

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, October 5, 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.

2.2. Swearing in of new Commissioners, Michael Gill and Lon Ullmann, to the Planning & Zoning Commission.

3. Roll Call. Chair Victor Hambrick, Vice Chair Jeff Siereveld, Commissioners Lori Crofutt, Karen Brooks, and Rich Schauwecker.

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 Minutes from the September 7, 2017, Planning & Zoning Regular Meeting.

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.

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 October 10, 2017 at 6:30 p.m.

Next Town Council Meeting: Tuesday, October 17, 2017 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, November 9, 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 Julie Gibson, 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 27th day of September, 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
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8643 • Fax 928-632-7365

MEMO

Date: September 26, 2017

To: Planning & Zoning Commission

From: Steven Brown, Community Planner

Re: Staff Report P & Z Meeting of October 5, 2017

2.2. Swearing in of New Commissioners

On September 19, 2017, the Town Council voted unanimously to appoint two new members to the Planning and Zoning Advisory Commission. The two new members are Michael Gill and Lon Ullman. The applications submitted by Mr. Gill and Mr. Ullman are attached for your information.

The appointment process adopted by the Council includes interviews by the Council and the Chairman of the P&Z.

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**TOWN OF DEWEY-HUMBOLDT
PLANNING AND ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 7, 2017**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, SEPTEMBER 7, 2017 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR VICTOR HAMBRICK PRESIDED

1. **Call To Order.** Chair Hambrick called the meeting to order at 6:00 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Commissioner Brooks.
3. **Roll Call.** Chair Victor Hambrick, Commissioners Lori Crofutt, Rich Schauwecker, Karen Brooks were present. Vice Chair Jeff Siereveld and Commissioner Penney Hubbard were absent.
4. **Informational Reports.**
5. **Planner's Update on current events and activities.**

5.1. Community Planner's Report.

Community Planner (CP) Steven Brown spoke of the Town's Fall Cleanup Days being underway through Saturday and that they were accepting debris, discards, and yard brush at the Town's lot on Main Street. The yard brush would result in mulch to be distributed by appointment to the public.

CP Brown also spoke of the upcoming Agua Fria Festival to be held on Saturday, October 7, 2017, noting the parade, vendors and exhibits, as well as an opportunity to be educated on the Town's history.

5.2. Resignation of Penney Hubbard from Commission.

CP Brown stated that he had received a letter of resignation from Penney Hubbard, as she had relocated outside the Dewey-Humboldt area. CP Brown requested that anyone interested in volunteering on the Commission could contact Town Hall to apply.

6. Consent Agenda.

6.1. Minutes. Minutes from the July 6, 2017, Planning & Zoning Regular Meeting.

Commissioner Brooks made a motion to approve the Minutes from the July 6, 2017, Planning & Zoning Regular Meeting, seconded by Commissioner Schauwecker. The motion passed unanimously.

7. Discussion Agenda –New Business.

None.

8. Discussion Agenda – Unfinished Business.

8.1 Discussion and possible action on departure of Commissioner Luiz Chavez.

Community Planner Brown reminded the Commission that Mr. Chavez had tendered a resignation, but then spoke of attending a recent meeting. The Commission had indicated that they wanted to continue the discussion at this meeting.

Chair Hambrick indicated that the Commission had no further discussion on this matter. The

vote was taken at the last meeting to accept the resignation.

