

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, February 4, 2016 6:00 P.M.**

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

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

## **AGENDA SUMMARY**

1. **Call To Order.** Meeting was called to order at 6:01 p.m. Chair Barry Smylie presiding.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done
  - 2.2. **Possible swearing in of new Commissioner, Patrick McGill, to the Planning and Zoning Commission.** (Pending Council Appointment scheduled for the February 2, 2016 Regular Council Meeting)

Mr. McGill was appointed by Council at the February 2, 2016 regular meeting. Town Clerk, Judy Morgan performed the swearing in of Commissioner McGill. His term will expire January 2019.
3. **Roll Call.** Commissioners Jeff Siereveld, Victor Hambrick, Patrick McGill, Rich Schauwecker, and Chair Barry Smylie were present. Commissioner Joe Garcia was absent.

At roll call Commissioner Hambrick announced he would be dismissing himself from the meeting early due to a conflict in his schedule.

  - 3.1 **Announcement of resignation of Vice Chair Dee Parker.** Chair Smylie announced the resignation of Vice Chair Dee Parker. Chair Smylie thanked Vice Chair Parker for her outstanding service to the Commission and the citizens of Dewey-Humboldt over the past few years.
4. **Informational Reports.** None
5. **Planner's Update on current events and activities.**

Community Planner, Steven Brown spoke about the upcoming selection of Chair and Vice Chair position to be scheduled for the March meeting agenda.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the January 7, 2016 Planning & Zoning Regular Meeting.

Motion was made by Commissioner Hambrick to approve the January 7, 2016 P&Z Regular meeting minutes, seconded by Commissioner Siereveld. It was approved unanimously.
7. **Discussion Agenda –New Business.** None
8. **Discussion Agenda – Unfinished Business.**
  - 8.1. **Kennels – Continued discussion of Section 153 of the Town Code, and recommendation on possible definition of Kennels, in the Town of Dewey-Humboldt.**

Chair Smylie requested staff to provide an overview of the options previously presented by staff for revising the definition of “Kennels”.

Community Planner Steven Brown reviewed the three options presented in the January 7<sup>th</sup> P&Z meeting and gave an overview of the events of that meeting. At the January P&Z meeting, there

was considerable discussion, the commission entertained comments from the public, no recommendations were made by the commission, and it was decided to table the agenda item to the February P&Z meeting to allow for further discussion and consideration of public comments.

Chair Smylie spoke of the three alternatives presented by staff at the January meeting. The intended purpose for the revision is modification of the existing Code definition of "Kennel, not to change the law, nor intended to be constraining, but to help tie up loose ends. Chair Smylie gave a summary of the three alternatives.

Community Planner, Steven Brown spoke about option 3 which would allow for the commission to add grandfather clause dates for existing Kennels. Commission could choose to use the incorporated date or an alternate date. Staff is recommending alternative 1, as it is the least restrictive for animal owners.

Chair Smylie asked for comment from commissioners regarding individual thoughts and recommendations for revision of the Kennel definition. Commissioner Hambrick spoke about option 1 not limiting the number of pets is less intrusive and would support this option; Commissioner Schawecker spoke about the purpose for wanting to make a modification to the definition now, why not just leave the code as is; Commissioner McGill spoke about being in favor of option 1, but believes the community may have other information regarding court cases which relate to animal codes. Commissioner Siereveld spoke about provisions for other ordinances and enforcement for nuisance control such as barking dogs.

Community Planner, Steven Brown explained the direction from Council to the P&Z Commission was intended to review the definition and make a recommendation back to the council. Staff provided the 3 options for the commission to consider, however, the commission could choose to not take any action or decide an alternate option. Mr. Brown spoke about the purpose for staff's recommendation for option 1: does not limit the number of animals or include a number of animals in the definition of Kennel; again intended to be the least intrusive and least restrictive for the animal owners. Mr. Brown spoke about the difference between the commercial and non-commercial pet owners, commercial would include persons exchanging animals for money. Mr. Brown spoke about the complaint and enforcement process by the town for code violations.

Chair Smylie asked for comments from the public.

Public comment was taken:

Debbi Pomeroy spoke about a 2011 court case involving definition of kennels. She spoke about the verdict in the case and the ruling for the definition of kennel and the difference of commercial and non-commercial kennel use. Believe the Town does need a definition of Kennel for commercial use and suggested the definition of Kennel include the language of "primary purpose for commercial use".

Commissioner Hambrick questioned Community Planner Steven Brown about how to define commercial vs. non-commercial. Mr. Brown spoke about commercial action; exchange of property for money. Commissioner Schawecker spoke about the difference between profit and non-profit commercial operations. Mr. McGill spoke about commercial activity.

Public comment was taken:

Ulys Brooks spoke about consideration for the residents and concerns residents have with town government.

Vicki Wendt spoke about a past memorandum from the Town Manager regarding codified animal codes and definition; does not believe there is a definition of kennel in town code.

Chair Smylie spoke about the intent to add to the code and not change it. Chair Smylie spoke about the general plan, keeping the rural lifestyle, preserving freedoms and individual rights. Need to find a blend between making necessary decisions to the Town code and not infringe on the rights of the people.

Commissioner Siereveld spoke about the original intent for a limit of animals before the Town incorporated.

Public comment was taken:

Sandy Geiger spoke about kennel operations within the Town. Ms. Geiger suggested adding language in the definition to include “primary purpose” to distinguish commercial vs. non-commercial operation, and allow the nuisance ordinance to be activated.

Debbi Pomeroy spoke about the Chino Valley animal ordinance, controlled through nuisance ordinances. No limitations in the number of animals allowed. The Town should not regulate the number of animals for owners; believes the Town needs a Kennel license for commercial boarding, not for pet owners.

Chair Smylie thanked the citizens for their comments and spoke about recommending option 1 with the addition of the language modification to include “for the primary purpose of commercial use” the kennel definition. The Commission spoke in favor of this option.

A motion was made by Chair Smylie to approve staff recommended alternative 1, definition of Kennel with revised language to read “A facility for the sole and primary purpose of boarding, breeding, and/or training of dogs and/or cats for use of a commercial operation. “Kennel” does not include the keeping of animals on residential lots as household pets.” Motion was seconded by Commissioner Siereveld. It was approved unanimously.

**8.2. Reasonable Accommodation – Update and continuing discussion on the provision of a procedure for granting of reasonable accommodations to handicapped persons pursuant to federal and state Fair Housing and Disabilities laws.** (Direction given by Commission at January 7, 2016 meeting)

Chair Smylie spoke about status of the Reasonable Accommodation ordinance. Council passed the ordinance at the January 19, 2016 regular council meeting. No further action is required by the Commission at this time.

**9. Public Hearing Agenda.** None

**10. Comments from the Public.** None

**11. Adjourn.** Chair Smylie adjourned the meeting at 7:11 p.m.

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Chairman Barry Smylie

ATTEST:

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Penney Bell, Administrative Assistant