



# TOWN OF HUACHUCA CITY

The Sunset City

## MEETING MINUTES OF THE HUACHUCA CITY TOWN PLANNING AND ZONING REGULAR MEETING

**WEDNESDAY, OCTOBER 2, 2019 AT 7:00 PM**

**HUACHUCA CITY TOWN HALL**

**500 N. GONZALES BLVD.**

**HUACHUCA CITY, AZ 85616**

### AGENDA

#### **A. Call to Order – Vice Chair**

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum

The meeting was called to order at: 7:00 PM  
 The Pledge of Allegiance was led by: Vice Chair Charlton

#### **Roll Call- Joy Banks**

<b>Individual</b>	<b>Position</b>	<b>Present</b>	<b>Absent</b>
Tiffany Chavez	Chair		X
Jeffrey Ferro	Committee Member	X	
Mary Charlton	Committee Member/ Vice Chair	X	
Jean Post	Committee Member	X	
Dr. Jim Johnson	Building Official	X	
Joy Banks	Town Liaison	X	

#### **B. Call to the Public – Vice Chair**

*P&Z Commission may make and open call to the public during a public meeting. Individual P&Z Commissioners may respond to criticism made by those who have addressed the Commission, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Commissioners shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for*

discussion and legal action A.R.S. 39-731.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the call to the Public form but can be scheduled under future unfinished business.

**Call to Public: None**

**C. Consent Agenda –Vice Chair**

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Commission. There will be no separate discussion of these items unless a Member of the Planning & Zoning Commission requests that an item or items be removed for discussion. Commission Members may ask questions without the removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

- C.1 Consider approval of the minutes of the regular P&Z commission meeting held on August 7, 2019.**
- C.2 Consider approval of the minutes of the P&Z Commission work session held on August 7, 2019.**
- C.3 Consider approval of the minutes of the regular P&Z Commission meeting held on September 4, 2019.**

<b>Motion C:</b>		<b>Action: Approved</b>
<b>Moved by: Vice Chair Charlton</b>	<b>Seconded by: Jeffrey Ferro</b>	

**D. Zoning Administrator Report - Zoning Administrator**

**Dr. Johnson:** It's been pretty quiet on this side

**E. Unfinished Business before the Commission –Vice Chair**

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Chair and explained by staff. Any citizen who wishes, may speak one time for five minutes on each agenda item before or after Committee discussion. Questions from Committee Members, however, may be directed to staff or a member of the public through the Chair at any time.

E.1 Discussion only [Chair]: Planning & Zoning Commissioner Duties Training by Zoning Administrator Dr. Jim Johnson

<b>Motion E.1: Move to another time</b>		<b>Action: Approved</b>
<b>Moved by: Vice Chair Charlton</b>	<b>Seconded by: Jeffrey Ferro</b>	

E.2 Discussion and/ or action: [Chair Chavez]: Allowable uses in the business districts

Dr. Johnson: There were a few questions from Committee Member Ferro.

1. I still feel that we need to define specifically what constitutes "farming" as opposed to "community gardening" or a backyard vegetable plot. What guidelines exist in ARS, County, or other municipal zoning codes that could help us?

**Dr. Johnson:** We will go ahead and define that more and have it for next month's meeting.

2. Define "large animals" - size/weight guidelines, species, etc?

**Dr. Johnson:** My office will look into better defining this one.

3. What is the threshold for pets vice smaller "livestock"? If I have 3 rabbits in an outdoor hutch, are they legally pets or livestock?

**Dr. Johnson:** It's already in our zoning code in two different areas. Yes it would be against code, code 18.100.260 under section E and 6.15.030. And we will come back to question 4.

5. No Construction Material Establishment in C-3? Why not?

**Dr. Johnson:** Construction type businesses are retail businesses. So you want to keep it where the customers can get to it.

**Jeffrey Ferro:** Then that line item should be moved to retail the category needs to be clarified.

**Dr. Johnson:** I'll have my tech writers take a look at that.

6. No Medical Marijuana Cultivation / Infusion Facility in B/C? Other types of nurseries/greenhouses are permitted, as well as State Licensed Medical Marijuana Dispensaries? Why is one type of cultivation being singled out?

**Dr. Johnson:** State regulations require that and you cannot have a dispensary and a cultivation together.

7. See 1. Above. How specifically is a "community garden" not a farm? Our existing community garden is growing food for the express purpose of distributing it to needy families... is the intended recipient the difference? If so, how is this regulated / adjudicated?