9. Public Hearing Agenda.

9.1 MGPA-17-001 Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential to Community Core.

CP Brown noted that he had a presentation and Staff Report providing some background on this project. The Public Hearing Notice was published in the Prescott Daily Courier, a newspaper of general circulation in the Dewey-Humboldt area, on August 19, 2017, was sent by first-class mail to all property owners within 300 feet of the subject parcels and was also posted at the regular Town posting sites and on the property on August 21, 2017, and again on September 6, 2017, as the first posting disappeared and he reposted when advised that it was gone. The applicants have operated Cherry Creek Ranch Event Center since purchasing the property in 2013. Cherry Creek was first granted a Use Permit from Yavapai County on June 9, 1997, under a series of stipulations, one of those being a review of the permit every five years. During the recent review, Staff discovered that some of the uses provided at Cherry Creek Ranch are expressly prohibited in the R1L-170 zoning district, where the Event Center is situated. Those are notably public recitals, dances, intoxicating beverage sales, and general retail sales. The original permitted uses were hay and tack sales, horse boarding, Series 7 Liquor License and were limited to 30 special events annually and the stipulated five-year review for renewal. CP Brown showed an overhead map of the property. CP Brown spoke of the business being a staple of the community for the past 20 years and an accepted use. This came as a surprise during the review and this conversation had to be opened. The Town Manager and CP Brown sat down with the Hugheses and discussed options. One was to change the community core and seek re-zoning. If that were successful, then the uses that the community has come to accept would be legal, as per zoning. CP Brown read language from the General Plan regarding the community core and explained that this had to be approved first before the request for rezoning (Agenda Item 9.2) could be heard. CP Brown noted that land use plan includes two other areas designated as commercial core, the land downtown and the Mortimer Farm's retail location located on the corner of Highways 169 and 69. This proposed location is located at the intersection of Foothill Drive and Highway 169. CP Brown noted that there is commercial property within 150 feet of the subject parcels.

Commissioner Schauwecker asked if there have been studies on the intersection of Foothill Drive and Highway 169 and that traffic and accidents could increase with the rezoning. CP Brown responded that would be a possibility if it were developed more intensely. Commissioner Schauwecker asked whose responsibility this would be. CP Brown answered that it would be the property owner's responsibility.

Chair Hambrick asked if this was overlooked in the original land use plan. CP Brown responded that the property has been used as exactly what it is used for today for at least the past 20 years and probably longer than that before the Use Permit was issued. Chair Hambrick spoke of the property being used over 30-40 years and if it was overlooked. CP Brown responded that it was acquired as a plan from the County when the Town incorporated and it was not reviewed comprehensively at that time. CP Brown spoke of Staff being in support of this for a variety of reasons.

There were Council questions and discussion regarding the zoning, the use permit, other commercial property within 150 feet of the subject parcels and the width of Foothill Drive.

Vice Chair Hambrick advised that there were many people in attendance and that comments would be limited to two minutes and comments should not be repeated. He explained the process of the Commission's decisions.

CP Brown reminded the audience that this Commission is an advisory commission and their recommendation would be made to the Council at the next Regular Council Meeting on September 19, 2017.

Public Comment

Attorney Tony Cullum of Flagstaff spoke of being a real estate specialist and is representing the John Hughes family. He spoke of the Hugheses having no objection to what the Town is proposing. He spoke of the Town needing to eliminate special uses and change the map to accommodate the commercial and residential areas. The Town came to the Hugheses so that they can regulate the zoning. Mr. Cullum also spoke of the Event Center having operated for decades and that the liquor license was issued in 1960. If that is how it is being used, then zone it that way.

Bill Chester lives on June Lane and Foothill Drive. He spoke of trying to buy this particular property five years ago and tried to get the Town to rezone or extend the Special Use Permit. Terry Nolan said, no chance will they ever rezone that property, so the Chesters did not buy it. If it is going to stay exactly as it has been, why change it? The day you rezone it to C2, there will be a Safeway, Walmart, or a QT on that corner. He lives across the street from that corner and he does not want it, his neighbors don't want it. He spoke of a conflict of interest with Mr. Hughes being on the Town Council. He cited that there was no traffic research performed and that the property was not posted correctly. He cited that what is really going on is that someone wants to make a bunch of money off that property. He cited again that the Town told him they wouldn't rezone, so it is different now because a Councilmember is involved. He noted this a conflict of interest. CP Brown clarified that this is not a Town-initiated petition, rather an owner-initiated petition.

