

**TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION MEETING NOTICE**

Tuesday, June 9, 2015, 2:00 P.M.

**COUNCIL STUDY SESSION MEETING
2735 S. HWY 69**

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

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council 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. Roll Call. Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan.

3. Study Session. No legal action to be taken.

3.1. Citizen Survey question result and next steps. Directed from the May 19, 2015 meeting. Results collected by CM Repan.

3.2. Council review and direction on the Draft Accountability Contract for Dewey-Humboldt Historical Society Museum rent reimbursement.

3.3. Council advisability of amending Town Code Section 152 Subdivision - Large Land Division, in the form of Ordinance 15-113.

3.4. Council advisability of imposing an application fee for Right-of-Way abandonment.

3.5. Review of proposed (final) FY 15-16 Budget in preparation for its adoption at the July 7 Regular meeting. [Budget materials provided separately (online) due to its size]

4. Special Session. Legal action can be taken.

4.1. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

5. Comments from the Public. The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council 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 Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members 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, Council members 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 Public Comment is 3 minutes per person. The audience is asked to please be courteous and silent while others are speaking.

6. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, June 16, 2015, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, July 9, 2015, at 6:00 p.m.

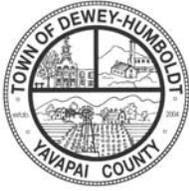
Next Town Council Work Session: Tuesday July 14, 2015, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at 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 _____, 2015, 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
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL STUDY SESSION
June 9, 2015, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.1. Citizen Survey question result and next steps.

To: Mayor and Town Council Members
From: Yvonne Kimball, Town Manager

Date submitted: June 2, 2015

Questions to address:

- 1. Decide on the survey questions.**
- 2. Who will be conducting the survey? Options: National Research Center; local colleges.**

Summary:

Council has been discussing a possibility of a Citizen Survey for a few months. The Town conducted a few surveys in the past. National Research Center (NRC) was employed to conduct at least two past surveys using its Citizen Survey format. Subsequently, the Town intended to continue the 2015/16 survey with NRC. Town Council was hoping to use NRC's 2009 survey format with a few modifications. We found out that using the 2009 survey format (with modifications) would be considered a "custom" survey which would incur an additional \$5,000 to \$10,000 in fee. NRC charges \$12,500 to use their present survey format.

At the April 15 meeting, Council explored the option of coming up with our own questionnaire based on NRC's 2009 product and engaging other institutions for conducting the survey. CM Repan gathered individually suggested questionnaire modifications by other members and provided the compilation to staff (see attached).

At this meeting, staff recommends council decide on the survey questions and then direct whether to contact NRC to conduct the survey. Upon your directions, staff can proceed accordingly.

Yvonne,

Please find the results of council input into the changes for the 2009 Dewey-Humboldt survey. Of the seven members of council, 4 responded with changes. In addition, there was input from the P&Z committee.

To indicate changes and for simplicity, I utilized the 2009 survey sheets and next to each line item and off to the side, I indicated the number of inputs that were not in favor of asking the question again, ie a -3 would indicate that 3 members did not want to ask that question again. No mark, would indicate that there was no objection to the 2009 question.

In addition, I have included other possible questions to be considered for addition to the survey. I have included these questions in their original form and without modification.

If you or staff has any further questions, please feel free to contact me.

CM Repan

The Town of Dewey-Humboldt 2009 Citizen Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please select the response (by circling the number or checking the box) that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please rate each of the following aspects of quality of life in Dewey-Humboldt:

	Excellent	Good	Fair	Poor	Don't know
Dewey-Humboldt as a place to live	1	2	3	4	5
Your neighborhood as a place to live.....	1	2	3	4	5
Dewey-Humboldt as a place to raise children	1	2	3	4	5
(-2) Dewey-Humboldt as a place to work	1	2	3	4	5
Dewey-Humboldt as a place to retire.....	1	2	3	4	5
The overall quality of life in Dewey-Humboldt	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to Dewey-Humboldt as a whole:

	Excellent	Good	Fair	Poor	Don't know
(-1) Sense of community.....	1	2	3	4	5
(-2) Openness and acceptance of the community toward people of diverse backgrounds	1	2	3	4	5
Overall appearance of Dewey-Humboldt.....	1	2	3	4	5
Cleanliness of Dewey-Humboldt	1	2	3	4	5
(-2) Overall quality of new development in Dewey-Humboldt	1	2	3	4	5
Variety of housing options	1	2	3	4	5
Overall quality of business and service establishments in Dewey-Humboldt.....	1	2	3	4	5
Shopping opportunities.....	1	2	3	4	5
Opportunities to attend cultural activities.....	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Employment opportunities	1	2	3	4	5
(-2) Educational opportunities	1	2	3	4	5
(-2) Opportunities to participate in social events and activities	1	2	3	4	5
(-2) Opportunities to participate in religious or spiritual events and activities.....	1	2	3	4	5
Opportunities to volunteer.....	1	2	3	4	5
Opportunities to participate in community matters.....	1	2	3	4	5
Ease of car travel in Dewey-Humboldt	1	2	3	4	5
Ease of bicycle travel in Dewey-Humboldt.....	1	2	3	4	5
Ease of walking in Dewey-Humboldt	1	2	3	4	5
Availability of paths and walking trails	1	2	3	4	5
(-2) Traffic flow on major streets.....	1	2	3	4	5
(-2) Amount of public parking	1	2	3	4	5
(-2) Availability of affordable quality housing	1	2	3	4	5
(-2) Availability of affordable quality child care	1	2	3	4	5
(-2) Availability of affordable quality health care	1	2	3	4	5
(-2) Availability of affordable quality food	1	2	3	4	5
(-2) Availability of preventative health services.....	1	2	3	4	5
Air quality.....	1	2	3	4	5
Quality of overall natural environment in Dewey-Humboldt.....	1	2	3	4	5
Overall image or reputation of Dewey-Humboldt	1	2	3	4	5

(-1) - **3. Please rate the speed of growth in the following categories in Dewey-Humboldt over the past 2 years:**

	Much too slow	Somewhat too slow	Right amount	Somewhat too fast	Much too fast	Don't know
Population growth	1	2	3	4	5	6
Retail growth (stores, restaurants, etc.).....	1	2	3	4	5	6
Jobs growth.....	1	2	3	4	5	6

4. To what degree, if at all, are run down buildings, weed lots or junk vehicles a problem in Dewey-Humboldt?
 Not a problem Minor problem Moderate problem Major problem Don't know

5. Please rate how safe or unsafe you feel from the following in Dewey-Humboldt:

	Very safe	Somewhat safe	Neither safe nor unsafe	Somewhat unsafe	Very unsafe	Don't know
Violent crime (e.g., rape, assault, robbery)	1	2	3	4	5	6
Property crimes (e.g., burglary, theft).....	1	2	3	4	5	6
Environmental hazards, including toxic waste.....	1	2	3	4	5	6

6. Please rate how safe or unsafe you feel:

	Very safe	Somewhat safe	Neither safe nor unsafe	Somewhat unsafe	Very unsafe	Don't know
(-1) — In your neighborhood during the day.....	1	2	3	4	5	6
(-1) — In your neighborhood after dark.....	1	2	3	4	5	6
(-3) — In Dewey-Humboldt's downtown area during the day ...	1	2	3	4	5	6
(-3) — In Dewey-Humboldt's downtown area after dark	1	2	3	4	5	6

7. During the past twelve months, were you or anyone in your household the victim of any crime?

No → Go to Question 9 Yes → Go to Question 8 Don't know → Go to Question 9

8. If yes, was this crime (these crimes) reported to the police?

No Yes Don't know

9. In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in Dewey-Humboldt?

	Never	Once or twice	3 to 12 times	13 to 26 times	More than 26 times
Used Dewey-Humboldt public libraries or their services.....	1	2	3	4	5
Attended a meeting of local elected officials or other local public meeting	1	2	3	4	5
Read the Dewey-Humboldt Newsletter.....	1	2	3	4	5
Visited the Town of Dewey-Humboldt Web site (at www.dhaz.gov)	1	2	3	4	5
(-2) — Recycled used paper, cans or bottles from your home.....	1	2	3	4	5
Volunteered your time to some group or activity in Dewey-Humboldt.....	1	2	3	4	5
(-2) — Participated in religious or spiritual activities in Dewey-Humboldt.....	1	2	3	4	5
(-2) — Participated in a club or civic group in Dewey-Humboldt.....	1	2	3	4	5
(-2) — Provided help to a friend or neighbor	1	2	3	4	5

(-2) — 10. About how often, if at all, do you talk to or visit with your immediate neighbors (people who live in the 10 or 20 households that are closest to you)?

- Just about every day
- Several times a week
- Several times a month
- Once a month
- Several times a year
- Once a year or less
- Never

The Town of Dewey-Humboldt 2009 Citizen Survey

11. Please rate the quality of each of the following services in Dewey-Humboldt:

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
Police services	1	2	3	4	5
(-1) Fire services (Central Yavapai Fire District).....	1	2	3	4	5
(-2) Ambulance or emergency medical services.....	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Municipal courts	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
(-3) Traffic signal timing	1	2	3	4	5
(-3) Garbage collection.....	1	2	3	4	5
(-1) Recycling.....	1	2	3	4	5
(-2) Drinking water.....	1	2	3	4	5
(-3) Power (electric and/or gas) utility	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
(-2) Health services	1	2	3	4	5
(-3) Services to seniors.....	1	2	3	4	5
(-3) Services to youth.....	1	2	3	4	5
(-3) Services to low-income people	1	2	3	4	5
Public library services	1	2	3	4	5
Public information services	1	2	3	4	5
(-3) Public schools.....	1	2	3	4	5
(-3) Cable television	1	2	3	4	5
(-1) Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	1	2	3	4	5
Preservation of natural areas such as open space, farmlands and greenbelts.....	1	2	3	4	5

12. Overall, how would you rate the quality of the services provided by each of the following?

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
The Town of Dewey-Humboldt	1	2	3	4	5
(-3) The Federal Government	1	2	3	4	5
(-3) The State Government	1	2	3	4	5
(-3) Yavapai County Government.....	1	2	3	4	5

13. Have you had any in-person or phone contact with an employee of the Town of Dewey-Humboldt within the last 12 months (including police, receptionists, planners or any others)?

- No → Go to Question 15 Yes → Go to Question 14

14. What was your impression of the employee(s) of the Town of Dewey-Humboldt in your most recent contact? (Rate each characteristic below.)

	Excellent	Good	Fair	Poor	Don't know
Knowledge.....	1	2	3	4	5
Responsiveness.....	1	2	3	4	5
Courtesy.....	1	2	3	4	5
Overall impression.....	1	2	3	4	5

15. Please rate the following categories of Dewey-Humboldt government performance:

	Excellent	Good	Fair	Poor	Don't know
The value of services for the taxes paid to Dewey-Humboldt.....	1	2	3	4	5
The overall direction that Dewey-Humboldt is taking.....	1	2	3	4	5
The job Dewey-Humboldt government does at welcoming citizen involvement.....	1	2	3	4	5
The job Dewey-Humboldt government does at listening to citizens.....	1	2	3	4	5

(-2) — 16. Please indicate how likely or unlikely you are to do each of the following:

	Very likely	Somewhat likely	Somewhat unlikely	Very unlikely	Don't know
Recommend living in Dewey-Humboldt to someone who asks.....	1	2	3	4	5
Remain in Dewey-Humboldt for the next five years.....	1	2	3	4	5

(-4) — 17. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:

- Very positive Somewhat positive Neutral Somewhat negative Very negative

18. Please check the response that comes closest to your opinion for each of the following questions:

(-4) — a. How important, if at all, is it for the Town to preserve at least a portion of Young's Farm as part of the history and heritage of Dewey-Humboldt?

- Essential
 Very important
 Important
 Not very important
 Don't know

(-2) — b. To what extent would you support or oppose the building of a Town-owned community core that includes town offices, a community center, park, etc. in one location?

- Strongly support
 Somewhat support
 Somewhat oppose
 Strongly oppose

(-1) — c. To what extent would you support or oppose each of the following approaches to economic development?

	Strongly support	Somewhat support	Somewhat oppose	Strongly oppose	Don't know
<i>+ Reword?</i> The Town should spend money to encourage new businesses on existing commercial zoning.....	1	2	3	4	5
The Town should wait for existing commercial areas to be developed by market forces.....	1	2	3	4	5

The Town of Dewey-Humboldt 2009 Citizen Survey

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

- (-3)** → **D1. Are you currently employed for pay?**
 - No → Go to Question D3
 - Yes, full time → Go to Question D2
 - Yes, part time → Go to Question D2

- (-3)** → **D2. During a typical week, how many days do you commute to work (for the longest distance of your commute) in each of the ways listed below? (Enter the total number of days, using whole numbers.)**
 - Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) by myself _____ days
 - Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) with other children or adults _____ days
 - Bus or other public transportation..... _____ days
 - Walk _____ days
 - Bicycle _____ days
 - Work at home _____ days
 - Other _____ days

- (-1)** → **D3. How many years have you lived in Dewey-Humboldt?**
 - Less than 2 years 11-20 years
 - 2-5 years More than 20 years
 - 6-10 years *MORE THAN 30 years*

- (-2)** → **D4. Which best describes the building you live in?**
 - One family house detached from any other houses
 - House attached to one or more houses (e.g., a duplex or townhome)
 - Building with two or more apartments or condominiums
 - Mobile home
 - Other

- (-2)** → **D5. Is this house, apartment or mobile home...**
 - Rented for cash or occupied without cash payment?
 - Owned by you or someone in this house with a mortgage or free and clear?

