

## SUMMARY OF AGENDA ITEM

**DATE:** November 6, 2008

**TO:** Mayor and Council

**FROM:** Ray Erlandsen   
Zoning Administrator

**SUBJECT:** Ordinance #749 801 N. Graham Ranch Road  
Rezone from R1-175 to R1-90 (P-349-08)

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### PURPOSE:

A request from Donald and Charlotte Meloche, for a zone change from R1-175 to R1-90 as depicted on the Record of Survey/Minor Land Division map conducted August 2008 to allow for the future division of their property.

### SUMMARY:

Currently, there is one residence on the 7.22 acres. The applicants propose to divide the current lot into three parcels of 2.50, 2.64 and 2.08 acres.

The site is currently bordered by R1-90 zoned property on the south and west. The north and east sides are currently R1-175 with single family residences.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Low Density residential development up to 2.5 dwelling units per acre. As the gross density proposed is 0.5 dwelling units per acre, the proposed development meets the criteria of the Land Use Element.

Access to the existing residence at 801 N. Graham Ranch Trail consists of 14 feet of asphalt paving within a 30 foot wide private ingress/egress and public utility easement. This existing easement serves as the only point of access for the 7.75 +/- ac property adjoining this site to the east. Subsequent to the rezoning, through the creation of the new parcels this entire easement would become a private roadway easement.

Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.

Public sanitary facilities are not required for R1-90 zoning and this property is not currently within the Northern Gila County Sanitary District.

Attached is the applicant's affordable/workforce housing proposal.

The Planning and Zoning Commission recommended approval to the Town Council on October 13, 2008, on a 6-1 vote subject to the five conditions as attached.

NOV 06 2008 6.5

**PROPOSAL FOR AFFORDABLE/ WORKFORCE HOUSING CONTRIBUTION**

**Re: 801 No Graham Ranch Road, Payson, AZ – 7.22 acre lot split into 3 parcels**

**I, Donald L Meloche and Charlotte M Meloche, hereby submit the following proposal for affordable/ workforce housing contribution required by the Town of Payson.**

**That upon development of each of the two (2) undeveloped lots, \$1000 per lot shall be paid to the said contribution listed above, upon the occurrence of development of each lot.**

*issuance of building permits*

**That upon development of each of the two (2) undeveloped lots, if we are the developers, we will use local labor and materials whenever possible, as we have done in the past.**

**October 13, 2008  
At Payson, Arizona (Gila County)**

  
**Donald L Meloche**

  
**Charlotte M Meloche**



MEMO

TO: Planning and Zoning Commission  
FROM: Ray Erlandsen, Zoning Administrator  
DATE: October 13, 2008  
SUBJECT: 801 N. Graham Ranch Road  
Rezone R1-175 to R1-90 **P-349-08**

**Background**

The applicants, Donald and Charlotte Meloche, are requesting approval of a zone change from R1-175 to R1-90 as depicted on the Record of Survey/Minor Land Division map conducted August 2008 to allow for the future division of their property. Currently, there is one residence on the 7.22 acres. The applicants propose to divide the current lot into three parcels of 2.50, 2.64 and 2.08 acres.

**Analysis**

The site is currently bordered by R1-90 zoned property on the south and west. The north and east sides are currently R1-175 with single family residences.

The Land Use Element (Chapter 3) of the Town of Payson General Plan designates this property for Low Density residential development up to 2.5 dwelling units per acre. As the gross density proposed is 0.5 dwelling units per acre, the proposed development meets the criteria of the Land Use Element.

Access to the existing residence at 801 N. Graham Ranch Trail consists of 14 feet of asphalt paving within a 30 foot wide private ingress/egress and public utility easement. This existing easement serves as the only point of access for the 7.75 +/- ac property adjoining this site to the east. Subsequent to the rezoning, through the creation of the new parcels this entire easement would become a private roadway easement. Half streets are generally discouraged within new subdivisions, but may be permissible where necessary to provide right-of-way required by the Town Streets Plan, to complete a street pattern already begun, such as in this area. The existing section of pavement is 6 feet short the minimum paved street width for a half street, which is 20 feet. In the event that the properties to the south and east of the subject site developed in accordance with the current land use element of the General Plan then this half street could be widened to provide a connection between N. Graham Ranch Trail and N. Tyler Parkway. If properties to the south were to be further subdivided, the applicant for that subdivision would be required by Code to plat the other half of this roadway.

Storm water detention/retention shall be provided in accordance with the Town of Payson Requirements.

