

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, May 4, 2017 6:00 P.M.**

**P&Z MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

- 1. Call To Order.**
- 2. Opening Ceremonies.**
 - 2.1. Pledge of Allegiance.**
- 3. Roll Call.** Commissioners Karen Brooks, Luis Chavez, Lori Crofutt, Penney Hubbard, Rich Schauwecker; Vice Chair Jeff Siereveld; Chair Victor Hambrick.
- 4. Informational Reports.** Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.
- 5. Planner's Update on current events and activities.** No discussion, deliberation or legal action can occur.
- 6. 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.
 - 6.1. Minutes.** Approval of the minutes from the Planning & Zoning Regular Meeting of April 6, 2017.
- 7. Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.
- 8. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
 - 8.1. Discussion on the implementation of the strategy for the addressing of zoning anomalies as directed by Council.**
- 9. Public Hearing Agenda.**

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

10. Comments from the Public. The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

11. Adjourn.

For Your Information:

Next Town Council Work Session: Tuesday May 9, 2017 at 2:00 p.m. or 6:30 TBD

Next Town Council Meeting: Tuesday, May 16, 2017 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, June 8, 2017 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2017, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT
PLANNING AND ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
APRIL 6, 2017**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, APRIL 6, 2017 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR VICTOR HAMBRICK PRESIDED.

1. **Call To Order.** Meeting was called to order at 6:02 p.m. by Chair Hambrick.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done
 - 2.2. **Swearing in of new Commissioner, Penney Hubbard, to the Planning and Zoning Commission.** Town Clerk Judy Morgan performed the swearing in of newly appointed Commissioner Penney Hubbard, she took her place on the dais.
3. **Roll Call.** Commissioners Karen Brooks, Lori Crofutt, Penney Hubbard, Vice Chair Jeff Siereveld; Chair Victor Hambrick were present. Rich Schauwecker arrived at 6:45pm. Commissioner Luis Chavez was absent.
4. **Informational Reports.** There were no reports at this time.
5. **Planner's Update on current events and activities.** No report at this time.
6. **Consent Agenda.**
 - 6.1 **Minutes.** Minutes from the March 9, 2017, Planning & Zoning Regular Meeting.

A motion was made by Commissioner Brooks to approve the meeting minutes from the March 9, 2017 Regular Planning and Zoning Commission meeting. The motion was seconded by Commissioner Crofutt, and passed unanimously with a 5-0 vote.
7. **Discussion Agenda – Unfinished Business.** None
8. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.
 - 8.1. **Presentation by Community Planner on zoning anomalies and possible direction for developing strategy for addressing.**

Community Planner Steven Brown presented the information to the Commission that was requested at the March 9, 2017, Planning and Zoning Meeting. The first subject covered was the question about how these zone changes would impact the tax assessment to the owners. He pointed out that on page 8 of the packet was a list of items from the Yavapai County website that were used to establish a “market value”, and that zoning is not one of those factors. The only factor is a change in use, such as going from single family to multi-family or commercial. To verify that this is a true statement, Mr. Brown compared three different sets of properties, with everything the same (use, size) except for zoning. There was no differences in the tax assessment values. Chair Hambrick asked if the parcel size was changed would that affect the assessment. Mr. Brown stated that it was a possibility because of the higher density, but if the parcels remain the same size there would be no change in the assessment.

Mr. Brown also provided the State Statutes (page 11 of the packet) and the Town Code (page 14 of the packet) adding that the Town conforms to the state statutes for zoning

Planning and Zoning Commission Meeting Minutes, April 6, 2017
code and amendments. Mr. Brown shared a case in Ohio, from 1922, that showed how zoning was used to maintain the character of a village.

Mr. Brown continued his presentation covering how the Town of Dewey-Humboldt 2009 General Plan provides guidelines as to land usage within the town. Generally, most of the land is low density residential with commercial usage along the highway corridors. There is also State land and BLM land. This re-zoning conforms with the General Plan by changing the zoning from one low density zone to another.

The State Statute outlines the notification process of all property owners affected, including abutting owners within 300 feet of said properties. Additionally a public hearing must take place. Mr. Brown indicated that there would probably be one public hearing for the Planning and Zoning Commission and another possible public hearing for the Town Council. After the public hearings the Planning and Zoning Commission would make a recommendation for the proposed changes to council.

Mr. Brown shared the three different ways to make a zone change: by a private individual; by a Planning and Zoning Commission rezoning; or a rezone initiated by the council. If, during the process, greater than 20% of the owners are against the re-zone, a super majority, or 75% vote, is needed by council.

Mr. Brown went into greater detail regarding the three zones currently being addressed. Area 2, (located west of Hwy. 69) which has parcels that border R1L-70 zoning and also have R1L-25 zoning, would be best correctly zoned to R1L-25 to give the owners the most flexibility in developing their land. Area 3, (located in the southeast section), also has parcels with two different zones and may be best corrected to R1-70. In Area 1, has the most parcels affected and also has the zoning of R1L-175, which is the only area in the town with this zone.

