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CALL TO ORDER

[Time: 00:00:01]

Mayor Lane: Good afternoon, everyone. We're back. We would like to call to order the August 30th, 2016, city council work study session. It's approximately 4:00. We will start with a roll call, please.

ROLL CALL

[Time: 00:00:14]

City Clerk Carolyn Jagger: Thank you, Mayor. Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Kathy Littlefield.

Vice Mayor Littlefield: Here.

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. This, of course is a work study session. There's one item on our agenda for this work study. This provides us a less formal setting for the Mayor and the council to discuss specific topics at length with each other and with city staff. The work study sessions provide an opportunity for staff to receive direction from the council and for the public to observe these discussions, but there's no absolute action taken on any kind of legislative matter in work studies.

We do provide a time for some public comment, a total of 15 minutes that is set aside at the beginning of each work study session for public comment on the agenda items. Please see the city clerk if you have any requests to speak. There's a total of 15 minutes, as I said for five people at three minutes maximum each.

ITEM 1 – DRAFT SCOTTSDALE DRAFT GENERAL PLAN 2035

[Time: 00:01:35]

Mayor Lane: But that said, we are then ready for presentation on our one and only item and that's a draft of the Scottsdale Draft General Plan 2035 and our presenter is Ms. Erin Perreault, planning, neighborhood and transportation manager. Welcome.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Good afternoon. We are here to discuss the draft Draft General Plan 2035, and for your consideration, some proposed changes to that draft to move forward with discussion with the community on that plan and those proposed changed. Just to remind the council and the community, it has been a multiyear process to date with regard to drafting the plan that we have in front of you today, and what we are -- we are at a decision point on phase 4 which is do we move forward on a public hearing process on the draft plan and a possible adoption by council which would be December of this year?

With regard to the last time we were in front of council, the direction from council in June 2015 was for staff to complete the public outreach on the plan and see if we can some consensus points in the community. One of the citizen meetings that occurred during that outreach process occurred in June of this year and the focus of that citizen group discussion was on our draft amendment criteria, specifically amendment number one, which is a change in land use or otherwise known as the land use matrix. What you see in front of you on the screen is the proposed task force recommended land use matrix, and the reason why I have highlighted the McDowell Sonoran Preserve is June of 2015, the majority of council can provide direction on the plan at that time to remove the preserve as a land alone land use and move forward with the preserve as a designated land use of open space. That's one change to this draft, the task force recommended matrix.

Per the citizen group discussion that we had, and it was about 12 people, so it was a small citizen group, the two items that they focused on were natural open space and rural neighborhoods. With regard to those two land use categories, natural open space, they are suggesting be changed to be a standalone land use category. Currently it's coupled with rural neighborhoods in the 2001 and the draft 2035 plan. In doing that, they are also making a recommendation to modify the plan to show that a change from natural open space to rural neighborhoods would then be a major amendment.

Moving forward into the other proposed change, they would like the community to consider, it would be a change to the rural neighborhoods. Recognizing that Scottsdale is going to hit build out there. Will be pressure to do more density even in our rural neighborhood areas. The recognition from this group was we should split out rural neighborhoods into two categories. One, maintain the rural neighborhoods similar to what we have today. The other designate the new category which would identify those rural neighborhoods today that have the largest lots to them. So two, three, five and more acres.

[Time: 00:05:00]

That would become a new land use category in the general plan as desert rural neighborhoods and what is being suggested on the matrix is that a change from that desert rural neighborhood to rural neighborhoods and also to any other land use, which is similar to what rural neighborhoods does today would be a major amendment. So you are seeing that as a new amendment process incorporated into this matrix. Because we have this new land use category proposed, a change from rural neighborhoods, to a less dense designation of desert rural would be a new minor amendment process that we don't have today.

Moving forward, just a reminder for council and the community what a major amendment means. When it's proposed, it can only occur one time per year in terms of being incurred by council. So there's a specific application process that happens on about a six month timeline. It's a minimum of two planning commission hearings. It requires an additional council vote for action and it requires enhanced notification to our surrounding jurisdictions as well. All per state statute.

