

TO: Leah Brock, Yavapai County Development Services
FROM: Keep Sedona Beautiful (KSB)
RE: KSB Response to proposed Villa Bellaggio Planned Area Development
DATE: November 19, 2019

HA#: PLA19-000006

Officers

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Thank you for the opportunity to review this application for a zoning change, from RCU-2A to PAD.

The Villa Bellaggio project proposed by Sunset Valley Farms, LLC (SVF) is massive in scope, and raises a number of concerns. A development this size would have a significant impact on nearby communities and must be appropriately and thoroughly studied. Cottonwood, Sedona, Clarkdale and particularly the rural community of Cornville need to fully understand the impact of a large development like Villa Bellaggio.

Keep Sedona Beautiful (KSB) is concerned with the following project elements.

Overall Comment on the Letter of Intent: The Letter of Intent submitted by Sunset Valley Farms, LLC (SVF) presents little information about the proposed development beyond summary bullet points. Combined with the Site Plan rendering, the document titled "Water, Sewer and Infrastructure Notes" and the "Request for Height Variance for Five (5) Stories in PAD", this information is insufficient as a basis for review.

For example, the Letter of Intent identifies 100 - 210 Custom Creekside Condo/Apartment units and 140 - 280 Multi-family Townhomes. It also notes a "500+" unit Condo Concourse, an unspecified number of Terrace Apartment units, and an unspecified number of Garden Custom homes. Specific information on the scale and scope of the proposed development is needed in order to fully review and respond.

KSB recommends that the County request a revised and expanded submittal that provides information about the proposal sufficient for reviewers to understand the developers' full intent.

Artificial Lakes: The Site Plan submitted by the developer shows building of six (6) artificial lakes. KSB opposes this unnecessary and wasteful use of limited water resources. As depicted, the largest of the lakes would be constructed far too close to

Spring Creek's normal flow. Were such lakes to be constructed, the developer should be required to demonstrate that water from those lakes will not pollute Spring Creek, particularly during times of monsoon flooding.

KSB strongly recommends that constructing artificial lakes be prohibited.

Height Limit: The Letter of Intent states that "*Building heights vary from 1 story to five stories.*" SVF also submitted a request for a variance "*that would apply over the entire PAD/project.*" This statement implies that any of the buildings could be up to five stories.

Five-story structures are completely out of character with rural Cornville. The precedent this would set for future development could change the face of the Verde Valley, for the worse. At a bare minimum, SVC should specify which buildings they intend to fall under the height variance.

KSB strongly opposes any height variance for this project.

Water, Sewer and other Infrastructure Notes: In a document titled *Water, Sewer and Infrastructure Notes* that accompanied their Letter of Intent, the developer makes generalized and unclear statements about their ability to finance infrastructure. We are concerned with the lack of clarity in this document, and the developer's intent for financing needed infrastructure. SVF states:

"With the ability to issue Community Facility Bonds, WE ARE THE MUNICIPALITY and can do anything and everything ANY city can do at the SAME cost per unit. Build sewer, build roads, drill wells, build sewer effluent treatment plants, water storage facilities, put in all utilities, build hospitals and furnish them, build law enforcement buildings and furnish them, build parks and recreational facilities, build government buildings, etc. About the only things we can't build are massage parlors and horse racing tracks with betting windows. We pay for it in the form of HOA and COA payments and we have the ability to tax the area within the District's boundaries, as well as tax the commercial winery businesses via bottle tax, and even sales tax....."

KSB finds this statement deeply disturbing, as it implies that the developer considers Villa Bellaggio to be an independent municipality that can act in any way it deems fit (within State law). We interpret these comments as implying that SVF intends Villa Bellaggio to become a separate municipality. KSB recommends that the developer clarify their intent in this regard.

KSB asks that the County clarify to both SVF and to the public the scope of the applicant's discretion in building infrastructure, issuing bonds and taxing.

Water: This proposed development straddles Spring Creek, one of the area's key riparian habitats. The long-term impact on the creek would be significant, and warrants expert analysis. It is also critical that we understand water use and depletion rates, including groundwater depletion and downstream surface water depletion.

KSB recommends that expert evaluation be required prior to any rezoning approval, to understand how the development would impact the Spring Creek riparian habitat and groundwater tables.

