that. It is not going to be much larger; it is going to be maybe 10% to 15% larger. Comment 16 was a little confusing when it says, "The calculations and HEC_RAS analysis was not included in the drainage report. If you remember, they paid another firm to do a hydrological study for the wash and see what the backwater is and the impact on the surrounding, and that study is posted on the city's website. It is attached to their appendices, so he is not sure why they couldn't find it.

Vice Chair Levin asked how many comments follow, and Mr. Matta stated there are 19 and about five of them have already been covered.

Mr. Matta stated that Comment 17 is, "Designer cites Yavapai County Drainage Policies, but the site is located in Coconino County; that is correct. They say in both reports, the Drainage Report and the Design Report, that the site is in Coconino County, but the City of Sedona uses Yavapai County as a reference. They actually checked all three manuals – the City of Sedona, Yavapai County and Coconino County for validity.

Mr. Matta noted that Comment 18 is about the slope on their retention basin, and if it needs to be stabilized, they would have no problem with that. They can add stabilization. The last comment says, "These plans are preliminary in nature"; they agree with that. It is an obvious statement, then it says that they need a SWPPP (Storm Water Pollution Prevention Plan), and they know that; the city made these comments a couple of times that they need to provide a SWPPP for construction. That is a very obvious statement.

Mr. Matta stated that not related to drainage, they talked about the dirt volume for a 1.5 million gallon versus the 13,000 versus the 7,000. Truck traffic was estimated at seven weeks, and they are estimating three to four months of excavation. About 530 trips was estimated, and they are saying it is about 1,200 to 1,500 truck trips. They were very clear on that since the beginning.

Mr. Matta then read, "ADEQ recommends an alternative power source for booster pumps." They know that and planned for a generator in the beginning, and now they are planning for a portable standby generator. They will have that tucked between the two buildings when you see the revised concept, so they have the electrical system designed for it and the location for the generator.

Mr. Matta indicated that the last one is about the zoning and Warren addressed that, so those were the comments.

Commission's Questions and Comments:

Commissioner Brandt referenced the document that Mr. Matta was referencing and asked if that was CD&E Engineering, and Mr. Matta stated yes. The Commissioner then indicated that he would imagine that someone from their staff will be sealing the work for the permit, and Mr. Matta stated yes.

Commissioner Kinsella asked for clarification on the amount of runoff water that would be held for release after a storm event; what is that capacity? Mr. Matta stated that they have stored 1,400 cu. ft., but actually 1,000 cu. ft. in the manhole and 400 cu. ft. in the retention basin. They won't be in the same location. Commissioner Kinsella then wanted a calculation in gallons, and Mr. Matta stated that it is about 10,000 to 12,000 gallons.

Commissioner Braam asked how many facilities in Sedona use Sodium Hypochlorite as a disinfectant, and Mr. Snickers stated that they have nine wells in Sedona that use it. The Commissioner then asked if it is typically the same size – 55-gallon drums, and Mr. Snickers stated yes. Commissioner Braam then asked if they have had any issues, and Mr. Snickers stated no.

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Commissioner Braam referenced drainage and noted that he has been involved in hundreds of projects with drainage. The drainage for this project is really less than two or three residential homes at the most. He doesn't want to minimize, but it is not a real big deal for detention runoff from this site. He just knows that between your engineer, the city engineer and third-party engineers, there is a resolution to the drainage issue. Drainage shouldn't be an issue that is a go/no go issue for this project. It is not a big issue, so hopefully, minds could come to a resolution that everyone is happy with regarding drainage.

Commissioner Mayer indicated he had a question regarding the size of the trucks. If those trucks hold 40 cu. yds, they are going to be like semi-sized trucks. Mr. Matta stated that is correct; they will be standard . . . The Commissioner interrupted to say a regular dump truck is about five to eight yards. Mr. Matta indicated that his understanding is about 14. Commissioner Mayer again stated that would be like a semi-truck. Mr. Matta stated that they can be that big or they can . . . The Commissioner again interrupted to say that is what they are going to be if it is at 14 cu. yds; it is going to be a semi-sized truck. He then asked how they are going to maneuver it through the neighborhood, and Mr. Matta stated that they are not going through the neighborhood. They submitted an application to ADOT, and they have a cursory review from them and preliminary approval, and ADOT is going to give them more detail.

Commissioner Mayer stated that is going to be a challenge with the traffic, especially on SR 179, getting in and out of there. Mr. Matta indicated usually you have a traffic plan with flaggers. The Commissioner then asked if they have to provide a traffic plan, and Mr. Matta stated absolutely, approved by ADOT and the city, he thinks. The Commissioner expressed concern about the tourists coming in and going out, especially on SR 179. We all know it is congested, so with those size trucks, it is going to be even more so an impact on the tourists and traffic itself, correct? Mr. Matta stated yes, they do . . . Commissioner Mayer interrupted to say for three months. Mr. Matta stated that the heavy traffic will be for three or four months. Commissioner Mayer then asked when it is going to start, and Mr. Matta explained they still have a design phase to go through and get the building permits from the city, so if they get the go ahead, it will be about a year to start.

Commissioner Mayer then asked if he is going to be considering impact to the tourist businesses, less if possible – not being in a season; we have a 12-month season, but when there is a little shorter or a little less tourism going on? Mr. Matta indicated absolutely, if there is a preferred season when you want to do this excavation and disrupt traffic, they will write it in the contract. Commissioner Mayer commented that would be very helpful either way, doing ADOT's approval or the other route. Mr. Matta indicated that is correct and routine for them; they do that next to schools. Commissioner Mayer asked if they are going to be very careful about messing up the roads with dirt, etc. Mr. Matta explained that they will hardly be on city roads; they will be at the end of Mallard and get on the highway, but . . . Commissioner Mayer interrupted to say you still are going to have an open pit basically. Mr. Matta stated that coming out of the construction site, they will have specific . . . The Commissioner again interrupted to say all the measures in order not to track it.

Vice Chair Levin passed the color board for the Commissioners to see.

Commissioner Braam referenced the stored disinfectant and asked if that will be in a curbed area or a diked-off area in case of a spill. Mr. Snickers indicated that they are in secondary containment, so they are double walled. The Commissioner then commented every tank is its own confinement, and Mr. Snickers replied correct, and also they will be set in a curbed area that is calculated to be something like five times the volume of what is in the container, so there is no way for it to overflow. They use that pretty commonly.

Commissioner Kinsella referenced the 55-gallon drums and asked how much at a time is used in a treatment. You said that you would have one 55 and one 55 in reserve. Mr. Snickers

explained that the usage at this site is going to be more for a polishing. For a tank of that size and the chlorine that they already inject at the wellheads, it loses its contact time; the contact time changes and the dosages change, and rather than inject it more at the well, they will polish at the tank site, and not knowing how much they will be putting out of there in volume in a day, he wouldn't say more than a couple of gallons a day, if they are using the pumps at a constant rate.

Commissioner Mayer asked if the water is coming from another tank or a well. Mr. Snickers suggested thinking of the system as a big bladder, so once it reaches the top of its gravity capacity, the wells cycle and when the wells are running, there are two wells along the corridor that would help fill that tank. When they are not running, it would feed back off of the system. The Commissioner then asked if those wells don't have a treatment. Mr. Snickers stated that they do. When you put 1.5 million gallons in a tank and it has to be in there for a certain amount of time, it loses the volume of chlorine, so when it is pumped back out of the tank to ensure the safety of the water, they may have to introduce chlorine. The Commissioner stated that besides chlorine, you have storage tank water; there is going to be less. You don't need that much, because it was treated before, right? Mr. Snickers stated correct; they may find that during higher demands when the wells are running most of the time and the tank is turning over that they may not have to dose it coming out of there. The reason for the chlorine there is so they can . . . Commissioner Mayer interrupted to ask if they test it all the time, and Mr. Snickers stated daily.

