

# **WORK SESSION AGENDA**

## **A M E N D E D**

CITY COUNCIL WORK SESSION  
TUESDAY  
OCTOBER 26, 2021

COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
3:00 P.M.

## **ATTENTION**

**IN-PERSON AUDIENCES AT CITY COUNCIL MEETINGS HAVE RESUMED WITH LIMITED CAPACITY**

The meetings will continue to be live streamed on the city's website  
(<https://www.flagstaff.az.gov/1461/Streaming-City-Council-Meetings>)

### **\*\*\*PUBLIC COMMENT\*\*\***

**WE ARE NO LONGER USING TELEPHONE COMMENTS**

**All verbal public comments will be given through a virtual public comment platform**

**If you want to provide a verbal comment during the Council Meeting, use the link below to join the virtual public comment room.**

### **VIRTUAL PUBLIC COMMENT WAITING ROOM**

Written comments may be submitted to [publiccomment@flagstaffaz.gov](mailto:publiccomment@flagstaffaz.gov). All comments submitted via email will be considered written comments and will be documented into the record as such.

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## **AGENDA**

### **1. Call to Order**

#### **NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

### **2. Pledge of Allegiance and Mission Statement**

#### **MISSION STATEMENT**

*The mission of the City of Flagstaff is to protect and enhance the quality of life for all.*

**3. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR DEASY

VICE MAYOR DAGGETT

COUNCILMEMBER ASLAN

COUNCILMEMBER MCCARTHY

COUNCILMEMBER SALAS

COUNCILMEMBER SHIMONI

COUNCILMEMBER SWEET

**4. Public Participation**

*Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

**5. Review of Draft Agenda for the November 2, 2021 City Council Meeting**

*Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.*

**6. Proclamation: International Dark Sky City Month**

**7. Public Works - Snow Operations Presentation and Discussion**

**DESIRED OUTCOME:**

Discussion of the upcoming winter season preparations and parking restrictions. -Informational Item

- Public Works Streets Section snow operations
- Parks Section snow operations
- Separated bike lane pilot program snow operations
- Parking and community impacts

**8. Discussion Regarding Possible Revisions to City Council Rules of Procedure and Consideration of Un-Suspension of the Rules**

**STAFF RECOMMENDED ACTION:**

Discussion and possible direction

**9. Overview of the High Occupancy Housing Specific Plan and Related Implementation Programs and Amendments**

**DESIRED OUTCOME:**

Provide a presentation to the City Council on the High Occupancy Housing Specific Plan (HOH Plan) and related City Code, programs, and policy amendments, and to allow for the City Council and the public to ask questions, have a discussion, offer comments, and provide direction on future steps related to High Occupancy Housing.

**10. Flagstaff City Council Land Acknowledgement**

Discussion

**11. Section 17 discussion with Lowell Observatory**

For information only.

**12. Public Participation**

**13. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**

**14. Adjournment**

**CERTIFICATE OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Stacy Saltzburg, MMC, City Clerk

## **CITY OF FLAGSTAFF**

### **STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Scott Overton, Public Works Director  
**Date:** 10/18/2021  
**Meeting Date:** 10/26/2021



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#### **TITLE:**

**Public Works - Snow Operations Presentation and Discussion**

#### **DESIRED OUTCOME:**

Discussion of the upcoming winter season preparations and parking restrictions. -Informational Item

- Public Works Streets Section snow operations
- Parks Section snow operations
- Separated bike lane pilot program snow operations
- Parking and community impacts

#### **EXECUTIVE SUMMARY:**

The City of Flagstaff historically receives approximately 100" of snow in a typical winter season. In the late fall, preparations of equipment and training of personnel begins for winter snow operations. The community has high expectations of transportation network and facilities clearing. The snow operations discussion will provide insights into the operations of Public Works and is educational for all residents and visitors of Flagstaff.

#### **INFORMATION:**

Attached Power Point Presentation

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**Attachments:** [Snow Ops PPT](#)





## Snow Operations Readiness Report 2021-2022 Season

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# Presentation Objectives

**Provide the City Council and the community with a Public Works and PROSE winter storm readiness report.**

1. Forecasting and Storm Preparations
2. Streets - Winter Operations
3. Parks – Winter Operations
4. Post Storm Operations
5. Community Expectations and Parking Ordinance



# Storm Preparations

## Winter Storm Event

- NWS and all-weather briefings
- On-call supervisors and weather watch
- Weather and Road Conditions
- Resource deployment
  - Safety, Timing and Temperature
- Agency communication and reporting
- Snow operations are 24/7 with 12-hour shifts



# Streets Fleet and Equipment

- 20 - 10-wheel Plow/Spreader Box Trucks
- 4 - 6-wheel Plow/Spreader Box Trucks
- 10 - Road Graders
- 3 - Front End Loaders
- 1 - Truck mounted Snow Thrower
- 3 - Tractor-trailers for hauling operations





# Streets Personnel Preparations

Snow operations are 24/7 with 12-hour shifts

- 4 - Full Time Operations Supervisors

- 19 - Full Time Streets Equipment Operators

- 4-6 - CDL operators from other sections

- 6-10 - On-Call community CDL operators

- 1 - Administrative Specialist

Minimum shift staffing and existing vacancies



# Snow Operations - Streets

First Priority Routes – Open and Passable at all times

- Main Routes and Arterials
- Major Hills
- Downtown Core
- NAIPTA Bus Routes

Second Priority Routes –

- Residential Streets and Cul-de-sacs

*Plowing and Ice Control for duration of the storm event.*





# Parks Section - Readiness

- Same forecasting and snow season readiness as our partners in Streets with season predictions and resource analytics
- All staffing and fleet same as previous fiscal years
  - 15 equipment operators, 10 hand shovelers
  - Recruiting vacancies currently and hopeful for fully staffed
- Added FUTS segments to routes, adjustments
- Courtesy berm relocation program review and implementation



# Parks Fleet and Equipment

- 10 – Plows on Trucks
- 1 – Toolcat
- 1 – Cinder spreader
- 6 – Tractors and Backhoes
- 4 – Snow throwers
- Many shovels!





# Snow Operations - Parks

- Operation is 24/7 with 12-hour shifts when applicable
  - Shifts typically 4 AM, 6 AM and 9 AM start times
  - 2 AM hauling time for downtown/Heritage Square
- Priorities of routes, in order – over 300 assignments
  - Parking lots of City-owned buildings – 63 parking lots
  - City-owned sidewalks and FUTS system (concrete/asphalt sections)
  - Heritage Square
  - Dedicated City Alleys
  - Courtesy Berm Service, when applicable
  - Entrances to FUTS – non aggregate only
  - Parking lots at park locations
  - Stairways, walkways, skate tracks and BMX track in City parks

## Expectations:

- When snow accumulates, Parks begins operation on parking lots, sidewalks, FUTS sections, alleys
- Operate on shifts with safety and efficiency in-mind, utilize an internally created snow app
- Once Streets has plowed residential roads, the courtesy berm program begins for approved citizens

# Snow Operations for our Parks Section





# Snow Operations - Parks



Parks Snow Operations Dashboard - 2021 - 2022 Season



Percent Completed



Last update: a few seconds ago

Completed



Last update: a few seconds ago

Outstanding Assignments



Last update: a few seconds ago

In Progress



Last update: a few seconds ago

Unassigned



Last update: a few seconds ago

Declined



Last update: a few seconds ago

Paused



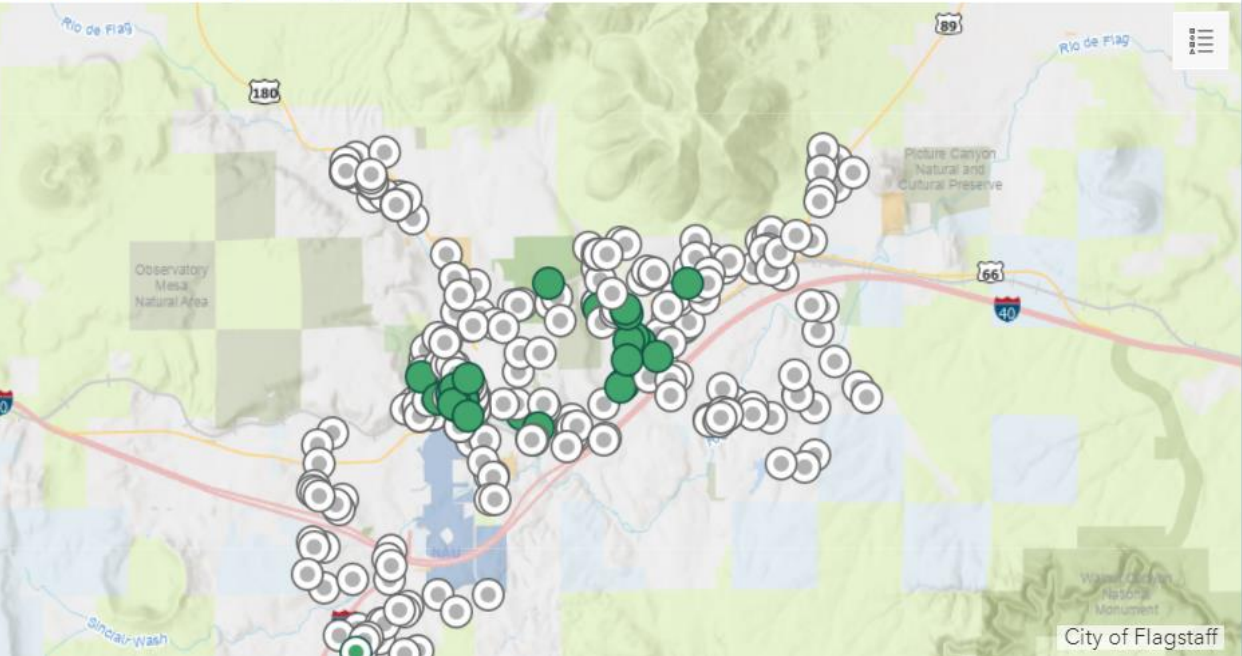
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Canceled

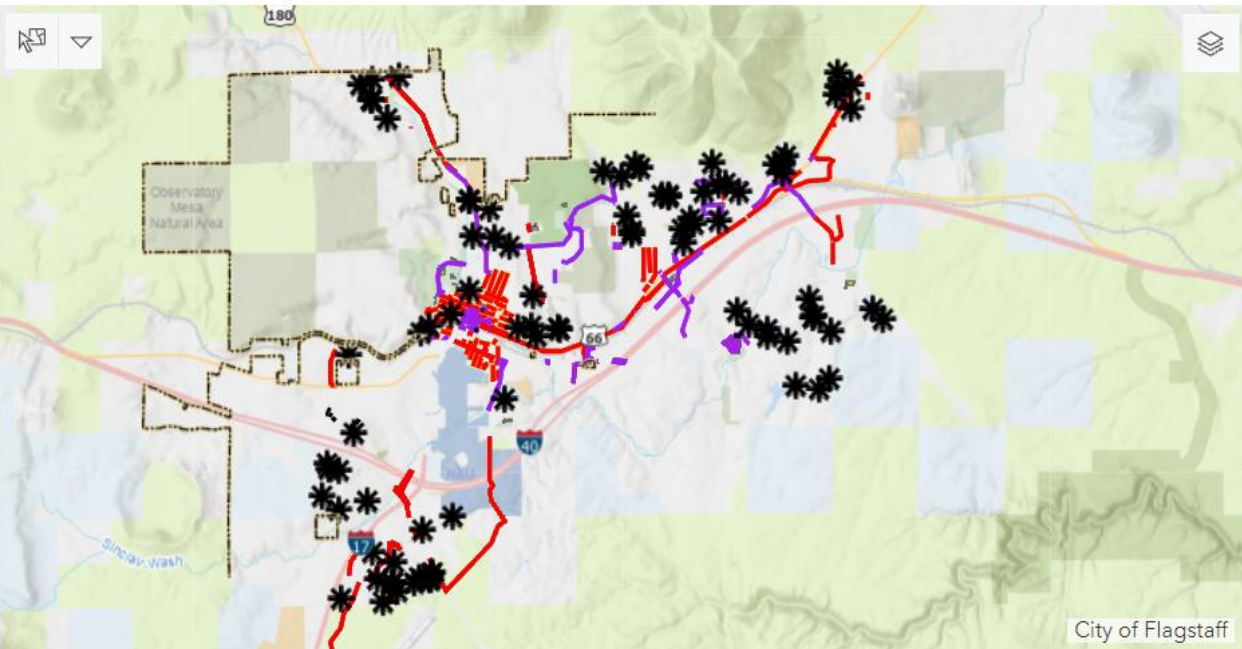


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## Current Storm Assignments



## Route Map by Crew or Vehicle





# Separated Bike Lane Pilot

Butler and South Beaver –

Separated Bike Lanes pilot project are under construction and expected by the end of the year.

Snow Operations will change in the areas;

- Pilot program, staff will be nimble and learn
- Monitoring of operational successes and public feedback.

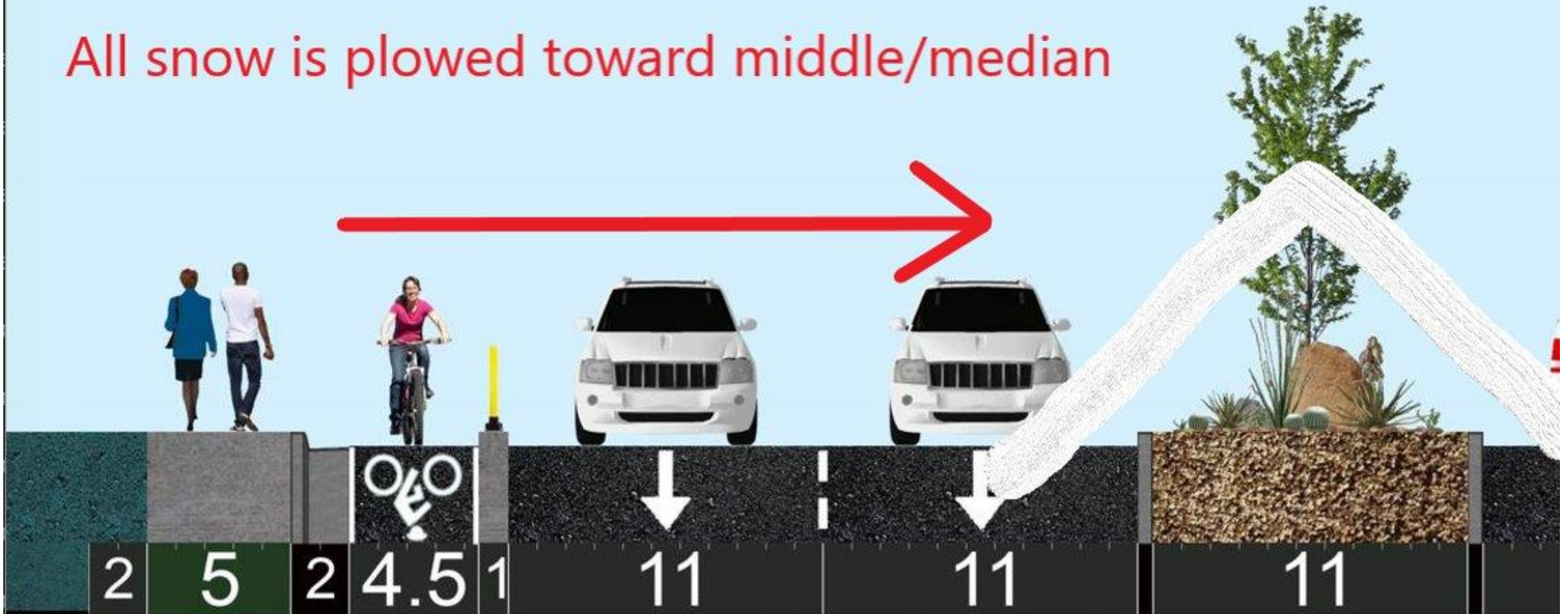




# Separated Bike Lane Pilot



All snow is plowed toward middle/median





# Post Storm Operations

## Community-wide

- Periodic hauling operations – Downtown Parking
- Snow removal – Separated Bike Lane Pilot
- Cul-de-sac stacking and removal
- Intersection clean up and push back
- Signage and damage repairs
- Prolonged Ice control and trouble spots
- Ice Cinder sweeping

Priority is bike lanes and mains.



# Post Storm Operations

## Community-wide

- Periodic hauling operations – Downtown Parking
- Cul-de-sac stacking and removal
- Intersection clean up and push back
- Signage and damage repairs
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Priority is bike lanes and mains.





# Public Operations Assistance

- Limit travel as much as possible
- Provide safe distances and stay alert
- Winter Parking Ordinance

**NO Parking on City Streets November 1<sup>st</sup> to April 1<sup>st</sup>**

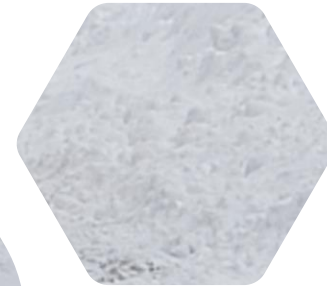
Citywide – Midnight to 7:00 AM

N. Downtown Area\* – 3:00 AM to 7:00 AM

- Museum Flood mitigation areas
- City Web site for more information



Questions?



## **CITY OF FLAGSTAFF**

### **STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, City Clerk  
**Date:** 10/15/2021  
**Meeting Date:** 10/26/2021



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#### **TITLE:**

**Discussion Regarding Possible Revisions to City Council Rules of Procedure and Consideration of Un-Suspension of the Rules**

#### **STAFF RECOMMENDED ACTION:**

Discussion and possible direction

#### **Executive Summary:**

Council is currently operating under a suspension of Rule 5.01 of the City Council Rules of Procedure. This suspension was put in place on April 7, 2020 to allow flexibility in meeting agendas and times during COVID and while in a fully virtual setting. With Council moving to a hybrid model for meetings it may be time to consider un-suspending the rule to allow the normally set meeting times and meeting procedures to come into effect.

During the suspension of the rules, staff and Council modified the order of the agenda to better accommodate the earlier start time. These modifications moved the more informational items to the beginning of the meeting (Council Liaison Reports, City Manager Report, etc.) with items that have more public interest and concern coming later in the agenda. To date, those modifications have been working well.

Should Council desire to make changes to the Rules of Procedure with regard to meeting times and agenda format, staff will draft the requested changes and bring the amended Rules of Procedure for adoption at the November 2, 2021 meeting. The amendments will also include minor changes throughout to recognize the new hybrid format for meetings, Executive Session meeting times, and the order of business for agendas. At the November 2, 2021 meeting staff will also be recommending that Council un-suspend the rules to allow the new rules to come into effect.

