

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, June 6, 2013 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 Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark.

**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.

**6. 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.

**6.1. Minutes.** Minutes from the May 9, 2013 Planning & Zoning Regular Meeting.

**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.

**7.2. Illegal Lot Divisions.** Discussion and Possible Action for handling illegal lot divisions.

8. **Discussion Agenda – New Business.** Discussion and Possible Action.

8.1. **Top 10 Priority List.**

8.2. **Discussion on scheduling July Planning & Zoning Regular Meeting.**

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

---

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

---

**10. 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.

**11. Adjourn.**

**For Your Information:**

Next Town Council Work Session: Tuesday, June 11, 2013 at 2:00 p.m.

Next Town Council Meeting: Tuesday, June 18, 2013 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: TBD.

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 \_\_\_\_\_, 2013, 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.

**TOWN OF DEWEY-HUMBOLDT  
PLANNING & ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
MAY 9, 2013, 6:00PM**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, MAY 9, 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.** Mr. Colvin stated the Town's free Dumpster Day for household trash, yard clippings, etc. is this Saturday, May 11, 2013 from 8AM-12Noon off Prescott Dells Rd. for citizens of the Town; bring driver's license and a utility bill for proof of residency. Commissioner DeWitt spoke on the Greater Prescott Trails Planning Meeting this past Monday, a collaborative effort between Town of Prescott Valley, City of Prescott, Yavapai County and Prescott National Forest steered by stewardship forum created by Prescott National Forest of user groups throughout the quad-city areas; broke out into two separate sessions; great turnout and citizens from Dewey-Humboldt in attendance as well.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the March 7, 2013 and April 4, 2013 Planning & Zoning Commission Regular Meetings and April 19, 2013 Planning & Zoning Work Session Meeting.  
  
Commissioner Parker made a motion to approve the March 7, April 4, and April 19, 2013 Planning & Zoning Meeting minutes, seconded by Commissioner Siereveld. The motion passed unanimously.
7. **Discussion Agenda – New Business.**
  - 7.1. **Presentation on Land Protection Tools and Open Space Planning in Yavapai County.** Tabled.
  - 7.2. **Revision of Plat – Ron King.** Warren Colvin spoke on the plat revision, he is working with Public Works on the access point; recommends approval. Commissioner Smylie spoke on the EPA's nationwide mandate on storm water pollution prevention to control runoff being a year or so away from revision, something for the Commission to discuss at a later date as there may be impact on land divisions.  
  
Commissioner DeWitt made a motion to approve the revision of plat for Ron King as presented by Staff, seconded by Commissioner Parker. The motion passed unanimously.
  - 7.3. **Accessory Dwelling Units.** Mr. Colvin suggested that the Commission direct staff to get an opinion from the Town Attorney whether the Town can change Accessory Dwelling Units and Guest Homes based on ARS 12-1134, also known as Prop 207, which states that rights cannot be removed from property owners. Commissioner DeWitt

stated the purpose for a Secondary Medical Unit is to allow another means for somebody who needs constant care, it allows them to live in a travel trailer or another dwelling on the property for medical care. Commissioner Smylie spoke in favor of Secondary Medical Units, consider special circumstances by making application and reviewed by Council as an exception. Mr. Colvin stated he believed the Commission could accomplish their goal and include guest homes and secondary medical units under accessory dwelling units if the language is worded correctly, and would not be taking property owner rights away. The Commission agreed to direct staff to contact the Town Attorney.

**7.4. Illegal Lot Divisions.** Mr. Colvin gave an update and thanked Commissioner DeWitt for her efforts on this item; there was a meeting between Director of Community Development, Steve Mauk, and the Recorder's Office and there is currently a sign posted at the Recorder's Office that states, "Notice – Local jurisdictions may require land division permits and zoning compliance when splitting property". Mr. Colvin stated he will write an article in the newsletter specifying what will happen if someone splits a lot without Town's approval; he spoke with Town Manager about possible code text. Mr. Colvin will write the code text and propose it to the P&Z Commission at the June meeting to amend or approve and send to Town Council from there. There was discussion about a tool for Staff to use after an illegal lot division is discovered; Commissioner DeWitt spoke in favor of allowing for some flexibility.