Vice Chair Levin stated this meeting is a continuation of a public hearing and ordinarily, because the public has been given an opportunity at a prior meeting to speak, we wouldn't do public comment tonight, but with the consent of the Commission, she would like to extend that opportunity and open this up. Karen Osburn noted that the applicant addressed the public comments that we received within the last day, but they do have some additional material in the way of a presentation. Vice Chair Levin apologized and noted that she thought they were done. Mr. Snickers explained that they need to address the four items that were the reason for the continuation.

Presentation: Mr. Matta indicated that the Commission asked them to revisit the size of the facility and see if they could reduce the size of the building and the height. He then showed the original concept that was 2,350 sq. ft. that included a pump area, a chemical area in the middle, and the electrical room towards the southwest. As far as height, they wanted to minimize the impact on the line of sight from the surroundings – from the southern neighborhood and the ones on the west. The northern neighborhood is at a higher elevation, so there is not as much of an impact for them, but definitely the south and the west.

Mr. Matta stated that one way to do that was they moved the facility. They had it on the west side of the tank, and they moved it to the north and east side of the tank, so it kind of puts it against the highway, and because it is at a higher elevation, it is kind of tucked against the highway. They also eliminated the chemical room, which was in the middle. They downsized the chemical storage to a 55-gallon drum, and they are going to locate it inside the pump room, so it won't be visible from the outside. They also moved the electrical room to the northeast side, and they split them, so they don't have the big mass. The concern last time was that this big wall was going to be a massive structure facing the south and the west. They split that, so they have an open space where the lattice is between the two structures to give a little breezeway. He has the architect here in case there are any comments on how they developed this concept. That is what they did to address the size of the facility. They went down from 2,300 to 1,533 sq. ft., about 40%.

Mr. Matta showed an aerial view of how it would look from the top, and he pointed out their project and explained that they overlaid not even a 10,000 sq. ft. house footprint. It is smaller than that; and they assumed if somebody was going to build on the property, this site is allowed to build a 15,000 sq. ft. residential property, so this is almost half the size of that, which is about 7,000 - 8,000 in the footprint, and you can see how overwhelming it is compared to the project they are

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proposing. After that, he hopes everyone will agree that they will be the best neighbor, from a line of sight and impact to the neighbors.

Mr. Matta referenced renderings that the Commission had seen before and indicated that the architect developed those just to get a feel for the colors and elevation. As Warren mentioned, they have a different elevation to break the masses between the two. It is a structure under the city's code, so the electrical room was a debate between him and the architect, because he wanted to make it lower, but the architect said that for the area, it is nice to have a little more mass to it. It is just going to blend in with the surroundings, and he can explain that concept if you would like for him to get more into the details on that. He then pointed out the four views from their facility – north, east, south and west.

Commissioner Mayer asked him to show the Commission the previous elevation. Mr. Matta referenced their proposed project from SR 179, looking west from SR 179, and the black outline is the previous concept showing how high the pump station was, and it was a little shorter on one side, because the electrical room is now a little taller, but this was the impact, and horizontally, this is how wide it was. They essentially cut that building, and they have a breezeway in there, and they eliminated a space. Mr. Matta referenced the blue line and the red line and explained that they had a 27 ft. potential residential building on their site. They can go as high as 27 ft., and it could be a much wider footprint than their structure, so it essentially could extend all the way across.

Mr. Matta indicated that in the meeting with the HOA, they suggested that they shouldn't do 27 ft., because most of the homes are about 22 ft. high, so they are showing another line, which is the blue line that is about 22 ft. high. That also shows the impact of residential compared to their project, compared to the previous concept. From Mallard, you can see they are still lower than the other concepts or potential construction on the site. They wanted to just flag that their building is 12 ft. high on the pump room and 14 ft. high on the electrical room. What you are going to see next is the table that shows that the electrical room is 25 ft. tall in one corner, and the reason for that is because it is located on a low spot on the sight. When you measure from the existing contour to the tallest point on their structure, it is 25 ft., but the structure itself is only 14 ft. If that is a concern, they can always reduce that.

Mr. Matta then referenced a summary that compares their project, regarding the new proposed project as far as overall height versus what they had before. The electrical room, and this is 25.5, but that doesn't mean it is how much they have inside the room; it is from the existing contour, and then the square footage and the setback. They even increased the setback in some locations. If you compare that to the setbacks for a residential property, they have got quite a bit of setbacks, which opened up the land site.

Mr. Matta stated that they wanted to revisit this view from the south side of the property that was concerning to the neighbors. There is now no construction; this is mountain and the mountain next to it. You can see the story poles. He pointed out the old story poles as a visual memory, and what they have now. He then identified the new story poles for the electrical room and the location of the pump room where you don't see the story poles; they are shorter than the existing trees. They had to draw the alignment of the pump station from that view, so you could see it behind the trees. From the south and the west, you won't even see the pump station, but you will see a little of the electrical room with everything in the background. You will see the mountain that was in the previous view, when they moved the site to the east side of the site, they cleared that view completely. They are not in the way of that line of sight.

Mr. Matta indicated that the next request was to consider more mature landscaping immediately after construction. The original concept was looking at salvaging and using salvaged plants, and they were using irrigation, but they asked their landscape contractor to come back and survey the trees and determine if they were healthy for replanting, and he identified 76 trees from the site that would be candidates for replanting. They only need 29, because on the area on top of

the tank, they are not going to put any trees, but they are going to hide it behind the trees and have smaller shrubs on the tank, so they now have most of the tank covered with shrubs and vegetation. They have plenty of trees to replenish in case some don't survive, and even with that, if they don't survive, they are committed to put taller trees and irrigate them for them to survive and grow faster.

Mr. Matta referenced the concern about their information on blasting, so they discussed the blasting operation with their blasting contractor, and their approach is to cut the tank vertically into two lifts, go 12 ft. or 13 ft. down, then dissect the horizontal area into four sections. Each section would take about 80 holes for them to drill, load the charges and detonate the charge, so they can loosen the gravel. Each area would require approximately 85 holes, and this decibel is about 100 ft. away from their property, so if you are drilling on their site, by the jackhammer, it is much louder than that at about 120 decibels, but if you are about 100 ft. by their property boundary, it goes down to about 60-75 decibels, so that is during the jackhammering to drill the holes. Once they set the blast and trigger it, it is one to two seconds, and they are going to try to play the video. [Video of the blast sound was played.] Mr. Matta indicated that is essentially the length of the blast; that is how long it takes to detonate the charges.

Mr. Matta stated that the things to mitigate the blasting are blast curtain sound walls and vibration monitoring. They're assuming the Fire Department and the city would definitely make them do the vibration monitoring and frequent section surveys, and if there is concern with the walls, they put side walls, and the blast curtains will also help with safety. He then showed a schematic of the blasting and excavation plan. There are two lifts, and they will dissect them into four sections in each lift. They put in a schedule to show how it would happen. It would take about two days to drill the 80 holes in each one of these sections, and it would take another day to set the charges and detonate it. Then, they will come back and do the next section, and then do the same thing. Once all four sections in the first lift are blasted, then the contractor will remove the material, and that will take about 2 ½ weeks, so this is about a 30-day or one-month operation, and another month to do the second lift. They are accounting for weather days and delays, and they are saying they won't commit to the two days; they want to be cautious, and they think it is about three to four months to get the tank excavation done.

Commissioner Mayer asked where they are going to take all of the excavated material, and Mr. Matta indicated that they are going to have to store some of it not too far from the site – on the site, because they have to go back and backfill, and the other one is the contractor would be working on a disposal site. They don't have one identified.