#### **Financial Impact:**

None

#### **Policy Impact:**

None

#### **Connection to PBB Key Community Priorities/Objectives & Regional Plan:**

## **Priority Based Budget Key Community Priorities and Objectives**

High Performing Governance

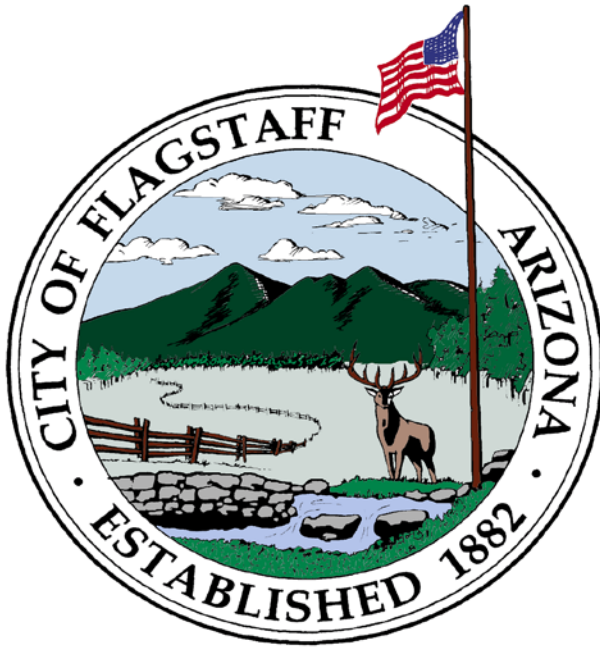
Inclusive & Engaged Community

### **Previous Council Decision on This:**

1. April 7, 2020 - Council temporarily suspended Rule 5.01 of the Rules of Procedure due to COVID-19 pandemic.
2. April 6, 2021 - Rules of Procedure amended for 3:00 p.m. and 5:00 p.m. start time for Regular Meetings.
3. June 29, 2021 - Council expressed interest in revisiting the start times for Council Meetings with the possibility of starting all meetings at a uniform time with more routine items slated first and the public interest items later in the agenda. They asked staff to bring the matter to Council after the summer break for further direction.
4. August 24, 2021 - Council discussed meeting times and a possible un-suspension of the rules. They requested more time to evaluate the hybrid format and meeting times and requested that staff come back in October for further direction.

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**Attachments:**     Current Rules of Procedure  
                             Presentation



# FLAGSTAFF CITY COUNCIL RULES OF PROCEDURE

APRIL 6, 2021



**RULES OF PROCEDURE**  
for the  
**FLAGSTAFF CITY COUNCIL**

**Rule 1**  
**GENERAL RULES**

[Flagstaff City Charter Art. II, §14]

**1.01 Rules of Procedure; Journal**

The Council shall determine its own rules and orders of business and shall provide for keeping a record of its proceedings. The record of proceedings shall be open to public inspection.

**1.02 Written Rules, Order of Business, and Procedure**

These Rules of Procedure of the Council shall be available to all interested citizens.

**Rule 2**  
**CODE OF CONDUCT & CONFLICTS OF INTEREST**

**2.01 Code of Conduct**

City Councilmembers occupy positions of public trust. All actions and business transactions of such officials dealing in any manner with public funds shall be in compliance with all laws or ordinances establishing a code of conduct for public officials or pertaining to conflicts of interest of public officials or employees.

**2.02 Participation and Voting Bar [A.R.S. §38-503]**

Any Councilmember prohibited from participating or voting on any matter before the City by the state conflict of interest laws shall make known such conflict on the record of any meeting where the item is discussed, and shall not enter into discussion, debate, or vote on such matter.

**Rule 3**  
**COUNCIL MEETINGS**

[Flagstaff City Charter Art. II, §12 and 13]

**3.01 Regular Meetings**

The City Council shall hold regular meetings on the first and third Tuesday of January, February, March, April, May, June, September, October, November, and December, and on the first Tuesday of July and third or fourth Tuesday of August unless a majority of the Council decides to postpone or cancel such meeting. No change shall be made in regular meeting times or place without a published seven day notice.

Regular meetings shall consist of a 3:00 p.m. and 5:00 p.m. meeting. The 3:00 p.m. portion of the meeting will include Approval of Minutes, Appointments, Liquor License Hearings, Consent Items, Routine Items, and Legislative Updates. At the agenda review work session one week prior to the regular Council Meeting, the City Council may direct that any of the agenda items be moved to the 3:00 p.m. or 5:00 p.m. portion of the meeting. At the 3:00 p.m. meeting, the Council may vote to defer any item on that portion of the agenda to the 5:00 p.m. meeting.

The 5:00 p.m. meeting is intended for items of specific interest to the community or items that may require extended discussions, as well as advertised public hearings. The agenda shall include carryover items from the 3:00 p.m. meeting, public hearings, regular agenda items, and discussion items.

If the day fixed for any regular meeting of the Council falls upon a day which the City observes as a legal holiday, the meeting may be cancelled or held at a time and date designated by the Council. All regular meetings of the Council shall be held in the City Hall Council Chambers. No change shall be made in regular meeting times without a published seven-day notice. However, the Mayor or City Manager may change the Council meeting location to adjust to a specific need for additional space required to accommodate a large citizen turnout, upon giving the public notice of such change pursuant to notice requirements. All regular meetings of the Council shall be open to the public.

### **3.02 Special Meetings**

Special meetings may be called by the City Manager, three or more members of the Council, or by the Mayor. The Council may hold any other meetings it deems necessary at such times and locations as it determines appropriate under the circumstances for the purposes of addressing specific issues, specific neighborhood's concerns, strategic planning, budgeting, or for any other purpose allowed by law, so long as notice of such meeting has been given in accordance with the Arizona Open Meeting Law. The City Clerk shall prepare written notice of special sessions, stating time, place, and agenda; this notice shall be given personally, or by telephone, to each member of the Council, the City Manager, and the City Attorney, and shall be posted no later than twenty-four hours in advance of the special meeting. If an emergency requires an earlier meeting of the Council than allowed by this rule, Rule 3.05 pertaining to emergency meetings shall be followed.

### **3.03 Work Sessions and Agenda Review**

Work sessions are public meetings held for the following purposes: (1) briefing Councilmembers on items included on the Council's regular meeting agenda, (2) discussion of long range plans and programs for which no immediate action is required, (3) detailed discussion of matters which may soon be placed on a regular meeting agenda, and (4) exchange of information between the staff and Council. No formal vote shall be taken on any matter under discussion, nor shall any Councilmember enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Council, providing that nothing herein shall prevent the Council from giving staff direction on any matter under discussion. Any formal action, however, must be scheduled for Council action at a regular or special Council meeting.

The City Council may hold work sessions every second and fourth Tuesday of each month at 6:00 p.m. When there are five Tuesdays in a month, work sessions will be held on the

second and fifth Tuesdays, and the fourth Tuesday will be available for holding a work session, either at City Hall or throughout the community. No meetings will be held on the last Tuesday of December, unless otherwise agreed to by a majority of the Council.

The work session held the Tuesday prior to a regular Council meeting shall include a review of the action items on the next week's regular Council agenda. In the agenda review, the Council may discuss items on the next week's agenda and give direction to the City Manager as to additional information needed. Public comment need not be taken, but may be accepted, at the discretion of the Chair.

No work sessions will be held during the summer break unless called as a special meeting as provided in Section 3.02 of these Rules.

### **3.04 Executive Sessions [A.R.S. §38-431.03]**

The Council may meet in, or recess into, executive session for all purposes allowed by law. The City Manager shall schedule any such meetings on the second and fourth Tuesdays at 4:00 p.m., or earlier as the need arises, prior to work sessions, but an executive session may be scheduled at any other time where circumstances require more immediate action. When there are five Tuesdays in a month, executive sessions shall be held on the second and fifth Tuesday at 4:00 p.m., or earlier, as needed. An executive session may be convened at a special meeting called for that purpose on a majority vote of the members of the Council, or during a regular meeting, special session, or work session of the Council for legal advice on matters on a meeting's properly noticed agenda. Attendance at the executive session shall be limited to members of the City Council, the City Manager and City Attorney or their designees, and appropriate City staff or consultants to the City as the Council may invite or as may be required for advice or information. No formal vote involving final action shall be taken on any matter under discussion while in an executive session, except the Council may instruct its attorneys and representatives as allowed by law.

### **3.05 Emergency Meetings [A.R.S. §38-431.02]**

In case of an actual emergency, the Council may hold a meeting, including an executive session, upon such notice as is appropriate to the circumstances, but shall post a public notice within twenty-four hours declaring that an emergency session has been held, and setting forth the agenda of specific items discussed, considered, or decided.

### **3.06 Minutes of Meetings [A.R.S. §38-431.01]**

Except as otherwise provided by state law, there shall be minutes of all Council meetings. Such minutes shall include, but need not be limited to: (1) the date, time, and place of the meeting; (2) the members of the City Council recorded as either present or absent; (3) a general description of the matters considered; (4) an accurate description of all legal actions proposed, discussed, or taken, and the names of members who propose each motion; and (5) the name of persons, as given, making statements or presenting material to the Council and a reference to the legal action about which they made statements or presented material. Minutes of all meetings, except executive sessions, shall be open to public inspection.

**Rule 4**  
**THE COUNCIL AGENDA**

**4.01 Procedures for Preparation of Council Agendas**

All reports, communications, ordinances and resolutions, contracts or other documents, or other matters to be submitted to the Council as part of the Council meeting agenda packet shall be available to the Council, along with a staff summary by the Friday preceding the agenda review work session for the draft agenda and by the Friday preceding the regular meeting for the regular agenda. The City Manager shall review items submitted for timeliness and completeness of information.

Those items which are approved for the Council agenda by the City Manager shall be placed on the agenda in accordance with the order prescribed in Rule 5. Copies of the agenda and any background material shall be disseminated to the Mayor and the City Council in the manner prescribed by the Council; to the City Manager, the Deputy City Managers, the City Attorney, and the City Clerk; and shall be made available to the public on the Friday preceding the Council meeting at which the agenda will be reviewed.

Should a Councilmember wish to share information regarding an item on an agenda other than under the F.A.I.R. process, copies may be distributed on the dais.

The agenda shall be made public in advance of the meeting by posting on the regular public posting board at City Hall and on the City's website. Such action shall be taken concurrently with the furnishing of the agenda to the City Council.

**4.02 Future Agenda Item Requests (F.A.I.R.)**

The City Manager shall consider any request by a Councilmember to include an item on the Future Agenda Item Request (FAIR) portion of the agenda. A Councilmember may submit an item for consideration in a public meeting during To/From and the City Manager may place it in a queue with other Council requests to be placed on an agenda.

The requesting Councilmember must be present through each step of the F.A.I.R. process to provide information and solicit the support for their item. Should scheduling conflicts arise the requesting Councilmember must contact the City Manager and ask that the item be rescheduled.

In the event that there are remaining F.A.I.R. items from an outgoing Councilmember the items will be placed on a separate list to seek a current Councilmember sponsor. If after 30 days from the last day of their term no Councilmember comes forward to sponsor the item, it will be removed from the queue.

Once the item is placed on an agenda under F.A.I.R.:

- a) If three or more Councilmembers agree, it is placed in the Discussion Queue for future meetings in chronological order. (Shown on working calendar as a discussion item)
- b) Should a Councilmember wish to move the item to the front of the Discussion Queue, a separate and secondary request must be made. Should a minimum of four Councilmembers agree to such request, the item will be placed at the front of



the Discussion Queue and Items previously placed on future agendas for discussion will be shifted accordingly.

- c) Should a Councilmember wish to change the order of the items in the Discussion Queue, a request must be made by a Councilmember as to the preferred priority order. Should a minimum of four Councilmembers agree to such a request, the order shall be revised accordingly.

Once an item has been considered under the F.A.I.R. process and placed on a future agenda for discussion, staff time in preparing for such item is limited to eight hours or less. Once direction is given by a majority of the Council, further staff time may be expended. (Show on the Working Calendar as a Regular Item.)

#### **4.03 Removal of a F.A.I.R. Item**

A Councilmember who has previously requested a F.A.I.R. item may have it removed up until the time it appears on the agenda as a F.A.I.R. item. No other Councilmember is permitted to remove an item. If an item is removed prior to it appearing on an agenda, the City Manager will notify the Council of its removal at the next Council Meeting. If another Councilmember wants to retain the item, it shall retain its then-current place in the queue. Once on the agenda, the request to remove must be made during a public meeting.

Once it has been placed on the agenda as a F.A.I.R. item, and there are three or more Councilmembers who support moving it to a future agenda for discussion, an item may not be removed until it has been placed back on the agenda as a F.A.I.R. item to be Removed. Should there be no objection from Councilmembers, the item will be removed as a F.A.I.R. item. If at least three other Councilmembers wish to keep it on the F.A.I.R. list, it will be placed on a future agenda as outlined in Section 4.02(a) above.

### **Rule 5** **ORDER OF BUSINESS**

#### **5.01 Regular Meeting Agenda**

The agenda for regular meetings of the City Council shall follow the following order:

#### **3:00 P.M. MEETING**

Call to Order  
Roll Call  
Pledge of Allegiance and Reading of the Mission Statement  
Approval of Minutes of Previous Meetings  
Public Participation  
Proclamations and Recognitions  
Appointments  
Liquor License Public Hearings  
Consent Items  
Routine Items\*  
Legislative Updates (as needed)  
Recess

## 5:00 P.M. MEETING

Reconvene Regular Meeting  
Roll Call  
Pledge of Allegiance  
Public Participation  
Carryover Items from 3:00 p.m. portion of Meeting  
Public Hearing Items  
Regular Agenda  
Discussion Items  
Council Liaison Reports  
Future Agenda Item Request (FAIR)  
Informational Items and Reports to/from Council and Staff, and Requests for Future Agenda Items  
Adjournment

*\*Routine Items include those agenda items that are common, reoccurring, have been discussed at length in prior Council meetings, or are expected to have little to no public participation. They may include resolutions or ordinances.*

Consent Agenda items may be considered and acted upon by one motion, unless a Councilmember specifically requests that a consent item be considered and voted on separately. If related to a public hearing item on the agenda, ordinances or resolutions shall be placed under Public Hearings. Items requested for consideration and discussion by a Councilmember and placed in the Future Agenda Item Request Section need not have a staff summary or staff review, but the requesting Councilmember may specify in a memorandum what discussion, action, or options are proposed. There will be no discussion of issues raised during public participation, information items and reports, or requests for future agenda items. The City Clerk shall enter into the minutes all consent items approved with one motion, and shall record separately action taken on those items considered separately.

### 5.02 Work Session Agenda

The agenda for Work Sessions of the City Council shall follow the following order:

Call to Order  
Pledge of Allegiance and Reading of the Mission Statement  
Roll Call  
Public Participation  
Review of Draft Agenda for next Council Meeting  
Legislative Updates (as needed)  
Work Session Topics  
Public Participation  
Informational Items and Reports to/from Council and Staff, and Requests for Future Agenda Items  
Adjournment

**Rule 6**  
**PRESIDING OFFICER**

[Flagstaff City Charter Art. II, §7 and §8]

**6.01 Mayor as Chair**

The Mayor, or in his or her absence, the Vice Mayor, shall be the Chair for all meetings of the Council.

**6.02 Temporary Chair**

In case of the absence of the Mayor and the Vice Mayor, the City Clerk shall call the Council to order. If a quorum is found to be present, the Council shall proceed to elect, by a majority of those present, a Chair for the meeting.

**6.03 Selection of Vice Mayor**

The candidate with the highest number of votes in the most recent general candidate election shall be appointed Vice Mayor until the next general candidate election. If for whatever reason the Vice Mayor cannot fulfill their term the position will be transferred to the candidate with the next highest number of votes in the most recent general candidate election.

**Rule 7**  
**MEETING DECORUM AND ORDER**

**7.01 Decorum and Order among Councilmembers**

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the Council. During Council meetings, Councilmembers shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the order of the Chair or the Rules of the Council. Every Councilmember desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself or herself to the question under debate and shall avoid all personal attacks and indecorous language. A Councilmember once recognized shall not be interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another Councilmember. If a Councilmember is called to order while he or she is speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be out of order, he or she shall remain silent or shall alter his or her remarks so as to comply with the Rules of the Council. Councilmembers shall confine their questions to the particular issues before the Council. If the Chair fails to act, any member may move to require him or her to enforce the Rules and the affirmative vote of the majority of the Council shall require the Chair to act.

If Council discussion of a matter exceeds one hour, each Councilmember shall limit their subsequent remarks to three minutes.

## **7.02 Decorum and Order among City Staff**

The Chair shall have the authority to preserve decorum in meetings as far as the audience, staff members, and city employees are concerned. The City Manager shall also be responsible for the orderly conduct and decorum of all City employees under the City Manager's direction and control. Any remarks shall be addressed to the Chair and to any or all members of the Council. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Chair.

## **7.03 Decorum and Order among Citizen Participants**

Citizens attending Council meetings should observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person causing a disturbance of the peace and good order during a Council meeting, may be removed from the room if so directed by the Chair, and such person may be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Chair, if such actions cause a disturbance of the peace and good order the Chair may direct the Sergeant-at-Arms to remove such offenders from the room. Should the Chair fail to act, any member of the Council may move to require the Chair to enforce the Rules, and the affirmative vote of the majority of the Council shall require the Chair to act. Political campaigning is prohibited. Any member of the public desiring to address the Council on any agenda item shall be recognized by the Chair shall state his or her name and city of residence in an audible tone for the record, and shall limit his or her remarks to the questions under discussion. Any remarks shall be addressed to the Chair and to any or all members of the Council.

### **Rule 8** **RIGHT OF APPEAL FROM THE CHAIR**

#### **8.01 Process for Appeal**

Any Councilmember may appeal to the Council from a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the Chair may briefly explain the Chair's ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "aye", the ruling of the Chair is sustained; otherwise, it is overruled.

