

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, August 6, 2015 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.**

**3. Roll Call.** Commissioners, Jeff Siereveld, Victor Hambrick, Ruth Szanto, Joe Garcia, Vice Chair Dee Parker and Chair Barry Smylie.

**4. Disclosure of Ex Parte Contacts.**

**5. 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.

**5.1 Introduction of new Community Planner/Code Officer, Steven Brown.**

**6. Planner's Update on current events and activities.** No discussion, deliberation or legal action can occur.

**6.1. Report to P&Z regarding July 21 council meeting direction on a future joint meeting.**

**7. 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.

**7.1. Minutes.** Minutes from the July 9, 2015 Planning & Zoning Regular Meeting.

**8. Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.

**8.1. 2013 "P&Z work list" status report and formulation of a new future work list for**

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**Planning and Zoning Commission (P&Z) in preparation for a Council Joint meeting in the future.**

**9. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

**10. Public Hearing Agenda.**

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**11. 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.

**12. Adjourn.**

**For Your Information:**

Next Town Council Work Session: Tuesday, August 11, 2015 at 2:00 p.m.

Next Town Council Meeting: Tuesday August 18, 2015 at 6:30 p.m.

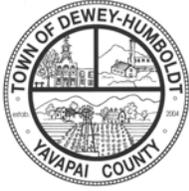
Next Planning & Zoning Commission Meeting: Thursday, September 3, 2015 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, 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 \_\_\_\_ day of \_\_\_\_\_, 2014, 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.



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**HUMBOLDT, AZ 86329**  
**Phone 928-632-7362 ▪ Fax 928-632-7365**

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**MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION**

**August 6, 2015 6:00 p.m. Town Council Meeting Chambers**

**Agenda Item:**

**6.1. Report to P&Z regarding July 21 council meeting direction on a future joint meeting in October**

**To: Planning & Zoning Advisory Commission**

**From: Yvonne Kimball, Town Manager**

**Date Submitted: July 29, 2015**

**Summary:**

Council met on July 21<sup>st</sup> and discussed P&Z's request to have a joint meeting. Council did not see the need to have a joint meeting on October 8<sup>th</sup>, yet Council is supportive of the idea of having a joint meeting in the future. A recording of the discussion can be found on the Town's website (along with all other Council, P&Z and OSAT meetings):

<http://www.dhaz.gov/index.php/2013-08-20-05-37-57/mayor-town-council/media-audio-and-video>

Council wanted P&Z to meet first and come up with a list of items you would like to ask Council permission to work on; the updated list may include consideration of the items on the 2013 list. P&Z should take as much time as you wish to work on the updated list. Once P&Z has decided on a list of questions, Council would want to meet among themselves to come up with the directions to address P&Z's questions. After all this is done, Council will schedule a joint meeting with P&Z.

In the meantime, Council strongly encourages P&Z Chair, Vice Chair or Commissioners to attend Council meetings to report and communicate with the Council on your progress. Regular Council meetings are held on the first and the third Tuesdays, at 6:30 pm, at Town Hall.

Council also encourages P&Z commissioners attend pertinent trainings. Staff will continue informing P&Z of future trainings. There always has been some funds budgeted for P&Z training each year.

I spoke to Chair Smylie and he is in agreement with Council's directions. On today's agenda, P&Z will be considering discussing a new list under Item 8.1. for which I have enclosed the old 2013 work list for P&Z and the meeting minutes when the list was formulated. As you are aware, some of the items are not relevant any more. I therefore prepared a status report and added a few things that I suggest P&Z consider discussing with the Council. The report is enclosed in today's meeting packet under item 8.1.

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**TOWN OF DEWEY-HUMBOLDT  
PLANNING AND ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
JULY 9, 2015**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, JULY 9, 2015 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR BARRY SMYLIE PRESIDED.**

1. **Call To Order.** Meeting called to order at 6:00 P.M., Chair Smylie presiding.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done
3. **Roll Call.** Commissioners Joe Garcia, Victor Hambrick, Jeff Siereveld, Ruth Szanto, Vice Chair Dee Parker and Chair Barry Smylie were present.
4. **Disclosure of Ex Parte Contacts.** None
5. **Informational Reports.** None
6. **Planner's Update on current events and activities.**
  - 6.1. **Staff Report.** Town Manager, Yvonne Kimball spoke about recent Supreme Court ruling, Reed v. Town of Gilbert, regarding their municipal sign code. Staff will be speaking with the Town Attorney about the recent case and will review the Town's current sign code ordinance. Staff will advise the commission of the Attorney's recommendation (if any) for possible future consideration by the P&Z.  
  