- (-3)** → **D6. About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?**
 - Less than \$300 per month
 - \$300 to \$599 per month
 - \$600 to \$999 per month
 - \$1,000 to \$1,499 per month
 - \$1,500 to \$2,499 per month
 - \$2,500 or more per month

- (-2)** → **D7. Do any children 17 or under live in your household?**
 - No Yes

- D8. Are you or any other members of your household aged 65 or older?** — **(-1)**
 - No Yes

- D9. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)** — **(-2)**
 - Less than \$24,999
 - \$25,000 to \$49,999
 - \$50,000 to \$99,999
 - \$100,000 to \$149,999
 - \$150,000 or more

- Please respond to both question D10 and D11:**
- D10. Are you Spanish, Hispanic or Latino?** — **(-4)**
 - No, not Spanish, Hispanic or Latino
 - Yes, I consider myself to be Spanish, Hispanic or Latino

- D11. What is your race? (Mark one or more races to indicate what race you consider yourself to be)** — **(-4)**
 - American Indian or Alaskan Native
 - Asian, Asian Indian or Pacific Islander
 - Black or African American
 - White
 - Other

- D12. In which category is your age?**
 - 18-24 years 55-64 years
 - 25-34 years 65-74 years
 - 35-44 years 75 years or older
 - 45-54 years

- D13. What is your sex?** — **(-2)**
 - Female Male

- D14. Are you registered to vote in your jurisdiction?** — **(-1)**
 - No Ineligible to vote
 - Yes Don't know

- D15. Many people don't have time to vote in elections. Did you vote in the last general election?** — **(-1)**
 - No Ineligible to vote
 - Yes Don't know

- D16. Do you have a cell phone?** — **(-1)**
 - No Yes

- D17. Do you have a land line at home?** — **(-1)**
 - No Yes

- D18. If you have both a cell phone and a land line, which do you consider your primary telephone number?** — **(-3)**
 - Cell Land line Both

Thank you for completing this survey. Please return the completed survey in the postage paid envelope to:
National Research Center, Inc., PO Box 549, Belle Mead, NJ 08502

Dewey-Humboldt needs to have these services available to citizens:

1-5 on each, separate line items

Food market, bank, all roads paved, central water system, Town Sewage System, additional commercial/industrial zoning, additional shops and services on main street, a permanent historical museum, car wash, RV Park, dog park, baseball field, bowling alley, steak house/lounge, Health Care Center, transportation company

Domestic Animals(Household cats and dogs) should be restricted in number by house/lot size in DH?

Yes No

Farm Animals (horses, minis, donkeys, cows, chickens, llamas etc) should be restricted in number by lot size? Yes No

DH needs to have its own Fire Department and not contract with the County. Yes No

DH needs to have its own Police Department and not contract for services with any entity?

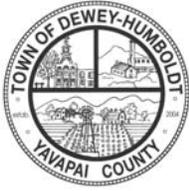
Yes No

Same question : Animal Control Department Yes No

Other questions: (+3)

- 1) Would you be willing to support a bond or property tax to:
 - a) Pave more roads
 - b) Buy the water companies
 - c) Install a sewer system
- 2) Do you support using your tax dollars to lease or purchase a building for the use by the Historic Society?
 - a) Yes
 - b) No
 - c) No opinion
- 3) Should your tax dollars be used to promote growth such as making it easier for developers to go through the building process or easing code restrictions?
 - a) Yes
 - b) No
 - c) No opinion
- 4) Should your tax dollars be used to promote economic development such as a reduction or elimination of sales tax for 1 or more years?
 - a) Yes
 - b) No
 - c) No opinion
- 5) What do you see as the most important issue with **town-owned** roads? (On a scale of 1 to 6 with 1 being the most important.)
 - a) Inadequate maintenance
 - b) Rough, rocky and washboarded
 - c) Ruts & potholes
 - d) Dusty

- e) Hard on vehicles
 - f) Slippery when wet
- 6) Rate the importance of Transportation features for future planning in Dewey-Humboldt (On a scale of 1 to 5 with 1 being the most important.)
- a) Emergency vehicle access
 - b) Safe crossing of the highway
 - c) Paving dirt streets
 - d) Horse & bike trails and walking paths
 - e) Buses
- 7) Would you support disincorporation of Dewey-Humboldt?
- 8) Would you support Dewey-Humboldt's purchase of Humboldt Center for a Town Hall?
- 9) Should Dewey-Humboldt purchase or build a Town Hall?
- 10) Do you support the Town's policy of only enforcing Town Code based on complaints?
- 11) What would you like to see changed in Dewey-Humboldt (On a scale of 1 to 8 with 1 being the most important.)
- a) Keep low-density zoning
 - b) More enforcement to clean up junk cars, trash & weeds
 - c) Higher density housing
 - d) More enforcement of speed limits
 - e) Enforcement of Town Codes
 - f) Unlimited household pets
 - g) More economic development
 - h) More rezoning to commercial



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL STUDY SESSION

June 9, 2015, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.2. Council review and direction on the Draft Accountability Contract for Dewey-Humboldt Historical Society Museum rent reimbursement.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: June 2, 2015

Recommendation: Review the draft Accountability Contract for D-HHS and provide directions regarding language, such as terms.

Summary:

At the April 30, 2015 Council Special Budget meeting, the Council decided to continue to assist D-HHS's museum effort, financially by providing partial rent reimbursement to D-HHS. Council would like to provide up to \$5,760 a year for this purpose. The amount represents 80% of \$7,200 which has been the town's financial assistance since July 2012.

Each year before disbursing fund, the Town and the D-HHS sign an accountability agreement to outline the terms of the financial assistance. Staff prepared the draft Accountability Agreement for FY 16. Council has not given directions on the terms or expectations of D-HHS as the recipient of Town funds. The enclosed draft uses the same terms as prior years.

Staff recommends that Council directs contract terms upon your review. Once we finalize the contract, it will be formally accepted by the council at a future meeting.

ACCOUNTABILITY CONTRACT

This Agreement is entered into the ___ day of _____, 2015 by and between the Town of Dewey-Humboldt, Arizona, an Arizona municipal corporation (hereinafter referred to as “Dewey-Humboldt”) and Dewey Humboldt Historical Society (hereinafter referred to as “Contractor”).

It is the finding of the Dewey-Humboldt Town Council that Contractor is offering services that benefit the Dewey-Humboldt community and Dewey-Humboldt Historical Society should receive public funds in support of its facility, services and operations.

Now, therefore, in consideration of the mutual covenants between the parties, it is agreed as follows:

1. **DURATION OF AGREEMENT:** The duration of the Agreement shall be from July 1, 2015 until June 30, 2016.
2. **SCOPE OF WORK:** Contractor agrees to use funds received from Dewey-Humboldt to provide **partial reimbursement of up to one year’s (12 months) lease payments in the amount of \$480 a month for** the museum building located at 12925 E. Main St., Humboldt, AZ in order to assist the Society in operating a museum (“Services”), meeting the criteria set forth in **Exhibit A** of this Agreement. Contractor also agrees to maintain accurate financial records to enable Dewey-Humboldt to verify that the funds provided under this Agreement are expended in accordance with this Contract. Contractor shall be responsible for compliance with all applicable federal, state and local laws and regulations.
3. **COMPENSATION:** Dewey-Humboldt shall compensate Contractor for the Services in the amount of **up to \$5760**. Such funds shall only be used for the purposes set forth in **Exhibit A**.
4. **REPORTING:** At the completion of the Services, Contractor shall submit to Dewey-Humboldt an itemized report setting forth how the funds received from Dewey-Humboldt were expended.
5. **INSPECTION:** Within five (5) days of receipt of a written request from Dewey-Humboldt, Contractor agrees to open for inspection and to make available all financial records relating to the Services.
6. **CONTRACT NONCOMPLIANCE:** If Dewey-Humboldt, in its sole discretion, determines Contractor is in breach of this Agreement, Dewey-Humboldt shall give written notice to Contractor of the specific area of noncompliance. Contractor shall comply within 30 calendar days of the date of notice.

7. **TERMINATION FOR CAUSE:** If Contractor does not comply within 30 calendar days from the date of the notice of breach, Dewey-Humboldt may terminate this Agreement. Contractor shall immediately return to Dewey-Humboldt all funds not spent for the services described in **Exhibit A**.
8. **TERMINATION PURSUANT TO A.R.S. § 38-511:** Dewey-Humboldt may terminate this Agreement pursuant to A.R.S. § 38-511.
9. **INDEMNIFICATION:** Contractor agrees to hold harmless and indemnify Dewey-Humboldt from any loss, damage, liability, cost, charge or expense, whether direct or indirect, including reasonable attorney's fees, and whether to any person or property to which Dewey-Humboldt, its agents, employees or said parties may be subject to related to the Services, including, but not limited to, actions for bodily injury, illness, death or property damage.
10. **INDEPENDENT CONTRACTOR:** Contractor is an independent contractor and not an agent or employee of Dewey-Humboldt. Contractor shall supervise and direct the Services using Contractor's best skill and attention. Contractor shall be solely responsible for all staffing, curriculum, scheduling, supplies, equipment for and transportation of participants to events for Services. Contractor shall be responsible to its employees, volunteers, Dewey-Humboldt employees and other persons performing any services related to the Services as set forth in this Agreement.
11. **ENTIRE AGREEMENT; AMENDMENTS:** This Agreement represents the entire agreement between the parties with respect to the subject matter hereof. This Agreement may not be amended except through an appropriate writing signed by both parties.
12. **ASSIGNMENT PROHIBITED:** Contractor shall not assign any rights acquired hereby, without first obtaining the written consent of Dewey-Humboldt.
13. **INSURANCE:** Contractor agrees that it will carry the following insurance coverage during the term of this Agreement:

General Liability Insurance: \$1,000,000.00 per occurrence.

Contractor shall submit certificates of insurance acceptable to Dewey-Humboldt and warrants that such coverage(s) shall be maintained in full force and effect until Contractor is released from this Contract. Further, Dewey-Humboldt shall be named as an additional insured with respect to the services to be performed under this Contract.
14. **NO DISCRIMINATION:** Neither Contractor nor its employees or agents will discriminate on the basis of race, religion, handicap, gender or national origin in providing the Services.
15. **SUDAN AND IRAN:** Contractor warrants that it does not have scrutinized business operations in Sudan or Iran, as prohibited by A.R.S. §§ 35-391.06 and 35-393.06 and

further acknowledge that any subcontractor who is contracted by Contractor to perform work pursuant to this Contract shall warrant that they do not have scrutinized business operations in Sudan or Iran.

16. **IMMIGRATION LAW WARRANTY:** As required by A.R.S. § 41-4401, Contractor hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). Contractor further warrants that after hiring an employee, Contractor verifies the employment eligibility of the employee through the E-Verify program. If Contractor uses any subcontractors in performance of the services, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A), and subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employment eligibility of the employee through the E-Verify program. A breach of this warranty shall be deemed a material breach of the Contract that is subject to penalties up to and including termination of the Contract.
17. **NOTICES:** All notice provided for herein shall be hand delivered, delivered by overnight courier (e.g., Federal Express) or sent by certified or registered mail, return receipt requested, addressed to all parties hereto at the address designated for each party beside its signature or at such other address as the party who is to receive such notice may designate in writing. Notice shall be deemed completed upon: (i) such hand delivery or courier delivery or (ii) three (3) days after the deposit of same in a letter box or other means provided for the posting of mail, addressed to the party and with the proper amount of postage affixed thereto. Except as otherwise herein provided, actual receipt of notice shall not be required to effect notice hereunder.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names,

For Contractor (D-H Historical Society)

For Dewey-Humboldt

(Signature)

Mayor

Title

Attest:

Town Clerk

Approved as to Form:

By: Curtis, Goodwin, Sullivan, Udall
& Schwab, P.L.C., Town Attorneys

EXHIBIT A

SCOPE OF WORK

The Contractor agrees to use the funds received from Dewey-Humboldt only for the following services:

The Town of Dewey-Humboldt wishes to support Contractor's effort to open and operate a museum for history preservation and educational purposes in old town Humboldt (part of the Town of Dewey-Humboldt) by continuing to provide funds to partially reimburse Contractor's museum building lease up to a year in FY 15-16 commencing on July 1, 2015 and ending on June 30, 2016. For FY 15-16, The Town agrees to reimburse up to \$480 a month for the building lease. The Town has been providing DH HS \$600 a month since July 2012 to reimburse its expense for the museum building lease. In addition to complying with all federal, state and local laws, regulations, and codes and other provisions of this Agreement, Contractor agrees to:

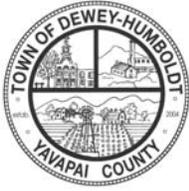
1. Open and operate the Museum at the current location for which the Town is providing the lease reimbursement funds.
2. The Museum remains open to the general public for at least 6 hours per day and at least three days per week.
3. Admission shall be free to all D-H residents. The Museum may charge an entrance fee to non-Dewey-Humboldt residents at its discretion.

Notes:

1. No disbursement will be paid to Contractor until this Agreement is fully executed and proof of insurance coverage as set forth in Paragraph 13 has been provided to Dewey-Humboldt.
2. In order to obtain disbursement, Contractor shall provide Dewey-Humboldt with a written invoice.
3. Payment is to be disbursed monthly in the amount of \$480 for up to 12 months on or before the 15th upon written request by Contractor and approval by the Town Manager. Payment will be mailed to:

D-H Historical Society
PO Box 85, Humboldt, AZ 86329

[Page intentionally left blank]



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

TOWN COUNCIL STUDY SESSION

June 9, 2015, 2:00 p.m. Town Council Meeting Chambers

Agenda Item #3.3. Council advisability of amending Town Code Section 152 Subdivision- Large Land Division in the form of Ordinance 15-113.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: June 2, 2015

Recommendation: Proceed to amend code section 152 subdivision; if so, allow P&Z to have a discussion on the subject before Council adoption of Ordinance amending 153.02, 153.03, and 152.05.