Public sanitary facilities are not required for R1-90 zoning and this property is not currently within the Northern Gila County Sanitary District.

## **Staff Recommendation**

Recommendation: Approval with conditions listed below.

1. Development on this property shall comply with the current Town of Payson water requirements at the time of construction.
2. The development shall be in substantial conformance with the Record of Survey/Minor Land Division map conducted August 2008 and shall not exceed a total of 3 parcels.
3. The developer shall submit a proposal for affordable/workforce housing contribution prior to approval of the minor land division.
4. A street name, acceptable to the Town of Payson, shall be depicted on the minor land division.
5. If further development occurs involving the existing roadway, the applicant for the subdivision shall be required to plat a full width roadway to meet existing code requirements at that time.
6. If any of the conditions listed above cannot be met or the applicant has not recorded an approved minor land division survey map within two (2) years of the approval date of the zoning change, then the R1-90 zoning may revert to the original R1-175 zoning, pending Council action.

## **Suggested Motion to recommend Approval:**

“I move the Planning & Zoning Commission recommend to the Town Council approval of P-349-08, a request to rezone a 7.22 acre property located at 801 N. Graham Ranch Road R1-175 to R1-90 as depicted on the record of survey/minor land division map conducted August 2008 to allow for the future division of this property with the 6 conditions listed in the staff report.”