Ms. Kimball spoke about update on the animal code ordinance project. Staff continues to work on review of the town's animal codes. The town attorney has made some recommendations on language, however, there are no updates at this time to report due to time restraints and staff shortages. Staff will provide more information for the P&Z once there has been further progress on this matter.
7. **Consent Agenda.**
  - 7.1. **Minutes.** Minutes from the May 7, 2015 Planning & Zoning Regular Meeting.  
  
Vice Chair Dee Parker made a motion to approve the minutes from the May 7, 2015 Planning and Zoning Regular Meeting as presented, seconded by Commissioner Jeff Siereveld. Minutes approved as presented unanimously.
8. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.
  - 8.1. **Open Meeting Law refresher.** Town Clerk, Judy Morgan gave Power Point presentation of the ombudsman presentation providing an overview of the laws, requirements and responsibilities of the Open Meeting Law. Ms. Morgan spoke about understanding of the logic behind the OML. Emphasis on keeping on agenda. If the topic of discussion is not on the agenda, you cannot discuss it at the meeting. Make it clear what you are talking about. Everyone involved in meeting, to include commission, and staff is required to follow the OML requirements.  
  
Chair Smylie asked about clarification of the process for getting items on the agenda. Ms. Morgan spoke about the various ways to get items on the agenda. Typically the Commission is an advisory

to the Council, the items for the agenda should come through the council. Can request staff to put items on the agenda, however, items regarding codes should come through the Council.

Chair Smylie thanked Ms. Morgan for the presentation and spoke about the value of the information. Periodic follow-up would be beneficial.

**8.2. Review and discussion of P&Z roles and the items of the agenda template.** Yvonne Kimball spoke about recent meeting with Chair Smylie and Vice Chair Parker. Some fundamental matters need to be reviewed. Binder was provided by staff to the P&Z with the Town zoning codes and additional reference material to assist the commission with understanding of the codes and related matters they may be tasked with. The commission serves as advisory to the Town Council. No independent authority. Ms. Kimball spoke about process for putting items on the agenda. Council will provide items they wish to be reviewed by the Commission. Commission can request staff to put items on the agenda if you feel they need to be discussed in meeting. Recommendation would be to consult with Council first. Ms. Kimball gave overview of the Town website and where to find information needed. Recommended commission to review the General Plan to be aware of the Vision and the plans for direction for future growth. Ms. Kimball provided hands on review of how to look for a particular Town codes and navigate through the information available on the website. P&Z should become familiar with any codes which are being presented for review by the commission. Study the codes and be prepared when dealing with code issues, and staff is available to help.

Commissioner Hambrick excused himself from the meeting at 6:43 p.m.

Yvonne Kimball spoke about the topic of agenda item 4. Disclosure of Ex Parte Contacts. Consulted with the Town Attorney about the purpose of Ex Parte disclosure for the Commission and her legal advice was that it was not necessary to have the item on the agenda. Ms. Kimball recommended the commission consult with Town Council before any changes are made to the agenda item for future meetings.

Vice Chair Parker asked for clarification about definition of Ex Parte.

Ms. Kimball said this is a judicial procedure. The P&Z Commission, acting in their capacity as an advisory committee, should not be subjected to situation which would require the Ex Parte disclosure clause.

Commissioner Szanto provided an example of Ex Parte for clarification.

Chair Smylie spoke about the intent of putting the topic on the agenda for purpose of bringing the commission closer together and function cohesively in the capacity the commission is tasked to do.

**8.3. Discussion on the possible impacts to the Town by operation of remote controlled unmanned aerial vehicles, commonly referred to as Drones, within residential areas, and whether to consider addressing this subject matter further.** Chair Smylie spoke about the intent of the agenda item. Not intended for action but rather an awareness of possible future considerations due to the increased interest and popularity of the use of Drones which could be problematic. Intended to open dialog and think critically on how the Commission would address and manage the topic if presented by the Town Council.

Commissioner Szanto spoke about the matter not really being a problem. It could be resolved through the legal process. Invasion of privacy or trespass is a tort action and can result in law suit.

9. **Discussion Agenda – Unfinished Business.** Chair Smylie spoke about waiting for unresolved matters still under review by the staff.

Town Manager spoke about list from 2013 from the Town Council of six items of priority the Council had requested for the Commission to review. Ms. Kimball spoke about overlay district. When discussing overlay really need to be clear on the purpose. Ms. Kimball spoke about other items on the list.