Summary:

A few months ago, town staff was made aware that there may be a need to amend the current Town Code section 152 Subdivision, specifically in regards to regulations regarding Large Land Division.

The Town Attorney has reviewed the Town Code Section 152 and suggested a code amendment. Attached is the draft ordinance. I have also enclosed the text of the current Code Section 152 for your convenience.

Staff recommends Council directing staff to proceed with the code amendment by beginning to have a discussion at a future P&Z meeting.

ORDINANCE No. 15-113

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 152 SUBDIVISION REGULATIONS, BY AMENDING §§ 152.02 DEFINITIONS AND 152.03 CLASSIFICATION OF LAND SPLITS AND SUBDIVISIONS RELATED TO THE REGULATION OF LARGE LAND DIVISIONS; AND § 152.05 LAND SPLITS AND LARGE LAND DIVISIONS PROCEDURES RELATED TO APPLICATION REQUIREMENTS FOR LOT SPLITS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 152 Subdivision Regulations, Section 152.02 Definitions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

~~LARGE LAND DIVISION. Land whose area exceeds two and one half acres in size and is proposed for division into less than four parcels or lots without involving the creation of a new street, for the purpose of selling or leasing the proposed parcels or lots.~~

* * *

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 152 Subdivision Regulations, Section 152.03 Classification of Land Splits and Subdivisions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 152.03 Classification of Land Splits and Subdivisions

* * *

~~(B) Large land division.~~

~~(1) A division of land containing over 2.5 acres into less than four new parcels or lots, where no new street is involved.~~

~~(2) Requirements and processing. Proposed large land divisions shall require a pre-application conference, documentation of land division history, review of preliminary documents, final application submittal and all documents and filing fees required in accordance with § 152.05.~~

(CB) Minor subdivision.

* * *

(DC) Major subdivision.

* * *

(d) The chart and notes below summarize the procedures and requirements of the various types of land splits, divisions and subdivisions. Procedural steps are described fully in the following sections.

<i>Requirements for the Town</i>	<i>Pre-App Mtg</i>	<i>Applica-tion and Fee</i>	<i>Plan and Division History</i>	<i>Record of Survey</i>	<i>Sketch Plan – Staff</i>	<i>Water Certifi-cate</i>	<i>Preliminary Plat</i>		<i>Final Plat</i>	
***	***	***	***	***	***	***	***	***	***	***
Large Land Division area >2.5 acres into 3 or less parcels	X	X	X	X						
***	***	***	***	***	***	***	***	***	***	***

* * *

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 152 Subdivision Regulations, Section 152.05 Land Splits and Large Land Divisions Procedures is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 152.05 Land Splits and Large Land Division Procedure.

(A) Preliminary processing.

(1) Proposed land splits ~~and large land divisions~~ shall require a pre-application conference (see § 152.04), at which the property owner and department shall discuss the proposal, regulations and options for further consideration of proceeding with a land split application described below.

(2) Application, together with filing fees, and the following documents shall be filed by the applicant.

(a) Legal description and assessor's parcel number.

(b) A land split ~~or large land division~~ drawing showing the proposed land split ~~or division~~, fully dimensioned and prepared at a scale which maintains legibility, showing the following information:

* * *

(c) Documentation of the land division history of the parcel. Documentation may consist of assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred ~~from the original parcel since July 1, 2005~~ DURING THE FIVE-YEAR PERIOD PRECEDING THE APPLICATION.

(d) If applicable, a copy of any easement and/or required agreement, or other legal document which permits shared facilities.

* * *

(C) Final application submittal. Upon satisfactory review and determination by the Department and prior to final approval and recording, the property owner shall submit:

(1) A completed application, filing and recording fees; and

(2) A record of survey of the proposed land split ~~or large land division~~ produced by a registered land surveyor (RLS) licensed in the State of Arizona; the record of survey shall be sealed and signed by the RLS and contain the boundaries of the original parcel prior to the land split ~~or large land division~~, the proposed parcels with parcel lines fully dimensioned, and the rights-of-way adjacent to or within the property, including streets and recorded easements and proposed easements to be recorded for ingress/egress and utilities;

(3) The record of survey shall contain the recording data (book and page numbers) of the access easements for ingress and egress, existing or proposed for creation of the land split ~~or large land division~~; such easements shall meet the standards specified in § 152.09 Subdivision and Street Design Standards. ~~Note: the recorded access easement shall contain a provision for the construction of the roadway within the access easement and its maintenance by the property owner until such time as the town may accept the roadway easement, after inspection finding that the roadway has been built to town design standards.~~

~~(4) The record of survey for a large land division shall contain a statement indicating that such created parcels or lots may not be further divided or split without complying with requirements of the subdivision regulations of the town. Such statement shall be included in the deed of title to each parcel or lot.~~

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the penalties provided for in Section 152.99 of the Dewey-Humboldt Town Code.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2015, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2015.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-113 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2015, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2015.

Judy Morgan, Town Clerk

CHAPTER 152: SUBDIVISION REGULATIONS

Section

- | | | | |
|--------|--|-----|---|
| 152.01 | Scope of land splits and subdivision regulations | (2) | To ensure conformance of land subdivision plans with the public improvement plans of the town, and coordination with those of the county, region and state. |
| 152.02 | Definitions | | |
| 152.03 | Classification of land splits and subdivisions | | |
| 152.04 | Pre-application conference | (3) | To encourage well-planned subdivisions by establishing adequate standards for design and improvements. |
| 152.05 | Land splits and large land division procedure | | |
| 152.06 | Sketch plan procedure and requirements | (4) | To improve land survey monuments and records by establishing standards for survey and plots. |
| 152.07 | Preliminary plat procedures and requirements | | |
| 152.08 | Final plat procedures and requirements | (5) | To secure equitable handling of all subdivision plans by providing uniform procedures and standards. |
| 152.09 | Street design and subdivision standards | | |
| 152.10 | Assurances, guarantees, improvements, inspections and releases | (6) | To preserve natural vegetation and cover, and promote the natural beauty of the town. |
| 152.11 | Amendments, revisions, replat and additional authorities | (7) | To prevent erosion, sedimentation or other pollution of surface or subsurface water. |
| | | (8) | To prevent flood damage to persons and properties. |
| 152.99 | Penalty | | |

§ 152.01 SCOPE OF LAND SPLITS AND SUBDIVISION REGULATIONS.

(A) *Applicability.* No plat of a subdivision (see definition) or deed creating a new parcel shall be approved by the Department, Planning Commission or Town Council unless it conforms to the provisions of this chapter and the Zoning Ordinance.

(B) *Purpose.*

(1) To promote the health, safety and general welfare of the residents of the town.

(9) To restrict building in areas poorly suited for building or construction.

(10) To plan for adequate space for future development of schools and parks to serve the population where appropriate.

(11) To assure the planning for the provision of an adequate and safe source of water and means of sewage disposal.

(Ord. 09-51, passed 4-21-2009)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQ. The Arizona Department of Environmental Quality, a state agency that administers programs ensuring that qualities of air and water meet healthful, regulatory standards.

ADWR. Arizona Department of Water Resources, a state agency that administers use and availability of water resources including those within an Active Management Area (AMA) for compliance with the Groundwater Management Code.

COMMISSION. The Town of Dewey-Humboldt Planning and Zoning Advisory Commission.

COUNCIL. The Town Council of the town.

DESIGN. Street alignment, grades and widths; alignment and widths of easements and rights-of-way for ingress, egress and drainage, and where appropriate for water systems and sanitary sewers; and the arrangement and orientation of lots.

DEPARTMENT. The Community Development Department which is designated to receive and review all land use permit applications, facilitate planning issues and to carry out the purposes of this chapter.

EASEMENT. A right held by one property owner to make use of the land of another for a limited purpose (e.g. an access easement for ingress and egress).

IMPROVEMENT. Required installations, pursuant to this chapter and other subdivision regulations, including grading, sewer and water utilities, streets, easements, traffic control devices as a condition to the approval and acceptance of the final plat thereof.

LAND SPLIT. The division of improved or unimproved land whose area is two and one-half acres

or less into two or three tracts or parcels of land for the purpose of sale or lease where no new street is involved.

LARGE LAND DIVISION. Land whose area exceeds two and one-half acres in size and is proposed for division into less than four parcels or lots without involving the creation of a new street, for the purpose of selling or leasing the proposed parcels or lots.

MAJOR SUBDIVISION. See the definition of **SUBDIVISION**.

MINOR SUBDIVISION. The division of improved or unimproved land into two or three tracts or parcels of land and where a new street is involved, for the purpose of sale or lease; or, a "subdivision", as defined in this section, which contains ten or less lots, tracts or parcels.

PLAT. A map of a subdivision:

(1) **PRELIMINARY PLAT.** A preliminary map, including supporting data, indicating a proposed subdivision design prepared in accordance with the provisions of this chapter and those of any local applicable ordinance.

(2) **FINAL PLAT.** A map of all or part of a subdivision essentially conforming to an approved preliminary plat, prepared in accordance with the provision of this chapter, those of any local applicable ordinance and state statute.

RECORDED PLAT. A final plat bearing all of the certificates of approval required by this chapter, any local applicable ordinance and state statute.

RIGHT-OF-WAY. Any public or private right-of-way and includes any area required for public use pursuant to any general or specific plan as adopted by the town.

SKETCH PLAN. An informal plan indicating relevant existing features of a tract of land and its surroundings and the general layout of the proposed development of the property.

2.5 acres

STREET. Any existing or proposed passageway that affords a principal means of vehicular access to abutting property including street, avenue, boulevard, road, lane, walk, alley, parkway, place, bridge, highway, freeway, expressway, viaduct or easement for public or private vehicular access; or a street shown in a plat heretofore approved pursuant to law; or a street in a plat duly filed and recorded in the county recorder's office. Streets include common driveways and all land within the street right-of-way whether improved or unimproved, and include such improvements as pavement, shoulders, curbs, gutters, bikeways, pedestrian pathways, sidewalks, parking space, bridges and viaducts.

SUBDIVIDER. A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of this chapter, any local applicable ordinance and state statute, except that an individual serving as agent for such legal entity is not a subdivider.

SUBDIVISION. Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts.

SUBDIVISION. Also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. **SUBDIVISION** does not include the following:

(1) The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.

(2) The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.

(3) The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

SUBDIVISION REGULATIONS. This chapter's regulating of the design and improvement of subdivisions enacted under the provisions of this chapter or any other regulations for the design and improvement of infrastructure.
(Ord. 09-51, passed 4-21-2009)

§ 152.03 CLASSIFICATION OF LAND SPLITS AND SUBDIVISIONS.

(A) *Land split.*

(1) Land split creating not more than three parcels and where no new street is involved.

(2) Requirements and processing. Proposed land splits shall require a pre-application conference (§ 152.04), documentation of land division history, review of preliminary documents, final application submittal and all documents and filing fees required in accordance with § 152.05.

(B) *Large land division.*

(1) A division of land containing over 2.5 acres into less than four new parcels or lots, where no new street is involved.

(2) Requirements and processing. Proposed large land divisions shall require a pre-application conference, documentation of land division history, review of preliminary documents, final application submittal and all documents and filing fees required in accordance with § 152.05.

(C) *Minor subdivision.*

(1) A subdivision containing ten or less lots and/or condominium units).

(2) Requirements and processing. Proposed minor subdivisions shall require pre-application conference (§ 152.04), sketch plan (§ 152.06) and final plat filing (§ 152.08), processing, and approval. The preliminary plat stage shall not be required.

(a) All applicable materials and information required to be submitted in the sketch plan (§ 152.06) shall be submitted along with applicable filing fees; in addition, other required materials and information shall be submitted at the time of the final plat (§ 152.08) stage.

(b) The final plat (§ 152.08) submittal shall incorporate staff review comments provided during the sketch plan staff conference. The Planning Commission shall review the final plat and prepare a recommendation to the Town Council.

(D) *Major subdivision.*

(1) A subdivision containing more than ten lots and/or condominium units.

(2) Requirements and processing. Proposed major subdivisions shall require pre-application

conference (§ 152.04), sketch plan (§ 152.06), preliminary plat (§ 152.07) and final plat filing (§ 152.08), processing, and approvals.

(a) All applicable materials and information required to be submitted in the sketch plan (§ 152.06) shall be submitted along with applicable filing fees.

(b) All applicable materials and information required to be submitted in the preliminary plat (§ 152.07) shall be submitted along with applicable filing fees, and shall incorporate staff review comments provided during the sketch plan staff conference. The Planning Commission shall review the preliminary plat and prepare a recommendation to the Town Council.

(c) The final plat (§ 152.08) submittal shall substantially conform to the approved preliminary plat and incorporate any Council comments and stipulations provided during the approval of the preliminary plat. The Planning Commission shall review the final plat and prepare a recommendation to the Town Council.

(d) The chart and notes below summarize the procedures and requirements of the various types of land splits, divisions and subdivisions. Procedural steps are described fully in the following sections.