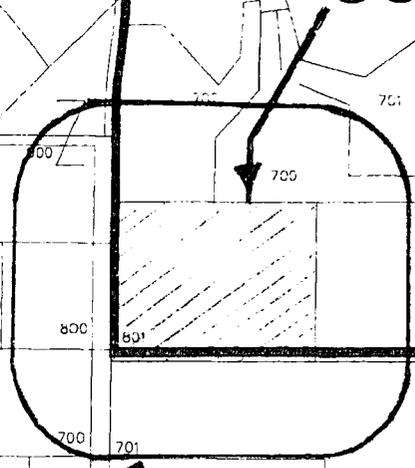
R1-10

R1-175

R1-44

**SUBJECT SITE**

R1-90



**300' NOTIFICATION AREA**

R1-90

R1-90

R3

C-3

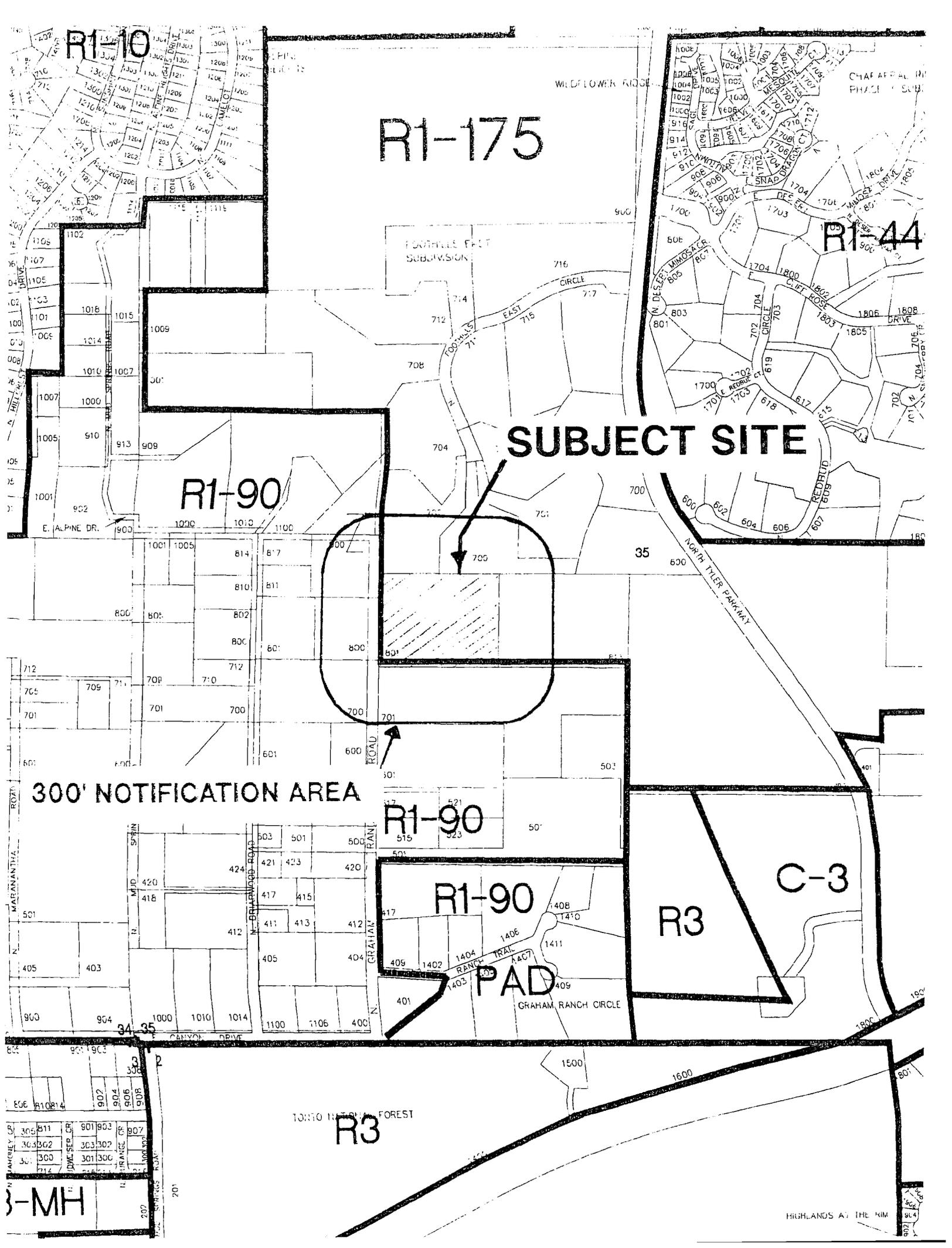
PAD

TONTON INTERIOR FOREST

R3

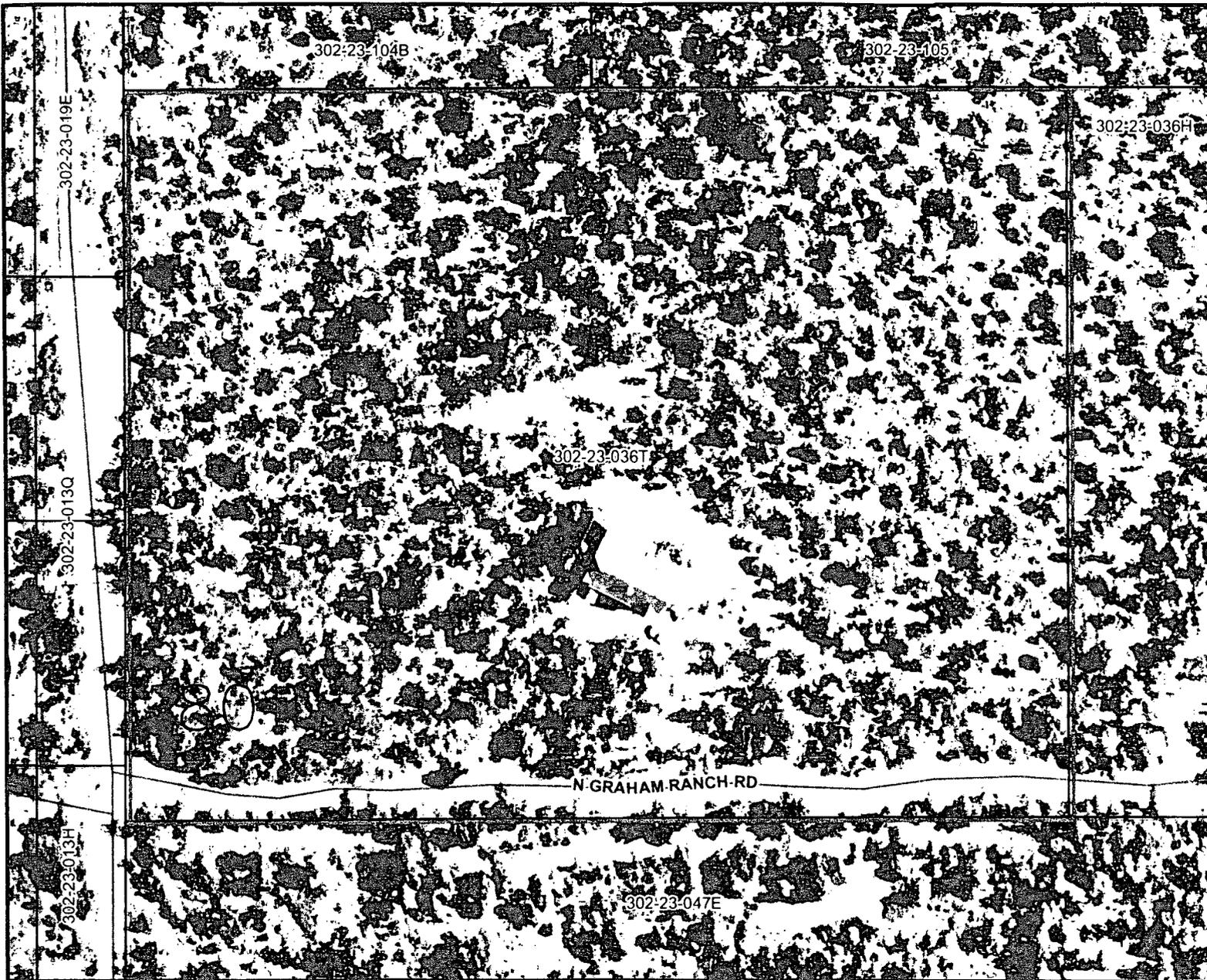
HIGHLANDS AT THE HILL

3-MH

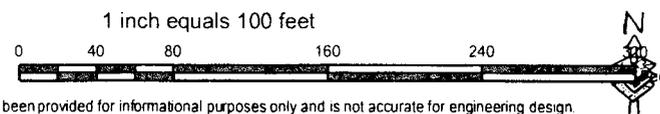




# GIS Information



303 North Beeline Highway  
Payson, Arizona 85541  
(928) 474-5242 www.ci.payson.az.us  
GIS/PaysonGIS\_Master.mxd 11/28/2007



This map has been provided for informational purposes only and is not accurate for engineering design. Every effort has been made to ensure this map is as accurate as possible. The Town of Payson shall assume no liability for the base information contained in this map.

## Legend

-  Town Boundary
-  Parcels
-  Payson Base Map
-  Mobile Home Units
-  Street Centerline

**TOWN OF PAYSON  
PLANNING AND ZONING COMMISSION or  
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- |  |  |
|--|--|
| <input type="checkbox"/> Abandonment Request         | <input type="checkbox"/> General Plan or Land Use Plan Amendment |
| <input type="checkbox"/> Administrative Appeal       | <input type="checkbox"/> Minor Land Division                     |
| <input type="checkbox"/> Code Amendment              | <input type="checkbox"/> P & Z Commission Appeals                |
| <input type="checkbox"/> Conditional Use Permit      | <input type="checkbox"/> Preliminary Subdivision Plat            |
| <input type="checkbox"/> Development Master Plan     | <input type="checkbox"/> Temporary Use Permit                    |
