

TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION & JOINT PLANNING AND ZONING ADVISORY COMMISSION STUDY
SESSION MEETING NOTICE

Tuesday, July 9, 2019, 6:30 P.M.

DEWEY-HUMBOLDT TOWN HALL
COUNCIL CHAMBERS
2735 S. HWY 69, SUITE 10
HUMBOLDT, ARIZONA 86329

COUNCIL STUDY SESSION AND PLANNING AND ZONING
ADVISORY COMMISSION JOINT STUDY SESSION MEETING
AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. § 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council 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. Roll Call – Town Council. Town Council Members Karen Brooks, Lynn Collins, John Hughes, Amy Lance, Mark McBrady, Vice Mayor Victoria Wendt and Mayor Terry Nolan.

3. Roll Call – Planning and Zoning Advisory Commission (for Agenda Item 4, Joint Study Session Meeting). Commissioners Christina Corbisello, Mario Manzo, Ken Murphy, Lon Ullmann, Vice Chair Jeff Siereveld and Chair Victor Hambrick.

4. Joint Study Session Meeting – Town Council and Planning and Zoning Advisory Commission

Page

3 **A.** Discussion and possible direction to staff on the Planning and Zoning Advisory Commission Work List (Staff CC)

5 **A1.** Discuss and inform the public and Planning and Zoning Advisory Commission members of the Town Council's vision for future goals, as discussed at the January 22, 2019 Special Study Session (CAARF – Councilmember Collins)

9 **A2.** Discussion and possible direction to staff relating to creating a new Neighborhood Commercial use district with permitted uses/restrictions to minimize the impact to residential neighbors, such as limiting business hours and prohibiting rental uses like apartments, hotels or duplexes (CAARF – Councilmember Collins)

11 **A3.** Discussion and possible direction to staff relating to developing an infill policy for the Town and amending the Dewey-Humboldt Town Code of Ordinances to make smaller commercial lots more usable by commercial developers (CAARF – Councilmember Collins)

13 **A4.** Discussion and possible direction to staff relating to amending the Dewey-Humboldt Town Code of Ordinances in response to State of Arizona House Bill 2556, which defines agritourism and sets criteria for agritourism to be classified as class two agricultural real property. (CAARF – Councilmember Collins)

21 **A5.** Discussion and possible direction to staff relating to amending the Dewey-Humboldt Town Code of Ordinances to change Farm Animals from an accessory use to a permitted use, as per the following Planning and Zoning Advisory Commission recommendation to the Town Council, dated June 21, 2016: Farm animals be “permitted uses” rather than “accessory uses” in the R1-L; RMM; R1; C1; C2; C3; M1; and, M2 zoning districts (CAARF – Councilmember Collins)

31 **A6.** Discussion and possible direction to staff relating to conflicting code provisions in the Dewey-Humboldt Town Code of Ordinances, Land Usage Code, Title XV, and potential conflicts between the Land Usage Code and other Code provisions, including Council prioritization of Land Usage Code review, as discussed at the June 11, 2019 Town Council Study Session (Staff CC)

5. Study Session. No legal action to be taken.

33 **A.** Overview, discussion and possible direction to staff of the Proposed Council Meeting and Council Agenda Action Request Form (CAARF) Process (Staff CC)

37 **B.** Overview, discussion and possible direction to staff of Community Development Department Staffing Options (Staff CC)

6. Public Comment on Non-agendized Items

The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council 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 Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members 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, Council members 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. A 3 minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

7. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, July 16, 2019 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, August 8, 2019 at 6:00 p.m.

Next Town Council Work Session: Tuesday, August 13, 2019 at 6:30 p.m.

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.

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 _____ of _____, 2019, at _____ a.m./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.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Tim Mattix, Town Clerk.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362
Fax 928-632-7365

MEMO

Date: July 9, 2019
To: Town Council
From: Ed Hanks/Victor Hambrick

Agenda Item – 4.A. Council Communication on Joint Council/P&Z discussion of proposed Work List

Work Items to discuss with Council:

The Commission's expectation, going into this discussion, is that the Council will review this list with the Commission and discuss the details with them. Coming out of that discussion it is expected that the Council will likely approve or disapprove of individual items, and may include some items that are not a part of what is proposed by the Commission. The Council will then likely, prioritize the list for the Commission and provide other guidance on how the Commission should study the issues and prepare recommendations to present to Council. The Commission, on the other hand, is expected to come up with the plan of how accomplish each item.

a. Establishment of volunteer group to provide assistance with compliance with code enforcement violations.

Occasionally property owners who have been cited for zoning code violations find themselves unable to respond to correcting the violation, not through unwillingness to do so, but rather, because of lack of physical or financial ability. The objective would be to organize a group of volunteer citizens that could form a response team.

b. Exploration of possible routes for providing permanent access across the Aqua Fria River.

There has long been discussions on the subject of providing better than a low water crossing of the Aqua Fria in Dewey-Humboldt. This item would provide an opportunity for focused investigation of the possibilities. The Town of Dewey-Humboldt "Transportation Study" from 2012 explored the likely options, and could be part of this discussion.

c. Improvement Districts as a mechanism for improving private roads that are proposed to transition to public.

Many of the roads that could be considered to serve as an alternative route in and out of the Blue Hills area are private roads that have been unimproved. Improvement Districts may be used to provide the finances to improve private roads prior to their consideration for transition to public roads.

d. Review and discussion of Town General Plan Circulation Element and challenges to implementation:

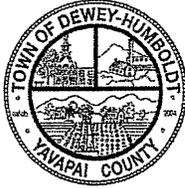
It is becoming increasingly apparent that an effort should be made to understand the possible routes for “Potential Alternative Collector Corridors”. The Firewise Board, through their efforts to engage the citizenry in an effort to provide defensible space from potential wildfires, has made the Town more cognizant of the fact that the Blue Hills area is at extreme risk for wildfire damage. A huge area in the center of the Town and adjacent to the Blue Hills is devoid of reasonable access for evacuation. It may be possible to begin a resource inventory and to examine the viability of connecting private easements with Town Roads to forge a secondary ingress/egress to and from that neighborhood.

e. Discussion regarding troubling existing zoning anomalies:

There are a number of areas in the Town where we have inherited some zoning district boundaries that appear to totally disregard property lines for no apparent reason. These district boundaries split parcels creating problems for development. The Planning Department has received a number of calls from property owners in these areas seeking clarification of their development potential given this situation. The P&Z should be aware of these areas, as Staff may be proposing to Council that solutions be developed to better serve the property owners.

f. Discussion of General Plan Update process and alternatives:

If the update is to be undertaken there are several steps and issues to consider, and the Commission may be directed by the Council to investigate the process and to make a recommendation of a course of action.



