

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, December 3, 2015 6:00 P.M.**

**P&Z MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA**

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. **Call To Order.**
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.**
3. **Roll Call.** Commissioners Jeff Siereveld, Victor Hambrick, Joe Garcia, Vice Chair Dee Parker and Chair Barry Smylie.
4. **Disclosure of Ex Parte Contacts.**
5. **Informational Reports.** Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.
6. **Planner's Update on current events and activities.** No discussion, deliberation or legal action can occur.
7. **Consent Agenda.** All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.
  - 7.1. **Minutes.** Minutes from the November 5, 2015 Planning & Zoning Regular Meeting.
8. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.
9. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
  - 9.1. **2013 "P&Z work list" status report and formulation of a new future work list for**

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**Planning and Zoning Commission (P&Z) to be recommended to the Town Council for their endorsement.**

**9.2. General Plan review. Review and discussion of the 2009 General Plan.**

**10. Public Hearing Agenda.**

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**11. Comments from the Public.** The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

**12. Adjourn.**

**For Your Information:**

Next Town Council Work Session: Tuesday, December 08, 2015 at 2:00 p.m.

Next Town Council Meeting: Tuesday December 15, 2015 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, January 7, 2016 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT  
PLANNING AND ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 5, 2015**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, NOVEMBER 5, 2015 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR BARRY SMYLIE PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:01 p.m. Chair Barry Smylie presiding.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done
3. **Roll Call.** Commissioners Jeff Siereveld, Joe Garcia, Vice Chair Dee Parker and Chair Barry Smylie were present. Victor Hambrick was absent and later arrived at 6:03 p.m.
  - 3.1 **Announcement of resignation of Commissioner Ruth Szanto.** Chair Smylie spoke about the resignation of Commissioner Szanto. Sorry to see her leave. Chair Smylie reminded the commission of vacant positions.
4. **Disclosure of Ex Parte Contacts.** Done
5. **Informational Reports.** None
  - 5.1. **Timeline of Council's review of proposed Ordinances (Animal and Reasonable Accommodations) and possible future consideration by Planning and Zoning Commission. Background materials provided for the commission's review.** Chair Smylie spoke about Steven Brown's attendance at the APA State Planning Conference in Tucson. Due to his absence, the agenda item will be deferred for future meeting.
6. **Planner's Update on current events and activities.** None
7. **Consent Agenda.**
  - 7.1. **Minutes.** Vice Chair Parker made the motion to approve the meeting minutes from the August 6, 2015 Planning & Zoning Regular Meeting. Seconded by Jeff Sierveld. Minutes approved as presented.
8. **Discussion Agenda –New Business.**
  - 8.1. **Presentation from Richard Heath, Executive Director of the Greater Prescott Regional Economic Partnership (GPREP) regarding program update.** Chair Smylie introduced Mr. Heath and thanked him for participating in the meeting. Mr. Heath spoke about the background and purpose of GPREP and his background in comprehensive planning and economic development. The target area is the northern region of Yavapai County and includes Dewey-Humboldt. Primary goal is to market the region. Currently putting together a complete marketing package which will include DH. Material will be available on flash drives to present at various events throughout the state. Mr. Heath spoke about strategies to attract developers and investors to the target areas and provide diversity to the region. Mr. Heath spoke about working with the town on whatever level desired and would like to ensure the Planning and Zoning Commission is participating at a level they feel comfortable in.

Chair Smylie made comment about the Commission being only an advisory committee which works off of instruction from the Council. Chair Smylie spoke about the primary focus being to maintain the rural lifestyle and the desire to work in conjunction with economic development and still maintain the town's theme. Future growth over the next 5 to 10 years very probable. Chair Smylie asked Mr. Heath how to deal with this potential growth and maintain the general plan and remain unique.

Mr. Heath spoke about DH level for design standards and land use buffers. Most likely development will happen along the 69 corridor in the form of smaller retail businesses. When planning, need to look at what fits the personality of the town and not compromise the rural character.

Chair Smylie spoke about projects he has been involved with in the past and how the town of Williams overcame diversity of growth and their success with creativity.

Commissioner Garcia asked Mr. Heath about his thoughts for growth in Dewey-Humboldt and what would fit into the General Plan and lifestyle of the town. How to say yes to the right developer. Advertising on the website to attract types of businesses that fit the town.

Mr. Heath spoke about the GPREP website. International. Can customize a marketing strategy for Dewey-Humboldt. Development potential is vast. Opportunities for retail and other commercial business. The new stoplight planned for Main Street intersection will help to get people to stop and look around.