### **Rule 9** **PUBLIC PARTICIPATION IN COUNCIL DISCUSSIONS**

#### **9.01 Non-Public Hearing Discussions**

Any person wishing to speak on any matter on the agenda before the Council, or during Public Participation, shall fill out a comment card and submit that card to the recording clerk, who will deliver the card to the Chair. Citizens are allowed to address the Council a maximum of three times throughout the meeting, including comments made during Public Participation. Other than Public Participation, comments shall be limited to the business

at hand. The Chair shall limit the period of speaking to a reasonable period of time of no more than three minutes per person (exceptions listed below); a speaker may address the Council with the speaker's own statements and the statements of other persons within the set time limit. The person desiring to speak shall limit his or her remarks to the matter under discussion and shall address his or her remarks to the Chair. Speakers may not cede any portion of their allotted time to another speaker.

At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak. The ten persons must be listed on the speaker card and be present at the time the comment is give. The persons will be requested to identify themselves by standing and those included in the group are precluded from making comments on the same topic but may participate in any other agendized topics up to the limit addressed in Section 7.03.

Any person wishing to speak with the assistance of a translator shall designate such on the speaker card and be permitted to speak up to five minutes.

## **9.02 Public Hearings**

- A. In the case of a public hearing, the Chair shall announce prior to such hearing the total time limit, if any, to be allowed for public debate, depending upon the circumstances and public attendance. The Chair shall also announce the time limits for each individual speaker (normally no more than three minutes), and that no speaker may be heard more than once.
- B. Any person wishing to speak with the assistance of a translator shall designate such on the speaker card and be permitted to speak up to five minutes.
- C. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak. The ten persons must be listed on the speaker card and be present at the time the comment is give. The persons will be requested to identify themselves by standing and those included in the group are precluded from making comments on the same topic but may participate in any other agendized topics up to the limit addressed in Section 7.03.
- D. Speakers may not cede any portion of their allotted time to another speaker.
- E. The order of presentation and time limits shall be as follows:
  - 1. Staff presentation (ten-minute time limit, except with specific Council permission to exceed this limit).
  - 2. Applicant presentation, only upon applicant's specific request (up to ten minutes, except with specific Council permission to exceed this limit).
  - 3. Council's questions to staff and applicant.
  - 4. Public comment (three minutes for individual speakers, up to fifteen minutes for a representative of ten or more persons present at the meeting who have contributed their time to the representative), The ten persons will be requested to identify themselves by standing and those included in the group are precluded from making comments on the same topic, but may

- participate in any other agendized topics up to the limit addressed in Section 7
5. Applicant's response, only upon applicant's specific request (5 minutes),
  6. Staff's response (5 minutes),
  7. Council deliberation and questions to staff and applicant.
- F. This rule will not preclude questions from members of the Council to the speaker where it is deemed necessary for purposes of clarification or understanding, but not for purposes of debate or argument.

## **Rule 10**

### **RULES GOVERNING MOTIONS BY THE COUNCIL**

#### **10.01 Motion to be Stated by the Chair - Withdrawal**

When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

#### **10.02 Motion to Suspend Rules**

Suspension of these Rules requires a majority consent of the Councilmembers present. A motion to suspend may not be made while another motion is pending unless it directly applies to the pending motion. Suspension of the Rules may not be appropriate in the context of a Public Hearing.

#### **10.03 Motion to Change Order of Agenda**

The Chair may, at his or her discretion, or shall, upon the majority vote of Councilmembers present, change the order of the agenda. However, caution should be given to not changing the order to circumvent the Open Meeting Law.

#### **10.04 Motion to Table**

A motion to table is used to delay discussion on an item until later in the meeting or until the next meeting. Neither the motion to table nor other business can be discussed, until a vote has been taken on the motion. If the motion is successful, no further discussion can be had without a motion to take off the table. To take a motion off the table at the same or immediately succeeding meeting, a motion and second must be made to take the item off the table, and it must pass by majority vote.

If not revived by the adjournment of the immediately succeeding meeting, the matter is considered to be dead.

#### **10.05 Motion to Postpone**

A motion to postpone is in order when an item is rescheduled to a time certain, when it is delayed with conditions, or when the matter is intended to be disposed of without action. If the motion prevails, the item shall return for Council action at the meeting specified or in accordance with the conditions established in the postponement. A motion to postpone

may be debated prior to vote, but no other motion, including a motion to amend, may be offered until the vote is taken and only if the motion to postpone fails.

A motion to postpone indefinitely, if it receives a majority vote, effectively extinguishes an item.

#### **10.06 Motion to Divide the Question**

If the question contains two or more divisionable propositions, the Chair may, and upon request of a member shall, divide the same.

#### **10.07 Motion to Amend**

On a motion to amend or “strike out and insert”, the motion shall be made so that the intent of the amendment is clear to the Council and public, and for the record.

The Council may materially amend an ordinance after the first read of that ordinance and proceed immediately to the second read and adoption. In other words, it is not necessary to proceed as though it is a new ordinance after a material change.

#### **10.08 Motion to Amend an Amendment**

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

#### **10.09 Motion to Reconsider**

After the decision on any question, any member who voted with the majority may move for a reconsideration of any action at the same meeting or at the next regular meeting that occurs at least one week after the date the action was taken. In the event of a tie vote on a motion, any Councilmember may move for reconsideration at the next regular meeting of the City Council that occurs at least one week after the date the action was taken, but not thereafter. To ensure that the matter will be included on the posted agenda in conformance with the Open Meeting Law, any Councilmember who wishes to have a decision reconsidered must alert the city clerk in writing at least five (5) days, exclusive of Saturdays, Sundays, and intermediate holidays, prior to the meeting at which the motion to reconsider will be made, unless the motion to reconsider was made and seconded at a Council meeting. A motion to reconsider shall require the affirmative vote of the majority of the members present at the time of reconsideration. After a motion for reconsideration has once been acted on, no other motion for reconsideration of the same subject shall be made without unanimous consent of all Councilmembers.

After the reconsideration time period has expired, the same matter may be placed on a later Council meeting agenda under Future Agenda Item Request at the request of any Councilmember. It shall require agreement by Councilmembers during Future Agenda Item Request to be placed on a future agenda as an action item. If the matter is considered for formal action on a future meeting, the motion for or against taking an action need not be made by a member of the prevailing vote.



#### **10.10 Motion for Roll Call Vote**

Any Councilmember may request a roll call vote, or the Chair may ask for a roll call vote for purposes of clarifying a vote for the record. The roll may be called for yeas and nays upon any questions before the Council. Unless allowed by the Chair, it shall be out of order for members to explain their vote during the roll call, or to engage in additional debate or discussion on the subject after the vote is taken.

### **Rule 11** **MISCELLANEOUS PROVISIONS**

#### **11.01 Prior Approval by Administrative Staff**

Except as to matters requested by individual Councilmembers under the Future Agenda Item Request Section of the agenda, all ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his or her authorized representative, and shall have been examined for practicality by the City Manager or his or her authorized representative.

#### **11.02 Placement of Items on Agendas for Council Action**

Pursuant to Council direction received during any Council meeting, the City Manager may present ordinances, resolutions, and other matters or subjects to the Council, and any Councilmember may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted. In addition, ordinances, resolutions and other matters or subjects requiring action by the Council may be introduced and sponsored by a member of the Council through the Future Agenda Item Request process described in Rule 4.01.

#### **11.03 No New Agenda Items after 9:30 p.m. except by Majority Vote**

No new agenda items shall begin after 9:30 p.m. unless approved by majority vote of the City Council. If, however, discussion on an item commences prior to 9:30 p.m., the Council may continue its deliberation or move to postpone that item. Agenda items on a Council agenda not considered will be placed on the immediately succeeding Regular or Special Council meeting.

#### **11.04 Robert's Rules**

Robert's Rules of Order, latest edition, shall serve as a guideline for interpretation of and supplementation for these Rules in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Charter of the City of Flagstaff or the laws of the State of Arizona. The interpretation of these Rules and Robert's Rules shall be guided by the principles underlying Parliamentary law, that is, a careful balance of the rights of individuals and minority subgroups of the council with the will of the majority. In no case shall the strict application of a rule or procedure be interpreted to deny any individual or minority the right to participate in a debate, discussion, or vote, nor shall these rules be interpreted in such a way so as to defeat the will of the majority of the whole of the Council.



#### **11.05 Citizen Petitions [Flagstaff City Charter Art. II, §17]**

A citizen or a group of citizens may present a written petition to the City Manager, signed by a minimum of 25 citizens from the City of Flagstaff in a form prescribed by ordinance, who shall present it to the Council at its next regular meeting. The Council must act on the petition within 31 days of the City Manager's presentation. Citizen petitions will first be placed on the agenda under Future Agenda Item Request to determine if there is Council interest in placing the item on a future agenda for consideration. Failure to give such direction shall constitute "action" for purposes of this section.

#### **11.06 Video Streaming, Recording, and Photography**

For City Council safety and other security purposes, audio/video streaming, audio/video recording, photography, or similar activities are not permitted on the City Council side of the lectern counter. Such activities are permitted *only* on the public side of the lectern counter so long as they do not obstruct the view of the public in City Council Chambers and the view of the City's official internet live streaming viewers. In the event the City Council meets anywhere outside of City Council Chambers, this same rule shall apply, and no such activities will be permitted on the City Council side of the lectern. This rule does not apply to the City's official internet streaming and any audio/visual equipment for the same, and also does not apply to body cameras used by law enforcement officers.

#### **11.07 Meetings with State, Federal, and Tribal Delegation and Lobbying Trips**

At least two members of Council must be in attendance at any meetings with State, Federal, or Tribal representatives where any city, state, federal, or tribal business is discussed. When the City Council participates in state or federal lobbying trips, the Mayor, or Councilmember designee, will accompany two other councilmembers and optionally staff on each trip. The councilmembers chosen to attend will be determined by an established rotation to ensure equal opportunity to participate and represent the City in this capacity. The Council reserves the right to select a councilmember outside the rotation by a three-fourth (super-majority) vote of the Council.



# City Council Rules of Procedure

October 26, 2021







# History



- April 7, 2020 - Council suspended Rule 5.01
  - Provided flexibility on time and agenda order while virtual due to the COVID pandemic.
  - Currently operating with a 3:00 p.m. start time on all meetings with no recess between Routine and Regular items.
- August 24, 2021 - Returned to in-person meetings with hybrid platform
  - Staff reviewed changes made during suspension of the rules and asked for Council direction
  - Council requested more time to evaluate and asked staff to return in late October to check in and seek direction



# Current Suspension of Rules

- Suspension of Rule 5.01
  - All meetings begin at 3:00 p.m. with no formal recess between Routine and Regular items
  - Modifications to Agendas
    - Update Items at the beginning
      - Council Liaison Updates
      - City Manager Report
      - COVID-19 Update
    - Items of higher public interest slated later in the meeting



# Seeking Direction

1. Does Council want to un-suspend Rule 5.01 now that meetings are returning to a more “normal” setting?
  - Un-suspending the Rule would return meetings to 3:00 p.m. and 5:00 p.m. times for Regular Meetings and 6:00 p.m. for Work Sessions
2. Does Council want to make modifications related to meeting times and agenda order?
3. Are there any other changes desired for the Rules of Procedure?



## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Dan Symer, Zoning Code Manager  
**Co-Submitter:** Sara Dechter, Comprehensive & Neighborhood Planning Manager  
**Date:** 10/10/2021  
**Meeting Date:** 10/26/2021



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#### TITLE:

**Overview of the High Occupancy Housing Specific Plan and Related Implementation Programs and Amendments**

#### DESIRED OUTCOME:

Provide a presentation to the City Council on the High Occupancy Housing Specific Plan (HOH Plan) and related City Code, programs, and policy amendments, and to allow for the City Council and the public to ask questions, have a discussion, offer comments, and provide direction on future steps related to High Occupancy Housing.

#### EXECUTIVE SUMMARY:

The HOH Plan ([Link to the HOH Plan](#)) was adopted in February 2018. To implement the HOH Plan, the City Council has implemented City-NAU Neighborhood Liaison program, updated the policy on small parks, and amended that City Code on four separate occasions. The purpose of the work session is to provide the City Council with an overview of the HOH Plan and the related City Code, program, and policy amendments that have been adopted so far.

#### INFORMATION:

##### I. Work Session Objectives:

For your reference, below is a summary of the staff presentation (attached) to the City Council's comments and direction:

- Overview of the scope, definitions, and key strategies of the HOH Plan;
- Review the implementation and adjustments made since the 2018 adoption of the HOH Plan;
- Overview of current HOH cases; and
- Seek Council direction on information needs, next steps, and other adjustments.

##### II. Background Summary:

In February 2018, the City Council adopted the citywide HOH Plan, a specific plan to the Regional Plan, and related amendments to the Regional Plan. The HOH Plan was developed in response to the community's dialogue about previously proposed high-intensity mid-rise developments near historic neighborhoods that primarily catered to college students. The HOH Plan is intended to provide direction in the form of goals and policies to accommodate a variety of housing options in areas of the city that can support infill, redevelopment, and mixed-use activities. The HOH Plan identified dozens of goals, policies, and strategies that could be implemented to address the unintended impacts of these buildings

on neighborhood character, affordability, and transportation.

Since the HOH Plan was adopted, several programs, policies, and City Code amendments have been adopted to implement the plan. These amendments include:

- Modifications to the Regional Plan;
- Implementing the City-NAU Neighborhood Liaison program;
- Updating the policy on small parks;
- Adopting the most recent International Energy Conservation Code; and
- Adopting amendments to the Zoning Code to incorporate the HOH Plan's goals, policies and strategies, and public comments.

The broadest of the City Code amendments to implement the HOH Plan are those that were adopted as part of the Zoning Code in November 2020 (Attachment 1).

The presentation includes slides with the heading "Adjustments in Implementation". These are zoning requirements that went beyond what the adopted HOH plan recommended.

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**Attachments:**     [High Occupancy Housing Informational Flyer](#)  
                              [High Occupancy Housing October 26 2021 Presentation](#)  
                              [1. Standards Included in the High Occupancy Housing Zoning Code Text Amendment](#)



# High Occupancy Housing Zoning Code Text Amendment



## Purpose

- On November 17, 2020, the Flagstaff City Council adopted the High Occupancy Housing Zoning Code Text Amendment. **Effective on March 1, 2021**, the adopted amendment is the first Zoning Code Text Amendment to implement the High Occupancy Housing Plan Specific Plan.

## What is a High Occupancy Housing Development?

- Based on a development's physical characteristics, a High Occupancy Housing Development (HOHD) is any of the following:
  - ▶ **Single-family dwelling unit** with seven or more bedrooms, or five or more sanitation facilities.
  - ▶ **Duplex or two dwelling units on a lot or parcel** (excluding an Accessory Dwelling Unit) with more than a total of seven bedrooms, or if any of the dwelling units contain four or more sanitation facilities.
  - ▶ **Multiple-family development with three dwelling units** on a lot or parcel with more than a total of nine bedrooms, or if any of the dwelling units contain four or more sanitation facilities.
  - ▶ **Multiple-family development with four dwelling units, or greater**, on a Development Site with any of the following:
    - More than 20 percent of the total dwelling units have four bedrooms or more;
    - One or more of the dwelling unit(s) contain four or more sanitation facilities; or
    - The total number of dwelling units per acre, or bedrooms per acre, requires a Conditional Use Permit for an HOHD in accordance with the building form and property development standards of the property's designated Non-Transect Zone; or, if the property owner has elected a Transect Zone, the density is greater than 29 dwelling units per acre or 72.5 bedrooms per acre.
  - ▶ **Excluding** a housing development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the Area Median Income (AMI) in compliance with the department of housing and urban development regulations shall not be categorized as high occupancy housing development, regardless of the number units, bedrooms, or zoning.

## What is a Mixed-use High Occupancy Housing Development?

- Based on a development's physical characteristics, a Mixed-use High Occupancy Housing Development (MHOHD) is:
  - ▶ **A mixed-use development** with any of the following:
    - More than 20 percent of the total dwelling units have four bedrooms or more;
    - One or more of the dwelling unit(s) contain four or more sanitation facilities; or
    - The total number of dwelling units per acre, or bedrooms per acre, requires a Conditional Use Permit for an MHOHD in accordance with the building form and property development standards of the property's designated Non-Transect Zone; or, if the property owner has elected a Transect Zone, the density is greater than 29 dwelling units per acre or 72.5 bedrooms per acre.
  - ▶ **Excluding** a mixed-use development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the Area Median Income (AMI) in compliance with the department of housing and urban development regulations shall not be categorized as high occupancy housing development, regardless of the number units, bedrooms, or zoning.

## What is needed if my development is considered a High Occupancy Housing Development or a Mixed-use High Occupancy Housing Development?

- If a development is an HOHD or an MHOHD as described above, then the **property owner shall obtain approval from the Planning and Zoning Commission of a Conditional Use Permit** for the development and **demonstrate compliance with the associated building form and property development standards** and the Specific to Uses provision of the Zoning Code for the use. In some zones, the property owner shall also obtain approval from the Planning and Zoning Commission of a Conditional Use Permit for a Planned Residential Development.

Note: **Sanitation Facility.** The Zoning Code defines a sanitation facility as a delineated area for bathing that contains a toilet, shower, sink, and a shower or tub. The fixtures (toilet, sink, and a shower or tub) may be located in a room or in close proximity that functions as a Sanitation Facility as determined by the Zoning Administrator.

**Bedroom.** The Zoning Code defines a bedroom as a room in a residence marketed, designed, or likely to function primarily for sleeping.