So what you see on the left is the rural neighborhoods designated to deed today under the 2001 general plan and the task force draft plan. What the proposal would do would identify those properties on the right as desert rural neighborhoods at the general plan level. So you are seeing those designated in maroon and what those properties are today, our rural neighborhoods designated as well as an R1-130 and R1-190 zoning category today.

In terms of citywide, the desert rural properties make up about 1600 parcels, around 7800 acres and about 7% of the land use citywide. In terms of what developed in those areas today, versus undeveloped, you can see in the green that the developed parcels make up about 41% of those desert rural parcels and undeveloped 59%.

In terms of city fees in terms of a rural neighborhood category and you want to go to the maximum density under that category per the general plan, which would be one house per one acre, you just need to do a rezoning to go from R1-130 and R1-190 to something that has more density to it. With regard to what those fees are, you can see on the left, that it's a flat fee, plus the number of acres that you are proposing to rezone. With the desert rural neighborhoods proposal, it would add a general plan amendment process. Currently it's proposed as a major amendment process that you saw per that citizen group discussion. That would add an additional 3,900 on to the rezoning process that a property owner in those areas today would have. What that looks like in those areas, we took the average size in terms of parcel in the two, the average size is 5 acres and 6 acres under those two zoning categories. So you can see if you follow across, that to do it as a minor amendment would just over double the cost and a major amendment would be about four times the cost to someone. That's assuming that those fees stay at what they are today.

If council provides direction to staff today, to take this small citizen group proposal out, and talk to the affected property owners as well as the general community about this change to draft task force plan, then we are prepared from a long range planning standpoint to send letters out to those affected property owners tomorrow. We are also prepared to host three open houses in south central and north Scottsdale to talk to the community about it. And then, of course, hold a specific property

owner open house for those affected by the proposed change, should you give us that direction.

In addition, we are also teed up, so to speak to go to planning commission to two study sessions. If we proceed forward, we would be looking at a public hearing process that is our major amendment process. So planning commission remote hearing for that process is scheduled in October, early October.

We have already reserved another work study session with council to bring back what we are hearing from the community, to you in the middle of October and then we could be proceeding forward through a process of eye recommendation hearing by planning commission at the end of October and, of course, consideration for adoption by the council in December. At that time in December, the council would also -- should you adopt the plan, you would need to decide which ballot would you like to send it to as well, per state statute requirements.

So tonight, staff is really looking for direction with regard to, would you like us to proceed forward talking to the community about this proposed change with regard to natural open space in rural neighborhoods? Another option is we can proceed forward with a task force plan as it was released by the task force, or a third option is not to proceed with either one of those versions of the task force plan. We could also come back to you with some alternate options about updating Scottsdale's general plan. That concludes my presentation. I'm happy to answer any questions you might have.

PUBLIC COMMENT

[Time: 00:11:25]

Mayor Lane: Thank you, Erin. We do have some requests to speak on that, so we will go to that first. We will start with Paulette Morganstern.

Paulette Morganstern: Let me lower that a little bit. Just an eyeball. Good afternoon, Mayor, Council, staff.

Mayor Lane: Paulette, would you go ahead and give your name again and address?

Paulette Morganstern: Paulette Morganstern, 28482 North 77th street, 85266. And, again, thank you all for this opportunity to have to speak at the study session regarding land use definitions and the Draft General Plan 2035. Coalition of Greater Scottsdale, referred to as C.O.G.S. would like to emphasize the positive collaboration process shared with the task force. We thank them for their time, their effort and their support.

It's really true that Scottsdale has a lifestyle for everyone. There's opportunities for urban living, suburban living, and rural living. And we want to continue to attract a large variety of residents that could be happy in any of those settings. Many feel we are at great risk of losing our beautiful irreplaceable desert. Developers seem intent on clearing the desert just to put up more dwellings. The great concern is the potential changing of proposed major amendment requiring five council votes

to a minor amendment that would only require four and make it far too easy for developers to jeopardize the integrity of our desert environment. It's one thing that really keeps Scottsdale unique.

Our understanding is Mayor and council have been presented with this Draft General Plan 2035 consensus land use elements, and there are two to consider. For people seeking a home with one or two acres, they would find it in designated rural neighborhoods. For people seeking to have a home on two or more acres of natural desert, they would find their ideal place in desert rural designated areas. It's hoped you will consider and accept and support the collaborative effort of the long range planning staff task force and C.O.G.S., all other elements in the Draft General Plan 2035 as written by the task force draft are supported by C.O.G.S. Thank you for your consideration and allow those of us who want land, lots of land, under starry skies above, and to continue to be able to find that living in Scottsdale. Please don't fence us in. Thank you.

