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COMMITTEES:
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Arizona State Senate

July 10, 2025

The Honorable Scott Jablow, Mayor, City of Sedona
Kurt Christianson, Sedona City Attorney

Re: Unlawful Zoning Action by Sedona

Dear Mayor Jablow and City Attorney Christianson:

I write to inquire as to apparent illegal land use actions by the City of Sedona. As outlined below, the City of Sedona has adopted zoning that is not consistent with its General Plan, which Sedona refers to as its Community Plan. This zoning amendment is illegal because zoning must be in conformity with the Community Plan under Arizona Revised Statutes § 9-462.01(F), and the zoning action I discuss is not.

Factual Background

On August 13, 2024, the City of Sedona Council voted in favor of Ordinance No. 2024-02, approving the zoning amendment request in case number PZ 24-00008 (ZC)¹. This had the effect of reverting the zoning of the subject property from PD (Planned Development) to CO (Commercial), RS-35 (Single Family Residential), and RM-2 (Multifamily Residential).

The Staff Report for this item noted that “the proposed reversionary zoning designations are not consistent with the Community Plan but are an option as they are the last non-PD [Planned Development] zoning districts for the property.” Sedona refers to the general plan required of all municipalities under A.R.S. § 9-461.06 as its “Community Plan.” See Community Plan, p. 106 (referring to the “general plan...required under A.R.S. § 9-461.06” as “Sedona’s ‘Community Plan’”). <https://www.sedonaaz.gov/home/showpublisheddocument/51968/638562902536270000>

A.R.S. § 9-462.01(F) states: “All zoning and rezoning ordinances or regulations adopted under this article shall be consistent with and conform to the adopted general plan of the municipality, if any, as adopted under article 6 of this chapter...”

¹ The materials for this item are on your website at https://www.sedonaaz.gov/your-government/departments/city-clerk/council-commissions-committees-boards/city-council/meetings-agendas-packets-minutes/-folder-5776#docfold_200_1292_2358_5776

The Community Plan also states this. To wit, at page 36 of the Community Plan, it states:

If a property owner does not want to develop under existing zoning, the proposed land use must align with the Future Land Use Map and the goals and policies of the Community Plan, otherwise the owner must apply for an amendment to the Community Plan along with a rezoning application.

By the City's own admission, this zoning change is not consistent with the Community Plan. In addition to the Staff Report stating this, this was apparently confirmed by staff in the Council meeting.

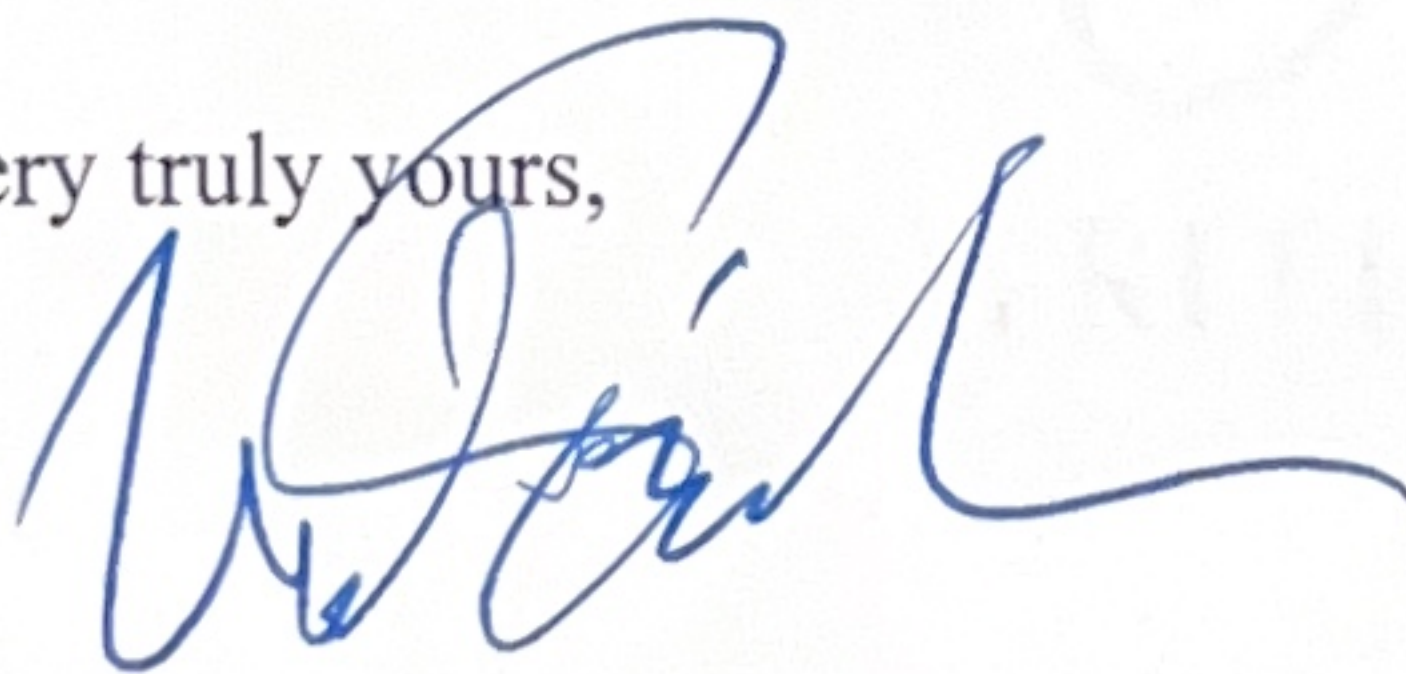
In addition, on the topic of amendments the Community Plan states under "Major Amendment Criteria" that "A change to the Future Land Use Map where...[t]he land area is greater than 5 acres for changes to a non-residential land use designation, or ...[t]here is a change in the land use designation from any land use to Commercial/Lodging..." Community Plan, p. 106.

This parcel that was rezoned is both more than 5 acres and the land use involves a change to commercial/lodging. So, either the zoning must change to something consistent with the Community Plan or the Community Plan has to be changed to accommodate the rezoning that was approved in August of 2024. But because this would be a major amendment, the public process provided for in the Community Plan would be required, including a two-thirds vote of Council to approve the major change. Community Plan, p. 106.

Conclusion

I do not enjoy having to write a letter such as this. But Arizona municipalities, and all governmental entities, must follow the law. I did write this to afford you the courtesy to correct this matter now. I appreciate your attention to it.

Very truly yours,



Honorable Mark Finchem
Legislative District 1
Arizona State Senate