

**PLANNING & ZONING ADVISORY COMMISSION OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE**

**THURSDAY, AUGUST 8, 2019, 6:00 P.M.**

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

## **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**

**A. Pledge of Allegiance**

**3. Roll Call** Commissioners Christina Corbisello, Mario Manzo, Ken Murphy, Lon Ullmann, Vice Chair Jeff Siereveld and Chair Victor Hambrick.

**4. 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.

**5. Town Manager's Update on Current Events and Activities**

No discussion, deliberation or legal action can occur.

**6. 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.

**A. Approval of Meeting Minutes**

**1. Planning and Zoning Meeting of April 4, 2019**

**2. Planning and Zoning Meeting of June 6, 2019**

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## **7. Public Comment on Non-agendized Items**

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.

## **8. Unfinished Business**

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

### **A. Continuation of discussion of 2009 General Plan.**

## **9. New Business**

Discussion and Possible Action on matters not previously presented to the Commission.

## **10. Public Hearing Agenda**

Discussion and Possible Action may be taken.

### **A. Conduct Public Hearing and consider re-adoption of Town of Dewey-Humboldt 2009 General Plan.**

- 1. Staff Report**
- 2. Open Public Hearing and Receive Public Comments**
- 3. Close Public Hearing**
- 4. Council Discussion and Possible Legal Action**

### **B. Conduct Public Hearing on proposal to amend the text of Town of Dewey-Humboldt Zoning Ordinance to amend the uses permitted in the C1 District to add "Museums" to the list.**

- 1. Staff Report**
- 2. Open Public Hearing and Receive Public Comments**
- 3. Close Public Hearing**
- 4. Council Discussion and Possible Legal Action**

### **C. Conduct Public Hearing on request to amend the Town of Dewey-Humboldt zoning map to change the zoning for Assessor's Parcels 402-08-068E, 402-08-068G, 402-08-068K and 402-08-068L from C3 (Commercial and Minor Industrial) to M1 (Industrial; General Limited).**

- 1. Staff Report**
- 2. Open Public Hearing and Receive Public Comments**
- 3. Close Public Hearing**
- 4. Council Discussion and Possible Legal Action**

## **11. Adjourn**

**For Your Information:**

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

Next Town Council Meeting: Tuesday, September 3, 2019 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, September 5, 2019 at 6:00 p.m.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 928-632-7362 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 \_\_\_\_\_ day 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](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Tim Mattix, Town Clerk.

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**TOWN OF DEWEY-HUMBOLDT  
PLANNING AND ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
APRIL 4, 2019**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, APRIL 4, 2019 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, COMMISSIONER VICTOR HAMBRICK PRESIDED.**

**1. Call To Order.** Commissioner Victor Hambrick called the meeting to order at 6:02 p.m.

**2. Opening Ceremonies**

**A. Pledge of Allegiance** Led by Commissioner Jeff Siereveld.

**3. Roll Call** Commissioners Victor Hambrick, Mario Manzo, Ken Murphy and Jeff Siereveld were present. Commissioner Lori Crofutt arrived late to the meeting at 6:13 p.m. Commissioner Lon Ullmann arrived late to the meeting at 6:25 p.m.

**4. Swearing In of Possible New Members**

Commissioner Hambrick stated that Commissioner Manzo has already been sworn in.

**5. Election of Officers**

Commissioner Murphy nominated Commissioner Siereveld for Chair. Commissioner Siereveld thanked Commissioner Murphy, but declined the nomination. Commissioner Siereveld nominated Commissioner Hambrick for Chair. Commissioner Hambrick accepted the nomination, seconded by Commissioner Murphy. The motion passed unanimously.

Chair Hambrick nominated Commissioner Siereveld as Vice Chair, seconded by Commissioner Murphy. The motion passed unanimously.