Mr. Matta indicated that as far as the access road, they contacted ADOT and submitted an application. He then showed the road they are proposing, and they realize there is some infringement on some property, and they will have to protect that or avoid that either by moving the road or putting some barriers to hold the dirt. He referenced a statement from ADOT after they received the application. That was the first cursory look that states that; the submitted document is an acceptable design, and they will send us a detailed review. This is our plan to avoid going through that neighborhood.

In summary, Mr. Matta stated that they reduced the building size by 800 sq. ft.; they improved the line of sight; they made the setbacks deeper; the landscaping has been confirmed that they can replant the trees, and they have committed to larger mature trees. They provided the blasting, and if you have any questions, the contractor is here and can answer them. The access road permit is under review, but they have preliminary positive feedback.

Commissioner's Questions and Comments (continued):

Commissioner Brandt referenced the new roadway or temporary access and indicated that the landscape plan did not include that area. Mr. Matta explained it may have included a little, but ADOT and the city would require them to restore everything to the pre-construction condition, and they have committed to that in their drawings. They showed restore to pre-construction

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condition, and that is in the scope of the contractor who is going to do this road. Mr. Snickers added that he met with the ADOT representative who also stated that the apron leading onto and the traffic would be leading onto the intersection, and they would have to beef up the asphalt and/or repair anything at that location in order to support the truck traffic.

Commissioner Brandt then indicated the permanent access road is a little rough right now and asked if that is something that would be part of the improvements or was there a plan for that? Mr. Snickers indicated that he hadn't seen a plan, but there definitely would be some improvements that would have to take place to get in and out and not make the road worse than what it is. It's not traveled all the time. Commissioner Brandt noted that it does access the one property to the west of this proposal, and Mr. Snickers agreed. Warren added, more than one; there are a couple of homes.

Commissioner Kinsella referenced the blasting and indicated that we discussed a warning signal the last time you presented, and whether there would be a requirement for a warning signal prior to the blasting. She then asked if we know that requirement exists and if it is something you are considering. Mr. Matta stated that if they are required to do that, they will do it; if it will make the neighbors more comfortable, they will add that. This is a discussion with the Fire District and if they or the city require them to do that, they will definitely add that to the plan.

Commissioner Braam wanted to confirm there is no perimeter fencing for this project. Mr. Matta stated that they are not proposing one, because they looked at everybody in the neighborhood and no one has fencing. If that is required, they will add it, but at this point, they just wanted it to blend in. The Commissioner then asked if the landscaping being put in will require irrigation. Mr. Matta indicated that he is not sure it requires irrigation, but they want to put in irrigation to ensure they survive and grow quickly in order to provide the aesthetics everyone is looking for. Mr. Snickers added that is pretty typical for other sites they have built. They will put in irrigation and get everything to a mature state, and then mother nature takes over. Commissioner Brandt then asked if it is temporary irrigation, and Mr. Snickers replied somewhat, unless they require something permanent.

Commissioner Brandt then asked if all of the construction is outside of the floodplain, and Mr. Matta stated yes, except the access road everything will be outside the floodplain. The Commissioner then asked if they are adding fill to where the access road is or if it will be at the floodplain level. Mr. Matta indicated that at this point, they are showing it at the floodplain level, and they are waiting on ADOT to tell them whether they want them to do anything different.

Commissioner Mayer asked if they are going to have a security system, and Mr. Matta explained that the structures will have lockable doors and . . . Commissioner Mayer interrupted to say surveillance cameras and all that stuff, and Mr. Matta stated yes. The Commissioner then commented that it is so close to SR 179, who knows.

Commissioner Mayer asked if ADOT would not allow that temporary road to be a permanent access to the site. You said you don't have a lot of traffic in the first meeting, it is just going to be occasionally checked. Mr. Snickers stated that they hadn't addressed that. The Commissioner then asked if they could do that possibly; it doesn't cost anything to ask. Mr. Snickers stated that he is sure they could ask. Commissioner Mayer indicated it would be less impacting to the neighbors. You are going to have to go through that winding road, but maybe they would be happy if you improve the road.

Vice Chair Levin indicated that with the Commissioners' consent the meeting could be opened for the public hearing. Since a lot of cards have been turned in, we could extend that opportunity to the neighbors in attendance. We also have an attorney representing a handful of residents who will speak on their behalf.

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Hearing no objection, Vice Chair Levin opened the public comment period and recognized Mr. Cunningham who is speaking on behalf of five individuals. Mr. Cunningham was granted 10 minutes to speak.

Whitney Cunningham, Aspey, Watkins & Diesel, Sedona, AZ: Mr. Cunningham stated that he appreciates the opportunity to be heard, and he appreciated the opportunity in August when he focused his comments on the fact that the Forest Service, if this Commission says no, will consider allowing this industrial-sized water complex to be built on Forest Service land, but first they need the city to say no to installing it in a single-family residential neighborhood. That is what they are asking you to do tonight. This project has not improved since August, and you have already heard discussion of some sealed engineering work, with which the applicant has largely agreed, calling into question public safety elements of this project. He would like to focus on that and a couple of other issues that should be important to the Commission. He notes that for over an hour we've allowed and heard the applicant in a non-time constrained way try to defend this project, but of course it is not the job of the Planning & Zoning Commission to simply try to shoehorn any project into any neighborhood, nor is it the Commission's role to simply be a rubber stamp to staff, because if that were true, we wouldn't need a Planning & Zoning Commission. We could just simply go to the elected officials, and he noticed some of them are in the audience tonight, and there is a great deal of very concerned citizens of this city about what will happen if this project is allowed to go forward, and respectfully, they are asking this Commission to put a stop to it tonight.

Regarding the engineering, Mr. Cunningham stated that it would be a required finding, the Section B finding, that this project not be materially detrimental to public health, safety or welfare, and the Commission is invited to take into account things like nuisance, and specifically, things like flooding.

Kristina Laguna, Certified Engineer from CD&E Engineering, prepared a report that we have heard talked about, and he only has a few minutes to respond to some of the comments that were made. She did her work and sealed her work. You heard that primarily her work was accepted by the applicant, and here are a couple of the things she said – there is no analysis before you as to the development's effect on offsite flow to the north onto Mallard Dr., and after the applicant addressed that report, there is still none. You heard the applicant explain that they are going to build a temporary construction access road right in the flow channel, and that the access road to this site will need to be improved. Even if it is at the channel level, what you are doing then is taking what is currently a dirt road from which water sheet flows across this property. Now, you are making an impermeable or semi-impermeable surface, you are concentrating those flows, and you are sending them directly into the homes of some of the folks that are sitting before you tonight. That is what CD&E has warned in its report. Additionally, CD&E has pointed out that there is deficient analysis of the site's own retention. The runoff leaves the site in two directions. The largest runoff to the north toward Mallard, which is defended only by a single manhole – that is what you heard the applicant present. CD&E has called into question those flows and whether it would be sufficient in a single event or a multiple event to protect the homes to the north.

What you have in juxtaposition to CD&E's work from the applicant is no engineered, sealed analysis. You have some PowerPoint slides in the material telling you it will be okay. If you approve this project and create development rights, how are you going to go back later if it turns out not to be accurate? This is a derogation of development code section 402.06. It would be arbitrary and capricious, he submits to you, to rely on PowerPoint slides telling you it will be okay, when you are presented with sealed engineering work telling you that it will not be.

We are trying to tell you in as many ways as we can. Folks, the ADOT work on SR 179 almost did it. It directed a lot of flow to these homes on Mallard Dr., and it has almost flooded them. This project will flood them. If you approve this project, homes will flood.

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Commissioner Braam he will tell you, you can be optimistic that there may be a solution; the solution should be presented before development rights are created, not after. That is the job of this Commission.

