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CALL TO ORDER

[Time: 00:00:02]

Mayor Lane: That's actually a call for the missing councilperson. All right. Well, good afternoon, everyone. It's nice to have you here. Thank you very much for attending and having the interest. I would like to call to order our December 1st, 2016, city council work study session. It is approximately 5 after 4:00 and we'll start with a roll call, please.

ROLL CALL

[Time: 00:00:20]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Kathy Littlefield.

Vice Mayor Littlefield: Present.

City Clerk Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

City Clerk Carolyn Jagger: David Smith.

Councilman Smith: Present.

City Clerk Carolyn Jagger: Acting City Manager Brian Biesemeyer.

Acting City Manager Brian Biesemeyer: Here.

City Clerk Carolyn Jagger: City Attorney Bruce Washburn.

City Attorney Bruce Washburn: Here.

City Clerk Carolyn Jagger: City Treasurer Jeff Nichols.

City Treasurer Jeff Nichols: Here.

City Clerk Carolyn Jagger: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

City Clerk Carolyn Jagger: And the Clerk is present.

Mayor Lane: Thank you very much. Just a couple of items of business. This work study session does provide a less formal environment and setting for the mayor and the council to discuss specific topics that -- to be able to discuss them at length with each other and the city staff. That's the primary purpose here, as to be able to develop some thoughts on -- as we move things forward. So this is not an action item. You will sometimes hear me call for a vote and that's purposefully to make sure our thoughts are aligned in what our thoughts. It's a guidance to move forward. And it's not a vote to action and nothing formally set in action. It's for staff to receive direction from the council and for the public to observe these discussions.

We do allow and we have allowed for the last several years a total of 15 minutes, allocated at three minute intervals on some topics of the work study session. So that's not something that's allocatable to others. It's a matter of individuals up to three minutes to speak, up to five people to speak at one time only and that's at the beginning of the session.

ITEM 1 – DRAFT GENERAL PLAN 2035

Mayor Lane: So our one and only item is the draft general plan 2035 and our presenter is Erin Perreault. She's pretty well schooled. You may have attended other work studies which does facilitate the discussion mode and give us interaction. We are not in that position because we are combining this with a related meeting that will follow this. So Erin, if you want to stay in place or if you would like to come up it will probably be better for presentation purposes. And welcome.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Thank you. Mayor Lane, members of Council, tonight, I'm here to provide you with a brief update on the draft general plan 2035, answer any questions you may have and hopefully get some direction from you this evening. With regard to -- just a reminder, both for council and the community, that the draft general plan is a multiyear process, and the update process is multiphased. So we are basically --

Mayor Lane: My mistake, Erin because generally as I just said, I will go ahead with the three cards asking to speak toward it. If you would like to sit, that's fine otherwise we can get through these in proper order. So we'll start with Copper Phillips.

[Time: 00:03:31]

Copper Phillips: Good evening, Mayor Lane, Councilmembers. Copper Phillips 7451 East Via Donna Road Scottsdale and I would like to address two components. One has to do with the natural open space, specifically in reference to John Berry's letter. In it, it seems that there -- it seems to be a massive amount of confusion on how open space actually is designated. And I would like to identify that natural open space is not something that this council would ever willy-nilly designate to a parcel. That's not within the purview, that would be a zoning change.

What does do, however, is allow the developer, the owner of a property to negotiate for an exchange of land purpose, when they are doing that development, whether they want increased height or density and they say, okay, increase the open space. That's a fine dance that's done to the benefit of the project. That's always been an agreement between the property owner and the city to allow a property to be developed appropriately. So it's existing land that has already been designated. There's no change whatsoever.

But if you want to go back on that agreement and change that agreement, that would require a major general plan amendment. That's merely what all of this change is. And if you have got something because you were able to give something, if you want to change that agreement it does need to go back to the table. So that's all that does. So I don't understand what the big valley is about how natural open space as a separate area requirement requires a major amendment when you develop it.

It seems to be a sensible thing to do.

The other thing is the split into rural and desert rural and there, again, we already had an been by Bruce Washburn, our city attorney, indicating that the additional fee it might cost to file for a major general plan amendment if you wanted to rezone from 5 acres and downzone -- I'm sorry, up zone that to one or two or three acres, parcels, whatever it may be, that would require a major general plan amendment because it's a massive use of land change, which would be different than the current plan. There again, there's no change in the allowable use of the land, the entitlement of the land as it exists can still be used. It would only apply when you want to change the intensity or the use of that plan and a little bit of added cost has never been a consideration for not utilizing that kind of process.

I wanted to respond to both of the letters received from the state land department and their objection to designating rural and desert rural. I think both are misunderstandings of what we are actually attempting to do here. Thank you very much.

[Time: 00:06:38]

Mayor Lane: Thank you, Ms. Phillips. Next would be Sonnie Kirtley.

Sonnie Kirtley: Thank you. Good afternoon, Mayor Lane and councilmembers, my name is Sonnie Kirtley, I'm the proud chairman of C.O.G.S., I will separate rural into desert rural and rural neighborhoods. You know why do this split? There are three basic reasons. Rural options for our equestrian home and luxury large home lots are disappearing rapidly in our city. Secondly, existing homeowners if rural homeowners really need a greater opportunity to have notice and to respond to applications that will carve nearby acreage into smaller lots and then build more homes on current -- than currently allowed. And then what would stop all -- would this stop all the development in an area? Absolutely not.

The general plan is not a zoning document. It's a policy and guidelines for the planning commissioners and the city council. This rural neighborhood split simply directs the decision makers to take more time and approve greater than a 4-3 majority vote, oh, but what about the cost to the developer? It's not the city's responsibility to prepare their business plan. And it's not the city's job to increase density throughout the zoning which is greater profit. It's definitely not the city's job to negatively impact existing neighborhoods.

Does this violate the developer's entitlement? This does not change the property rights at all. Zoning defines and property owners only have the right to build the density of the existing zoning on the land. To build otherwise, just requires going through our zoning process. Anyone can request a zoning change. The city council will decide to approve, it approve it with stipulations or to deny it. But we are supporting a super majority council vote if the application dramatically changes desert rural to other classifications of land use.

Who came up with the idea two groups? One, homeowners in the rural area, who have approaches us and said, hey, we are shocked in the last eight years the properties near us that have up zoned to

smaller lots and simultaneous. Homes. The second group, representatives from C.O.G.S. and some of the former members from the general plan task force conferenced in June this is the text we came up with. It was run through our city attorney and we certainly hope for the support. So C.O.G.S. leadership and membership encourage you to use the two rural use designations if your majority supports making any changes from rural desert to higher density, a minor amendment, that's a wash. It would be the same as we have now. No protection for the rural. Thank you.

