AGENDA
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE COUNCIL CHAMBERS
THURSDAY APRIL 7, 2011
6:30 PM

Because All Commission meetings will end at 9 PM, any remaining agenda items will be heard at the next Commission meeting.

A majority of Town Council may be present at this meeting.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
   a. **Approval of Minutes:**
      March 31, 2011 Special Session
   b. **Set Next Meeting, Date and Time:**
      As needed
5. **Call to the Public for Items not on the Agenda**
   (Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Commission from taking any action on items not on the agenda, except to set them for consideration at a future date.)

6. **Public Hearing, Discussion, Consideration and possible recommendation to Council for proposed revisions to the Planning and Zoning Ordinance and Subdivision Regulations.**

There will be no Public input on the following items:

7. **Commission Informational Reports**: Individual members of the Commission may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Commission will take no discussion, consideration, or action on any such item, except that an individual Commission member may request an item be placed on a future agenda.

8. **Staff**
9. **Adjournment**

Please note: The Planning and Zoning Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with The Community Development Department prior to a meeting for copies of supporting documentation, if any that were unavailable at the time agenda packets were prepared.

Posted by: J Owens Date/Time: 3-31-2011 2:00PM

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

MINUTES DRAFT
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE COUNCIL CHAMBERS
THURSDAY MARCH 31, 2011
6:30 PM

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Commission motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion

1. **Call to Order**
The meeting was called to order at 6:30 p.m. by Vice Chairperson Norton.

2. **Roll Call**
Vice Chairperson Norton, Commissioners Hisrich, Buchanan, Parrish, Freeman and Hough were present; Chairperson Butner arrived at 6:33 p.m.

Also Present: Mayor Bob Burnside, Town Manager Russ Martin, Acting Community Development Director Mike Jenkins, Asst. Planner Jenna Owens and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Freeman.

4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
   a. **Approval of Minutes:**
   March 03, 2011 Special Session
   b. **Set Next Meeting, Date and Time:**
   As Needed

Commissioner Hough requested that the "Set Next Meeting, Date and Time be changed to "As Needed".
On a motion by Hough, seconded by Hisrich, the Consent Agenda was unanimously approved as presented.

Chairperson Butner arrived at 6:33 p.m. and presided over the remainder of the meeting.

5. **Call to the Public for Items not on the Agenda**
There was no public input.

Asst. Planner Owens shared the sad news that John Reddell had passed away, and commented on his many years of service to the Town of Camp Verde.

6. **Public Hearing, Discussion, Consideration and possible recommendation to Council for proposed revisions to the Planning and Zoning Ordinance and Subdivision Regulations.** May include discussion on an addendum regarding Medical Marijuana.
There was no action taken.

Town Manager Martin spoke about how he had become involved and then immersed in the Code re-write project together with the Commissioners, adding that he has worked with staff extensively, has had influence on the draft, and accepts ownership in the draft document before the Commission. Martin said that he hopes the Commissioners also feel that they share in the ownership, they have spent the time and have earned it. Martin believes that the document will be much more workable than the previous one, and the

members should be proud of it. Also, it should be much easier to correct possible problems with this document that may come up. If criticisms or complaints arise they should be dealt with immediately so that confidence in the document can continue through the coming years. The draft before the Commission is a better document than what was on hand at the beginning of this year, and Martin said he will remain an active player in the Commission's review this evening.

The Commission review commenced with Part One, and following are some suggested changes as discussed and agreed upon:

PART ONE. INTRODUCTION: First Paragraph: (References to "Development Guidance System" made in error.)

Page 2, Section 101 – PURPOSE – Second paragraph: (Reference to "Development Guidance System" made in error.)

Page 2, Section 102 - B. Nonconforming Uses and Structures: (In part): 6 lines up: "....of such prior provision of law...."

Page 3, Section 102 – B.1.c.: (In part): "....constitutes a threat to the health, safety **or** welfare.." (Change should be consistent throughout other documents.)

Page 5, Section 102 – 5.c.: (In part): "....Such evidence shall be written."

Page 6, (first paragraph, last line): (In part): ".....higher or more restrictive, the **latter** shall control."

Page 6, AGRITOURISM: (Commissioner Freeman will consult with the Verde Valley Agricultural Coalition, as well as other sources, to seek input for a broader definition that will better suit the Town of Camp Verde.)

Page 13, GRAFFITI: (Follow each reference to "Graffiti" with citation: "**See Town Code Section 10-2.")**

Page 17, NUISANCE: (Follow each reference to "Nuisance" with citation: "**See Town Code Section 10-2**.")

Referring to the definition of "Grading," the Commission discussed at length the issue of development, either mining or grading, with Jenkins explaining the difference between a grading or mining permit.

PART TWO, **Zoning Classifications**, was next addressed, with Martin explaining the chaining theory that had been used in the past, and the simplification now in place, having been completed in a systematic and comprehensive manner, that includes language so that each zone stands alone. Martin pointed out that one of the compelling reasons for the change was because of the medical marijuana situation and the need for specificity as to where that will be allowed. Martin also cited other examples of how interpretation of the zoning requirements has been simplified. A suggestion was made to remove religious institutions from the R Districts and put in Commercial. After discussion, Martin said he would look into the protections mandated by the Supreme Court and what the County is seeking to change or accomplish in that area, in order to consider moving in the same direction as the County. In summary, it was agreed to coordinate the location of religious institutions in terms of Camp Verde Zoning Ordinance with the location of religious institutions as enunciated in the County Zoning Ordinance.