**Dr. Johnson:** My staff will be looking at this one also.

8. As mentioned during the September 4 meeting, this wording is too vague. If this is intended to mean 'detached sheds and garages,' then just say that.

**Dr. Johnson:** We reviewed that and we will reword it like that.

9. I assume the Conditional Use Permits are due to noise / odor / light issues. Otherwise, Why?

**Dr. Johnson:** Yes it is because of the noise, odor and light issues.  
Now onto question 4.

4. We have put a lot of allowed / conditional uses in C-2 (light industrial). Is this normal? Is this to open up developable land in non-residential areas? Given that the zones map (Fig. 7, pg 34 of General Development Plan Update, May 2017) shows no C-2 (or C-3, which is interesting since we have a gravel pit operating here) in Huachuca City, do we need to rezone some areas as C-2 (or C-3) or rework the Allowed Uses chart to delete C-2 (and/or C-3) (I doubt this is a good idea)?

**Dr. Johnson:** We do not have any C-2 or C-3 in city limits. The sand and gravel pit is what Mr. Ferro is talking about. When towns annex property they try to keep it as closely as to what the county had. It can be later rezoned. If you are next to a military base it is required to contact the military to consult with them. The military did not want a dense population there because it is in their flight path just in case something would happen to fall off of their planes. We are already looking into using Gsi for Huachuca City.

## **F. New Business before the Commission Vice Chair**

*Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Chair and explained by staff. Any citizen who wishes, may speak one time for five minutes on each agenda item before or after Committee discussion. Questions from Committee Members, however, may be directed to staff or a member of the public through the Chair at any time.*

<b>Motion F.1: Open item for discussion and/or action</b>		<b>Action: Open</b>
<b>Moved by: Vice Chair Charlton</b>	<b>Seconded by: Jeffrey Ferro</b>	

**Dr. Johnson:** We need to move forward on this, we need to be proactive on these situations. The plant that does not flower is the hemp. Hemp has been used for a long time, as clothes, ropes and other products. This is brand new legislation with the state of Arizona.

An example of what we want to do/follow:

**[OPTIONAL]**

**Sec. X-X-4 Permit Requirements.**

**A.** It shall be unlawful for a person to grow, harvest, transport, or process industrial hemp at any location within the [City/Town] without obtaining a [special/conditional use] permit from the [City/Town] clerk in accordance with [City/Town] Zoning Code Section \_\_\_\_, including any application and review procedures pursuant to \_\_\_\_\_. **Dr. Johnson-We will do a conditional use permit and it will not be up to the town clerk but up to this board)**

**B.** A permit shall not be issued unless the applicant provides a legible copy of the proper valid license issued by the Department authorized under the Industrial Hemp Program. A suspended or revoked license is not a valid license. **Dr. Johnson-We will do a CUP permit.**

**C.** [OPTIONAL] A permit shall not be issued unless the applicant provides a legible copy of the valid fingerprint clearance card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 41-1758.07 and required by the Department pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code. **Dr. Johnson-Yes we want to use this option, both my staff and the town attorney have said we want to use this.**

**Committee Member Ferro:** So it's not optional then.

**Dr. Johnson:** It is optional, some jurisdictions will not use this.

**E.** The applicant shall notify the [City/Town] within \_\_\_\_ hours if the Department imposes a corrective action plan on the applicant or suspends or revokes the applicant's license. **Dr. Johnson- We will have to pick a time, usually ordinances like this it's 48 hours but we can make it 24 hours or 72 hours.**

**F.** A permit issued pursuant to this article, including a renewal of a permit, is valid for a period of one (1) year from the date of issuance if the permittee is in compliance with this article. The permit is nontransferable **Dr. Johnson-Instead of permit it will say CUP.**

**Sec. X-X-5 Industrial Hemp Site Regulations**

**A.** Industrial Hemp Sites are subject to the following conditions and limitations:

1. May be permitted [as a special/conditional use] in **(C-3)** zoning districts and shall not be authorized to grow, harvest, process, or store industrial hemp in an area zoned for residential use.

2. Shall not be located within five hundred (500) feet of a residentially zoned property. This distance shall be measured from the lot line of the property in which the cultivation is

conducted or proposed to be conducted to the property boundary line of the residentially zoned property.