Chair Smylie requested to save the list and bring it up on agenda item 9.1.

**9.1. Discussion and possible recommendation to request a mid-year joint study session with Town Council to further refine the goals and objectives of the Commission and possibly update the task list for P&Z Commission, from the Council.** Chair Smylie made recommendation for staff to schedule a joint meeting with the Town Council. Discussion among the commission and staff of possible dates for the meeting and general consensus is to schedule the meeting after 5:00 p.m. Chair Smylie asked if joint meeting can be combined with regular meeting of the P&Z. Yvonne Kimball replied that this has been done in the past and can be scheduled together. P&Z and staff had discussion about the dates available. Due to staff vacancies, staff and resources are limited. A tentative date was set for October 8<sup>th</sup>.

10. **Public Hearing Agenda.** None

11. **Comments from the Public.** None

12. **Adjourn.** Chair Smylie made the motion to adjourn, Commissioner Szanto seconded. Meeting was adjourned at 7:10 p.m.

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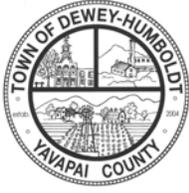
Barry Smylie, Chairman

ATTEST:

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Penney Bell, Administrative Assistant

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**MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION**

**August 6, 2015 6:00 p.m. Town Council Meeting Chambers**

**Agenda Item: 8.1. 2013 “P&Z work list” status report and formulation of a new future work list for Planning and Zoning Commission (P&Z) in preparation for a Council Joint meeting in the future.**

**To: Planning & Zoning Advisory Commission**

**From: Yvonne Kimball, Town Manager**

**Date Submitted: July 10, 2015**

**Recommendation:** considering a new list in light of the status report of the 2013 list

**Summary:**

At the July 9<sup>th</sup> meeting, Chair Smylie requested that P&Z and Council to hold a joint meeting to discuss a priority list.

It is my understanding that throughout the years, P&Z and Council work out a priority list which contains projects for the Planning and Zoning Commission to work on. The last priority list was discussed in 2013, specifically the September 5, 2013 P&Z meeting. I reviewed the list with the Commission at your July 9<sup>th</sup> meeting.

Below is a recap of the list and its current status. I also attached the minutes from the September 5, 2013 meeting. I also suggested a couple of procedural items for P&Z to consider for your preparation of the Council Joint discussion.

**P&Z Priority List (As revised by Town Council on 8/13/13 - Council Work Session)**

- 1). **Accessory Dwelling Units:** it has been completed; ordinance 15-110 has been adopted and become effective).
- 2). **Historical Overlay District and parking on Main Street:** staff has researched “historical overlay district”; historical preservation consultants and Prescott city representative presented to council regarding same. Staff recommends a clear purpose or action plan for a “historical overlay district”. P&Z’s involvement would be necessary if a set of codes and regulations are needed for the overlay district. Otherwise, it is a policy decision rather than a Planning and zoning matter.
- 3). **Transient Merchants:** the subject has been completed. At the February 11 2014 meeting, staff brought a draft ordinance to address the issue before the council. Town Council reviewed the document and decided to delay the discussion until a further time. The “transient merchants” draft ordinance can be found in the February 11 2014 council study session meeting packet, page 4. Both the recording of the discussion and the meeting packet are on town’s website.

4). Private driveway versus named road: staff believes it is no longer a problem. It was a problem when the town was involved in the details of large land division. Since the large land division authority has been clarified through ordinance 15-113, it may become less a problem. In addition, P&Z's involvement would be limited to amending code language to town code chapter 153.

5). Commercial Contractor: (recommendation to come up with code text that is consistent with State law that regulates when a commercial contractor is required based on the amount of work and type). It appears to be a building permitting issue rather than a P&Z issue. I also spoke to the Town in-house Building Official (the Town did not have an in-house building Official when this issue was brought up). The BO advised that improvements for commercial projects are usually required to have a licensed contractor. Residential projects are different. Owner/builder often can conduct the project without a commercial contractor license. I suggest that instead of adding this to the P& Z work list, P&Z and Council can seek knowledge from Town Building Official if necessary.

6). Ground Water: (recommendation is to have someone from P&Z resurrect the Groundwater Resources Advisory Committee (GRAC). Town used to have a GRAC. The committee dissolved in 2012 due to inactivity. Although water is related to future growth and therefore P&Z considerations, forming a GRAC is not within P&Z's purview. If there are enough citizens (at least 5 members) want to form a GRAC, they can approach the Council and see about reinstating GRAC. Once formed, GRAC will be subject to all laws governing public bodies, such as the Open Meeting Law. Additionally, Town Manager, Yvonne Kimball, has been appointed by former Governor Brewer to serve on a Governor's groundwater users advisory commission (GUAC). There is no vacancy on the Commission currently.