Vice Chair Parker spoke about concerns of water resources.

Commissioner Hambrick questioned Mr. Heath about how GPREP works with other agencies to get information on projections of growth and how future growth will effect DH and natural resources. The community needs to have commercial and residential growth plan to maintain a healthy community.

Commissioner Garcia spoke about revisiting the general plan. Concerns of lack of infrastructure detouring potential commercial base growth.

Chair Smylie spoke about the Arizona Association of governments and history of development. The commission may want to look at bringing information to the council to determine if the commission should consider spending more time on this.

**8.2. An update on the 2012 International Building Codes (I-codes) amendments adoption preparation.** Don Roberts, Building Official gave PowerPoint presentation on the 2012 I-codes proposed for adoption by the council. Mr. Roberts spoke about the major changes in the adoption of the 2012 codes vs. the 2006 codes currently in use by the town. Primary change will effect wall bracing and ark faults. This will result in some additional expense to the homeowner. Most builders already exceeding the code requirements. The change in codes will promote increase in life safety.

**9. Discussion Agenda – Unfinished Business.**

**9.1. 2013 “P&Z work list” status report and formulation of a new future work list for Planning and Zoning Commission (P&Z) to be recommended to the Town Council for their endorsement.** Chair Smylie spoke about the 2013 work list and status report. Items on the list have been completed. Chair Smylie spoke about recent discussion with Town Manager regarding overlay district. Will need to look into this further for clarification and take back to council. Smylie spoke about involvement with groundwater resource advisory committee, currently well represented in region. No need to resurrect a committee. The commission is ready to start a new list to present to council.

**10. Public Hearing Agenda.**

**11. Comments from the Public.** Mayor Nolan spoke and commended the commission for their work and time on the Planning and Zoning board.

Commissioner Garcia asked about the removal of the agenda item #4; Disclosure of Ex Parte Contact. When and how does this item get removed from the agenda.

Chair Smylie spoke about sending a memorandum to staff to request removal of the agenda item.

**12. Adjourn.** Meeting adjourned at 7:21 p.m.

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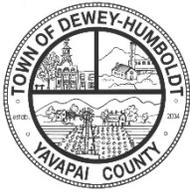
Chairman Barry Smylie

ATTEST:

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Penney Bell, Administrative Assistant

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**TOWN OF DEWEY-HUMBOLDT**  
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**MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION**  
**November 5, 2015 6:00 p.m. Town Council Meeting Chambers**

**To: Planning & Zoning Advisory Commission**

**From: Steven Brown, Community Planner/Code Officer**

**Date Submitted: August 17, 2015**

**Agenda Item:**

**9.1 2013 “P&Z work list” status report and formulation of a new future work list for Planning and Zoning Commission (P&Z) to be recommended to the Town Council for their endorsement.**

**Summary:**

At the August 6, 2015 meeting the Commission discussed the charge from the Council to make a recommendation back as to a work list to guide the Commission’s activities in the coming months.

Also at the August meeting, the Town Manager provided a staff report that included, as an attachment, the staff report from the September 5, 2013 P & Z meeting where the P & Z Priority List was provided to the Commission as part of the packet (see attached). In her August 6, 2015 staff report to the P & Z (see attached), the Town Manager provided an assessment of the status of the 2013 Priority List.

The review of this list is certainly important, and there will likely be additional items that the Commission wants include to update the list.

As Community Planner, I have made a suggestion that the Commission include a review of the General Plan, to allow members to familiarize themselves with its contents and possibly stimulate discussion as to items of work that could be gleaned for recommendation to the Council. To this end, I have had printed, copies of the 2009 Town of Dewey-Humboldt General Plan for distribution to the Commissioners to serve as a guide for the discussions. (See attached).



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**MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION**  
**December 3, 2016 5:00 p.m. Town Council Meeting Chambers**

**To: Planning & Zoning Advisory Commission**

**From: Steven Brown, Community Planner/Code Officer**

**Date Submitted: November 20, 2015**

**Agenda Item:**

**9.1 2013 “P&Z work list” status report and formulation of a new future work list for Planning and Zoning Commission (P&Z) to be recommended to the Town Council for their endorsement.**

**Summary:**

This item has been on the agenda for the P&Z for several months, and for various reasons has not been concluded. At the August 6, 2015 meeting the Commission discussed the charge from the Council to make a recommendation back as to a work list to guide the Commission’s activities in the coming months.

