

**TOWN OF DEWEY-HUMBOLDT
PLANNING AND ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
APRIL 9, 2015, 6:00 PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, APRIL 9, 2015, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE CHAIR SMYLIE PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:03 p.m., Vice Chair Barry Smylie presiding.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done
3. **Roll Call.** Commissioners Joe Garcia, Victor Hambrick, Dee Parker, Ruth Szanto, Vice Chair Barry Smylie were present. Jeff Siereveld was absent.
4. **Disclosure of Ex Parte Contacts.** None
5. **Informational Reports.** None presented.
6. **Planner's Update on current events and activities.** None presented.
7. **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.
 - 7.1. **Minutes.** Commissioner Dee Parker made a motion to approve the meeting minutes from the February 5, 2015 Planning and Zoning regular meeting as presented, seconded by Commissioner Ruth Szanto. It was approved unanimously.
8. **Discussion Agenda –New Business.**
 - 8.1. **Appoint Chairperson and Vice Chairperson of Commission for 1-year term.** Yvonne Kimball gave instructions to the Commission on the procedure for appointing the Chair and Vice Chair. Term is for one (1) year. It is up to the Commission to appoint how they wish, either by seniority or other. Commissioner Dee Parker was recognized as having the most seniority on the Commission.

Vice Chair Smiley made a motion to table the matter until the next meeting due to the absence of Commissioner Jeff Siereveld. Motion seconded by Dee Parker. Motion was approved unanimously. Additional discussion from Commissioner Garcia requesting any commission members who may be interested in filling the vacancies to acknowledge their interest. Commissioner Parker questioned staff about the length of term. Town Manager, Kimball will review the Town Code, but has not been an issue in the past. Commissioners can elect to continue to serve after term is up. Ms. Kimball requested Vice Chair Smylie to make comment. Mr. Smylie declined due to Commissioner Siereveld absence. Action deferred for next meeting.
 - 8.2. **Report of recent projects that may be of interest to P&Z.** Yvonne Kimball gave an informational report to the Commission of subjects which may be of interest for future discussion and/or action by the Commission. Ms. Kimball spoke of receiving a request for

having a working ranch for US Vets with mental health and substance abuse problems in an R1L district which is zoned for residential, single family, limited to site built only. The proposed site for the ranch is located in the area west of State Route 69. Given the considerations of the Americans with Disability Act and other potential concerns, this request is being reviewed by the Town Attorney.

Ms. Kimball spoke about the Town Code Section 152 pertaining to Subdivisions specifically regarding "Large Land Division" which has recently been brought to Staff's attention. There may be some conflicts with the law. The Town Attorney has reviewed this and it appears that the Town Code 152 needs to be amended. Staff is recommending the P&Z Commission to review the Town Code and suggest amendments when time allows.

Vice Chair Smylie spoke about the commission's need to be a Citizen Advisory Board and be involved in these type of issues.

Ms. Kimball advised that Commission should review and make recommendations for proposed changes to take before the Council. Vice Chair Smylie agreed.

9. Discussion Agenda – Unfinished Business.

9.1 Update of "Animal related Code of Ordinance review" project. Yvonne Kimball gave an overview of the past work done by staff and the Commission since late last year. There has been good progress made. The February P&Z meeting resulted in the Commission making a recommendation in favor of Option 2, a partial revision of the Animal Code revising definitions and regulations relating to farm/livestock, domestic/household pets, exotic animals, kennel for both residential and commercial, and maintenance and nuisance. Criteria relating to care and performance standards. A recommendation was given by the Commission to determine where allowed uses would be as a matter of right, primarily in density districts regarding kennels on larger parcel sizes, and removal of household pet numbers with the addition of a well-defined maintenance/nuisance section. When this review process started, the household pet limit was included, but this has since been resolved and is no longer an issue. The update has been made on the Town Website. There were discrepancies in the code but it is no longer an issue and needs to move forward. On March 3rd, Council agreed with the recommendations made by the Commission. Council reviewed Chapter 90 and 153. Definitions need to be added. Staff and Attorney have brainstormed about the issues. Ms. Kimball will present a proposed amendment to the code to be a baseline for the commission to work with.

Vice Chair Smylie questioned Ms. Kimball about the need to have further discussion about this matter at tonight's meeting. Ms. Kimball advised Commission to do so if they feel it is needed.

Vice Chair Smylie spoke about including the public and to support their participation and the need to have their input.

Ms. Kimball stated this concern would be conveyed to the council.

