

**TOWN OF DEWEY-HUMBOLDT  
PLANNING & ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
OCTOBER 9, 2014, 6:00PM**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, OCTOBER 9, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR DEWITT PRESIDED.**

1. **Call To Order.** The meeting was called to order at 5:58 p.m.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done
3. **Roll Call.** Commissioners Dee Parker, Jeff Siereveld, Barry Smylie and Chair Tammy DeWitt were present.
4. **Disclosure of Ex Parte Contacts.** None
5. **Informational Reports.** None
6. **Planner's Update on current events and activities.** None

**6.1. Update of review of town code sections regarding animals.**

Community Development Coordinator (CDC), Connie Dedrick introduced new staff member, Penney Bell, Administrative Assistant who will be taking minutes for the Planning and Zoning meetings. Following this introduction, she provided a re-cap of the Community outreach meeting held on Wednesday evening (October 8, 2014), at the Town Council Chambers. Ms. Dedrick stated that the Yavapai County Sheriff's Department was present at the meeting to provide information regarding code enforcement issues and to answer questions. The meeting displayed a lot of emotion and passion due to the subject matter about property owner animals and pets. The main topic centered on dogs and cats and the issue regarding limiting the number of animals. Currently the code allows owners to have six (6) small animals (under 100 lbs) without restrictions. More than six (6) would be considered a kennel. This will be the most difficult issue for the commission and the Town Council to address as it will impact a large number of citizens and the majority are not in favor of having a limit on small animals. Another community outreach meeting is tentatively scheduled for November 5<sup>th</sup>.

Commissioner Barry Smylie asked if there is a way to have an agenda or outline of topics to be discussed at the next outreach meeting to help guide attendees in regards to the subject matter.

CDC, Connie Dedrick agreed with this concern and stated that at the next meeting there will be an agenda along with additional mediators to assist in making the meeting more efficient.

Commissioners requested a special work session scheduled prior to the next community outreach meeting for the purpose of organizing an agenda on the specific topics which need to be addressed. Ms. Dedrick agreed that due to the amount of research needed to address the animal codes, a special work session would be beneficial for the commission. Town Clerk, Judy Morgan, commented that the work session would be considered an organized meeting of the commission, which would require public announcement and compliance with open meeting laws, as it would be a public body meeting. Commissioner Smylie made a suggestion to have the opportunity to review a list of concerns and topics

the public may want to address at the next meeting as a roadmap for the commission. Ms. Dedrick stated she has begun the process to have specific information to present to the commission regarding the animal codes which are under consideration.

**7. Consent Agenda.**

**7.1. Minutes.** Minutes from the September 4, 2014 Planning & Zoning Regular Meeting.

A motion was made by Commissioner Jeff Siereveld to approve the September 4, 2014 Commission meeting as presented, seconded by Commissioner Barry Smylie. It was approved unanimously.

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

**8.1. Continued discussion on proposed Ordinance 14-104 regarding Accessory Dwelling Units (ADU).**

CDC, Connie Dedrick gave a review of the table outline of the current codes and ordinances along with proposed changes along with staff clarification and public comments and what staff has done to address those specific comments. In addition, there seems to be some misinterpretation regarding the guest home policy and the setback requirements for property and structures on the property. In regards to roomers and boarders, staff recommends the policy to remain as stated. This is a complex issue and would be difficult to enforce if restricted. The most controversial issue regarding the ADU code pertains to the matter of kitchens being required for ADU's, and staff believes the current policy which states that kitchens and bathrooms are optional is reasonable and accurate in regards to the current international building codes. If changed, the building code would also need to be modified. This change would also be an enforcement issue if changed. Currently the code states an ADU can be either attached or detached from the primary structure. Staff recommends the code be changed to require the ADU be detached from the primary dwelling, however, this does not prohibit adding room additions to the primary dwelling. It does not allow kitchens to be added within the single family unit, which would result in making it a multi-family unit. As a national standard, ADU's were designed as guest quarters to house family members or visitors for a limited time stay. The current code does not address size for an ADU. Staff recommends limitations on the allowed size of the structure to 25% of the primary structure or 750 sq/ft. In addition, Ms. Dedrick referenced the lawful use of any building, structure or land at the time of the effective date of this chapter may be continued, although such use does not conform to the provisions hereof. Chair DeWitt clarified this stating that if the use of the ADU was performed illegally in the first place, it would still be considered illegal. Ms. Dedrick spoke on concerns regarding the proposed ordinance violating state or federal statutes pertaining to diminishing property value; which the Town attorney confirmed as not in violation of statute.