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HUMBOLDT, AZ 86329
Phone 928-632-8562 • Fax 928-632-7365

Dewey-Humboldt

JUN 27 2019

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: July 9

Date of Request: June 26

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

To inform public + commission members of Council vision for future goals include Jan 22¹⁹ minutes
Purpose and Background Information (Detail of requested action). to remind public and council members and inform planning commission members of discussions on 1-22-19 indicating that code revisions are a big part of goals

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: Attached is copy of "goals" meeting minutes 1-22-2019

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: Lynn Collins

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL STUDY SESSION MINUTES
JANUARY 22, 2019, 6:30 P.M.**

A SPECIAL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JANUARY 22, 2019, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 6:30 p.m.
2. **Roll Call.** Town Council Members Karen Brooks, Lynn Collins, John Hughes, Amy Timmons, Vice Mayor Victoria Wendt, and Mayor Terry Nolan. Council Member Mark McBrady was absent.
3. **Special Study Session:** Discussion on the agenda item can be taken

A. Discussion of Council Vision for Future Goals

(Per Council Direction of 1/18/19 pursuant to Mayor Nolan's CAARF)

Mayor Nolan gave an overview of this item stating that he had asked Council Members to make a list of what they would like to see in the next couple years. He noted that a list of the Council Member's goals (excluding CM McBrady) was compiled by the Town Clerk this afternoon and distributed at the start of the meeting to Council. The goals were color-coded by similarity of topic and displayed on the overhead screen.

(The list is included below as distributed to Council.)

TOWN COUNCIL DISCUSSION FOR VISION OF FUTURE GOALS – 1/22/19

Commercial – Purple
Water – Blue
Roads – Orange
EPA – Red
Codes – Green
GP – Yellow
BH Ingress/Egress – Gray
Town Hall - Teal
Town Manager – Burgundy
Budget – Brown
Census – Pink
Road Safety – Dark Green
Zoning – Dark Blue

COUNCILMEMBER COLLINS

1. Evaluate adopting impact fees
2. Improve Community Outreach and Restore Trust by Updating Town Code to protect current residents
3. Put the Town Newsletter to work including advertising and Council input
4. Reduce regulations on property both residential and commercial
5. Trying something different in downtown Humboldt by reducing building regulations
6. Drastically streamline the commercial zoning code to make it understandable to everybody; once accomplished, pass on to real estate agents that are working on selling commercial
8. Focused area plans for possible commercial i.e. Manzanita and Foothills
- *9. Disclosure of General Plan and P & Z Handbook regarding compatibility between commercial development and residential*

***Town Clerk Note:** At the March 19, 2019 and May 21, 2019, Town Council Regular Meetings, Councilmember Collins clarified that her intent was for Item 9 to be, "Implement the third land use goal of the General Plan through the Planned Area Development/Zoning Code regarding compatibility of zoning."

COUNCILMEMBER TIMMONS

1. Restructure town codes (make them more user-friendly)
2. Rework our General Plan and improve on it so that our community can approve of it
3. Increase our community use areas i.e. parks, ball fields, etc..maybe even a community garden area...
4. Look for more area that would be good for retail/commercial use (meaning the area neighbors aren't adamantly against)
5. Work on team building skills amongst the council so that simple questions/comments are not taken as personal attacks on each other
6. Look at town staffing to improve our employees workloads
7. Investigate purchasing our current facility for a permanent Town Hall
8. Try to find a solution to our community water needs
9. Secondary safety road out of the blue hills area
10. Restructuring of our roads codes

COUNCILMEMBER BROOKS

Short-term

1. Hire Town Manager
2. Assist Town Manager in hiring vacant positions
3. Getting Current Budget Published
4. Dirt Road Standard, that's functional
5. 2019/2020 Budget
6. Decriminalize the Town's Dog Codes
7. Change the title of the Code Enforcement Officer to Community Zoning Assistant to help Town citizens with zoning instead of policing the Town codes

Mid-term and Long-term

1. Get a second egress out of Blue Hills as soon as possible
2. Brush mitigation south of Blue Hills
3. Kate Garber Community Center taken over by the town with added utilization
4. Review and edit Town codes, as needed
5. Contact Basha's for possible grocery store and Giant for expediting the new station
6. Prepare list and requirements for future CDBG funding, unused funds, funding 2022 & 2016
7. 2020 Census
8. Superfund site development; Smelter site; Iron King Mine

VICE MAYOR WENDT

These are not in order of importance....

- 1.) Interview and appoint Permanent Town Manager
- 2.) Humboldt Station Lease. Current lease expires this year
- 3.) Develop secondary road standard
- 4.) Identify a secondary emergency road and begin processes including finding the grants to fund
- 5.) General Plan, begin processes necessary to proceed with the assistance of a Community Development Director
- 6.) Public Visioning of uses for Superfund sites
- 7.) Develop an Abatement/Health/Safety ordinance
- 8.) 2019/2020 Town Budget
- 9.) Review Zoning codes that may have conflicting verbiage that have been identified by some council members
- 10.) Yavapai County Coordination of Adoption of new 2018 Building Codes
- 11.) 2020 Census

COUNCILMEMBER HUGHES

1. Budget
2. Secondary Roads
3. General Plan
4. Town Manager
5. Town Property (Sell or do something with it)
6. Road Safety (i.e. Clearview)
7. Address Town Code
8. Human Resource Department (Town & City protocol)
9. Taxes (lost tax revenue)
10. Franchise Agreements (trash; APS,)
11. Zoning anomalies
12. Water Resources
13. EPA Progress & Update Process

MAYOR NOLAN

1. Internet
2. Shopping Center requires demographic study
3. Water
4. Roads
5. State Park
6. Left turn at Clear View Lane with a deceleration lane
7. Everyone on same computer program
8. Skate Park
9. Youth Group
10. Bus Program
11. Institute a talk to the Mayor program
12. Schools – Grand Canyon University proposal

Council went through the lists and had extensive discussion on the visions and goals.

Council recessed for a five-minute break at 8:41 p.m.

Council reconvened and reviewed the list looking for common goals and priorities including but not limited to Budget; Roads; Codes; Water; Shopping; State Park; Human Resources; Schools and Transportation. These items were discussed further by Council as well as possible franchise agreements with APS and garbage companies.

Mayor Nolan noted these things can be worked on over the next couple years. He noted that the General Plan is a given. Interim Town Manager Hanks noted that the first things on the list should be a Town Manager and personnel to do what is best for the community.