KSB notes that since Oak Creek is designated an Outstanding Arizona Water (OAW), and Spring Creek feeds Oak Creek, the development's wastewater reclamation facility seems to require an individual Section 401 water quality certification. [The EPA states:](#)

“Under Section 401 of the Clean Water Act (CWA), a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States unless a state or authorized tribe where the discharge would originate issues a Section 401 water quality certification verifying compliance with existing water quality requirements or waives the certification requirement.”

According to the US Forest Service, Spring Creek is “*impaired for E. coli*”, and a mitigation plan is in process. The developer should be required to document how they will support that mitigation process and how they will ensure that the additional stress put on Spring Creek due to proximity of residential and commercial units will avoid exacerbating the current E. coli problem. KSB recommends that this be a part of a Storm Water Pollution and Construction Runoff Prevention Plan.

The Letter of Intent proposes building a “crossing bridge” across Spring Creek. The Site Plan shows a road that spans the creek, presumably by a bridge. KSB asks whether these will require permits by the Army Corps of Engineers.

Sewage processing: While KSB understands that the sewage system cannot be part of the County planning and zoning decision, it is a critical element in understanding how this development will impact the surrounding natural riparian area.

In a document titled *Water, Sewer and Infrastructure Notes* that accompanied their Letter of Intent, SVF describes their intent to locate treatment facilities underground. This plan raises important questions about the long-term maintenance of those facilities. Since SVF provided no details, KSB assumes that the only way regular maintenance can take place would be for those facilities to be housed in entire rooms that are buried underground, allowing maintenance workers access to all parts of the system.

KSB recommends that the developer be required to describe in some detail how such underground facilities would be built, and particularly how SVF would ensure that wastewater from these underground facilities would not find its way into Spring Creek. At a minimum, KSB requests that SVF provide information about similar facilities that have been successfully constructed and maintained elsewhere.

Energy and Sustainability: The Letter of Intent does not mention any plan to generate electricity from solar installations. Nor does SVF commit to any sustainable building practices. We find these omissions glaring.

KSB recommends that the applicant specify the sustainable building practices they intend to implement, and that they specify a minimum amount of solar panel usage that they will

commit to. We also recommend that SVF commit to installing electric car recharging stations.

As learned from recent wildfires, above-ground power lines can be the cause of wildfires. Underground lines also preserve scenic quality of the area. KSB recommends that SVF and/or the County clarify that all utilities will be laid underground, something not addressed in submitted materials.

Lighting: KSB notes the lack of any recognition in the Letter of Intent to the value our communities place on dark skies, nor is there any mention of the need to install dark sky compliant lighting. KSB is concerned about the outdoor lighting and the effects on the dark night sky, and we would be happy to work with SVF to ensure dark skies are preserved.

Cultural Resources: No reference is made regarding any existing archaeological data review or on the ground inventories to determine the presence of any archaeological sites within the proposed project area, including prehistoric structures, rock art, open sites, or any other artifactual material. The proposed project area is located within an environmentally high probability area for prehistoric site discovery. This high sensitivity zone is directly associated with the Spring Creek riparian area and rich faunal and botanical resources. Therefore, an equally high probability exists for direct effects to occur. In addition, there is an existing multi room Puebloan structure and associated rock art within close proximity to the proposed development. There are also many known sites located on contiguous Forest Service lands that could receive adverse effects from the increase in people and access to these lands from the project.

KSB strongly advocates for the 132 acres to have an intensive archaeological inventory, conducted by a professional permitted cultural resources team prior to any construction.

Wildlife: There is a high potential for severely impacting threatened, endangered and other sensitive wildlife species that inhabit Spring Creek and the surrounding area, including but not limited to the endangered spikeland and Gila topminnow, the threatened northern Mexican gartersnake, and the threatened yellow-billed cuckoo.

KSB recommends that expert analysis be completed to determine the potential impact on threatened and endangered species.

The information provided by the developer does not include any mention of fencing, walls or other barriers to wildlife movement. If the Forest Service concludes that a “lawful fence” is needed at Villa Bellaggio in order to keep cattle off the property, then KSB is concerned that wildlife movement will be obstructed and certain wildlife may no longer have access to this portion of Spring Creek.