He would like to talk about Finding D that the project complies with the code. The project must comply with the code. We are in a RS-18b Single-Family Residential neighborhood, and there are two problems that he would direct the Commission to focus on. Number one, site coverage. This is not addressed in the new report. In the August Staff Report, it was submitted that site coverage was less than 35%. In the new report, it is simply not addressed at all. The claim is that there is a 113 ft. diameter tank being installed that would be within that limit, but that is not fully accurate. There is a 133 ft. diameter perimeter around this tank, and it shows up on almost every rendition of this project that you see, and why is that? Because, it is structural; it is structural to the support of a 1.5 million gallon tank. In fact, the applicant himself said that it is more than just a tank; it is the entire perimeter. It is an integral part of the system, and there has been no analysis in terms of what that coverage is. Section 605.04D limits site coverage to 35%, and what that means under the definitions of the Land Development Code is any building or structure, and the only thing it excludes really is parking, walkways and landscaping, and that is not what we are talking about. The applicant has said a number of times, both in the Staff Report and in person, a lot of this stuff is underground. That doesn't get you around the definition. If we are going to follow the law, the law says you count it, and it hasn't been analyzed.

Secondly, in his opinion even more important, this zone prohibits, as a conditional use, storage. At the last hearing in August, you heard staff basically say that their decision was arbitrary and capricious. Staff said well we figure that storage means that you can't store vehicles, but we figured storing chlorine was okay. There is no definition to support that; there is nothing at all to support it, except the whimsical conclusion of staff. The report that is before you on page 141 talks about "the storage tote will be located indoor with a spill containment sized for the tote". We are talking about toxic chemicals here folks. Everything you heard tonight was simply this, don't worry, it is safe. Safe doesn't comply with the code. You can't store vehicles onsite under the code, and he doesn't think anyone would dispute you can safely store vehicles; it is not the issue. The issue was storage - 605.02B.6 says no storage facilities. The applicant said that they have eliminated the storage room; that's not true. In the August report on page 195, the applicant said they intended to store between 55 and 400 gallons of Sodium Chloride. In the current report on page 141, the applicant says that they intend to store between 55 and 400 gallons of the same chemical. They only moved it; they just moved it, but they are still storing it. They are still using it, and you cannot square that with the ordinance.

There is a lot more that he could cover, but he has only a short amount of time. He just gave you three examples where a finding on your part that would allow this project to go forward is arbitrary and capricious. It brings homes into danger; it is a derogation of the Land Development Code. There is a better location for this project, and you are going to hear, he believes, a lot of folks talk to you in more detail about some of the facts underlying some of the arguments that he has presented. He apologizes if he came across a little bit legalese, but he implores upon you, this is why we have Planning & Zoning Commissions, so that you folks can step up and apply a little common sense and say this may be an important project, but this is not the right location.

Dr. David Francisco, representing Mystic Hills Homeowners' Association Board, Sedona, AZ: Dr. Francisco stated that they are very concerned with the proposed size of the water tank. In preliminary information presented by Arizona Water Company, they were asking for the capacity of the tank to be between 1.0 and 1.5 million gallons; however, all subsequent plans showed the tank to have a storage at the maximum 1.5 million gallons. They feel this size is not warranted. His information will differ from what you heard earlier. There are only 862 potential water hookups remaining east of Oak Creek. These would require up to 200,000 gallons per day. The Fire District requires 540,000 gallons, creating a possible need for 740,000 gallons. Arizona Water Company initially requested a 20% additional safety factor, which would require a tank of 888,000 gallons. A million-gallon tank would allow an additional safety factor of 35%. A 1.5

million-gallon storage tank is not needed and cannot be justified. It seems that the P&Z Commission agrees, because included in the directives, at the last meeting, was to have the company present plans with a smaller size water tank, in addition to the overall structure lowered with a more residential appearance. In recent discussions with the company, they still had not planned to reduce the size of the tank. A smaller tank is beneficial for many reasons. They've seen the 25 ft. electrical height of the electrical room, and if we could reduce that to a 15 or 17 ft. structure, that would be compatible with the height of comparable single-story homes in the area. The additional structures might also be able to be placed in lower areas. In addition, a smaller tank might require approximately 5,000 tons of less rock that needs to be extracted, which will reduce the time of construction by several months, decrease the blasting noise, dust and large traffic. A smaller footprint and adjacent buildings would reduce the runoff from the area with the complex having a smaller footprint and retaining more of the natural vegetation. This is important because of the water issues. We have already heard that the city approved ADOT Sr. 179 highway design, changed from multiple culverts to one single tunnel to the area. The AWC lot, Mystic Hills homes and the city's lift station. We can't allow another decision that creates more drainage and flooding problems. They are asking the Commission not to approve plans for a water tank in the industrial complex of this size. You need to find solutions to the existing problems in this area, not add to the problems.

Jennifer Shaw: Did not speak.

Robert Tusso, Sedona, AZ, Vice President of the Mystic Hills Homeowners' Association and Chairman of the Design Review Committee: Mr. Tusso indicated that he applauds the Commissioners for their service to the community. It is a thankless job that you do. He's sure that the decisions you make are difficult and require sound judgment, and he is confident that you will use that sound judgment in this instance. The Mystic Hills HOA fully supports the effort to deny the water company's conditional use application. While they recognize and support the need for a water tank on the east side of SR 179, the Arizona Water Company's proposed location creates many unresolved issues and potential problems, which will or have been addressed by several of our fellow neighbors today. An alternative location has been identified that would address these issues and avoid the potential problems. The proposed alternate is 600 ft. north of the current site. Drainage would not be a concern as there is direct flow towards Oak Creek. There is no floodplain in that area; there would be significantly less removal of material resulting in less truck traffic; if blasting is required, homes are much further away reducing potential damage, and the tank would not be plunked down in the middle of a residential neighborhood. Yes, the alternative site is on Forest Service land, but a no vote from the planning & zoning board would allow the water company to pursue that location as they would no longer, per Forest Service regulations, have a reasonable alternative. The advantages to this non-residential location are many, and he urges you to deny the water company's request.

Kenneth Ledeen, Sedona, AZ: Mr. Ledeen stated that he and his wife came to Sedona 12 years ago, and he was delighted when he got here, because he realized you didn't need to mow a lawn. That was until the first torrential rain arrived and his entire lawn washed down the road and he had to bring it back one wheelbarrow at a time. It was a difficult and unpleasant experience. He is speaking to you tonight to urge you to reject this proposal. He believes all of these problems can be solved, but he would like to have the overall flooding problem solved on West Mallard as part of this. This is a really serious problem; it doesn't occur occasionally; West Mallard is now in a FEMA floodplain. When they get potential rains, they get horrific floods. They completely overwhelm the existing drainage system in place there. He fully understands that Arizona Water didn't create this problem. They heard from Mr. Tusso that when SR 179 was approved, and the culverts were all redone, they now have this enormous flow of water coming through, but this is our one opportunity to actually solve it. You have heard from AWC that they are not going to make the problem worse, and he believes them. He thinks they are knowledgeable and serious, but rather than not simply making it worse, perhaps it could actually be solved. He is not here to actually propose the exact solution.

Mr. Tusso said there is an alternative site. There are also lots that could be acquired for much larger retention pools or detention pools or whatever the appropriate engineering term is, but this is the one time that with your direction, the only thing that is missing is for you to tell the people involved to work together. He is totally confident that smart minds working together can come up with a solution. Personally, he would hate to tell his grandkids that they can't come to the house that they love, because it was damaged in the flood nor would he ever want to tell somebody whose house burned down that it was because we didn't have enough secondary water storage, so he hopes that they can all be told to get together and solve not just the overflow problem of the new problem but the actual flooding problem that is really a terrible problem on West Mallard.

The Vice Chair indicated that the next person up would be Richard Torre; however, Mr. Torre requested to postpone his comments.