[Time: 00:10:02]

Mayor Lane: Thank you Ms. Kirtley. Next we have Howard Kale.

Howard Kale: I think you have a copy of what I'm going to say I will ad-lib a little bit along the way. I'm the owner of a net 9 acres on the northwest corner. Dynamite and 84th street. I held the property since 2003, and valued it based upon the one house per acre per the existing general plan. I have been told numerous times by city planning staff to rely on the general plan and a site plan of one house per acre would be accepted. Obviously events of 2008 delayed any plans. I have attended several open houses and find the -- found the unexplained proposal to change section 25, where my property is located, in the general plan from the existing 2001 plan, passed by voters of the one home per acre to one home per two acres this appears arbitrary and violates the existing general plan, a 15-year commitment and guidance to property owners.

This also has serious prop 207 implications, excuse me. I am astounded by the proposal and strongly object. Why this one section singularly chosen to devalue and the property north, west, south and east, not changed? And why not state land adjoining my property to the south? In 2003, I understood the state -- that state land was to be a preserve. Now the state has plans underway with the city, proposing a development with one -- with many one acre lots. It essentially cuts the value of my property almost in half. It is the a broken promise since 2001 and causes substantial damage to my property and my neighbors.

Three, it is unnecessary. Buyers can buy two, three, four, five acres, as many as they want. The 2-acre minimum shots the door for the \$1 million homebuyer and only allows the multimillion dollars buyer. If you have to start were a 2-acre lot, you have a large cost to begin with. This effectively is an act of economic segregation that I'm very much against.

And, you know, it addresses the larger question. What are the values of Scottsdale? Many millions of taxpayer dollars have been used to preserve the deserts. Home for tax paying residents are important in this area. The Dynamite corridor has already taken 100 feet off the south of my property to preserve the desert landscaping and more for the widening of the Dynamite corridor, almost 2 acres. Those of you who may know me, I build Karho, probably one of the most beautiful horse farms ever built in the world. It has overrun every horse farm I have ever built. That's nature of the beast. The natural evolution of the city taking place, the area between Scottsdale Road and Pima road.

Mayor Lane: In fairness, please wrap up. You are out of time.

Howard Kale: Already substantially populated do we want new residents to stop the growth? I appreciate this opportunity to express my strong objection to this, I consider, arbitrarily discriminating and devaluing.

Mayor Lane: Thank you. That completes the public testimony for this work study session. So Erin, if you would like to return then to the podium.

[Time: 00:14:29]

Planning, Neighborhood, and Transportation Manager Erin Perrault: Okay. Where we left off. The general plan update is a multiyear process and a multiphase process. We are currently in phase three, the public input on the task force draft plan. And then we will be looking for some guidance from council on phase 4, when to proceed into public hearings and possible adoption.

Just as a reminder, we were in front of council last in August, when the citizen proposed desert rural land use designation, which is new. You can see that in red on the right. That's new from the task force approved plan -- draft plan that you had in front of you prior to that and it is different than our existing 2001 general plan. With that, proposal, along with it, as you heard from some of the speakers this evening, is a desire to also designate a change from that new desert rural designation to the other types of land uses, except for natural open space as a major amendment, and you are seeing that across on the screen, across desert rural.

The other proposal from those citizens was to designate natural open space as its own land use category. Right now, it is coupled with the rural neighborhoods and when two land uses are in the same category, it only takes a minor amendment to change between those two land uses.

So just wanting to update you, we did do public outreach after speaking to you about this proposed change. We certainly advertised this far and wide. In particular, to those that would be affected proper owners under this proposed new land use, including sending direct letters, direct mail, and postcards to them about the open houses and different ways to contact the city with any feedback that they might have. We held open houses in September and November of this year, and have also received a series of phone calls and emails as I'm sure you have as well.

With regard to property owner responses that have come directly to staff, you may have received others that we don't -- aren't aware of at this time, but eight parcels north of deer valley that are affected property owners were in support, that we have heard from to date. 37 are in opposition, and an additional 40 parcels wanted more information but did not indicate support or opposition at the time. Unaffected property owners north of deer valley that have contacted us, 22 of them have expressed support for this idea and this new land use designation and two expressed opposition. Since we do hold open houses for anyone in the community to provide input on the draft general plan, we have also heard from others south of deer valley that are not affected property owners four in support and one seeking more information as well and then, of course, you have received the letter from C.O.G.S. previously supporting the idea.

So tonight, what we would be looking for is to have a conversation with council with regard to moving forward, either first with two options, either moving forward with the draft 2035 general plan, and with that discussion, we would need to know from at least -- if we have five councilmembers, that would be willing to move forward with that plan, and then what content you would like to see moving forward with that plan. Not including the desert rural, including the desert rural, at a major amendment type of process? A minor amendment type of process? And then what you want to do with natural open space? Would you like to see it as a stand-alone designation or maintain it as is -- it's it is today in the 2001 and the task force draft plan coupled with rural neighborhoods.

The other option that council certainly, we can discuss is not moving in order with the draft 2035 plan at this point, and then finally, we would like to get some direction if there is at least five councilmembers looking to move forward with one type of general plan update at this point, whether it's the draft 2035 or another option, what kind of timing you would like to see for that general plan update. So that -- I can leave these options up here, because I know it's quite a menu of options for you to talk about. I can leave those on the screen for you, and I'm happy to answer any questions you might have as well.

[Time: 00:19:12]

Mayor Lane: Well thank you, Erin. Just sort of an opening, just clarification on our PowerPoint on this, it does indicate option one, option two, option three and option four. How does that relate to what we have here, sort of subsets?

Planning, Neighborhood and Transportation Manager Erin Perreault: So they are the same ideas. It's the same content. What I did was I gave you, A., B., C., D., and E., so that it's easier to identify in a public hearing setting like this. Option A would be to maintain the rural neighborhoods as written by the general plan task force. Option B would be the split rural and desert rural neighborhoods and maintain that suggested major amendment process with that. Option C would be to split rural and desert rural. But convert that major amendment process to a minor amendment process in the criteria portion of the plan. So those are the options that you would decide on, in terms of land use.

Mayor Lane: And, of course four then would be --

Planning, Neighborhood and Transportation Manager Erin Perreault: I split option four with regard to natural open space. So either you retain it as it is or you -- or you convert it to a standalone land use category and retaining as is, means it's coupled with rural neighborhoods now and the task force draft plan, it's not a standalone category.

Mayor Lane: Okay. Okay. And, of course, option two you have there is simply not to move forward?

Planning, Neighborhood and Transportation Manager Erin Perreault: Correct.

Mayor Lane: Thank you for that clarification for me, in any case. Let's see if we have got some questions here to start the discussion off. Is there -- we do now have, either a question or comment of what we have before us. Councilman Smith?