[Time: 00:14:42]

Mayor Lane: Thank you, Ms. Morganstern. Next would be Timothy Burns. Pardon me, Mr. Burns.

Timothy Burns: It's okay. Mayor, city councilmembers, for the public record, my name is Timothy Burns. My residence is at 2700 North Hayden Road, Scottsdale, Arizona, 85257. I have prepared the written statement here. I'm appearing this evening to support and answer any questions you may have regarding the task force work before you. Chairman Wendy Springborn is unable to attend this evening due to scheduling conflicts and asked me to speak in her absence.

As you know, our task force was directed to perform a formal draft for your consideration in 2013, and subsequently forwarded a draft general plan for consideration in November of 2014. Subsequent revisions have been generated per public outreach and incorporated in the draft document since our completion of work before you tonight. I would like to thank staff, my fellow task force members, stakeholders and concerned citizens for the considerable time and effort, expended in this extensive process. For some insight on my background, I was planning commissioner, liaison for the 2001 general plan that's currently in effect. I was also vice chairman of the 2011 general plan which narrowly failed ratification in 2012.

I believe the draft plan before you tonight is probably the most vetted planning document ever presented to any city council, and a viable vision of Scottsdale's future. It is a comprehensive and thorough guide to planning and development decisions before the public body for this and future bodies. The 2001 general plan needs to be updated since certain goals have been achieved and need to be acknowledged and incorporated and protected. Not that the Arizona State law requires us to do so.

The document before you was generated through public outreach, public input and sometimes robust discussion before the public eye. Enormous efforts were expended by staff, task force members and the citizens of Scottsdale. Complete consensus, although pursued can never -- can and will never be reached in regards to this document. Certain compromises were required and agreed to. Remember this document is a general plan, not a regulatory document. It's only a guide for decision

making by the elected officials of the city of Scottsdale. I encourage you to now move this document forward through the rigorous major general plan amendment process and hopefully to a successful ratification by the citizens of Scottsdale, by public vote at the earliest possible date. Feel free to ask me any questions or comments on the specifics of my -- of the plan. Thank you.

Mayor Lane: Thank you very much, Mr. Burns.

Timothy Burns: Anything else?

Mayor Lane: It's just comments here at this point in time. Thank you. Next is Patty Badenoch.

[Time: 00:18:06]

Patti Badenoch: Good evening, Mayor and Council. Patty Badenoch, resident of Scottsdale. I'm representing Sam west who has asked me to ask a couple of questions. Is there a general plan provision pertaining to flooding that can occur downstream as a result of the rezoning that can become possible as a result of the general plan amendment process? When a storm water ordinance was passed, was the provision in it guaranteed the right of I property owner to recover damages from someone who has caused him to be flooded? Is that still in the ordinance? Thank you.

Mayor Lane: Thank you, Ms. Badenoch. That completes the public comment at this point in time. So I look for any questions that council may have. I will start with Councilman Phillips.

[Time: 00:19:20]

Councilman Phillips: Thank you, Mayor. I don't have any questions. I wanted to make a comment that I was pleasantly surprised when the staff asked me to talk about this beforehand and find out that the task force over the summer got together and I can only imagine how tough it was but you came one a good plan. This is what we asked you to do back at our last study session. Did you it. I applaud that. I really appreciate it. And I know this general plan has been through hell and back, and as the gentlemen mentioned, it's fully vetted and I think we have done a great job of that. Yes, it's been hard but I think it's worth it for our city.

So I would recommend that we take the task force proposal as presented. I think it was option number one. Thank you.

Mayor Lane: Thank you, Councilman. Councilman Smith.

[Time: 00:20:16]

Councilman Smith: Thank you, Mr. Mayor. I will certainly echo those comments. My congratulations to staff for persevering. You know, when we all met in June of last year, and that seems leek a long time ago, because it was a long time ago, I guess. But we knew that we were entering a process of deliberating a document that was given to us by the task force, and that's more

than just accepting it as is. It's looking at what the community wants and how does this respond to their needs. We had input and frankly, I think we had gridlock, but fortunately, the city staff and a dozen dedicated people carried on during the summer and I, for one, expressed my appreciation for your continued efforts and for what I think is a very -- a good compromise here.