## **What is a summary of the Zoning Code requirements for a High Occupancy Housing Development and Mixed-use High Occupancy Housing Development?**

- The Zoning Code has several requirements that an HOHD and MHOHD is to comply with. In addition to the existing Zoning Code requirements, below is a summary of the more significant requirements that have been incorporated for HOHDs and MHOHDs:
  - ▶ **Land Use by Zone.** Please refer to the land use tables of Section 10-40.30.030: Residential Zones, Section 10-40.30.040: Commercial Zones, and Division 10-40.40: Transect Zones, for the zones that where HOHD and MHOHD lands uses are allowed.
  - ▶ **Density.**
    - A Conditional Use Permit for an HOHD or MHOHD is required for a development with a density greater than 13 dwelling units per acre in the Suburban Commercial (SC) zone and 29 dwelling units per acre in all other Commercial and Transect Zones.
  - ▶ **Maximum Number of Bedrooms per Acre.**
    - A bedroom per acre maximum with and without a Conditional Use Permit for an HOHD and MHOHD in the Residential Zones has been incorporated. Please refer to Table 10-40.30.030.C. Residential Zones – Building Form and Property Development Standards Zoning Code.
    - A bedroom per acre maximum without a Conditional Use Permit for an HOHD and MHOHD in the Commercial Zones has been incorporated. Please refer to Table 10-40.30.040.C. Commercial Zones – Building Form and Property Development Standards Zoning Code.
    - A Conditional Use Permit for an HOHD (with four dwelling units or greater) or MHOHD is required for a development on a property with the Transect Zone designation that has more than 72.5 bedrooms per acre.
  - ▶ **Duplex or Two Dwelling Unit HOHD.** A maximum of 10 bedrooms is allowed with a Conditional Use Permit.
  - ▶ **Multiple-family Development with Three Dwelling Unit HOHD.** A maximum of 12 bedrooms is allowed with a Conditional Use Permit.
  - ▶ **Locational Requirements.**
    - An HOHD with four dwelling units, or greater, shall be located in the pedestrian shed of an activity center shown on the General Plan (Regional Plan) or applicable specific plan.
    - An HOHD on a lot or parcel with a Commercial Zone designation shall be setback 300 feet from a commercial corridor street shown on the General Plan (Regional Plan) and shall have commercial development between the HOHD and the commercial corridor street.
    - An MHOHD shall be on a lot or parcel that abuts a street classified as a commercial corridor shown on the General Plan (Regional Plan) and located in the pedestrian shed of an activity center indicated in the General Plan (Regional Plan) or applicable specific plan.
  - ▶ **Unit Bedroom Diversity.**
    - An HOHD or MHOHD with four dwelling units or more, and that has more than 29 dwelling units per acre or more than 72.5 bedrooms per acre shall have:
      - A minimum of 20% of the bedrooms contained in studio and/or one-bedroom dwelling units; and
      - A maximum of 30% of bedrooms contained in dwelling units with four bedrooms or more.
    - An HOHD or MHOHD with four dwelling units or more, and that has 29 dwelling units per acre or less or 72.5 bedrooms per acre or less shall not exceed a Bedroom-to-Dwelling Unit Ratio greater than 3.5.
  - ▶ **Parking Requirements.** Vehicle and secure bicycle parking requirements for an HOHD or MHOHD have been incorporated. Please refer to Table 10-50.80.040.A. Number of Motor Vehicle Parking Spaces Required, Section 10-50.80.050 Bicycle Parking, and Appendix 1.4 Bicycle Space Design Requirements of the Zoning Code.
  - ▶ **Waste Management Plan.** An HOHD or MHOHD with four dwelling units or more is required to have a waste management plan.
  - ▶ **Location to Transit Services.** An HOHD or MHOHD with four dwelling units or more is required to be located within 1,320 feet of a permanent transit stop, unless a greater distance is approved by the Planning and Zoning Commission
  - ▶ **Crime Free Multi-Housing Program.** A property owner of an HOHD or MHOHD that has rental units shall participate in the City's Crime Free Multi-Housing Program.
  - ▶ **Heritage Preservation.** A property subject to Division 10-30.30, Heritage Preservation, shall have no adverse effect or has appropriately mitigated effects on the historic cultural resource.
- Please refer to the Zoning Code for a complete list of requirements for HOHDs and MHOHDs.



# Review of High Occupancy Housing Specific Plan and Zoning Code Amendment



Sara Dechter, AICP  
Comprehensive and Neighborhood  
Planning Manager

Dan Symer, AICP  
Zoning Code Manager





# High Occupancy Housing Specific Plan and Zoning Code Amendments



## Work Session Objectives

- **Overview of the scope, definitions, and key strategies of the High Occupancy Housing (HOH) Plan**
- **Review of the implementation and adjustments made since the 2018 adoption of the HOH Plan**
- **Overview of the current HOH cases and Prop 207 claims**
- **Seek Council direction on information needs, next steps, and other adjustments**



# Student Housing Action Plan

## Origins

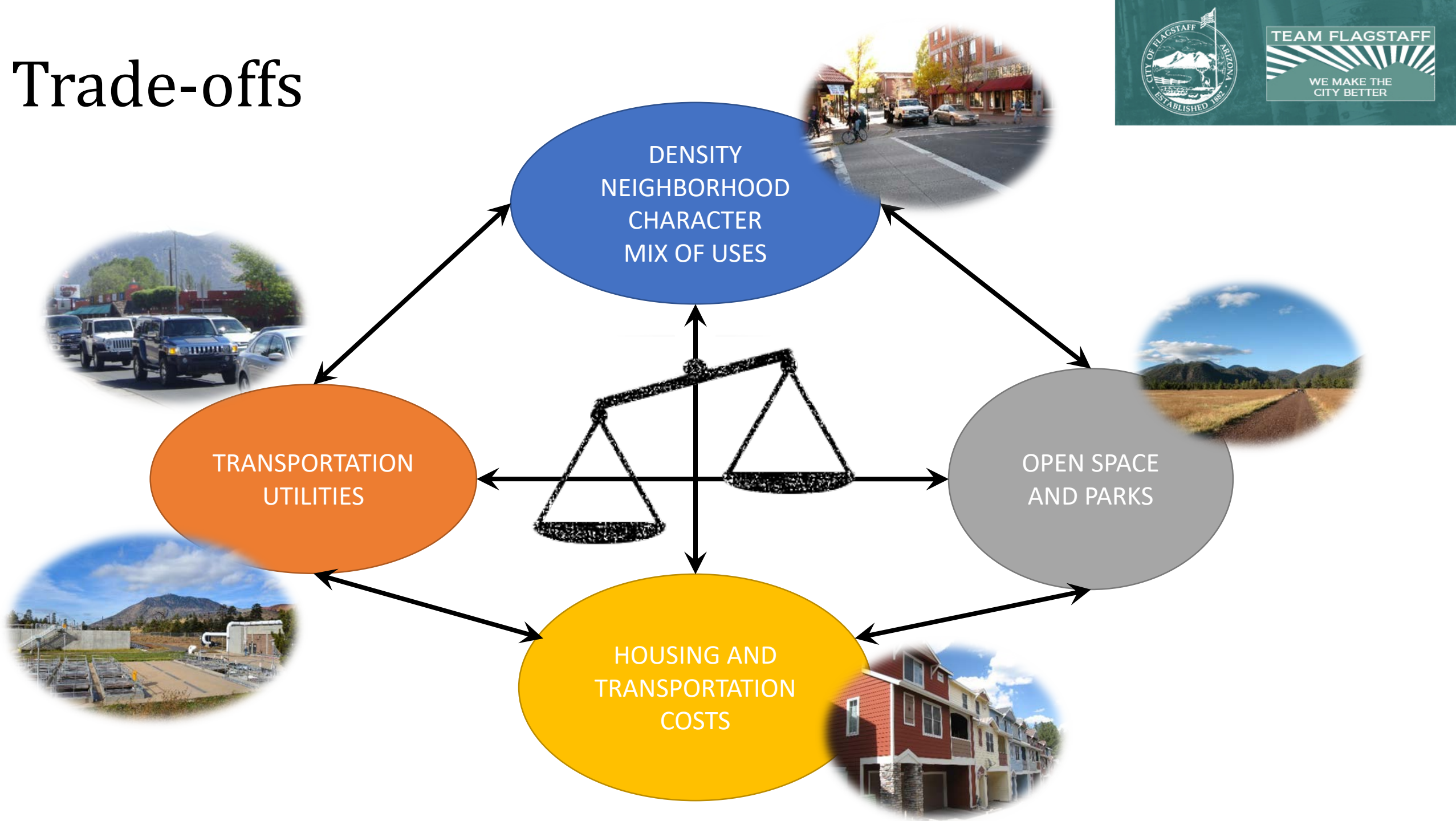
- In 2016, the Student Housing Action Plan External Work Group recommended the City:
  - "Develop a specific plan for high occupancy housing that implements Policy NH.1.7. Develop appropriate programs and tools to ensure the appropriate placement, design, and operation of new student housing developments consistent with neighborhood character and scale."



# The Initial Scope of the HOH Plan

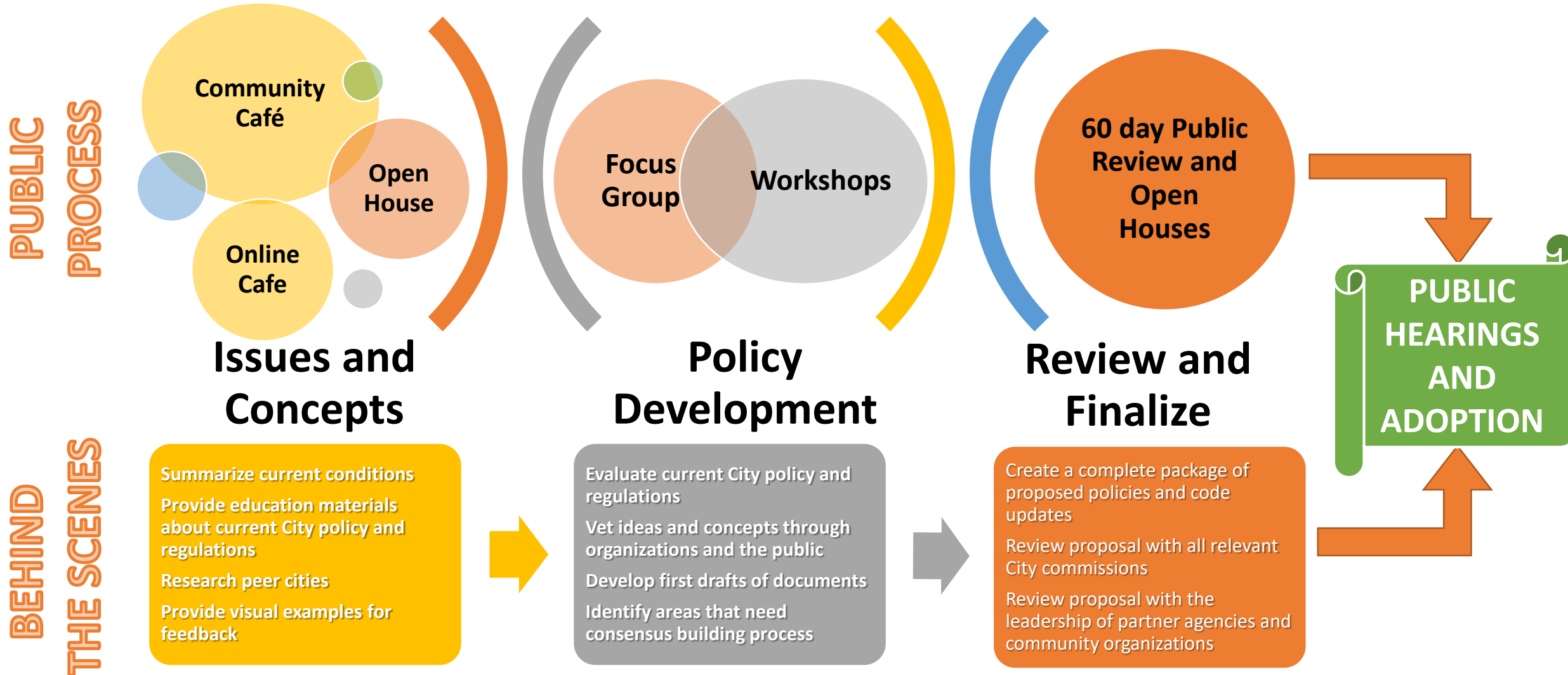
- **Define High Occupancy Housing**
- **Identify appropriate locations**
- **Protect the unique character of historic neighborhoods and districts**
- **Clarify the Regional Plan and City policies that pertain to a neighborhood's existing character and reinvestment and redevelopment**
- **Identify best practices for the operation/management of high occupancy housing**
- **Safe connectivity (not just proximity) for bicycle, pedestrian, and transit modes**

# Trade-offs





# High Occupancy Housing Process



July 2016

February 2018



# How did the Plan address the issues?

## Definition

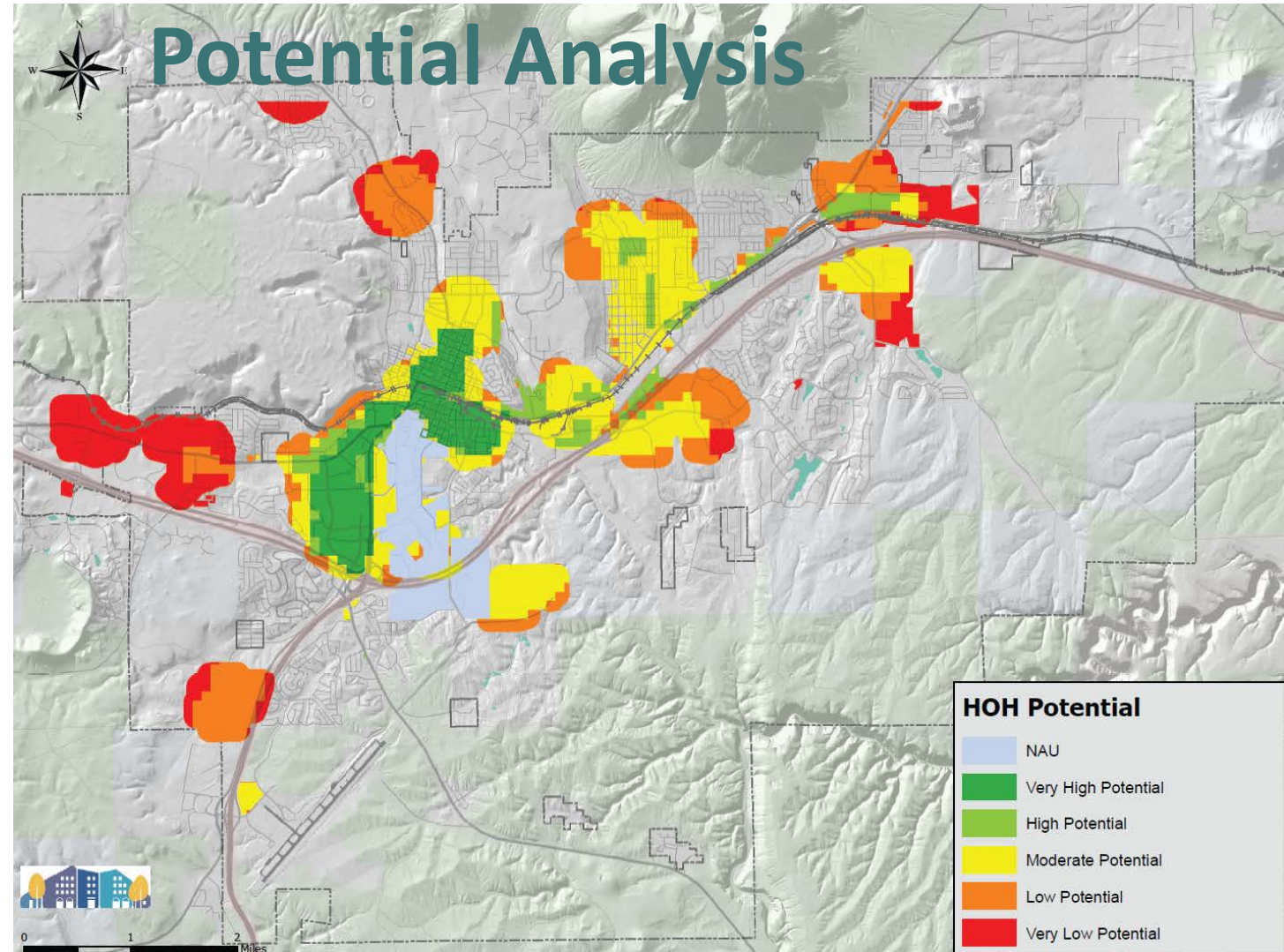
- In the plan, High Occupancy Housing (HOH) is generally buildings that have more than 75 bedrooms per acre or have more than 30 dwelling units per acre in dormitory or apartment-style units



# How did the Plan address the issues?

## Location

- Readiness and Potential Analysis of the City based on the definition of HOH, transportation, and water and sewer infrastructure capacity
- Findings: Readiness analysis correlated to where HOH was being proposed and constructed prior to the plan



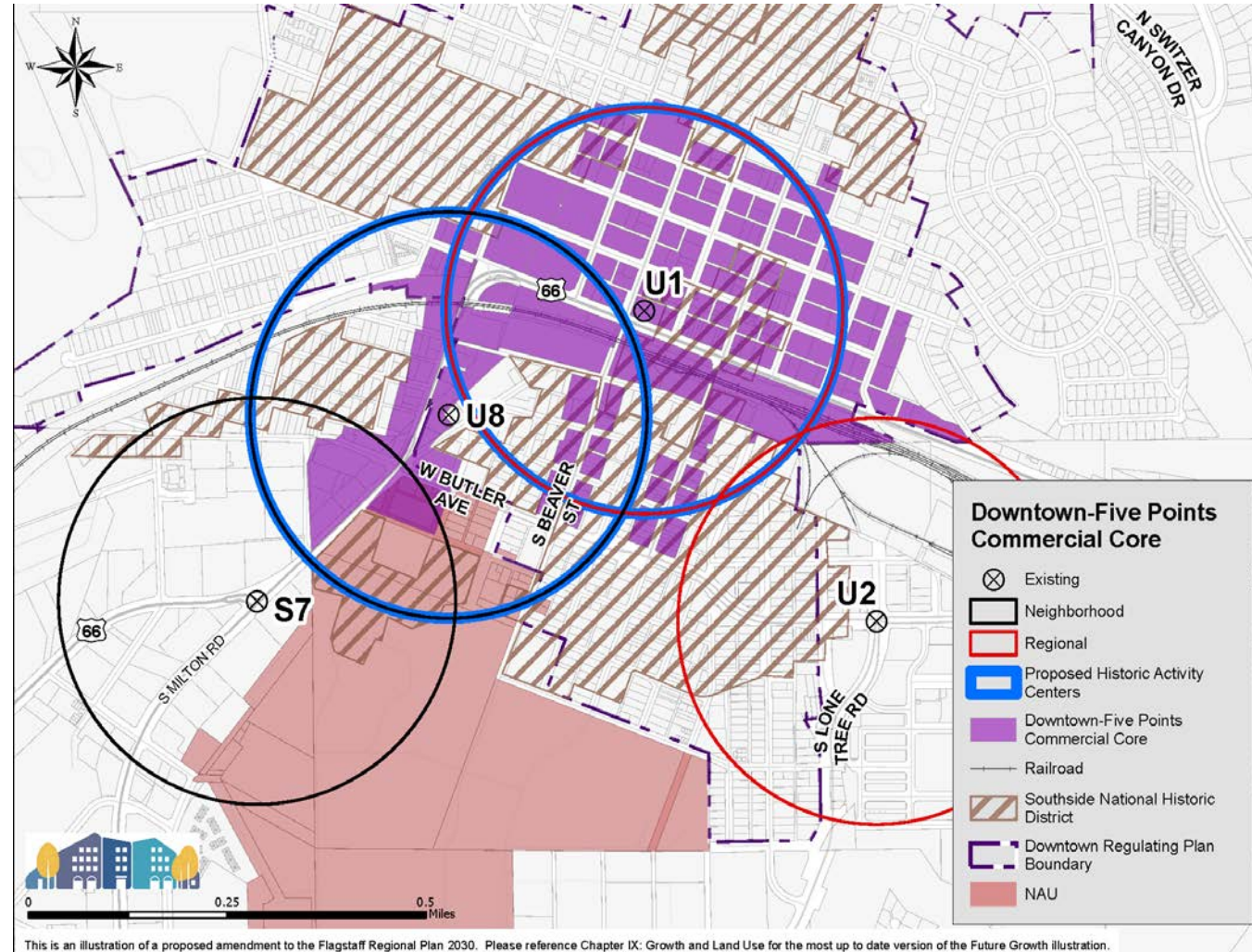




# How did the Plan address the issues?

## Existing Neighborhood Character

- Identified historic activity centers and relocated activity centers to protect historic neighborhoods and districts
- Identified new Regional activity centers more appropriate for very high density
- Clarified the role of neighborhood plans and described small scale HOH





