

**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

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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