| <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Variance                                |
| <input type="checkbox"/> Final Subdivision Plat      | <input checked="" type="checkbox"/> Zone Change                  |

Project Address: 801 N GRAHAM RANCH RD Tax Parcel Number: 302-23-036T  
 Subdivision: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
 Name of Applicant(s): DONALD & CHARLOTTE MELOCHE Phone #: 928-474-3507  
 Mailing Address: SAME AS ABOVE Town: PAYSON St: \_\_\_\_\_ Zip: 85541-4132  
 Name of Property Owner(s): THE MELOCHE FAMILY TRUST  
 Mailing Address: SAME AS ABOVE Town: PAYSON St: \_\_\_\_\_ Zip: 85541  
 Contact Person: DONALD MELOCHE Phone #: 928-474-3507 Fax #: CELL 619-838-2410  
 Payson Business License # N.A. Sales Tax # N.A.

Detailed Description of Request: ZONE CHANGE FROM R1-175 TO R1-90  
WE WOULD LIKE THE ABILITY TO SELL OFF A PORTION  
OF OUR PROPERTY. NO TRANSACTIONS ARE PENDING AT  
THIS TIME.

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent on the owners behalf.

DONALD L. MELOCHE [Signature] TRUSTEE 2-26-2007  
 Print Name TRUSTEE Signature Date  
MELOCHE FAMILY TRUST

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: \$ <u>900.00</u> <u>PK</u>  <u>ZONE CHANGE</u>  CHECK NUMBER: _____ DATE: <u>1/1/07</u>
DATE FILED	<u>4/4/07</u>	<u>SL</u>	
COMPLETED APPLICATION	<u>9-11-08</u>	<u>(RE)</u>	
NEWSPAPER PUBLICATION	<u>9-26-08</u>	<u>(RE)</u>	
300' NOTIFICATION MAILOUT	<u>9-23-08</u>	<u>(RE)</u>	
POSTING DATE	<u>9-22-08</u>	<u>(RE)</u>	
<u>RE-POSTED - 9-29-08</u>			
RECOMMENDATION		DECISIONS	
By: _____	Date: _____	By: _____	Date: _____

