

**MINUTES**  
**COUNCIL HEARS PLANNING & ZONING MATTERS**  
**MAYOR AND COUNCIL**  
**COUNCIL CHAMBERS**  
**WEDNESDAY, MAY 25, 2011**  
**6:30 P.M.**

Minutes are a summary of the actions taken. They are not verbatim.  
Public input is placed after Council 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.

2. **Roll Call**

Mayor Burnside, Vice Mayor Kovacovich, Councilors Garrison, and German were present; Councilor Roulette arrived at 6:33 p.m.; Councilors Whatley and Baker were absent.

**Also Present:** Town Manager Russ Martin, Community Development Director Mike Jenkins, Asst. Planner Jenna Owens, Councilor-Elect Alan Buchanan, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Russ Martin .

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 Council requests.

a) **Approval of the Minutes:**

1) Work Session – May 11, 2011

b) **Set Next Meeting, Date and Time:**

1) June 1, 2011 at 6:30 p.m. – Regular Session

2) June 8, 2011 at 6:30 p.m. – Budget Work Session

3) June 15, 2011 at 6:30 p.m. – Regular Session

4) June 22, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters.

On a motion by Kovacovich, seconded by Garrison, the Consent Agenda was unanimously approved as presented.

5. **Special Announcements & Presentations**

Mayor Burnside announced that since Councilor Garrison will not be here next week to receive her Award, he wanted to present the special Plaque to her at this meeting, acknowledging and thanking her for her service to Camp Verde from 2007 to 2011.

6. **Council Informational Reports.**

**Garrison** commented on all that this current Council has gone through, including loss of loved ones throughout the last two years, and the support the members has had for each other. She is planning now to take care of personal and family responsibilities for the next couple of months, but she will return.

**Roulette** said that this is his last meeting as well; it has been a pleasure serving with the others, and he expressed his appreciation for all of them.

**German** reported on her attendance at the Open House at Jackpot Ranch; and also attended the Superintendents Advisory Committee. She said she wanted to commend the Camp Verde High School graduates on the pictures published in the paper; they looked very classy.

**Burnside** said he enjoyed the Verde Vista Apartments annual picnic today; also attended last Friday the ADOT Five-Year Plan that was especially interesting in light of the millions and even billions of dollars involved in planning, financing and rescheduling projects. Burnside also reported on attending the GAMA meeting at which the subject was how can the Mayors make an impact on our legislators, and what is the best for the Greater Northern Arizona. The Cities and Leagues by June 17<sup>th</sup> is requesting ideas for resolutions; the Clerk's Office will have material and a calendar to follow on how to write the resolutions.

7. **Call to the Public for items not on the agenda.**

There was no public input.

8. **Public hearing, discussion, consideration, and possible approval of Resolution 2011-838, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring the Planning and Zoning Ordinance of Camp Verde, dated May 25, 2011, to be a public record and establishing Planning and Zoning Ordinance of Camp Verde.** Staff Resource: Mike Jenkins  
On a motion by Kovacovich, seconded by Garrison, the Council unanimously approved Resolution 2011-838, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring the Planning and Zoning Ordinance of Camp Verde, dated May 25, 2011, to be a public record and establishing Planning and Zoning Ordinance of Camp Verde.

Town Manager Martin explained that this particular item was simply to declare the Ordinance a public document, and suggested that Item 9 which would adopt the Ordinance could be heard first. There was discussion to clarify that there would be two separate actions. Martin reiterated that this Item 8 would only declare the proposed Ordinance to be a public document; the next item would be approving the actual document. There was no further discussion.

There was no public input.

