

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, March 7, 2013 6:00 P.M.**

**P&Z MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA SUMMARY

1. **Call To Order.** The meeting was called to order at 6:03PM.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Chris Berry, Dee Parker, Jeff Siereveld and Chair Claire Clark were present, Bob Bowman was absent (resigned effective March 6, 2013).
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Warren Colvin, Community Development Coordinator, reminded the Commission of the Open Meeting Law training on Friday, March 15, 2013 at 1PM. He also informed the Commission that Bob Bowman resigned effective March 6, 2013 due to his duties with the Lion's Club; actively seeking people for Planning & Zoning Commission. Chair Clark stated we are very thankful for Bob Bowman's service for the last 10 years, she will contact the Town Manager to set something up to properly thank him for his hard work.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the February 7, 2013 Planning & Zoning Commission Regular Meeting. Commissioner Parker made a motion to approve the February 7, 2013 Planning & Zoning Commission Regular Meeting minutes as presented, Commissioner Siereveld seconded. The motion passed unanimously.
7. **Discussion Agenda – New Business.**
 - 7.1. **Presentation on Land Protection Tools and Open Space Planning in Yavapai County.** Tabled until the April meeting.
 - 7.2. **Accessory Dwelling Units.** Mr. Colvin spoke on Accessory Dwelling Units (ADU's), allowed in R1L and R1 zoning districts as long as they meet the required setbacks and stay under the maximum lot coverage. The Town's General Plan goals specifically state to maintain low-density, rural small town characteristics; definition of ADU is a separate unit that is attached or detached to the primary dwelling unit, may be used as a separate living unit and may include separate kitchen, sleeping and bathroom facilities on a single family lot. ADU's are subordinate in size location and appearance to the primary unit. Low density defined in general plan is one dwelling unit per 70,000 square feet which is almost 2 acres. Staff believes there should be some provisions to allow an additional dwelling unit but set criteria to maintain the General Plan goal which is one unit per 70,000 square feet. Mr. Colvin called all the incorporated communities in the County; Prescott allows a guest home with a kitchen that is detached from the main residence, otherwise it is treated as a duplex. Prescott Valley allows guest homes with no kitchen. Chino Valley allows guest homes with no kitchen. County allows ADU's and guest homes. Mr. Colvin stated guest homes have more requirements, trying to keep them from turning into a secondary rentable unit; guest homes are hard to enforce based on 120 days over 12 month period time limits.

Mr. Colvin spoke on Secondary Medical Dwelling Units, nowhere in Town Code does it refer to these, only in definitions; likely was the intent to remove it from the Code entirely, just forgot the definition.

Chair Clark spoke on having these two new agenda items handed to us from the Town Council, clarify what we are trying to accomplish, may be conflict between the General Plan and the zoning; suggested planning a work session meeting between now and April's meeting to discuss both items. Chair Clark asked Staff to prepare some items that we will need to address these issues. ADU's: We will need those portions of the General Plan as they apply to ADU's to see the wording, zoning information, definition, implications of ADU's and the issues. Chair Clark asked if this was for ADU's going forward, not retroactively. Mr. Colvin confirmed that; if it is changed, everything prior would be called an existing non-conforming use. Mr. Colvin stated the zoning code we are dealing with was adopted in 2008 and the General Plan was not implemented until 2009.

Commissioner Berry spoke in favor of spending time studying this subject, discussing what is known and have experience with, both tonight and at a future work session; these can be hot-button issues, careful consideration with motions made.

There was discussion about the General Plan and each of the Commissioners having a copy available.

Commissioner Berry asked about the General Plan and if the portions that are on the agenda were lifted directly from the International Building Code or written at the time of the General Plan. Mr. Colvin stated the building code does not deal with Town's land use and the vision of the Town so when they wrote the General Plan there was not much crossover.

Commissioner Parker made a motion to move this discussion, accessory dwelling units, secondary medical dwelling units, guest homes, to a work session, seconded by Commissioner Berry. The motion passed unanimously.

7.3. Illegal Lot Divisions. Mr. Colvin stated anyone can take a document and legal description and the County, by State law, has to record that document; people believe it is a legal lot and do not realize they need to take it to the Town; when lots are divided more than a certain number of times, a subdivision is created and then potential for an illegal subdivision if proper procedure not followed. Mr. Colvin suggested adding language in the code, creating a section to address this subject specifically.

Commissioner Berry spoke on Constitutional issues, public perception or misperception; County obligated to record the document, document is legal whether the act is or not. Consideration given to how to make the public feel that the Town is acting in their best interests, working with them not against them; coming from a consumer protection standpoint and how to word it correctly through Attorney.

Chair Clark spoke in favor of creating some sort of resource that explains filing a document at the County, what is achieved and what is not; follow zoning codes that are already in place to protect the nature of Dewey-Humboldt; give Staff a written procedure to use when these issues come about.

Commissioner Parker spoke about the importance of the County and Town communicating. Commissioner Berry stated although the County is working with us, they are under no obligation to do so; the Town currently has a good relationship with the County; suggested asking the County to cooperate with us, approaching it carefully. Commissioner Siereveld asked what the consequences are if the County accepts an illegal lot division and the Town's message is it does not meet our requirements, then the buyer has a piece of property they cannot do anything with. Mr. Colvin agreed, that is the issue. Commissioner Berry reiterated importance of consumer protection, setting criteria for lot splits as long as it is OK with Town's attorney. Chair Clark spoke against mandating people to do certain things, but

give advisable actions to take when one is purchasing land. Commissioner Berry thought it should be stronger than an advisory.

Public Comment was taken on this item.

Jerry Brady spoke on Arizona's unresolved public land use laws; 1906 plat for Dewey-Humboldt was supposed to be the legal document to establish legal descriptions, it was never recorded as proper title or deed. That is the basis for all lot splits in this town, a plat map, not a survey; more than 2,000 mineral monument surveys which are the only accurate surveys in Town; Federal government is providing funds to remedy the original survey defects, Florence did it. CYFD is getting incorrect dispatches into Town because the legal descriptions do not match their GIS/GPS/MIS dispatching system.

Commissioner Berry stated what Mr. Brady is saying is true and should be looked into. Commissioner Siereveld agreed.

Commissioner Berry made a motion to move illegal lot divisions to a work session, Commissioner Parker seconded. The motion passed unanimously.

Mr. Colvin stated he will incorporate as much information as possible for the work session packet. Chair Clark asked Staff to find any documents that would be helpful for the work session, providing as soon as possible in order for the Commissioners to read it before the work session.

8. Discussion Agenda – Unfinished Business. None.

9. Public Hearing Agenda. None.

10. Comments from the Public.

Jerry Brady spoke on the Arizona Growing Smarter Act and 2025 Comprehensive Plan, time constraints, Prescott Valley, Prescott and the County have draft plans already; U.S. BLM has funds available for connectivity of roads and trails, constructing a trail along Old Black Canyon Highway; tomorrow is the last day to comment. Mr. Brady plans to comment for the Town.

Chair Clark asked Mr. Colvin to gather as much information regarding the Arizona Growing Smarter Act, the 2025 Comprehensive Plan, BLM Connectivity Plan, etc. for the work session.

Mr. Colvin noted the Sign Code was approved by the Town Council with minor tweaks and will be codified.

11. Adjourn. The meeting was adjourned at 7:12PM.