Commissioner Brooks suggested that the town waive the \$500 fee for individuals since this zoning anomaly was not initiated by the owners. Ms. Brooks felt that this whole process should be a one-time effort because of the cost savings involved with advertising, public meetings and man hours. Commissioner Brooks also stated that the interior lots in the R1L-175 current zone should all be changed to the same zone. Mr. Brown shared that staff felt that those lots should be changed to R1L-70. Commissioner Brooks asked what the reason was for the placement of the dividing line between zones R1-70 and R1L-70. Mr. Brown shared that he believed it was divided along the section line.

In Attachment C (page 22) and Attachment D, (page 23), the zoning change process is identified. Mr. Brown indicated that each of the three areas will need to develop a proposal to amend the current zoning. Commission Siereveld asked if the parcels that had the greatest area in the 2 current zones should be zoned to the larger area. Mr. Brown stated that the simplest way to rezone the parcels is to make them all the same to avoid zigzagging back and forth along the zoning line, and that in Area 1 the R1L-175 zoning would be eliminated in its entirety. Commission Brooks shared that if the zoning has less density the owner has the option of splitting the lot, but there is nothing that can make them do so.

Commission Hubbard stated that since this problem has been identified, there is an obligation to correct it. She feels that staff has done a great job outlining and recommending the logical way to move forward with these changes.

Chair Hambrick indicated that the Commission would like to move this zoning plan forward to council to receive direction on how to proceed. Chair Hambrick restated the

Commission's proposal that all parcels would be changed to one zone, not just the bordering ones, that there would be no fees assessed to the property owners, and to address all three areas at the same time to reduce the timeline and costs to the Town. Commission Brooks added that this process could take at least three months from start to finish, so she concurred with addressing all three areas together.

Chair Hambrick suggested making a motion to move forward with requesting Town Council's direction, indicating that these changes would be providing more options to the owners, and would be at no cost to the owners. Additionally he asked that the 1922 ruling be removed from the commission's presentation to council.

With concurrence from the commissioners Chair Hambrick made the following motion; to move forward with the existing zone changes, asking for direction from Town Council, rezoning to higher density when possible, no fees to the public and remove the part of the presentation regarding the 1922 rezoning case. The motion was seconded by Commissioner Crofutt and passed unanimously by a 5-0 vote.

Commissioner Brooks asked about the posting requirements for notices on the affected parcels and in public places. Mr. Brown shared that the Town Code is consistent with the state requirements.

Commissioner Rich Schauwecker arrived at 6:45pm.

Mr. Brown shared that the postings on the properties will need to be attached to some type of poster board and located on or near the affected properties. Commission Brooks hoped that these notifications will generate a large crowd. Mr. Brown hoped that all residents will be willing to attend, both for and/or against this change.

Mr. Brown shared that he would provide at the next meeting an outline of the affected parcels and the language for an ordinance for the changes. Commissioner Brooks asked about the new ordinance and if each parcel must be listed. Mr. Brown stated that these changes require an ordinance and that yes, all affected parcels must be listed individually.

Chair Hambrick reviewed the previous motion for Commissioner Schauwecker and that the commission had reached an agreement to move forward to request direction from Council regarding this task.

Chair Hambrick made another motion to have a Planning and Zoning Commissioner in attendance at the Town Council meeting to show support and address any questions. The motion was seconded by Commissioner Crofutt and passed unanimously by a 6-0 vote.

9. Public Hearing Agenda. None.

10. Comments from the Public. There were no comments from the public.

11. Adjourn. Meeting was adjourned at 6:48 p.m.

Chair Victor Hambrick

ATTEST:

Dee Dee Moore, Community Development Technician

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TOWN OF DEWEY-HUMBOLDT
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MEMO

Date: April 26, 2017
To: Planning Zoning Commission
From: Steven Brown
Re: Staff Report P&Z Meeting of May 4, 2017

8.1 Discussion on the development of a strategy proposal to recommend to Council for the addressing of zoning anomalies.

PURPOSE:

It is staff's understanding that through this discussion the Planning and Zoning Advisory Commission (P&Z) will refine the previous strategy based on Council's direction.

On April 18, 2017, Town Council received a presentation from the Chairman of the Commission, Victor Hambrick of the strategy for addressing the zoning anomalies.

Following a lengthy discussion, the Council voted to direct the Planning Commission to limit their consideration of this issue to Area 1, which involves lots split between R1L-70, R1-70 and R1L-175, and only the split lots.

The Council was united in its direction to not address the interior parcels of the Area 1 that are currently zoned R1L-175, and there was also some discussion of whether the Commission should address the larger spit parcels.

A large part of the Council discussion revolved around the issue of change of density that might occur as a result of the re-zoning. This in spite of the fact, shared with them that the Commission had not gotten to that part of their consideration, but had rather recommended a strategy, that in one of the steps would delve into the issue.

In consideration of the split parcels, there are more options.

1. Do Nothing
2. Propose the rezoning of each split parcel based on what zone occupies the majority (>51%) of the parcel.
3. Propose the rezoning of each parcel split between
 - R1L175 and R1L-70 to be entirely R1L-70

- R1L175 and R1-70 to be entirely R1-70
- R1L-70 and R1-70 to be entirely R1-70,

The intent of option 3 would be to rezone to a less restrictive zone in all cases.

At the May 4, 2017 P&Z meeting, staff will present a graphic that depicts the parcels that would be impacted (see attached), and will work with the Commission to develop a recommendation that could be a proposal to put forward to Council for the re-zoning of those split parcels.