**6. Informational Reports**

Planning Consultant Steven Brown stated that later in the agenda there is an item to vote to send a representative from the Commission to the Council to talk to them about providing the Commission with a work list. Chair Hambrick asked if we needed to add that to the Council's agenda. PC Brown said we will get it on the Council's agenda. Chair Hambrick stated we need to pick a date to make sure someone is available.

**7. Town Manager's Update on Current Events and Activities**

None.

**8. Consent Agenda**

PC Brown stated there are no minutes at this time; they will be on the next meeting agenda.

**9. Public Comment on Non-agendized Items**

None.

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

**A. Discussion and possible action on Council-referred analysis of Section 153.086 (13) (a-g) Outdoor Storage, Steel Storage Containers.**

PC Brown stated this is an item that was brought forward from the March 7th Planning & Zoning meeting. He suggested to go through each item (a-g) one at a time. He said that at the Council meeting in February they voted unanimously to direct this to the P & Z Commission. Copies of the Code from Yavapai County and Prescott Valley is included for your reference. Chair Hambrick asked if this Code is the same as Yavapai County. PC Brown stated it is very similar. Chair Hambrick stated that the intent is the same on all of them. PC Brown said yes, and the requirements are the same as well. Chair Hambrick stated that we should go through each item one by one.

Chair Hambrick read the definition of item (a) An approval letter from the Zoning Administrator is obtained prior to placement of the unit, and asked if anyone had any comments. There were no comments.

Chair Hambrick stated about 75% of the parcels in Dewey-Humboldt don't meet the requirements to have a storage container. PC Brown said there is a large portion of the community that is in the R1L District (Residential; Single Family Limited) which is the most restrictive zoning and does not allow storage containers. The only place where storage containers are permitted is in the RMM District (Residential; Multi-Sectional Manufactured Homes). Chair Hambrick asked if we should take the restriction out of the R1L District. PC Brown said he would take storage containers out of the RMM District and add storage containers as a permitted use in the R1L District. Chair Hambrick stated they would be permitted there as long as they met all of the other criteria.

Chair Hambrick read the definition of item (b) Containers shall meet the minimum yard requirements of the primary structure in the applicable density district as well as building separation and lot coverage requirements, and asked if anyone had any questions or comments. There were no questions or comments.

Chair Hambrick read the definition of item (c) All containers shall be painted and maintained either the primary structure color or an earth tone consistent with the surrounding terrain prior to placement, and asked if anyone had any concerns or questions. Commissioner Manzo asked if these are permanent or temporary storage containers. PC Brown stated there are both types of installations that occur, but a permanent one would require a building permit because they might require utilities.

Chair Hambrick read the definition of item (d) Any electrical service to comply with applicable adopted building codes and other town codes, and asked if anyone had any comments. Vice Chair Siereveld asked about the provision of adding electricity. PC Brown stated the provision of electricity would require a building permit, making it a permanent structure. There was further Commission discussion regarding the addition of electricity.

Commissioner Manzo asked if this is limited to one container. PC Brown stated they are currently restricted to one per residential property.

Commissioner Crofutt asked if putting it on concrete makes it permanent. PC Brown stated the Building Official determines whether it is permanent or not.

Chair Hambrick read the definition of item (e) No residential unit to exceed eight feet by 20 feet, and asked if anyone had any comments. PC Brown stated the only rationale, for limiting the number, was esthetic.

Chair Hambrick stated that under the building code you can only have so much density, or coverage of a lot with structure sizes. He made a motion to strike (e) out of the definitions and let that be managed by the lot coverage requirements. He said since this is a structure of some type, we can manage the esthetics and the safety of everything, without limiting the number of containers, and let the building code take care of that. There was further Commission discussion regarding removing (e) from the conditions. Commissioner Murphy seconded the motion. The motion passed unanimously.

Chair Hambrick read the definition of item (f) Minimum residential use parcel size is two acres, and asked if anyone had any comments. Chair Hambrick stated item (f) falls under the exact same category that they just discussed and asked someone to make a motion to remove it. Commissioner Murphy made a motion to remove item (f), seconded by Vice Chair Siereveld. The motion passed unanimously.