It will, as one of the speakers said, I think keep Scottsdale unique in terms of the diversity housing opportunities offered. It doesn't prohibit any change. It just makes some changes forcefully more thoughtful, more deliberative, and hopefully in the best interest of all the public.

So I will echo the recommendation of Councilman Phillips. I would urge the staff to go forward and take this to the public, come back to us with their comments, stay on track for December hearing of the major amendment. Thank you, Mayor.

Mayor Lane: Thank you, Councilman. Vice Mayor Littlefield.

Vice Mayor Littlefield: Thank you, Mayor. Well, I agree. I believe the same thing. I think this is exactly how plans and citizens and task force and citizen groups are supposed to work together to form something that is the best for the city. I was very surprised and very encouraged to see that this had happened when I talked to Erin and I think this is a plan that is mutually acceptable to our citizens, our residents and beneficial to all of us here at the city. It's good government at its best.

I also believe that this offers the best possibility of getting approval in a general election when we have a united citizen supporting. Thank you. And by the way, I do approve option one.

Mayor Lane: Thank you, Vice Mayor. Councilmember Korte.

[Time: 00:22:56]

Councilmember Korte: Thank you, Mayor. I too enjoy the compromise in option one. I have some questions, Erin. Can you bring back some slides? And what I would like to do is compare what land use category is today in our 2001 general plan. Do we have that? And then compare it to the one presented by the task force and then the one presented by the consensus, the compromise committee.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Brian, I would need slide four first, please. So I don't have the 2001 matrix on a slide for you this evening, but the task force matrix, with the exception of the McDowell Sonoran Preserve is the 2001 matrix. So those two are very similar. If you ignore the McDowell Sonoran Preserve, you would look at the first two, 2001 and the 2035. And do you want to look at the next slide? Or did you have questions on that one?

Councilmember Korte: No, go ahead.

Planning, Neighborhood, and Transportation Manager Erin Perreault: So the next slide, Brian, please. So this would be the proposed modification to both the 2001 and the 2035 draft land use matrix.

The biggest changes are all in red. So from a land use category statement on the first column on the left, there's a new category, new open space. It's not a new land use but it is on its own now where previously it was coupled with rural neighborhoods that you see just above it with a strike through through it. And right now a change from open space to rural neighborhoods under the 2001 and the proposed draft plan would be minor, and then in this case, it's being proposed as major.

The other change is then to take rural neighborhoods itself and split it into two. And you can see the major and the minor that are suggested as processes under splitting out those two land uses. Everything else stays the same.

Councilmember Korte: Thank you. And then there was a slide on the estimated costs of zoning changes. And as you are pulling that up, I -- my question is. And perhaps this is to our city attorney, Mr. Washburn, that given that -- if these changes take place, is this considered a taking by the city in that the more deliberate and thoughtful process of up zoning a parcel from 1 for three acres per 1 per one acre will cost a lot more, is there a -- could there be a challenge there? Because as you can see -- I don't know if Brian is working on --

Planning, Neighborhood, and Transportation Manager Erin Perreault: It's slide 12, Brian.

Councilmember Korte: Thanks, Erin. You are looking at a lot of money that would cost a landowner to move forward with, you know -- with the change in zoning that -- you know, that up zoning could be his neighbor, given wherever -- you know, wherever this piece of land is, in the inner city. So I'm asking you.

City Attorney Bruce Washburn: Mayor, members of council, Councilmember Korte, no. I don't think that would be a taking. Usually the cost of process is not in and of itself considered a taking. So it's the -- it's the result of the process that usually is looked at in determining whether a taking has occurred.

Councilmember Korte: Okay. Okay. And if we were to move forward with option one, Ms. Perreault, what is the plan to reach out to these property owners that are impacted by this change?