# Gila County Parcel and Tax Information Search

Email [webmaster@gilacountyaz.gov](mailto:webmaster@gilacountyaz.gov) for problems with this page

[Search](#)

[Assessment Information](#)

[Tax Information](#)

## Assessor Information 302-23-036T

<b>Parcel ID</b>	302-23-036T
<b>Site Address</b>	801 N GRAHAM RANCH RD
<b>Owner Name</b>	MELOCHE DONALD L TRUSTEE/TRUST,
<b>Owner Address</b>	PO BOX 2554, ALPINE, CA 91903
<b>Legal Description</b>	PCLS 1,2 ROS 1042;SW4 SEC 35 T11N R10E;=7.22 AC M/L (COMB PCLS 302-23-036J,K)
<b>Land Full Cash Value</b>	\$195,994.00
<b>Improvements Full Cash Value</b>	\$444,027.00
<b>Land Legal Class</b>	03 - RESIDENTIAL
<b>Improvement Legal Class</b>	03 - RESIDENTIAL
<b>Total Full Cash Value</b>	\$640,021.00
<b>Limited Property Value</b>	\$582,087.00
<b>Real Property Ratio</b>	0.10000000
<b>Use Code</b>	0152
<b>Property Size</b>	7.22
<b>Assessed Full Cash Value</b>	\$64,002.00
<b>Assessed Limited Value</b>	\$58,209.00
<b>Total Exemption Amount</b>	\$0.00
<b>Docket Recorded Date</b>	6/11/1996 12:00:00 AM
<b>Sale Docket</b>	8823
<b>Sale Page</b>	96
<b>Affadavit Sale Price</b>	\$0.00
<b>Instrument Type</b>	OTHER
<b>Tax Year</b>	2009

**Legal Description:**

PCLS 1,2 ROS 1042;SW4 SEC 35 T11N R10E;=7.22 AC M/L (COMB  
PCLS 302-23-036J,K)

CITIZENS  
PARTICIPATION  
MATERIAL

**MELOCHE**

801 N Graham Ranch Road, Payson, AZ 85541-4132  
Tel 928-474-3507 Email: winslow42@cox.net

April 3, 2007

Town of Payson  
Community Development Dept  
303 N Beeline Hwy  
Payson, AZ 85541-4306

Attn: Sheila DeSchaaf, Planning Specialist

RE: Citizen Participation Meeting Report  
Request for Zone Change from R1-175 to R1-90 for  
Property Located at 801 N Graham Ranch Road, Payson

The Citizen Participation Meeting was held at the Town of Payson Council Chambers at 303 N Beeline Highway, Payson, AZ on Tuesday, April 3, 2007 at 3:00 PM.

38 Property Owners and Property Users were invited to attend the meeting per mailing list supplied by the Town of Payson. Attached is a duplicate copy of the mailing labels, along with a copy of the Notice of Citizen Participation Meeting letter, which was mailed on Friday, March 16, 2007.

Charlotte Meloche hosted the meeting in the Council Chambers from 2:45 PM to 3:35 PM, and no one showed up.

Sincerely,



Charlotte Meloche  
Co-Applicant and Co-Trustee,  
The Meloche Family Trust (Property Owner)

Encl: Duplicate Copy of Mailing Labels, and Copy of Notice of Citizen Participation Meeting letter.

## NOTICE OF CITIZEN PARTICIPATION MEETING

Re: Proposed Zone Change for 801 N Graham Ranch Road (7.2 acres)

Dear Property Owner:

You are hereby notified of a Citizen Participation Meeting to be held on Tuesday, April 3, 2007 at 3:00 p.m. at the Town of Payson Council Chambers, located at 303 North Beeline Highway. The purpose of this meeting is to provide information to property owners adjacent to subject property regarding the proposed zone change from R1-175 to R1-90 (from 4 acres to 2 acres). This is a plan to bring the subject property into conformity with the zoning of other properties on North Graham Ranch Road, and to allow the property owners to give a portion of the property to their children, or to sell off a portion of the property as necessary. An 8 ½ x 11 copy of the Site Plan is attached. If you cannot attend the meeting and or/have questions regarding the proposed zone change, please call Don or Charlotte Meloche at 928-474-3507.