Commissioner Ullmann made a motion that he was noticed at 12:15 p.m. today of this meeting and that means we are in violation of the Open Meeting Act of the State of Arizona and made a motion to adjourn. PC Brown spoke that we have complied with all of the requirements of the Open Meeting Law.

Chair Hambrick stated item (g) Only one unit per residential parcel fell under the same recommendation. Commissioner Crofutt made a motion to remove item (g), seconded by Chair Hambrick. The motion passed unanimously.

Chair Hambrick read the definition of item (h) Any unit not able to meet the foregoing performance criteria will require a use permit prior to permitting and installation. Temporary uses of such containers (up to two years) can be administratively approved in conjunction with approved construction/remodeling projects. PC Brown stated this is for temporary for building materials or home materials for storage. Chair Hambrick made a motion to strike the last sentence, seconded by Commissioner Manzo. The motion passed unanimously.

PC Brown recommended to amend Section 153.036 R1L District, which is the description of that District, to add cargo containers as permitted uses in this and all less restrictive Districts.

Commissioner Crofutt asked where does it show lot sizes. PC Brown stated it is on page 4. He said items (e), (f) and (g) were removed in their entirety and item (f) is where it stated parcel size. Chair Hambrick made a motion to amend Section 153.036 to add cargo containers as permitted uses in this and all less restrictive Districts, seconded by Commissioner Crofutt. The motion passed unanimously. Chair Hambrick stated we are trying not to duplicate rules that contradict each other.

Chair Hambrick spoke that there was a member of the Commission that arrived late and made a motion. Chair Hambrick asked if there was a second for Commissioner Ullmann's motion. The motion was not seconded.

### **Public Comment**

Leigh Cluff stated that Commissioner Ullmann arrived at 6:25 p.m. Chair Hambrick wanted to make note that Commissioner Ullmann, who wanted to postpone the meeting, arrived late well into the meeting.

**11. New Business** Discussion and Possible Action on matters not previously presented to the Commission.

**A. Discussion of Commission Potential Work List Request of Council.**

Chair Hambrick asked if we have any new business. PC Brown spoke that we are looking for some discussion from the Commission of a potential work list to present to Council. The Chairman, or another representative from the Commission, would go to the Council to talk to them about what their needs are for the coming year and a work list would be generated from that meeting. Chair Hambrick asked if that had to be in a public meeting. PC Brown stated historically it has been an item on the agenda.

Vice Chair Siereveld asked about previous requirement that the Commission was supposed to review the General Plan and if that is still required. PC Brown stated the Council is likely going to wait until they have their new Town Manager on board, but it is still a process that needs to take place.

Chair Hambrick asked to have Staff look at some upcoming dates and let us know what is available.

Chair Hambrick asked if Staff could get clarification from Legal Counsel regarding this meeting being in violation. PC Brown stated he would have an update for the Commission at an upcoming meeting.

**12. Public Hearing Agenda**

None.

**13. Adjourn**

Chair Hambrick adjourned the meeting at 6:41 p.m.

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Chair Victor Hambrick

ATTEST:

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Beth Evans, Administrative Assistant II

**TOWN OF DEWEY-HUMBOLDT  
PLANNING AND ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
JUNE 6, 2019**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING ADVISORY COMMISSION WAS HELD ON THURSDAY, JUNE 6, 2019 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE CHAIR JEFF SIEREVELD PRESIDED.**

1. **Call To Order.** Vice Chair Jeff Siereveld called the meeting to order at 6:15 p.m.
2. **Opening Ceremonies.**
  - A. **Pledge of Allegiance** Led by Vice Chair Jeff Siereveld.
3. **Roll Call.** Commissioners Ken Murphy, Mario Manzo, Lon Ullmann and Vice Chair Jeff Siereveld were present. Commissioner Lori Crofutt and Chair Victor Hambrick were absent.
4. **Informational Reports.**