9. **Discussion, consideration, and possible approval of Ordinance 2011-A374, an Ordinance of the Mayor and Council of the Town of Camp Verde, Yavapai County, Arizona, adopting by reference the establishment of the Planning & Zoning Ordinance of Camp Verde, repealing Ordinance 87-A23 and all amendments thereto, excepting Ordinances 91-A161 and 2001-A193 (Street Naming and Addressing) and Ordinance 2001-A187 (Wireless Communication Facility Regulations) in their entirety, and proscribing penalties for violations thereof.** Staff Resource: Mike Jenkins  
On a motion by Burnside, seconded by Roulette, the Council **by a 4-1 vote** approved Ordinance 2011-A374, an Ordinance of the Mayor and Council of the Town of Camp Verde, Yavapai County, Arizona, adopting by reference the establishment of the Planning & Zoning Ordinance of Camp Verde, repealing Ordinance 87-A23 and all amendments thereto, including today, excepting Ordinances 91-A161 and 2001-A193, and Ordinance 2001-A187 in their entirety, and proscribing penalties for violations thereof; **with German opposed**. Note: German stated that her reason for opposition is that our Medical Marijuana Ordinance is too lax.

Martin pointed out that if any changes are made to the document at this point, those amendments would be incorporated in the document as indicated in the phrase, "and all amendments thereto" upon approval of the subject Ordinance.

#### **STAFF PRESENTATION**

Community Development Director Jenkins outlined the research done in order to clarify the question of grading permits of the proposed Ordinance, and for better understanding on the part of the public; Jenkins reviewed the effect of the proposed language in Part Four, Page 5, Section 401, noting that all of the verbiage pertains to development, and has nothing to do with an individual just brushing off his land for

personal or agricultural use. The members discussed with Jenkins the special requirements for grading and developing land, and clarified that the size of property would have to be in excess of over two acres. Burnside questioned the language stating that if the Director or designee determines that the surface for clearing the property is exempt from grading requirements, and a note is placed in the owner's file to that effect, if that same owner came to the Town with a development proposal, that note would be found by staff and could confirm a violation. Burnside requested staff to do some research and determine a reasonable time frame to include in that statement. The Council indicated agreement with the changes described by Jenkins in Part 401(3).

The issue of Medical Marijuana was next addressed, with Jenkins reviewing the staff recommendations to the Planning & Zoning Commission that had been discussed at the last Council meeting. Those recommendations were that dispensaries be allowed in C-2 zoning districts; Jenkins described the locations of those areas, and the preference of the Camp Verde Marshal that the activities be located in a major commercial corridor for better visibility and oversight. Jenkins added that the Arizona Department of Health Services rules stipulate that the dispensaries be separated from any private or public school by a distance of 500 feet, and that has been included in the staff recommendations, as well as child day care facilities. Jenkins said that staff has also researched the issue of Medical Marijuana with other entities and individuals; the issue of marijuana cultivation facilities remains in a rather gray area. State rules specify that each Medical Marijuana dispensary can have one additional cultivation facility. There is some dispute over interpretation of those rules, but the general understanding is that each Medical Marijuana cultivation facility can have one additional growth facility as well as growing for themselves in the dispensary. Jenkins said that there are some individuals who believe that it would be possible to partition off walls within one building, making each section one additional cultivation site for a specific dispensary, referred to as a "condo" concept. Staff had suggested that the cultivation sites be allowed in M-1, M-2 and even C-3. In summary, staff's recommendation was that the dispensary to be allowed in C-2, and the cultivation facility in M-1, or perhaps include C-3 and M-2, and is being presented for Council discussion and consideration. There was some discussion with Jenkins, with input from Martin to attempt to further clarify the relationship between the dispensaries and cultivation facilities. Jenkins displayed a map of Camp Verde, indicating the C-3 zoned areas, and M-1. In response to a question, Jenkins confirmed that the Town could require a distance from schools farther away than 500 feet. The public hearing was subsequently opened.

#### **PUBLIC HEARING OPEN**

(Comments from the following individual are summarized.)

**Howard Hintz**, a professional consultant in the Medical Marijuana dispensary area, said that the law allows any reasonable zoning that the Town would want to put in place. Many cities have not allowed dispensaries to cultivate in their dispensaries, Phoenix for one. Some cities have allowed both in the same building in industrial areas. If only a dispensary were allowed in, for example, a C-2 zone, they would be forced to cultivate at a different location pursuant to the ordinance. Mr. Hintz said that in his opinion that is why the law provided for one additional cultivation site. It seems to be up to the local zoning ordinance to determine what you do and where. Mr. Hintz also commented on the theory that one building could be converted to a condo operation; he has not seen anything that has ever determined that is illegal, as long as there are separate accesses and entries to the separate spaces. Those are being discussed across the State right now. He believes it will be a taxable sale from the dispensary, which will be a good thing for a city. The main object is to vote where the Town would want the dispensary to go, and determine the distance between schools and facilities, whatever would be reasonable. He also agreed with locating the facility where it is highly visible.

