



Arizona State Senate

November 5, 2025

Via Email and U.S. Mail

Honorable Kris Mayes
Arizona Attorney General
2005 North Central Ave
Phoenix, AZ 85004

Re: Request for S.B. 1487 Investigation of the City of Sedona

Dear Attorney General Mayes:

Pursuant to A.R.S. § 41-194.01 and as a current Member of the Arizona State Senate, I respectfully request an investigation into illegal 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..."

The Community Plan also states this. To wit, on 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.

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

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 also the land use involves a change to commercial/lodging. Therefore, either the zoning has to 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.

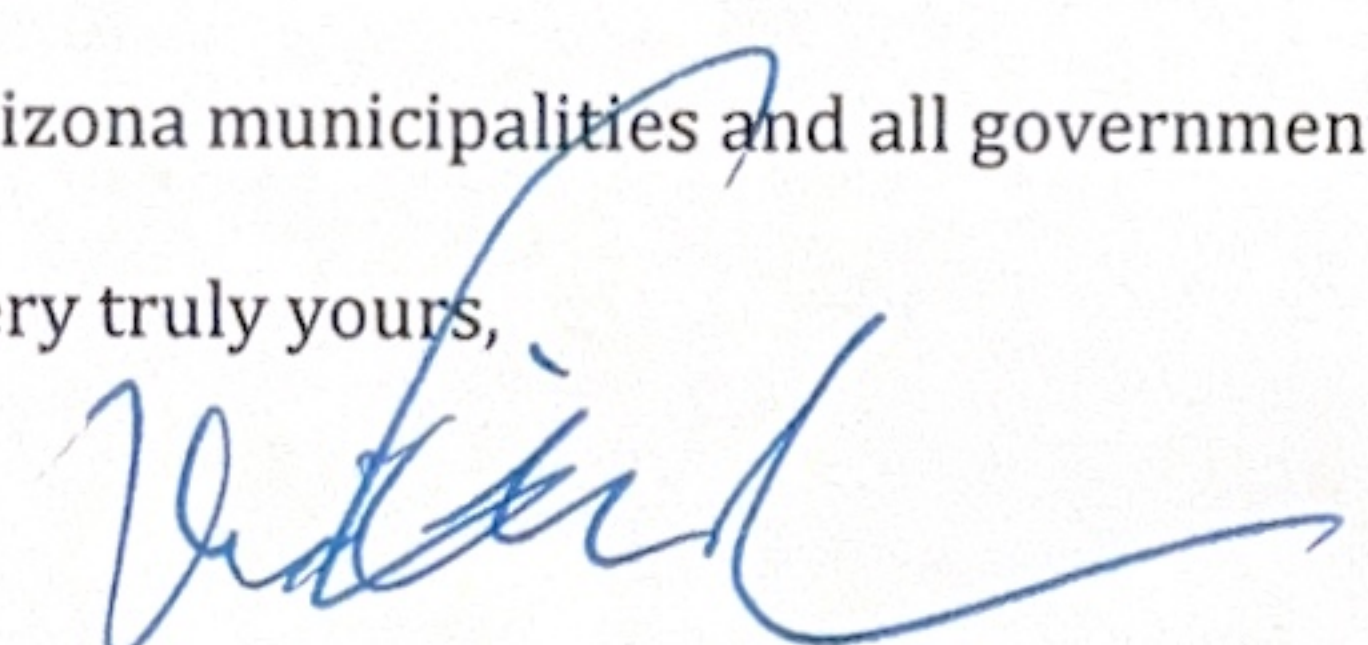
Lastly, I would note that I have complied with A.R.S. 41-194.01(C) and its requirement that I give notice to the City of the alleged violation of law before asking you for an investigation. (Exhibit 1). Unfortunately, Sedona did not take that opportunity to come into compliance with the law and instead offered unconvincing excuses. (Exhibit 2).

Conclusion

I do not take any pleasure in requesting such an investigation. This is one of the reasons I have brought this up to the City of Sedona previously, but its response was unsatisfactory. They have not remedied the problem and their legal reasoning did not hold any water.

Arizona municipalities and all governmental entities must follow the law. I appreciate your attention to it.

Very truly yours,



Senator Mark Finchem
Member of the Arizona State Senate

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