**8. Discussion Agenda – Unfinished Business.** None.

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

**10. Comments from the Public.** None.

**11. Adjourn.** The meeting was adjourned at 6:32PM.

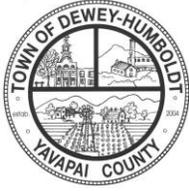
---

Claire Clark, Chairperson

ATTEST:

---

Mandi Garfield, Administrative Assistant



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

---

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

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

**To:** Planning & Zoning Advisory Commission  
**From:** Warren Colvin, Community Development Coordinator  
**Date Submitted:** May 29, 2013

**Agenda Item:** ADU/Guest Homes

**Recommendation:** Discussion and possible action on reviewing the new definition of Accessory Dwelling Units/Guest Homes.

**Summary:** See attached separate sheet. The Town Attorney is reviewing the attached for compliance with State Law and have not had a response back as of this date.

[Page intentionally left blank]

## Accessory Dwelling Unit Topic

### Background:

Planning & Zoning Commission had been assigned the task of cleaning up the Town Code in regards to quest homes, secondary medical dwelling units and accessory dwelling units. Each category are defined as follows as in our current Town Code:

**DWELLING UNIT, ACCESSORY (ADU).** A second separate unit that is attached or detached to the primary dwelling that may be used for a separate additional living unit, and may include separate kitchen, sleeping, and bathroom facilities, on a single family lot. **ADUs** are subordinate in size, location, and appearance to the primary unit.

**GUEST HOME.** A secondary structure meeting the applicable zoning district requirements as to construction type not exceeding 750 square feet or 25% of the total square footage of building area under roof whichever is larger of the primary residential structure and meeting primary structure setbacks of the pertinent zoning district. Used to house a nonpaying or nonreimbursing relative or guest on an intermittent basis, with stay not to exceed a total of 120 days over a continuous 12-month period by the same guest or person(s).

**SECONDARY MEDICAL DWELLING.** A mobile home (HUD compliant), park trailer or manufactured home with kitchen facilities, used exclusively by an ill, handicapped or elderly person in need of special care or supervision, or a care provider for such a person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling.

As of the current Town Code ADU's are allowed in R1L, RMM, R1 and RCU with no minimum lot size requirement as long as the zoning district setbacks and lot density is met.

Guest homes are allowed in R1L-70 and R1-35 zoned districts as stipulated in Town Code section 153.072.

### **§ 153.072 GUEST HOME.**

Guest homes, as defined under § 153.005, are subject to the following requirements:

(A) A guest home is only allowed on a minimum parcel size of 70,000 square feet in size in the R1L Zoning District and a minimum parcel size of 35,000 square feet in the R1 Zoning District.

(B) The parcel or lot must meet or exceed the noted required area in size and the primary structure set backs set out under the Density District are met.

(C) The guest home must be serviced and metered by the primary structure electric utility hookups. Individual guest home septic systems may be approved where necessary in order to reduce sewer line extensions as authorized by the County Environmental Unit.

(D) A common driveway or entrance must be shared by the primary and guest home structures.

(E) The guest home must not exceed 750 square feet or 25% of the total square footage of the primary structure living area under roof, whichever is greater.

(F) The guest home must be placed in order to meet separation requirements of the current adopted Building and Fire Code as well as the Planning and Zoning Ordinance.

(G) A kitchen facility is permitted in the guest home structure.

(H) Guest home shall conform to construction requirements of the applicable Zoning District.

(Ord. 08-44 § 525, passed 10-21-2008)

Secondary Medical Dwellings are not mentioned in any specific zoned district. The only place in the Town Code that references SMD is section 153.05(Definitions). It is my understanding that this was an oversight and the definition should be removed from the code and these should fall under the Accessory Dwelling Unit requirements.

In 2005 the Town Code only had provisions for Guest Homes and Secondary Medical Dwelling units. During the Town Code change done in 2008 the code stayed the same. During the 2009 Town Code re-write Guest Homes stayed the same Secondary Medical Dwelling went to a definition only and Accessory Dwelling Units were added.

**Goal:**

It is staff's goal to come up with a definition and criteria that uses the ADU and Guest Home definition and come up with hybrid definition that can encompass both of these terms.

New definition:

DWELLING UNIT, ACCESSORY (ADU). A second separate unit that is detached from the primary dwelling that may be used for a separate additional living unit, and includes separate kitchen, sleeping and bathroom facilities, on a single family lot. Unit to comply with all applicable zoning district requirements as to construction type, property density and primary structure setbacks of the pertinent zoning district. ADUs are limited to 750 square feet or 25% or the total square footage of the primary structure living area under roof, whichever is greater.

