



**MEETING OF THE
TAYLOR PLANNING & ZONING COMMISSION
ON TUESDAY SEPTEMBER 6, 2011
AT 7:00 P.M. AT
TAYLOR TOWN HALL
425 W. PAPER MILL ROAD**

Commission Members Present: Chairperson Merry Nutter, Vice-Chair Eric Ritz, Jack Babb, Loretta Whitlow, Ralph Schreiber,

Commission Members Absent:

Staff Present: Planning & Zoning Director Jeff Johnson, Administrative Assistant Kathy Hancock

Attorney Present:

Visitors: Lenn B. Hatch

1. **Open Public Hearing: Conditional Use permit request for parcels 205-12-034.**
Chairperson Merry Nutter opened the public hearing at 7:05 p.m.
2. **Public Comments:** There were no comments from the public.
3. **Close Public Hearing:** The public hearing closed at 7:05 p.m.
4. **Regular Meeting Called to Order:** Chairperson Merry Nutter called the meeting to order at 7:06 p.m.
5. **Open Call to the Public:** There were no comments from the public.
6. **Approval of Minutes: August 2, 2011 Planning & Zoning Commission Meeting. Motion made by Ralph Schreiber, seconded by Loretta Whitlow, to approve the minutes for the August 2, 2011 meeting as read.**
Action: Approve, Deny or Table
7. **New Business: Discussion and Possible Approval of Conditional Use Permit for a Second Home on Parcel 205-12-034.**—Mr. Lenn Hatch explained that he has 10 acres of land and would like to place a used doublewide manufactured home on his property for his daughter. He is pouring footers with tie downs and will have masonry skirting around the home. If the commission grants the CUP he will get a building permit. Jeff Baldwin will set the home and add decks; everything will be to town code. Mr. Hatch plans on putting a road to the house and would allow the town to put an easement or a road across the east side of his property to Paper Mill Rd if they ever wanted to. He also understands that the home can only be occupied by family and added that this property has already been surveyed out, but not recorded. Mr. Hatch asked if this could be rented out later if plans changed. Planning Administrator Jeff Johnson said in order to avoid a code violation, to do a rental it would have to be zoned R-2, or he could split that lot out and sell or give it away.

Chairperson Mary Nutter explained that he wants a CUP so his daughter can live there now but if he ever decides to sell, he would have to come back before the P&Z and do a lot split.

Motion made by Eric Ritz to approve Lenn Hatch's request for a Conditional Use Permit as stated in the agenda. Jack Babb seconded the motion. Motion passed.

Action: Discuss, Approve, Deny or Table

- 8. New Business: Continued Discussion on 18.20.030 Part D-Accessory Uses: Possible Animal Permit/Conditional Permits for R-1 Related Animals on 20,000 sq. ft. lots.** Merry Nutter feels that we need to leave R-1 zoning as it reads and introduce an Animal Use Permit with footage limitations. If a person has a larger piece of property and can maintain 10,000 sq. ft. per larger animal, then they can have those animals. But if someone lives in a subdivision and has enough footage to put one horse, they would have to petition for that permit and their neighbors have the right to protest. Mr. Johnson added if there was a public hearing, they would be able to protest.

Ralph Schreiber talked to the cities of Wickenburg, Safford and Casa Grande about their regulations. Wickenburg allows large animals in R-1 if the lot is a minimum 35,000 sq. ft. and the corrals have a 40' setback from all property lines. They have a minimum 12,000 sq. ft. per animal for a corral. They also have a limited use permit for 4-H similar to ours. Safford's codes are similar to ours. Casa Grande is revamping there's right now because they have a lot more residential moving into the area. They are trying to totally do away with livestock.

Mr. Ritz also looked at three communities, some who are similar to Taylor culturally and some that are larger anticipating what might happen as we grow. All three communities have significantly more stringent rules on livestock than what we have considered. Springerville doesn't allow any animals in R-1 20,000 sq. ft. They start allowing large animals on 1-acre lots. You can have two animals on the first acre and then incremental animals for every 10,000 sq. ft. after that. Payson and Thatcher, as well as Springerville all have between 75' and 100' setbacks to any residents. If the lot is adjacent to vacant land they approximate where a potential home would be and they restrict your animal enclosure to be within 100' of that potential home. The idea is to protect the vacant land that may be adjacent to R-1 zoning. Thatcher allows no pigs at all. If you have ½ acre you can have a combination of 2 animals and then 1 additional animal for every ½ acre. Payson does not allow horses in R-1 unless there is a vacant lot next to you and you project out a 100' setback. Across all three communities they are much stricter and in line with protecting R-1 zoning.