Chair Hambrick noted that the public comments needed to be limited to facts. He spoke of the Councilmember that applied for the zoning not voting on this issue, however, anyone that owns property in the Town has the right to apply for actions that pertain to their property.

Dan Bergman spoke of being in agreement with everything the previous speaker said, except for the part about the conflict of interest. He does not know about that. When he bought his property across the street 22 months, the realtors told him that they contacted the City Hall and there would never be commercial property across the street. He retired here and does not want a Quickie Mart across the street.

Jennifer Combs (sp) spoke of living here almost 11 years. Cut to the chase, retail is not going to put property on Foothill Drive and Highway 169, it's not going to happen in our children's or grandchildren's lives. You can't even get retail to come to Highways 69 and 169. She spoke in support of the Hugheses being allowed to do what they have done for 20 years and wanting to conform with the code and zoning.

CP Brown informed Council that he forgot to previously mention that the Town has received letters on this proposal. Three were in opposition and eighteen were in favor.

Leslie Chester of Foothill Drive somewhat agreed with what the previous lady said except that you don't need to rezone all 18 acres to continue doing what they have done. They could rezone a portion of that property commercial. She spoke of losing all control over property once it is rezoned commercial. Why not treat it like Mortimer's corner, actually prior to Mortimers, a long time ago when it went to a Town vote and it was voted down. Once the

property goes C2, you are talking big development. CP Brown clarified that this Public Hearing is the people.

Councilmember Crofutt asked why this couldn't be treated like the Museum Building and go to a referendum. CP Brown answered that if someone opposes the outcome it could be possible.

Ron Jarvis spoke of not knowing that Foothill Drive was a corridor that was handy for commercial property. He asked what part of residential don't people understand. If it is changed to commercial, it can spiral out of control.

Carol White has lived catty-corner to Cherry Creek Ranch for over 21 years and has been to events at the center. It is a nice hub for many activities including schoolchildren. She spoke of the project at Young's farm being a totally different project. She spoke of the traffic for the Event Center not funneling down to the residential corridor. The gentleman who built on the corner 22 months ago, Cherry Creek Ranch was there long before. She spoke of the benefits of Cherry Creek Ranch to the community.

Dan Bergman replied to the previous speaker that his issue was not with the Event Center. The concern is a Shell gas station on the corner.

Chair Hambrick reminded the audience that they are not speaking twice creating a debate.

Paul Warner of Foothill Drive asked the committee if this goes through, then the 18 acres will be commercial. What will that do to his property value? He spoke of his property value going down.

Tamara Sampson asked CP Brown for clarification of a previous statement that the Foothill area wasn't dense in residential homes. CP Brown did not recall making a statement like that and that it is definitely residential. She clarified that he said something about the density. CP Brown stated that it actually is the lowest density residential at this time. Ms. Sampson was not in favor of the rezoning.

John Hughes spoke of much propaganda going around and that the individual who spoke of trying to buy this property five years ago intended to put a convenience store on the corner. Mr. Hughes said he has no plans to change his plans, it is an Event Center and he wants to keep it an Event Center. He spoke of this costing him \$5,800.00 in application fees and the aggravation he has experienced with his neighbors, they won't even look at him. If anyone did want to develop it, you would have to come back to the Town and get all the zoning and all the planning done. He feels that one of the neighbors is causing controversy because he didn't get this done five years ago. He wanted a General Store on the corner, but now he doesn't own it, so he isn't good with it. Mr. Hughes reiterated that he wants to be able to continue with the Event Center and comply with the Town.

Carrie Hughes, Owner of Cherry Creek Ranch, spoke of clarifying that in early summer she received a phone call from the Town questioning the zoning on their property. She has been in total compliance of what the Town has asked. People think they came and did this for things they wanted to change. They love the way things have been going, they love having events and giving back to the community. If they need to change zoning, they will do what they need to in order to comply. The Hugheses feel they are good neighbors and want the best for the Town.