In addition, staff recommends P&Z consider asking these questions to the Council at your joint meeting:

- a. Would P&Z individual members have the authority to put items on P&Z meeting agendas as long as the items are somewhat planning and zoning related? Staff believes P&Z members can.

*Town code reference:*

*§ 31.19 BOARD, COMMISSION, AND CITIZEN COMMITTEE DUTY OF LOYALTY TO THE TOWN COUNCIL.*

*(A) Boards, commissions, and Citizen Committees serve as advisory agencies to Council, and have no independent authority (except as provided by State law or town ordinance). Such agencies of the town may perform the duties outlined herein, have projects assigned by Council, may initiate independent activities (so long as such activities do not involve tasking of other governmental agencies in the name of the town, out of state travel, or retention of consultants), and may report on a regular basis to Council on the activities of the agency.*

- b. Remove item 4 "disclosure of Ex Parte Contacts" from the P&Z meeting agenda template. It is not a legal requirement for the agenda. "Disclosure of Ex Parte Contacts" applies to quasi-judicial proceedings and does not apply to P&Z. Council and/or Board of Adjustment do.

*Town code reference:*

§ 30.086 QUASI-JUDICIAL ROLE; EX PARTE CONTACTS.

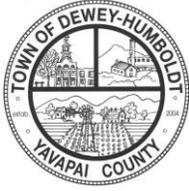
*(A) Quasi-judicial role. The Town Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or "like a judge" when it rules on various permits, licenses and land use entitlements. In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to ex parte contacts applies.*

*(B) Ex parte contacts/fair hearings. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the Town Council or any agency, board or commission thereof, except at the public hearing. Note: ordinary lobbying on non-quasi-judicial matters is legal and not a violation of these rules.*

*(1) As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from his or her contacts, which is not otherwise included in the written or oral staff report, during the public hearing and before the public comments period is opened.*

*(2) Matters are **PENDING** when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards, commissions, and committees are not subject to this rule.*

*(Ord. 09-49, passed 4-7-2009)*



8.1. Attachment 1  
**TOWN OF DEWEY-HUMBOLDT**  
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## **MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION**

**September 5, 2013 6:00 p.m. Town Council Meeting Chambers**

**Agenda Item:** Priority list from Town Council

**To:** Planning & Zoning Advisory Commission

**From:** Warren Colvin, Community Development Coordinator

**Date Submitted:** August 27, 2013

**Recommendation:** Discussion and review of Council priority list.

**Summary:** At the August 13, 2013 Town Council workshop, Council reviewed the previously established P&Z Priority list and voted to revise the list as follows and also allow staff and P&Z to set the priority list in the order they see fit.

### **P&Z Priority List (As revised by Town Council on 8/13/13)**

- 1). Accessory Dwelling Units (almost done; P&Z changes to final text at Sept. 5<sup>th</sup> P&Z meeting).
- 2). Historical Overlay District and parking on Main Street: (recommendation is to look into what it will entail and the turnaround time).
- 3). Transient Merchants: (recommendation to resolve a problem with people soliciting on street corners. Not to include lunch trucks, etc.).
- 4). Private driveway versus named road: (Establish Code text that would define a driveway versus a named road).
- 5). Commercial Contractor: (recommendation to come up with code text that is consistent with State law that regulates when a commercial contractor is required based on the amount of work and type).
- 6). Ground Water: (recommendation is to have someone from P&Z resurrect the Groundwater Resources Advisory Committee (GRAC)).

**TOWN OF DEWEY-HUMBOLDT  
PLANNING & ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 5, 2013, 6:00PM**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, SEPTEMBER 5, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CLAIRE CLARK PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:00PM.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark were present.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Warren Colvin, Community Development Coordinator, spoke on the Mortimer's Use Permit. Based on Town Code it will go straight to Town Council for approval since it is a renewal. He also spoke on meetings being held to educate the public on the adoption of the 2012 Building Code Series. The meetings are tentatively scheduled for October 3, November 7 and December 5, 2013 from 4 – 6PM to encourage the public to participate in reviewing what changed from 2006 to 2009 to 2012. He explained there have been several joint meetings with Yavapai County, Chino Valley, Prescott Valley, Prescott, Dewey-Humboldt and the Yavapai County Contractor's Association to discuss all quad cities adopting the same version together. Mr. Colvin stated that Jack Judd, Building Official from Yavapai County, will do a presentation for Town Council in October with tentative adoption scheduled for January 2014 and enforcement starting July 2014. Commissioner Smylie encouraged Staff to make code similar to other municipalities and consider that in future planning. Mr. Colvin stated the goal of the quad cities code committee is to get on the same code cycle so everyone can build according to the same code with just a few minor changes depending on jurisdiction. Chair Clark encouraged Commissioners to attend the public meetings to be aware of the upcoming changes.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the July 11, 2013 Planning & Zoning Regular Meeting.