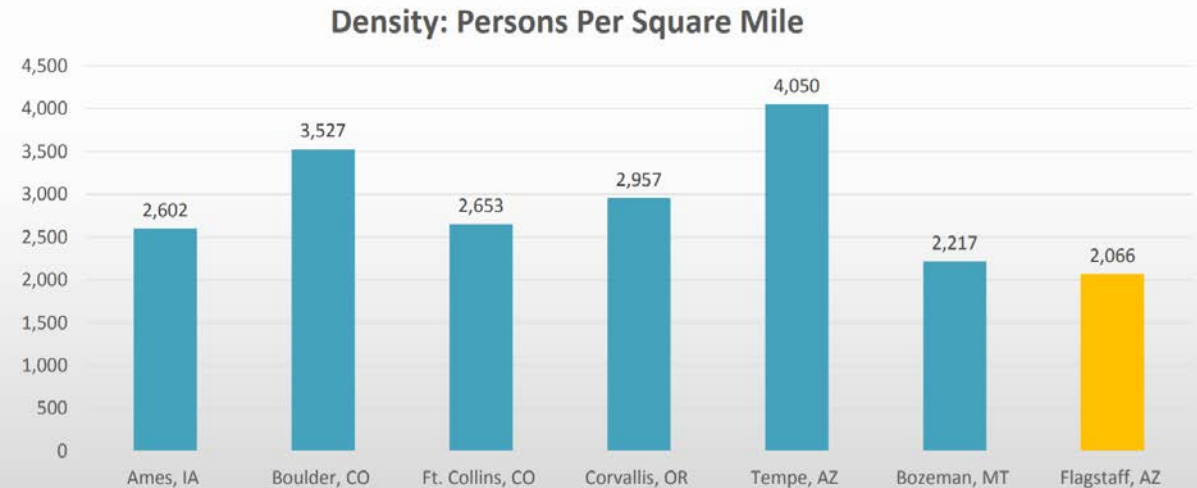


# How did the Plan address the issues?

## Best Practices

- Evaluated policies and programs in 6 peer cities
- Research-based analysis of impacts of this type of housing
- Made recommendations for both land use and operation and maintenance of HOH
- Made recommendations on improving relationships between NAU, the community, and student residents

**Flagstaff is currently a low density community compared to Peer Cities**



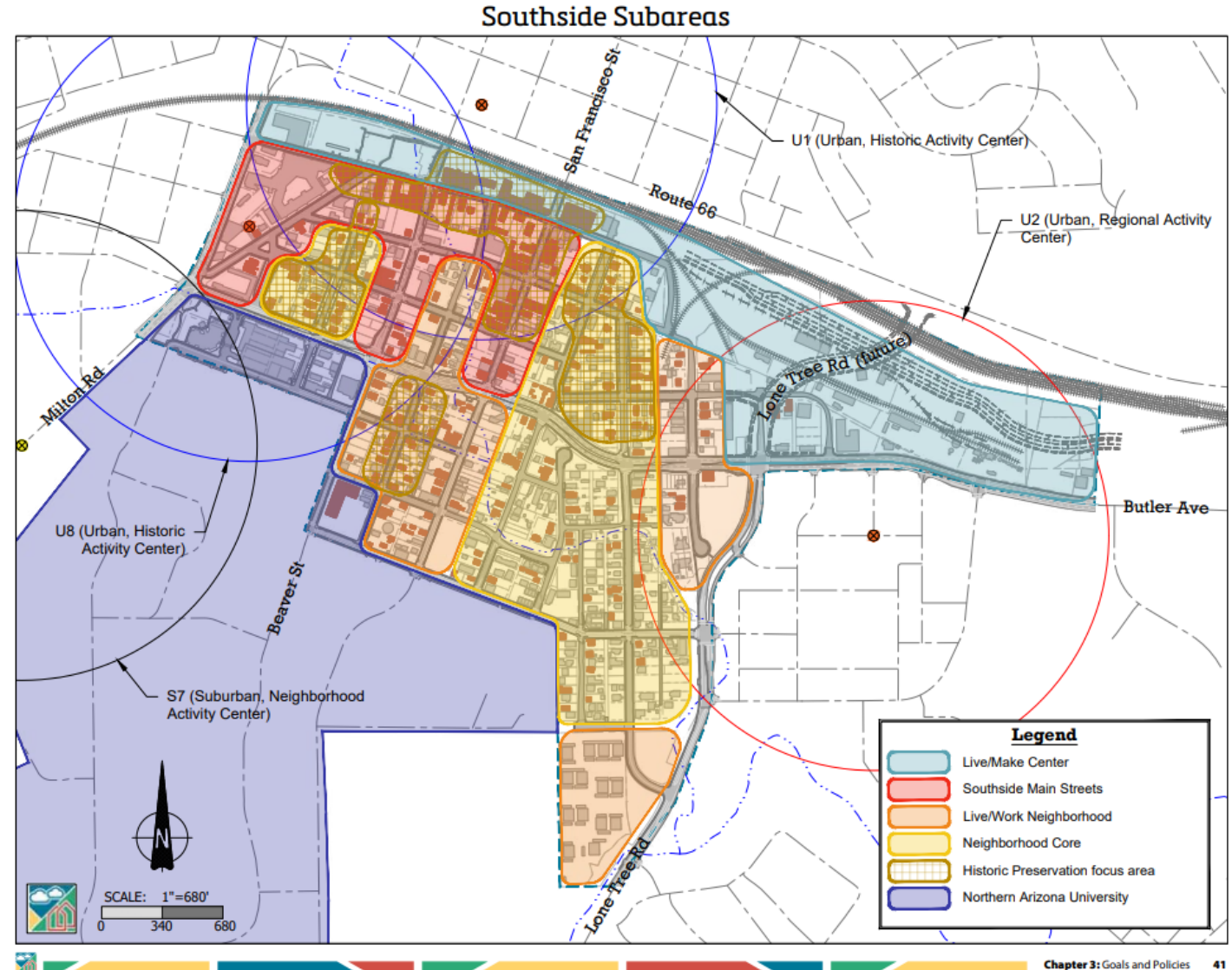
Source: 2010 U.S. Census



# Southside Community Plan

## Policies

- **SLW 1.3.** Rezoning in the Live Work Neighborhood is discouraged for the specific use of high occupancy housing.
- **SNC 1.5.** Rezoning in the Neighborhood Core is discouraged for the specific use of high occupancy housing.





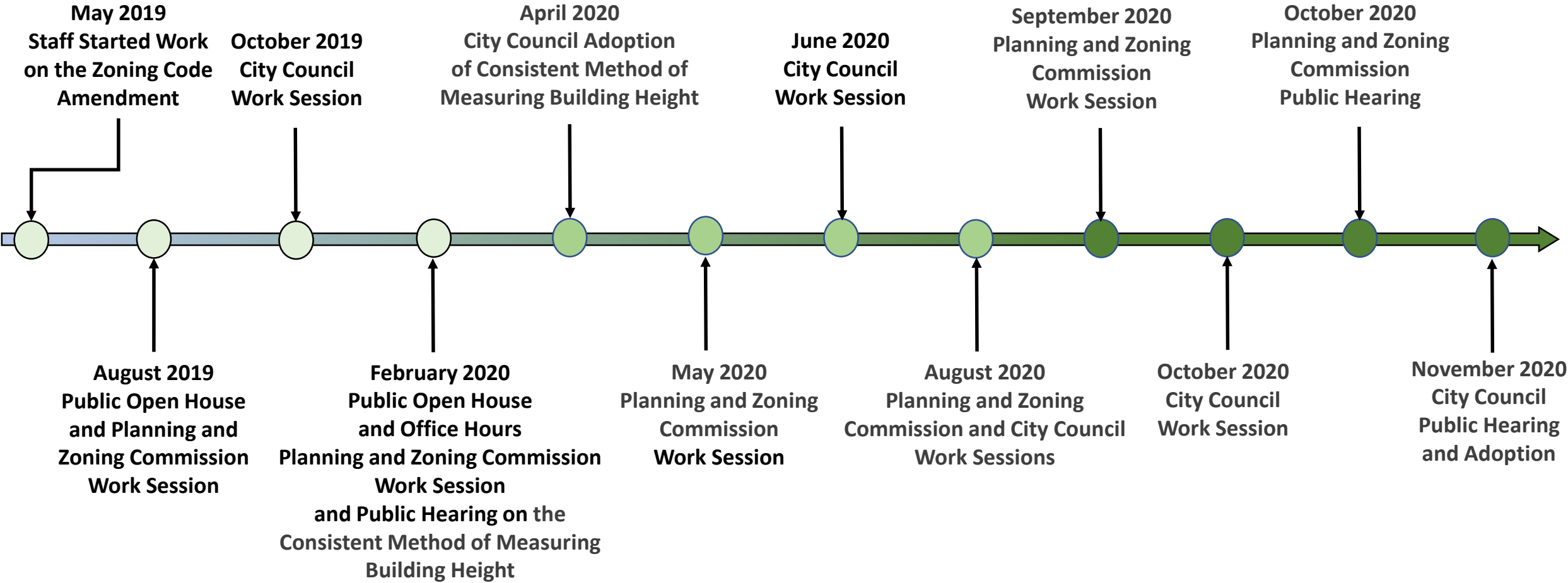
# What has been implemented so far?

## HOH Goal, Policies, and Strategies Implemented:

- **Adopted Regional Plan Amendments that included multiple policy and map changes concurrently**
- **Implemented the City-NAU Neighborhood Liaison program**
- **Updated the policy on small parks**
- **Adopted the most recent International Energy Conservation Code**
- **Removed the Commercial Block Building Type in the T4N.1 zone**



# Zoning Code Amendment Timeline







# What has been implemented so far?

## HOH Goals, Policies, and Strategies implemented into the Zoning Code:

- Amended the Zoning Code to implement a consistent method of measuring building height
- Replaced the Rooming and Boarding land use with the HOH land use and related provisions
- Incorporated a maximum number of bedrooms (density x 2.5) that a non-HOH development is allowed in the:
  - Medium Density Residential (MR) zone
  - High Density Residential (HR) zone
  - Mixed-Use Developments (Commercial zones) outside of the Regional Activity Center



# What has been implemented so far?

## **HOH Goals, Policies, and Strategies implemented into the Zoning Code:**

- **Incorporated parking provisions based on the number of bedrooms in the development**
- **Implemented Conditional Use Permit for developments with more than 50 dwelling units and 125 beds per acre and a building footprint larger than one-half acre**
- **Incorporated a requirement for HOH developments that have more than 50 dwelling units per acre, 125 bedroom per acre, or a building footprint greater than 22,000 square feet to the pedestrian shed of a Regional Activity Center**
- **Incorporated secure bicycle parking requirements and provisions**



# What has been implemented so far?

## HOH Goals, Policies, and Strategies implemented into the Zoning Code:

- **Implemented maximum building footprint sizes for HOH developments based on the activity center where the development is located**
- **Incorporated a requirement for HOH developments to submit a residential unit study that illustrates how the development is designed for flexibility to be adapted as a non-HOH development**
- **Required HOH developments to participate in the Crime-free Multi-family Housing programs**
- **Added the Transit Pass Pilot Program to encourage HOH developments to provide reduced price or free bus passes to tenants**



# Adjustments in Implementation

- **HOH adopted code definition: Developments with greater than 29 dwelling units or 72.5 bedrooms per acre as HOH development ( $29 \times 2.5 = 72.5$ )**
  - *Plan definition: HOH is generally buildings that have more than 75 bedrooms per acre or have more than 30 dwelling units per acre in dormitory or apartment-style units ( $30 \times 2.5 = 75$ )*
- **Added 1, 2, 3 unit housing types to HOH and caps the number of bedrooms and bathrooms that may be built rather than density calculation:**
  - **Single-family HOH: (7 bedrooms or more; or 5 or more bathrooms)**
  - **Duplex HOH: (a total of more than 7 bedrooms; or any dwelling unit that has four or more bathrooms; and not to exceed a total of 10 bedrooms)**
  - **Triplex HOH: (a total of more than 9 bedrooms; or any dwelling unit that has four or more bathrooms; and not to exceed a total of 12 bedrooms)**





# Adjustments in Implementation

- **High Occupancy Housing (HOH) developments with four dwelling units or more, and that has more than 29 dwelling units per acre or more than 72.5 bedrooms per acre shall have:**
  - **A minimum of 20 percent of the bedrooms contained in studio and/or one-bedroom dwelling units; and**
  - **A maximum of 30 percent of bedrooms contained in dwelling units with four bedrooms or more**
- **High Occupancy Housing (HOH) developments with four dwelling units or more, and has 29 dwelling units per acre or less or 72.5 bedrooms per acre or less shall not exceed a Bedroom-to-Dwelling Unit Ratio greater than 3.5**



# Adjustments in Implementation

- **Required a parking study with a parking reduction greater than 30% to obtain City Council approval**
- **Limited the amount of bedrooms in duplexes and three-unit developments**
- **Allowed HOH developments that are not located on commercial corridor streets to be 100% residential on a commercial zoned property in an activity center**
- **Allowed a 100% affordable residential development that serves an AMI of 60% not to be considered an HOH development**



# Adjustments in Implementation

- **Required HOH developments with four units or more to be located inside of a activities centers that are delineated in the Regional Plan.**
  - **Note: Regional Plan activity centers may change with modification to the plan**
- **Allowed Single-family, Duplex, and Triplex HOH developments to be located outside of the activities centers**
- **Established a maximum number of bedrooms allowed for all multiple-family HOH development with four units or more in the following residential zones:**

○ <b>Rural Residential (RR)</b>	<b>Medium Density Residential (MR)</b>
○ <b>Estate Residential (ER)</b>	<b>High Density Residential (HR)</b>
○ <b>Single-family Residential (R1)</b>	



# Review of High Occupancy Housing Specific Plan and Zoning Code Amendments



## Subsequent Direction (March 9, 2021):

- **Modify the Zoning Code to:**
  - **Remove the affordable housing development definition exemption and allow affordable housing development High Occupancy Housing (HOH) and Mixed High Occupancy Housing (HOH) developments without a Conditional Use Permit**
  - **Increase the Area Median Income (AMI) range from 60 to 80 percent or less**
  - **Maintain the additional development standard for HOH development, although return with considerations for allowances in the standards**





# Review of High Occupancy Housing Specific Plan and Zoning Code Amendments



## High Occupancy Housing (HOH) Related Applications:

- **Single-family Conditional Use Permit HOHs: 2**
- **Affordable Housing Development Exemptions: 1**
- **Proposition 207 Waivers filed: 87**
  - **37 Southside**
  - **8 North End**
  - **4 Townsite**
  - **3 Downtown**



# Review of High Occupancy Housing Specific Plan and Zoning Code Amendments



**What type of modifications, if any, would Council like to make?**

- A. Maintain the existing HOH code provisions**
- B. Revise the HOH zoning provision to be more aligned with the HOH Plan**
  - For example, repeal HOH for single family, duplex & triplex dwellings (capping bedroom and bathroom count); repeal bedroom to unit ratios
- C. Make smaller adjustments to the HOH Land Use and CUP**
  - For example, allow single family and duplex HOH developments without a CUP by right with the additional development and parking standards (Attachment 1 of the City Council Report)
- D. Repeal entire HOH land use and related provisions**



# Review of High Occupancy Housing Specific Plan and Zoning Code Amendments



**Questions??**



## Standards Included in the High Occupancy Housing Zoning Code Text Amendment

Table <a href="#">10-40.30.030.B.</a> Residential Zones – Allowed Uses								
Primary Land Use <sup>1</sup>	Specific Use Regulations	Residential Zones						
		RR	ER	R1	R1N	MR	HR	MH
High Occupancy Housing Development, Single-Family	<a href="#">10-40.60.175</a>	UP	UP	UP	UP	UP/PRD	UP/PRD	UP
High Occupancy Housing Development, Two-units	<a href="#">10-40.60.175</a>	UP/PRD	UP/PRD	UP/PRD	UP	UP	UP	--
High Occupancy Housing Development, Three-units	<a href="#">10-40.60.175</a>	UP/PRD	UP/PRD	UP/PRD	--	UP	UP	--
High Occupancy Housing Development, Four-units and Greater	<a href="#">10-40.60.175</a>	UP/PRD	UP/PRD	UP/PRD	--	UP	UP	--

Table <a href="#">10-40.30.030.C.</a> Residential Zones – Building Form and Property Development Standards							
	Residential Zones						
	RR	ER	R1	R1N	MR	HR	MH
Density Requirements See Division <a href="#">10-30.20</a> , Affordable Housing Incentives							
Density: Gross (units/acre)							
Min.	--	--	2	2	6	10	--
Maximum without the Resource Protection Overlay (RPO)	1	1	6	14	14	29 <sup>5</sup>	11
Maximum with the RPO, inside of a pedestrian shed of an activity center <sup>18</sup>	1	1	6	14	14	29 <sup>5</sup>	11
Maximum with the RPO, outside of a pedestrian shed of an activity center <sup>18</sup>	1	1	5	--	9	22	4
Multiple-Family Developments with four dwelling units or more, Bedrooms per Acre							

Note: Only the Zoning Code provisions that are applicable to the November 2020 High Occupancy Housing Zoning Code Text Amendment are included. Page 1 of 19

Table <a href="#">10-40.30.030.C.</a>								
Residential Zones – Building Form and Property Development Standards								
		Residential Zones						
		RR	ER	R1	R1N	MR	HR	MH
	Maximum without the RPO	---End note 15---		15	--	35	72.5	--
	Maximum without the RPO with a Conditional Use Permit for a High Occupancy Housing Development inside of a pedestrian shed of an activity center <sup>18</sup>	---End note 16---		21	--	49 <sup>17</sup>	101.5 <sup>17</sup>	--
	Maximum with the RPO	---End note 15---		12.5	--	22.5	55	--
	Maximum with the RPO and a Conditional Use Permit for a High Occupancy Housing Development inside of a pedestrian shed of an activity center <sup>18</sup>	---End note 16---		17.5	--	31.5 <sup>17</sup>	77 <sup>17</sup>	--
End Notes								
15. Multiple-Family Developments are allowed 3 bedrooms for the first acre of a Development Site and 2.5 bedrooms per acre for each additional acre of a Development Site.								
16. Multiple-Family Developments are allowed 4 bedrooms for the first acre of a Development Site and 3.5 bedrooms per acre for each additional acre of a Development Site.								
17. Additional bedrooms per acre may be approved on a lot or parcel inside of a pedestrian shed of a Regional Activity Center delineated on the General Plan or applicable Specific Plan with an HOHD Conditional Use Permit.								
18. Activity centers are delineated on the General Plan or applicable Specific Plan.								
Key								
-- Not Applicable								

Table <a href="#">10-40.30.040.B.</a> Commercial Zones – Allowed Uses							
Primary Land Use <sup>1</sup>	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
High Occupancy Housing Development, Single-Family	<a href="#">10-40.60.175</a>	--	UP	UP	--	--	--
High Occupancy Housing Development, Two-units	<a href="#">10-40.60.175</a>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>
High Occupancy Housing Development, Three-units	<a href="#">10-40.60.175</a>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>
High Occupancy Housing Development, Four-units and Greater	<a href="#">10-40.60.175</a>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>
End Notes							
6 Residential uses with more than two units are allowed as part of a mixed-use development located . above or behind the commercial uses, or as a planned residential development.							