Planning, Neighborhood and Transportation Manager Erin Perreault: Mayor and council, we are prepared to send a letter directly to all affected property owners. So anything you saw in that maroon color on the map, to those property owners, they would be invited to the three open houses that we have next week. That would be their first opportunity to talk with staff about it and that letter would identify those opportunities for them, the dates and the locations and times, and then after that, we have also set aside a date later in September, specific to just having an open house only for them. So the three open houses next week are for anyone in the city, as well as those affected property owners, but we could certainly hold an additional open house just for the affected property owners in terms of that proposal to designated area.

And then as any other citizen would in the city, the opportunity to come to the two study sessions in

front of planning commission in September, the next work study session with council in object and the two state required hearings by planning commission in October as well. And then, of course, the December hearing with council is a public hearing as well.

Councilmember Korte: Thank you. Thank you, Mayor.

[Time: 00:28:30]

Mayor Lane: Thank you, Councilwoman. Just have a -- there's no other questions at this point in time, but I do have the question, if you could go back to the slide that indicates the dates in the process.

Planning, Neighborhood, and Transportation Manager Erin Perreault: That would be slide 13, please, Brian.

Mayor Lane: Council -- the city council study session on the 18th, is that an additional effort to review those comments and considerations that are considered at the -- during the outreach?

Planning, Neighborhood, and Transportation Manager Erin Perreault: So Mayor and council, we plugged in that additional work study session for two reasons, one recognizing that we need to talk to the affected property owners with this newer change that hasn't been out in the community no date so far. And two, we plugged it in as well, just to go through the full plan with you, and talk about some changes that would be more minor to the major land use change that you are considering this evening. So we would do it for both of those reasons because we didn't want to have this work study session and then hit you cold with the full plan in December. So it gives that you milestone to look at the full plan at that time.

Mayor Lane: So it's an opportunity to review what you would receive during the in between time but also what would go to the planning commission recommendation hearing would be the result of whatever comes out of that?

Planning, Neighborhood, and Transportation Director Erin Perreault: That's correct.

Mayor Lane: Okay. Just that I'm looking for some assurances Mr. Washburn, on the question that was raised by Councilwoman Korte and that's the takings on it. You had indicated that that matter of cost of process is not ever considered a takings under prop 207 as we commonly refer to it as, but given that this creates -- and understandably and expected to create a more difficult path for anyone to be able to use their property in some other way than it is currently being zoned, and used under the land use guidelines. Is there any prospect? Is this any history on something like this, where we would be suggest to some liability for that? The city now I'm talking about?

City Attorney Washburn: I have not had a chance to research the issue, just thinking back over the history of those kinds of takings and prop 207 claims of which I'm familiar, nothing comes to mind where something like this has occurred. I mean, anybody can claim anything, and let me just put it

this way, before the council would put this, we would give you assurance on that point.

Mayor Lane: I'm at this point in time with the majority that stated their opinions thus far in moving forward with this. I think in another comment that I would like to echo and that is kudos to all who worked together to try to come to a compromise to go on this issue, and do appreciate all the work that has been done after a rather lengthy and sometimes exacerbating kind of process. And Erin, to you, as well on that.

I know we are not at the final finish line on this, but nevertheless we get a sense that we are getting closer to it. So I look forward to that meeting in of course as well and with that additional information, but I'm with the guidance to move forward. Councilwoman Klapp?

[Time: 00:32:14]

Councilwoman Klapp: I appreciate the fact that the group got together to try to find a compromise, but I do have a question about how this all occurred. Can you give me some background on who met prosecute, who was on the group and whether or not the other task force members that we had previously were invited to be involved or how did it evolve that we had a smaller group that met without our knowing about it. I knew about this last week or within maybe -- maybe ten days ago, but at least about a week ago. And so I would have thought that if there was a discussion group doing this, that we would have heard something more about this, rather than just getting a rather quick briefing on it last week and asking for a rather quick decision tonight on whether to move forward. I'm a little uncomfortable with the process if you could give me some background on that.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Sure, Mayor and Council. Last June council directed us to form a task force. We worked with individual citizens and citizen groups. In those observations, I spoke both to the chair of the previous task force, which is disbanded. So they are not a formal task force any longer, but spoke to the chair. I also spoke to Sonnie Kirtley from the C.O.G.S. group to see if there's any kind of common ground in terms of moving the plan forward or not, to help with council and making a decision whether we should move forward or not. In those conversations, both Wendy Springborn who was the previous chair of that task force and Sonnie agreed to reach out to their groups and have some representatives from both of their groups and both perspectives come to the table.