Dallas Howell, Law Office of Tony Cullum, spoke of the Event Center existing long before the Hugheses. This is a good change for the Town. They gain control with the zoning change. The landowner wants to be in compliance, which is the best change for this property.

Jim Hill of Foothill Drive spoke of buying his property two years ago. It is a rural area and he does not want businesses around there. Foothill Drive is already crowded traffic wise. If the Use Permit has been violated, maybe it should be looked at and turned down for renewal.

Sam Conoy (sp) spoke of this oversight needing to be corrected and it should have been done so when the Town was being laid out. It has an established use of over 20 years and it is an oversight. Mr. Hughes is just asking to have the oversight taken care of. Those that are complaining that moved in the last couple of years – the Event Center was there before they got here. There are Californians that have moved in that want to change and regulate the people who have lived here a long time and it shouldn't happen that way.

Gail Bergman spoke of not being upset with what the Hugheses are doing now and they are happy with that. Their concern is that if it is made commercial and something happens to the Hugheses tomorrow, what can future owners do to that land.

Gary Mortimer of Mortimer Farms spoke of the Commission probably not being able to discern what side he is on. He cited what the Hugheses are doing is totally awesome, but he agrees with the public that Dewey is a country town and needs to be kept that way. He spoke of their farm having had some previous rezoning and they are fighting that battle because that zoning does not fit their long-term plan, what they are doing right now. He thanks the community for supporting his business. He then spoke of attending an event at the Hugheses the other night, and it was just wonderful. It is a great Event Center, great asset to the community. They need to have the roadblocks taken out from in front of them so they can grow their business, but grow it in a way that is nice for the community. He doesn't want a Walmart there. Look at the growth in Prescott Valley. Just having the community here talking and working this out is very important.

Tim Alex of Shepherd Run Drive spoke of moving to a quiet, rural area. He spoke of the loud music on Saturday nights. He is concerned that other business will move in and depreciate his land value. He spoke of vehicles on the property and what will happen when it goes commercial. He can't put up with the homeless, drunks, or his land depreciating. He doesn't want a spotlight either.

Audrey Stroud spoke of not understanding why the property has to go commercial to be in compliance. She enjoys the Event Center but is concerned about the future and if the property were subdivided. She spoke of the possible traffic and water issues.

Chair Hambrick closed the Public Comment.

Attorney Cullum spoke of change being good in this case. There was a five-year Use Permit granted over and over. The Town is trying to regulate. He has heard much this night about losing control, when, in fact, the Town will gain control. The Use Permit can't be regulated. The Town Staff is right and this would bring it into conformity.

Chair Hambrick closed the Public Hearing at 6:57 p.m. He advised that there would not be Public Comment during Agenda Item 9.2. Town Attorney Smiley clarified that public comment was allowed. Chair Hambrick asked for Commission questions.

Commissioner Crofutt asked why the Hugheses can't continue under the Special Use Permit and if what they are doing is not included, can another Special Use Permit be issued to cover what they are doing. CP Brown explained this was not possible according to the zoning regulations, which exclude some of the uses. It is not possible.

Commissioner Schauwecker asked for clarification on what the property was used for before the Hugheses owned it. His recall was that it was more of a commercial use, than agricultural use. CP Brown said that since 1997 the Use Permit has been permitted for hay and tack sales, horse boarding, Series 7 Liquor License, and 30 special events, unspecified as to what those events were. He cannot attest to how it was being operated prior to the Hugheses, only that they acquired the property and Use Permit in 2013. Before that time, since 1997 that Use Permit was in place. Commission Schauwecker inquired if the Hugheses, since acquiring the property, have used it for events or activities that would not be allowed in this Use Permit. CP Brown noted they had the liquor license way back and clarified the Special Use Permit review process.

There was further Council discussion regarding the Liquor License and the definition of public recitals and dances.

Town Attorney Smiley gave clarification on the Special Use Permits and noted that the Town's conscientious planner noted that there were issues with the permit and that a General Plan Amendment would allow the rezoning to meet compliance.