Table <a href="#">10-40.30.040.C.</a> Commercial Zones – Building Form and Property Development Standards						
	Commercial Zones					
	SC	CC	NCC	HC	CS	CB
Density Requirements						
Gross Density (units/acre)						
Maximum without the Resource Protection Overlay (RPO)	13 <sup>11</sup>	----- 29 <sup>11</sup> -----				
Maximum with the RPO, inside of a pedestrian shed of an activity center <sup>13</sup>	13 <sup>11</sup>	----- 29 <sup>11</sup> -----				
Maximum with the RPO, outside of a pedestrian shed of an activity center <sup>13</sup>	13 <sup>11</sup>	----- 22 <sup>11</sup> -----				
Maximum Bedroom Requirements						
Bedrooms per Acre on a Development Site with Four Dwelling Units or More						
Maximum without the RPO for a development	35 <sup>12</sup>	----- 72.5 <sup>12</sup> -----				
Maximum with the RPO inside of a pedestrian shed of an activity center <sup>13</sup>	35 <sup>12</sup>	----- 72.5 <sup>12</sup> -----				

Table <a href="#">10-40.30.040.C.</a> Commercial Zones – Building Form and Property Development Standards						
	Commercial Zones					
	SC	CC	NCC	HC	CS	CB
Maximum with the RPO outside of a pedestrian shed of an activity center <sup>13</sup>	35 <sup>12</sup>	----- 55 <sup>12</sup> -----				
End Notes						
11. Additional density may be approved with an HOHD or MHOHD Conditional Use Permit.						
12. Additional bedrooms per acre may be approved with an HOHD or MHOHD Conditional Use Permit.						
13. Activity centers are delineated on the General Plan or applicable Specific Plan.						

Land Use	Section	TRANSECT ZONE										
		T1	T2	T3N.1	T3N.2	T4N.1	T4N.1-O	T4N.2	T4N.2-O	T5	T5-O	T6
High Occupancy Housing Development, Single-Family	10-40.60.175	--	--	UP	UP	UP	UP	UP	UP	--	--	--
High Occupancy Housing Development, Two-units	10-40.60.175	--	--	--	UP	UP	UP	UP	UP	--	--	--
High Occupancy Housing Development, Three-units	10-40.60.175	--	--	--	UP	UP	UP	UP	UP	UP <sup>2</sup>	UP	UP <sup>2</sup>
High Occupancy Housing Development, Four-units and Greater	10-40.60.175	--	--	--	UP	UP	UP	UP	UP <sup>2</sup>	UP <sup>2</sup>	UP	UP <sup>2</sup>
Mixed-Use High Occupancy Housing Development	10-40.60.175	--	--	--	--	--	--	--	--	UP	UP	UP
End Notes												
2. Not allowed on the ground floor unless behind an allowed ground-floor use.												

10-40.60.175 High Occupancy Housing Developments and Mixed-Use High Occupancy Housing Developments



A. General Requirements.

1. The applicant of an HOHD or MHOHD with four dwelling units or more shall submit typical floor plans or a typical residential unit study that illustrates how the residential units of an HOHD or MHOHD could be converted to a residential unit that is no longer an HOHD or MHOHD with minimal structural or minimal plumbing modifications. The required study shall be designed and sealed by an Arizona registrant.
2. An HOHD or MHOHD with four or more dwelling units shall be located inside of a pedestrian shed of an activity center delineated in the General Plan or applicable Specific Plan.
3. An HOHD or MHOHD with four dwelling units or more, and that has more than 29 dwelling units per acre or more than 72.5 bedrooms per acre shall have:
  - a. A minimum of 20 percent of the bedrooms contained in studio and/or one-bedroom dwelling units; and
  - b. A maximum of 30 percent of bedrooms contained in dwelling units with four bedrooms or more.
4. An HOHD or MHOHD with four dwelling units or more, and that has 29 dwelling units per acre or less or 72.5 bedrooms per acre or less shall not exceed a Bedroom-to-Dwelling Unit Ratio greater than 3.5.
5. The maximum number of bedrooms in a two-unit HOHD or MHOHD: 10.
6. The maximum number of bedrooms in a three-unit HOHD or MHOHD: 12.
7. Inside of a pedestrian shed of a Regional Activity Center, an HOHD or MHOHD in a commercial zone may contain more than 50 dwelling units per acre and/or 125 bedrooms per acre.
8. An HOHD in a Commercial Zone shall be:
  - a. On a lot or parcel that is setback at least 300 feet from the centerline of a street classified as a Commercial Corridor identified on the General Plan; and
  - b. There shall be an existing primary mixed-use development or commercial use(s), excluding primary transportation and infrastructure uses, on the lot(s) or parcel(s) between the HOHD and the Commercial Corridor street.
9. An MHOHD shall comply with the mixed-use development standards of Section [10-40.60.260](#).
10. Prior to the final approval of a land division that creates one or more lots or parcels with a development that conforms to the definition of an HOHD or MHOHD, the property owner shall obtain approval of a Conditional Use Permit for the Development Site that will contain the HOHD or MHOHD.
11. An MHOHD shall be on a lot or parcel that abuts a street classified as a commercial corridor shown on the General Plan.

B. Building Footprint<sup>1</sup> Sizes and Separation Requirements.

1. Maximum building footprint<sup>1</sup> inside a pedestrian shed of a Historic Activity Center delineated in the General Plan or applicable Specific Plan, excluding properties zoned Commercial Business (CB): Equal to, or less than, 5,000 square feet.

2. Maximum building footprint<sup>1</sup> inside a pedestrian shed of a Historic Activity Center delineated in the General Plan or applicable Specific Plan, and on a property zoned Commercial Business (CB): Equal to, or less than, 22,000 square feet.
3. Maximum building footprint<sup>1</sup> inside a pedestrian shed of a Regional Activity Center delineated in the General Plan or applicable Specific Plan: No Maximum.
4. Maximum building footprint<sup>1</sup> inside a pedestrian shed of an activity center in all other areas not described in subsections B.1., B.2., and B.3. of this section: Equal to, or less than, 22,000 square feet.
5. Excluding the Commercial Business (CB) zone, the minimum separation between the building footprints of structures on the same lot or parcel, and structures on an abutting lot or parcel, shall be separated by a distance that is the greater of 10 feet, or one-third the height of the taller structure.
6. Where the area of a pedestrian shed of an activity center intersects with the area of a pedestrian shed of another activity center, the pedestrian shed with the more restrictive maximum building footprint requirement shall govern the intersecting area. The locations of the pedestrian sheds of the activity centers are identified in the General Plan, including any applicable Specific Plans.

Note 1: For the purpose of the requirements of subsection B. of this section, the maximum allowable building footprint is equal to the largest floor plate of a structure, including interior courtyards, abutting and interior, or partial interior, podium and above ground parking structure(s), and structures connected with a continuous roof.

C. Waste Management Plan.

1. The property owner of an HOHD or MHOHD with four dwelling units or more shall obtain approval of a waste management plan from the City's Public Works Director, or designee, prior to the approval of the site plan.
2. Prior to the issuance of any building permit, the property owner shall incorporate into the construction documents the improvements required to comply with the approved waste management plan.
3. If a Certificate of Occupancy is not required, the property owner shall provide all necessary apparatus, equipment, and improvements within 182 days from the date of the approval of the CUP, or another date specified in the conditions of approval for the CUP.
  - a. The Director may approve a one-time 91-day extension, for no more than 273 days from the date of the CUP approval, to allow the property owner to complete the improvements. The property owner shall request an extension at least 14 days prior to the date indicated in subsection C.3. of this section.
4. The HOHD or MHOHD shall be maintained in compliance with the approved Waste Management Plan.

D. Crime Free Multi-Housing Program.

1. The property owner of an HOHD or MHOHD shall maintain compliance with the Flagstaff Police Department's Crime Free Multi-Housing Program, unless exempted by the Police Department's Crime Free Multi-Housing Program representative.

2. Prior to the issuance of the Conditional Certificate of Occupancy, or Certificate of Occupancy, whichever is first, or within 63 days of the approval of the Conditional Use Permit if a Certificate of Occupancy is not required, the property owner of a HOHD or MHOHD shall enter into an agreement with the City to comply with the Flagstaff Police Department's Crime Free Multi-Housing Program.
  3. The property owner, or agent, shall:
    - a. Utilize a Crime Free Lease Addendum, or an alternative approved by the Flagstaff Police Department's representative, as part of each tenant lease;
    - b. Obtain written verification as part of a tenant lease that each tenant has received and agreed to the Crime Free Lease Addendum or the approved alternative; and
    - c. Have completed the Flagstaff Police Department's Crime Free Multi-Housing Program required training within the Program's required time frames.
  4. Within 182 days from the date of the agreement, the property owner, or managing agent, shall have completed the first phase requirements of the Flagstaff Police Department's Crime Free Multi-Housing Program.
  5. A new Flagstaff Police Department's Crime Free Multi-Housing Program first phase training and related requirements shall be completed within 182 days from the date of a change of ownership, management company, or a site manager of an existing HOHD or MHOHD.
  6. Every two years from the date of the agreement, the property owner, or managing agent, shall complete the required training that complies with the Flagstaff Police Department's Crime Free Multi-Housing Program.
- E. Additional Conditional Use Permit Criteria. In addition to the criteria of Section 10-20.40.050.E., the Planning and Zoning Commission shall not approve a Conditional Use Permit unless:
1. For the properties subject to Division [10-30.30](#), Heritage Preservation, the City's Historic Preservation Officer or the Heritage Preservation Commission has made a determination that the proposed HOHD or MHOHD has no adverse effect or has appropriately mitigated its effects on the historic cultural resource.
  2. Adequate transit service is available to the Development Site containing four dwelling units or more. Adequate transit service from a Development Site to a permanent transit stop is:
    - a. Less than or equal to 1,320 feet; or
    - b. A distance greater than 1,320 feet when the Planning and Zoning Commission finds that the route to the permanent transit stop has adequate nighttime lighting and does not have a significant grade change, and the distance does not impede reasonable access to transit.
- The distance between the permanent transit stop to the Development Site shall be measured following a continuously improved sidewalk and/or public paved trail.

able 10-50.80.040.A.: Number of Motor Vehicle Parking Spaces Required	
Use	Number of Required Spaces
Residential	
High Occupancy Housing Development	

able 10-50.80.040.A.: Number of Motor Vehicle Parking Spaces Required	
Use	Number of Required Spaces
a. Single-Family – Attached and Detached, Duplex, and Development Sites with three units or less	1 space per bedroom
b. Developments Sites with four units or more	The sum of: 1 to 75 bedrooms = 1 space per bedroom, plus 76 to 325 bedrooms = 0.90 spaces per bedroom, plus 326 to 650 bedrooms = 0.80 spaces per bedroom, plus Greater than 650 bedrooms = 0.70 spaces per bedroom
Mixed-Use Developments	
Mixed-Use High Occupancy Housing Development	1. 1 per 300 gsf of nonresidential floor area, plus 2. The spaces required for a High Occupancy Housing Development

#### 10-50.80.050 Bicycle Parking

##### A. Applicability.

1. The following regulations are applicable whenever the provisions of Section [10-50.80.020](#), Applicability, have been met.
2. Bicycle parking is not required for single-family residential developments and uses.

##### B. Required Bicycle Parking Spaces.

1. All uses, excluding a High Occupancy Housing Development and a Mixed-Use High Occupancy Housing Development.
  - a. Minimum standard bicycle parking spaces required: The greater of two bicycle spaces, or five percent of the required vehicle parking.
  - b. Maximum standard bicycle parking spaces required: 100 bicycle spaces.
  - c. Location. Within 50 feet of the primary pedestrian entrance to the development and in accordance with the provisions of Appendix 1.4. The bicycle parking spaces shall be distributed throughout a Development Site that has multiple primary pedestrian entrances.
  - d. Exceptions. Attached and Detached Single-Family and Duplex Developments are not required to provide standard bicycle parking spaces.
2. High Occupancy Housing Developments.
  - a. Standard Bicycle Parking Spaces.
    - i. Minimum spaces required: Two bicycle spaces, or equal to five percent of the total number of bedrooms, whichever is greater.
    - ii. Maximum spaces required: 40 bicycle spaces.



- iii. Location. Within 50 feet of the primary resident pedestrian entrance to the development and in accordance with the provisions of Appendix 1.4.
  - b. Secure Bicycle Parking Spaces.
    - i. Minimum spaces required: Equal to 15 percent of the total number of bedrooms.
    - ii. Location. A maximum of 20 secure bicycle parking spaces may be provided outside in secure bicycle lockers. The remainder of the required secure bicycle parking spaces shall be provided in a bicycle storage room or cage within a building or parking structure.
  - c. Exceptions. Single-Family and duplex High Occupancy Housing Developments are not required to provide standard or secure bicycle parking spaces.
- 3. Mixed-Use High Occupancy Housing Developments.
  - a. Minimum outdoor nonresidential standard bicycle parking spaces required: Two bicycle spaces, or five percent of the required nonresidential vehicle parking spaces, whichever is greater.
  - b. Location of nonresidential standard bicycle parking spaces: Within 50 feet of the primary pedestrian entrance to the nonresidential development and in accordance with the provisions of Appendix 1.4. The bicycle parking spaces shall be distributed throughout a Development Site that has multiple primary pedestrian entrances.
  - c. Minimum residential bicycle parking spaces required: Compliance with the High Occupancy Housing Developments requirements, subsection B.2. of this section.
- C. Bicycle Parking Space Design.
  - 1. Secure Bicycle Parking Spaces.
    - a. All indoor required secure bicycle parking spaces provided in a building or parking structure shall be designed in accordance with the provisions of Appendix 1.4., except as allowed in subsections C.1.b. of this section.
    - b. Bicycle lockers shall be designed in accordance with the provisions of Appendix 1.4.
  - 2. Standard Bicycle Rack Design.
    - a. All required bicycle racks shall be designed in accordance with the provisions of Appendix 1.4.

#### 10-50.80.060 Parking Adjustments

In the case that more than one parking adjustment may apply, for example as a result of allowed reductions for affordable housing (see Division [10-30.20](#), Affordable Housing Incentives), reductions for bike racks, or any other reduction authorized by this code, the cumulative parking adjustment shall not exceed 20 percent. However, in multifamily residential developments no less than one parking space per residential unit shall be required, unless approved by City Council as part of an affordable housing development meeting the criteria set forth in Section 10-30.20.040.B.4.c.

- A. Transit. In all zones, a parking reduction of up to 10 percent may be approved by the Director for any use within 1,320 feet of a permanent transit stop, except for a High Occupancy Housing Development (HOHD) or a Mixed-Use High Occupancy Housing Development (MHOHD). The distance between the permanent transit stop to the Development Site shall be measured following a continuously improved sidewalk and/or public paved trail.
- B. Shared On-Site Parking. Where two or more uses on the same site or adjacent parcels have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces as determined by the Director may be allowed in the following manner:
  - 1. The reduction in number of required parking spaces shall be based on a parking demand study. The parking demand study shall be in accordance with established professional practices.
  - 2. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the uses served and remain for the duration of the use.
- C. Parking Demand Study – Reduced Parking.
  - 1. The property owner shall submit a study/plan prepared in accordance with the established professional traffic and parking practices by a registrant licensed to practice in the State of Arizona. The study/plan shall document how any reductions are calculated and the assumptions utilized in the calculations.
  - 2. The Director may approve a reduction equal to, or less than, 30 percent of the total parking spaces required by this Division, except as required in subsection C.3. of this section. Any request greater than 30 percent requires the approval of the City Council.
  - 3. Any request to use a Parking Demand Study to reduce the required parking for an HOHD or MHOHD shall be approved by the City Council.
- D. Traffic Management Plan Parking Reduction. The Director shall have the ability to reduce the parking requirements for office and other uses in Section [10-50.80.040](#), Number of Motor Vehicle Parking Spaces Required, except for an HOHD or MHOHD. A traffic management plan shall be submitted with an application for site plan review. A reduction may be granted if the following standards are met:
  - 1. The amount of the reduction shall be no more than 90 percent of the proposed reduction in employee motor vehicle trips.
  - 2. The buildings shall have a single user/owner who can effectively exercise control over compliance with the plan.
  - 3. The traffic management plan shall be submitted by a registered traffic engineer and shall include data on the effectiveness of similar plans elsewhere.
  - 4. The traffic management plan shall contain information on the strategies, designated parking, incentives, company vehicles, staggered work hours, and information indicating the owner's ability to provide and enforce these elements over time.
  - 5. The Director may impose conditions that are needed to ensure the long-term compliance to the plan, including but not limited to a reserve parking area, phasing, or contributions to transit or other alternative means of transportation.
- E. Parking Reduction for Forest Resources. The number of parking spaces required for a new development may be reduced by no more than five percent if existing native trees such as

ponderosa pine trees are located within parking areas (but not circulation areas) and these trees are required to be preserved to satisfy the requirements for forest resource protection as defined in Division [10-50.90](#), Resource Protection Standards, except for an HOHD or MHOHD. An applicant shall demonstrate to the satisfaction of the Director that by incorporating these existing native trees within the parking area, adequate measures are taken during construction to ensure that the trees are protected from construction activity.