4. **Adjourn.** The meeting was adjourned at 9:14 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk



TOWN OF DEWEY-HUMBOLDT
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Dewey-Humboldt

JUN 27 2019

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: July 9 2019

Date of Request: June 26

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Discuss creating a new class of commercial use that is low impact - Neighborhood Commercial, Purpose and Background Information (Detail of requested action). This could reduce homeowner opposition - suggest that limiting business hours and prohibiting rental uses like apartment/hotels/duplexes to be more neighbor friendly

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: Lynn Collins

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

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Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Discuss developing an In-fill policy to update the code to make smaller commercial lots more usable

Purpose and Background Information (Detail of requested action). We have a lot of these i Downtown Humboldt area

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: Notes on town code issues

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: Lynn Collins

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

Info about why DH needs infill policy for small commercial lots---

In researching sizes of commercial lots I found the one on the corner of Kachina and 69 and when I checked on GIS it said it was only a .62 acre in size. It is for sale currently so I looked at the realtor website and that says it is 27 thousand square feet; measuring 88 by 227, by 168, by 210 approximately. The realtor lists it as a C3-1 which I assume means it is district 1. It has been for sale for at least 3 years.

I started looking at various town codes regulating commercial lots.

153.044 ; C3 District---says a 50 foot front area must remain free of open storage. Does that mean a 50 foot deep front yard is required. That prevents sales displays. The setback table for C-3 district 1 says that a 20 foot min yard setback is required in front. and 25 feet in backyard. Those front yard numbers don't match.

153.044 setback table also says the minimum area per dwelling unit is 1000 square feet. Does that mean that the size of the commercial building has to start at 1000 feet. What if a developer wants to build a 500 or 700 square foot building for a drive thru coffee shack or taco stand?

153.044 says to refer to yard requirements for C1 and 2. In C-1 it refers to 153.065 for yard requirements. Nothing.

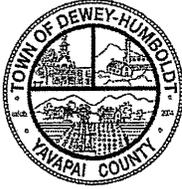
I stumbled onto 153.069 which is another setback table that says 20 ft. front and 25 ft. back setbacks. No mention of the 50 foot space called out in 153.044. BUT 153.069 has footnote number 2 in it which says that when a lot is a "through lot"--- like this one---that it shall be considered (for the purpose of setbacks) as having 2 front yards. It also says that a commercial lot like this that abuts residential lots is required to have a 20 foot setback. NEITHER of these is on the setback table for 153.044 C3 districts. Is that an additional 20 feet on top of the 50 or 20 foot requirements for the fronts of properties?

153.048 P.A.D. says 25 % open space is required.

153.048 also says only 50% lot coverage is allowed. Lot coverage is not defined in DH code, neither is intensity of use. Usually things like what kinds of structures count as measures of intensity of use would be included in such a definition. The DH code has a definition of "structure" that includes tanks and fences.

In 153.219 there are additional parking setbacks discussed.

These are just the obvious things-there are probably more I haven't found yet. There are many small commercial zoned lots in our downtown area that could be helped by infill policy. So this is not just about one lot on one corner.



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Meeting Type: Regular Special Work Session

Meeting Date: July 9 2019

Date of Request: June 26

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Discuss update town code in response to
House Bill 2556

Purpose and Background Information (Detail of requested action). Need
to define agri-tourism and address other
change as needed. See lines 10-18 and 35-38
on page "1" of attachment.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: HB 2556

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: Lynn Collins

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2556

AN ACT

AMENDING SECTIONS 3-111, 11-812 AND 42-12151, ARIZONA REVISED STATUTES;
RELATING TO AGRICULTURAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-111, Arizona Revised Statutes, is amended to
3 read:

4 3-111. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Agricultural operations" means all activities by the owner,
7 lessee, agent, independent contractor and supplier conducted on any
8 facility for the production of crops, livestock, poultry, livestock
9 products or poultry products OR FOR THE PURPOSES OF AGRITOURISM.

10 2. "AGRITOURISM" MEANS ANY ACTIVITY THAT ALLOWS MEMBERS OF THE
11 GENERAL PUBLIC, FOR RECREATIONAL OR EDUCATIONAL PURPOSES, TO VIEW, ENJOY
12 OR PARTICIPATE IN RURAL ACTIVITIES, INCLUDING FARMING, RANCHING,
13 HISTORICAL, CULTURAL, U-PICK, HARVEST-YOUR-OWN PRODUCE OR NATURAL
14 ACTIVITIES AND ATTRACTIONS OCCURRING ON PROPERTY DEFINED AS AGRICULTURAL
15 REAL PROPERTY PURSUANT TO SECTION 42-12151 IF THE ACTIVITY IS CONDUCTED IN
16 CONNECTION WITH AND DIRECTLY RELATED TO A BUSINESS WHOSE PRIMARY INCOME IS
17 DERIVED FROM PRODUCING LIVESTOCK OR AGRICULTURAL COMMODITIES FOR
18 COMMERCIAL PURPOSES.

19 ~~2.~~ 3. "Farmland" means land devoted primarily to the production
20 for commercial purposes of livestock or agricultural commodities.

21 Sec. 2. Section 11-812, Arizona Revised Statutes, is amended to
22 read:

23 11-812. Restriction on regulation; exceptions; aggregate
24 mining regulation; definitions

25 A. Nothing contained in any ordinance authorized by this chapter
26 shall:

27 1. Affect existing uses of property or the right to its continued
28 use or the reasonable repair or alteration of the property for the purpose
29 for which used at the time the ordinance affecting the property takes
30 effect.

31 2. Prevent, restrict or otherwise regulate the use or occupation of
32 land or improvements for railroad, mining, metallurgical, grazing or
33 general agricultural purposes, if the tract concerned is five or more
34 contiguous commercial acres. For the purposes of this paragraph: ~~—~~

35 (a) "General agricultural purposes" ~~to~~ INCLUDES AGRITOURISM AS
36 DEFINED IN SECTION 3-111, BUT DOES NOT include ANY OF THE FOLLOWING:

37 (i) FOOD ESTABLISHMENTS UNDER THE AUTHORITY OF THE DEPARTMENT OF
38 HEALTH SERVICES PURSUANT TO SECTION 36-136, SUBSECTION I THAT ARE
39 ASSOCIATED WITH AN AGRITOURISM BUSINESS.

40 (ii) RODEO EVENTS THAT ARE OPEN TO THE GENERAL PUBLIC AND THAT SELL
41 TICKETS FOR ADMISSION. FOR THE PURPOSES OF THIS ITEM, RODEO EVENTS DO NOT
42 INCLUDE GENERALLY ACCEPTED AGRICULTURAL PRACTICES ASSOCIATED WITH
43 LIVESTOCK AND EQUINE OPERATIONS.

1 (iii) The cultivation of cannabis as defined in section 13-3401 or
2 marijuana as defined in section 13-3401 or 36-2801. ~~For the purposes of~~
3 ~~this paragraph,~~

4 (b) "Mining" has the same meaning prescribed in section 27-301.

