

**TOWN OF DEWEY-HUMBOLDT  
PLANNING & ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 7, 2013, 6:00PM**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, NOVEMBER 7, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA.**

1. **Call To Order.** The meeting was called to order at 6:00PM by Warren Colvin, Community Development Coordinator, as Chair Clark was unable to attend the meeting. Mr. Colvin stated the first thing to accomplish is to appoint a temporary Vice Chair to run the meeting. Commissioner Smylie made a motion to take a vote to establish a temporary Vice Chair for this meeting, seconded by Commissioner Parker. The motion passed unanimously. Commissioner Parker nominated Commissioner DeWitt. No other nominations. The Commissioners voted unanimously to appoint Commissioner DeWitt to temporary Vice Chair.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld and Barry Smylie were present; Chair Claire Clark was absent.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Warren Colvin, Community Development Coordinator, stated that in January the Commission will be appointing a Chairperson and a Vice Chairperson for one year terms.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the October 3, 2013 Planning & Zoning Regular Meeting.  
Commissioner Siereveld made a motion to approve the minutes from the October 3, 2013 Planning & Zoning Regular Meeting as presented, seconded by Commissioner Smylie. The motion passed unanimously.
7. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
  - 7.1 **Accessory Dwelling Units.** Discussion and Possible Action on accessory dwelling units, secondary medical dwelling units and guest homes.  
  
Mr. Colvin spoke on the revisions to the code in the meeting packet. Staff went through and cross- referenced all parts that were tied to Accessory Dwelling Units and cleaned it up and made it more user-friendly. In the RMM district, included it. In the R1 district, staff felt that the “roomers and boarders” language was inconsistent and struck that language which was the only place it appeared. In the RCU district, ADU’s were never allowed in this district, cleaned up B1 and inserted “except Accessory Dwelling Units”, to keep it rural and compatible with the Code and General Plan. In the RS district, residential services, ADU’s do not belong in residential services. In C district, the code would allow for a residence but not ADU’s. PAD zoning could approach Council for a variance or waiver which is why it is included in PAD’s.  
  
Commissioner DeWitt asked about the “roomers and boarders” language, and if there is a definition in the zoning ordinance of family to dictate how many people can live together that are non-related. Mr. Colvin read the definition Family/Non-Family Groups: “An individual or

two or more persons related by blood, marriage, adoption or other legal relationship including any live-in domestic help, living together in a single housekeeping unit in a dwelling unit; a group of not more than 8 persons that need not be related but function as a family.”

Commissioner DeWitt asked about the RCU district, the Code allows for ADU’s in the more restrictive districts, why not allow them in less restrictive zoning districts? Mr. Colvin stated he and the Town Manager reviewed this and because it was designated residential rural, the intent was to keep in line with the General Plan, with the one ADU per 70,000 square foot lots.

Commissioner Smylie asked where the 70,000 square foot designation originated from. Mr. Colvin stated it was the County’s designated zoning and the Town incorporated it. Commissioner Smylie also questioned the contradictions in the code between the RCU district and the other districts.

Mr. Colvin asked if the Commission would rather see ADU’s allowed in the RCU district?

Mr. Siereveld asked about the size of RCU lots. Mr. Colvin stated they are 2 acre lots.

Public comment was taken on this item.

Jerry Brady suggested this issue may be considerably more complex than has been addressed previously. There are pre-existing legal non-conforming uses in Town, most ADU’s existed before the Town incorporated; the County previously enforced based on complaints received or public nuisance; he spoke on enacting an ordinance that would affect future uses, not existing; he spoke on “tent-cities” such as Apache Junction to see how they did it; he spoke on Federal Domestic Assistance with funding available to help with these issues, he has a copy for inspection.

Mr. Colvin stated this ordinance would not affect existing ADU’s, only if the use was discontinued for a period of 12 months, existing would be allowed; the intent is for new projects.

Commissioner Smylie made a motion to forward this to Council as discussed for this agenda item, accepting the change in the language discussed tonight regarding allowing for ADU’s in the RCU district, seconded by Commissioner Parker. The motion passed unanimously.

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

**8.1 Transient Merchants.** Discussion and Possible Action on Transient Merchants/Peddlers information.

Mr. Colvin stated he is providing this information to the Commission for informational purposes only at this time so they can become familiar with it. The Town Attorney is familiar with the Transient Merchant subject and is drafting a sample ordinance for Planning & Zoning review. He contacted surrounding jurisdictions that already had a Transient Merchant requirement in their code to get their information, which is attached in the packet along with a news article about the City of Flagstaff banning panhandling and it ended up being ruled unconstitutional. He explained that transient merchants are people that sell wares, goods or advertising and taking orders on the street for future delivery; panhandlers would not fall under transient merchants regulations.

Commissioner Smylie asked if the Town was faced with a lot of transient merchants. Mr. Colvin responded he knows of two that have contacted Town Hall inquiring about transient merchant permits and there have been a few that pop up on various corners in Town. He stated a transient merchant permit would not apply to people who provide a service, which opens the issue broader of getting in to possible panhandling.

Commissioner Siereveld asked how this topic would affect events that Mortimer's would hold. Mr. Colvin stated that their events are covered under the special events permit and if a transient merchant permit was enacted in the Town, then each of the vendors would likely have to come in and apply for a permit with the Town as well.

Commissioner Smylie asked if special events at the Courthouse Square in Prescott are handled with a "blanket permit". Mr. Colvin will check into their process. Mr. Colvin stated the purpose of a transient merchant permit is to track the Transaction Privilege Tax, it is the easiest way to track them.

Public comment was taken on this item.

Jerry Brady spoke on political, commercial and individual speech are separate issues but they have a lot in common and enforced under different sections of law; he spoke on peddler's pass in Prescott Valley where there are vendors that they cannot track revenue and suggested talking to Prescott Valley about their experience; he spoke on other transient merchants in Town: the newspaper, LP gas company, yard/garage sales, mobile RV servicing; he spoke on the Town imposing a business license or general business permit in order for it not to become a burden on the public.

Commissioner Smylie felt this is a valid topic. Commissioner Siereveld stated the Town should learn from the people who have been through this process already and take their advice; he also spoke in favor of a "blanket permit" for special events. Mr. Colvin will check with surrounding jurisdictions on how they handle their special events.

**9. Public Hearing Agenda.** None.

**10. Comments from the Public.**

Jerry Brady spoke on the Town of Wickenburg's revitalization; he spoke on their use of the Compendium of Federal Domestic Assistance to get grants for a Main Street District, Historic District and Economic District; he spoke on their Planning & Zoning Commission being responsible, doing their research, communicating with federal and state agencies; he suggested that Wickenburg is a better model for Dewey-Humboldt as a matter of economic development.

**11. Adjourn.** The meeting was adjourned at 6:58PM.

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Tammy DeWitt, Acting Vice Chairperson

ATTEST:

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Mandi Garfield, Administrative Assistant