[Time: 00:21:08]

Councilman Smith: Thank you, Mayor. Erin, are you going to take questions at your leisure there at the desk? I think my question is not to you, though, but to the city attorney. The question was raised or the issue was raised as far as prop 207 implications of this action should we decide to proceed with it and put it in front of the voters and in the voters approve it. Are there, indeed, prop 207 implications or can you opine on that?

City Attorney Bruce Washburn: Mayor, members of Council, Councilman Smith, the prop 207 applies to land use regulation, and in my opinion, the general plan is not a land use regulation, to which prop 207 applies. Therefore, I don't think that what is being requested or proposed, in fact, raises prop 207 issues. There's also from the state land department perspective, which had raised the prop 207 concern, prop 207 applies to private land, and the state land department is a government agency and so therefore, I believe the land it owns is not private but public, and therefore prop 207 would not apply.

[Time: 00:22:33]

Councilman Smith: I understand. Thank you. Erin to you, a question and it regards in ambiguity in my mind. I will say up front, I favor this kind of split. But I'm just wondering about its implementation and the thing I'm wondering about is -- is what the designation will be. There's ambiguity. I'm looking at the change and land use category. Perhaps you should go back to that. Category B will be desert rural neighborhoods, one unit per two or more acres. Category C will be one unit for anything 1 to 2 acres. If I happen to be right at 2 acres, where do I fall?

Planning, Neighborhood, and Transportation Manager Erin Perreault: We could clarify that in terms the language, up to 2 acres, but not including 2 acres for the rural neighborhoods. We could clarify that if we have a majority of council that looks like they want to move forward with the split in the desert rural.

Councilman Smith: Okay. I think that's important to clarify. And then let me ask you another question because in the staff report that you gave us, you referred to properties that are zoned R1-190, R1-130, let me give you a hypothetical, if I have a property that's 2.5 acres in size, I guess two questions, what will be the zoning for that and number two, do I particularly care what the zoning is or is the governing language that I'm now in category b because I'm at 2.5 acres.

Planning, Neighborhood, and Transportation Manager Erin Perreault: We would certainly be looking at what zoning category they would have and they would want to be changing to. So two and a half acres could be something less than R1-130, and in that case, we would be looking if they are looking to change to a greater density than that or not, and if there are already rural neighborhoods or desert

rural neighborhoods. Those are the points we would have to see in a hypothetical.

Councilman Smith: Let me stick with it for a moment. Let's say I have a property that's two and a half acres. The general plan is not a zoning document. So it's not going to talk about what the zoning is for a property. It's not going to say if you have this or if you have that. It's just going to say what you have right here. So if I'm 2.5 acres, am I in category B?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Not if it's not designated as that on the map. And what we have designated right now are those properties that are R1-130 or R1-190. So if you are two and a half acres and you have come in and this is adopted and ratified, then we would look to see if it's colored the red color that you saw on the previous slide, or if you are in a rural neighborhood's category.

Councilman Smith: Well, you understand my confusion, I think. Because if I own 2.5-acre piece of property, this page out of the plan would tell me I have a desert rural neighborhood. And you are saying that there is some other designation that when I actually come to apply this -- I mean the voters will be voting on this template here. And they are going to think that they are preserving desert rural neighborhoods everything over 2 acres. It appears that's not the case.

Planning, Neighborhood, and Transportation Manager Erin Perreault: That's not the case. We have different plans. They are not tied to one particular acre. So, for example, in rural neighborhoods, could you have half an acre property that's designated as that. Could you have 2 acres right now or 2.5 acres that's designated as rural neighborhoods. You may have the same thing. It depends on what council approves in terms of what's designated on the map as that general plan's land use category. And what we are proposing is just to try to align the desert rural designation with those properties which are the largest lots, which is R1-130 and R1-190 at this time.

[Time: 00:27:02]

Councilman Smith: Well, I think it's very confusing to the voters if they have something that says anything over 2.5 is desert rural. And then there's a myriad of things that have another designation or we didn't color them on a map that way. Do you have any idea how many properties fall into this -- into this quick sand that I'm describing here?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Well, they would have a general plan designation as rural neighborhood.

Councilman Smith: Who would?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Those properties that are 2.5 acres that aren't show currently as the red color of desert rural.

Councilman Smith: I'm probably being very dense here, but I'm totally lost. I'm a citizen. I own a house. My neighbor has a 2.5-acre lot. I vote on the general plan and I think I'm protected. He's

got a 2.5-acre lot. He's going to be desert rural and never see one unit per acre. I don't know what he will do with the other half acre. You are saying not so?

Planning, Neighborhood, and Transportation Manager Erin Perreault: I would have to look at what property you are. If it's rural neighborhoods then they could go up to one dwelling unit per acre under the general plan desert. Brian if you could put slide 16 up, that might help. So the reason why we identify by color which properties or what general plan designation, it's very clear if you are the landowner or the neighbor, which category you are in and what ultimate density you would have. The reason why we have densities in the general plan land use element is the state statute requires us to have those densities in there.

Councilman Smith: Okay. So the state law requires you have densities in this, but a person says he will have to get out his crayons here and figure out what color his neighbor is or -- before he knows what he's voting on. To me, that seems complicated. Or less than transparent or confusing or all three.

Planning and Development Services Director Randy Grant: Mayor, Councilman Smith.

Councilman Smith: Jump in, Randy. Help her out.

Planning and Development Services Director Randy Grant: The important thing is not how big your property is currently. It's in which designation you fall. So if you own a 2.5-acre property, it doesn't mean that you couldn't have one unit to the acre, or that you wouldn't be restricted to -- to a desert rural category. It's where you are located on the map and not what your current zoning is and not what the size of your parcel is. If you are in rural neighborhoods, could you get two and a half homes on that 2-acre lot. If you are in the red area, you would not.

Councilman Smith: Well, then I would suggest we go back to the previous slide and delete the words that talk about over 2 acres, under 2 acres all that kind of stuff, because that's not what's going to be your guidance. Your guidance is going to be whatever the zoning is on the property or this colored map, is that correct?

Planning and Development Services Director Randy Grant: Councilman Smith, the zoning is going to be guided by what's on the general plan. So if you own 2.5 acres and this says 2 acres is your zoning, then you are at one unit to the acre essentially. You couldn't subdivide it down to be a higher density. Or I'm sorry, one unit per your parcel.

Councilman Smith: Would you say that again?

Planning and Development Services Director Randy Grant: Sorry. I feel like I'm making things worse.

Councilman Smith: And go back to the previous matrix while we are talking here.