So we hosted that citizen group as a -- as one of the outreach meetings that we included. We also visited with all of the boards and commissions as well. So they handpicked who attended. Staff didn't have any involvement with who attended or not.

Councilwoman Klapp: When you hosted those meetings were they private or public meetings?

Planning, Neighborhood and Transportation Manager Erin Perreault: We meet with anyone in terms of -- they met in one of the city office buildings, and so it wasn't advertised as a public meeting because we are just meeting with a citizen group at that point because they are not a formal task force any longer.

Councilmember Klapp: Okay. Thank you.

Mayor Lane: Thank you, Councilwoman. Councilwoman Milhaven.

[Time: 00:34:59]

Councilwoman Milhaven: Thank you, Mayor. And I too would like to thank the task group. I can't -- I don't remember any group being so tenacious and working so hard to try to find a solution. So thank you for all of your hard work and commitment.

I'm always open to finding out what landowners think about the change. I think that's a really important step in this process. But frankly, I would be flabbergasted if a property owner says, yes, please make it a lot more expensive and more time consuming for me to rezone my property. And what we are not including here is that many times when folks need to go for a major general plan amendment, they also have to hire attorneys which they wind up paying a whole lot more. While it goes from 1,000 to 5,000, it's really a great deal more than that. So I think it -- I find it hard to believe that folks would be agreeable to that, but I'm certainly open to asking.

And then the other is it feels a little bit like we are splitting hairs and I really appreciate Mr. Burns' comment that we never find the perfect solution. In my mind, you know, one home per acre feels and sounds pretty rural, and so to be breaking that up into categories seems to be a bit of splitting hairs. So I'm reluctant to support the compromise, but let's see what folks think.

I do have some questions around -- in reviewing the plan who gets to decide whether it's a major -- you know, we have a chart, but we also know that we have had differences of opinion about the decisions that have been made about whether something you be a major or minor amendment. Who makes that decision to interpret the plan when the cases come forward?

Planning, Neighborhood and Transportation Manager Erin Perreault: So that Mayor and council, that would be city staff that does that, both from a long range planning standpoint and in working with current planning with regard to what zoning they are proposing is.

Councilwoman Milhaven: So when it says planning agency, that means planning staff?

Planning, Neighborhood, and Transportation Manager Erin Perreault: That's correct.

Councilwoman Milhaven: And then -- yeah, I do take issue with some other items in here but I guess we'll get to talk about it again. In terms of the vote, I would not be supportive of the 2017 vote. I think that incurs additional expense, and we need to be good stewards of the taxpayer dollars. If I remember, it's \$400,000 to do a special election. So I wouldn't be supportive of the '17 election. I also think that we need to put this -- when we put things to the voters, I have developed a point of view that says we need to do it in even years when we have the greatest voter turnout and we have the greatest number of voters voting on these things. While my colleagues seem okay on this time

frame, I would take the time and do it in '18, in November of '18, I wouldn't want to rush -- I wouldn't want to bring it forward in '17. Thank you.

Mayor Lane: Thank you, Councilwoman. Councilman Smith.

[Time: 00:38:05]

Councilman Smith: Thank you, Mr. Mayor. And this is unrelated to the directive to go forth and talk to the public but I know that you as a -- as a small task force and in various other dialogues have had discussion about sort of the definition of what will be desert rural and what will be rural neighborhoods. We talked to questions other than the acreage designation, the discussion of density and things like that. Can you elaborate some on, well -- elaborate or on those discussions, I guess, number one, and number two, will this be part of what you go out to talk to the public about and how will that be phrased or characterized?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Mayor Lane, members of council, Brian, if you could pull up slide 16, what you will be seeing on slide 16 is -- and I know it's kind of small print to fit it all on one slide, but the proposed desert rural definition and then the proposed adjusted rural neighborhoods definition. The biggest adjustment to those are really the distinction and the densities in terms of what would qualify as a desert rural in terms of density and the number of units per acre. So that's biggest distinction between those. Most of it recognizes what we have in our rural neighborhood areas today, and tries to make little distinctions in terms some of text changes with regards to the differences between the two. Yes, we would be taking this direct text out to the public for them to weigh in on as well.

