

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 We have removed the “observatory purposes” requirement, because it is superseded by the public review and permitting processes required for any new development by the City.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