Planning and Development Services Director Randy Grant: Yes, the categories were determined by looking at what the current zoning is, assuming we will not have too many lots that are smaller than the current zoning. So assuming that we start with those properties that are R1-130, and R1-190, applying the new criteria is -- is -- is not going to be affected by the size of the parcel. It's going to be affected by whether you fall into this new category or not. If you own an R1-190 5-acre parcel and you are shown here as urban neighborhoods, you are going to get 5 units out of that 5 acres. If you are shown here as part of one of the new categories, you will get 2.5-acre lots. So the zoning is going to implement what the general plan says.

Councilman Smith: If I have my proverbial 2.5-acre lot, what would be my zoning now for 2.5 acres? Or do I have a zoning designation for 2.5 acres?

Planning, Neighborhood, and Transportation Manager Erin Perreault: I believe -- I don't have a zoning ordinance with me, but R1-170 probably for 2.5 acres.

Councilman Smith: That's the same designation if I have 3 acres, right?

Planning, Neighborhood, and Transportation Manager Erin Perreault: No, 3 acres would fall into the R1-130.

Councilman Smith: You have your cheat sheet in front of you now. Is it --

Planning, Neighborhood, and Transportation Manager Erin Perreault: So R1-170 would be the 2.5 acres.

Councilman Smith: Your R1-130 and are 1-190, you can have the 3 acres under either of those two zoning categories.

Planning, Neighborhood, and Transportation Manager Erin Perreault: So Councilman Smith, we currently don't have a zoning category. 2 acres is R1-130.

[Time: 00:33:29]

Councilman Smith: Okay. So the 2.5 acres falls into the R1-170 and it will be considered as rural, not desert rural.

Planning, Neighborhood, and Transportation Manager Erin Perreault: As proposed now.

Councilman Smith: Are you suggesting we can change that by our vote here tonight?

Planning, Neighborhood, and Transportation Manager Erin Perreault: You could direct staff to change that and then we would have to take that back out to the community, yeah.

Councilman Smith: Well, I will let others weigh in but I think it's going to be terribly confusing out

there the way it's written now. Because if you are implying that people who have 2 acres or more will be desert rural, then I think if we don't have the zoning categories to comply with that or whatever we need to put them in there or somehow we need to make that comply with what we are saying. I don't think we can expect people to go to a colored map and try to figure out whether their's is purple or magenta.

I do favor this designation. I said that at the outset and I will say it again. I favor the segregation between the properties. But I want to be sure that we are not misleading the voters. Thank you, Mayor.

Mayor Lane: Thank you, Councilman. Councilwoman Korte?

[Time: 00:34:53]

Councilmember Korte: Let me try to clarify this for our people watching on screen and -- and you, my dear friend Councilman Smith. So let's take an extreme example. If a 5-acre parcel in urban neighborhoods and urban setting, that will not be within the condition of the desert rural neighborhood. So desert rural neighborhood is its own classification and urban rural neighborhoods is its own classification. So 5 acres in urban neighborhoods are not going to be relegated to one unit to two or more acres. It's going to be under the zoning of urban neighborhoods of 8 plus units per acre. So what we're trying to say is this is very clear to me, that in desert -- I mean, not -- I didn't insinuate anything there, that desert rural neighborhoods are its own zoning, the red.

We have clarified zoning by colors forever, the last 20 years, 30 years that I remember, and that those desert rural neighborhoods would be condition -- the condition would be relegated to one unit to two or more acres. It does not apply to a five acre parcel in a suburban neighborhood because that's a different classification of zoning. Does that make any more sense?

No. Okay. I give.

[Time: 00:36:44]

Mayor Lane: Thank you, Councilwoman. Well, I'm going to just ask a couple of questions for my own clarification. I've got to say it's gotten more confusing since we started talking up here than I think -- or I have what it was before. The purpose of the outreach here was to the property owners that were affected; is that not correct, primarily?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Primarily, yes. So we did direct mails to them since this was a new idea after the task force draft general plan had been released to the public and out in the community for a while. So we wanted absolutely to make sure that all affected property owners certainly knew about the idea and what was being discussed. In addition, we also welcome any comments on the general plan, any portion of the general plan or idea about it, or change about it, to any community member as well.

Mayor Lane: But when it's to this provision specifically, it really is something we were trying to find out, to those affected property owners, how they felt about how this is impacting them, more than anything else? Obviously people who are not affected by this provision are not going to care one iota about it, other than with the community side of it, on the overall. So that's -- and I'm sorry, but this would -- but, nevertheless, that's not something that -- that we were trying to find out because I think we probably -- I was actually surprised that anyone who was outside the category actually weighed in in favor of it. Be that as it may, that's the kind of thing that's in each individual's mind. But that's -- that's one thing.

The other is -- and there is an area of this on the natural open space that I will probably want to talk about a little bit further too, but I'm concerned about -- that these changes do change the voting requirement, the change to at least the more restrictive form of this. It changes not just our process but our zoning law as it relates to a change in any requested change to zoning. So we made a distinction between one set of properties versus another and now saying even though the general plan and frankly, there's underlying prospect for the zoning changes, as have always played out that they now are having to go through a more lengthy process and also a change in what the vote would be in any request for a zoning change. I don't know where that line gets drawn but it does sound to me like it does put further restrictions on it, which does cost somebody more money.

And not that I often looked to the state land department for guidance on things like this, but they were pretty plainly stating. I don't know how far they would take this, but if we were to somehow change the valuation of the state land in their ability to sell that land to the beneficiaries, sell or lease or whatever, they specifically indicate, with the Arizona State land department, that the proposed land use is an arbitrary change of rules and entitlements long established by the general plan. Now that just goes to the general plan. But when she goes further on to say any such change that has the practical effect of reducing allowable density of one-third of what is committed, is both a regulatory taking and a diminutization, as defined by the Arizona Proposition 207 and she cites the statute. And so she says on behalf of the trust beneficiaries, I respectfully request your rejection of the desert rural desert plan use, a category proposal.

Again, I don't know who has got the corner on exactly how this gets defined as a -- that valuation issue, but I do believe it's probably something that an individual property owner would certainly be well within their rights to challenge and that is a concern as we do this. Someone suggested to me, well, why don't we grandfather state land in? Well, that would even be even more bizarre as far as I'm concerned, because now we would be saying, okay, if you are a government agency, we will not change it, but all of that land is subject to being sold to private individuals and that's when it comes under use for -- potentially for development in the current zoning or requested change to what is currently allowable.