Chair Hambrick noted that the original Special Use Permit was issued prior to this being a Town, and these rules were adopted later on. The Center is being operated as it has been for 40-60 years.

CP Brown clarified that they are not saying that anything started during the Hugheses tenure on their property. This has been an accepted use by the Community for well over 20 years. This use was accepted by the Community all this time. The Town was trying to allow the Community the use of this facility and legitimize the process and manner in which we are doing it.

Commissioner Schauwecker referenced a previous Public Comment of heavy equipment being stored on the property. Mr. Hughes acknowledged that there is a semi-trailer, a water truck and supply truck, noting this is still a ranch and this equipment is allowed on the property.

Chair Hambrick asked if there were any other questions or discussion from the Commission.

Commissioner Brooks thanked the Community for the turnout and their attendance. She spoke of her history in this area since 1951. She spoke of the history of the current General Plan and noted that it states one thing, and the permit states something else, this is why this has been handled as a two-step process to bring it into compliance. She spoke of needing levity because this property is being used the same way it has been. She spoke of the Commission trying to get things straightened out. She spoke of some area properties having split zoning. The Commission is trying to get some messes that have evolved since 2004, when they became a Town, to straighten them out slowly in the best interest of the people of the Town.

Chair Hambrick spoke in appreciation of everyone who turned out for this meeting and appreciates both sides of the argument. He noted that they needed to move on to a motion. They need to make decisions, not based on emotion, but on reality and that they cannot speculate on the "what ifs" of the future. He spoke of the history of the area's growth and summarized that in these type of areas, Williamson Valley, Prescott, Sedona, or Cottonwood, the last person that bought a lot there and builds a house wants to close the gates and "no more" because they bought in a small country town and they want to keep it that way. It's been that way time after time after time. The Commissioners and

Councilmembers took oaths to uphold the regulations of the Town and the State and the decisions are based on those types of things, not on the opposition. The Commission and Staff made a recommendation to the Council and they are supposed to vote based on that, not just because so many people said yeah or nay. Again, this is not based on the emotion, and they are not able to speculate what is or isn't going to be. If this were to be developed, they would have to come back to the Town and apply also, and based on the changes it would be determined if it goes to a public process. This could change with the upcoming General Plan revision. A community requires that you have roots, that you have commercial, that you have these types of things, without this, you don't have a community. Property values fluctuate. It is an ongoing process, if this is not the case, the Town dies and becomes a ghost town.

Chair Hambrick asked if there was anyone who wanted to make a motion.

Commissioner Brooks made a motion that the General Plan be changed to commercial property to come in compliance with the uses and they will not have to come back every five years for Special Use Permit.

Town Attorney Smiley offered help with the motion. The motion they are looking for is to recommend to Town Council approval of a minor amendment to the General Plan to change the land use of the property from low density residential land use designation to Community core land use designation.

Commissioner Brooks approved this wording and made the motion to recommend to Town Council approval of a minor amendment to the General Plan to change the land use of the property from low density residential land use designation to community core land use designation, seconded by Chair Hambrick. The vote failed with Commissioners Schauwecker and Crofutt voting against.

Commissioner Brooks made a motion to the Town Council to have this go before the community and let them vote on it.

Town Attorney Smiley noted that this was not legally possible. It is not possible in Arizona for a City or Town to propose legislation as an initiative. If the Town Council approves the zoning ordinance, it could go through a referendum process.

Chair Hambrick noted that there is a 2-2 split vote on this and this will be forwarded to the Council.

This portion of the Public Hearing was closed at 7:20 p.m.

9.2 ZDC-17-001 Request for a Zoning District Change to change the Zoning District designation of Assessor's Parcel Numbers 402-002-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 to C-2.

