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

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

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

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

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 x I x 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.

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.

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

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

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.

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.

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

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 refenced 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.

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

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

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