5 3. Prevent, restrict or otherwise regulate the use or occupation of
6 land or improvements for agricultural composting, if the tract is five or
7 more contiguous commercial acres. An agricultural composting operation
8 shall notify in writing the board of supervisors and the nearest fire
9 department of the location of the composting operation. If the nearest
10 fire department is located in a city, town or fire district where the
11 agricultural composting is not located, the agricultural composting
12 operation shall also notify in writing the fire district in which the
13 operation is located. Agricultural composting is subject to sections
14 3-112 and 49-141. For the purposes of this paragraph, "agricultural
15 composting" has the same meaning prescribed in section 9-462.01,
16 subsection G.

17 4. Prevent, restrict or otherwise regulate the otherwise lawful
18 discharge of a firearm or air gun or use of archery equipment on a private
19 lot or parcel of land that is not open to the public on a commercial or
20 membership basis.

21 B. A nonconforming business use within a district may expand if the
22 expansion does not exceed one hundred per cent of the area of the original
23 business.

24 C. For the purposes of subsection A, paragraph 2 of this section,
25 mining does not include aggregate mining operations in an aggregate mining
26 operations zoning district established pursuant to this section. The
27 board of supervisors of any county with a population of more than two
28 million persons shall designate and establish the boundaries of an
29 aggregate mining operations zoning district on the petition of at least
30 one hundred persons who reside within one-half mile of an existing
31 aggregate mining operation. In addition, the board of supervisors of any
32 county may establish, in its discretion and on the board's initiative, one
33 or more aggregate mining operations zoning districts. Aggregate mining
34 operations zoning districts may only be located in areas that are
35 inventoried and mapped as areas of known reserves or in areas with
36 existing aggregate mining operations. Subject to subsections E and F of
37 this section, a county and the state mine inspector may jointly adopt, as
38 internal administrative regulations, reasonable aggregate mining
39 operations zoning district standards limited to permitted uses, procedures
40 for approval of property development plans and site development standards
41 for dust control, height regulations, setbacks, days and hours of
42 operation, off-street parking, screening, noise, vibration and air
43 pollution control, signs, roadway access lanes, arterial highway
44 protection and property reclamation for which aggregate mining operations
45 are not otherwise subject to federal, state or local regulation or a

1 governmental contractual obligation. Regulations jointly adopted pursuant
2 to this subsection by the county and the state mine inspector shall not
3 prohibit the activities included in the definition of mine pursuant to
4 section 27-301, paragraph 8 or duplicate, conflict with or be more
5 stringent than applicable federal, state or local laws.

6 D. The board of supervisors of any county that establishes an
7 aggregate mining operations zoning district shall appoint an aggregate
8 mining operations recommendation committee for the district. The
9 committee consists of not more than seven operators, or representatives of
10 operators, of active aggregate mining operations in any district within
11 the county and an equal number of private citizens, who are not operators,
12 who are not employed by operators and who do not represent operators,
13 residing within three miles of the boundaries of aggregate mining
14 operations or a proposed aggregate mining operation in the district for
15 which the committee is established. The initial members appointed to the
16 committee shall be deemed the primary members, and the board of
17 supervisors shall appoint ~~no~~ NOT more than five alternate members who
18 represent operators and shall appoint ~~no~~ NOT more than five alternate
19 members who are private citizens. Alternate members may serve at meetings
20 of the committee when a primary member is unable to attend. An aggregate
21 mining operator may serve on more than one committee in the same county.
22 The board of supervisors shall determine the length of terms of members of
23 the committee and shall stagger the initial appointments so that not all
24 members' terms expire at the same time. Members of the committee who no
25 longer qualify for membership as provided by this subsection are subject
26 to removal and replacement by the board of supervisors. The committee
27 shall elect a member who is an aggregate mining operator to serve as
28 chairperson for the first year in which the committee is created. For
29 each year thereafter, the chairperson shall be elected by the members of
30 the committee with a member who is a private citizen and a member who is
31 an aggregate mining operator serving as chairperson in alternate years.
32 The committee is subject to the open meeting requirements of title 38,
33 chapter 3, article 3.1.

34 E. Within ninety days after an aggregate mining operations
35 recommendation committee is established, the committee shall notify all
36 existing aggregate mining operators in the district of the application of
37 this section and title 27, chapter 3, article 6 to the aggregate mining
38 operation. In addition, the committee shall:

39 1. By a majority vote of all members make recommendations to the
40 board of supervisors for aggregate mining zoning districts and
41 administrative regulations as provided in this section. The board of
42 supervisors may adopt or reject the recommendations but may not make any
43 modifications to the recommendations unless the modification is approved
44 by a majority of the members of the recommendation committee.

1 2. Serve as a forum for mediation of disputes between members of
2 the public and aggregate mining owners or operators. If the committee is
3 unable to resolve a dispute, the committee shall transmit the matter to
4 the state mine inspector, with written findings and recommendations, for
5 further action.

6 3. Hear written complaints filed with the state mine inspector
7 regarding alleged material deviations from approved community notices for
8 aggregate mining operations and make written recommendations to the state
9 mine inspector pursuant to section 27-446.

10 F. Any administrative regulations adopted by a board of supervisors
11 pursuant to this section are not effective until the regulations are
12 approved by the state mine inspector. The inspector may disapprove the
13 administrative regulations adopted by the board of supervisors only if
14 they duplicate, conflict with or are more stringent than applicable
15 federal, state or local laws, rules or regulations. If the inspector
16 disapproves the administrative regulations, the inspector must provide
17 written reasons for the disapproval. The inspector shall not make any
18 modification to the administrative regulations as adopted by the board of
19 supervisors unless the modification is approved by a majority of the
20 members of the board of supervisors.

21 G. A person or entity is subject to this chapter if the use or
22 occupation of land or improvements by the person or entity consists of or
23 includes changing, remanufacturing or treating human sewage or sludge for
24 distribution or resale. These activities are not exempt from this chapter
25 under subsection A, paragraph 2 of this section.

26 H. A county shall not require as a condition for a permit or for
27 any approval, or otherwise cause, an owner or possessor of property to
28 waive the right to continue an existing nonconforming outdoor advertising
29 use or structure without acquiring the use or structure by purchase or
30 condemnation and paying just compensation unless the county, at its
31 option, allows the use or structure to be relocated to a comparable site
32 in the county with the same or a similar zoning classification, or to
33 another site in the county acceptable to both the county and the owner of
34 the use or structure, and the use or structure is relocated to the other
35 site. The county shall pay for relocating the outdoor advertising use or
36 structure including the cost of removing and constructing the new use or
37 structure that is at least the same size and height. This subsection does
38 not apply to county rezoning of property at the request of the property
39 owner to a more intensive zoning district.

40 I. For the purposes of this section:

41 1. "Aggregate" has the same meaning prescribed in section 27-441.

42 2. "Aggregate mining" has the same meaning prescribed in section
43 27-441.