Community Planner Brown spoke of a lot of this material having already been discussed. CP Brown noted that he had a presentation and Staff report providing some background on this project. The Public Hearing Notice was published in the Prescott Daily Courier, a newspaper of general circulation in the Dewey-Humboldt area, on August 19, 2017, was sent by first-class mail to all property owners within 300 feet of the subject parcels and was also posted at the regular Town posting sites and on the property at least 15 days prior to the scheduled Public Hearing in compliance with ARS 9462.04. Speaking specifically to this rezoning case and not take up time doing the whole presentation, he offered that in summary there is a C2 – 4 zoning district running for nearly a quarter mile on either side of State Route 169 from the Prescott Valley town boundary to within 150 feet of the applicant's

property. It seems to suggest that the intent of the Town as realized by their zoning is that property fronting state routes are appropriate for commercial development. Additionally, sound planning would dictate that the intersection of a major arterial and a public collector could be an appropriate location for the development of a commercial node. Commercial developers would find this attractive and the Town may want to keep this in mind during the upcoming General Plan update. Staff, following review of the proposal, recommends to the Town Council, the zoning change, if the minor General Plan amendment has previously passed. Chair Hambrick asked if there were any further Commission questions. Chair Hambrick noted this was a secondary issue. If the vote were to go any other direction than the vote of the first issue, then it would be contradictory.

CP Brown noted that he would leave this to the Attorney.

Commissioner Schauwecker asked if rezoning the property would change the tax for the use of the property or would they stay the same. CP Brown replied that property taxes are based on use. If the use doesn't change, it should stay the same. If the property isn't divided further or developed more intensely, the appraisal would be based on the current use.

Chair Hambrick added that property is classified and valued by use. The classification of this property will change and have a negative impact to the property owners as far as higher taxes because the assessment ration could change. CP Brown deferred to Chair Hambrick's input.

Commissioner Crofutt asked if there was a need to rezone all of it, rather than just the portion that has the Event Center. Chair Hambrick noted that he didn't think they were here to discuss the need of it. The question is that they are to discuss an application that was filed on the entire Special Use Permit parcels. They have applied to be in compliance, and it gives the Town something to govern and hold to those requirements. He noted this was an assumption on his part.

Commissioner Brooks noted the General Plan wasn't changed due to the tie vote, so would they need to vote on the rezoning.

Chair Hambrick noted that he believed they needed to vote either way.

Attorney Smiley noted that Arizona Law requires that zoning needs to be in conformance with the General Plan. The motion to recommend it failed, so it will go forward as a failed motion, almost like they didn't make a recommendation. The zoning is an independent recommendation, you could go the same way. If the Council approves the minor General Plan Amendment, then the Council approves the zoning. If the motion is to recommend denial, then it would be that recommendation.

Chair Hambrick opened the meeting to Public Comment.

Bill Chester spoke of a guy behind him saying the Town has no control over that property. You do have 100% control over that property, as long as you adhere to the Special Use Permit. That is why Mr. Chester didn't buy the property. He spoke of believing that the owner will make changes. He will put a diesel shop there within hours of a zoning change approval. Mr. Chester advised that you don't change 18 plus acres to make no changes, other than sell alcohol. He spoke against the rezoning of the property.

Mike Hurd of Foothill Drive spoke in approval of John Hughes and his family, however, his concern is having that zoned industrial. He believes that his property value next door will go down. There is an industrial site $\frac{3}{4}$ mile down the road - it's already there. If Hugheses sell it and commercial comes in, Mr. Herr's property won't be worth much.

Leslie Chester of Foothill Drive asked if they could ask the property owners of their intention. Attorney Smiley noted that questions are to be directed to the Commission. She then went on to ask if the Hugheses intend to put a diesel shop on the property. Chair Hambrick pointed out that this could be answered later in their rebuttal. Chair Hambrick clarified that even if the Hugheses said that wasn't their intention, circumstances could be that in the future someone else could do something different with the property. The zoning that is being talked about will come up in the General Plan. There are corridors that will be zoned commercial, and then things have to be applied for after that. Ms. Chester said that her question has nothing to do with the Hugheses, it just has to do with that being the starting point of degradation to that property from a residential standpoint. Chair Hambrick again noted that this would be driven by the General Plan and other people in the future who apply for commercial properties. No matter how much you try to stop it, there is going to be growth that takes place or it will roll up and die.

