

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 4 2022
4:00 P.M.
SCHIEFFELIN HALL**

- I. CALL TO ORDER** Chairman Jennings called the Regular Planning and Zoning Commission meeting to order at 4:00 p.m.
- II. PLEDGE OF ALLEGIANCE** Chairman Jennings led the Planning and Zoning Commission and the general public in a recitation of the Pledge of Allegiance.
- III. ROLL CALL**
- | | |
|---------------------------------|---------|
| Commissioner David Bales | Present |
| Commissioner James Hofmeister | Present |
| Commissioner Bruce Nielsen | Present |
| Commissioner Jon Donahue | Absent |
| Commissioner Robert Hendrickson | Present |
| Chairman Russell Jennings | Present |

Also in attendance:

Councilmember Bill Barlow
P & Z Secretary Regina Duran

A QUORUM WAS DECLARED

IV. MINUTES

MOTION by Commissioner Nielsen, **SECOND** by Commissioner Hofmeister to approve minutes of Wednesday, August 19, 2020.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried Unanimously

V. NEW BUSINESS

DISCUSSION AND/OR ACTION: Discussion in regards to our General Plan

Chairman Jennings; “Regina, got everyone out a copy and that’s from 1979. If you recall back in 2010, we went through this made some changes but somewhere along the line, the ghost of Tombstone took it away. So, we are

dealing with 1979. I want to share something, I have been meeting with County, the Community Development, Christina, and the things that our General Plan must include is: land (inaudible), circulation element, road bearing element, open space element, environmental planning element, cost of development element and water resources element. Those are required by State Law that need to be in our General Plan. The General Plan that you have been reading and perusing is quite large and is more than a town of our size needs to have. So, I would like for everyone to continue reading that and keep in mind that we are going to revamp it. We are going to make it more sustainable and easier to read for everybody and the County is going to work with us on getting that done! Any questions?"

Commissioner Hofmeister; "When I read this, I get the impression that there is an awful lot of history and hope and (inaudible) information and I was (inaudible).

Chairman Jennings; "Let me answer that! Yes, it is and I will be making up surveys which we will distribute throughout the community because one of the requirements is that the community be involved and planning for the next 10 years. So, this survey will ask them certain questions like; what I like about Tombstone, what would you like to see different in Tombstone, any businesses you like to see brought to Tombstone. Way of recreation; what you like to see? If we have parks, what would you like to see in the park? Those type of questions because it is one of those things that it is our responsibility to make sure that we have community input into what we eventually come up with to submit to the City Council. They of course will have the final approval. So, The General Plan must include these areas but it also has to have community input and the best way to do that is with surveys. I will have these things made up, distributed to the businesses in town, any organizations, we would like to get as many people involved as possible so that the State can say "yes" you really did get the community involved, because this is planning not passed but for the next 10 years, of what we want to see Tombstone be able to achieve. It is very important those surveys that you are talking about. It is adamant by the State that it has to be done."

Commissioner Nielsen; "I am only about a third of the way through this novel here, and it is a great history lesson. It does need to be updated! A few things added, a few things taken out but it is a good start! We are starting off and we are going to get this thing going!"

Chairman Jennings; "That is absolutely correct! I have already been to the Marshal's Office. Have you got to the part where it shows, they talk about the Marshal's Office and they talk about the 1978 cars that we had at that time? I think we had three but anyway the Marshal is bringing that up to date and they will have it back to us so that section dealing with the Marshal's Office is will be accurate with the deputies and the equivalent of available. The thing that I would like to stress is this is from 1979 for the next ten years. That is by far in the past! A lot of that is done by guess work and estimation. A lot of that you have to do! We are going to try to make it as accurate as possible." We will be meeting with City Council as to some of the things that they are looking to do with the City of Tombstone and each and everyone of you. So, talk to your neighbors, talk to the people that you know in the community and we will get these survey's out to them that is going to be a very important thing that we have to consider. These 7 things

we have to deal with and it has to be in there. The county is working to break this down for us so that we can understand it because how many of you know what an open space element is? Well, we are going to learn. Environmental Planning element, cost of development element. Well, we are going to learn that and we are going to have that in there. So, that is the point that we are at with the General Plan.