Terri Huelat, Sedona, AZ: Ms. Huelat stated that she and her husband live in Mystic Hills on West Mallard Drive. Each Commissioner should have received a packet of information delivered last week to the offices of Community Development for the city. She will cover a few points. First and foremost, homeowners are not questioning the need for a water storage facility on the east side of Sedona; however, a 1.5 million-gallon tank is highly questionable as well as its location in light of the severe flooding experience on West Mallard, which has eight built homes, two buildable lots, and the city's soon to be expanded city lift station. Four homes have experienced floodwater on their property or in their homes on more than one occasion, and there are photos that would show that. They are also questioning their City Engineer Andy Dickey's statement at the August 21st P&Z hearing when asked if, in his opinion, there is an issue with drainage, hence, the severe flooding on West Mallard, and he answered, "The impact to the drainage for this area", the AWC proposed industrial complex, is not negative". Vice Chair Levin asked why the attorney speaking for some of the residents said it would increase flooding risks. would you Mr. Dickey refute that? He stated, I do". However, at a July 5th, 2017 meeting at city offices attended by Audree Juhlin, Andy Dickey, a City Councilor, a city staff and a number of Mystic Hills residents discussing flooding of several homes on West Mallard, Mr. Dickey stated those homes should never have been built there, and if built, they should have been built at least another 4 ft. out of the ground. Yet, on a direct question from the P&Z Commission in August, whether he thought there was a problem now, he said no.

Ms. Huelat stated that Included in the packet is an April 2018 letter to Mystic Hills West Mallard homeowners from the Sedona Public Works Department regarding the lift station expansion project. With this came a very specific map of lower West Mallard showing drainage on numerous private properties, including water up to homes and covering lower West Mallard. Another flood hazard status map acquired from the city on June 21st, 2017 shows water on West Mallard's cul de sac confirming that the city knew of the flooding issue. Also, in the packet are photos of floodwaters past the driveway at 95 West Mallard up to the driveway at 92 West Mallard. This flooding is 414 ft. from the lift station; the lift station's elevation is 15 ft. below 92 West Mallard and flood lines are 4 ft. to 5 ft. above this lift station. These city drainage documents, flooding photos, and contradictory statements by Mr. Dickey, we trust, 'undebunks' the water issue. They urge the P&Z Commission to deny AWC the Conditional Use Permit for the East Sedona water storage industrial complex at 55 Bell Rock Trail. There are more suitable locations – one only 600 ft. away, literally in their back yard.

Kevin Brackin, Sedona, AZ: Mr. Brackin indicated that he spoke to the Commission at the last meeting in opposition to the development. He hit on a few points and he would like to revisit a few of those now. First, just the impact that the residents, the neighborhood is going to feel as a result of this project, the size, excavation and blasting. With respect to the blasting, it is not the noise that they are concerned about, it is the proximity. Again, their house is less than 80 ft. from the development site. It was mentioned at the last meeting that the Park Place development utilized blasting in their excavation. The closest structure to that site was over twice that at almost 150 ft., so they are much closer and at the same elevation, so that is a real concern for them. He also made the point that in the fairness of building a home, and at some time later, having an

industrial water facility proposed next door. For somebody to build after a water tank has been installed is an informed decision that homeowner makes. The pushback there was Jordan park; there are a lot of homes built around Jordan Park, and they are higher end. True, but Jordan Park and the Jordan Park water tank was part of a planned residential development. That means it was required as part of the development, and the homes in that area all were built years after the water tank was installed, so he stresses the fairness of having this project pushed upon them at this location. The excavation, the impact and noise, the time, and you are now redirecting truck traffic onto West Mallard, so you took it out of one neighborhood, and he applauds you for that, and now they don't have to deal with that disturbance, but that is our problem for those of us that live on West Mallard. He asks you to seriously consider that an alternative does exist. It dissolves all these problems that they are raising. That should be seriously discussed.

Larry Kane, Sedona, AZ: Mr. Kane indicated that he has lived in Mystic Hills and has had a home in Mystic Hills for over 20 years. He wasn't at the last hearing, but he listened to many parts of the transcript, and he also has had correspondence with more than one of the Commissioners. Paraphrasing the transcript and conversation, the Commissioners believe they must follow the rules. He agrees. All the rules are mandatory, but obeying is not a complete job description for Commissioners. If the issue was just following the rules, AWC would get good marks for checking all the boxes and filling in all the blanks on the application. Yes, this is mandatory, but it is not sufficient for approval. AWC has completed this fourth-grade test called a Conditional Application, but the real issue goes beyond just completing the application. AWC has not been truthful and complete in their answers. They've seen some of that tonight. For example, the flood report submitted by AWC has not been signed by a licensed engineer. AWC has been misleading in many parts of the application, but hey, they filled in all the blanks. The rules for the Commission are best described in its own words which are posted on the city's website, and he quotes, "Applicants of proposed development projects must demonstrate good faith and intent to comply". Following the rules is mandatory; where is the good faith intent. AWC's entire application is riddled with deceit, incomplete and just poor answers. Truthfulness and completeness are as important. The Commission must scrutinize good faith intent. The application is not a fourth-grade test of filling blanks and checking boxes. This is a graduate school thesis and needs to be challenged. The Commission has not challenged the inconsistencies; you are not doing a complete job. This is why he sounds critical of the work done so far by the Commission. A group of Mystic Hills and Yavapino Estates homeowners have suggested over a year ago an alternative site, just one-quarter mile to the north. This has none of the downsides of the current site. The community will strongly support the effort to use the alternative site instead of fighting AWC. Not only is this a great site for the neighborhood, it is a positive move for the city and reduces cost for AWC. There would be a lot less blasting and certainly no road construction. A no vote meets the requirement placed on each Commission, because AWC has not been completely truthful in spite of the application, and the Commission needs to demand truthfulness.

Bruce Huelat, Sedona, AZ: Mr. Huelat stated that he lives on West Mallard, and he wants to address the Forest Service requirements, because that has been swept under the rug with one statement. The rule is you can't go in the Forest Service if you have land on private land, and to get that a little closer, he would ask the Commissioners if you all got an envelope package that has the information, the pictures of West Mallard and the flooding that supposedly isn't there, and you notice it is over a six-year period, so they are not just once in a while. The Forest Service policy, although he tried to get through the 3,400-page document called the manual, and he is happy to say he didn't get through it all, but he spent quite a few hours trying to get through it all, but it says very clearly that the Forest Service policies are to authorize the use of national forest only if you cannot reasonably accommodate off national forest land. There are other pieces – pollution, etc., where things such as cost are not to be considered; that is clear. This isn't about money, it is about all the things from clear cutting what AWC wants to the cost of AWC to build this site. There is far less excavation as you've heard, the depth would only be 10 ft. below the current grade, the ultimate map is showing a lot less backfill, far less noise, less truck traffic, etc. The AWC has used 180 acres of drainage under that road, but he questions that by a factor of

three. He doesn't know where they got that. Certainly you don't have Elephant Mountain draining that way, and you don't have even on the other side of Chapel. If you look at the grades and go all the way up the east-west, it is almost 600, so it gets very convenient to say words and throw them at you. There are 600 acres. They don't have to put a building on top. Show him any above grade water tank that has a building on top – none. Now, underneath he agrees that is not an issue. You make a smaller tank, you've got land and you can put the buildings next to it. There is only two and dressed up nice, they are not going to be an issue; they are not going to be in the line of sight. Now, the whole site could be graded the way it was in trees. The last thing is he lives on Mallard and knows it takes over two minutes sometimes to get out of Mallard. You ought to have that times 500 trucks; it's not possible. There is no roundabout there; they'll go all the way up to the Chapel roundabout just to turn the other way. Everybody knows on that side of town. .

Vice Chair Levin advised Mr. Huelat that his time was up, and Mr. Huelat stated that he knows it is and this is his last statement. Everybody knows all the way down through the Village there is backed-up traffic. If you don't, come and sit in his living room, you can see it.