Ed Jarvis of Foothill Drive spoke of the Commission not wanting to speculate, but they are putting a lot of speculation out there. He echoes the previous comments of other speakers and noted that you don't have to go in for a bunch of change. Dewey-Humboldt has been here for a long time and it hasn't died yet.

John Hughes spoke of people worrying about what he is going to do, when they don't worry about their own stuff. Mr. Hughes stated that no, immediately he does not plan to put a diesel shop on this property. The industrial place on the corner is in Prescott Valley. He is trying to keep his local business, Cherry Creek Ranch, in compliance, in business doing what they have done for a long time. He spoke of the Center being ready for horse events but the economy is not conducive. The arena is open to anybody, anytime. He noted there was a barrel race there two years ago.

Chair Hambrick closed the Public Hearing at 7:38 p.m. and reopened the regular meeting.

Commissioner Brooks made a motion to change the current zoning to C2 so they can be in compliance, seconded by Chair Hambrick. The motion failed by a 2-2 vote, with Commissioners Schauwecker and Crofutt voting against.

9.3 ZTC-17-001 Request to amend the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing Subchapter Sign Code, and by adopting by reference the "Town of Dewey-Humboldt Sign Code, dated September 19, 2017".

CP Brown gave an overview of this agenda item. He noted that this was pursuant to a court ruling in 2015 dealing with the Town of Gilbert vs. Reed dealing with a church that appealed the decision of the Town to regulate their signs. It was dealing with content, and they took exception to the Town's ability to regulate content. This is the Town's attempt to respond to that Supreme Court decision that you cannot regulate sign content.

Town Attorney Smiley gave further explanation stating that the argument was that certain businesses could have large signs and the church could only have smaller signs. Reed sued the Town of Gilbert claiming that this was a violation of the First Amendment by regulating content of signs. The Supreme Court applied strict scrutiny that the Town had to have a compelling reason to justify the regulations and the Supreme Court said it is not there. It struck the regulation. The decision says you have to read the sign to see what regulations apply then your sign code is in violation of the First Amendment. So, basically every sign code in the United States is in violation of the First Amendment because they regulated the different kinds of signs. Chino Valley has adopted a code similar to this one and every city is working on their sign codes. The proposed code removes all the content-

based regulations from Dewey-Humboldt's sign code and the regulations will not be according to districts. Attorney Smiley went through the proposed code explaining the revisions and that it has been simplified to meet the new regulations.

There was Commission discussion regarding the definition of codes, the requirements to meet the Supreme Court decision, easements and public right of ways.

Attorney Smiley explained that political signs are not to be in road right of ways, but the AZ statute says that it is a felony to remove political signs during campaign season. The Town can prohibit it, but they can't remove them.

Chair Hambrick noted that they could be fined. Attorney Smiley confirmed this and noted that they can be placed on residential property. She confirmed that this was not a change to the ordinance.

Chair Hambrick called for more questions. There was none forthcoming.

Chair Hambrick closed the Public Hearing at 7:59 p.m. and reopened the regular meeting.

Commissioner Schauwecker made a motion that we recommend the changes to the Sign Code to the Town Council, seconded by Lori Crofutt. The motion passed unanimously.

Commissioner Hambrick asked for clarification on the previous votes on the General Plan and Zoning change. He felt with a 2-2 vote it was a neutral position. Attorney Smiley clarified that if it is a tie vote, it is considered failed. It will go to Council somewhat neutral, as the Commission did not recommend to pass or deny.

10. Comments from the Public. None

11. Adjourn. The meeting was adjourned at 8:01 p.m.

Chair Victor Hambrick

ATTEST:

Julie Gibson, Town Clerk