Councilmember Barlow; "Russ, May I ask you three questions?"

Chairman Jennings; "Yes, I don't know if I can answer them."

Councilmember Barlow: "Do you know when the survey will be produced, and I assume it is going to be mailed out by water bills?"

Chairman Jennings: "No Sir, I am going to produce them and pass them out to everyone including every business in town and the City, put a stack in City Hall and anyone can go in and get them. We would like to put an add in the paper about it."

Councilmember Barlow; "So, you are saying soon, meaning two weeks?"

Chairman Jennings; "I am going to be doing it tomorrow as far as producing it. How soon I make copies and get them distributed within the week or two weeks."

Councilmember Barlow; "When do you think, I know that what you just got done talking about updating our plan is one big job and just getting the information you want in it is going to be difficult. What kind of a time frame from now to when you hope to have that updated?"

Chairman Jennings; "Since you brought that up, I was going to skip through this"

Councilmember Barlow; "I was looking at your agenda."

Chairman Jennings; "A General Plan must be comprehensive and long range and this dictates our procedures and adoption process, project time line which (inaudible) demographics, public meetings. They have about four or five months projected."

Councilmember Barlow; "So, would we say the first of October end of October?"

Chairman Jennings; "At least that long because we are trying to do it right and do it through so that the next time that we deal with it in ten years, it will be simpler for them and easier to make adjustments. If you read that the previous one, they are talking about annexation. The last one being back in 1974 we have done two annexations. Since then, were in the process of doing another. In 2010 we put in the minutes that we needed to do those annexations on both sides of town."

Councilmember Barlow; "Having said that; then we can assume that the current plans to annex which is the airport in general, that that can move forward even though updating the Comprehensive Plan would be six, seven, eight or nine months out, we can still move forward with the current"

Chairman Jennings: "That is correct because in 2010 when we re-did this it was in there that we needed to do those annexations to the North which we have already done and towards Bisbee which we are in the process of and which will bring up something that I am going to throw out on that! If I may, this was in the 2010 adjustments that we made to the General Plan. I will read this; "to further economic growth the City of Tombstone should annex property along highway 80 toward Benson beyond Highway 82. This will give us the opportunity for business growth along Hwy 80. Additional annexation on Hwy 80 towards Bisbee, it should include the Tombstone Municipal Airport. The expansion of the Airport will further economic growth. This will require State approval and will give the City ample time or ample land rather for walking trails for our citizens and could be expanded to a City Park Wild Life Refuge. The quality of life for our citizens and the preservation of our need of wildlife and fauna will be greatly enhanced. That was included in 2010, so we are dealing with that now."

Councilmember Barlow; "Alright, I have another question. Since everybody has signed off on the IGA with the County. The County has signed off, we have signed off, approved! So, what is our next annexation step or plan and is it anything that we need County services since it has already been approved.

Chairman Jennings: "In response to your question, here is the map of the proposed annexation area. Our first step, since all of that in Blue is State Trust Land which takes the State Land Commission to act upon, once they get our request, and the County is sending a request to them in with us, Douglas and I believe Benson because the committee consist of the Governor, Treasurer, and maybe the Lt. Governor, there is 3 of them. They have to have a meeting to consider State Trust Land being annexed into Cities and of course they are politicians and they are very busy so, they probably would not want to do a meeting for one annexation. Christine is going to try and put this together to submit to them for the three towns and those of us that maybe Republicans can contact the Governor and get him to move on it, but we have to have their blessing for the next step."

Councilmember Barlow; "Assuming that happens in the very near future, the three presented and they approve the whole thing, then what and how long?"

Chairman Jennings; "There is Public Hearings in this Chamber. It has to be posted. We have to make sure that we got over 50 plus 1 percent of the people in there and we actually have one, two, three, four, five, six, seven, eight, nine parcels, private parcels of which the City owns two of them and that should be a yes vote for us and Marco Investments, if I am not mistaken, I think that is the Mayor's brother."