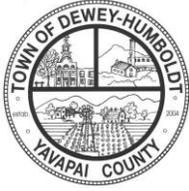
With this new definition I would suggest that we remove the term guest home and change section 153.072 of the current code to DWELLING UNIT, ACCESSORY. I have removed the maximum stay

timeframe from the guest home and didn't include it in the new definition as to it is practically impossible to enforce. So in essence all guest homes, secondary medical dwelling would now become a ADU.

**Concern:**

If staff and Planning & Zoning Commission changes any of the already established regulations and makes them more restrictive than what already existing in the code today, would we still be in compliance with ARS 12-1134 (Prop 207)? See new definition and requirements.

[Page intentionally left blank]



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

---

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

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

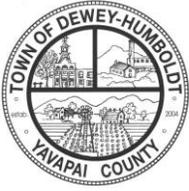
**To:** Planning & Zoning Advisory Commission  
**From:** Warren Colvin, Community Development Coordinator  
**Date Submitted:** May 31, 2013

**Agenda Item:** Illegal Lot Splits

**Recommendation:** Discussion and possible action on new application and supporting procedure on residential lot splits.

**Summary:** See attached revised application and procedure for lots splits. It now includes the language for penalty and also notifies them that no building permits will be issued until lot splits are approved by the Town.

[Page intentionally left blank]



**TOWN OF DEWEY-HUMBOLDT**  
 "Arizona's Country Town"

**Residential Land Split**  
**Community Development Department**  
 P.O. BOX 69  
 HUMBOLDT, AZ 86329

[www.dhaz.gov](http://www.dhaz.gov) Phone: 926-632-7362 Fax: 928-632-7365

Steps for completing a Land Split:

1. Determine the number of Land Splits that have already occurred. Land Splits are limited to the creation of 3 parcels within the original parcel without prompting subdivision requirements (this includes contiguous parcels owned by same owner).
2. Determine the zoning district for the parcel to be divided (<http://www.co.yavapai.az.us/>).
3. Make sure that the Land Split conforms to the Town's minimum zoning requirements (i.e., parcel size, ingress/egress, setbacks, etc.). You must provide proof to indicate that the proposed parcels will have irrevocable ingress and egress rights to the nearest public right-of-way.
4. Complete a Sketch Plan of the Land Split proposal; if questionable, have the property surveyed to confirm compliance to the zoning regulations. Attached is a recommended form for the Sketch Plan and requirements.
5. Obtain a Title Report (including Schedule B) or copy of one less than 6 months old.
6. Complete the Land Split Application and submit it with the Sketch Plan and a current Title Report (including Schedule B) to the Town for initial staff review. Following the review, the application will be tentatively approved or a letter of denial will be issued.
7. Upon a successful review of the Sketch Plan by Town staff, the applicant must then provide a scaled Final Map of the proposed Land Split prepared by an engineer or land surveyor duly licensed by the State of Arizona. The scaled Final Map will be checked for compliance with the Town's Land Split regulations.
8. Take the approved application, Land Split Final Map, and associated legal documentation to the Yavapai County Assessor's Office (928-771-3220) and Recorder's office (928-771-3244) at 1015 Fair Street, Prescott, to finalize the process.
9. If the tentative approval for the Application is denied, consider whether an Appeal would be appropriate. You can request an Appeal through the Board of Adjustments.
10. If lot was created without Town's approval NO building permits will be issued until the lot is in compliance with Chapter 152 of the Town's Codes and Ordinances.
11. Penalty: Section 152.99/ 153.999 Town Codes and Ordinances, a penalty fee of \$750.00 will be assessed to all illegally created lots. Applicant must pay penalty and normal fee based on the property land split classification.

**Land Split Approval**

Date: \_\_\_\_\_ Received By: \_\_\_\_\_  
 Owner: \_\_\_\_\_ APN#: \_\_\_\_\_  
 Site Address: \_\_\_\_\_ City: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Approved By: \_\_\_\_\_

<i>For Office Use Only:</i>				
Number of parcels include contiguous lots	Zoning	Lot Sizes in SF	Min. Lot Width and Depth	In Floodplain?