Requirements for the town	Pre-App Mtg	Application and fee	Plan and Division history	Record of survey	Sketch Plan - staff	Water Certificate	Preliminary Plat		Final Plat	
							Plan'g Comm	Council	Plan'g Comm	Council
Land Split - area <2.5 acres into 3 or less parcels	X	X	X	X						
Large Land Division area >2.5 acres into 3 or less parcels	X	X	X	X						

Requirements for the town	Pre-App Mtg	Application and fee	Plan and Division history	Record of survey	Sketch Plan - staff	Water Certificate	Preliminary Plat		Final Plat	
							Plan'g Comm	Council	Plan'g Comm	Council
*ADWR Minor Subdivision < 6 lots all with less than 36 acres each	X	X			X				X	X
Major Subdivision More than 10 lots all with less than 36 acres each	X	X			X	X	X	X	X	X
Revision of plat. Redivision for more lots than original plat	X	X				X	X	X	X	X
** Unsubdivided lands . parcels, each > 36 acres and < 160 acres										

* Arizona Department of Water Resources (ADWR) regulates subdivisions defined in A.R.S. § 32-2101 as a subdivision proposed for division into six or more lots or parcels.

Note: all subdividers or developers of proposed Major or Minor Subdivisions with more than five lots or parcels, are required to obtain a certificate of assured water supply, designation of adequate water or other designation from the director of ADWR in compliance with A.R.S. Title 45 regulations, prior to presenting a plat for approval by the town.

** "Unsubdivided Lands" refers to land divided for the purpose of sale or lease into six or more parcels, each containing 36 acres or more, but less than 160 acres each, as per A.R.S. § 32-2101.

(Ord. 09-51, passed 4-21-2009)

§ 152.04 PRE-APPLICATION CONFERENCE.

(A) A pre-application meeting with Community Development Department staff is required as part of any application submittal for a land split or subdivision. This meeting is intended to review the initial proposal prior to preparation of final applications or sketch plans while the proposed land split or subdivision is still in conceptual form. The meeting is also intended to provide the appropriate information to an applicant regarding, but not limited to, conformance with zoning requirements, subdivision classification and regulations, the purpose of these regulations and the town's general plan or specific area plans, considerations for access,

floodplains and drainage areas, water and septic systems. During the meeting, staff will also provide advice and assistance regarding filing procedures, improvements required, and subdivision and street design considerations.

(B) The applicant should have conceptual-type drawings and documents showing the proposed land split, proposed access, and as applicable, the lot/street layout, topography, and drainage issues. The purpose of the pre-application meeting is to provide preliminary identification of potential issues. Concerns set forth in this pre-application meeting shall be addressed in the plat or final application submittal. The pre-application conference is not intended as a

complete analysis. Attendance of the applicant's engineer and/or development team is strongly encouraged but not required. The applicant is required to contact a staff member to set up an appointment. (Ord. 09-51, passed 4-21-2009)

§ 152.05 LAND SPLITS AND LARGE LAND DIVISION PROCEDURE.

(A) *Preliminary processing.*

(1) Proposed land splits and large land divisions shall require a pre-application conference (see § 152.04), at which the property owner and department shall discuss the proposal, regulations and options for further consideration of proceeding with a land split application described below.

(2) Application, together with filing fees, and the following documents shall be filed by the applicant.

(a) Legal description and assessors parcel number.

(b) A land split or large land division drawing showing the proposed land split or division, fully dimensioned and prepared at a scale which maintains legibility, showing the following information:

1. The boundaries of the original parcel prior to the land split.

2. Proposed parcels, with parcel lines fully dimensioned.

3. The rights-of-way adjacent to or within the property, including streets and recorded easements and proposed easements to be recorded for ingress/egress and utilities.

4. The locations and dimensions of any existing structures with setbacks of existing buildings and structures from existing and proposed property lines.

5. The placement of existing wells and septic systems.

(c) Documentation of the land division history of the parcel. Documentation may consist of assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred from the original parcel since July 1, 2005.

(d) If applicable, a copy of any easement and/or required agreement, or other legal document which permits shared facilities.

(B) *Review of preliminary documents.* The documents submitted noted above in preliminary processing shall be reviewed by the department for the following, which could result in the denial of the land split:

(1) The parcels resulting from the split or division not conforming to size, width/depth requirements and other zoning regulations;

(2) A parcel or adjacent property becoming landlocked, without legal access; and/or

(3) The division of land, based on the documentation of its land division history, would result in a subdivision as defined in § 153.005 (i.e. four or more parcels)

(C) *Final application submittal.* Upon satisfactory review and determination by the Department and prior to final approval and recording, the property owner shall submit:

(1) A completed application, filing and recording fees; and

(2) A record of survey of the proposed land split or large land division produced by a registered land surveyor (RLS) licensed in the State of Arizona; the record of survey shall be sealed and signed by the RLS and contain the boundaries of the original parcel prior to the land split or large land division, the proposed parcels with parcel lines fully dimensioned,

and the rights-of-way adjacent to or within the property, including streets and recorded easements and proposed easements to be recorded for ingress/egress and utilities;

(3) The record of survey shall contain the recording data (book and page numbers) of the access easements for ingress and egress, existing or proposed for creation of the land split or large land division; such easements shall meet the standards specified in § 152.09 Subdivision and Street Design Standards. Note: the recorded access easement shall contain a provision for the construction of the roadway within the access easement and its maintenance by the property owner until such time as the town may accept the roadway easement, after inspection finding that the roadway has been built to town design standards.

(4) The record of survey for a large land division shall contain a statement indicating that such created parcels or lots may not be further divided or split without complying with requirements of the subdivision regulations of the town. Such statement shall be included in the deed of title to each parcel or lot.

(Ord. 09-51, passed 4-21-2009)

§ 152.06 SKETCH PLAN PROCEDURE AND REQUIREMENTS.

(A) Purpose and process.

(1) The purpose of the sketch plan is to determine the feasibility of the proposed development and the capacity of the land to support such development.

(2) To avoid unnecessary and costly revisions, the subdivider shall as specified by these regulations submit a sketch plan of the proposed development after a pre-application meeting with Community Development Department staff. The sketch plan shall be circulated to and reviewed by town and related reviewing agencies to discover development opportunities or apparent constraints prior to accepting a subdivision plat submittal.

(3) A sketch plan submittal is a precursor to any plat submittal in order to consider the following circumstances:

(a) Development adjoins different existing zoning classification(s).

(b) Project development is to occur in multiple phases.

(c) Difficult development constraints exist such as:

1. Topography.
2. Limited or difficult access.
3. Limited existing or available utilities.
4. Within FEMA Floodplain or encumbered by numerous washes or arroyos exhibiting unique drainage constraints.
5. Water availability and sewerage disposal opportunities are limited or constrained

(d) The development is part of a Planned Area Developments (PAD).

(B) Sketch plan contents.

(1) Vicinity map.

(2) Name of development and "sketch plan."

(3) Location by section, township and range.

(4) Reference by approximate dimension and bearing to section corners and quarter-section corners.

(5) Boundaries of development clearly identified and dimensioned.

(6) North arrow.

(7) Scales (both graphic and equivalent inch to feet) using standard engineering intervals. Not to exceed one inch feet 200 feet, prefer one inch equals 100 feet. Sheet size no smaller than 24 inches x 36 inches; no larger than 42 inches x 42 inches.

(8) Date of preparation plus date of any amendments since original submittal.

(9) Names, addresses, phone numbers and notation of relationship to development for landowners, subdivider/development agents, engineers, surveyors, land planners, landscape architects, architects, hydrologists or others responsible for design (include registration numbers).

(10) Topography by contours relating to U.S.G.S. survey datum including benchmark used. Base information must be sufficient in order to review. Topography shall be depicted 300 feet beyond project boundary.

(11) Proposed land uses and densities by area as well as ownership patterns, land uses and zoning within surrounding 300 feet.

(12) Proposed vehicular, bicycle, pedestrian and equestrian traffic circulation plan (access, continuity, secondary emergency access, and the like) including:

(a) Overall area showing existing and proposed roads and their classification (arterial, collector, residential street) within 300 feet of project boundaries. A greater distance where needed to depict relationship to development may be necessary and may be shown on an additional map with a scale not to exceed one inch equals 2,000 feet.

(b) Identify legal primary and secondary access opportunities, as well as existing or proposed street right-of-way widths.

(c) In narrative form, identify general traffic Impacts to adjacent property and existing roads, as well as high traffic generation points on site.

(d) Identify existing or proposed trail networks and open space connections affected by or intended to be implemented as part of future subdivision design. (NOTE: The plan may be graphic and/or narrative.)

(13) Drainage concept plan. Illustrate graphically and discuss in narrative form the proposed methods of handling storm drainage and floodplains that affect property:

(a) Depict general pre- and post-development drainage patterns and flow direction(s).

(b) Identify potential detention facilities, where necessary.

(14) Identify in chart or note form on the sketch plan the following:

(a) Total acreage, acreage for each use and each phase.

(b) Number units/lots for each type of use and phase.

(c) Average area per lot/unit proposed.

(d) Percent open space, if any, exclusive of rights-of-way, roadways, building envelopes, and parking areas.

(e) Water source (if new source indicate potential well field and storage tank).

(f) Method of refuse removal.

(g) Sewer service provider and type, if available.

(h) Fire District.

(i) Proposed utilities available and provider.

(j) Identify unique site conditions, i.e., rock outcroppings, major drainage features, and the like.

(15) Requested variances and waivers or known deviations from design standards (§ 152.09); for minor subdivisions often or fewer lots, waivers may be requested, except for improved dust-controlled access and minimum drainage improvements. (NOTE: Unique site conditions or apparent development constraints may necessitate submittal of additional information as required.)

(16) Additional requirements.

(a) Appropriate number of presentation copies as determined by the department and one copy in digital form of the sketch plan shall be submitted to the department.

(b) If requested by the department, a map (at a minimum scale of one inch: ten feet for that portion of the lot within 30 feet of the building or structure) identifying the following, as applicable:

1. All trees over two inches outside bark diameter at four and one-half feet above the ground on the uphill side of the tree, indicating canopy size and species, and indicating those trees to be removed;

2. All natural topographic features such as watercourses, rock outcrops, native vegetation and trees;

3. A map identifying areas of existing manmade scarring and, if proposed, a restoration program.

(c) A Phase I drainage report in accordance with the requirements of the town drainage criteria shall be submitted as set forth herein in conjunction with a sketch plan. The purpose of a Phase I Drainage Report is to review at a conceptual level the feasibility and design characteristics of the proposed subdivision. The drainage study shall identify off-site contributing drainage areas on a seven and one-half feet U.S.G.S. Quad Map; analyze existing hydrology conditions and approximate developed hydrologic conditions to make decisions

relative to detention; illustrate location of proposed drainage facilities to convey run-off through the site (no sizing of facilities needed); and provide text generally describing the drainage aspects of the site, methods for handling run-off, hydrological methods, and floodplains that affect the property.

(d) Citizen participation. Every applicant who is proposing a subdivision of 60 acres (or greater) or 40 lots (or more) shall include a citizen participation plan. The plan will not be required to commence until 30 days before a legally-required public hearing, if any.

(e) Title report. A preliminary title report or a policy of title insurance issued by a title insurance company within the preceding 30 working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens, and encumbrances. The preliminary title report shall contain Schedule "B" indicating the status of legal access to the proposed subdivision.

(C) *Approval or denial of sketch plans submitted.*

(1) The sketch plan shall be evaluated and discussed in a formal meeting between the applicant(s), reviewing agency representatives and department staff. Upon receipt of reviewing agency comments, the department shall compile agency comments and respond to the applicant or agent as the proposed project relates to the following:

(a) General plan or specific area plan(s).

(b) Suitability of the site for development, proposed/existing and potential development opportunities and constraints.

(c) The improvements, design and dedication required by town improvement standards.

(d) Zoning requirements.

(e) Drainage requirements.

(2) The department shall determine whether or not the sketch plan meets the purposes of these regulations and related town ordinances and design specifications and shall, where deemed necessary, make specific recommendations to be incorporated by the applicant into a revised sketch plan or appropriate subdivision plat submittal. No response from reviewing agencies within the prescribed review period shall be construed as having no objection to the continued processing of the application.

(3) At the discretion of the department and/or applicant, the sketch plan may be presented to the Planning Commission to clarify policies or to provide additional guidance. Such review shall be held at a regularly scheduled Commission meeting.

(4) If the department determines that the sketch plan submittal is not consistent with the general plan or specific area plan(s) and/or determines that the proposed development does not meet town improvement/design specifications, the department may deny the sketch plan application or request modifications to be incorporated into a revised sketch plan prior to authorizing an appropriate subdivision plat submittal.

(D) Appeal.

(1) If the project developer objects to a decision by the department to deny a sketch plan or any administrative review process or recommended modification to same, the decision may be appealed to the Planning Commission. Upon receipt of a written statement of objection, the matter shall be placed on the agenda for the next available Planning Commission meeting.

(2) If the developer objects to the recommendations, of the Planning Commission, the Commission's recommendation may be appealed to the Council.

(Ord. 09-51, passed 4-21-2009)

§ 152.07 PRELIMINARY PLAT PROCEDURES AND REQUIREMENTS.

(A) Purpose and process.

(1) A preliminary plat is a major step in the subdivision review process. The purpose of the preliminary plat is to submit enough information to answer the question "Should this use, designed in this manner, be constructed on this site?" prior to complete engineering drawings and studies being prepared. Approval of a preliminary plat constitutes authorization to proceed with preparation of the final plat, engineering plans and specifications for public improvements, but does not assure approval or acceptance.

(2) An application and appropriate number of presentation copies as determined by the department and one copy in digital form of a preliminary plat, with required materials (§ 152.07(B) and (C)) and filing fee shall be filed at the department. Only complete submittals shall be accepted.