Richard Torrey, Sedona, AZ: Mr. Torrey stated that they live in a floodplain basically. The water floods the street. It is a known problem, and it is being shrugged. What was more interesting is an engineering report was presented, written, specified with documentation, and Arizona Water is allowed to come in and cavalierly dismiss all the points. That is not proper. The proper thing would be a written response to a written objection. That is not proper. The way it has been done is basically railroaded, slipshod. This is not the way to do government work. It is unfair and it is just slipshod. He knows you think you do good work and you mean to do good work, but this is not good work when this gentleman can come up here and fob off his answers, and we don't have any way of knowing what he is saying relative to what they presented. There was an engineering study and a lawyer's objection, and none of those points are rebutted in the same manner, in a written manner, so let's be fair.

Vice Chair Levin closed the public comment period, recessed the meeting at 7:15 p.m. and reconvened the hearing at 7:30 p.m.

Summary Discussion:

Vice Chair Levin explained that this is the period of the meeting in which the Commission will discuss among themselves. They may have further questions of staff for clarification and perhaps even questions of the applicant.

Commissioner Mayer indicated that regarding the public comments, he understands that the water company, staff, the citizens represented by the attorney and the citizens who made their comments are not on the same playing level. The water company is given so much time, the engineer as well as the representative, and the citizens or the representative were not given equal time, so he has an issue with that. He again has an issue with the traffic, because the trucks are coming in and going out, so it is double the trips. They are coming unloaded, then they load and come out. He then asked if that is a question for the water company? Vice Chair Levin asked what the question is, and Commissioner Mayer stated truck trips double from what you represented, right? Mr. Matta stated that they counted the round trips, but he will check the numbers right now. At 16,000 cu. yds., do you want to say 20 or 15 cu. yds. a truck, that is about 800 trips times two is about 1,500, and that is what they have at 1,600. The Commissioner then stated okay.

Commissioner Mayer indicated that he wondered why that report was not sealed. Mr. Matta stated that he is responsible for that. The Commissioner stated that is your Arizona. . ., and Mr. Matta stated that is correct and he totally agrees with that. He has been in engineering since 1994. The Commissioner commented there is no seal on it, and Mr. Matta stated yes; they have the cover letter signed, and for a year and a half, they have been working with the community saying that their work is a draft and they wanted to talk with everybody to make sure everybody is comfortable, so was it a bad decision on his part? Today, he is thinking it is, but their approach

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was that this was a draft work that they wanted to make sure everyone had input to, and once everybody buys into it, they are going to finalize it then. They are ready to stamp it tonight if you want them to; they are not shying from anything. They have their company name on it; he has his name on it, and he has been doing this for a long time.

Commissioner Mayer stated that every report has to be sealed, and Mr. Matta explained yes, every, but not a draft report. Vice Chair Levin noted it was asked and answered and asked if the Commissioner had any further questions. Commissioner Mayer stated no.

Commissioner Braam asked if their intent is to make the temporary construction road impermeable or if it will just be a stone road. Mr. Matta stated that at this point, it is designed as a stone road, crushed gravel or milling or whatever ADOT requires them to do, and they know the requirement for crossing the wash and everything else, but if there is a preference from anybody, they can consider that. Commissioner Braam indicated that putting additional fill in the floodplain would not be desirable by anyone including ADOT even if it is temporary. Mr. Matta agreed the profile that you have on the road does not need any more fill. They are coming through the invert of the wash, and then they go out of the wash, so they did not add any fill or anything to impede any flow through that wash.

Commissioner Braam indicated that right now their plan is to have two 55-gallon drums onsite, not 400 or 500 gallons as previously discussed. Mr. Matta stated that actually their plan is to have one 55-gallon drum, and Warren mentioned that they may store another one, but the connected active drum will be one 55-gallon drum, and it could be either replenished or another one could be stored, but not connected to the service. The Commissioner then stated that the maximum would be 110 gallons onsite, and Mr. Matta stated that is correct.

Commissioner Braam referenced the lift station and asked Warren if that is a storm water or sanitary lift station, and Andy Dickey stated it is sanitary. The Commissioner then commented that it is not going to have an impact one way or the other on storm water. Andy stated no; it will be designed to not have a negative impact on storm water. The lift station is at the far end of West Mallard beyond the wash crossing. He could point it out on the map if that would be helpful. Commissioner Mayer asked if it is not within the floodplain or within the footprint of this site, and Andy explained that he doesn't have that information on him as far as where it lies in relation to the floodplain. It is quite a bit downstream of this project site. The Commissioner then stated that it really is not an issue for today's discussion, and Andy repeated that it is quite a distance downstream of this project site, so he doesn't think an impact on the floodplain or the drainage by the lift station would be relevant to this project.

Commissioner Braam stated that just to confirm Commissioner Mayer's discussion, Arizona Water will have the drainage report, design plans, and any other associated documents signed and sealed by a registered PE from Arizona. Mr. Matta stated yes, that will be him.

Commissioner Kinsella wanted to point out that some of her questions come about because of our process. This goes to staff review, then to the Commission's review and public comment is solicited at every stage. There are public hearings, questions are raised, and those questions are attempted to be answered. Sometimes more questions come up and answers may not always be readily available at that moment, but that is what the process is about. It is about getting to these questions to try to understand and make the best decisions on any projects and applications. Some questions have come up and she does have a few.

Commissioner Kinsella referenced the Forest Service site as a potential alternative site, and she asked if the water company has any water tanks above or belowground on Forest Service land or do we know if the Forest Service land has ever accommodated the location of any water tanks for you or another company. Mr. Snickers stated that he is not aware of any on Forest Service land; he would have to look. He can't just off the top of his head say he knows where there is a water tank on Forest Service land. The Commissioner then confirmed that they do not have any.

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Commissioner Kinsella referenced the minutes of the August meeting and indicated that there were several times that we talked about looking at the size of the facility. Unfortunately, size is not further clarified. You did look at the size of the aboveground building and that is appreciated. There have been several improvements there, but when we said size, it was also looking at the underground tank size. Have you looked at a reduction in the tank size or considered it? Mr. Matta indicated that he would like to pull up the transcript from the last meeting where he asked for verification for that statement, and he made the statement that the resizing and re-evaluation is for the building architecture only, but having said that, they did look at the tank size and they need the 1.5 million-gallon tank. Could they go down to 1.4 like he stated last time; they may be able to make it work. Could they go down to 500,000 or 700,000; no, they cannot. It doesn't meet the purpose of this facility. So, there is limited maneuvering; 100,000 or 150,000, but if you look at the way they designed the site, the size of the tank is irrelevant except in the construction phase. Once this facility is built, the tank becomes invisible; it is just the size of the pump station and the electrical room, and whether they have a 1.5 or a 1.3 million-gallon tank, the super structure – the pump station and the electric room size will not change.

Commissioner Kinsella stated that was going to be her next question. You are saying that it could go down to a 1.4; could it go down to 1.2? Mr. Matta stated that honestly, he thinks they would be pushing it. As you can see with the math, the maximum daily demand and the fire flow are at about 1.4 or 1.45, so maybe 1.4 but at 1.2, they would have to go back and revisit a lot of numbers just to check on that, but it won't affect the superstructure.

Commissioner Kinsella referenced the correlation between the aboveground size and the belowground tank facility and asked if there is a reduction in tank size, there cannot be a corresponding reduction in the aboveground facility. Mr. Matta explained that the size of the pump station is dependent on the spacing around the pumps and the size of the pumps. The pumps will not get smaller, and the electrical system is the same way. It services the pumps, but the tank could be made a foot lower or maybe 18 inches, but if you look at the line of sight and where they relocated the facility, making the tank a foot lower is not going to help any more with the line of sight. Everything is adequate for the line of sight from the neighbors. The Commissioner commented that is an opinion response, and she doesn't know if the neighbors would agree. She is not going to make that prediction.