Councilman Smith: Thank you for sharing that. I think it's important that people understand this is in a sense a change of focus. What we are saying, the goal of a desert rural neighborhood, line four of this definition, the goal is not to, you know, limit the clustering. The goal is to preserve desert vegetation and natural features and then it goes on to say the limited clustering of development may be considered to achieve that goal. But the clustering is not the goal. So I think that's an important distinction that hopefully the public will react to and appreciate and I know you all spent some time on this, laboring over the language and I just wanted to be sure that this got a public airing.

The only other thing I will add, while I have the microphone here, I don't think we are here to discuss 2017, versus 2018 tonight, are we? You are not looking for suggestions in that regard.

Planning, Neighborhood, and Transportation Manager Erin Perreault: You agendized that because it's part of the whole calendar process that we showed you. We welcome any direction, if you have it at this time where we would really need you to make that would be if you decided to adopt the plan in December, you would have to make that decision when you are sending it to the voters.

Councilman Smith: Okay. Just to provide balance on the dais, I will vote for 2017, but provide all logic and reasoning in December when we revisit this subject.

Mayor Lane: Thank you, Councilman. Councilwoman Milhaven.

Councilwoman Milhaven: Thank you. I'm sorry. I remembered I had another question. So this plan is also in the interest of clarity for folks who may be watching and learning, so we added a process, a minor process, right? We had major or non-major or rezoning and so adding a minor is a new process?

Planning, Neighborhood, and Transportation Manager Erin Perreault: What was proposed by that citizen group was to add a major general plan amendment process in between the distinction between the two rural neighborhood categories.

Councilwoman Milhaven: Right. And I'm talking more broadly about the difference between not those two categories specifically but the difference between a major -- what needs to be done to get a major amendment, what needs to be done to get a minor amendment and what needs to be done to get a zoning change. And from what you described earlier, it sounds to me like this minor process is a new process?

Planning, Neighborhood, and Transportation Manager Erin Perreault Adding any kind of general plan process to those particular properties that have been identified in the presentation this evening would be a new process for them, whether it's minor or major. It would be a new process.

Councilwoman Milhaven: Let me ask it in a different way. Do we have a minor general plan amendment in the 2001 plan?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Yes, that's state statute required, and required each municipality to establish what is a major amendment process and then what your minor amendment process is.

Councilwoman Milhaven: So then help me understand what is the difference between a minor amendment process and a rezoning.

Planning, Neighborhood, and Transportation Manager Erin Perreault: You can rezone your property if you stay within your general plan land use category. So you may not have to do a general plan change at all. If you are changing your land use to the point where you trigger -- you meet a new definition in terms of the general plan land use definition, a lot of that is based on density when it comes to the residential categories. Then you would have either a minor or major based on that land use.

Councilwoman Milhaven: Can we look at the proposed matrix. Let me show you some of the source of our confusion.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Okay. Slide 5, Brian.

Councilwoman Milhaven: So the one that the task force has recommended. Just because it's

easier.

Planning, Neighborhood, and Transportation Manager Erin Perreault: Slide 4 then.

Councilwoman Milhaven: Okay. So let's just -- b. So b says there's three suburban neighborhoods, developed open space and cultural institutional. So this is say, b to b is a minor. So that would suggest any change within b is a minor general plan amendment?

Planning, Neighborhood, and Transportation Manager Erin Perreault: That's correct.

Councilwoman Milhaven: And I'm sorry if you have answered this before. How is that different from a simple rezoning?

Planning, Neighborhood, and Transportation Manager Erin Perreault: It's -- it's different because you are actually changing the land use. So you are going from suburban to developed open space or to cultural institutional. If you make either of those changes, at a zoning change level, then you would trigger that minor general plan amendment process.

Councilwoman Milhaven: And that minor process is unchanged?

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

[Time: 00:44:41]

Mayor Lane: Thank you, Councilwoman. You know, there's something that has been brought up by a couple of councilmembers here on the dais and that was the date. It just to add a little bit more balance. I'm not -- there's no direction. There has not been any direction other than from Councilwoman Milhaven and Councilman Smith. I think that's a decision for later on when we might get to the final process. So I have no choice on that.