(3) Staff shall review the application, distribute copies to reviewing agencies, obtain comments and schedule a staff conference with the applicant to review all comments with the applicant and to make any requests for additional information or materials.

(4) The staff shall present the preliminary plat, including general review comments, to the Planning Commission at a regularly scheduled meeting. Before taking action on a preliminary plat, the Planning Commission shall consider all review comments presented by staff, and the applicant. The preliminary plat and the recommendation of the Planning Commission shall be considered by the Council at a regularly scheduled meeting.

(5) An approval of a preliminary plat by the Council is valid for 12 months from the date of the approval. A 12-month extension may be granted by the department upon receipt of a letter from the

subdivider prior to the expiration date indicating proper cause.

(B) *Preliminary plat contents.*

(1) In addition to the items listed in § 152.06 for sketch plan contents, the following is also required for the preliminary plat:

(a) Topography by contours relating to U.S.G.S. survey datum, or other datum approved in writing by the Town Engineer, to be shown on the same map as the proposed subdivision layout. Location and elevation of the benchmark used should also be shown on the plat. Acceptable contour intervals: grades up to 5%, two feet; 5% to 15% grades, five feet; grades over 15%, ten feet. Source and date of topography shall be noted on the Preliminary Plat. Datum basis shall be noted. Whenever practical, elevations should be based on U.S.G.S. or N.G.S. datum. At least one permanent benchmark shall be included as part of the Preliminary Plat. Regular U.S.G.S. topographic maps, enlargements or similarities of same will not be acceptable as the source of topography. Topography shall extend at least 300 feet into all adjoining properties. This requirement may be waived on a case-by-case basis by staff.

(b) Drainage related items. Flood hazard and 100-year floodplain areas, if any, shall be delineated on the preliminary plat and finished floor elevations for building pads shall be identified for all lots impacted by flood hazard areas. All lots impacted by flood hazard areas must have an established restrictive building envelope that is outside the delineated flood hazard area.

(c) Location, widths, ownership status and names of all existing streets and improvements therein; railroads; recorded utility or other easements or rights-of-way, including any existing facilities therein; public areas; all existing structures, with an indication of whether or not they are to remain; and municipal corporation lines within or adjacent to the tract. Access road to the proposed subdivision shall be described to its intersection with a public road right-of-way.

(d) Name, book and page numbers of any recorded subdivisions within or having a common boundary with the tract, or notation "unsubdivided" where appropriate.

(e) Location, width and names of proposed streets, alleys, drainage ways, cross-walks and easements including all connections to adjoining platted or un-platted tracts. A typical cross-section shall be depicted on the plat where applicable describing the aforementioned improvements.

(f) Lot layout. Including minimum building setback lines related to all streets; typical lot dimensions (scaled); minimum lot sizes; dimensions of all corner lots and lots on curvilinear sections of street; each lot numbered individually and total number of lots shown.

(g) Designation of all land to be dedicated or reserved for public or semi-public use, with use indicated, and designation of existing use of property immediately surrounding the plat area.

(h) If plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification, present district boundary lines and status of any pending zoning change.

(i) Sewage disposal. It shall be the responsibility of the subdivider to furnish the department such evidence as may be required for its satisfaction as to the design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the preliminary plat. Subdivisions Utilizing Individual On-site Wastewater Systems: Where the proposed sewage disposal system will be by individual on-site wastewater systems, the results of the testing in accordance with current ADEQ requirements and rules shall be submitted with the preliminary plat. Where alternative on-site wastewater systems are proposed, necessary supporting information shall be provided for review and approval in concert with preliminary plat evaluation.

(j) Water supply. If the project lies within the Prescott Active Management Area boundaries, the subdivider shall comply with all regulations of the Arizona Department of Water Resources. It shall also be the responsibility of the subdivider to furnish the Environmental Unit of Yavapai County such evidence as that unit may require for its satisfaction as to the facilities for supplying domestic water. A statement as to the type of facilities proposed shall appear on the preliminary plat.

(k) Solid waste disposal. Subdivider shall indicate distance and location of refuse disposal area. In addition, method of collection must be indicated.

(l) Engineering plans submitted in support of the preliminary plat shall be prepared under the direction of and signed and sealed by a Registered Professional Engineer.

(C) *Supplementary submittal requirements for preliminary plat.* Supplemental submittals at this stage, such as grading, drainage or road plans, should be preliminary plans, not construction plans. They are the type of plans needed to evaluate the sustainability of the preliminary plat and allow the reviewing agencies to make reasonable decisions. The plans may generally be prepared using scaled distances and elevations taken from the topographic map used for the preliminary plat. When possible, they should be at the same scale as the preliminary plat. All supplemental submittals must be consistent with each other and the preliminary plat. The following material shall accompany the submission of all preliminary plats. If this data is not included on the preliminary plat, then a minimum of two copies are required.

(1) A preliminary title report or a policy of title insurance issued by a title insurance company within the preceding 30 working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens, and encumbrances. The preliminary title report shall contain Schedule "B" indicating the status of legal access to the proposed subdivision.

(2) A letter detailing how the application is in compliance with its zoning classification and with any stipulations of conditional zoning of the property if applicable.

(3) Preliminary draft of proposed deed restrictions or protective covenants to be incorporated in the final plat submittal, including provisions for use and maintenance of any commonly owned facilities.

(4) A statement regarding availability of utilities and the direction and distance thereto and preliminary letters of serviceability shall be submitted in conjunction with the application.

(5) A list of the proposed street names.

(6) A statement regarding a request and associated justification for any waiver or variance from construction standards or these regulations such road design, flood control, and the like, specifying each requested waiver or variance.

(7) Preliminary grading plan. A preliminary grading plan shall be required when cuts or fills will exceed five feet in height or will extend outside of the normal street right-of-way. The preliminary grading plan shall be in sufficient detail to convey the extent of grading activities such that their impact can be evaluated by the reviewing agencies. The plan shall include existing and finish grade contours and limits of cut and fill areas. Driveway and building locations shall be shown when topographic or other constraints will require specific locations or site grading. A geotechnical report shall accompany the grading plan to support the slope stability assumptions of the grading plan, unless permitted by the Town Engineer to be submitted with the final plat submission.

(8) Preliminary road plans. Grades shall be given to the nearest whole percent grade. A profile sheet coinciding with the roads as shown on the preliminary plat or separate plan and profile sheets shall be prepared at a scale sufficient to allow evaluation of the proposed roads. Proposed drainage structures within the right-of-way shall be shown on the preliminary road plans. The preliminary grading

plan may be shown on the preliminary road plans if all of the grading will be related directly to the roads. The reviewing agency's interest in these plans are:

- (a) Height, stability and slope of cut/fills;
- (b) Affected drainage patterns;
- (c) Potential roadway geometric problems;
- (d) Impacts of the roads on adjacent lots, property and access;
- (e) Relationship of drainage to roadways;
- (f) Other items that may be specific to the roads in the specific subdivision.

(9) Preliminary utility plans. A preliminary utility plan shall be prepared to illustrate the proposed location of utilities and verify that the necessary easements and rights-of-way are proposed on the preliminary plat. It is recognized that final utility locations are decided by the individual utilities, but the objective of the preliminary utility plan shall be to encourage cooperation in planning by the various utilities.

(10) Preliminary drainage plans. The preliminary drainage plan shall be part of a Phase II Drainage Report in accordance with the requirements of the Flood Control District and the Yavapai County Drainage Criteria Manual. The plan may include a drainage report, floodplain delineation and floodplain study depending on the size of the project and its location topographically as well as geographically.

(11) Traffic impact analysis. Generally the following criteria are considered when determining if a traffic impact study is warranted:

- (a) Significant changes in land uses are proposed or higher density zoning is sought.

(b) Arterial highway access is requested or the existing location of access to the property is changed.

(c) The proposed increased activity or intensity of development will significantly impact vehicular or pedestrian traffic on major roads.

(d) A total of 100 or more vehicular trips during an a.m. or p.m. peak hour will be generated by the proposed development.

(e) In instances where the interior subdivision streets do not intersect or adjoin a state or county highway the level of detail for the traffic study and its contents shall be at the discretion of the Town Engineer.

(12) Additional information as may be necessary to assure that the proposed preliminary plat conforms to the provisions of these regulations. (Ord. 09-51, passed 4-21-2009)

§ 152.08 FINAL PLAT PROCEDURES AND REQUIREMENTS.

(A) Purpose and process.

(1) The final plat is the last major step in the subdivision review process. The purpose of the final plat is to provide enough detailed information to show that the development can be designed and constructed to town standards on the project site. To accomplish this, complete engineering drawings and studies must be prepared and submitted for review and approval. Approval of a final plat constitutes authorization to proceed with preparation of the financial assurances and recording documents necessary for construction of all public improvements. Approval of a final plat, engineering plans, financial assurances and recordation does not assure acceptance of public improvements by the town. Acceptance of public streets is only provided upon completion of construction to town standards and approval by the Town Engineer.

(2) An application and appropriate number of presentation copies as determined by the department and one copy in digital form of a final plat, with required materials (see § 152.08 (B) and (C)) and filing fee shall be filed at the department. Only complete submittals shall be accepted.

(3) Staff shall review the application, distribute copies to reviewing agencies, obtain comments and schedule a staff conference with the applicant to review all comments with the applicant and to make any requests for additional information or materials.

(4) Engineering drawings and studies shall be submitted with the final plat and reviewed by the Town Engineer and other regulatory agencies for compliance with standards.

(5) The final plat shall be reviewed for conformance with the approved preliminary plat, except that a final plat may constitute only a portion of the land area approved within the preliminary plat.

(6) A final plat application may be submitted which has been modified to reflect improvements in design or changes which have occurred since the time of the preliminary plat approval. These changes may require submittal of material(s) necessary to adequately review that change.

(7) If all requirements of approval of the preliminary plat have been met in the final plat submittal and the engineering drawings and studies have been approved and if no adverse comments are received from review departments/agencies, the staff shall schedule the final plat for consideration at the next regularly scheduled meeting of the Council.

(8) An approval of a final plat by the Council is valid for 24 months from the date of the approval during which time financial assurances must be submitted and approved by the town for public improvements. The final plat shall be recorded upon acceptance of financial assurances (§ 152.10). A 24-

month extension may be granted by the department upon receipt of a letter from the subdivider prior to the expiration date indicating proper cause.

(B) *Final plat contents.* The final plat shall conform to all the following provisions of this section and be prepared to reasonable accuracy standards, consistent with acceptable professional standards, signed and sealed by a land surveyor registered in the state.

(1) The final plat shall be submitted on a transparent reproducible polyester film, such as Mylar, and shall be the original map legibly drawn on a sheet or sheets measuring 24 inches x 36 inches, with a left margin of two inches and be drawn to an accurate scale not to exceed one inch equals 200 feet. A scale of one inch equals 100 feet is preferred. The final plat shall include dedications, affidavits, certificates and acknowledgments. All stamped or written matter, including signatures, shall be made with opaque ink so that legible blue line prints may be obtained there from. The plat will need to be of a scale to ensure the size of letters will be legible when microfilmed, converted digitally or scanned. It is the responsibility of the developer to comply with current requirements of the County Recorder's office for appropriate filing and recording requirements.

(2) The applicant shall submit the number of copies of the final plat and related documents requested by the department. The submittal shall include the following drawings, materials and information.

(a) Tract boundary lines, lot and parcel lines, easement lines, street centerlines, and section lines, all showing accurate bearings and dimensions with dimensions expressed (rounded) in feet and decimals thereof to the hundredth.

(b) The total area of the subdivision, and, showing the area of each lot to the nearest hundredth of an acre if greater than one acre; or showing the area in square feet if less than one acre.

(c) Width of streets, width of easements and indication of their purpose, angle, radius, tangent, and length of all curves.

(d) The locations and widths of non-motorized trail way, equestrian trails or bicycle paths.

(e) Location and description of existing or found monuments, such as section corners and subdivision boundary corners, elevation of benchmarks for a condominium development, existing rights-of-way and easements, if any. Easements shall be clearly dimensioned, labeled, and identified, and, if already of record, properly referenced to the record.

(f) Where there are contiguous developments, show name of the subdivision with reference of record, street right-of-way lines, street names, street width, easements clearly dimensioned, labeled, and identified, if any; and if unsubdivided, so note.

(g) The legend shall specify the type of documents used.

(h) The boundary of the subdivision shall be indicated by a heavy line, recognizable as a border, clearly showing the boundary of the subdivision and all of the property being offered for dedication for public use and/or as easements. Such boundary shall not interfere with the legibility of figures or other data.

(i) Any excepted parcel(s) within the plat boundary shall be accurately depicted by bearings and distances on the plat;

(j) Each lot shall be numbered as per the approved preliminary plat when applicable and each block may be numbered or lettered.

(k) Each street shall be named.

(l) All lots not intended for sale or resale for private purposes, and all parcels offered for

dedication for any purpose, public or private, and any private streets permitted shall be so designated.

(m) Label and identify all lots, parcels, tracts, excepted parcels, and the like for ease of description and to ensure no misunderstanding about intended use, ownership, or maintenance.

(C) *Supplementary submittal requirements for final plat.* At the time of submittal of the final plat with department staff, the subdivider shall also file the following accompanying material:

(1) Two copies of an updated title report or a policy of title insurance issued by a title insurance company within the preceding 30 working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens, and encumbrances. The title report shall evidence that there is legal/permanent access to the proposed subdivision.

(2) A copy of any covenants, conditions and restrictions (CC & R's) to be recorded.