Also at the August meeting, the Town Manager provided a staff report that included, as an attachment, the staff report from the September 5, 2013 P & Z meeting where the P & Z Priority List was provided to the Commission as part of the packet (see attached). In her August 6, 2015 staff report to the P & Z (see attached), the Town Manager provided an assessment of the status of the 2013 Priority List.

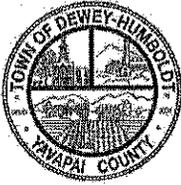
The review of this list is certainly important, and there will likely be additional items that the Commission wants include to update the list.

**9.2 General Plan review. Review and discussion of the 2009 General Plan.**

**Summary:**

As Community Planner, I have made a suggestion that the Commission include a review of the General Plan, to allow members to familiarize themselves with its contents and possibly stimulate discussion as to items of work that could be gleaned for recommendation to the Council. To this end, I have created a PowerPoint presentation of the General Plan, including each of the Elements and the Implementation Plan. I think that this could serve as a guide for our discussions, and perhaps, out of the review may come some items to be recommended to the Council for the P&Z Work List. I will also be prepared at the meeting to discuss with the Commission the legislative authority and scope for Planning, the creation of Planning Commission, and General Planning authority and scope.

I hope that you will find this informative and that it will stimulate discussion.



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**MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION**

**September 5, 2013 6:00 p.m. Town Council Meeting Chambers**

**Agenda Item:** Priority list from Town Council  
**To:** Planning & Zoning Advisory Commission  
**From:** Warren Colvin, Community Development Coordinator  
**Date Submitted:** August 27, 2013

**Recommendation:** Discussion and review of Council priority list.

**Summary:** At the August 13, 2013 Town Council workshop, Council reviewed the previously established P&Z Priority list and voted to revise the list as follows and also allow staff and P&Z to set the priority list in the order they see fit.

**P&Z Priority List (As revised by Town Council on 8/13/13)**

- 1). Accessory Dwelling Units (almost done; P&Z changes to final text at Sept. 5<sup>th</sup> P&Z meeting).
- 2). Historical Overlay District and parking on Main Street: (recommendation is to look into what it will entail and the turnaround time).
- 3). Transient Merchants: (recommendation to resolve a problem with people soliciting on street corners. Not to include lunch trucks, etc.).
- 4). Private driveway versus named road: (Establish Code text that would define a driveway versus a named road).
- 5). Commercial Contractor: (recommendation to come up with code text that is consistent with State law that regulates when a commercial contractor is required based on the amount of work and type).
- 6). Ground Water: (recommendation is to have someone from P&Z resurrect the Groundwater Resources Advisory Committee (GRAC)).

**TOWN OF DEWEY-HUMBOLDT  
PLANNING & ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 5, 2013, 6:00PM**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, SEPTEMBER 5, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CLAIRE CLARK PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:00PM.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark were present.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Warren Colvin, Community Development Coordinator, spoke on the Mortimer's Use Permit. Based on Town Code it will go straight to Town Council for approval since it is a renewal. He also spoke on meetings being held to educate the public on the adoption of the 2012 Building Code Series. The meetings are tentatively scheduled for October 3, November 7 and December 5, 2013 from 4 – 6PM to encourage the public to participate in reviewing what changed from 2006 to 2009 to 2012. He explained there have been several joint meetings with Yavapai County, Chino Valley, Prescott Valley, Prescott, Dewey-Humboldt and the Yavapai County Contractor's Association to discuss all quad cities adopting the same version together. Mr. Colvin stated that Jack Judd, Building Official from Yavapai County, will do a presentation for Town Council in October with tentative adoption scheduled for January 2014 and enforcement starting July 2014. Commissioner Smylie encouraged Staff to make code similar to other municipalities and consider that in future planning. Mr. Colvin stated the goal of the quad cities code committee is to get on the same code cycle so everyone can build according to the same code with just a few minor changes depending on jurisdiction. Chair Clark encouraged Commissioners to attend the public meetings to be aware of the upcoming changes.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the July 11, 2013 Planning & Zoning Regular Meeting.

Commissioner Parker made a motion to approve the minutes of July 11, 2013 Planning & Zoning Commission meeting as presented, seconded by Commissioner DeWitt. The motion passed unanimously.
7. **Discussion Agenda – Unfinished Business.**
  - 7.1. **P&Z Priority List from Town Council.** Discussion and Possible Action on P&Z priority list.