Planning Consultant (PC) Steven Brown stated that some zoning hearings were rescheduled due to information that came to light about the re-adoption of the Town's 2009 General Plan and the need to backfill process.
5. **Town Manager's Update on Current Events and Activities.**
  - A. **Discuss the reasons for rescheduling the two upcoming zoning hearings**

No discussion.
6. **Consent Agenda.**
  - A. **Approval of Meeting Minutes**
    1. **Planning and Zoning Meeting of May 9, 2019**

Commissioner Murphy made a motion to approve the Minutes from the May 9, 2019 Planning & Zoning Advisory Commission (Commission) Regular Meeting, seconded by Commissioner Manzo. Vice Chair Siereveld called for the vote on the motion: Commissioner Murphy – aye; Commissioner Manzo – aye; Commissioner Ullmann – aye; Vice-Chair Siereveld – aye. The motion passed unanimously.
7. **Public Comment on Non-agendized Items.**

None.
8. **Unfinished Business.** Discussion and Possible Legal Action may be taken.
  - A. **Continuation of discussion of 2009 General Plan.**

PC Brown stated that at the last meeting, Commissioners were asked to review the introduction and land use sections of the 2009 General Plan (the "Plan"). He stated that he was prepared to answer any questions.

Commissioner Ullmann asked what Town Vision 2028 is; PC Brown responded that it is the guiding vision for the planning effort, and the thought was for the Town to be developed in compliance with it. Commissioner Ullmann asked if the Town Vision 2028 is included in the Plan. Staff retrieved copies of the Plan and will get back to Commissioner Ullmann's question later in the meeting. PC Brown continued that planning efforts ordinarily begin with a visioning, an overarching statement of the community's vision for the future.

Commissioner Manzo stated that the land use element references future development, and asked what development is being referenced; PC Brown responded that it relates to any development that may occur. Commissioner Manzo asked about any future plans for a shopping center or store; PC Brown responded that there are no active development plans, and that the Town does not currently have an economic development entity. The direction that the Town wants to go with economic development will probably be part of what is discussed in updating the Plan. Commissioner Manzo asked who the entity would be; PC Brown responded that economic development entities are usually established by Council, who appoint members to explore economic development opportunities and impediments, set the tone for the level of development that is wanted, and identify how to improve infrastructure to encourage it.

Commissioner Manzo stated that there was a plan in 2009 for a shopping center with a Safeway and other stores; PC Brown stated that it was part of the proposal for the Young Farms property. In reading the proposal's history, it came to a point where the community was not satisfied with what was being proposed, and the Town Council did not approve the PAD. Commissioner Manzo stated that he is a proponent of having at least one place to shop in the Town; he does not want to over-develop, but is sure that the community would want to shop in the Town, rather than going to Prescott Valley. A development like that would improve property values and give the Town more money for services. PC Brown stated that there are divergent views on the subject; it is an issue that will be in the Plan update. Commissioner Manzo stated that he does not know what authority the Commission has to pursue development; PC Brown responded that the Commission sets the stage by the policies, goals and objectives that are adopted and established. Without a vision, goals, and objectives to foster economic development, it won't happen.

Commissioner Manzo stated that he understands there will be a housing development along Highway 69; PC Brown stated that there is nothing being actively proposed. In the past, individuals have shared concepts with the Town Council about the Mortimer Farms property; there could be room for a mix of uses. Commissioner Manzo stated that he would like to be involved in it. PC Brown stated that the Town Council has decided that the Town will update and adopt a new General Plan, which will involve a lot of public participation and opportunities to share input. A steering committee will be needed to help channel the work of consultants and staff. The new General Plan will need to be adopted in the next three years. Commissioner Manzo stated that he would like to see a petition, to see how many people in the Town would be interested; PC Brown suggested that a better way would be to get involved in a plan that supports that type of activity.