44 3. "Aggregate mining operation" means property that is owned,
45 operated or managed by the same person for aggregate mining.

1 4. "Operators" means persons who are actively engaged in aggregate
2 mining operations within the zoning district or proposed zoning district
3 and who have given notice to the state mine inspector pursuant to section
4 27-303.

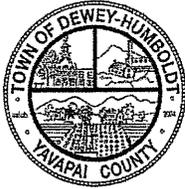
5 Sec. 3. Section 42-12151, Arizona Revised Statutes, is amended to
6 read:

7 42-12151. Definition of agricultural real property

8 In this article, unless the context otherwise requires,
9 "agricultural real property" means real property that is one or more of
10 the following:

- 11 1. Cropland in the aggregate of at least twenty gross acres.
- 12 2. An aggregate ten or more gross acres of permanent crops.
- 13 3. Grazing land with a minimum carrying capacity of forty animal
14 units and containing an economically feasible number of animal units.
- 15 4. Land and improvements devoted to commercial breeding, raising,
16 boarding or training equine, as defined in section 3-1201 or equine rescue
17 facilities registered with the department of agriculture pursuant to
18 section 3-1350.
- 19 5. Land and improvements devoted to high density use for producing
20 commodities.
- 21 6. Land and improvements devoted to use in processing cotton
22 necessary for marketing.
- 23 7. Land and improvements devoted to use in processing wine grapes
24 for marketing.
- 25 8. Land and improvements devoted to use in processing citrus for
26 marketing.
- 27 9. Land and improvements devoted to use as fruit or vegetable
28 commodity packing plants that do not cut or otherwise physically alter the
29 produce.
- 30 10. Land and improvements owned by a dairy cooperative devoted to
31 high density use in producing, transporting, receiving, processing,
32 storing, marketing and selling milk and manufactured milk products without
33 the presence of any animal units on the land.
- 34 11. Land of at least five acres and improvements devoted to
35 algaculture. For the purposes of this paragraph "algaculture" means the
36 controlled propagation, growth and harvest of algae.
- 37 12. LAND AND IMPROVEMENTS DEVOTED TO AGRITOURISM AS DEFINED IN
38 SECTION 3-111.

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TOWN OF DEWEY-HUMBOLDT
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Dewey-Humboldt

JUN 27 2019

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: July 9 2019

Date of Request: June 26

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Discuss changing farm animals from accessory use to
permitted use, per June 21, 2016 recommendations, P+Z.

Purpose and Background Information (Detail of requested action). This was
rejected at that time, but would allow keeping of
farm animals on vacant lots to assist in aiding in
much needed weed suppression.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: Lynn Collins

~~Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.~~



TOWN OF DEWEY-HUMBOLDT
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June 21, 2016 council meeting

Date: May 6, 2016

To: Yvonne Kimball

From: Steven Brown

Re: Planning and Zoning Commission Recommendation on Section 153

Last evening the Planning and Zoning Advisory Commission voted to recommend the latest amendments to Section 153 to the Council with the following change:

1. The Planning Commission recommends that FARM ANIMALS be Permitted uses rather than Accessory Uses in the R1-L, RMM, R1, RCU, R2, RS, C1, C2, C3, M1 and M2 zoning districts.
2. Staff wishes to point out to the Council that the definition of KENNEL as recommended by the Planning and Zoning Commission includes some contradictory language that needs to be considered. The Commission recommended definition reads as follows:
"A FACILITY SOLELY AND PRIMARILY FOR THE PURPOSE OF COMMERCIAL BOARDING, BREEDING AND/OR TRAINING OF DOGS AND/OR CATS. "KENNEL" DOES NOT INCLUDE THE KEEPING OF ANIMALS ON RESIDENTIAL LOTS AS HOUSEHOLD PETS"

The problem is that the words solely and primarily have two contradictory meanings that could become problematic when attempting to interpret compliance.

adverb: **solely**

not involving anyone or anything else; only.

adverb: **primarily**

for the most part; mainly.

As an example:

We receive a complaint about a commercial kennel being operated in a residential zoning district.

Upon investigation, it is determined that indeed the property owner is operating a facility for boarding and training of dogs (based on signage on the property) that occupies an area of approximately 5,000 sq. ft. of a 1-acre parcel. The property owner also maintains a number of dogs as Household Pets.

On the property there is a residence and accessory structures that total approximately 3,000 sq. ft. Once it is established that the facility is being operated commercially, a determination is then necessary as to whether it is **solely** commercial or **primarily** commercial, given that the owner also maintains Household Pets in the same facility. The task then becomes ascertaining what the proportions of the dogs kept commercially and those that are Household Pets in order to decide if this use fits the definition of kennel.

Staff recommends that we avoid this conflict by instead adopting the following language.

“A FACILITY FOR THE PURPOSE OF COMMERCIAL BOARDING, BREEDING AND/OR TRAINING OF DOGS AND/OR CATS. “KENNEL” DOES NOT INCLUDE THE KEEPING OF ANIMALS ON RESIDENTIAL LOTS AS HOUSEHOLD PETS”

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
JUNE 21, 2016, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JUNE 21, 2016, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call to order.** The meeting was called to order at 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Treadway and Mayor Terry Nolan were present. Council Member Jack Hamilton was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.
 - 4.1. **Presentation by Pamela Pearsall, Yavapai County Assessor, to educate qualified tax payers about property tax assistance programs in Arizona offered through the Assessor's Office.** As approved at the June 7th meeting.

Pamela Pearsall, Yavapai County Assessor, gave a presentation on exemption and programs for constituents in the community. There are disability exemptions, and widower's exemption; a \$200-\$300 credit; Senior Freeze wherein property value, (not taxes) for qualifying seniors is frozen for three-year terms, and can be extended for three year intervals, if guidelines are still met. Ms. Pearsall said that although efforts have been made for a Veteran's disability deduction or program, this as yet has been unsuccessful. Ms. Pearsall is visiting local community meetings to educate on these programs, as the citizens have to contact the Assessor's office to enroll in these programs. A property owner could possibly qualify for more than one program.

Councilmember Repan inquired of Ms. Pearsall what she sees as far as economy and valuation in the upcoming year. Ms. Pearsall said that her office just updated to look at the trend and noted a flat line trend which is typical for an election year, but has heard there is a huge demand, so she expects to see an increase.

Public Comment was taken on this item.

Troy O'Dell spoke to owning property in the Superfund site location; it having influenced his property value negatively. He asked why the property is being taxed at full value if you can't sell or enjoy it?