- F. Bicycle Parking Reduction. The Director may allow a reduction of one required motor vehicle parking space for each four bicycle parking spaces provided to a maximum of five percent of the required motor vehicle parking spaces, except for an HOHD or MHOHD.
- G. Motorcycle Parking Reduction. A reduction of one parking space for multifamily residential and nonresidential uses may be allowed by the Director if one motorcycle parking space for every 25 required motor vehicle spaces is provided, subject to the following standards:
  - 1. Each motorcycle space shall be easily accessible and have adequate space for a standard-size motorcycle, i.e., a minimum dimension of four feet by nine feet.
  - 2. Motorcycle parking areas shall be clearly identified with appropriate striping.

#### 10-50.80.061 Transit Pass Parking Reduction Pilot Program

- A. The purpose of the Transit Pass Parking Reduction Pilot Program (TPPR) is to allow:
  - 1. Property owners the option to reduce a development's vehicle parking requirements by providing annual transit passes to tenants and employees; and
  - 2. The City to determine the effectiveness of the program to reduce a development's parking demand, and to determine if the tenants and employees are utilizing transit.
- B. Program Term. Unless otherwise extended by a separate ordinance approved by the City Council, the TPPR shall terminate at 11:59 p.m. on December 31, 2026.
- C. Maximum Parking Reduction. The Director may approve up to a 20 percent reduction in the parking requirements of Section [10-50.80.040](#) in accordance with the minimum requirements of subsection D. of this section, and the approval of a transit pass agreement specified in subsection E. of this section.
  - 1. This reduction shall not be approved on a site that utilizes any reduction specified in Section [10-50.80.060](#).
- D. Minimum Requirements.
  - 1. The TPPR is only available to HOHD and MHOHD developments.
  - 2. This reduction may only be approved for an HOHD or MHOHD that has a vehicle parking requirement equal to, or greater than, 100 spaces.
  - 3. The total residential parking requirement shall not be reduced to an amount less than 0.65 spaces per bedroom. The required parking for a development shall be calculated in accordance with Table 10-50.80.040.A. before any reduction is applied.
  - 4. The TPPR is only available to a Development Site within 1,320 feet of a permanent transit stop. The distance between the permanent transit stop to the Development Site shall be measured following a continuously improved sidewalk and/or public paved trail.

5. The property owner shall make available annual transit passes to all tenants and employees of the HOHD or MHOHD. The transit pass(es) shall be provided at no cost to the tenants and employees. No tenant and employee shall be refused a transit pass.
6. The requirement to provide the transit passes shall be perpetual, unless the property owner provides the minimum number of parking spaces required (without any TPPR parking reduction) by the Zoning Code for the Development Site, and the Transit Pass Agreement of subsection E. of this section is terminated.
7. The termination of the TPPR does not alleviate a property owner from providing the transit passes that are required for participation in the TPPR until the Transit Pass Agreement is terminated and the minimum parking spaces are provided as set forth herein.

E. Transit Pass Agreement.

1. The Director may enter into a Transit Pass Agreement with the property owner to allow a reduction in the required number of residential parking spaces in accordance with the provisions of this section. The agreement shall be in a form satisfactory to the City Attorney, or designee.
2. The agreement shall be perpetual unless terminated in accordance with the provisions of this section and the agreement.
3. The agreement shall include, but is not limited to:
  - a. The type of transit passes to be provided;
  - b. Notification requirements to tenants and employees of the availability of transit passes to them at no cost;
  - c. A requirement to obtain, maintain, and provide the City with the following information:
    - i. The number and types of transit passes requested and provided;
    - ii. Utilization frequency reports from the transit provider;
    - iii. Documentation of the annual transit pass proof of purchase;
    - iv. Bedroom occupancy rates; and
    - v. The number of tenant vehicles stored onsite and offsite within the City of Flagstaff.
  - d. An agreement to assist the City of Flagstaff employee(s) and/or City contractor(s) in the collection of vehicle and/or transit usage data, and other City studies to determine the effectiveness of the TPPR;
  - e. Reasonable access for City of Flagstaff employee(s) and/or City contractor(s) to study and count onsite parking utilization rates upon delivery of a written notice;
  - f. Annual reporting requirements;
  - g. Violations and remedies; and
  - h. Any other provision necessary as determined by the City Attorney, Director, or designee to document the requirements and enforcement of this section and the agreement.
4. The agreement shall be approved by the Director and property owner prior to the issuance of any building permit for the Development Site.



5. The City shall record the approved Transit Pass Agreement against the real property of the Development Site. Recordation fees shall be paid by the property owner prior to the issuance of any building permit for the Development Site.

#### 10-80.20.080 Definitions, "H"

High Occupancy Housing Development (HOHD): Means any of following: High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; and High Occupancy Housing Development, Four-units and Greater (see definitions below). Housing development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the Area Median Income (AMI) in compliance with the Department of Housing and Urban Development regulations shall not be categorized as High Occupancy Housing Development, regardless of the number units, bedrooms, or zoning.

High Occupancy Housing Development, Single-Family: A single-family attached or detached dwelling unit with:

- a. Seven or more bedrooms; or
- b. Five or more sanitation facilities.

High Occupancy Housing Development, Two-Units: A lot or parcel containing two dwelling units, excluding an accessory dwelling unit, with:

- a. More than a total of seven bedrooms; or
- b. One or more dwelling unit(s) containing four or more sanitation facilities.

High Occupancy Housing Development, Three-Units: A lot or parcel containing three dwelling units with:

- a. More than a total of nine bedrooms; or
- b. One or more dwelling unit(s) containing four or more sanitation facilities.

High Occupancy Housing Development, Four-Units and Greater: A Development Site containing four or more dwelling units where:

- a. More than 20 percent of the total dwelling units have four bedrooms or more;
- b. One or more of the dwelling unit(s) containing four or more sanitation facilities; or
- c. The total number of dwelling units per acre, or bedrooms per acre, requires a Conditional Use Permit for an HOHD in accordance with the building form and property development standards of the property's designated Non-Transect Zone; or, if the property owner has elected a Transect Zone, the density is greater than 29 dwelling units per acre or 72.5 bedrooms per acre.

#### 10-80.20.130 Definitions "M"

Mixed-Use High Occupancy Housing Development (MHOHD):

1. A mixed-use development with:

- a. More than 20 percent of the total dwelling units have four bedrooms or more;
- b. One or more dwelling unit(s) containing four or more sanitation facilities; or
- c. The total number of dwelling units per acre, or bedrooms per acre, requires a conditional use permit for an MHOHD in accordance with the building form and property development

standards of the property's designated non-transect zone; or, if the property owner has elected a transect zone, the density is greater than 29 dwelling units per acre or 72.5 bedrooms per acre.

2. Mixed-use housing development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the area median income (AMI) in compliance with the Department of Housing and Urban Development regulations shall not be categorized as high occupancy housing development, regardless of the number of units, bedrooms, or zoning.

## Appendix 1.4 Bicycle Parking Space Design Requirements

### Sections:

[1.4.010](#) Purpose

[1.4.020](#) Applicability

[1.4.030](#) Standard Bicycle Rack Design Requirements

[1.4.040](#) Standards for Indoor Secure Bicycle Parking Spaces

[1.4.050](#) Standards for Bicycle Lockers

### 1.4.010 Purpose

- A. It is the purpose of this Appendix to establish the minimum acceptable standards for bicycle parking spaces that are required by the Zoning Code.

### 1.4.020 Applicability

- A. Requirements of this Appendix shall apply to all bicycle parking spaces provided on a Development Site within the Flagstaff city limits.

### 1.4.030 Standard Bicycle Rack Design Requirements

#### A. Rack Design.

1. Each rack shall be provided in accordance with one of the designs indicated in Figure 1.4.030.A., unless an alternative design is allowed in accordance with subsection C. of this section.

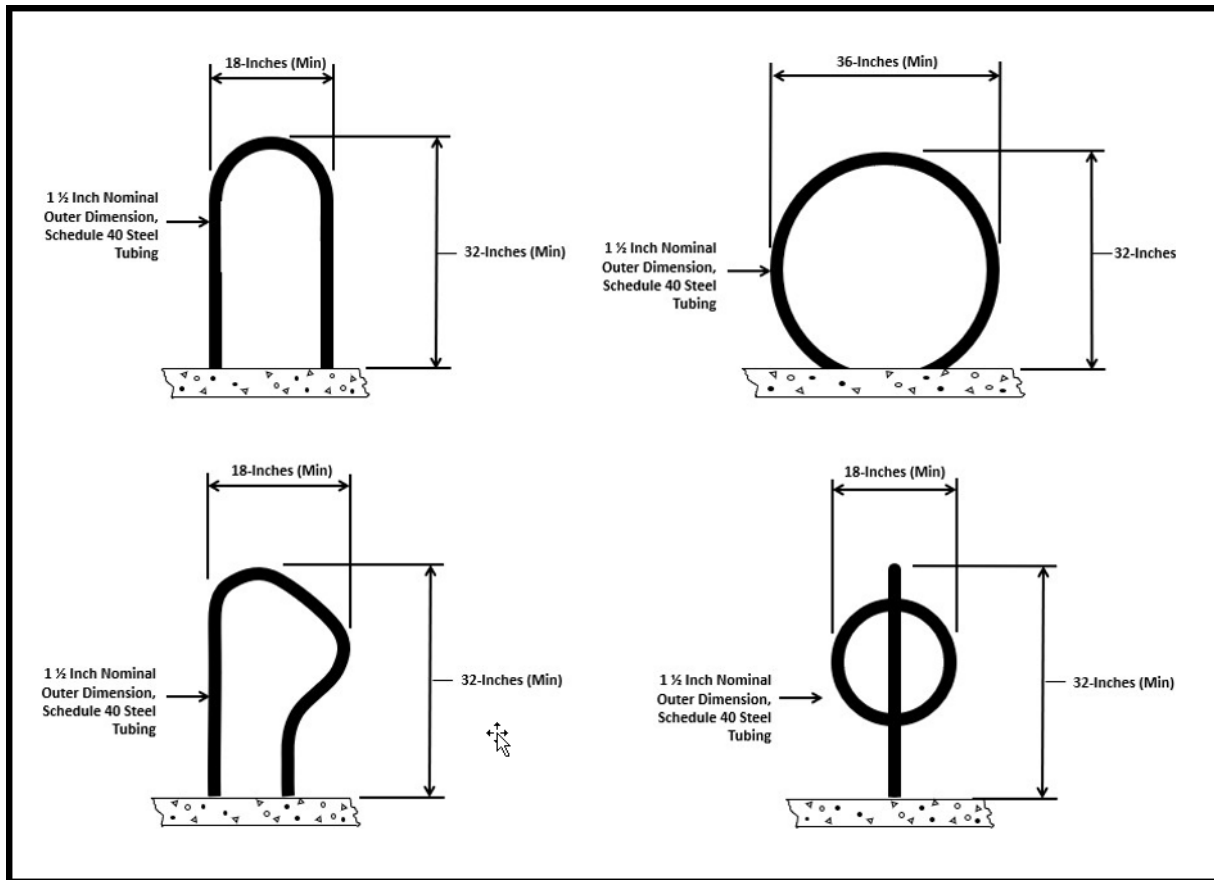


Figure 1.4.030.A. Rack Designs

B. Rack Placement.

1. The bicycle rack(s) shall be:

- a. Placed in an area that complies with the location provisions of Section 10-50.80.050.B., is highly visible, well illuminated, has frequent pedestrian activity, and is in accordance with Figure 1.4.030.B.1.; and
- b. Securely mounted with a tamper-proof mounting technique to an impervious concrete, paver, or asphalt surface, unless an alternative surface is approved by the Director.

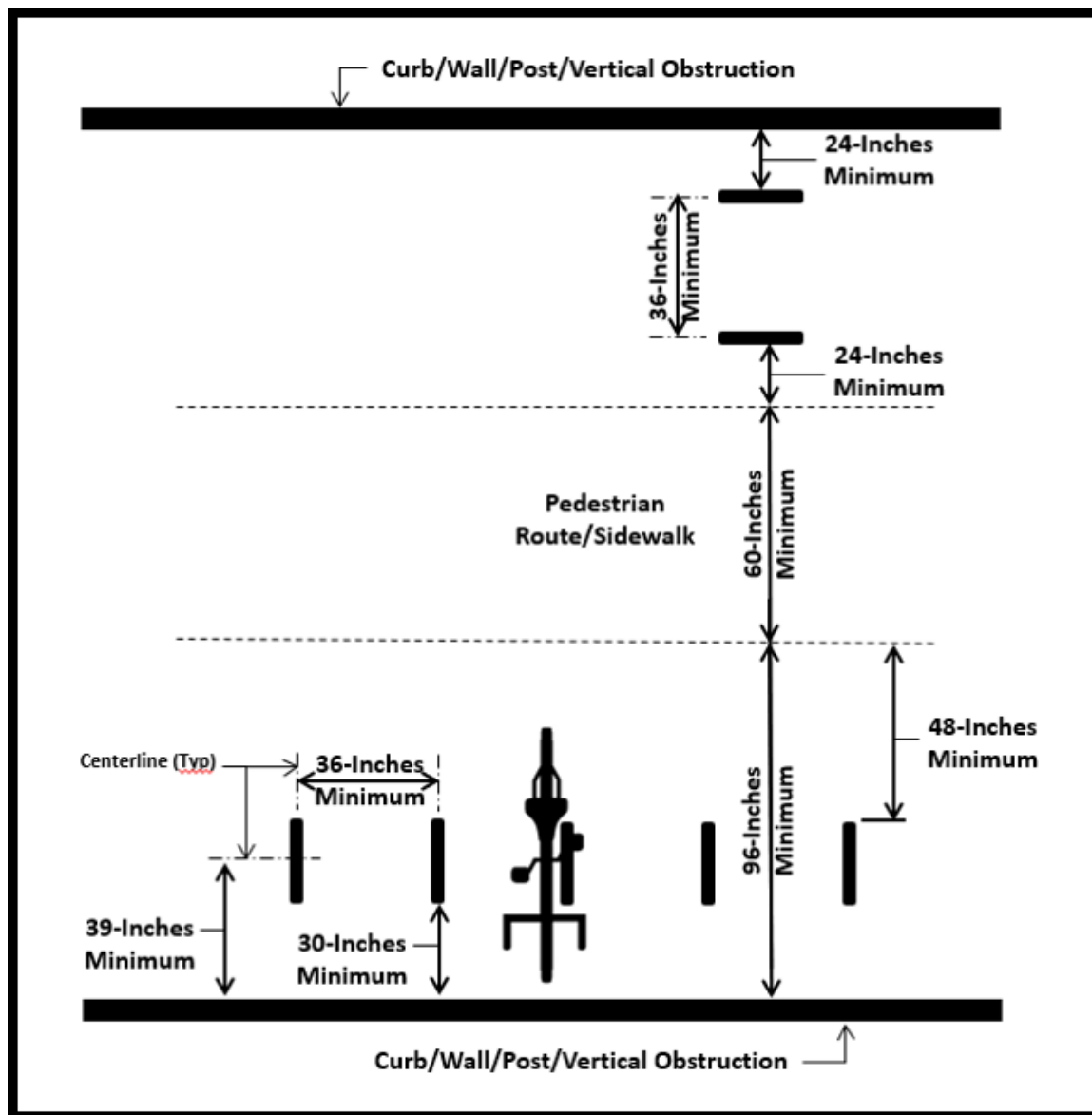


Figure 1.4.030.B.1. Bicycle Rack Placement

2. The placement of a bicycle rack shall not interfere with pedestrian movements.
  3. Any bicycle rack(s) located within a parking area shall be within a barrier consisting of bollards, curbs, curb-bumpers, fences, planting areas, or a similar barrier approved by the Director.
- C. Alternative Bicycle Rack Designs. The Director may approve an alternative rack design that complies with the following requirements:
1. The rack shall allow the bicycle frame and one or both wheels to be secured with a standard U-lock;
  2. The rack shall be designed to support a bicycle frame in two places in a manner that does not cause damage to the wheels or allow the bicycle to tip over;
  3. The rack shall be constructed of a material of sufficient strength that resists cutting, rust, bending, and deformation (Schedule 40 metal pipe is the minimum standard); and



4. The rack is not a design similar to types indicated in Figure 1.4.030.C.4.

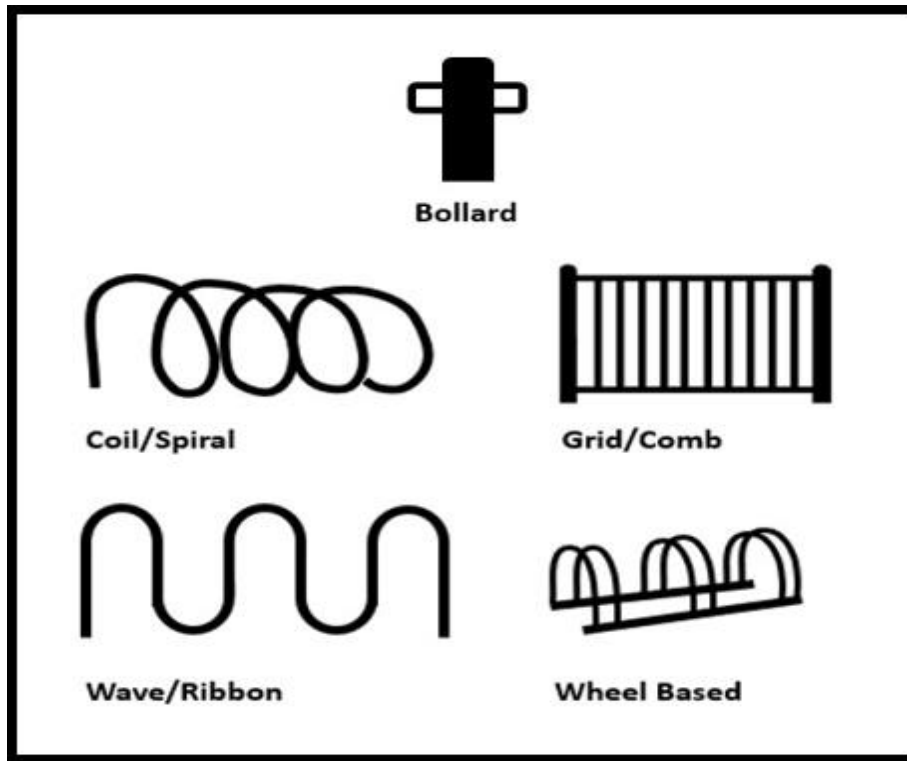


Figure 1.4.030.C.4. Unacceptable Bicycle Rack Designs

#### 1.4.040 Standards for Indoor Secure Bicycle Parking Spaces

##### A. Secure Bicycle Parking Space Design.

1. The required secure bicycle parking spaces shall be in separate room(s) or cage(s) (the “facilities”) designed for bicycle storage within a building or parking structure.
2. The facilities shall be:
  - a. On the ground level, or another level that has elevator access; provided, that the elevator has an interior width or depth of at least six feet;
  - b. Accessed through a door or gate that utilizes an electronic keypad and code, security pass card, or a similar electronic system approved by the Director;
  - c. In a location that is illuminated in accordance with the Illuminating Engineering Society (IES) of North America (IESNA) standards for security;
  - d. Limited to the storage of bicycles; and
  - e. Include bicycle racks or lockers.
3. The bicycle rack(s) shall:
  - a. Conform with Section 1.4.030.A., unless an alternative design is allowed in accordance with Section 1.4.030.C.;
  - b. Be securely mounted with a tamper-proof mounting technique to an impervious concrete, paver, or asphalt surface; and

- c. Be placed in accordance with Figure 1.4.040.A.3.c., unless an alternative configuration is approved by the Director.