PC Brown, responding to Commissioner Ullmann's earlier question, stated that the vision starts on page 2 of the Plan. The vision tries to describe the next 20 years and should serve as a backdrop for establishing goals and objectives to help achieve that vision. Commissioner Ullmann wondered how many have changed in the ten years since it was adopted; PC Brown stated that the Commission can start to go through them at tonight's meeting. Commissioner Ullmann stated that he had read through it; it seems consistent with the feeling that he has had since he has been in the Town.

Commissioner Ullmann said this will require a lot of input from citizens to find out the community's vision. PC Brown stated that is ratifying the vision in the Plan. Every plan update that he has been involved in started with an evaluation and appraisal of the existing plan, to find what is working. The focus in updating the Plan needs to be on things that are not working, or that are not in the plan. Some of the Plan may no longer be current, and the Town needs to re-examine some goals and objectives to make sure they still fit the direction that the

community wants to go. That will be part of the public participation process. PC Brown envisions a consultant overseeing a number of meetings hosted by a committee of community stakeholders (business, education, realty industry, etc.), going through the Plan one section at a time and finding what currently works, what isn't working, and what was missed the first time. That will give a worklist of things that need to be done to update the plan so that it does what the community wants. He recommends doing an appraisal of the existing plan.

Commissioner Manzo asked about the population; PC Brown stated that the population is just over 4,000. It was less than 4,000 until he worked on the annexation of the northern 200-foot strip; when the Town first incorporated, the Town's northern boundary fell 200 feet short of Prescott Valley's southern boundary. This split a number of properties; the annexation brought in over 200 people, putting the population over 4,000. With a population of over 4,000, the Town passed a mark in state-shared revenue, increasing the ability to provide services.

Vice Chair Siereveld referenced the Plan, which states, "Preventing strip commercial development along major roadways." He is unsure of how the Town would bring in tax revenue without bringing in businesses. PC Brown stated that there are better ways to do commercial development, such as commercial nodes, where there is shared parking and access, and is more controlled. Some areas along Highway 169 are zoned commercial but are only about 150-200 feet depth; commercial development requires more depth for service behind the buildings and parking. The Commission could look at impediments to development, such as this. The idea was to have commercial along Highway 169, but it was zoned enough for development to occur. As it currently is, someone would need to come in and individually propose to extend the zoning. The Town could decide in the Plan to look at some major intersections, which have access and property depth to create economic development activities.

Vice Chair Siereveld asked about three specific buildings [3546, 3650 and 3692 South State Route 69]; PC Brown responded that they are in the Town and will be on the Commission's next meeting agenda, as there is a proposal to rezone them to M-1. Vice Chair Siereveld spoke about losing businesses to Prescott Valley in 2008, and asked if there is any revenue coming to the Town from Mortimer Farms. PC Brown stated that Mortimer Farms pays transaction privilege tax on special events, such as the pumpkin festival and the corn festival.

Commissioner Manzo asked if Yavapai Steel and surrounding businesses are in the Town; PC Brown stated that they are in either the County or Prescott Valley. Prescott Valley has property on the north side of Highway 169 and will be putting in a roundabout at Highways 69 and 169, and plans for another one in along Highway 169, which could provide access to the south and north for development in Dewey. The bridge in that area will not be a roundabout; the roundabout will be this side of the bridge.

Commissioner Ullmann stated that roundabouts started on the east coast, and because of high accident rates, are being taken out. He asked why they are being brought in when they've proven to be less than great. PC Brown stated that the Arizona Department of Transportation would disagree; data that he has seen indicates that accidents on roundabouts are mostly glancing blows, rather than fatalities or injury accidents. PC Brown was Community Development Director in Clarkdale when five roundabouts were brought in; from the data and information he has learned, he believes that roundabouts are better.