Councilmember Barlow; "Yes, John's."

Chairman Jennings; "and then there is Tracy Smith, Stephen Smith, and the 1881 Preserve. Those are the parcels we have to have. 50% plus 1 ..."

Councilmember Barlow; "We have no signatures yet?"

Chairman Jennings; "No, we can't do that until after the State okays."

Councilmember Barlow; "You can't go to step 17"

Chairman Jennings; "No, No. We would like to. We need to prepare for it and I think that personal (inaudible) with these folks by the people in City Council would be good to make sure that we have it when the time comes. It is a drawn-out time when you are dealing with State Trust Land. The other annexation that we did was BLM Land which is different. BLM Land it's a go! They have no questions. They don't care! State Trust Land ..."

Councilmember Barlow; "So, can we initiate action in that annexation plan to identify and move with the BLM Land because ..."

Chairman Jennings; "Well, this is all State Trust Land that we are dealing with. Not BLM!"

Councilmember Barlow; "I am sorry! I thought you had BLM and State Trust Land, both?"

Chairman Jennings; "No, strictly State Trust Land here and private. There maybe a little BLM there but it won't create a problem for us at all. It is an automatic thing with BLM. State Trust Land has to go through the State Land Commission which is made up of 3 people. They have to have their meeting sometime and say yah or nay. It has to be in your general plan. Which luckily it is because of what we did in 2010 and of course it will be most certainly in this one. There has to be a reason for it. Since, what we are wanting to project them to do is some walking trails for our citizens, wildlife refuge, maybe a way of taking water out there for the drought's months for the wildlife. So, it is using the State Trust Land for the good of all the people."

Councilmember Barlow; "You need to stress heavily in there that we are a very senior dominated community and the State has been governed a little bit better with the Senior Citizens than with the younger people."

Chairman Jennings; "That is something that is in our General Plan, how old we are. I got Christine with community development working on it! She is going to be submitting that letter on behalf of Tombstone, Benson and Douglas for annexing issues. Trying to get that set up quickly so, they can have a hearing. Once that hearing is set the County has to, or we have to but the County will do it for us, survey and get the legal description of the property. So, it is quite a process especially for State Trust Land!"

Commissioner Hoffmeister; "Somewhat related to conflict of (inaudible). I am not sure. The first one is I recollect from the last meeting that we had some comments that alluded to the fact that the Planning and Zoning Commission can't change the zoning laws."

Chairman Jennings; "That's is not accurate! Planning and Zoning cannot do Variances but we do deal with the zoning. Variances are to be with the Board of Adjustment, which is another board hereby the City. At the last meeting was held he was seeking a variance from us, and I am sorry to say that he has passed

away, but it was brought to our attention that variances are under the auspice of the Board of Adjustment, whereas, zoning is under P & Z.”

Commissioner Hoffmeister; “Okay, the other topic was streets. The City of Tombstone is supposed to own the land that the streets are on. Is that true or false?”

Chairman Jennings; “You say we own the land?”

Commissioner Hoffmeister; “Who does the streets belong to?”

Building Inspector Hendrickson; “They belong to the City!”

Councilmember Barlow; “If they are dedicated to the City when its developed and I am speaking of the age, because I’ve heard some people say that’s my street and I say did you help or dedicate to the City when they put those plats in here, the lot? Well, we don’t know. Then I said unless it is dedicated to the City it belongs to the developer on subdivisions. Now City Streets we know exactly what is City and what’s not!”

Commission Hoffmeister; “Supposing there isn’t any subdivision but there is a street and according to the County the land at that street comprises belongs to nobody?”

Councilmember Barlow; “Belongs to nobody?”

Commissioner Hoffmeister; “Yup, its not recorded with the County.”

Councilmember Barlow; “We need to correct this! It is hard to tax nobody.