My one concern is -- and I'm not sure -- I will be the first one to admit and I'm not sure anybody else has got the corner on this either, but if you say change it from a simple majority to a super majority, you are changing the process of the zoning, not just the process I suppose but the result from any requested zoning change and that can go to an idea of increased risk and increased length of time and thus increased costs or for any perspective buyer, a reduced cost -- or I should say a reduced selling

price to the potential seller. So that's -- that is my concern. I don't know that there's a direct answer to that, but that is something that I'm concerned about. There's this idea of keeping the natural open space or segregated out as natural open space. We undoubtedly know we have a designation of natural open space. We've got 47 square miles of it designated as such and that's subject to a completely different set of rules and circumstances in any case. But the -- even though in the course of a development agreement we all are pretty much aware that there are tradeoffs and there are agreements and that's important to have that agreement, but it's also important to recognize that at some point in time, that natural open space that's been agreed to, I'm not sure what this provision actually calls out for and what we have on the record right now.

Randy, I don't know, or Erin, can you give me a brief explanation on that point of the naos and seemingly the dispute of how we came about it, whether it's by virtue of agreement or whether it is by designation that we already have established through our general plan.

Planning, Neighborhood, and Transportation Manager Erin Perreault: So with the task force general plan, we have two maps that refer to open space. The one where we consider land use changes and the general plan process is in our land use element and the land use map that we have in the draft general plan and the current general plan as well. The open space map that we have in the open space element, the task force had a lot of discussion about giving the community an idea of what types of open space we have. So some are more passive, like the preserve, some are much more active like a golf course and developed open space areas.

And so that doesn't we don't use that to regulate the land or any land use that's requested, we use the land use to do that. And what we show on the land use element are those open space areas whether natural or developed open space, that we have had consent for already through a zoning action, an easement or some sort like that. So that type of consent is being shown there and we are not attempting to show new open space, whether natural or developed as part of this process.

Mayor Lane: But as it's suggested right now in the form that we've got, that this particular version of the general plan, right now, natural -- or rather natural open space is grouped with rural neighborhoods?

Planning, Neighborhood, and Transportation Manager Erin Perreault: The task force plan, yes. The task force plan group natural open space with rural neighborhoods and in terms of process, there are two distinct land use designations still and they are shown differently on the map in terms of coloring but what that means when you group two land uses together, is that they should be compatible with one another just to only require a minor amendment to change between those two land uses.

So slide 4 again, Brian, seems to be quite popular tonight.

Mayor Lane: So as I understand, as you are talking about right now, right now between those two compatible designations in this zoning, it would be a minor change as it is right now? If it were broken out separately as a separate component, that would change this? Okay.

Planning, Neighborhood, and Transportation Manager Erin Perreault: So you are seeing on slide 4, the breakout of natural open space as its own category. And when it's its own category, what is being suggested by the group of citizens to break it out into its own category, was to then make any change from natural open space to rural neighborhoods or if a new desert rural neighborhoods or other type of land use designation, you are seeing a suggested major amendment, but council can provide direction to do something differently in terms of what that process could be and then we would take that out in terms of, you know, the public hearings on the plan as well. The task force plan has it grouped just like it is in the 2001 plan, as rural neighborhoods and those two uses would be a minor amendment. All other changes from natural open space right now under 2001 to anything else but rural would -- is a major amendment already.

Mayor Lane: So if we had an existing parcel that falls into this -- into any category, I'm presuming, where you have natural open space and some other zoning, in any category, which it's desert rural or rural or maybe otherwise, 50 years from now, if, in fact, somebody were to say, we will be changing this property somehow or other, if, in fact, what is now compatible would be incompatible change, it would move -- well, not incompatible necessarily, but they would not qualify for a minor change, it would have to go through a major change, irrespective of anything else that's gone on.

Planning, Neighborhood, and Transportation Manager Erin Perreault: As proposed or the way we have it currently?

Mayor Lane: The way we have it currently?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Currently if you change it from urban neighborhood, anything else, it's a major amendment.

Mayor Lane: I see and if you break it out and it's a stand-alone land use, does that have any -- what's this -- what's the defining line there if it's a separate item rather than a -- as it's combined right now.

Planning, Neighborhood, and Transportation Manager Erin Perreault: So if it's separate, you are seeing it as separate in category a mocked up on the slide. If it's separate, you have to decide what the change would be, from category a to category c, as it is on the slide right now. Rural neighborhoods, you have to decide what you want in that box. So it could be a major, as is proposed right now, or it could be a minor -- you could still keep it as a minor, even if it's not grouped together.

Mayor Lane: Oh, okay. I got it. Thank you. Councilman Phillips?

[Time: 00:48:43]

Councilman Phillips: Thank you, Mayor. Now I will give it a shot. The way I see it, if we go to option 2 or b, and by the way, I am for it, we are not changing the valuation of the land. We are only changing the means of the property to up zone, and it remains the same under the new category and we also have a basic ruling by the city attorney and I agree with that, that it does not affect the state 207 or -- yeah. So what it is, it's -- if I own 2 acres in rural neighborhoods and right now it's currently

zoned that I can only build one house on it, and this goes through and it becomes desert rural neighborhoods, I can still build that one house on 2 acres. Nothing has changed. So my valuation has not changed.

However, if I want to split it, or if I want to build two homes or four homes or ten homes, now I have to go through a major general plan amendment to do that. That's what the difference is. I think that's kind of simple. Thank you.

Mayor Lane: Thank you, Councilman. I don't know that we have any other requests to speak on this subject. And if that's the case, then maybe we have some development of thought. Councilman Phillips in that you have just spoken, did you -- well, okay, but let's have Councilman Smith weigh in first then.

Councilman Smith: Thank you, Mayor. I just didn't want to have dead time there.

Mayor Lane: Believe me, don't feel compelled to fill it up. It is not TV time. We can have a pregnant pause if we need to.

[Time: 00:50:44]

Councilman Smith: I'm going to, for my part -- I don't know, are we making a motion here or just giving direction or do we give direction by consensus? I would like to, for myself and perhaps in the form of a motion, give the direction that we do proceed with option 2, the modified citizen group proposal. I think it was item b on your enumerated list of possibilities. And someone can tell me if that's right, maybe you can put the a, b, c, d.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Slide 8, Brian.

Councilman Smith: Slide 8 will do it. I think I'm looking at the split rural and desert rural neighborhoods and I do propose that it be the major amendment and then also on that same menu, option e, which we haven't talked about a great deal but nevertheless, to separate out the natural open space as a standalone land use category and any other change be a major amendment. I think I will give that direction on my part and leave it to staff as far as how to clear up the ambiguity.

Mayor Lane: Excuse me. If you want to put it in the form of a motion -- so we can determine whether we valuation a consensus of opinion on that direction.

Councilman Smith: Okay. Then my motion will be very simply that we go with option b and option e under the subcategory of option 1. Thank you, mayor.

Mayor Lane: All right. Thank you, councilman. So do we have a second for that motion? Hearing none, that motion fails for lack of a second. -- for lack of a second.