Very truly yours,



Donald L. Meloche  
Charlotte Meloche  
Property Owners

Enclosure

Cc: Sheila DeSchaaf – Planning & Zoning  
Town of Payson

Diane T Reid, Trustee  
813 N Graham Ranch Rd  
Payson, AZ 85541

Geraldine R Donovan, Trustee  
700 N Graham Ranch Rd  
Payson, AZ 85541

Thomas & Mary A Flood  
2620 W Laughlin Dr  
Chandler, AZ 85224

Nicholas & Maureen E Brotcke  
1117 N Beeline Hwy  
Payson, AZ 85541

Barry L & Nancy M Peiffer  
800 N Graham Ranch Rd  
Payson, AZ 85541

Ken & Linda Wanat  
912 W Landmark Trail  
Payson, AZ 85541

Nicholas & Maureen E Brotcke  
501 N Graham Ranch Rd  
Payson, AZ 85541

Richard Patrick Irwin  
16019 Birch Lane  
Minnetonka, MN 55345

Gordon H & Sandra Rowley  
6465 E Orian St  
Mesa, AZ 85215

Robert L & Nancy A Hartley,  
Trustees, Hartley Trust  
PO Box 2160  
Payson, AZ 85547

Roger L & Sharon S Wilson  
6272 W Donald Dr  
Glendale, AZ 85310

Jeanie Langham  
602 E Continental Dr  
Payson, AZ 85541

Patrick C McLaughlin  
PO Box 1714  
Payson, AZ 85547

Richard D & Darlene Burton  
1647 N Barkley St  
Mesa, AZ 85203

Jason Phillimore  
431 S Beeline Hwy  
Payson, AZ 85541

Kenneth W & Sharon Duckworth  
Trustees, Duckworth Trust  
517 N Graham Ranch Rd  
Payson, AZ 85541

Serfgio & Irma C Esquer  
4441 E Tether Trail  
Phoenix, AZ 85050

Robert Henley  
1300 W Aviator Cir  
Payson, AZ 85541

Suzanne R Stone  
500 N Graham Ranch Rd  
Payson, AZ 85541

Bruce A Giedt, Trustee &  
Gail A Platt-Giedt, Trustee  
704 Foothills East Cir  
Payson, AZ 85541

Robert L & Nancy Hartley or  
Occupant  
601 N Graham Ranch Rd  
Payson, AZ 85541

Ronald L & Robin A Morris  
504 N Graham Ranch Rd  
Payson, AZ 85541

Dean R & Jeneane C Lee  
15985 Clarkes Gap Road  
Waterford, VA 20197

Patrick C McLaughlin or Occupant  
515 N Graham Ranch Rd  
Payson, AZ 85541

Randy J & Juliann E Morder  
600 N Graham Ranch Rd  
Payson, AZ 85541

Steven Arthur & Patricia Mayer  
16416 Hidden Valley Road  
Minnetonka, MN 55345

Occupant  
817 N Briarwood Rd  
Payson, AZ 85541

Randy J & Juliann E Morder  
304 E Eidelweiss  
Payson, AZ 85541

Robert Allan & Brenda Ortlund,  
Trustees, Ortlund Living Trust  
420 Graham Ranch Rd  
Payson, AZ 85541

Occupant  
811 N Briarwood Rd  
Payson, AZ 85541

Occupant  
700 N Foothills East Cir  
Payson, AZ 85541

Occupant  
702 N Foothills East Cir  
Payson, AZ 85541

Occupant  
704 N Foothills East Cir  
Payson, AZ 85541

Occupant  
703 N Foothills East Cir  
Payson, AZ 85541

Occupant  
601 N Briarwood Rd  
Payson, AZ 85541

Occupant  
412 N Graham Ranch Rd  
Payson, AZ 85541

Occupant  
404 N Graham Ranch Rd  
Payson, AZ 85541

Occupant  
521 N Graham Ranch Rd  
Payson, AZ 85541

704 Foothills East Circle  
Payson, Arizona 85541  
September 26, 2008

TO: Payson Planning and Zoning Commission  
Payson City Hall

Gentlemen:

Reference: P-349-08

Being in the notification zone of P-349-08, we have received your legal notice concerning a request to rezone an individual piece of property from R1-175 to R1-90 for 7.22 acres at 801 Graham Ranch Road, Payson.

While living in an R1-175 zoned area, we are generally opposed to rezoning particularly on large parcels of property which will lead to increased density development. We firmly believe zoning should remain in tact since our purchase was based on this. But, in the case of this request for an individual parcel and understanding the purpose of the change is to allow family members to build on the property, we do not oppose this.