Commission Hoffmeister; “The reason I am bring this up is any land that has not had a parcel ID attached to it can be claimed provided we have some documentation as “I own that! I can apply to the County and say I want that given to me! Even though it might be let’s say in the middle of Fremont!”

Councilmember Barlow; “Well, if there is no parcel number to that it is unclaimed City property. At some point it was part of a street, a right-of-way or some easement and if you go back far enough...”

Commissioner Hoffmeister; So, basically the only thing, is that there is the adverse easement.”

Councilmember Barlow; “We had a law (inaudible) where those didn’t exist

Chairman Jennings; “Just as a bit of humor, that is accurate. There is a piece of property near where I live and it goes through the tax sale every 5 years and when the new owner buys it for a good price he goes out and finds out that yes that is your property right there! There is an easement on it though called a highway. So, you get to pay taxes on it but it’s the highway my friend and that sells every time there is a tax sale. Easements, you may own the property but

there maybe an easement on it for power poles, road, if there is an easement on there (inaudible).”

Building Inspector Hendrickson; “On these current annexations that we are working on, what about improvements? Mainly, like for the Airport and services. “Has there been any discussion on that?””

Chairman Jennings; “I know that there will be in our meetings with the public and people that’s looking to develop out there the two (inaudible) that is wanting to be annexed. All those (inaudible) will be discussed before our final by this board or the City Council. There is very limited private property in that whole section. The Airport is owned by the City of Tombstone.”

Chairman Jennings holds up a map showing the blue area to be State Trust Land and two private parcels. These are the people wanting to be annexed into the City. Then there is a few areas that are privately owned. The yellow is BLM Land. He shows where Highway 80 and Gleason Road is located on the map. An idea that has been kicked around by the Mayor and some others; the Airport would be a logical place for an industrial area for those projects to be brought in warehousing of all the goods being brought in from across the boarder and then American truckers taking it from this point throughout the United States. Same way headed South, bringing their products here and then bringing Mexican truckers across the border. That makes sense and we will be discussing on how to get that into the General Plan. This is not going to happen tomorrow but this is a 10-year plan. Those are things we need to look at and they fall under one of those 7 things I talked about. What I would like for everyone to do is, I will get these surveys done, get them out and take as many copies as you want to give out to people. Let’s do our best to make this a really good General Plan for the City of Tombstone because all of our planning is going to be based on our General Plan.

Commissioner Nielsen: “I have a quick question. Once this is annexed and all of that and the Airport is attached to the whole aren’t there certain grants that we can get from the Federal Government for improvements?”

Chairman Jennings; “There is, and Bill if I could ask you that question. There is one here already for the Airport. I believe there is something like \$400,00?”

Councilmember Barlow; “that’s the black top overlay which has already been approved for quite some time and because Federal funding can involve (inaudible), and the last I heard and I am going to talk to them this week,”

Building Inspector Hendrickson; “Jesse, would be the one to talk to on that!”

Chairman Jennings; “In response to your question “yes” there is a lot of things out there, if our General Plan is through, there are grants out there for us.

Councilmember Barlow; “There is two things that the Airport needs the most is temporary fuel sale that you can fly in and refuel, and we need temporary lighting. I don’t know all the ramifications of the FAA.

Commission Board Secretary Duran updates the Commission on the grants and projects that are current in progress.

Chairman Jennings reports that there is a group that is interested in being annexed due to that fact that they would like to develop their area with a hotel, RV Park and home sites. States that this group is looking at bringing in the electric around the Airport.

Chairman Jennings asked if there were any further questions. There being no further discussion. Chairman Jennings schedules the next meeting for May 18, at 4:00 p.m.

Chairman Jennings; "No further business I will entertain a motion to adjourn!"

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Nielsen, to adjourn the meeting;

VOTE: 4/0

MOTION: Carried

VI. ADJOURNMENT

There being no further discussion Chairman Jennings adjourns the meeting.

Chairman Jennings adjourns the meeting for May 4, 2022
at 4:36 p.m.

Russell Jennings, Chairman