(3) An appropriate number of copies as determined by the department of a memorandum showing the total area of the subdivision, and, showing the area of each lot to the nearest hundredth of an acre, if greater than one acre; or showing the area in square feet if less than one acre.

(4) An appropriate number as determined by the department of sets of prints of the construction plans of all improvements required and prepared in accordance with § 152.09 Subdivision and Street Design Standards, Yavapai County Flood Control District regulations, ADEQ standards, and any/all other construction standards or specifications as adopted by the town. In addition, plans shall include all off-site improvements to be constructed, with details as required by the town's subdivision and street design standards, and, shall show land ownership, existing or proposed rights-of-way limits, and other features affecting the establishment and construction of such required off-site improvements.

(5) A cost estimate for constructing the required site improvements signed and sealed by a Registered Professional Engineer. The cost estimate and method/type of assurance shall be approved by the Town Engineer and/or Town Manager prior to approval of the final plat. The actual assurance must be executed and presented to the town before the subdivision plat is recorded.

(6) If private roadways are proposed in the development, then provisions for perpetual roadway maintenance acceptable to the town shall be provided for in the Property Owners Association (or other legal entities) organizational Articles of Incorporation, and shall be submitted with the final plat.

(7) The licensed surveyor who certifies the boundary survey on the plat shall also submit the mathematical calculations of each boundary, lot and tract closure. The calculations shall contain enough data in order to follow and recalculate the method used to determine closure. Calculations shall be bound and the cover stamped by the appropriate professional. These calculations will then become a permanent part of the subdivision records.

(8) An appropriate number of copies as determined by the department of a final or Phase III Drainage Report shall be submitted in conjunction with final construction plans. The purpose of the Phase III Drainage Report is to update the concepts, provide all information not previously provided and to present the design details for the drainage facilities discussed in the Phase II Drainage Report. The limits of any 100-year floodplain identified using the standards set forth by the ADWR Requirement for Floodplain Delineation in Riverine Environments, together with the base flood elevation, shall be illustrated in the final plat. The regulatory elevation for the most critical location within each lot shall be shown on each lot that is impacted by the floodplain. All lots impacted by flood hazard areas must have an established restrictive building envelope that is outside the delineated flood hazard area. Lots completely within the 100-year flood hazard area will not be permitted, as this area should be reserved as open

space for the conveyance of floodwaters. A note shall also be placed on the plat indicating that "Floodplain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Flood Control District." Final plats shall also show all drainage easements in conformance with the approved preliminary plat (if it had been required) with the associated dedication language. The actual dedication language should be related to the type of drainage facility and method of maintenance.

(9) Submittal to include a report from ADWR in the form of either a "Certificate of Assured Water Supply" within "an AMA" pursuant to A.R.S. § 45-576, or for areas outside of AMA's a statement of water "adequacy" either for that subdivision or for the water company (private or public) which will serve the subdivision pursuant to A.R.S. § 45-108.

(10) A letter detailing how the application is in compliance with each stipulation of any conditional zoning or preliminary plat if applicable.

(11) The plat shall also show other data that may be required.

(D) *Certifications, acknowledgments, dedications, acceptances.* The following certifications, acknowledgments, dedications, acceptances, and all others required shall appear on the final plat. Such certificates may be combined when appropriate:

(1) A certification or ratification signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of said plat. Certain rights-of-way, easements, or other interests may be acknowledged by appropriate endorsements on the plat.

(2) A certificate signed and acknowledged as above offering for dedication to the public all parcels intended for public use.

(3) An acknowledgement on the face of the plat if applicable "All private roads will only be taken

over by the town for maintenance if the roads are brought up to the then current town design standards (including but not limited to surfacing and right-of-way width) for public roadways at owners expense."

(4) A signed, sealed and dated certificate for execution by the Registered Land Surveyor as follows: "This is to certify that the survey of the premises (property) described and platted hereon was made under my direction and supervision and are accurately represented on this plat. I also certify that this plat is correct and accurate as shown."

(5) The final plat shall contain the name and registration number of the registered professional civil engineer(s) who prepared the preliminary plat and is responsible for the engineering that is necessary in preparation of the proposed subdivision.

(6) A certificate for signatures and dates by the Town Engineer, Community Development Director and/or other designated town officials, as follows: "This plat has been checked for conformance with any special conditions attached to the approved preliminary plat, the requirements of subdivision regulations of the town and to any other applicable regulations, and appears to comply with all requirements within my jurisdiction to check and evaluate."

(7) A certificate to be signed and dated by the Mayor, and attested to by the Town Clerk, that the Town Council approved the final plat on a specific day, month and year, and accepted on behalf of the public all parcels or tracts of land offered for dedication for public use in conformity with the terms of the offer of dedication.

(E) Recording final plats.

(1) When a final plat, construction plans and all required supporting documents are acceptable to the Town Engineer, Yavapai County Flood Control District and the Community Development Director, the subdivider shall submit to the department two

reproducible sets of the final plat for scheduling on the next regular meeting of the Town Council. The two reproducible sets shall include the following:

(a) The signatures of all parties required to sign or endorse the final plat for the purpose of passing a good and sufficient title to the public rights-of-way, easements, and parcels offered for dedication and to join in the subdivision of said property;

(b) The signature and seal of the Registered Professional Engineer and/or Land Surveyor (R.L.S.) preparing the plat and any and all other parties required to execute certificates thereon, other than the required town signatures.

(2) In addition, all finalized and signed plats and accompanying data, agreements and other papers or documents necessary to the acceptance of the plat shall be submitted to the department at least 30 working days prior to the regular Council meeting at which the applicant desires to be heard.

(3) No subdivision plat shall be recorded unless approved by the Council, and until approved financial assurances have been received by the town for all required site improvements in accordance with the requirements and provisions of § 152.10.

(4) In addition the following documents and materials shall also be submitted by the subdivider prior to recordation:

(a) The fee for recording the final plat and accompanying deed restrictions and any pertinent documents as may be required once the final plat is approved by the Council.

(b) The "certificate of assured water supply" or the report finding the subdivision's water supply to be "adequate" shall be provided prior to the Council's consideration of the final plat. Note: if the subdivision is not located within an AMA and approval was based on the understanding that the subdivision's water supply was going to be found by

ADWR to be inadequate the final plat may be recorded upon issuance of the report if all other subdivision requirements are met.
(Ord. 09-51, passed 4-21-2009)

§ 152.09 STREET DESIGN AND SUBDIVISION STANDARDS.

(A) *Street and easement standards.*

(1) Street frontage requirement. Any lot or parcel established by land split or by subdivision shall front onto a publicly dedicated street or an easement building permit shall be issued for any parcel or lot

recorded for access or ingress/egress purposes. No building permit shall be issued for any parcel or lot not meeting this requirement. An easement for access and ingress/egress shall be attached to the deed of any parcel granting access to cross private property to provide ingress/egress to another private property. Newly created lots or parcels are required to obtain a Land Split Application approval as noted in § 152.05 to ensure access to all parcel(s) within the town.

(2) Street right-of-way or easement(s) widths and standards. Street and easement widths and levels of improvement shall be designed and improved in compliance with these regulations and with the standards for residential development shown in the following chart.

MINIMUM RESIDENTIAL STREET STANDARDS				
Minimum Standards	Land Split (2-3 parcels)	Minor Subdivision (10 or less lots)	Major Subdivision (more than 10 lots) Note: average daily trips (adt)	
Width of Street R/W or Easement	30' local rural access easement****	50' local rural street r/w	50' local street r/w (< 1000 adt)	60' collector street r/w (> 1000 adt)
#& Width of travel lanes	Two @ 9'	Two @ 10'	Two @ 12'	Two @ 14' (+ turn lane**)
Width of total travel surface improvement	18'	20'	24'	28' **
Type of surface improvement	prepared subgrade scarified to min. depth of 8" and compacted 95%	double chip seal surface over 5" aggregate base course (abc)	* 3" asphaltic concrete over 6" abc	* 3" asphaltic concrete over 6" abc
Width of Shoulders	2'	2'-4'	4'	4'
Max. Grades	12%***	12%***	12%***	8%***
Non-motorized Trail ways		10'	10'	10'

- * Minimum required may be greater depending on soils analysis and projected traffic volumes
- ** Turn lane requirement is dependent on projected traffic volumes
- *** Grades may be exceeded for short distances for access and sensitivity to natural terrain as determined and approved by the Town Engineer
- **** If the temporary extension is planned to be developed as a larger road, a greater width may be required or a greater setback may be imposed.

(B) Street lengths, intersections and other street design regulations.

(1) The arrangement, character, extent, grade, width, and location of all roadways or streets shall conform to these regulations, Town Public Works Department standard specifications, details and town roadway functional classification system, any adopted transportation plan, the general plan and any specific area plan that affect the proposed new street locations.

(2) Street patterns that follow the natural terrain as much as is feasible within the standards of these regulations are encouraged.

(3) The arrangement of streets shall provide continuation or appropriate projection of existing major streets in surrounding areas. All centerlines shall be continuations of the centerlines of existing streets and highways in contiguous territory. In cases where straight continuations are not physically possible, such centerlines may be continued by curves.

(4) Structures or culverts shall be installed as deemed necessary by the Town Engineer for drainage, access and public safety. Such structures and culverts are to be placed to grades and be of design and size approved or authorized by the Town Engineer. Adequate drainage of the subdivision streets or roadways shall be provided by means of said structures or culverts and by other approved methods, in accordance with the engineering standards adopted by the Town Engineer and Yavapai County Flood Control District.

(5) All roads and alleys developed or improved in conjunction with subdivision development shall either be:

(a) Built to town standards, dedicated to the town by the plat and accepted by the Council; or

(b) Built to town standards and exist and be maintained as private roads within appropriate minimum rights-of-way in compliance with these regulations or as recommended by the Town Engineer.

(6) Half roads or partial width rights-of-way will only be approved where no alternative design exists, or where said partial rights-of-way would require the dedication of additional contiguous rights-of-way to make it full width. The developer shall include evidence that the additional right-of-way necessary to accomplish full width dedication is permanently reserved for future road purposes. Half roads will only be accepted where they are a portion of the road system approved as part of an adopted transportation plan, the town roadway network plan, the general plan or specific area plan.

(7) Dead end streets. Streets designated to have one end permanently closed, shall be no more than six times the minimum lot width nor more than 1320 feet long unless authorized by the Council by an approved waiver.

(a) Dead end streets shall be designed at the closed end with an approved turnaround, which shall be designed to meet the requirements or specifications of the Central Yavapai Fire District.

(b) Where it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundary of such property. Such dead end streets shall be provided with a temporary turnaround having a roadway diameter of at least 80 feet.

(8) Intersections.

(a) Street intersections shall be at right angles (90°).

(b) Property line radii at street intersections shall not be less than 25 feet, however, the Town Engineer may require a greater radius at edge of pavement where necessary.

(9) Jogs in minor streets. Street jogs of less than 135 feet in length shall not be approved.

(10) *Street names.* Proposed street names and address numbering shall be assigned and administered in accordance with the provisions of the Public Works Department. Where a proposed street is a continuation of an existing street, the existing street name shall be retained.

(11) *Alleys.* Alleys shall be provided to the rear of all lots used for business purposes and as deemed necessary by the Commission. Alleys may be permitted in residential developments where a subdivider can produce evidence satisfactory to the Commission of the desirability of such provisions.

(C) *Block and lot design regulations.*

(1) *Blocks.* The length, width and shape of blocks shall be determined with due regard to provisions for adequate building sites, the zoning requirements as to lot area and dimensions, limitations, and opportunities of topography and associated needs for convenient access, traffic circulation, control and safety to streets and pedestrian traffic.

(a) Length of blocks shall not be more than 1320 feet except as the Commission considers necessary to secure efficient use of the land or as a desired feature of street design. Where fronting on major streets, lengthened blocks may be utilized in order to reduce the number of intersections along the major street or arterial.

(b) *Non-motorized trail way.* A non-motorized trail way (paths or sidewalks) ten feet wide shall be provided in blocks over 1320 feet in length or where deemed by the Commission to be necessary for the public safety and convenience; and pedestrian crosswalks may be required in blocks over 660 feet in length.

(c) Width of blocks should be wide enough to allow two tiers of lots.

(2) *Lots.*

(a) *Arrangement.* The lot area, width, depth, shape and orientation, as well as the minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform to zoning requirements and these regulations. Side lot lines shall be designed at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road or approved access. All lots shall be laid out so as to provide positive drainage away from all buildings and building site areas. Easements may be on common lot lines, but should follow natural water courses as much as possible.

(b) *Accessibility.* Each lot shall be accessible to the street on which it fronts, except that no lot shall gain direct access via arterial roads. When a tract fronts on an arterial road the Commission may require lots within the subdivision to have reverse frontage. In all residential subdivisions, road layout shall be designed so as to encourage neighborhood connectivity but discourage through traffic on local streets.

(c) *Minimum size.* Each lot shall be of a suitable size for the purpose for which it is intended and shall contain a usable building site meeting applicable zoning district requirements. The area of a lot shall be deemed the area shown, exclusive of any area designated for public street right-of-way dedication.

(3) *Large tracts or parcels.* When the land is subdivided into large tracts or parcels, they shall be arranged to accommodate the location of future streets and logical extensions of existing streets.

(a) No subdivision shall be created with tracts or parcels contemplated for future division without prior authorization by the Council. Parcels and tracts shall be designated by capital letters and be designated in sequence starting with the letter "A".

(b) Any proposed future division of a tract or parcel in an approved subdivision shall constitute a revision of plat, § 152.11(B) and be subject to the subdivision procedures and requirements of this chapter.