Chair DeWitt made a comment on state statute regarding the purpose of having ordinances in place to preserve and protect safety and general welfare of the public and this is our goal in regards to the proposed ordinance changes. There are concerns regarding enforcing the ordinance regarding stay restrictions in the ADU and the secondary medical unit. There needs to be set criteria in place and we would need to look at the building code to make sure there is not any conflict with current building codes regarding these proposed changes.

Commissioner Jeff Siereveld expressed concern regarding septic issues for ADUs.

Ms. Dedrick stated that if the ADU can access the original septic system this would be

allowed or they would have the option for increasing the size of the septic system.

Chair DeWitt stated that the septic issue would be addressed during the permitting process and would be required to comply with current permit ordinances.

Chair DeWitt and commissioners requested staff to coordinate a joint study session with Town Council to address key issues and to establish a clear understanding of the objectives the Town Council has in regards to these ordinances. Chair DeWitt requested to revisit this matter at a future P&Z meeting to include the animal codes.

Public comment was taken on this item.

Karen Books spoke requesting the commission to keep ADU, and animal ordinance issues separate at meetings.

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

**9.1. Review of existing District Zoning Setbacks per Town Council request.**

CDC Dedrick gave an overview and provided current zoning setbacks and examples of setbacks from Camp Verde, Chino Valley, and Yavapai County and how they compare to D-H. Staff would like to schedule a work session to address this matter.

Chair DeWitt commented in support of the setback ordinance for the health and safety of the public. She furthermore stated the current setback policy supports the General Plan and without setback requirements there would be a number of repercussions to consider such as insurance rates increasing for all entities of the community. We also need to recognize the risk of removing access routes for emergency response vehicles which was evident in the recent Crown King fire. In addition, the Town would need to consider increase of bond ratings. Also, without setback requirements, housing structures would be condensed which would diminish the rural nature of our community. Yavapai Fire District should be involved in this issue as well. In addition, Prop 207 comes into play as once setback requirements are removed they cannot be re-instated. This could potentially cause serious devastation to the future growth and prosperity of our community.

Commissioner Smylie questioned the purpose for the Town Council requesting the commission to review the setback ordinance.

Ms. Dedrick stated that Council requested P&Z to address the issue following a citizen request for a variance. Although the variance request process is available to all citizens of the town, Council thought there may be concerns and/or discrepancies which may need to be evaluated.

Chair DeWitt requested clarification of the criteria for the commission to review the established codes.

Public comment was taken on this item.

Jerry Piper commented on his variance request process for a carport and his opinion of inconsistencies with the approval process.

Chair DeWitt requested staff to schedule a joint work session with Town Council to further review the setback ordinance.

Additional public comment was made by Cheryl Taylor regarding setback requirements relating to housing animals. She believes the current codes need to be more defined and there may be conflict of interest issues which need to be addressed.

**Public Hearing Agenda.** None

**10. Comments from the Public.**

Jerry Piper spoke on setbacks for habitable structures and issuing a use permit rather than a variance for his carport.

Cheryl Taylor spoke about inconsistencies in actions/decisions made by Town Council, and voiced her concerns that conflict of interest doesn't happen with the animal code.

**11. Adjourn.** Motion to adjourn made by Dee Parker and seconded by Chair DeWitt. Meeting adjourned at 6:55 p.m.

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Tammy DeWitt, Chairperson

ATTEST:

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Penney Bell, Administrative Assistant