KSB recommends expert consultation from a group like the Nature Conservancy prior to any decision on rezoning, to identify how wildlife movement pathways can be preserved in the area.

Community Facilities and Services: KSB is concerned that initial residents of the community may find themselves without the amenities promised by the developer. The

Letter of Intent identifies the following amenities that will be provided: an Italian style pizzeria, an art gallery, split level shops, a church, a winery, a lake with retention, a school site, a storage area, a camp for mentally and physically disabled.

KSB recommends that the promised amenities be required to be made available on a guaranteed schedule, with approximately half available within the first 2 years. This commitment by the developer will both demonstrate good faith and will help ensure that the development will not become a modern “ghost town,” with a few residents occupying a community with no amenities. There have been instances in the area of developments that have failed early, leaving initial residents with nearly worthless properties.

Impact on area Schools: While the developer identifies a ‘school site’, there is no information about their intent to build school facilities. This needs to be clarified. Identifying a school site implies an expectation that many families will reside in the development. SVF should address their expectations for where and how the children of those families will be educated. SVF should specify what they intend for that site if it is not in fact used for a school.

Impact on Traffic: The addition of approximately 2,000 units will have a measurable impact on the traffic of the area. Traffic has already become a quality of life issue with current residents. Traffic and congestion were key complaints heard from residents when Sedona conducted surveys for the recently completed Sustainable Tourism Plan. While KSB does not oppose development, we question the appropriateness of mega-projects such as this that will negatively impact the quality of life for current residents.

KSB recommends that a traffic study be conducted to guarantee that residents of Villa Bellaggio have adequate egress in case of emergency, such as flooding or wildfire. We also recommend that the impact on roads and traffic for current residents of Cornville be evaluated.

Landscaping: The information supplied in the Letter of Intent regarding landscaping is inadequate. KSB believes that only locally native drought-tolerant plants and trees should be used throughout in any new development. Water-intensive grass lawns should not be used. Non-toxic herbicides and pesticides are available, and because of the proximity to Spring Creek, the developer should commit to their use.

KSB recommends that SVF provide more detailed information on landscaping.

Impact on the Current Local Community: Page 6 of the Yavapai County Comprehensive plan states:

‘Our vision is to protect the unique quality of life characteristics within each of Yavapai County’s diverse communities, to preserve our Western rural and ranching traditions, and to responsibly manage the process of urbanizing communities, when desired, through sensible planned growth and the sustainable use of finite resources. This vision is a reflection of the shared desire to protect and enhance rural character; small town friendliness; abundant natural open spaces, public lands,

and scenic vistas; and to ensure the compatibility between rural and urbanizing areas.'

'The County's vast recreational and outdoor opportunities, abundant natural beauty, scenic vistas, clean air, forests, grasslands, healthy rivers and bio-diverse riparian areas will be protected and preserved through the implementation of the Yavapai County Comprehensive Plan's goals and objectives. We recognize the importance of safeguarding the County's resources for future generations, including our treasured rivers, streams and other resources...'

The Villa Bellaggio proposal anticipates nearly 2,000 housing units, although the information provided by the developer fails to specify the number of units in the Terrace Apartments or the Custom Garden homes. Assuming approximately 2,000 units (counting 274 hotel rooms), estimating only 2 occupants per unit, when fully built, approximately 4,000 residents would be added to the low-density rural community of Cornville that currently has a mere 3,280 residents.

KSB believes that rezoning these parcels will quickly double the size of rural Cornville, which is identified as a Rural Community (RC) Area in the Yavapai County Comprehensive Plan. This development does not seem to conform with the vision set forth in the Yavapai County Comprehensive Plan, and would add a large high-density cluster in a currently low-density rural community.

Conclusion: After considering the scant information that SVF has provided about their Villa Bellaggio proposal and after considering the likely impact of the development on the land and the communities, Keep Sedona Beautiful opposes this rezoning request.

Sincerely,

Bill Pumphrey, President
Keep Sedona Beautiful
Environmental Stewards of Sedona since 1972

WEP/wph

Keep Sedona Beautiful, Inc., acting through the stewardship of its members and volunteers, is committed to protect and sustain the unique scenic beauty and natural environment of the Greater Sedona Area.