Mr. Colvin stated that he attended the August 13, 2013 Town Council Work Session where he reviewed the previously established Planning & Zoning priority list with Town Council. They voted to revise the list and did not establish top priorities or order of priorities and instead wish to allow Planning & Zoning and Staff to determine the order of priorities. He reviewed the list:

Accessory Dwelling Units to be reviewed tonight, select the final code text and send to

Town Council for review before public hearings.

Historic Overlay District and parking on Main Street was combined into one item. Mr. Colvin stated it would take a considerable amount of time to research this subject, see what it entails, estimated turnaround time, getting advice from others who have gone through this process to learn from them and possibly plan some field trips on this subject. Mr. Colvin suggested tackling this subject once some of the Code adoption work settles. Commissioner Parker asked if the historic overlay only applied to the Main Street area; Mr. Colvin responded yes. Chair Clark agreed this would take quite a bit of time; to be handled as a long-term project.

Transient Merchants – Mr. Colvin stated Town Council wants to resolve a problem with soliciting on streets or corners and were adamant about not including lunch trucks. Council did not want to tackle the business license issue. Mr. Colvin suggested possibly making two proposals to Council, one outlining a permit process for people to get a transient merchant permit and the other proposal being shut it down entirely and make it illegal.

Private Driveway versus Named Road – Mr. Colvin stated Staff is looking at establishing code text that would define a driveway versus a named road; actually put it in the Code instead of what is in Hillside Lot Standards. Mr. Colvin stated this is a subject that can be easily handled and would like to do so first.

Commercial Contractors – Mr. Colvin stated this should be fairly easy to handle by referencing in the Code and being consistent with state law that would regulate when a commercial contractor is required based on the amount of work and type. Commissioner DeWitt asked what state law requires. Mr. Colvin stated commercial work valued under \$1,000 does not require permit though structural work would require commercial general contractor.

Ground Water – Mr. Colvin stated Town Council agreed it is an important issue and recommended that Planning & Zoning resurrect the Groundwater Resource Advisory Committee (GRAC). Commissioners Clark, Smylie and Parker expressed interest in sitting on the committee. Mr. Colvin stated he will research the details of resurrecting the GRAC and report information at the next Planning & Zoning meeting.

The Commissioners agreed the first priority is getting GRAC going again, followed by the private driveway issue, then transient merchants.

Chair Clark asked if the Commissioners wished to add any other items to the list. There was discussion about the Iron King mine and noise complaints. No items were added to the priority list.

## **7.2. Accessory Dwelling Units.** Discussion and Possible Action on accessory dwelling units, secondary medical dwelling units and guest homes.

Mr. Colvin gave an overview of the topic noting that he provided a clean copy of the ADU code language with the revisions from the last P&Z meeting. Also included in the text was an alternative option for letter H regarding non-paying, non-reimbursing guests suggested by the Town Attorney: "An accessory dwelling unit shall only be used to house a non-paying or non-reimbursing relative or guest of the owner and shall not be used as either a short-term or long-term rental property." The Commissioners agreed they all preferred the alternative language for letter H as suggested by the Town Attorney.

Commissioner Smylie made a motion to accept 153.072 Accessory Dwelling Unit (ADU) as written, including and inserting the alternative text for letter H, seconded by

Commissioner Sierveld. The motion passed unanimously.

8. **Discussion Agenda – New Business.** None.
9. **Public Hearing Agenda.** None.
10. **Comments from the Public.** None.
11. **Adjourn.** The meeting was adjourned at 6:38PM.

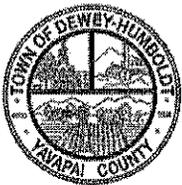
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Claire Clark, Chairperson

ATTEST:

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Mandi Garfield, Administrative Assistant



**TOWN OF DEWEY-HUMBOLDT**  
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**MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION**

**August 6, 2015 6:00 p.m. Town Council Meeting Chambers**

**Agenda Item: 8.1. 2013 "P&Z work list" status report and formulation of a new future work list for Planning and Zoning Commission (P&Z) in preparation for a Council Joint meeting in the future.**

**To: Planning & Zoning Advisory Commission**

**From: Yvonne Kimball, Town Manager**

**Date Submitted: July 10, 2015**

**Recommendation:** considering a new list in light of the status report of the 2013 list

**Summary:**

At the July 9<sup>th</sup> meeting, Chair Smylie requested that P&Z and Council to hold a joint meeting to discuss a priority list.

It is my understanding that throughout the years, P&Z and Council work out a priority list which contains projects for the Planning and Zoning Commission to work on. The last priority list was discussed in 2013, specifically the September 5, 2013 P&Z meeting. I reviewed the list with the Commission at your July 9<sup>th</sup> meeting.