Commissioner Kinsella referenced the tote mentioned earlier and asked if that is referring to a double walled storage facility. Mr. Matta stated it is not a storage facility; it is a plastic container set in the square, but they said they are going to have the equivalent of a 55-gallon drum, and if you are insisting on a drum, then they will have a .55-gallon . . . Commissioner Kinsella interrupted to say that you are saying that they tote is eliminated, and Mr. Matta stated yes. She then wanted to know if they would agree to a stipulation that the tote is eliminated. Mr. Matta stated absolutely. The Commissioner then stated that regarding the 55-gallon drum, one of the questions she had asked before was how many gallons you would expect to be using for treatment, and you said it would be a few, maybe several gallons at a time – certainly not 55, so would you also agree to a stipulation that would remove a reserve drum; you would have only a 55-gallon, one at a time, in there and replenish as necessary. Mr. Matta stated yes. Mr. Snickers added that he only has one other site in Sedona that has redundancy, and that is because of the dosage for fire at that site due to the GPMs on the well, everything else has a singular tank, and it is filled manually.

Commissioner Brandt indicated that we are seeing that there is a level of engineering safety built into this structure that accommodates things like the hazardous material. They are just trying to do the best for the public, and if it makes it a little harder for them to do the facility, then okay, we are just jumping through more hoops.

Commissioner Brandt wanted to thank the staff for the continuing review and distillation of this very important infrastructure component for our city, and thanks for its thorough review, for if it is built on this proposed property, the development's impacts are fully mitigated for this very special

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location, according to the provisions in the Sedona Land Development Code. He also wanted to thank the neighbors and other concerned citizens in, as we are calling this, the graduate school level of review for this conditional use. It has only made it much better.

Commissioner Brandt explained that the situation with the Forest Service to him is if we deny this, then you go back to the Forest Service, then the Forest Service won't be able to turn this down, but there is a lot of history here that we are glossing over. The general public does not want further destruction of the general public's national forest. A neighbor stated it is in the city's best interest to completely eliminate all other possibilities, but the public has already done that at two other national forest locations. These areas were relatively out of sight, not visible from the highway, out of people's minds so to speak, and yet they were taken down. The public said no, there should not be more destruction of public land for permanent private uses. The general public needs this upgrade as presented by the utility company. Our city system could fail during a house fire. That was the whole topic of discussion when this was first presented in August. Some people say there would be a decrease in property values, but that is offset by the increase in insurance rates that could go up, because of a limited supply of water to fight fires in the forest or on structures, and that would actually decrease the value of homes if there was a limited supply of water, so it works both ways.

Commissioner Brandt indicated that the general public has provided within the Land Development Code a conditional right to place domestic water systems in residential zones, if they meet the criteria outlined in the Land Development Code. We need to remember this tank is underground, so the impacts to create an underground tank are greater, and they will be greater for the neighborhood, but ultimately it will be out of sight. The buildings are an accessory to the structure; they are an important component. This isn't a cow tank; we need to make sure the water is potable, so to say parts of it shouldn't be allowed, no, the Land Development Code says that water systems are allowed. The proposal meets the criteria for the conditional use and exceeds the criteria for this special neighborhood. The flood issue is extremely important, but he does not see it connected to the structure as designed. The City Engineer said that there is actually less runoff in a huge storm from this property when it is developed than from the way it is now, so it is actually contributing less to floods. None of the structure is in the flood zone; if the flood zone was to get twice as wide, it might start to touch retaining walls on the property, but that is if it gets twice as wide as what is shown on the county's or FEMA's flood maps. While he does think it is a very important issue to try to figure out floods in that neighborhood, and he is very aware of them, because he designed one of the houses that abuts the flood at the bottom of the street across from the lift station, he does not see this as an issue for the flood. It is totally separate.

Commissioner Brandt then indicated that he reserved the right to speak some more if he hears other things being said.

Vice Chair Levin wanted to reiterate a little bit of what Commissioner Kinsella said to underscore the extensive review process that is undertaken by the City of Sedona from the day the applicant first calls staff and starts to meet with them, and that goes on throughout the process, which includes conferring with other departments, legal, engineering and outside of the city, the Fire District and others, so what comes to the Commission is a compilation of public comment, through your meetings, neighborhood meetings with the applicant, through this hearing and the ones that preceded it, through the subject matter expertise of our planning staff, and the care with which they take to inform us and educate us and guide us in rationally coming to a decision based on their recommendations. She also wanted to give Andy an opportunity to perhaps address the concern raised by someone in the room who spoke about contradictory remarks between the August hearing and apparently a meeting that took place with staff, if you could give your point of view on that.

Andy Dickey indicated that he pulled up meeting notes from that meeting in 2017, and he certainly did not say what seemed to be quoted of him in that statement. In the past, he has maintained

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that there absolutely is a floodplain there and drainage issues there. As a matter of fact, he put together a proposal for a capital improvement which is in our Capital Improvement Plan for the west end of Mallard at the drainage crossing, so he certainly maintains that there are drainage issues that need to be addressed. What he has also maintained is that with this proposed development, the intent of the design is to not have a negative impact on the drainage, and that will be staff's focus as they further refine the design into a final phase, that it maintains that focus and it can follow through in not having a negative impact on the drainage, and that has been the position the whole time.

Vice Chair Levin noted that earlier in Mr. Matta's presentation, the height of the structures on top of the tank could be reduced, and then when Commissioner Kinsella asked, you mentioned that possibly 18 inches could come down on the height of those buildings. Mr. Matta asked the buildings or the tank, and Vice Chair Levin stated the buildings on top. Mr. Matta stated yes, the building on top, they could reduce the height by 18 inches or two feet. They have a parapet that is two feet, and they can shave off one foot easily and make the building a little bit lower and without sacrificing a lot of architectural impact.

Mr. Snickers added that throughout the public comment, the alternate site on Forest Service was referred to a number of times, and on September 17th after the first meeting, he and Rick Reese reached out to Nicole Branton, the new District Ranger with the Forest Service. They had a good meeting and she wondered how she would say no another way, but she did provide an email, and he will read directly from the email: "Even if P&Z chooses not to issue a permit for the project at the Mallard-179 location, that would not necessitate the National Forest permitting construction on the National Forest", and what she was getting at there is that as long as there are options, they are not going to, so just to turn down this one site would not necessitate that we could move onto Forest Service land.

Commissioner Kinsella asked for the date of the email, and Mr. Snickers stated that the date of the email is October 15th. Vice Chair Levin asked if staff has a copy of that, and Warren Campbell stated that he does have a copy. The Vice Chair then asked if it was distributed to the Commission and Warren replied yes. It is on a two-sided piece of paper that has ADOT on one side and Nicole Branton on the other. Warren added that he also spoke with Nicole Branton with the Forest Service, and she regrets that she wasn't able to get something in writing to us. They have had some staffing changes, so they are short-handed. He did say if this site were turned down, would that open up the door, and she said no. You have to show there are no other viable opportunities, and in 2010 when the opportunity on the Forest Service was out there, there wasn't an understanding that you could do a pump system, and they were seeking higher locations for gravity feed, so a lot of the land in the Forest Service tends to be the higher sites, and that is why the cell towers tend to try to locate out there. They've kind of got a monopoly on the higher locations in our area, but now that they have shown they can do these with pump systems, they would have to go through a much higher hurdle to convince the Forest Service that another site on the Forest Service would be all that is left and remaining within our community.

Vice Chair Levin stated that if there is no further discussion, she would entertain a motion on this proposal and application, and they can be found on page 5 of the Staff Report.

Commissioner Mayer indicated that Robert Pickels Jr. heard the attorney's legal comments, and asked if he had any chance to . . . Mr. Pickels Jr. stated that unless there is something specific you would like to ask, he doesn't have any intent on responding to those comments.

