

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
WORK SESSION MEETING NOTICE
Friday, April 19, 2013 2:00 P.M.**

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

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

AGENDA SUMMARY

1. **Oath of Office.** Swearing in of new Commissioner, Barry Smylie.
Town Clerk, Judy Morgan, performed the oath of office for new Commissioner Barry Smylie.
2. **Call To Order.** The meeting was called to order at 2:00PM.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark were present.
4. **Study Agenda.** No legal action to be taken.

4.1. Accessory Dwelling Units. Chair Clark gave an overview of the agenda and the outline she provided with the packet and posed the question whether it was the desire of the Town of Dewey-Humboldt to allow Accessory Dwelling Units (ADU's). Warren Colvin, Community Development Coordinator, spoke on the background being vague on this subject but the Commission at the time was adamant about getting rid of secondary medical dwelling units; the discussion about ADU's when the code was being written was focused on keeping guest homes and very little regarding ADU's. Mr. Colvin provided definitions for ADU's and Guest Homes: **Accessory Dwelling Units** must be subordinate in size to main residence, an accessory use to the main residence, must have similar characteristics to main residence, attached or detached, an ADU can be set up as a permanent residence, have its own utilities, no time limit to stay; **Guest Home** is limited to 750 square feet, attached or detached, can have a kitchen, utilities run through main house, time limit that a guest may stay is 90 consecutive days over a 12-month period. Commissioner DeWitt asked for clarification on non-paying guests. Mr. Colvin confirmed that for ADU's and guest homes the homeowner cannot collect rent.

Commissioner Smylie spoke on managing these through the permitting process. Commissioner DeWitt spoke on trying to clean up the zoning ordinance; Prop 207 was passed in 2006 in reference to property rights, but also affected how zoning ordinance amendments are done, usually relaxing the ordinance not making it more strict so as not to take away development rights of a property owner. Mr. Colvin spoke on Prop 207, when changes to zoning land ordinance or enacting land use ordinances after 2006 and making it more restrictive than what is currently in place, people can file claims for just compensation for what was taken away from them on their property. Commissioner Parker spoke in favor of keeping low density and asked about irregular sized lots. Mr. Colvin stated irregular lots have to meet required setbacks for their zoning; when looking at irregular shaped lots there is a calculation for drawing rear yard lines, etc. He mentioned that Prescott and Chino Valley treat a guest home/ADU that is attached to a main residence as multi-family housing, and suggested considering detached only. Commissioner Siereveld spoke in favor of ADU's, they exist in this community, though there is a possibility of those becoming rentals in the future.

Chair Clark asked whether an additional full-time occupied ADU on a parcel is in compliance

with the General Plan. Mr. Colvin stated it falls under Prop 207, it is already in the code, cannot be made more restrictive. Chair Clark noted the General Plan states one dwelling per 70,000 square feet in a low density residential area, medium density is one dwelling per 35,000 square feet, nothing specific to ADU's, it is grey area. Mr. Colvin stated the primary residence would be considered the dwelling and the additional dwelling would be considered accessory to the main residence and in compliance with the General Plan.

Chair Clark asked if it is not in compliance with the General Plan to allow ADU's does the P&Z Commission want to suggest to Town Council that they make ADU's legal by amending the General Plan and clarifying the requirements. Mr. Colvin stated this would be in compliance with the General Plan because the uses are accessory to the main use. He suggested the Commission decide on guest homes or ADU's or a hybrid. P&Z would make a recommendation to amend the zoning ordinance to Town Council, there would be public hearings, codification, etc. There was discussion on detached versus attached. Commissioner DeWitt spoke in favor of the definition of guest home but removing the time frame, ADU is loosely written in the zoning ordinance and not as many design requirements. Commissioner Parker asked for clarification on guest homes being attached or detached. Mr. Colvin stated a guest home is defined as a secondary unit, so it is a detached separate unit. He added that the ADU definition is a second separate unit that is attached or detached to the primary dwelling. There was further discussion on detached vs. attached vs. doing an addition (bedroom, living room) on the home, the kitchen makes it a dwelling unit. The Commissioners agreed on modifying the definition at their next meeting, using some combination of guest home and accessory dwelling unit, eliminating the ADU.

Nancy Wright commended the Commission on their work; spoke on the Town receiving local sales tax, portion of state sales tax, portion of income tax and portion of gas tax; Prop 207 is in regards to diminishing the value of the property.

Lydia Chapman commended the Commission on the agenda and the questions posed; kitchens were not in the zoning ordinance, it was added at some point but not clear when or by whom; spoke against accessory dwelling units; Commission's purpose is to maintain the integrity of the Planning and Zoning ordinances and do what is best for the Townspeople.

Chair Clark asked Staff to remove items A, B, C in the ADU section of the Outline and the P&Z Commission has agreed to suggest that the Town Council eliminate the ADU term and P&Z will make a suggestion on a guest home term to be defined with specific requirements. Staff to provide ADU and Guest House from the Zoning Ordinance to see what needs to be amended.

Chair Clark called a 10 minute recess. The meeting was called back to order at 3:15PM.

Mayor Nolan commended the Commission on their work and professionalism.

4.2. Illegal Lot Divisions. Chair Clark reviewed what the Commission has talked about on this subject at previous meeting, private individual subdivides a parcel of land in an illegal manner and sells it to a private individual, then goes to Town Hall for a building permit and finds out they own an illegal lot and cannot build. The County records documents, it is not their responsibility to verify legality, P&Z previously discussed providing an informational document to landowners about illegal lot divisions.

Mr. Colvin stated that in talking with the County Recorder's and Cartography offices, they did not seem to be open to providing brochures or information strictly for Dewey Humboldt; the

County is bound by State law to take a document provided to them and record it.

Mr. Colvin stated section 153.016 references non-conforming uses and structures and suggested forming a policy to address how the Town handles illegal lot splits and allowing him authority to withhold a permit in this situation. HB1598 states that when a policy is made that you have to put it in your ordinance and it is getting stricter this year. He stated there is currently a Town process in place for lot splits, yet many people circumvent it and end up with illegally split lots and in some cases no access to the property; planning to put an article in the newsletter about this subject.

There was discussion on how to help staff and inform people about illegal lot divisions, checking with other cities and towns for their process, providing a brochure at the County, at Town Hall, people may not know to come in to get a brochure; importance of due diligence on the part of the buyer; buyer's legal recourse; it is not a Town requirement to have a property professionally surveyed when it is purchased; a site plan is required when someone builds a structure, but no legal survey.

Chair Clark asked Mr. Colvin to provide detailed information to P&Z at the next meeting on the Town's process for a legal land division and information on non-conforming uses, identifying those items for the Commission, including any background information where it discusses procedures; what to do after an illegal land division is discovered; P&Z to decide whether to amend an ordinance relating to illegal lots.

The Commission tentatively agreed to schedule a work session on May 17, 2013 at 2:00PM.

5. Comments from the Public.

Nancy Wright suggested placing illegal lot division information on the Town's website as well as producing a brochure for realtors; contacting the Board of Supervisors to suggest a flyer in the window of the Recorder's Office applicable to all of the quad-cities with information about illegal lot divisions, encourage buyer's to contact the local jurisdiction. Mr. Colvin suggested P&Z provide recommendation to Town Council and they could put that suggestion forward to the Board of Supervisors. Under Illegal lot divisions

6. Adjourn. The meeting was adjourned at 4:12PM.