Vice Mayor Littlefield: I have a question.

Mayor Lane: And you can speak, if you would like to. We will leave that motion. Right now it's dead. Vice Mayor Littlefield.

Vice Mayor Littlefield: If we went with option e to separate the natural open space as a stand-alone use category, most of the open space that we currently have on our general plan has already been through consent the owners, and has been put on because of it; is that not correct? How would that affect that category then if open space could be taken not by consent. Would we ever do that? Would we put it on there as open space without the consent the owner.

Planning, Neighborhood, and Transportation Manager Erin Perreault: No, we wouldn't put it on without the consent of the owner or some sort of public process for that. But what it would do is it would mean anyone coming in, in the future, if that is adopted and ratified, if they wanted to change any portion of the property, from the natural open space, if it does have one of the designations to rural neighborhoods, that would be a change from what we have currently which is a minor amendment. It would require a major amendment in the future.

Vice Mayor Littlefield: Okay. I will go ahead and second this motion because I think those are the directions that I would like to go but I would also like to speak to it, when it's convenient mayor.

Mayor Lane: Well, I was going to say, if you are seconding, it's your opportunity to speak to it right now.

Vice Mayor Littlefield: Okay. Well, when I came in here tonight, I thought I understood this and then I got really confused. And then Councilmember Korte kind of cleared it up for me. Thank you very much.

Councilmember Korte: Oh, thank you.

Vice Mayor Littlefield: And basically, it's -- it's the map. If it's designated that that's the land use then that part of that land use, that's what we are talking about when we have the designation. I think a lot of the confusion is trying to turn this into a zoning ordinance and it's not. This is a land use ordinance. A zoning underlies it but it's not something that determines zoning. It determines what the land use can be on the property. It also does not stop anyone who owns land to change that, if they go through the proper procedure. And I think that's important. I would not want to tell someone you could not ever change it.

However, it's not the responsibility of the city to ensure that an owner increases the value of his property through changes after he's bought the property, nor is it the responsibility of the citizens to ensure that. That's the responsibility of the owner of the property, when they bought the land. And it shouldn't be done at the expense of neighbors and that's really, I think what we are trying to do here is to protect neighborhoods, protect citizens, and protect the land. So I would support option b, I think that's a good -- a good way to do it. And I would go ahead after what you have said about the open space, I will go ahead and support the open space also.

Mayor Lane: Thank you, Vice Mayor. Councilman Phillips?

Councilman Phillips: Thank you, Mayor. The other thing I was going to say was, I mean, listening to all of us tonight, and when you look at the public outreach, which on my screen is different than the one you had, but even so, you look at it, and it sounds like a lot of the affected homeowners don't really understand it either. So I don't know if that's any kind of direction by council, but somehow we've got to be able to get people to understand exactly what we are doing here because if we don't, it just sounds like we are trying to take their land or do something with it and that's not our intention whatsoever.

After that, I would like to make an alternate motion that we just -- or alternate direction that we just accept option B.

Mayor Lane: Well, I would say that motion fails for a lack of a second. We do have Councilwoman Korte would like to make a comment, I presume on the current motion?

[Time: 00:57:29]

Councilmember Korte: I do. I'm going to express some concern about option B and, you know, while I don't believe the letter from the Arizona State land department is a threatening letter. I think it is a letter that we need to pay attention to. And as Mr. Washburn, in expressing some concern about adopting option b, that someone could place a complaint to the attorney general and we would find ourselves in a lawsuit of taking the value of the property and I could see where the state land department could very well be that entity to question this zoning -- not zoning, this land use change. I'm concerned about it.

I'm also concerned that we haven't gotten a full spectrum of landowner opinion of those affected by this. And I want to thank Mr. Kale from writing not only a very clear letter and opposition, but for being here, because we talk about protecting our citizenry from taking, and here's a great example of the northwest corner of dynamite and 84th surrounded by 1 acre -- 1 house per acre properties and this is a clear devaluation of his property. And I think that's an example and I think there's other examples that we have not heard from.

So I will not be supporting this because there may be many other circumstances like this, and taking of the private property rights.

[Time: 00:59:51]

Mayor Lane: Thank you, Councilmember. I have expressed some of my concerns on the table. There are two different points of view on there and it's property rights as it relates to the individual property owners. If we have a concern that we are not vested with some responsibility, to assure a property owner of some -- of making money or developing the proper, his or her property as they see fit, I think we do have -- I have a concern with that thinking. That's certainly not our responsibility,

one way or the other to make a determination on somebody using their property within the zoning that they purchased the property. That's one thing for sure.

We are not even talking about a change of zoning. We are talking about a change of rules and we are also discriminating against anybody who happens to have a certain sized property. And, you know, within the same zoning. Now we are saying, hey, if you have more than so many acres you are subject to a stricter rule. I'm not sure what the logic is even behind that. Not that I'm suggesting to go to all of it, but nevertheless, I just it's one thing if according to the general plan and the zoning, how the property owner can use their property, they are relying on those things. There's little doubt in my mind that whether this is processed or this is a zoning change and I think it's a little bit of the both.

When you change the rules for a specific category now in the quantity of acreage over somebody else, I think that's discriminating and I think it's changing the rules on a zoning application, which goes more to procedure when you talk about how many votes you need to. Have if you said, hey, you need to have a unanimous decision with that and be more pervasive than a super majority being I'm not sure. But that's the area of my concern.

So I won't be supporting the motion as it sits on the table right now. So we do have that motion on the table. And I think we are ready to vote on that. Now everyone understands the nature of the motion, I'm hoping and therefore all of those in favor please indicate by aye if you are in favor and nay if you are opposed. That motion fails, as we see 4-3, with -- I'm sorry, with Vice Mayor Littlefield and Councilman Smith and Councilman Phillips in the affirmative. That leaves with us some new direction.

Councilwoman Korte.

[Time: 01:02:49]

Councilmember Korte: Thank you, Mayor. Erin, you began your presentation as we move forward that to move this forward to a citizen vote, that we are going to need a 5-2 -- at least five councilmembers in support of this. I'm just throwing this out here. So this point is -- shall we say, we don't have clear direction, correct?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Correct.

Councilmember Korte: What is recommendation to move from here?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Really council could do -- move in order with the draft task force, the draft general plan, which retains all of those properties up north as rural neighborhoods. So that's an option since option B is off the table now, or you could keep desert rural on the table but have it be a minor amendment. Those are kind of your two options with regard to moving forward with 2035. We would need a decision on whether you need to stay with option D, since it sounded like option e was an issue in that last motion, or we could talk about not moving forward with the draft task force at this point, and possibly moving

forward with a more simplified update, which would include meeting the state statute requirements of adding the two new elements that we need to add to our general plan.