PC Brown asked the Commission to review the Plan's circulation element prior to the next Commission meeting, at which it will be discussed. He asked Commissioner Manzo, who will be out of town during the next meeting, to share any comments before he leaves; PC Brown will then share it with the rest of the Commission.

9. **New Business.** Discussion and Possible Action may be taken.

**A. Reschedule July 4, 2019 P&Z meeting for July 5, 2019**

PC Brown stated that Chair Hambrick wanted to ask the Commission about having the next meeting on July 5, 2019. Commissioner Manzo will be out of town, but Commissioner Ullmann and Vice Chair Siereveld will be available.

**B. Schedule a joint meeting with P&Z and Town Council for discussion on P&Z Work List**

PC Brown stated that he had left copies of the work list at the dais for the Commissioners to review. The list he provided was worked up a couple of years ago; some of the projects are still valid. He asked Commissioners to bring up anything that they would like to work on for the Town Council to consider. The joint meeting was tentatively scheduled for the Town Council's next Study Session, on July 9; PC Brown will confirm the date with the Commission.

**10. Public Hearing Agenda.**

None.

**11. Adjourn.**

Commissioner Manzo made a motion to adjourn, seconded by Commissioner Murphy. Vice Chair Siereveld called for the vote on the motion: Commissioner Murphy – aye; Commissioner Manzo – aye; Commissioner Ullmann – aye; Vice-Chair Siereveld – aye. The motion passed unanimously. The meeting was adjourned at 6:45 p.m.

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Vice Chair Jeff Siereveld

ATTEST:

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Timothy A. Mattix, Town Clerk



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

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# Staff Report

## Planning and Zoning Advisory Commission Meeting

### August 8, 2019

**Date:** July 24, 2019

**To:** Planning and Zoning Advisory Commission Members

**From:** Edward L. Hanks, Jr., Town Manager

**Public Hearing Items:**

**ITEM #10.A: Conduct Public Hearing and consider re-adoption of Town of Dewey-Humboldt 2009 General Plan.**

**I. BACKGROUND**

The 2009 General Plan was re-adopted by Council at the November 20, 2018 Regular Meeting following a public hearing. However, another public hearing scheduled at the November 8, 2018 meeting of the Planning and Zoning Commission did not take place due to the lack of a quorum and the meeting being cancelled.

State Statute in Section 9-461.06. "[Adoption and amendment of general plan; expiration and re-adoption](#)" stipulates that public hearings are required to be held by the Planning Commission and the Town Council on the proposed amendment or re-adoption of any general plan.

The Town consulted our attorney on the need to initiate a new set of hearings in order to correct the apparent defect in the process. Our attorney advised that the statute was unclear in some respects with regard to this issue, and therefore could not definitively advise the Town.

In light of those facts, and in the interest of erring on the side of caution, a set of hearings were properly advertised, Citizen Participation meetings scheduled, notices properly posted and published. The meeting this evening provides the opportunity to conduct the public hearing, which we believe is mandated by State Statute, before the Planning and Zoning Commission. Following the public hearing held this evening, the Planning and Zoning Commission will make a recommendation to the Town Council for consideration when they hold their public hearing on the issue on September 3, 2019.

The statutory language referenced herein is provided below for your reference.

*D. At least sixty days before the general plan or an element or major amendment of a general plan is noticed pursuant to subsection E of this section, the planning agency shall transmit the proposal to the planning commission, if any, and the governing body and shall submit a copy for review and further comment to:*