The members discussed with Mr. Hintz the information he had shared, including the issue of growing facilities and the condo concept, and no limit on the number of growing facilities that could service a dispensary. Burnside commented that this issue is the "Golden Goose" coming to Camp Verde, with retail sales tax revenue generated from the individual purchasing the product from the dispensary.

There was no further public input.

The Council discussion commenced with the comment that prescriptions are not taxable; however, it was pointed out that doctors technically do not issue prescriptions for Medical Marijuana; they are only recommendations, and are therefore subject to sales tax. The members discussed at length the issue of increasing the State stipulation regarding the 500-foot separation from private and public schools. German commented that the Medical Marijuana Act was barely passed by the voters; a vast majority are against the sale of marijuana in the State of Arizona, and she feels the requirements should be somewhat more stringent; the Council should consider limiting the size of the growing facility, only dispense in C-2 with no cultivation, growing facilities limited to not within one mile of each other, with some of those limits German said she could live with the 500-foot requirement. Roulette said that he is basically a capitalist and is not in favor of trying to regulate it to death; free enterprise will take care of itself; if a dispensary is located in Camp Verde it would have a rough time of it because of the conservative nature of those who live in Camp Verde. Kovacovich said he would be in favor of C-2 for the dispensary, but would prefer to limit it to only Hwy 260, with M-1, M-2 and C-3 for growing. Garrison agreed with German, adding that it is bizarre that the State would even be considering an illegal substance; she believes the separation from schools could be handled if the distance was 1000 feet. Roulette said he could see the issue creating jobs, and would favor restrictions to limit growing facilities to M-1 and the dispensary facilities to C-2, within 500 feet of a school, and not growing in the dispensary. Martin commented that by encouraging someone to locate a dispensary here, the Town would have a better chance of limiting the number of caregivers; the Town should be more afraid of the potential proliferation of caregivers and home occupations. There was further discussion on the issue of requiring cultivation within the dispensary, keeping the two activities under one roof as a way to limit the off-site cultivation.

The members discussed with staff the options presented in the table set forth on Page 3, and by majority vote, agreed that the dispensary should be located in a C-2 zone; 500-foot separation distance; with no size limit. The next majority votes were to include growing within the dispensary, to not limit the number of dispensaries by population, and to allow growing facilities in C-3, M-1 and M-2, and no distance requirement. Martin summarized what the members had discussed and agreed upon, including day care facilities in the 500-foot separation; C-2 Zone for dispensaries including the growing facility within the dispensary; off-site cultivation facilities in M-1, C-3 and M-2; no distance limitations by population. Burnside then discussed with staff and requested that staff clarify and perhaps change some verbiage that had been included in Parts One and Two.

In closing, Burnside commented that adoption of this Ordinance is a milestone. Because of that, Burnside requested **for clarification and for the record** that staff verify that all advertisement has been done according to State Statute, and that the Planning & Zoning Commission and the Council have been given all comments, whether written or verbal, to consider from our community. Jenkins verified that those requirements and directions have been satisfied.

10. **Call to the Public for items not on the agenda.**  
There was no public input.
11. **Advanced Approvals of Town Expenditures**  
There were no advanced approvals.
12. **Manager/Staff Report**  
Martin said he wanted to remind everyone of the Intergovernmental meeting tomorrow at 6:00 p.m. at the Marshal's Office.

13. **Adjournment**

On a motion by Garrison, seconded by Kovacovich, the meeting was adjourned at 8:08 p.m.

*Bob Burnside* 6.22.11  
Bob Burnside, Mayor

*Margaret Harper*  
Margaret Harper, Recording Secretary

**CERTIFICATION**

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 25<sup>th</sup> day of May 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23 day of June, 2011.

*Deborah Barber*  
Debbie Barber, Town Clerk