Planning, Neighborhood, and Transportation Manager Erin Perreault Councilmember Korte: And can you clarify for me on option D, the natural open space, minor amendment. How does that change from the original task force recommendation?

Planning, Neighborhood, and Transportation Manager Erin Perreault: That is their original task force recommendation and it is what we have in the 2001 general plan as well.

Councilmember Korte: Okay. So it is status quo?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Correct.

[Time: 01:04:49]

Mayor Lane: All right. Well, I think if there's a determined, and accepted guide line that we need to, have we would like to have five or more in order to be able to move this forward positively. I'm of a mind -- now I'm not sure whether this is a motionable item is to move forward as you have just suggested. I mean, on the first option that you talked about, without the provisions that we have -- that we just voted down. And I don't know that there's anything else that would amend it but if we go forward with that and do the outreach on that, if there's some way to bring it back and continue it until we have that in final form.

Planning, Neighborhood, and Transportation Manager Erin Perreault: In terms of just -- well, if you are taking the options off the table with regard to desert rural, then you would be moving forward with a draft task force plan, land use, as it was recommended in November of 2014 by that task force to you. Which really maintains what we have today, with regard to general plan land use as well.

Mayor Lane: Well -- yes, specifically.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Yes.

Mayor Lane: I will ask the council if there's some consensus on that. Go ahead with your question.

[Time: 01:06:09]

Councilwoman Klapp: I do have one question. How is the general plan 2035 plan different from what we took to the voters the last time?

Planning, Neighborhood, and Transportation Manager Erin Perreault: It has a couple of new elements that have been added, not just the state mandated but there's the new art and culture element that the community created and wanted to add this time. That was done through the task force process embedded with the community as well. There are new goals and policies in each of the

different elements. And then, of course the two state mandated elements that were required to add that aren't in the 2001 general plan as well.

Councilwoman Klapp: Thank you.

Mayor Lane: Councilwoman Klapp. Councilwoman Milhaven.

[Time: 01:07:05]

Councilwoman Milhaven: This has been a really difficult subject and frankly quite divisive in our community. And I just -- the task force worked long and hard and through lots of controversy. And I would like to see us move forward in a more collaborative way and I know there are a lot of folks disappointed with the vote we just took. So to that end, I'm more inclined to support two which is to say if the -- if the criteria for minor versus major has really become quite a wedge in our communicate and we can't come to agreement on it and the citizens rejected the previous changes that we simply put forward the additional state mandated elements, if the task force that concluded arts and culture, I think that would be agreeable to me as well and so on.

I will make an alternative motion -- oh, we don't have a motion, do we? I will make a motion to move forward with option 2, to direct staff to move forward with bringing forward the state mandated elements, plus the arts and culture section that the task force worked on. Thank you.

Councilwoman Klapp: Second.

Mayor Lane: The motion has been made and seconded. Would the second like to speak toward it?

Councilwoman Klapp: Well, Councilwoman Milhaven was following my line of thinking, I'm sure, if we are making some slight changes to the amendment that has been voted down, we are spinning our wheels in trying to take the 2035 plan forward, and we have a better chance of reaffirming our support for the 2001 plan that everyone seems to like a lot and adding a few things that are required and maybe a few things that might just be a slight update and seeing if that's going to be palatable for the voters. That's why I support option two.

Mayor Lane: All right, well, we've got a motion on the table, and a second. Comment or question from Councilman Smith?

[Time: 01:09:29]

Councilman Smith: Thank you, Mayor. Well, obviously, I'm disappointed we couldn't come to agreement on a compromised proposal. I think everyone knows, you know, it wasn't anybody here on the dais that came up with that compromise. That compromise was proposed by a group of citizens who spent more than a year looking at devising a new general plan to go to the public with, and perceiving that -- that they still didn't have full community support, they worked with folks over the summer, while the rest of us were touring the country or whatever we were doing, Erin and that

group met and came up with an agreement among citizens. So I say again it wasn't an agreement that we came up with here, but I certainly endorsed it as being a sincere effort on the part of citizens.

So I'm also deeply concerned when we say that, you know, we have a 2001 plan that we like. Think the only people that like it are the developers. I mean, the citizens in a town like Scottsdale are working under a plan which is now 15 years old and aging and I think we owe it to ourselves to try to come up with a new plan. So I'm not quite sure what -- that I'm in agreement with not -- in just moving forward with the old plan of 2001, dust off the day and pretend it's current.

And I certainly -- if that's what we do, I apologize to all the people that spent months and months and months trying to come up with a -- with a better plan and even came up with a consensus agreement that they felt would be supported by the public but apparently not by the council. Thank you, Mayor.

Mayor Lane: Thank you, Councilman. Councilman Phillips.

[Time: 01:11:46]

Councilman Phillips: Thank you, Mayor. Well, I have to echo Councilman Smith's remarks. He was on the council that came up with this idea. He was the citizens and not only that, both sides the coin. They worked all summer and came up with this and I thought this was a good compromise and I will thought we could finally -- you know, you always hear the comment, reach across the table. And that's what we did and both sides reached across the table and came up with this. All it takes is for the Councilman to come up with it.

Currently some people on the council can't do that. They will say no, our way or the highway and our way is to keep the 2001 plan because they will never agree to anything else. So it's either we agree to the 2001 plan or we continue this and try to do something else and continue to fight and continue to vote no and it will just go nowhere.

I'm sorry we wasted everybody's time on. This we had a good compromise. Certain people didn't want to do it. And now we're stuck with an old plan. Of course, the developers are happy with that, because, you know, it's business as usual. You know, it's always going to be business as usual. That's not going to change. And they are going to make sure that's not going to change. So, yeah, this is a sad day for Scottsdale once again. Thank you.

Mayor Lane: Thank you, Councilman Phillips. Councilwoman Korte.

[Time: 01:13:15]

Councilmember Korte: Thank you, Mayor. Well, I think that Scottsdale holds the distinction of the only city that's turned down a general plan in the state. And maybe I'm wrong. Erin has there been another city that have turned them down.

Planning, Neighborhood, and Transportation Manager Erin Perreault: There have been other cities

that have turned them down?

Councilmember Korte: Okay. Good. Good. I would hate to have that distinction all by ourselves.

I apologize to the task force, the task forces. There were two task forces and I don't know how many hours did we calculate between -- with the two task forces of thousands of hours spent coming to the general plan 2035 and even after a visioning process, a multi-day visioning process, to try to bring the community together on what Scottsdale could be like in 2035. The compromise, I guess driven by citizens, a subset of those task force. It was a small group of the task force and a small group of C.O.G.S. that came together, and I applaud you for that, and thank you for that time that you put into it.