Below is a recap of the list and its current status. I also attached the minutes from the September 5, 2013 meeting. I also suggested a couple of procedural items for P&Z to consider for your preparation of the Council Joint discussion.

**P&Z Priority List (As revised by Town Council on 8/13/13 - Council Work Session)**

- 1). **Accessory Dwelling Units:** it has been completed; ordinance 15-110 has been adopted and become effective).
- 2). **Historical Overlay District and parking on Main Street:** staff has researched "historical overlay district"; historical preservation consultants and Prescott city representative presented to council regarding same. Staff recommends a clear purpose or action plan for a "historical overlay district". P&Z's involvement would be necessary if a set of codes and regulations are needed for the overlay district. Otherwise, it is a policy decision rather than a Planning and zoning matter.
- 3). **Transient Merchants:** the subject has been completed. At the February 11 2014 meeting, staff brought a draft ordinance to address the issue before the council. Town Council reviewed the document and decided to delay the discussion until a further time. The "transient merchants" draft ordinance can be found in the February 11 2014 council study session meeting packet, page 4. Both the recording of the discussion and the meeting packet are on town's website.

4). Private driveway versus named road: staff believes it is no longer a problem. It was a problem when the town was involved in the details of large land division. Since the large land division authority has been clarified through ordinance 15-113, it may become less a problem. In addition, P&Z's involvement would be limited to amending code language to town code chapter 153.

5). Commercial Contractor: (recommendation to come up with code text that is consistent with State law that regulates when a commercial contractor is required based on the amount of work and type). It appears to be a building permitting issue rather than a P&Z issue. I also spoke to the Town in-house Building Official (the Town did not have an in-house building Official when this issue was brought up). The BO advised that improvements for commercial projects are usually required to have a licensed contractor. Residential projects are different. Owner/builder often can conduct the project without a commercial contractor license. I suggest that instead of adding this to the P&Z work list, P&Z and Council can seek knowledge from Town Building Official if necessary.

6). Ground Water: (recommendation is to have someone from P&Z resurrect the Groundwater Resources Advisory Committee (GRAC). Town used to have a GRAC. The committee dissolved in 2012 due to inactivity. Although water is related to future growth and therefore P&Z considerations, forming a GRAC is not within P&Z's purview. If there are enough citizens (at least 5 members) want to form a GRAC, they can approach the Council and see about reinstating GRAC. Once formed, GRAC will be subject to all laws governing public bodies, such as the Open Meeting Law. Additionally, Town Manager, Yvonne Kimball, has been appointed by former Governor Brewer to serve on a Governor's groundwater users advisory commission (GUAC). There is no vacancy on the Commission currently.

In addition, staff recommends P&Z consider asking these questions to the Council at your joint meeting:

- a. Would P&Z individual members have the authority to put items on P&Z meeting agendas as long as the items are somewhat planning and zoning related? Staff believes P&Z members can.

*Town code reference:*

**§ 31.19 BOARD, COMMISSION, AND CITIZEN COMMITTEE DUTY OF LOYALTY TO THE TOWN COUNCIL.**

*(A) Boards, commissions, and Citizen Committees serve as advisory agencies to Council, and have no independent authority (except as provided by State law or town ordinance). Such agencies of the town may perform the duties outlined herein, have projects assigned by Council, may initiate independent activities (so long as such activities do not involve tasking of other governmental agencies in the name of the town, out of state travel, or retention of consultants), and may report on a regular basis to Council on the activities of the agency.*

- b. Remove item 4 "disclosure of Ex Parte Contacts" from the P&Z meeting agenda template. It is not a legal requirement for the agenda. "Disclosure of Ex Parte Contacts" applies to quasi-judicial proceedings and does not apply to P&Z. Council and/or Board of Adjustment do.

*Town code reference:*

§ 30.086 QUASI-JUDICIAL ROLE; EX PARTE CONTACTS.

(A) *Quasi-judicial role. The Town Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or "like a judge" when it rules on various permits, licenses and land use entitlements. In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to ex parte contacts applies.*

(B) *Ex parte contacts/fair hearings. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the Town Council or any agency, board or commission thereof, except at the public hearing. Note: ordinary lobbying on non-quasi-judicial matters is legal and not a violation of these rules.*

(1) *As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from his or her contacts, which is not otherwise included in the written or oral staff report, during the public hearing and before the public comments period is opened.*

(2) *Matters are **PENDING** when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards, commissions, and committees are not subject to this rule.*

*(Ord. 09-49, passed 4-7-2009)*