Warren Campbell reminded the Commissioners that staff would like two different motions; one for the Conditional Use Permit and one for the Development Review, and it sounded like there might be some suggested changes and limitations, and those would be applied to the Conditional Use Permit as a condition of the use. Commissioner Kinsella asked if those needed to be stated in the motion or can we talk about those now, adding them into the stipulation. We did talk about the tote was eliminated and that it would be limited to one 55-gallon . . . Warren interjected that

if whoever makes the motion would state the addition of that condition if that is agreed to by the motion maker, and if it is seconded, then they could discuss adding that by whoever made it, if they didn't add that.

Vice Chair Levin asked if there is any consensus on reducing the size of the buildings on top by 18 inches; there was no comment, so the Vice Chair indicated that we will wait until the motion comes up.

Commissioner Brandt asked if there is an amendment for the address, and Warren explained that is on the Development Review, but thank you for remembering that.

MOTION:

Commissioner Braam moved for approval of case number PZ17-00001 Conditional Use Permit, Arizona Water Company Water Tank and Booster Facility, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and conditions as outlined in the staff report. In addition, a stipulation that the building height be reduced by 18 inches from the current height and also a reduction of the Sodium Hypochlorite solution to no more than a 55-gallon drum onsite. Commissioner Brandt seconded the motion. VOTE: Motion carried four (4) for and one (1) opposed. Commissioner Mayer opposed and Chair Losoff and Commissioner Klein were excused.

MOTION:

Commissioner Braam moved for approval of PZ17-00001 CUP/DEVELOPMENT, Arizona Water Company Water Tank and Booster Facility, based on compliance with all ordinance requirements and satisfaction of Development Review findings and applicable Land Development Code requirements and conditions as outlined in the Staff Report, in addition to reduce the building height by 18 inches from the current height of the buildings and also a limitation that no more than one 55-gallon drum of Sodium Hypochlorite solution be stored at the facility at any given time. Commissioner Brandt seconded the motion.

Commissioner Brandt asked if the maker of the motion would entertain adding to sort out the address situation, and Warren Campbell pointed out that the condition is noted on the presentation as number 13.

Amendment to the Motion:

The maker of the motion, Commissioner Braam, added, "In addition, in conjunction with submittal of Building Permit application, the applicant shall require a Site Address Request form to change the current address of APN 401-33-031 to the appropriate address for that street." The second, Commissioner Brandt, seconded the amendment.

AMENDED MOTION:

Commissioner Braam moved approval of PZ17-00001 CUP/DEV Arizona Water Company Water Tank and Booster Facility based on compliance with all ordinance requirements and satisfaction of Development Review findings and applicable Land Development Code requirements and conditions as outlined in the Staff Report, in addition to reduce the building height by 18 inches from the current height of the buildings and also a limitation that no more than one 55-gallon drum of Sodium Hypochlorite solution be stored at the facility at any given time. In addition, in conjunction with submittal of Building Permit application, the applicant shall require a Site Address Request form to change the current address of APN 401-33-031 to the appropriate address for that street. Commissioner Brandt seconded the amended motion. VOTE: Motion carried four (4) for and one (1) opposed. Commissioner Mayer opposed and Chair Losoff and Commissioner Klein were excused.

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, November 6, 2018; 3:30 pm (Work Session)
- b. Tuesday, November 6, 2018; 5:30 pm (Public Hearing)
- c. Tuesday, November 20, 2018; 3:30 pm (Work Session)
- d. Tuesday, November 20, 2018; 5:30 pm (Public Hearing)

Warren reported that currently there are no items scheduled, so we will let the Commission know as we get closer to those dates if we are going to cancel them, but he would anticipate cancelling the second meeting in December as we get closer to the holidays, but we will keep you advised.

Commissioner Braam and Vice Chair Levin indicated they would not be available on November 20th.

7. 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.

8. ADJOURNMENT

Vice Chair Levin called for adjournment at 8:03 p.m. without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on October 16, 2018.

Donna A. S. Puckett, *Administrative Assistant*

Date

Attachment 4a:

January 23, 2019 City Council Appeal Hearing
Packet

Available online at:

[https://www.sedonaaz.gov/home/showpublish
eddocument/36477/636830810519170000](https://www.sedonaaz.gov/home/showpublish
eddocument/36477/636830810519170000)

Attachment 4b: January 23, 2019 Appeal Hearing Minutes

**Action Minutes
Special City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Wednesday, January 23, 2019, 3:00 p.m.**

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

Mayor Moriarty called the meeting to order at 3:04 p.m.

Roll Call: Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor Bill Chisholm, Councilor John Currivan, Councilor Janice Hudson, Councilor Scott Jablow, Councilor Jessica Williamson.

Staff Present: City Manager Justin Clifton, Assistant City Manager/Community Development Director Karen Osburn, City Attorney Robert Pickels, Jr., Assistant Community Development Director Warren Campbell, Public Works Director/City Engineer Andy Dickey, Associate Engineer James Crowley, Assistant Engineer Ryan Mortillaro, Deputy City Clerk Colleen Lyons, City Clerk Susan Irvine.

2. Special Business

a. AB 2452 Public hearing/discussion/possible action regarding an appeal of the Planning and Zoning Commission's October 16, 2018 approval, with conditions, of a conditional use permit for the Arizona Water Company Water Tank Facility located at 55 Bell Rock Trail.

Presentation by Warren Campbell.

Questions from Council.

Presentation by appealing party Vincent McGeary.

Presentation by John Snickers Division Manager of the Verde Valley Division of Arizona Water Company on behalf of the defending party.

Rebuttal by Vincent McGeary who wanted his objection to the participation of Community Development staff noted on the record as he indicated in a letter sent to the City Attorney earlier in the day.

Rebuttal by John Snickers.

Opened the public hearing at 3:57 p.m.

The following spoke on this item: David Francisco, Sedona, Desiree Brackin, Sedona, Kevin Brackin, Sedona, and Joseph Dummigan, Sedona.

Brought back to Council at 4:07 p.m.

Questions from Council. Questions answered by John Snickers, Vincent McGeary, Andy Dickey, John Matta Design Engineer with Waterworks Engineers, and Fred Schneider Senior Vice President Arizona Water Company.

Closed the public hearing at 5:00 p.m.

Comments from Vincent McGeary who objected to the fact that he felt Council was making new findings of fact and not allowing for public participation.

Attachment 4b: January 23, 2019 Appeal Hearing Minutes

Motion: Vice Mayor Martinez moved to enter into Executive Session at 5:04 p.m. for seeking legal advice from the City Attorney. Seconded by Councilor Jablow. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Chisholm, Currivan, Hudson, Jablow, and Williamson) and zero (0) opposed.

Break at 5:04 p.m. for Executive Session in the Vultee Conference Room. Reconvened in open session in Council Chambers at 5:39 p.m.

Further questions from Council.

Motion: Taking all materials, testimony, and the Planning & Zoning Commission decision into consideration, Vice Mayor Martinez move to grant, with conditions, case number PZ17-00001 (CUP, DEV), Arizona Water Company Water Tank and Booster Facility at 55 Bell Rock Trail, to allow for a new public utility and public service substation, water tank, and pumping plant based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as amended by the Planning and Zoning Commission. Seconded by Councilor Williamson. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Chisholm, Currivan, Hudson, Jablow, and Williamson) and zero (0) opposed.

b. Discussion/possible action on future meeting/agenda items - None.

3. Executive Session

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


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

Executive Session was held as shown above.

4. Adjournment

Mayor Moriarty adjourned the meeting at 5:42 p.m. without objection.

I certify that the above are the true and correct actions of the Special City Council Meeting held on January 23, 2019.


Susan L. Irvine, CMC, City Clerk


Date