1. *The planning agency of the county in which the municipality is located.*
  2. *Each county or municipality that is contiguous to the corporate limits of the municipality or its area of extraterritorial jurisdiction.*
  3. *The regional planning agency within which the municipality is located.*
  4. *The Arizona commerce authority or any other state agency that is subsequently designated as the general planning agency for this state.*
  5. *The department of water resources for review and comment on the water resources element, if a water resources element is required.*
- E. If the municipality has a planning commission, after considering any recommendations from the review required under subsection D of this section the planning commission shall hold at least one public hearing before approving a general plan or any amendment to such plan. When the general plan or any major amendment is being adopted, planning commissions in municipalities having populations over twenty-five thousand persons shall hold two or more public hearings at different locations within the municipality to promote citizen participation. Notice of the time and place of a hearing and availability of studies and summaries related to the hearing shall be given at least fifteen and not more than thirty calendar days before the hearing by:*
1. *Publication at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, the notice shall be posted in at least ten public places in the municipality.*
  2. *Such other manner in addition to publication as the municipality may deem necessary or desirable.*
- F. Action by the planning commission on the general plan or any amendment to the plan shall be transmitted to the governing body of the municipality.*
- G. Before adopting the general plan, or any amendment to it, the governing body shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection E of this section.*

## **II. STAFF RECOMMENDATION**

Staff recommends that, following the Public Hearing, the Planning and Zoning Commission vote to recommend to Council they approve the Re-Adoption of the Town of Dewey-Humboldt 2009 General Plan for a period of three years from May 19, 2019.

**ITEM #10.B: Conduct Public Hearing on proposal to amend the text of Town of Dewey-Humboldt Zoning Ordinance to amend the uses permitted in the C1 District to add “Museums” to the list.**

**I. BACKGROUND**

The Town Council has directed Staff to prepare a request to amend the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Section 153.042 C1 District (Commercial; Neighborhood Sales and Services); Paragraph (B) to add new Paragraph (17) to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**(17) MUSEUMS**

The Town initiated this text amendment to allow Museums as permitted uses in the C1 District. The proposal, if approved, would add MUSEUMS to the C1 District (Commercial; Neighborhood Sales and Services). It would also permit MUSEUMS in the C2 District (Commercial; General Sales and Services) and the C3 District (Commercial and Minor Industrial).

**II. STAFF RECOMMENDATION**

Staff recommends approval of this proposal.

**ITEM #10.C: Conduct Public Hearing on request to amend the Town of Dewey-Humboldt zoning map to change the zoning for Assessor’s Parcels 402-08-068E, 402-08-068G, 402-08-068K and 402-08-068L from C3 (Commercial and Minor Industrial) to M1 (Industrial; General Limited).**

In accordance with Section 153.022 of the Town of Dewey-Humboldt Zoning Regulations, this application is proposed to change the zoning map to change the designated zoning district for Assessor’s Parcels numbered:

402-08-068E, 402-08-068G, 402-08-068K and 402-08-068L

from C3 (Commercial and Minor Industrial) to M1 (Industrial; General Limited)

The total area of the parcels under consideration is 10.86 acres. The property is located at 3546, 3600, 3650 and 3692 South State Route 69, in the Town of Dewey-Humboldt.

**I. BACKGROUND**

The applicants are the owners of four tracts of land near the southern boundary of the Town of Dewey-Humboldt with access from State Route 69. It is the applicant’s belief that the current C3 zoning is hindering their ability to market his properties, and thus have requested to change the zoning for their property from C3 (Commercial and Minor Industrial) to M1 (Industrial; General Limited).

Staff points out that these properties are adjacent to existing M1 zoning. They share an access with other properties from State Route 69, limiting transportation conflicts and no new improvements are proposed. The industrial development on this M1 zoning would be subject to less traffic than a commercial use would likely generate.

**II. STAFF RECOMMENDATION**

Staff has no objections to raise regarding this proposal.

**Citizen Participation Report**  
**Re-adoption of the Town of Dewey-Humboldt 2009 General Plan**

Town of Dewey-Humboldt Town Code Section 153-023 stipulates that the applicant shall provide a written report on the results of his or her citizen participation effort prior to the notice of public hearing. This report will be included in the information provided to the Planning and Zoning Commission by the Zoning Administrator at the public hearing on the matter.