(4) *Lot numbering.*

(a) Each lot shall be designated by an Arabic numeral.

(b) If block designations are not used, numbering shall be in consecutive sequence within the block beginning with the number "1" wherever lots have common side boundaries within a subdivision or within a block along each street and contiguous consecutive numbers shall follow from one block to another.

(c) When block designations are used, numbering shall be in consecutive sequence within each block area commencing with the corresponding number for each block.

(d) Numbering sequences may follow in continuity from one tract to another when lying contiguous to one another, or when separate or contiguous if the same name is used for successive tracts.

(5) *Monumentation.* A monument shall be set at each lot corner and at all points of curvature or tangency along lot lines and along the exterior boundary and points of reference of the subdivision, monuments shall be set in conformance with Arizona Boundary Survey Minimum Standards. Whenever streets are improved to the extent that paving is included, survey monuments will be required along their centerline at all street intersections and at the point of curvature and point of tangency of all curves and shall be set as approved by the Town Engineer.

(D) *Sanitary sewerage, water, utilities and refuse disposal.*

(1) *Sanitary sewerage.* Where a public sanitary sewage system is reasonably accessible the

subdivider shall connect with such sewer and provide a connection to each lot.

(a) A sewage collection and treatment system may be required as a condition of approval for any subdivision pursuant to ADEQ Design Bulletins.

(b) When connection to a sanitary sewage system is not available, individual on-site wastewater systems or other disposal methods may be permitted provided that a statement is submitted to the Commission by Yavapai County Environmental Unit certifying that field investigation has determined that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and size as depicted on the subdivision plat.

(2) *Water.* Where a public or private water system is reasonably accessible the subdivider shall install water mains connecting with existing water utility systems to serve each lot when and if connection to such system is available. In such case, prior to the approval of the final plat, the subdivider shall submit a letter from the governing body of the water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been made for connection to the system.

(a) When connection to a water system is not available, the subdivider may provide service by the establishment of a private or community water system. The source of supply shall be developed and improved to the satisfaction of ADEQ or its representatives so that the subdivision may be adequately supplied with water. The source of water may also be subject to approvals by ADWR described in division (e) below.

(b) Water mains and fire hydrants, if installed, shall be installed to grades, location, design and sizes on plans submitted by a Registered Professional Engineer and approved by the Town Engineer and ADEQ.

(c) A water system shall be provided as a condition of approval for any subdivision containing lots or parcels less than one acre in area.

(d) In the case of a subdivision with lots equal to or over one acre in area, water supply may be from other than a community system. In this case evidence shall be submitted showing that sufficient potable water is available and can be obtained for all lots in the subdivision.

(e) Where land lies within the Prescott Active Management Area designated by the Arizona Department of Water Resources (ADWR), any subdivision of six or more lots shall require approval of a certificate of assured water supply or other authorization by the ADWR.

(3) *Modification of lot sizes.* Minimum lot size may be modified by requirements of the state or Yavapai County regulations pertinent to water and sanitary sewage systems. The requirements for development of water supplies and sewage disposal systems shall not be less than those outlined in engineering criteria and other regulations of the Arizona Department of Water Resources, the Arizona Department of Environmental Quality, and other appropriate county or local agencies.

(4) *Refuse disposal.* Subdividers shall indicate proposed method of refuse collection and disposal. If any method is planned to be used other than that normally supplied in the town, the Council may require suitable facilities as deemed necessary to be furnished by the subdivider before the subdivision is approved.

(5) *Utilities and easements.* Except where alleys are provided for that purpose, easements at least 16 feet in total width, one-half of which is provided from each adjoining lot, shall be provided where necessary along rear lot lines; total width of easements may need to be increased for multiple utilities and structures such as poles, wires, conduits, sanitary sewers, gas mains; water mains, or for other utilities; where necessary, additional easements shall be located

along the side lot lines. Half or partial easements may only be approved where written commitment of dedication of necessary additional easements are on record. All easements shall be in accordance with those approved by the utility companies concerned.

(E) *Public reservation and sensitive design considerations.*

(1) *Public reservation.* Consideration shall be given to the reservation of land for parks, recreational facilities, school sites and fire stations as designated in the general plan and/or applicable specific area plans during the design and layout of the subdivision. The Council, pursuant to A.R.S. § 9-463.01, may require certain lands to be reserved for such public purposes which are limited in scope and duration as follows:

(a) The land area reserved shall be of such a size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.

(b) The land area reserved shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

(c) The public agency for whose benefit an area has been reserved shall have a period of one year after recording the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value of the reserved land area at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including the interest cost incurred on any loan covering such reserved area.

(d) If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in this section within

such one year period or such extended period as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.

(2) *Sensitive design considerations.* The subdivider shall give consideration to preserving natural features such as large rock outcroppings, ridge lines, riparian areas and views of area landmarks in the design and layout of the subdivision.

(a) Landscaping in commonly owned areas (i.e. land that is owned and maintained jointly by property owners or by a property owners association) or those areas landscaped by the developer are encouraged to utilize drought tolerant plants and utilize Xeriscape plans to minimize water usage. By definition, Xeriscape means some water applied in well controlled amounts and locations in the landscape.

(b) Utility installations shall be located underground to assure that they do not detract from the design and amenity of the subdivision, except for above ground appurtenances of underground utilities, and for major transmission and distribution feeder lines together with related switchyards, substations and equipment.

(F) *Special development subdivisions waivers.*

(1) Special development subdivisions. Modified standards and requirements of these regulations may be accepted by the Council in the case of a plan and program for a neighborhood unit, or Planned Area Development which, in the judgment of the Council provides adequate public recreation, light, air and service needs for the tract when fully developed and populated; and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the general plan, applicable specific area plan or Zoning Ordinance.

(a) When such a preliminary development plan is submitted it shall be accompanied by a petition for variations, as outlined in these regulations, setting out and explaining reasons for all deviations from standards as herein required.

(b) Special development variations may include (but are not limited to):

1. Streets of less width than standard requirements, but with adequate provisions for off street parking;

2. Up to four lots served by a common driveway where topographic conditions would justify such treatment;

3. Up to four buildings per site in a cluster of less than minimum lot area if a corresponding contiguous commonly owned area plus the building site areas brings the total combination of building sites and commonly owned areas to minimum area standards, and provisions are made that each lot owner has an undivided interest in the contiguous parcel and it is restricted to be used only for recreational purpose or to remain "open", i.e. not for buildings; or

4. For the design of special common sanitation facilities,

(c) Special development subdivisions shall be regulated as outlined in Sec 440 Planned Area Developments in the Zoning Ordinance.

(2) Waivers. The Planning Commission may recommend and the Council may approve waivers or variances from the terms of these regulations, where by reason of exceptional or extraordinary situations or conditions of a tract of land, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the subdivider. Such variance or waiver may be given provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of these regulations. A request for a waiver shall be submitted in writing by the subdivider with the sketch plan or preliminary plat process. If approval of the waiver request or portion thereof is recommended by the Commission for a preliminary plat or by staff for a final plat, it shall be presented to the Council as part of the plat. Any approval action shall be based upon all of the following findings:

(a) That strict application of design and improvement regulations would preclude reasonable subdivision development of the subject property.

(b) That there are special circumstances applicable to the property related to its topography, shape, and/or location that dictate the need for this waiver to ensure good subdivision design and development.

(c) That the granting of this waiver will not be detrimental to the public health, safety, and general welfare or injurious to other property in the area in which said property is situated.

(G) *Hillside development subdivisions.*

(1) The principal purpose of these hillside development standards is to allow the reasonable and beneficial use and development of private property within areas considered "hillside" (i.e. the majority of the development site has a natural slope greater than 20%) while promoting the public health, safety, convenience and general welfare of the citizens of the town and maintaining the character, identity and image (i.e. preserving ridgelines) of hillside areas which are seen as valuable scenic resources.

(2) The regulations of this section shall apply to all lots or parcels having a natural slope of 20% or greater. This slope is calculated using a minimum run of 100 feet with a rise greater than 20 feet over that 100 foot run.

(3) Hillside lot standards.

(a) Total disturbed area within a lot shall not exceed that of the zoning district maximum lot coverage, but in no case to exceed 25%.

(b) All lots within hillside development subdivisions shall be subdivided to contain a minimum of 25,000 square feet and have minimum lot widths at building setback of 120 feet.

(c) "Panhandle", double frontage, and other unconventional lots may be permitted so long as it can be adequately demonstrated that no such lot will adversely affect any other lot.

(d) The maximum height of air cuts may not exceed the height of the primary structure, excluding antennas and other attachments.

(e) The maximum height of any improvement may not exceed the closest ridgeline adjacent or contained within the parcel.

(f) All fill material must be landscaped to match adjacent vegetation.

(4) Hillside road standards.

(a) Street grades shall not exceed 12%, except for a maximum length of 600 feet where the grade may be a maximum of 15% with approval of the Town Engineer.

(b) Minimum dedicated street rights-of-way may be reduced, when justified by extreme cross-slope cut and fill areas or similar conditions.

(c) "T" or "Y" type turning and backing areas may be substituted for circular turnarounds.

(d) Private streets or drives serving not more than four lots shall be permitted to a maximum length of 300 feet.

(Ord. 09-51, passed 4-21-2009)

§ 152.10 ASSURANCES, GUARANTEES, IMPROVEMENTS, INSPECTIONS AND RELEASES.

(A) *Assurances and guarantees.* No final plat will be recorded unless one or more of the following methods of assurance are submitted with the final plat, with a cost estimate for construction of the required on- and off-site improvements, signed and

sealed by a Registered Professional Engineer. The amount of the assurance shall be based on the engineer's cost estimate for all required and remaining site improvements as approved by the Town Engineer. Utility service assurances may be provided by letter from water, sewer, electric and other appropriate utility companies to guarantee improvements.

(1) *Performance bond.* The subdivider shall file with the town a bond executed by a surety company holding a license to do business in the state, and acceptable to the town, in an amount equal to the cost of the improvements required by these Regulations and within the time for completion of improvements as estimated by the Engineer of Record and approved by the Town Engineer. The performance bond shall be approved as to form and legality by the Town Attorney.

(2) *Trust agreement.* The subdivider shall place on deposit in a bank or trust company in the name of the town, and approved by the Town Attorney, in a trust account a sum of money equal to the estimated cost of all site improvements required by these regulations. The cost and time of completion shall be approved by the Town Engineer. The trust shall be approved as to form and legality by the Town Attorney. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs. The amounts of such withdrawals shall be based upon progress work estimates and approved by the Town Engineer. All such withdrawals shall be approved by the Trustee.

(3) Unconditional guarantee from a local bank or federally insured savings and loan association or from other financial institutions as approved by the town. The subdivider shall file with the town a letter, signed and notarized by the principal officer of a savings and loan association or other financial institution acceptable to the town, agreeing to pay the town on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under these regulations. The guaranteed payment sum shall be determined from the estimated costs and scheduling as approved by the Town

Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide together with a schedule for completion.

(B) *Improvements/construction of public or private improvements prior to final plat approval and/or recordation.*

(1) No subdivision site work shall be initiated unless or until the preliminary plat has been approved by the Council and the site work authorized by the Town Engineer and there are approved construction plans.

(2) If the subdivider chooses to construct the required improvements prior to final plat approval or recordation, he shall submit the construction plans prepared by a Registered Professional Engineer, inspection reports, test reports and material certifications to the Town Engineer for approval. Once approvals are obtained and a development permit from the Flood Control District for drainage work has been issued, then site construction can be initiated.

(3) Such construction will be performed with the understanding that the developer is doing so at his own risk should something be changed on the plat design prior to approval/recordation that may warrant modifications to site improvements.

(C) *Duration and releases.*

(1) The duration of the performance bond or other assurance shall be for two years, from the date of recording. Extensions of time in one year increments may be granted by the department by showing just cause. The assurance (surety) shall remain in force and effect until it is released by the Council or has been authorized for partial release as provided for herein.

(2) The Town Engineer, upon receipt of a certification from the Engineer of Record, may authorize a reduction of the assurance for the work completed in accordance with the approved cost

estimate and construction plans. A percentage (10%) of the estimated cost of completed improvements will be retained to insure sufficient funds remain to insure completion of the site improvements, final inspections and preparation of final "as-built" plans.

(3) In the event that the subdivider defaults or fails or neglects to satisfactorily install the required improvements within the time agreed upon for performance, the Council may declare the bond, or other assurance forfeited, and the Town may make or cause the required improvements to be made, using the trust funds or proceeds of the collection of the bond or other assurance to defray the expense thereof. In addition, the department shall notify ADRE of the default.

(D) Inspections and final release.

(1) The subdivider, using the services of a Registered Professional Engineer and plans as approved by the Town Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than 30 days prior to the release date of the bond or other assurance, the Engineer of Record shall make an inspection of the improvements and shall submit a set of "as-built" construction plans if complete or a report on the status of improvements if only partially complete to the Town Engineer. The Town Engineer will review the "as-built" plans and/or report and notify the developer of any noncompliance with the approved construction plans or with these regulations. If the Town Engineer determines that compliance has been made, he will then submit a report to the Council, setting forth the conditions of such facilities.

(2) A certificate sealed by the Engineer of Record on the "as-built" plans stating that the construction has been completed in substantial conformance to the specifications and standards contained in or referred to herein must be approved by the Town Engineer and presented to the Council prior to the surety release. If all conditions are found to be satisfactory and the improvements comply with Town Standards, the Council shall release the

guarantee. If the condition of materials or workmanship shows unusual depreciation or does not comply with Town Standards, the Town Engineer may present this information to the Council who may declare the subdivider in default.