But I think it's easy to come up with a compromise void of any input by direct stakeholders and that's my concern, is the impact to the direct stakeholders. They are not developers. Mr. Kale sitting here is not a developer. He invested in some land with -- believing that he had the zoning and this is -- could you call this a devaluation of that.

So I do not necessarily think that option 2 is the best way to go. I'm concerned that -- I'm concerned that option 2, we take this to the volunteers and there's going to be a contingent that will advocate against that and we're going to be back in the same spot that we are today in another failed vote, but we have got to move forward and I will support the motion as option two.

[Time: 01:15:48]

Mayor Lane: Thank you, Councilwoman. You know, I know that a lot of people have worked on this for a long time, and we have gone through this process, countless times. Erin has become a resident expert and frankly, I'm sure she could run any general plan amendment through any city here in the state with the extensive experience and done it with great style. And there isn't any doubt that they have taken a great deal of information from some citizens and tern citizen groups. That's exactly the intent of what we are doing.

So anyone who wanted lend themselves to the process, we certainly do appreciate it, but that's a part of the process in a democratic society and that's how we operate. Thanks for that and I would have to say too, we certainly -- as we went through the nine items just about a year or so ago, I suppose it was and we had to wrestle with the prescriptive prescriptions, that were illegal that were suggested by citizens in forcing some things on property owners other than themselves in or community.

And, you know, it's one thing when we talk about developers. It's easy to demonize developers but anybody who invests, when it's their own home or whether they buy property or they put it into their 401(k) or however it happens to be, it's the rights of people who purchase property and we as a city have a legal requirement and a responsibility to protect them from arbitrary changes or moves or valuation issues that might impact them and it doesn't mean that potentially that the majority can overrule their rights in their property.

So I'm still very concerned about this and I'm not sure that they can support this. It's a citizen idea here is really citizen upon certain other citizens. So that's a concern. I guess when it gets right down to, it I'm most concerned about -- and we have got evidence. We have got indication from a major property owner and that happens to be the state land commissioner. They are no slouch in this and some assessment in it. They are very concerned about that and frankly, they have the right to sue us as a city for diminishing their value and their property. And they are -- the recipients of the beneficiaries of the state land trust funds that are derived from this, have also a right to sue them if they don't defend the right and valuation of it and mostly that's going to be educational community, but nevertheless, that's part of the process that we have to deal with.

What will happen here, I don't know but I do still think that we are in an arbitrary and a discriminating way saying that we have got a certain size property in acreage that's going to be -- so your property is going to be harder to, to do what you want with, or to even be considered for it. And there's added risk and added doubt and cost and even the time that it takes. So as much as I don't want to see this fail. So I do think there's a small minority of people maybe that are impacted by this, with their property and we are discriminating against them to the notion that everybody else can call the shot on their property. And so that's -- that's my greatest concern, and I still feel that way.

Vice Mayor Littlefield.

[Time: 01:19:39]

Vice Mayor Littlefield: Thank you, Mayor. Well, I will never forget when I was going in toward the meeting with Erin several months ago now, and I was dragging my feet thinking oh, no. Oh, no. And I was so pleasantly surprised. She sat there and she said this has been a meeting of the minds of the task force citizens and the citizens of Scottsdale C.O.G.S. and the landowners and they have all come together and they worked out this agreement and compromise. And I was so thrilled. It makes sense. It really does.

You know, we have been talking about the direct stakeholders in the room, yes, you are a direct stakeholder. So it everyone else in here and they all are affected and they all have a stake in this and so it's not a matter of a zoning issue. It's a matter of a land use issue, which can come before us and be changed. It's not something that is static or set in concrete.

I'm very disappointed in this. This is a retreat, if you will, from any movement to the future. This is a status quo. This is a lack of protection for the land in the north and I think that the land can just be considered, you are going to pay the price if we do this. It's too bad. You know, we said that it's supposed to be a democratic society. Yeah, it is. And I count an awful lot of people in this room who are not being heard tonight. So I will not support this motion. It goes nowhere and I would much prefer this to go back again to staff, to C.O.G.S., to the task force, to other people who want to go through and look at it and see if maybe at this point we can get together again and come up with something that can pass and that adds some value to our general plan. Thank you.

[Time: 01:21:43]

Mayor Lane: Thank you, Vice Mayor. I think we are about ready to vote on this. One final comment that I will say that I think is important to say. We have got certainly a small group of people, inclusive of staff, that are involved in this process and making these decisions. We have got a vast community out there that expects us to operate within the law and respect everybody's rights and I'm frankly very concerned about what can sometimes be labeled as the tyranny of the majority, actually, and even though I don't believe there's a majority involved here, against the minority, and usurping their rights in this case on their property rights and valuation. So that's my final concern, as I would like to express it.

I think -- this is a course of direction not a final motion. It's something that we will be faced with again when it comes down as to whether or not we will put it on the ballot. So that's another struggle and maybe there will be a different crowd in front of us. Who knows.

But nevertheless, I think we are then ready to vote on this guidance as has been expressed. All of those in favor, please indicate by aye. Those opposed with a nay. Nay. It's just option 2. Motion passes 4-3, which is not -- it's in exactly the same category as we were before.

So -- Now is that a standard that we have -- I presume I know it was discussed. I don't know that we ever said, hey, that's what we are going to do. I think if we put something on the ballot in such a split type of decision, it has difficulties in and of itself, just in the way of support. Putting it on the ballot and running through that process again, with a mounted effort to defeat it one way or another, it's not a place we would like to be. I don't know what the answer to that is, though.

[Time: 01:24:06]

Planning, Neighborhood, and Transportation Manager Erin Perreault : So Mayor Lane and members of council, if I can just clarify what we will be bringing back to you. We will start outreach on the draft general plan 2035 at this point, based on the majority vote this evening for direction, and then we'll be bringing back sort of a simplified updated version of the plan, including the cultural -- the art and cultural element from the draft 2035, which was part of that motion. For you to consider and then we will have to take that back out to the community, in terms of getting feedback on that and then establishing a public hearing schedule for it, for adoption and then looking out to which ballot it would go on for ratification.

ADJOURNMENT

[Time: 01:25:10]

Mayor Lane: Very good. All right. That then concludes, as we have all heard, that concludes our work study here. And I will move forward, just as has been outlined as -- as we just heard.

So thank you very much.

And that does conclude our business within this work study session. And what we're going to do then is I'm going to ask for a motion to adjourn. We will take a small recess before we start our regular meeting.

Councilmembers: Motion to adjourn.

Mayor Lane: Second. All of those in favor of adjournment, please indicate by aye. We are adjourned. Thank you everyone for your input, as it was and for being here.