With input from Martin, the members discussed Paragraph 2.e. on Page 31, regarding a suggestion to set a minimum area to dedicate for Open Space. Martin recommended not requiring a specific minimum amount of Open Space at this time, but to leave the requirement flexible in order to negotiate Open Space to accommodate a density that

would better benefit the community or the development.

Following a query from the public regarding the issue of Medical Marijuana and Dispensaries, the members next addressed the proposed Addendum prepared by staff. Jenkins gave a comprehensive summary of the history of Proposition 203, the "Arizona Medical Marijuana Act," its provisions, restrictions and regulations. On May 1, 2011, the Arizona Department of Health Services is scheduled to begin to accept applications for Dispensary Registration Certificates; however, Jenkins said that the Town is not obligated to meet that specific date as well. Jenkins displayed a map that indicated C-2 zoned areas or possible locations for the activities, including those preferred by the Town Marshal, for review and discussion. Martin pointed out that the State has set out all the rules of operation. He said he believes that, for example, the role of the Commission is to know where the Town wants those uses to be located, and the members should drive around the community, check suitable buildings for growing activities and in which zones they are situated. The applicants have to deal with the complications in getting through the State requirements; It should be a fairly simple process for the Town to concentrate on suitable locations and zoning. After further consideration, it was generally agreed that more information should be brought forward in order to make a recommendation as to zoning and location of facilities.

The members discussed further with Mr. Hintz his understanding of being able to cultivate marijuana in the dispensary; the law does not say that one can cultivate in the dispensary; State law says that cities can pass reasonable zoning restrictions. Butner said it appears that the Commission has no problem with having the one dispensary in C-2, but not allowing multiple cultivation locations in C-2. Cultivation makes sense only in M-1, but not on Main Street; dispensary in C-2, and only in C-2. It was also suggested that C-3 along Hwy 260 also be considered; Staff will look at C-3 opportunities along 260 for further discussion. It was also suggested that staff investigate limiting the number and locations of growing facilities and specifying which zone or zones. The issue of the non-profit status of the dispensary and at what point does sales tax apply was another concern.

The members confirmed for Ms. Owens that the only change being considered for Part Two was putting the permitted uses in alphabetical order, as discussed during the input from Ms. Burnside.

PART THREE, GENERAL REGULATIONS/PROVISIONS; the requirements for mobile home and RV parks were briefly discussed; Martin explained that separate zoning for the two is being looked at, in particular with one owner, with the goal of perhaps coming back to the Commission in the future to be readdressed. After further review, the following changes were then discussed and agreed upon:

Page 5, Section 301 - B.4.a. (Strike the entire paragraph.)

Page 9, Section 302 – A.4.b.: Language added as underlined: (In part) **"...**furniture is in good repair **<u>and is designed for outdoor use</u>."**

Page 16, Section 305 – B.4.a.: Language revised as underlined: (In part) "...spaces and the drive shall be **<u>a dust-proofed surface</u>**."

PUBLIC INPUT
(Comments from the following individuals are summarized.)
Suzy Burnside, (during the discussion on definition of "Agritourism"), questioned consulting only with the suggested Verde Valley Agricultural Coalition, saying that there are other groups that have good ideas; the definition needs to fit Camp Verde, not a special group. (During the discussion on Zoning Classifications) Ms. Burnside suggested **listing Permitted Uses in alphabetical order.** *(The Commission concurred.)*

R. L. Miller spoke at length and with apparent knowledge on the issue, telling the

Commission that the Town has a chance to be big thinkers; however, it is somewhat of a lottery, no matter what the outcome is. Mr. Miller said he is in real estate and development, and believes that this is a rare opportunity, especially in the current economy, to get a dispensary, which he agrees should be in C-2, away from residential. He would encourage allowing use of existing big buildings for indoor growing of the product, no matter which zone they are in. The dispensary should be as close to the interchange between 260 and 17 as possible in order to bring the tax base home. He has properties in mind that he would propose to use and is a local businessman, as opposed to those from out of town who might be applying during the ADHS application process. Mr. Miller pointed out the areas he would recommend. (*The members discussed at length with Mr. Miller the suggestions he had made, including zoning, location of the dispensary, the industrial buildings for indoor growing, and the Use Permit process; the discussion included input from Martin as well.)*

Howard Hintz, a consultant, and member of a consortium involved in the medical marijuana issues, among other comments, pointed out that with the right zoning it would not be necessary to go through the public hearing process, as it would for a Use Permit. Mr. Hintz said that a dispensary could actually be in Camp Verde and the growing could be done in Phoenix; the two activities do not have to be physically in the same CHAA (Community Health Awareness Area). *(The members discussed with Mr. Hintz the comments and information he had shared, including addressing facilities for cultivation of marijuana, the extreme security measures that would be in place for the growing facilities, and how some other communities are approaching the issue.)*

There was no further public input.

7. **Commission Informational Reports**:
Alan Buchanan reported on his attendance at the Budget Work Session yesterday. He complimented the entire Camp Verde staff on their presentation on the budget items, and said the presentation shows the Town to be in very good financial condition.

8. **Staff**
Asst. Planner Owens confirmed that the next meeting is set for April 7, 2011.

9. **Adjournment**
On a motion by Buchanan, seconded by Freeman, the meeting was adjourned at 9:08 p.m.

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Joe Butner, Chairman

_____
Planning & Zoning

CERTIFICATION
I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde during the Special Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 31st day of March 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2011.

_____
Margaret Harper, Recording Secretary