(3) Certification and acceptance.

(a) The Engineer of Record shall certify: "In my professional opinion, the construction of the specific site improvements required for approval has been completed in substantial conformance with the construction plans and specifications including changes and addendums. My professional opinion is based, in part, upon the completion of certain tests and measurements and/or the review of the results of such tests and measurements completed by others. The rendering of this opinion in no way relieves any other party from meeting requirements imposed by contract, plans, specifications or commonly accepted industry standards."

(b) Once the improvements are approved and the surety released, the Council will review the public roadways for acceptance into the Town System for Maintenance.

(Ord. 09-51, passed 4-21-2009)

§ 152.11 AMENDMENTS, REVISIONS, REPLAT AND ADDITIONAL AUTHORITIES.

(A) Map amendments/corrections.

(1) No changes, erasures, modifications or revisions shall be made in the final plat after approval of the plat has been given by the Council, except that any plat map of a subdivision that has been approved and/or recorded may be amended to correct a scrivener error in any course or distance or other necessary item that was omitted there from, or to correct a drafting, graphic, technical, typographical or similar type error, including lot line adjustments that do not create new lots or reduce the size of any lot below the minimum required for its district, or for

minor changes related to public safety, infrastructure alterations, adjustments and conflicts or a documented change in conditions. A request for an amended map for corrections and modifications specified above may be filed with the Department.

(2) The Community Development Director shall examine such amended map, and if such examination discloses that the only changes on the amended map are the changes authorized above, he shall certify this to be a fact over his signature on the amended map. If the subdivision was previously recorded, it will thereafter be entitled to be recorded as the "AMENDED MAP OF _____."

(3) The use of the terminology of amended map shall not be used to add any lot lines, streets or easements; or statements that were not contained on the approved plat, since such actions necessitate reprocessing of the plat.

(B) *Revision of plat.* The following requested changes to an approved final plat shall be considered a revision of plat and require an application and the same processing as that of the original final plat (§ 152.08) and subsequent approval by the Council:

(1) Any division of a lot or lots in a recorded subdivision resulting in an increase in the total number of lots in that subdivision;

(2) Any revision or replat involving dedication or abandonment of land for a public street, public easement, or other public rights-of-way;

(3) Any change in lot lines in a recorded subdivision; provided, however, that changes in lot lines, which result in only nominal increases or decreases of lot sizes, may be administratively approved as a replat;

(4) Any changes in the location of streets, easements, and other public rights-of-way; provided, however, that nominal changes may be administratively approved as a replat; or

(5) Any changes in the exterior boundary of a recorded subdivision.

(C) *Replat.*

(1) The request for changes that are considered nominal, as listed below, shall be considered a replat and may be administratively approved by the Community Development Director; the Community Development Director, however, may require the request to be acted upon by Council, requiring an application in accordance with the processing of a final plat (§ 152.08).

(a) The joining or merger of lots in a recorded subdivision;

(b) Any joining of lots and subsequent division of those lots in a recorded subdivision which result in no increase in the total number of lots in that subdivision;

(c) Any changes in lot lines, which result in only nominal increases or decreases of lot sizes;

(d) Any nominal changes in the location of streets, easements, and other public rights-of-way.

(D) *Additional authorities.*

(1) *Other plats.* The Council shall review the following in compliance with these regulations, and conduct hearings for approval or denial in addition to final subdivision plats:

(a) Plats filed for the purpose of reverting to acreage of land previously subdivided.

(b) Plats filed for the purpose of vacating streets or easements previously dedicated to the public.

(c) Plats filed for the purpose of vacating or re-describing lot or parcel boundaries previously recorded.

(2) Protected development right. Pursuant to A.R.S. § 9-1202, a final subdivision plat that is approved by Council and meets all state and town regulations regarding subdivisions is a protected development right plan as defined in A.R.S. § 9-1201 as the right to undertake and complete the development and use of property under the terms and conditions of a protected development right plan, without compliance with subsequent changes in zoning regulations and development standards, except as provided by A.R.S. § 9-1204.

(a) A protected development right established under a protected development right plan is valid for three years for a non-phased development or five years for a phased development.

(b) The Council may extend for a maximum of two additional years the duration of a protected development right obtained through approval of a protected development right plan, if a longer time period is warranted by all relevant circumstances, including the size, type and phasing of the development on the property, the level of investment of the landowner, economic cycles and market conditions. The decision to extend the time period for a protected development right is in the discretion of the Council. However, a protected development right shall not remain established for more than five years for a non-phased development or seven years for a phased development.

(Ord. 09-51, passed 4-21-2009)

§ 152.99 PENALTY.

(A) *Violations.* It is unlawful for any person to offer to sell or lease, to contract to sell or lease or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions of these regulations, has been approved by the Council and recorded in the office of the County Recorder. This shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with

the subdivision regulations of the county, approved and recorded prior to the incorporation of the town.

(B) *Penalty.* A division of a parcel of land, or the division of a structure into multiple interests, which is in violation of the provisions, requirements, and processes of this chapter, shall be considered a violation of this Planning and Zoning Ordinance and subject to the provisions of § 153.999.

(Ord. 09-51, passed 4-21-2009)



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

TOWN COUNCIL STUDY SESSION
June 9, 2015, 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.4. Right-of-Way (ROW) Abandonment application fee.

To: Mayor and Town Council Members
From: Yvonne Kimball, Town Manager

Date submitted: June 2, 2015

Recommendation: Direct to proceed with the application fee process for ROW Abandonments.

Summary:

Town code Section 50.16 provides for Council adopting a fee for the Town to process ROW abandonment requests. However, the Town currently does not have a fee for the process. In addition to Council time, Staff, including the Town Attorney, usually spends a considerable amount of time processing these requests. Staff believes that it would be appropriate to impose a non-refundable application fee of \$750 to process any Town ROW abandonment application.

If Council wishes to proceed, the Town attorney advised that we follow this procedure:

1. A motion to declare its intention to establish the fee and direct the Town Clerk to publish as required by state law (placed under the June 16 Regular meeting's consent agenda). *Pursuant to ARS 9-499.15, a municipality may not assess any new fees on a business without providing written notice on the home page of the Town's website for at least sixty days before the date the proposed new fee is approved by the Town Council. Although we have not had a business request a ROW abandonment, this posting action would suffice us to charge a business the same application fee should a business initiate a request.*
2. The Town Clerk posts a notice on the home page of the town's website for at least sixty days before the date the proposed new fee is approved by the Town Council.
3. Council adopts the resolution (Resolution 15-XXX) authorizing imposition of the fee at the August 18th meeting.

I have enclosed the proposed resolution to impose the fee and the notice of intent to be posted onto the Town's website by the Town Clerk. I also included the ROW abandonment application form which has also been reviewed by the Town Attorney.

Attachments: Proposed resolution to establish a fee for ROW abandonment requests; notice of intent to be posted; ROW abandonment form.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING AN ADMINISTRATIVE FEE TO VACATE RIGHT-OF-WAY; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town Council of the Town of Dewey-Humboldt finds that it is in the best interests of the Town and its residents for the Town to establish an administrative fee for processing requests to the Town to vacate right-of-way that is no longer necessary for public use; and

WHEREAS, the Town of Dewey-Humboldt is authorized pursuant to A.R.S. §9-240(3)(e) and §28-7205 to vacate right-of-way; and

WHEREAS, the Town of Dewey-Humboldt is authorized pursuant to Town Code Section 50.16 to initiate vacation of unnecessary right-of-way upon request of an adjacent property owner and to establish a fee by resolution to be paid for such a request,

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona that a fee for Abandonment of Right-of-way is hereby established and shall be paid to the Town upon application to the Town by a property owner requesting the Town vacate unnecessary right-of-way, as follows:

<u>Right-of-Way Vacation Application Fee</u>	\$750.00.
--	-----------

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or portion of this Resolution or any part of this Resolution, is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona this ___ day of _____, 2015.

Terry Nolan, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Morgan, Town Clerk

Susan Goodwin, Town Attorney

**TOWN OF DEWEY-HUMBOLDT
PUBLIC NOTICE**

**NOTICE OF INTENT TO ESTABLISH NEW ADMINISTRATIVE FEE FOR
PROCESSING REQUESTS TO VACATE TOWN RIGHT-OF-WAY**

The Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, at a public meeting on - _____, 2015, adopted a motion to direct staff to publish a Notice of Intention that the Town of Dewey-Humboldt intends to establish a new administrative fee related to requests to vacate Town right-of-way that is no longer necessary for public use.

The proposed fee is based upon the actual estimated costs to the Town for processing applications from residents requesting vacation of right-of-way.

The following fee is proposed:

Right-of-way Vacation Fee: \$750.00

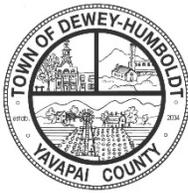
The Dewey-Humboldt Town Council will consider approving this proposed fee in a Public Hearing to be held _____, 2015 in the Council Chambers, 2735 S Highway 69, Humboldt Station, Humboldt, AZ as part of the Council Meeting scheduled to begin at 6:30 pm.

THE ABOVE FEE WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER APPROVAL BY THE TOWN COUNCIL.

A copy of the data supporting this fee may be reviewed at the office of the Town Clerk of the Town of Dewey-Humboldt, 2735 S Highway 69, Suite 12, Humboldt Station, Humboldt, Arizona, during normal office hours, Monday through Friday, 8am – 5pm. Persons wishing to comment on the proposed fee may do so, in writing, prior to the public hearing to be held on the date listed above or may testify in person at the hearing.

Dated this __ day of _____, 2015.

Town of Dewey-Humboldt
Judy Morgan
Town Clerk



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 • Fax 928-632-7365

Right of Way/Easement Abandonment Application

TYPE OR PRINT CLEARLY

PW20__ - _____

Applicant Name: _____ Phone: _____

Mailing Address: _____

Address of Property Adjacent to Right-of-Way to be Abandoned or Encumbered by the Easement:

Yavapai County Assessor's Parcel No. : _____

Legal Description of right-of-way or easement to be vacated (attach legal description if it will not fit):

Specific Reason for Request: _____

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO VACATE A RIGHT-OF-WAY, ALLEY OR EASEMENT:

- A. COMPLETE APPLICATION TO VACATE WITH LEGAL DESCRIPTION AND BASE FEE.
- B. SITE PLAN, SURVEY, OR SKETCH OF DESCRIPTION SHOWING THE AREA TO BE VACATED, INCLUDING THE OVERALL PARCEL, DRAWN TO SCALE ON AN 8½" X 14" SHEET, SUITABLE FOR RECORDING IN THE PUBLIC RECORDS.
- C. CURRENT TITLE REPORT DESCRIBING ONLY THE RIGHT-OF-WAY OR EASEMENT REQUESTED TO BE ABANDONED.
- D. LETTERS OF APPROVAL / DISAPPROVAL FROM ALL APPLICABLE UTILITY COMPANIES
 - () ELECTRIC COMPANY () GAS
 - () WATER / SEWER () CABLE COMPANY
 - () TELEPHONE COMPANY

Applicant: _____ Date: _____

FOR OFFICE USE ONLY

Fees:	Base Fee:	\$ _____
	Other Fees:	\$ _____
	Professional Services:	\$ _____
	Subtotal:	\$ _____
	Total:	\$ _____

Processed by: _____ Receipt #: _____ Date: _____

Persons requesting that the Town abandon (vacate) a right-of-way, alley, or easement must first apply for and receive approval by the Town. The purpose of the application is to enable the Town to analyze the request and determine whether the right-of-way, alley, or easement is necessary for public use and whether it's abandonment is in the Town's best interests. The Town Council shall consider the following:

Is the right-of-way needed for present or future public street purposes?

Will the abandonment impair or eliminate public street access to properties in the area or create any landlocked parcels?

Could the alley or right-of-way be used in the future for a bicycle or pedestrian path?

Does the topography of the property subject to the requested abandonment render the construction or extension of a public street or alley unfeasible?

Is the right-of-way included in the circulation plans of the General Plan?

Is the right-of-way, alley, or easement needed for utilities, either planned or existing?

It is important to note that the Town will not abandon any right-of-way, alley or easement unless the Town Council finds that it is no longer necessary for public use.

~~~~~

If the Right of Way is Town Owned Town Code Section 50.16 Applies.

**Town Code 50.16 DISPOSITION OF UNNECESSARY RIGHTS-OF-WAY**

- (A) If the Town Council determines that a public right-of-way owned by the town is no longer necessary for public use, it may dispose of the right-of-way either by sale, vacation or exchange of such right-of-way in accordance with the requirements of state law.
- (B) *Reservation of easements.* In the event there are existing utility lines, pipes; canals, ditches or appurtenances in any unneeded right-of-way being sold, vacated or exchanged, or if in the sole discretion of the town it is probable that there will be a need for a public utility easement in such a right-of-way, the town shall reserve an easement or easements for such purposes and of such size as the town may determine.
- (C) *Initiation of disposition of right-of-way.* Vacation, sale or exchange of unnecessary right-of way shall be initiated by the Town Engineer or Public Works Director. The initiation may be in response to a request from an adjacent property owner, in which case the applicant shall submit an application in such form and with such information as may be required by administrative regulation and shall pay such fees as are established by resolution approved by the Town Council.
- (D) *Decision to dispose of roadway.* The decision to dispose of unnecessary right-of-way lies solely with the Town Council and shall be made upon receipt of staff's recommendation. (Ord. 05-12, passed 7-12-2005; Am. Ord. 12-95 passed 11-20-2012)