3. Shall not be located within one thousand (1,000) feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public cemetery or community center. This distance shall be measured from the lot line of the property in which the cultivation is conducted or proposed to be conducted to the property line of the protected use.

4. Except as otherwise provided in A.R.S. § 9-462.01, disposal of agricultural composting from industrial hemp shall not be allowed in any [City/Town] trash can, bin or other [City/Town] facility, or in any park refuse container unless authorized by the [City/Town]. **Dr. Johnson-We are going to insert in there or trash collection vendors. We don't pick up trash anymore so we want to make sure to include the vendors.**

6. Exterior inspections by the [City/Town] Code Enforcement or a designee may be conducted any time during regular business hours. **Dr. Johnson-It will be changed to code official)**

**Jean Post:** Who does the inspections?

**Dr. Johnson:** Usually it's done by the building officials and the fire marshal. We are constantly getting training.

#### **Sec. X-X-7 Fees.**

A. [FOR PERMITS] The fee for the permit shall be established by [RESOLUTION OF THE CITY/TOWN COUNCIL/FEE SCHEDULE]. OR The permit fee for each industrial hemp site is (\$\_\_\_\_\_) annually. **Dr. Johnson -Our recommendation is that we merge then together. We also insert for annually so it states "half of the original application fee". That gives us the chance to do an inspection every year to make sure everything is still as it says on the original application.**

#### **Sec. X-X-9 Enforcement; Penalties.**

A. The [special/conditional use] permit may be revoked by the [City/Town] for violation of any provision of this article or for any violation of the requirements of the permit. If a permit is revoked, the permittee shall have the right to appeal the decision of the [City/Town] to \_\_\_\_\_ as outlined in Section \_\_\_\_ of the [City/Town] Code. **Dr. Johnson -This is the part where we will the add the council as the board of adjustments.**

C. Civil Penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced by the [City/Town] civil hearing process set forth in subsection \_\_\_\_ or [City/Town] Court under Section \_\_\_\_ of the [City/Town Code].

#### **[AND/OR]**

D. Criminal Penalty: Among other penalties that may apply, including revocation of a permit (when applicable), any person who violates any provision of this article, whether or not the act is specifically stated as being unlawful, shall be guilty of a class \_\_\_\_ misdemeanor and upon conviction shall be punished as provided in Section \_\_\_\_\_ of the \_\_\_\_\_ [City/Town Code.] 6/3/19. **Dr. Johnson -The attorney has recommended Civil. We're letting the attorney handle this part.**

**Dr. Johnson:** You will see this again next month. The town attorney has asked us to expedite this ordinance. We want to have the public hearing in January 2020 which is required with a new ordinance. In between December and January meetings the town will conduct a public input process. We do have the opportunity to do it online, we've done it before and it went really well. We will take public input and present it to the January meeting.

**Jeffrey Ferro:** X-X-5 are the distances given to us by the state?

**Dr. Johnson:** Yes

F.2 Discussion and/or action: [Chair Chavez]: Rescheduling of the Jan 1, 2020 meeting

<b>Motion F.2: Open item for discussion and/or action</b>		<b>Action: Open</b>
<b>Moved by: Vice Chair Charlton</b>	<b>Seconded by: Ferro</b>	

**Dr. Johnson:** Staff recommendation is that we move it to January 8<sup>th</sup>.

<b>Motion F.2:</b>		<b>Action: Approved</b>
<b>Moved by: Vice Chair Charlton</b>	<b>Seconded by: Jeffrey Ferro</b>	

**G. Reports of Current Events by Committee Members**

**H. Items to be placed on future agendas:** General Plan Update?, Hemp Ordinance

**I. Adjournment**

<b>Motion: to Adjourn</b>		<b>Action: Approved</b>
<b>Moved by: Vice Chair Charlton</b>	<b>Seconded by: Jeffrey Ferro</b>	

**Meeting Adjourned:** 8:06 pm October 2, 2019.

Approved by Chair Tiffany Chavez on November 6, 2019

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Tiffany Chavez  
Chair

Attest: \_\_\_\_\_  
Ms. Janine Collins,  
Town Clerk

Seal:

**Certification**

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on October 2, 2019. I further certify that the meeting was duly called and a quorum was present.

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Ms. Janine Collins,  
Town Clerk