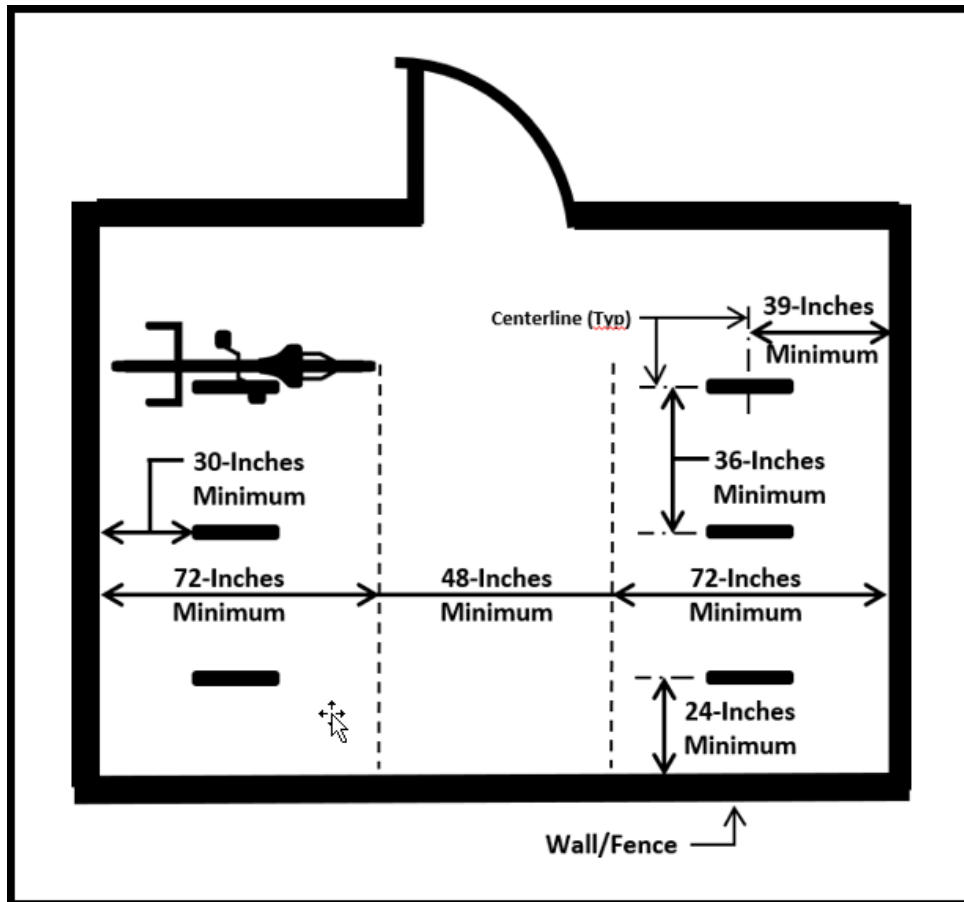


Figure 1.4.040.A.3.c. Bicycle Storage Room/Cage

#### 1.4.050 Standards for Bicycle Lockers

##### A. Bicycle Locker Design and Location Requirements.

1. The lockers shall be constructed of metal. If windows are provided in the locker, the windows shall be constructed with unbreakable material. Plastic lockers are prohibited.
2. The lockers shall utilize an integral mechanical or digital ("smart") locking mechanism. Lockers that use hasp or mechanisms that allow the use of user locks is prohibited.
3. Stacked lockers shall have a wheel track to guide the bicycle into the locker.
4. Lockers located within a parking area shall be within a barrier consisting of bollards, curbs, curb-bumpers, fences, planting areas, or similar barriers approved by the Director.
5. Lockers placed outdoors shall be within 50 feet of a primary resident entry to a building. The locker(s) shall not be placed between a building and a street.
6. The lockers shall be in a location that is illuminated in accordance with the Illuminating Engineering Society (IES) of North America (IESNA) standards for security.

7. Lockers placed in a building or parking structure shall be on the ground level, or another level that has elevator access, provided that the elevator has an interior width or depth of at least six feet.
8. The placement of a locker shall not interfere with pedestrian movements.
9. The size and placement of the lockers shall conform with Figure 1.4.050.A.9., unless an alternative configuration is approved by the Director.

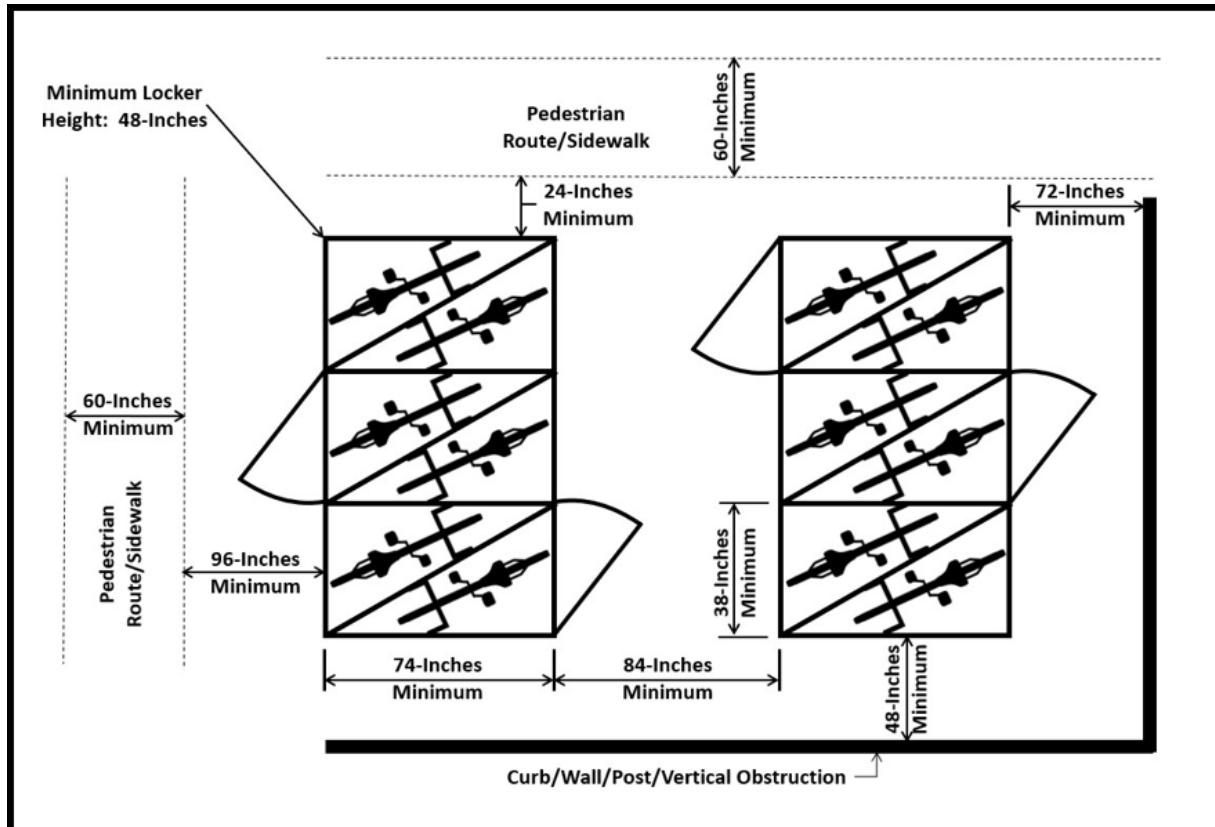


Figure 1.4.050.A.9. Bicycle Locker Size and Placement

## **CITY OF FLAGSTAFF**

### **STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Rose Toehe, Coordinator for Indigenous Initiatives  
**Date:** 10/15/2021  
**Meeting Date:** 10/26/2021



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#### **TITLE**

**Flagstaff City Council Land Acknowledgement**

#### **STAFF RECOMMENDED ACTION:**

Discussion

#### **EXECUTIVE SUMMARY:**

Consideration of City Council (Council) to utilize Land Acknowledgement as recommended and supported by the City of Flagstaff's Indigenous Commission (Commission). The Commission and staff liaison worked on the Land Acknowledgement starting with the July 2021 retreat through August and October regular meetings.

The purpose of a Land Acknowledgement is to formally acknowledge and reflect on the attempted erasure of Indigenous peoples and the historic trauma caused by colonialism. This practice opens opportunities for a deeper understanding and convenes steps toward reconciliations and conciliation. A sincere consideration from a neutral perspective that includes all Indigenous peoples will help to further enhance meaningful collaboration with and for Indigenous community members, organizations, and Nations.

#### **INFORMATION:**

If the City Council gives direction for final consideration, the Land Acknowledgement will be prepared for possible adoption at the next regular Council Meeting on November 2, 2021.

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**Attachments:** [Land Acknowledgement](#)



## **LAND ACKNOWLEDGEMENT PRESENTED TO FLAGSTAFF CITY COUNCIL**

Combined Special Meeting/Work Session

October 26, 2021

Staff Liaison: Rose Toehe, Coordinator for Indigenous Initiatives

New recommendation from Indigenous Commission:

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions.

We celebrate their past, present, and future generations who will forever know this place as home.

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Sarah Langley, Management Analyst  
**Date:** 10/19/2021  
**Meeting Date:** 10/26/2021



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#### TITLE

**Section 17 discussion with Lowell Observatory**

#### STAFF RECOMMENDED ACTION:

For information only.

#### EXECUTIVE SUMMARY:

Representatives from Lowell Observatory will discuss Section 17 and the draft bill that it intends to introduce. Lowell Observatory is requesting a letter of support from the Flagstaff City Council for this bill.

#### INFORMATION:

Lowell Observatory, a non-profit research and educational institution located in Flagstaff, owns a 640-acre parcel of land formally identified as "section 17, Township 21 north of range 7 east of the Gila and Salt River base and meridian in Coconino County, Arizona", hereby referred to as Section 17. Section 17 was deeded to Lowell Observatory in 1910 by the United States Congress with certain federal encumbrances related to the permitted use of the land. While Section 17 is owned by the Observatory, if the land is not used for observatory purposes, the land would revert to the federal government. Several bills have been introduced in the United States Congress in recent years that seek to release reversionary and reserved interests on Section 17. During the February 4, 2020 Council meeting, the Flagstaff City Council approved a letter of support of S. 242 and H.R. 401, the "Lowell Observatory Conveyance Act" to support Lowell Observatory in its efforts to improve its capacity for science and outreach. On February 2, 2021, Lowell Observatory provided the Flagstaff City Council and the public with an overview of the history of Section 17 and discussed its intention for a potential draft bill. The Council requested that further discussion be had once the bill language had been drafted.

A draft of the bill, as well as a letter from Lowell Observatory, are included as attachments in the agenda packet. During the October 26, 2021 Council Meeting, representatives from Lowell Observatory will discuss Section 17 and the draft bill that it intends to introduce. Lowell Observatory is requesting a letter of support from the Flagstaff City Council for this bill.

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**Attachments:** Lowell Trustee's Letter re Section 17 bill  
Lowell - Draft Senate Bill

To the City Council and Residents of Flagstaff:

Attached please find a copy of draft legislation regarding Section 17. It will be reviewed by Senate legislative counsel for their “grammar” and formatting requirements, but the verbiage should remain basically the same.

Based on feedback Lowell Observatory received from the Flagstaff City Council meeting several months ago, as well as other conversations we have had with community members and legislative staff, we have revised the proposed Section 17 bill to address a number of points that were raised:

1. We have retained the reversionary language relative to Lowell Observatory continuing to operate on Mars Hill. It was never our intention to sell any of the land, and keeping this restriction will require that we not sell any of it.
2. We have made it clear in the “findings” section at the start of the Bill that any development on the land must go through the City of Flagstaff Planning and Zoning Commission and have Council approval. This was not clear before, so our intent with this wording is that we are committing to a public and open process for the Section.
3. We have removed the “timber rights” provision, as all experts have agreed that it is effectively meaningless and places an administrative and financial burden on the Forest Service.
4. We have removed the “observatory purposes” requirement, because it is superseded by the public review and permitting processes required for any new development by the City.
5. We have made it explicit in the Findings that the Forest Service regards Section 17 as a disposal parcel and would eventually auction it if it were to revert—the worst possible outcome for both Lowell and the community.

We would appreciate a Council resolution and letter of support for this legislation from the City. As we promised the community, we are also releasing this language to the public before the bill is introduced in the Senate.

We will provide further information as needed via Jeff Hall’s regular community update.

Yours sincerely,

W. Lowell Putnam  
Sole Trustee, Lowell Observatory

.....  
(Original Signature of Member)

117TH CONGRESS

1ST SESSION

**S.** \_\_\_\_\_

To require the Secretary of Agriculture to release certain reversionary and reserved interests in land in the Coconino National Forest in the State of Arizona, and for other purposes.

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IN THE UNITED STATES SENATE

Mr. XXXX introduced the following bill; which was referred to the  
Committee on

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**A BILL**

To require the Secretary of Agriculture to release certain reversionary and reserved interests in land in the Coconino National Forest in the State of Arizona, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Lowell Observatory  
Modernization Act”.

**SEC. 2. FINDINGS.**

Congress finds the following:



- (1) Lowell Observatory was founded in 1894, on what came to be known as Mars Hill in what then was within Flagstaff, Arizona City limits.
- (2) In 1910, Percival Lowell, through an Act of Congress, was deeded Forest Service land known as Section 17.
- (3) When Percival Lowell was deeded Section 17 in 1910, it was not within any City limits and was needed to protect the Observatory as a “dark sky” area and against potential development.
- (4) Lowell Observatory welcomes visitors to enjoy the pristine and expansive undeveloped lands of this private property.
- (5) The Forest Service has identified Section 17 as an “orphaned” or disposal parcel to be auctioned if reverted to the Federal Government.
- (6) There is no worthwhile merchandisable timber on Section 17 and the current provision of the law related to timber unnecessarily burdens the United States Forest Service with time and resources.
- (7) In 1930, the discovery of the dwarf planet Pluto at Lowell Observatory solidified the Observatory and Flagstaff as a preeminent center for scientific research and discovery in the United States.
- (8) Lowell Observatory has been continuously operating for over 127 years at its Mars Hill location and has become one of the top tourist destinations in northern Arizona with more than 100,000 visitors annually.
- (9) Lowell Observatory has developed a master plan for its main campus to include a new Astronomy Discovery Center, increased parking, and other amenities.
- (10) Section 17 is now within the Flagstaff City limits.
- (11) As Section 17 is now under the jurisdiction of the City, any further improvements to its amenities on Section 17 shall require the development of an additional Master Plan that shall be subject to the approval of the City’s Planning and Zoning Commission and the City Council.
- (12) The Observatory values its relationship with the City of Flagstaff, community organizations, and residents, who shall meaningfully

contribute to the development of said Master Plan through the mechanism of a private-public partnership with all aforementioned constituents.

(13) Given the two previous clauses, the reversionary interest for “observatory purposes” in the Act of 1910 is now redundant and unnecessary.

### **SEC. 3. RELEASE OF REVERSIONARY AND RESERVED INTERESTS.**

(a) **IN GENERAL.**—The Act of May 30, 1910 (Chapter 261; 36 Stat. 452) is amended—

- (1) in the long title, by striking “, for observatory purposes”;
- (2) in the matter preceding the first proviso, by striking “, for observatory purposes in connection with the Lowell Observatory”;
- (3) in the first proviso, by striking “or the use of said land by the grantee for other than observatory purposes”; and
- (4) by striking “*Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States.”.

(b) **LAND DESCRIBED.**—The parcel of land to be reverted pursuant to the amendments made by subsection (a) is the National Forest System land—

- (1) conveyed by the United States to Percival Lowell and his heirs by the Act entitled “An Act granting certain lands in the Coconino National Forest, in Arizona, for observatory purposes”, approved 10 May 30, 1910 (36 Stat. 452; chapter 261); and
- (2) described as section 17, T. 21 N., R. 7 E., of the Gila and Salt River base and meridian in Coconino County, Arizona.

(c) **DEFINITIONS.**—In this section:

(1) OBSERVATORY.—The term “Observatory” means Lowell Observatory in Flagstaff, Arizona.

(2) SECRETARY.—The term “Secretary” means

the Secretary of Agriculture, acting through the Chief of the Forest Service.

And, just to be clear, when done, the amended Act would read as follows:

CHAP. 261.- An Act Granting certain lands in the Coconino National Forest, in Arizona. [Public, No. 195.] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is granted to Percival Lowell, his heirs and assigns, section numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of land being within the Coconino National Forest, in the Territory of Arizona: Provided, That in the event of the removal or abandonment of the said observatory the said land shall revert to the United States.