Commissioner Parker explained the last vote will be by the council and they need to remember this will affect all the residence of the community. Many have strong feelings about this matter. Need to represent them in a way that will be beneficial to them. Town paper is going to be conducting an opinion poll about growth, may want to include something about the animal code to get the word out there.

Ms. Kimball stated this will be looked into, ideas to think about.

Commissioner Hambrick spoke of clarification of the process for taking recommendations to the Council and request to review the final recommendations before it goes back to Council.

Ms. Kimball spoke on the public hearing process to have the code amendments adopted; with two (2) hearings required. Commission will have the chance to make final recommendations for the Council. If the Commission wants to have open public comment it is up to the Commission to do so.

Vice Chair Smylie stated the Commission would most certainly want to have the public speak about the two items under review.

9.2 Update of proposed Ordinance 15-110 Accessory Dwelling Units. Yvonne Kimball gave overview of update of the proposed Ordinance 15-110 Accessory Dwelling Units. Ordinance became an issue due to two concerns from the original Ordinance 14-104; restore the language allowing roomers and boarders in R1 District and revise the language of mandating a separate kitchen facility in the ADU, making it an option. P&Z made recommendations and council rejected them and wanted more public input. The January 8th joint meeting discussion and recommendations were made on these two issues. Staff and P&Z made recommendation to adopt Ordinance 15-110. At the March 5, 2015 meeting Council directed staff to hold a public hearing before final adoption. The hearing was advertised accordingly and was held on April 7th. The council voted unanimously to approve the adoption of Ordinance 15-110.

Vice Chair Smylie made comment acknowledging approval for the adoption of the ordinance.

10. Public Hearing Agenda.

11. Comments from the Public.

Debbie Pomeroy spoke about concerns of verifying residency for possible citizen survey regarding animal codes. Need to have a system to verify residency. Polling doesn't work for this type of community. Ms. Pomeroy questioned how the code was removed legally.

Yvonne Kimball responded. Does not require legal action. The six (6) pet limit was appearing under 153.005 zoning. Research was done on how the code was adopted and it was discovered that there was no reference of the 6 animal limit. Council adopted the code but it was not codified correctly. It was a clerical discrepancy.

Commissioner Parker questioned if the six (6) limit code had been enforced since 2008.

Ms. Kimball spoke about the enforcement process must be complaint driven. Although there have been some complaints filed, regarding animal number it has not been enforced and no action to abate and no fines have been imposed.

Commissioner Parker spoke about looking closer at the definitions and need to make suggestions regarding the dog at large issue. Need to make clarifications and clean up the wording.

Victoria Wendt spoke about concerns about the wording and the definitions in the codes; not being well written; recommended having an animal advisory board; have people with experience to assist with goals and clarifying the definitions of the codes; history in the town and as an animal owner.

Vice Chair Smylie requested returning to the discussion regarding the polling issue.

TM Kimball spoke about council discussion about having a citizen survey. There are concerns about determining resident status. Advertise the survey in the town newsletter because it is only delivered to town residence.

Vice Chair Smylie spoke about survey being non-binding and does not necessarily direct how

we make laws.

Commissioner Parker spoke about survey would help the town find out how the citizens want the town to grow.

Commissioner Garcia spoke about the recommendations given by the Commission in February. Staff is available to hear recommendations from the community. Those who want to voice their opinion should put them in writing and send them to the staff and then staff can share them with the commission to help guide the commission in making good recommendations to the council.

Vicky Wendt spoke about making numerous attempts to contact the council about her request to have an animal advisory board. Have made request to meet with them. Have only received response from the Mayor and from Councilmember Treadway.

Patrick McGill spoke about animal regulations and ordinances about livestock from the Town of Chino Valley. It should be a constitutional right to own as many animals as you want if you have enough property. Mr. McGill provided copies of the ordinances from Chino Valley and suggested the Commission look them over. Make definitions clear. There are discrepancies in the laws and animal welfare will supersede the issues.

TM Kimball made closing comments about recognizing strong feelings from the community pertaining to the animal codes. Need to look at the whole picture realistically. Staff will come back with proposed recommendations from the P&Z and Council. Without seeing the proposals we will need to have a baseline to evaluate.

Commissioner Garcia requested to have recommendations presented by the community for the Commission to review up front so the Commission has an opportunity to review comments from the people. Avoid being blindsided.

Adjourn. Meeting adjourned at 6:59 p.m.

Barry Smylie, Vice Chairman

ATTEST:

Penney Bell, Administrative Assistant