Ms. Pearsall explained that the EPA furnishes a map to the Assessor's office on what they consider contaminated. The Department of Revenue says that the way to handle this issue is if property in the Superfund site is still considered contaminated it is figured at full market value, as if not contaminated, and then the assessed value is 1% of that. If there is a market response for a property not contaminated that falls within the Superfund area, is figured at 10%, which is the assessed value. If a property is not contaminated but still falls within the Superfund site an appeal can be filed with the Assessor's office who would

research the market response. The EPA provided a map on contaminated properties, it is not discretionary by the Assessor. Ms. Pearsall explained the appeal process; tools for assessing market value; and defined the process for a market stigma adjustment.

5. Town Manager's Report. Update on Current Events. No legal actions can be taken. Council may ask town staff to review an operational matter at this time, or may ask that a matter be put on a future agenda for actions or further discussion. Possible matters and projects are related to Town general administration, Finance, Public Works, Community Development.

5.1. Staff report on Planning and Zoning Commission's recommendation regarding Animal Code 153. Ad Council direction on next steps.

Community Planner/Code Officer (CP/CO) Steven Brown gave an overview stating that the Planning & Zoning Commission reviewed Code 153 and voted to recommend their latest amendments to Council with the following change. First the Planning Commission recommends that farm animals be "permitted uses" rather than "accessory uses" in the R1-; RMM; R1; C1; C2; C3; M1; and M2 zoning districts. Accessory uses would require someone occupying the premises where the animals are being kept; if they are to just be permitted and not as an accessory to the residence then animals could be kept on vacant property without the benefit of someone there to care for them. Staff recommends that animals remain as accessory uses, because of problems with absentee owners and perhaps many times there is a lack of care when there is no one living on the premises to care for them. Staff disagreed with the Commission's recommendation.

Mayor Nolan inquired what CP/CO Brown's recommendation was. CP/CO Brown recommended that the clause remain the same and they remain as accessory uses.

There was discussion amongst Council on situations favoring the recommendation by the Commission and problems with it: grazing uses; care of animals, etc.

CP/CO Brown described that permitted use there are no precursors to their exercising that use. An accessory use is sublimated to the primary use, it has to be accessory to something, many cases that would be a residence. It could also be commercial properties that have sheds, corrals, for the keeping of animals. So those would be considered accessory to the primary use of that property.

CP/CO Brown explained he shared his concerns with the commission, however, the Commission disagreed with him.

Public Comment was taken on this item.

Amy Timmons asked a specific question about use of a vacant property for animals, but being on-site with them; would this not be allowed according to the code?

CP/CO Brown responded with the code's accessory use definition.

Town Attorney Goodwin suggested an agricultural zoning as a response to what she was hearing.

Public Comment - Amy Timmons then spoke to the rural lifestyle of D-H and inquired as to why vacant property has to be contiguous to primary use property.

CP/CO Brown advised the Council that if there was desire to change the existing code that could happen tonight.

Town Attorney Goodwin defined that the Town could have a different agricultural exemption; create a zoning district that would permit these uses; or allow farm animals as

a permitted use as opposed to an accessory use. There are three ways to approach it.

CP/CO Brown commented that the Commission was not unanimous in their recommendation.

Public Comment - Ulys Brooks spoke on problems with property taxes if changing the size of a property.

There was Council consensus to send this matter to a work session.

CP/CO Brown addressed the definition for “Kennel” pointing out contradictory language in the definition recommended by the P & Z Commission regarding the use of the term “solely and primarily”.

Town Attorney Goodwin stated the language would not be able to be enforced as written.

Public Comment - Victoria J. Wendt recommended going with the word primary and taking the word solely out of the kennel definition. Ms. Wendt also spoke of the definition of “household pet” having changed from what was discussed at the 3/22/16 workshop, and the old definition having been put back in the ordinance inquiring if this could be discussed at this time.

Council was unable to discuss this as the subject of “household pet” definition was not on the agenda.

Town Manager Kimball recommended having a meeting with Ms. Wendt to sort this issue out.

Public Comment - Amy Timmons spoke against number limitations regarding animals. Ms. Timmons spoke against delaying this to a future meetings.

Councilmember McBrady recommended the kennel and household pet definitions being put on the same work meeting as the previous issue of the zoning accessory and permitted use.

Public Comment - Amy Timmons asked Council to hold the work session in the evening so she could attend.

Vice Mayor Treadway recommended tackling all these animal ordinance issues at the same meeting.

Public Comment - Dakota Porter asked about the status of exotic pets in the animal code.

CP/CO Brown defined the exotic pet definition and that there were not expected changes regarding this issue.

Public Comment - Mike Simms spoke on Robert’s Rules regarding no motions having been made to have previous issues mentioned placed on future agendas.

Town Attorney Goodwin advised that a motion could be made, but that it was not legally required, due to the nature of the items as listed on the agenda.

Town Manager Kimball asked for clarification on the items to be addressed at further work session. The items included Chapter 153 zoning regulations; Chapter 93 animal related regulations; kennel definition and household pet definition. It was determined to hold this work session on September 13, 2016, at 6:30 p.m.

5.2 Report on EPA Iron King and Smelter Superfund “Assistance Group” quarterly phone call.

Town Manager Kimball reported that this was her first time participating in the quarterly phone conference. TM Kimball included her report in the packet, but shared highlights of the phone call, including her report to the group regarding the successful well water test this fiscal year. TM Kimball spoke to the "Assistance Group" on the Council's letter to Senator McCain regarding the Superfund clean-up process being completed soon. The group sounded surprised that the Council took such a firm action. In preparation for FY16-17 well water testing, TM Kimball asked the group to follow up on the number of wells in Dewey-Humboldt. No one had an answer to that query. CP/CO Brown followed up and it appears there are approximately 2,000 wells in the D-H area; stating the information came from the ADWR well registry, some of the wells may not be currently active but they are tracked.

Public Comment - Amy Timmons spoke that during her campaign efforts she was informed by many citizens that they did not receive well water test results after the last testing.

CP/CO Brown reported that there were a couple individuals that reported not receiving results and they were given the information to contact the lab to follow up. Mr. Brown requested that anyone who did not receive results should contact the Town office.

6. Consent Agenda.

6.1. Minutes. Minutes from the May 17, 2016, Regular Council Meeting.

Councilmember Wright made a motion to approve the minutes from the May 17, 2016, Regular Council Meeting, seconded by Mayor Nolan. It was approved unanimously.

7. Comments from the Public (on non-agendized items only).

Victoria J. Wendt spoke on researching the historical areas in town and gave kudos to Councilmember Alen for her tremendous work in that area.

8. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

8.1. Discussion and possible action regarding a resolution to authorize condemnation of real property located at 13101 E. Phoenix Street, Dewey-Humboldt.

Mayor Nolan recommended moving this item to the end of the agenda as it would require Executive Session and moved on to Item 9.1. CM Repan questioned that a motion may be necessary. Town Attorney Goodwin noted usually, unless there is an objection, if the Mayor wants to take something out of order, it's done, you can also do it by motion, if somebody objects she suggests it be done by motion. CM Repan made a motion to move on to Agenda Item 9.0, seconded by VM Treadway; motion passed unanimously.

9. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Council.

9.1. Fiscal Year 2016-17 Tentative Budget adoption. (total Tentative Budget in the amount of \$4,182,302)

Mayor Nolan recommended a motion to adopt this so it can go to print and Council can continue to work on it.

Vice Mayor Treadway noted that on Page 25 in the 3rd paragraph the former town law firm was noted and should be corrected to the current representation.

Councilmember Repan made a motion to adopt the annual 2016-17 tentative budget, as corrected, CM Alen seconded; motion passed unanimously.

9.2 Codified Resolutions follow-up. Direction from Council on next steps.

Town Clerk Judy Morgan gave an overview of the revisions and recommended creating a policy on the NIMS authorization (National Information Management System) referencing the Council will pursue training in this. Two resolutions could be addressed through a generic ordinance on Private Road Transition policy and Yavapai County Emergency Hazard Mitigation (Emergency Management being provided in conjunction with Yavapai County and Town Officials are trained in that Emergency Management), for awareness of these two issues. There is one resolution that requires a repealing resolution, the contract with Bank of America, noting the Town no longer banks there. If Council gives direction on moving forward on these changes that are recommended, this can be accomplished.

There was Council discussion and questions regarding Resolutions 08-61 and 07-25 which Town Attorney Goodwin clarified and explained that the difference between a policy and an ordinance or something in the code is that policies don't have penalty clauses. You have to adopt penalty clauses by ordinance. If it's a policy it's just a policy, if you want to be able to cite or enforce it when somebody violates, it needs to be an ordinance which would be codified through the code.

Councilmember Repan asked about the timeline of the creation of a policy.

Town Manager Kimball clarified more details about resolutions and repeals noting that Town Council direction was to remove resolutions from the Town Code and cited that policies could be put online. TM Kimball said this is an administrative task, prepared for Council review, and forwarded for attorney review, subsequently returned to Council.

Councilmember Repan made a motion to direct staff to go ahead and make the motions as presented to Council, seconded by Councilmember Wright; motion passed unanimously.

10. Public Hearing Agenda. None.

Council returned to agenda item 8.1 as it was moved to the end of the agenda.

8.1 Discussion and possible action regarding a resolution to authorize condemnation of real property located at 13101 E. Phoenix Street, Dewey-Humboldt.

Mayor Nolan recommended CP/CO Brown give an overview of the circumstances leading to this condemnation process before going into Executive Session.

The complaint originated about an unsafe, unsanitary situation at 13101 E. Phoenix Street. It was determined that an individual was receiving tax bills and paying them for years while the owner of the property had been deceased for many years. The Town had an appraisal done to determine what may be a figure if the property were condemned. That appraisal came in at approximately \$20,000. The Town was advised by Counsel to obtain a litigation guarantee because condemnation was likely and has been obtained. The Town needs this resolution to move to the next step to begin that process.

CM Repan asked if the Town did due diligence trying to find family. CP/CO Brown spoke to the Town Attorney doing a trace on the individual and the litigation guarantee is about trying to find any potential heirs that might raise question during our question.

Public Comment was taken.

Ulys Brooks spoke on knowing the owner of the home and that she had a son, but had no idea of how to find him or if he had family.

TA Goodwin explained to Council that they have exhausted all efforts to locate any heirs. The condemnation route is recommended.

CM Repan made a motion, seconded by CM Wright to go into Executive Session. It was approved unanimously. The Council went into Executive Session at 8:10 p.m.

8.1.1 Recess into and hold an executive session pursuant to A.R.S. Section 38-431.03 (A)(7) Discussion or consultations with designated representative of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located at 13101 E. Phoenix Street, Dewey-Humboldt.

The Executive Session was held.

8.1.2 Reconvene into Open Session.

Council reconvened to Open Session at 9:00 p.m. Mayor Nolan explained Council gave Staff direction on this item in Executive Session.

11. Adjourn. The meeting was adjourned at 9:00 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

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TOWN OF DEWEY-HUMBOLDT
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**TOWN COUNCIL JOINT PLANNING AND ZONING ADVISORY COMMISSION
MEETING**

July 9, 2019 – 6:30 p.m. Town Council Meeting Chambers

To: Mayor, Town Council, Planning and Zoning Advisory Commission
From: Edward L. Hanks, Jr., Town Manager
Date Submitted: July 3, 2019

4.A6. The Dewey-Humboldt Town Code of Ordinances, Title XV, Land Usage Code (the “Code”), contains discrepancies within the Code and/or between the Code and other regulatory documents that make it difficult to understand and follow Code provisions with consistency.

This matter was discussed by the Town Council most recently at its June 11, 2019, Study Session as part of the budget discussions.

At tonight’s meeting, staff is requesting:

- A brief discussion between the Town Council and the Planning and Zoning Advisory Commission (the “Commission”) on the Code, including direction from Council as to prioritization of Code review and analysis;
- The matter be referred to the Planning and Zoning Advisory Commission (the “Commission”) as part of the Commission’s work plan for the upcoming year, for the Commission to review and subsequently recommend Code edits to the Town Council.

Attachments: None

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TOWN COUNCIL STUDY SESSION MEETING

July 9, 2019 – 6:30 p.m. Town Council Meeting Chambers

To: Mayor and Town Council Members
From: Edward L. Hanks, Jr., Town Manager
Date Submitted: July 3, 2019

5.A. On July 1, 2019, Ordinance No. 19-145 became effective, establishing Council Meeting dates as follows:

- Regular Council Meetings – first and third Tuesday of each month at 6:30 p.m.
- Study Sessions – second Tuesday of each month at 6:30 p.m.

Based on Town Code requirements and industry standards, the following are guidelines for the different meeting types.

- **Regular Meetings** – to be held for Council legal action on items, public hearings, proclamations, summaries of current events/community meetings, Town Manager reports, consideration of scheduling additional Special Sessions, and, as needed, Executive Sessions;
- **Study Sessions** – to be held for Council review and discussion of important matters. Council may not vote on matters at Study Sessions. Study Sessions may also be held for joint meetings between the Council and a board, commission, committee or committee or another governmental entity;
- **Special Meetings** – to be held when an agenda item cannot wait until the next Regular Meeting to be voted on or when a law or code requires an item to be considered/adopted at a Special Meeting. Special Meetings cannot be held on the same day as a Study Session.