Gail and Bruce Giedt  
704 Foothills East Circle  
Payson, Arizona 85541

RECEIVED  
CITY OF PAYSON  
SEP 26 2008

SEP 26 2008

RECEIVED  
CITY OF PAYSON  
SEP 26 2008

NOTICE OF CITIZEN PARTICIPATION MEETING  
HELD ON APRIL 3, 2007

Re: Proposed Zone Change for 801 N Graham Ranch Road (7.2 acres)

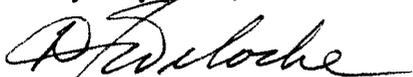
Mr. William Esser  
Graham Ranch Road  
Payson, AZ 85541

Dear Mr. Esser,

You are hereby notified that a Citizen Participation Meeting was held last year on Tuesday, April 3, 2007 at 3:00 p.m. at the Town of Payson Council Chambers, located at 303 North Beeline Highway. The purpose of this meeting was to provide information to property owners adjacent to subject property regarding the proposed zone change from R1-175 to R1-90, from 4 acres to 2 acres. This is a plan to bring the subject property into conformity with the zoning of other properties on North Graham Ranch Road, and to allow the property owners to give a portion of the property to their children, or to sell off a portion of the property as necessary. An 8 ½ x 11 copy of the Site Plan is attached. None of the adjacent property owners attended the meeting, and none objected to the proposed zone change.

Pursuant to our conversation yesterday and by signing below, you waive your right to procedural notifications as required by the Town of Payson, and agree to the proposed zone change from 4 acres to 2 acres.

Very truly yours,


Donald L. Meloche  
Charlotte Meloche  
Property Owners  
801 N Graham Ranch Road  
Payson, AZ 85541-4132

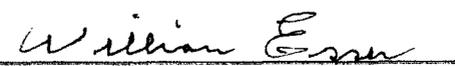
RECEIVED

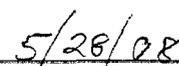
MAY 28 2008

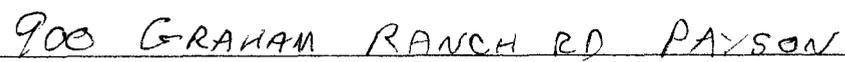
COMMUNITY DEVELOPMENT  
DEPARTMENT

Encl: 1

Cc: Sheila DeSchaaf – Planning & Zoning, Town of Payson

  
\_\_\_\_\_  
William Esser

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Address

NOTICE OF CITIZEN PARTICIPATION  
MEETING

Re: Proposed Zone Change for 801 N Graham Ranch Road (7.2 acres)

Dear Property Owner:

You are hereby notified of a Citizen Participation Meeting to be held on Tuesday, April 3, 2007 at 3:00 p.m. at the Town of Payson Council Chambers, located at 303 North Beeline Highway. The purpose of this meeting is to provide information to property owners adjacent to subject property regarding the proposed zone change from R1-175 to R1-90 (from 4 acres to 2 acres). This is a plan to bring the subject property into conformity with the zoning of other properties on North Graham Ranch Road, and to allow the property owners to give a portion of the property to their children, or to sell off a portion of the property as necessary. An 8 1/2 x 11 copy of the Site Plan is attached. If you cannot attend the meeting and or/have questions regarding the proposed zone change, please call Don or Charlotte Meloche at 928-474-3507.

Very truly yours,

*[Handwritten signature of Donald L. Meloche]* *[Handwritten signature of Charlotte Meloche]*

Donald L. Meloche  
Charlotte Meloche  
Property Owners

Enclosure

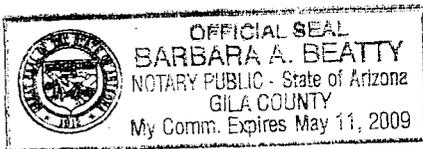
Cc: Sheila DeSchaaf - Planning & Zoning  
Town of Payson

TO WHOM IT MAY CONCERN:

On Tuesday, April 3, 2007 -  
I will be gone from Arizona for  
vacation. I am the owner of parcel  
302-23-047E7 which borders (801 N.  
Graham Ranch Rd.) to the south.  
I have NO OJECTION - WHAT SO EVER  
TO THE REZONING change from R1-175  
to R1-90.

*[Handwritten signature of Nicholas Brotcke]*

NICHOLAS BROTCHE  
Property owner - 501 N. Graham Ranch Rd.  
mailing address: 1117 N. Beeline Hwy.  
Payson, AZ 85541  
(928) 474-3911



State of AZ, County of GILA  
Signed before me on this 19<sup>th</sup> day *NICHOLAS BROTCHE*  
of ARIZONA, 2007 by BARBARA A. BEATTY  
Notary Public *[Handwritten signature]*

ORDINANCE 749

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 801 NORTH GRAHAM RANCH ROAD, GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-036T, FROM R1-175 TO R1-90 (THE MELOCHE PROPERTY).