So we have one, one, one. So in any case. That's all I wanted to just at this time. Thank you. I think we clarified the minor versus -- the minor amendment. It's not being a new category of things.

Planning, Neighborhood, and Transportation Manager Erin Perreault: That's correct.

Mayor Lane: Councilwoman Klapp.

[Time: 00:45:25]

Councilwoman Klapp: There's one other item that I guess gives me pause that I didn't mention the last time and that has to do with, as I mentioned, you are creating a new category called desert rural. When I first heard about this, the concept of dividing between rural and desert rural made some sense to me, as far as, you know, the amount of land that would be involved in each one but I didn't realize when I had heard about it that it would be a major general plan change if you were going from b to c.

If you are going from desert rural to rural, and probably the area on this matrix that bothers me the most is that one, the major general plan amendment between those two categories.

So I'm -- I'm feeling in the -- in this discussion that I'm supportive of the concepts that were developed by the task force and I appreciate -- or the group. And I appreciate their attempt to come to a compromise, but the one sticking point for me, probably in the matrix is that -- one, that if it was a minor instead of a major, that would make me more comfortable with the matrix. Because of that, I'm not sure I will support this concept of going forward with this matrix as it is.

I'm not as concerned about the cost as I am the timing. You know, time is money and believe me, a change of a couple of thousand dollars for a project is not nearly as severe as the cost of having to wait up to a year or so to have your case heard, about having been heard at the end of the year. So that's a concern that I'm having here is the -- is the time -- the waiting time that's necessary to go before the council with a major change.

I'm not as concerned about the number of votes concept or the cost. It all has to do with timing and as you have explained to me, we can only have these hearings once a year. So if we could do it otherwise, that would be certainly ideal, but because we can't, I would much rather see that the change from b to c, to be minor rather than major.

Mayor Lane: Thank you, Councilwoman. Councilwoman Korte.

[Time: 00:47:46]

Councilmember Korte: Could you pull up the checkerboard map that shows us the properties that would be affected by this new schematic?

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

Councilmember Korte: Boy, you have those slides to you remember, don't you? So Erin, are all of those plots, are they undeveloped land?

Planning, Neighborhood, and Transportation Manager Erin Perreault: Actually, if we can go to slide 10, Brian. So the blue and green that you are seeing are the maroon that you just saw on the previous slide, and the green is -- are developed parcels today. The blue are undeveloped parcels and out of all of those parcels, 59% are in that blue undeveloped category right now.

Councilmember Korte: So there's -- what we have been seeing last couple of years with some of these smaller parcel rezoning of 5-acre -- or 1 home per 5-acre, is they are looking at the surrounding parcels and matching the zoning of those surrounding parcels and we are -- we see that quite often, am I correct?

Planning, Neighborhood, and Transportation Manager Erin Perreault: We do see a variety of different rezoning, depending on what the land owner would like to do. We have seen some recent

cases where they are going from that larger lot or lower density rural neighborhood and trying to max out the one dwelling unit per acre. So we are seeing a little bit a trend. That, and certainly potentially more to come.

Councilmember Korte: So we could say that many of the -- of the blue parcels are surrounded by that, by the up zoning, could we say that?

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

Councilmember Korte: So what we are doing with this potential change is making it more difficult for an individual to up zone their parcel regardless of the fact that their neighbor has up zoned it two years ago? And they are surrounded by one house per acre versus one house per 5 acres?

Planning, Neighborhood, and Transportation Manager Erin Perreault: That's correct. There's a mixture.

[Time: 00:50:20]

Mayor Lane: Thank you, Councilwoman. It looks like we have completed our questions from the dais here. Once again, Erin, please accept our thanks for the work you have done and I think you probably have a pretty clear picture of the way we are looking to go forward. So I think we are in good stead. And seeing no other questions on this, then I think we are complete on the item. Thank you.

So that completes our work in the work study session today. So that completes our agenda for the work study. So I would accept a motion to adjourn.

ADJOURN

[Time: 00:50:58]

Councilmember Klapp: Move to adjourn.

Mayor Lane: The motion has been made and seconded. All of those in favor of adjournment, please indicate by aye. Thank you very much for the input.