Within the parameters of the above guidelines, staff is proposing the following for Council Agenda Action Request Forms (CAARFs):

- CAARFs are due to be filed with the Town Clerk no later than 6:00 p.m. on the Friday preceding the Study Session's Agenda Committee meeting, which is typically held the first Monday of each month (excluding legal holidays).
 - Prior to submitting a CAARF, Councilmembers should consult with the Town Clerk and Town Manager to ensure that the wording on the CAARF is acceptable for the agenda (Open Meeting Law considerations). *Note:* as a standard procedure, staff will provide

the proposed agenda language to the Town Attorney for legal review prior to the matter being placed on an agenda.

- As appropriate, CAARFs should be accompanied by background material.
- The CAARF will be added to the first available Study Session agenda after review by the Agenda Committee.
- At the Study Session, the requesting Councilmember will verbally present the CAARF to the Town Council for review and discussion.
- If the CAARF is requesting only a discussion and no outcome, the Council may discuss the matter at the Study Session.
- The Town Council may give general consensus to:
 - **Move the CAARF forward**, in which case it will be studied by staff and added to the first Regular Meeting agenda of the following month for a formal Council vote*;
 - **Not move the CAARF forward**, in which case it will not be studied by staff or presented for a formal Council vote.

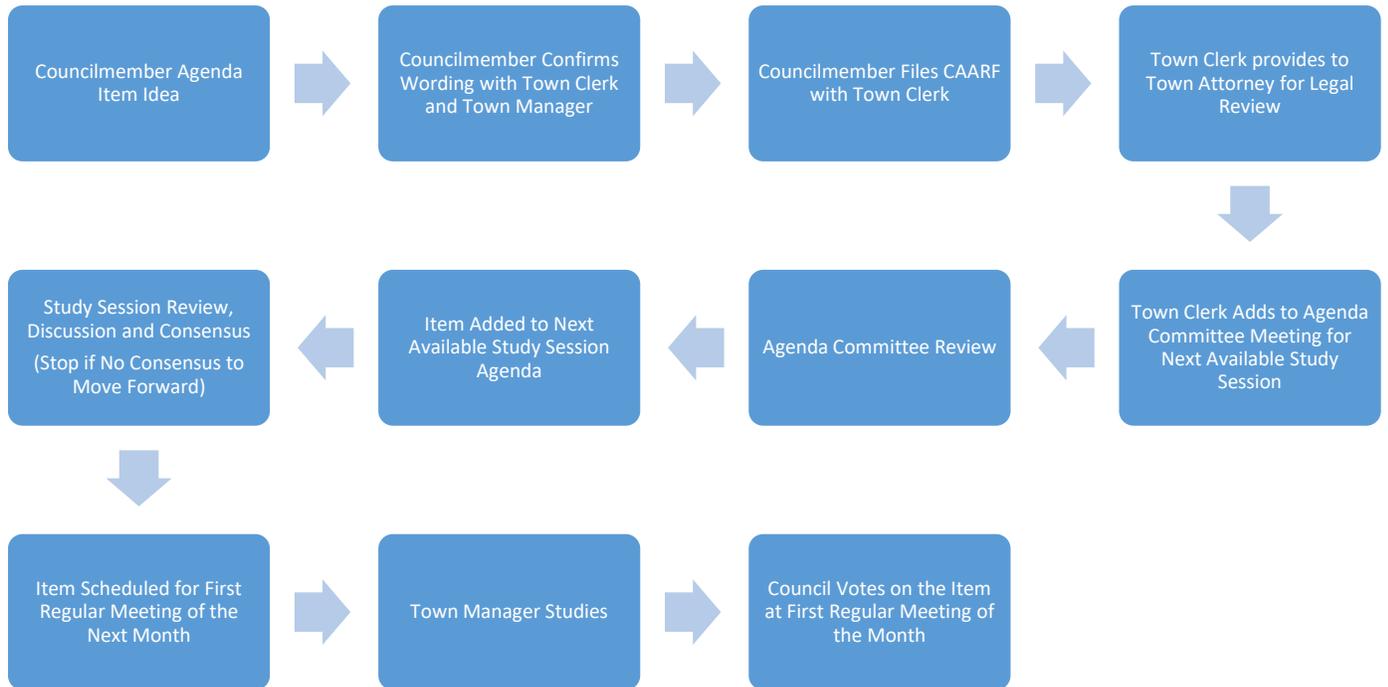
*Depending on the scope of the item and staff time involved, in certain cases the item may not be added to the next Regular Meeting

Should Council provide consensus to proceed at tonight's meeting, this process will go into effect for the next meeting.

Attachments: Proposed CAARF Flowchart



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Sample CAARF Timeframe 1:

Councilmember submits CAARF on Friday, August 2, 2019 →
 CAARF reviewed at Monday, August 5, 2019 Agenda Committee →
 CAARF added to Tuesday, August 13, 2019 Study Session Agenda →
 Item moved forward; added to Tuesday, September 3, 2019 Regular Meeting Agenda

Sample CAARF Timeframe 2:

Councilmember submits CAARF on Friday, August 9, 2019 →
 CAARF reviewed at Tuesday, September 3, 2019 Agenda Committee →
 CAARF added to Tuesday, September 10, 2019 Study Session Agenda →
 Item moved forward; added to Tuesday, October 1, 2019 Regular Meeting Agenda

Sample Timeframe – outside Town Council Presentation Request Form:

Councilmember submits CAARF & Presentation Request on Friday, August 2, 2019 →
 Reviewed at Monday, August 5, 2019 Agenda Committee →
 Added to Tuesday, August 13, 2019 Study Session Agenda →
 Item moved forward; presentation added to Tuesday, September 10, 2019 Study Session Agenda

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TOWN COUNCIL STUDY SESSION MEETING

July 9, 2019 – 6:30 p.m. Town Council Meeting Chambers

To: Mayor and Town Council Members
From: Edward L. Hanks, Jr., Town Manager
Date Submitted: July 3, 2019

5.B. With the passage of the Tentative Budget on June 25, staff has been analyzing the following items and Town needs:

- Addition of a part-time Code Enforcement Officer (approved in the tentative budget);
- Historical community perception of Code Enforcement;
- Incorporation of Firewise into the Town (approved in the tentative budget).

Staff believes that the Community's needs will best be met by the creation of a Community Enhancement Officer within the Community Development Department. Among the Community Enhancement Officer's duties:

- Establish and maintain positive relations in the community;
- Provide community outreach services;
- Serve as liaison to the Town's Firewise Commission (when established);
- Coordinate efforts with local programs such as Country Town Volunteers;
- Respond to code violation complaints by providing solutions:
 - Solutions will vary depending on needs, but may include referral to Country Town Volunteers or charitable organizations;
 - Issue citations only if other options have been exercised
- Assist in grant-writing for the Town, with the initial focus dedicated to community needs and enhancements.

At tonight's meeting, staff is seeking general consensus to proceed in this direction. Should there be consensus, staff will proceed with drafting a position description and recruiting for the position.

Attachments: None