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map, Ordinance 466, and its Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application P-349-08 to amend the Official Zoning Map, Ordinance 466, and the Official Zoning Code has been made by the Meloche Family Trust, property owner (Donald and Charlotte Meloche representatives), to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on October 13, 2008, considered the issues, and made recommendation on Application P-349-08 to the Town Council; and

WHEREAS, the Town Council held a public hearing on November 6, 2008, in regard to said Application P-349-08 and has considered the issues relating thereto,

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:**

Section 1. The Official Zoning Map, Ordinance 466, and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of R1-90 for that portion of the certain real property located at 801 North Graham Ranch Road, Gila County Assessor's Parcel Number 302-23-036T, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (the "Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application P-349-08 are hereby made contingent upon those conditions set forth in Section 3 below, and are found to be consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

Section 3. The foregoing change in zoning shall be and is hereby specifically made contingent upon and conditional upon each of the following:

- A. Development on the Property shall comply with the current Town of Payson water requirements at the time of construction.

NOV 06 2008 C.S.

- B. The development shall be in substantial conformance with the Record of Survey - Minor Land Division map dated August 2008 and shall not exceed a total of 3 parcels.
- C. A street name, acceptable to the Town of Payson, shall be depicted on the Record of Survey - Minor Land Division map.
- D. If further development occurs involving the existing roadway, the applicant for the subdivision shall be required to dedicate a full width roadway to meet existing code requirements at that time.
- E. The applicant shall make an affordable housing contribution as described in Exhibit B attached hereto.
- F. If any conditions listed in this Section 3 are not met or the applicant has not recorded a Record of Survey - Minor Land Division splitting the Property into three parcels within two (2) years of the approval date of the zoning change, then the R1-90 rezoning may revert to the original R1-175 zoning, pending Council action.

Section 4. This Ordinance 749 shall be treated as having been adopted and the 30-day referendum period established by A.R.S. § 19-142(D) and § 30.54 of the Code of the Town of Payson shall begin when the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Meloche Family Trust and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of the Town's adoption of this Ordinance 749. If this waiver instrument is not recorded within 15 calendar days after the motion approving this Ordinance 749, this Ordinance 749 shall be void and of no force and effect.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES \_\_\_\_ NOES \_\_\_\_ ABSTENTIONS \_\_\_\_ ABSENT \_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney

EXHIBIT A TO ORDINANCE 749

PCLS 1,2 ROS 1042; SW4 SEC 35 T11N R10E

7.22 AC M/L (COMB PCLS 302-23-036J,K)

EXHIBIT B TO ORDINANCE 749

PROPOSAL FOR AFFORDABLE/ WORKFORCE HOUSING CONTRIBUTION

Re: 801 No Graham Ranch Road, Payson, AZ – 7.22 acre lot split into 3 parcels

I, Donald L Meloche and Charlotte M Meloche, hereby submit the following proposal for affordable/ workforce housing contribution required by the Town of Payson.

That upon development of each of the two (2) undeveloped lots, \$1000 per lot shall be paid to the said contribution listed above, upon the occurrence of development of each lot.

*issuance of building permit*

That upon development of each of the two (2) undeveloped lots, if we are the developers, we will use local labor and materials whenever possible, as we have done in the past.

October 13, 2008  
At Payson, Arizona (Gila County)

  
Donald L Meloche

  
Charlotte M Meloche

RECEIVED

OCT 18 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

**P-349-08**

Conditions recommended by the Planning and Zoning Commission  
801 North Graham Ranch Road  
Zone Change: R1-175 to R1-90

1. Development on this property shall comply with the current Town of Payson water requirements at the time of construction.
2. The development shall be in substantial conformance with the Record of Survey/Minor Land Division map conducted August 2008 and shall not exceed a total of 3 parcels.
3. A street name, acceptable to the Town of Payson, shall be depicted on the minor land division.
4. If further development occurs involving the existing roadway, the applicant for the subdivision shall be required to plat a full width roadway to meet existing code requirements at that time.
5. If any of the conditions listed above cannot be met or the applicant has not recorded an approved minor land division survey map within two (2) years of the approval date of the zoning change, then the R1-90 zoning may revert to the original R1-175 zoning, pending Council action.