Commissioner Parker made a motion to approve the minutes of July 11, 2013 Planning & Zoning Commission meeting as presented, seconded by Commissioner DeWitt. The motion passed unanimously.
7. **Discussion Agenda – Unfinished Business.**
  - 7.1. **P&Z Priority List from Town Council.** Discussion and Possible Action on P&Z priority list.

Mr. Colvin stated that he attended the August 13, 2013 Town Council Work Session where he reviewed the previously established Planning & Zoning priority list with Town Council. They voted to revise the list and did not establish top priorities or order of priorities and instead wish to allow Planning & Zoning and Staff to determine the order of priorities. He reviewed the list:

Accessory Dwelling Units to be reviewed tonight, select the final code text and send to

Town Council for review before public hearings.

Historic Overlay District and parking on Main Street was combined into one item. Mr. Colvin stated it would take a considerable amount of time to research this subject, see what it entails, estimated turnaround time, getting advice from others who have gone through this process to learn from them and possibly plan some field trips on this subject. Mr. Colvin suggested tackling this subject once some of the Code adoption work settles. Commissioner Parker asked if the historic overlay only applied to the Main Street area; Mr. Colvin responded yes. Chair Clark agreed this would take quite a bit of time; to be handled as a long-term project.

Transient Merchants – Mr. Colvin stated Town Council wants to resolve a problem with soliciting on streets or corners and were adamant about not including lunch trucks. Council did not want to tackle the business license issue. Mr. Colvin suggested possibly making two proposals to Council, one outlining a permit process for people to get a transient merchant permit and the other proposal being shut it down entirely and make it illegal.

Private Driveway versus Named Road – Mr. Colvin stated Staff is looking at establishing code text that would define a driveway versus a named road; actually put it in the Code instead of what is in Hillside Lot Standards. Mr. Colvin stated this is a subject that can be easily handled and would like to do so first.

Commercial Contractors – Mr. Colvin stated this should be fairly easy to handle by referencing in the Code and being consistent with state law that would regulate when a commercial contractor is required based on the amount of work and type. Commissioner DeWitt asked what state law requires. Mr. Colvin stated commercial work valued under \$1,000 does not require permit though structural work would require commercial general contractor.

Ground Water – Mr. Colvin stated Town Council agreed it is an important issue and recommended that Planning & Zoning resurrect the Groundwater Resource Advisory Committee (GRAC). Commissioners Clark, Smylie and Parker expressed interest in sitting on the committee. Mr. Colvin stated he will research the details of resurrecting the GRAC and report information at the next Planning & Zoning meeting.

The Commissioners agreed the first priority is getting GRAC going again, followed by the private driveway issue, then transient merchants.

Chair Clark asked if the Commissioners wished to add any other items to the list. There was discussion about the Iron King mine and noise complaints. No items were added to the priority list.

## **7.2. Accessory Dwelling Units.** Discussion and Possible Action on accessory dwelling units, secondary medical dwelling units and guest homes.

Mr. Colvin gave an overview of the topic noting that he provided a clean copy of the ADU code language with the revisions from the last P&Z meeting. Also included in the text was an alternative option for letter H regarding non-paying, non-reimbursing guests suggested by the Town Attorney: “An accessory dwelling unit shall only be used to house a non-paying or non-reimbursing relative or guest of the owner and shall not be used as either a short-term or long-term rental property.” The Commissioners agreed they all preferred the alternative language for letter H as suggested by the Town Attorney.

Commissioner Smylie made a motion to accept 153.072 Accessory Dwelling Unit (ADU) as written, including and inserting the alternative text for letter H, seconded by

Commissioner Siereveld. The motion passed unanimously.

8. **Discussion Agenda – New Business.** None.
9. **Public Hearing Agenda.** None.
10. **Comments from the Public.** None.
11. **Adjourn.** The meeting was adjourned at 6:38PM.

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Claire Clark, Chairperson

ATTEST:

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Mandi Garfield, Administrative Assistant