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Office of the Mayor

July 22, 2025

Honorable Mark Finchem
Arizona State Senate
1700 W. Washington St., Suite 304
Phoenix, AZ 85007-2844

Subject: Response to Concerns Regarding Zoning Reversion Action

Dear Senator Finchem,

Thank you for your letter dated July 10, 2025, which the City received on July 21, 2025, regarding the City of Sedona's zoning action. We appreciate your attention to this matter and the opportunity to clarify the City's position.

The City's action in this case was a zoning reversion, not a rezoning, as permitted under A.R.S. § 9-462.01(E). This statute provides that when a property is conditionally zoned and the development schedule expires without the property being improved for the approved use, the legislative body must take action to revert the zoning to its former classification or extend the timeframe for compliance. In this instance, the development schedule for the property in question expired on March 14, 2010, and no improvements were made under the conditional zoning. As such, the City was legally obligated to revert the zoning to its prior classification or extend the timeframe for construction of the planned development.

It is important to distinguish between zoning reversion and rezoning. Zoning reversion is a legislative action that restores the property to its former zoning classification, as required by A.R.S. § 9-462.01(E), whereas rezoning involves legislative action to change the zoning classification to a new one per A.R.S. § 9-462.01(F) cited in your letter. The City's action was strictly a reversion to the property's former zoning classification of Commercial zoning - CO (west of Oak Creek) and Single Family Residential - RS-35 (east of Oak Creek), consistent with the requirements of A.R.S. § 9-462.01(E) and as shown on the Ordinance 2024-02 adopted by Council.

The City shares your concerns about consistency with the Community Plan, but it is important to note that A.R.S. § 9-462.01(E) mandates reversion to the former zoning classification without requiring an amendment to the Community Plan. The statute does not provide discretion to impose new zoning classifications or to require consistency with the current Community Plan when reverting to the prior zoning classification. The City's action was therefore in full compliance with state law. The reversionary action taken by the City was not a discretionary rezoning, meaning the City Council did not have the ability to review the reversion for compliance with the current Community Plan or Future Land Use Map. An amendment to A.R.S. § 9-462.01(E) is the only way to remedy the limited statutory choices faced by the City.

Unless specifically stated to the contrary, any opinions expressed above are mine alone and may not necessarily represent the views of the entire Sedona City Council.

It's also important to know that the reversionary demand was made by the current property owner who had been unsuccessful in selling the property for many years because of the expired planned development zoning and was also made in conjunction with a Private Property Rights Protection Act (Prop 207) claim. The property owner's demand is attached for your review.

We trust this explanation clarifies the City's position and addresses the concerns raised in your letter. Should you have any further questions or require additional information, please do not hesitate to contact us.

Respectfully,

A handwritten signature in dark ink, appearing to read "Scott Jablow", with a large, stylized loop at the top and a long, sweeping underline.

Scott Jablow, Mayor
City of Sedona