### Residential Land Split Plan Sketch

This drawing needs to show the proposed split and approximate dimensions. Identify significant washes and arroyos, ingress/egress easements, roadways.

I certify that this Plan indicates all structures (including fences, walls, and pads), Correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes and etc.) on or within 50', 100' and 200' respectively of property. This Plan is a part of the Land Split Application and is submitted on authority of the property owner.

Zoning

Min Lot Size:

Min. Lot Width and Depth:

Number of Splits:

Ingress/Egress

North Arrow

Section:                  Township:                  Range:                  APN

## **Graphic Requirements per Section 152.06. Dewey-Humboldt Land Subdivision Regulations**

### **Requirements for the Sketch Plan:**

A Sketch Plan is drawing or sketch showing the proposed Land Split. The drawing should be fully dimensioned and prepared at a scale which maintains legibility. The drawing or sketch may be drawn on the sheet provided with the application or be of a size large enough to convey the required information as follows:

1. Legal description or Assessor's Parcel Number.
2. The boundaries of the original parcel prior to the Land Split.
3. Proposed parcels (lots) fully dimensioned.
4. The rights-of-way adjacent to or within the property, including streets and easements.
5. The locations and dimensions of existing structures.
6. The setbacks of existing buildings and structures from existing and proposed property lines.
7. The placement of existing wells and septic systems will be identified on the Final Map

### **Requirements for the Final Map:**

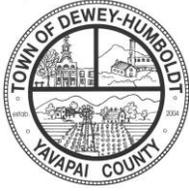
The Final Map shall be prepared by an Arizona-Licensed Engineer or Land Surveyor on Mylar film as is acceptable to the Yavapai County Recorder. The size of the map shall be a minimum of 18 inches by 24 inches or 24 inches by 36 inches with a left margin of 2 inches and shall include the following information:

1. Name, address and telephone number of the property owner(s)
2. Name, address and telephone number of the engineer or land surveyor preparing the map including professional seal.
3. General Plan and Zoning District designations for the site.
4. Graphic and written scale, north indicator (up or to the right), location map (n.t.s.) and the date of preparation.
5. Legal descriptions including area (square feet & acres) for each parcel.
6. The boundaries of the original parcel prior to the Land Split.
7. Proposed parcels (lots) fully dimensioned.
8. The rights-of-way adjacent to or within the property, including streets and easements.
9. The locations and dimensions of existing structures.
10. The setbacks of existing buildings and structures from existing and proposed property lines.
11. The placement of existing wells and septic systems.

### **Design Considerations:**

1. Topography of land – Suitable areas for locating building pad, septic systems and wells.
2. Locations of washes and floodplains
3. Locations of easements – Allow for setbacks from road easements (setbacks are measured from the road easement line, but not utility easements).
4. Placement and spacing of driveway encroachments onto public rights-of-way.

[Page intentionally left blank]



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

---

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

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

**To:** Planning & Zoning Advisory Commission  
**From:** Warren Colvin, Community Development Coordinator  
**Date Submitted:** May 29, 2013

**Agenda Item:** Top Ten P&Z Commission Priority List

**Recommendation:** Discussion and possible action on the established top ten priority list.

**Summary:** See attached priority list as established by Town Council and Planning & Zoning Commission at the April 5, 2012 Joint Meeting. P&Z Commission to review and select next two items to be addressed.

[Page intentionally left blank]

## P&Z Priority List (As discussed with Town Council on 4/5/12)

1. **Illegal Lot Divisions**
2. **Accessory Dwelling Units**
3. **Historic Buildings (Possible adoption of 2009 International Building Code)**

---

*These dubbed the "Top 3 Priorities by Council"*

---

4. Outside Storage – Code is more restrictive; provide more information and less regulation;
5. Enforce Parking Requirements on Main Street;
6. Commercial Buildings – Process for a new business occupying a property vacated by another business; safety, inspections, permits, etc.;
7. Home Based Business – Define home based business; home based business permits covers zoning issues, not the same as a business license, the Town does not have any business licenses;
8. Transient Merchants – Discuss with home based businesses; prioritize low until Town establishes regular business license;
9. Annexation of Northern 200-foot strip (*agreed that this may be an administrative issue rather than P&Z*);
10. Medical Marijuana (*resolved through Ordinance 11-83 and ARS*)