Mr. Johnson mentioned that at the last meeting Sterling talked about the grandfathered law. Our code says the grandfather is on the use, so if you have horses on your property and then sell it, the new owner could still have horses. If you wanted to change that, the commission would need to come up with ideas and have a workshop to determine the best way to route this.

Eric Ritz made motion that this commission explore a code change with the help of our attorney and recommend that upon sale of a property, grandfathered conditions are terminated. Merry Nutter seconded motion. Mr. Johnson explained that we did not need a motion to explore a code change.

Mr. Ritz would like this commission to take this forward. When we have so many exceptions, special permits and grandfathered situations, why do we have zoning? Do we want to be a community of zoned districts so we provide a community of multiplicity of lifestyle or do we want to be a free-for-all community where you do what you want? We can't be both. Mr. Babb believes we all need to compromise to meet the needs of the community as a whole.

Mr. Ritz determined that other communities do not allow large animals until the property size is 1-acre, not R-1 20,000 sq. ft. Since we already have people with 20,000 sq. ft. and horses, this may be scaring us a little into having the discussion at one level to early. He recommends we follow suite with what others have done, but perhaps have some flexibility with a permit. Ms. Nutter says 20,000 sq. ft. is almost ½ acre and probably large enough to have a horse; we would have to change the zone as it reads now as well as the way the grandfathered clause reads. Mr. Johnson explained how non-conforming grandfathered use on things like home setbacks work saying there are different situations on everything, but with animal use for an example, if you decided to get rid of any horses on 20,000 sq. ft., every horse on 20,000 right now would be grandfathered. The way the code reads now, as long as they keep that horse on the property and sell their property to someone else, the new owners would be able to have horses. The commission agreed that changing the grandfathered clause is crucial and goes hand in hand with what we are trying to do.

Mr. Ritz said we might want to say in a grandfathered situation in R-1 20,000 zoning, if you have horses and are grandfathered but when you sell your property, we will not allow horses to the next property owner. We could still allow a TUP for 4-H kids in R-1 20,000 zoning and they could still have steers. As a town we could say we are not going to expand the AG nature of 20,000 sq. ft. lots; we are going to encourage the AG nature in AG-1. Mr. Babb asked if we modify the grandfathered clause does it start today, or is it retroactive to all other properties currently in existence. This would probably be something the attorney would have to answer. Mr. Ritz went on to say if we are considering eliminating grandfathered usage, then we believe the usage to be nonconforming. If we want to eliminate grandfathered livestock in 20,000 sq. ft. we need to also change the code to prevent continuing livestock nonconforming use. Everyone was in agreement that we should discuss with the attorney how we amend the grandfathered code language and the livestock language in R-1. It was determined that we will do this as a workshop rather than a regular meeting. Mr. Johnson will try to set up a workshop with Mr. Solomon for Wednesday, Sept 21, 2011.

Action: Discussion or Postponement

9. New Business: Discussion on Possible Text Amendment to Chapter 18.12 AG-1; Permitted Uses, Accessory Uses, Conditional Uses that Apply to Animals.

Eric Ritz made a motion to table item #9 in lieu of time until we resolve with the town attorney item #8. Jack Babb seconded the motion. Motion passes.

Action: Discussion or Postponement

10. Items for future agendas: Mr. Johnson will be gone at our next scheduled meeting and Ron Solomon will fill in for him. There will be a request for a Conditional Use Permit to put a park model home on their property at 2275 N. Highway 77 to use as an office.

Action: Discuss, Instruct staff to add items on future agenda

11. Adjournment:--Motion to adjourn the meeting made by Jack Babb, seconded by Merry Nutter. Voting was unanimous.

Meeting adjourned at 8:10 p.m.

Certification of Minutes: I hereby certify that the foregoing minutes are a true and correct copy of the Taylor Planning/Zoning Commission Public Hearings and Meeting held September 6, 2011. I further certify that the meeting was duly called to order and that a quorum was present.

Dated this 6th day of September, 2011

Kathy Hancock
Administrative Assistant