- Details of techniques the applicant used to involve the public, included:
  - Citizen Participation Meetings noticed and held on the following dates, times and locations:
    - Wednesday, June 12, 2019, at 4:30 p.m. at Town Hall Council Chambers at 2735 S. State Route 69 in Dewey-Humboldt.
    - Wednesday, June 19, 2019, at 4:30 p.m. at Town Hall Council Chambers at 2735 S. State Route 69 in Dewey-Humboldt.
  - Notice of both these meetings was published as a 1/8 page display ad, in the Prescott Courier on May 31, 2019.
  - Notice was posted on three (3) crier boards located at strategic locations within the community on May 31, 2019.
  - On June 5, 2019, notice and copies of the 2009 General Plan were mailed along with a copy of the notice for the two Citizen Participation Meetings to the following agencies:
    - Northern Arizona Council of Governments
    - Arizona Department of Water Resources
    - Yavapai County Development Services Department
    - Town of Prescott Valley Development Services Department
    - Arizona Department of Commerce
  - The number of people that participated in the process in each of the Citizen Participation Meetings is:
    - June 12, 2019 attendance was: 0
    - June 19, 2019 attendance was: 2
  - The following is a summary of concerns, issues and problems expressed during the process, including:
    - The question was asked, whether the circumstances have left the Town with a General Plan in place as of this evening.
    - Staff indicated that the circumstances were such that the 2009 General Plan had expired.
    - It was pointed out that there was a sentence that had been removed from the Vision on page 2, after the adoption of the General Plan initially, that still appeared in the text;
    - Staff indicated that note would be made of this oversight and pointed out to the editors during the update of the General Plan.

## **Citizen Participation Report** **Zoning Code Amendment**

Town of Dewey-Humboldt Town Code Section 153-023 stipulates that the applicant shall provide a written report on the results of his or her citizen participation effort prior to the notice of public hearing. This report will be included in the information provided to the Planning and Zoning Commission by the Zoning Administrator at the public hearing on the matter.

- Details of techniques the applicant used to involve the public included:
  - Citizen Participation Meeting noticed and held on the following date, time and location.
    - Wednesday, May 29, 2019, at 4:30 p.m. at Town Hall Council Chambers at 2735 S. State Route 69 in Dewey-Humboldt.
  - Notice of this meeting was published as a 1/8 page display ad, in the Prescott Courier on May 16, 2019.
  - Notice was posted on three (3) crier boards located at strategic locations within the community on May 16, 2019.
  - On June 5, 2019, a copy of the notice was mailed to the following agencies:
    - Northern Arizona Council of Governments
    - Arizona Department of Water Resources
    - Yavapai County Development Services Department
    - Town of Prescott Valley Development Services Department
    - Arizona Department of Commerce
  - The number of people that participated in the process of the Citizen Participation Meetings is:
    - May 29, 2019 attendance was: 1
  - There were no comments, issues or concerns raised with the proposal.

## **Citizen Participation Report** **Re-Zone from C3 to M1**

Town of Dewey-Humboldt Town Code Section 153-023 stipulates that the applicant shall provide a written report on the results of his or her citizen participation effort prior to the notice of public hearing. This report will be included in the information provided to the Planning and Zoning Commission by the Zoning Administrator at the public hearing on the matter.

- Details of techniques the applicant used to involve the public, included:
  - Citizen Participation Meeting noticed and held on the following date, time and location:
    - Thursday, May 23, 2019, at 1:00 p.m. at Town Hall Council Chambers at 2735 S. State Route 69 in Dewey-Humboldt.
  - Notice of the meeting was mailed to all property owners within 300 feet of the subject property, based on a list provided by the Town of Dewey-Humboldt.
  - The number of people that participated in the process at the Citizen Participation Meeting was:
    - May 23, 2019 attendance was: 1
  - The following is a summary of concerns, issues and problems expressed during the process, including:
  - There were no comments, issues or concerns raised with the proposal.