

ORDINANCE NO. 06-24

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT ZONING MAP FOR APN'S 402-02-009C, 402-02-013, 402-02-013A, 402-02-014, 402-02-015, 402-02-016, 402-02-254C, 402-02-256H, 402-02-506L, 402-02-506M, and 402-02-057L FROM R1-70, R1L-70 AND C-2 TO PAD.

WHEREAS, the Town of Dewey-Humboldt has adopted a Planning and Zoning Ordinance and Zoning Map to govern the development of property within the Town limits; and

WHEREAS, the Planning and Zoning Commission of the Town of Dewey-Humboldt has recommended adopting the requested Zoning Map change Z-06-04; and

WHEREAS, this requested amendment has been properly noticed for public hearing and the necessary hearing was completed on May 2, 2006; and

WHEREAS, the adopted Planning and Zoning Ordinance for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of an amendment to the Town of Dewey-Humboldt Zoning Map. The Town of Dewey-Humboldt Zoning Map, a copy of which is on file with the Town Clerk, is hereby amended with stipulations as listed in Exhibit "A".

Section 2: Acceptance of the Legal Description in Exhibit "B".

Section 3: The Village at Young's Farm-Planning & Zoning Advisory Commission materials including the Proposed Site Plan (amended PAD Concept Plan) dated April 6, 2006, known as Exhibit "C".

Section 4: Design materials and proposed zoning conditions, known as Exhibit "D".

Section 5. Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Town Planning and Zoning Ordinance and the provisions of Ordinance No. 06-24.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this _____ day of _____, 2006.

Thomas Hintze, Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

ORDINANCE NO 06-24**EXHIBIT "A"*****CHANGES REQUESTED BY THE APPLICANT ARE IN BOLD ITALIC***

The following stipulations accompany the approval of Z-06-04:

Planning

1. Development shall comply with all applicable federal, state, county and Town of Dewey-Humboldt requirements.
2. Development shall be in general conformance with the "*P.A.D. Concept Plan for Young's Farm*" prepared by Tornow Associates; P.C. dated February, 2006, and the Concept Plan (Proposed Site Plan) amended April 6, 2006.
3. Future preliminary and final plats shall comply with the design concepts and development standards presented in the zoning narrative for "*The Village at Young's Farm*" dated February, 2006, and the Concept Plan (Proposed Site Plan) amended April 6, 2006.
4. Maximum dwelling unit counts shall be as indicated on the approved P.A.D. development plan and narrative. In no case shall the unit count exceed 580. The specific parcel location defining lot type and size shall be determined at the time of the preliminary plat application. Distribution of units within the project is subject to the maximum approved unit count and the subdivision platting process.
5. The maximum unit count for the project is subject to the Applicant's demonstration of a 100-year assured water supply. A Certificate of Assured Water Supply must be obtained from the Arizona Department of Water Resources (ADWR) prior to the approval of any final plat and is the responsibility of the applicant.
6. All homes shall be "site built".
7. Future site plans, improvement plans and building elevations for all commercial parcels shall be submitted to the Town for review and recommendation by the Planning and Zoning Commission and review and approval by the Town Council. These plans will be reviewed in accordance with the approved 'theme' contained in the application packet and public presentations for this PAD rezoning. All plans shall meet or exceed the expectations and character of the approved "theme."
8. Draft covenants, conditions and restrictions (C.C. & R's) for the project shall be submitted with the first preliminary plat application. Draft design guidelines for the

single family homes will be submitted with the initial preliminary plat. Separate draft design guidelines for the commercial parcels will be submitted with the initial commercial site plan.

9. Proposed setbacks and other lot standards shall be included on the preliminary plat for each planning area.
10. The applicant/developer shall enter into a Development Agreement with the Town of Dewey-Humboldt prior to the approval of the first preliminary plat or commercial site plan. The purpose of the development agreement will be to establish responsibilities for both the Applicant and the Town with respect to such matters including, but not limited to, the installation, timing, phasing, financing and maintenance of project infrastructure and open spaces. The Development agreement shall include a land-use budget for the project that includes a breakdown of housing types and accompanying lot sizes.
11. Once the PAD is approved, any future significant changes shall require a subsequent PAD process. A significant change is defined as:
 - Any change that increases the impact of traffic on SR 69 or SR 169, as determined by a review by the Town Engineer through a revised traffic study prepared by the applicant and reviewed by the Town Engineer.
 - Any change that results in an increase of any non-recreational land use of ten percent (10%) or greater.
 - Any requested change to the "land use budget" of ten percent (10%) or greater as established in the approved PAD or development agreement.
12. It is the intent of this approval to minimize the visual impact of property line security and privacy fences. Design standards for fencing shall be addressed in C, C & R's, to be approved by the Town Council.
13. Design standards for all signage shall be adopted in C, C & R's for residential development to be approved by Town Council. Commercial development requires that a comprehensive sign package to be submitted as a part of any and all site and architectural plan submittals for **review** by the Planning and Zoning Commission **and approval by resolution** of the Town Council as per stipulation P7.
14. Improvements, ownership, maintenance and preservation of designated common areas including, but not limited to, public open space, ball fields and all other active and passive recreational improvements, shall be the responsibility of the applicant or subsequent homeowners association, unless otherwise specified in the approved Development Agreement.
15. The applicant shall prepare and record a deed restriction on all parcels included in this rezoning that includes all stipulations of approval and the subsequent Development Agreement **at the time that the first plat is recorded.**

16. The development shall proceed with appropriate review processes and the development shall commence with proper construction permits within four (4) years of the date of this approval or the application will be referred to the Town Council for reversion of the zoning back to its original designations.

Engineering

1. All future project roadway intersections with SR 69 and SR 169 shall be as approved by A.D.O.T. and the Town Engineer for the Town of Dewey-Humboldt.
2. Applicant shall submit master water, wastewater, traffic, and drainage/hydrology, flood protection and erosion control plans prior to, or concurrently with the first preliminary plat application. These shall be prepared by a registered engineer licensed to practice in Arizona
3. No individual water wells or septic systems will be permitted.
4. The cost of providing utilities required to serve the project shall be responsibility of the master developer.
5. Applicant is responsible for the dedication of and improvements to additional rights-of-way along State Routes 69 and 169 (if necessary) and rights-of-way for public roads within the project in accordance with the traffic impact study approved by A.D.O.T. and the Town Engineer.
6. Applicant is responsible for the construction of required project roadway improvements including paving, curb and gutter, sidewalks and underground utility extensions ***within the boundary's of the Project***. All roads will be constructed in conformance with Town of Dewey-Humboldt road specifications.
7. Road and street names and addresses shall conform to Yavapai County and 911 Emergency Response standards and criteria.
8. Phasing of the development and related infrastructure shall be addressed in the Development Agreement.
9. Road and street construction, ownership transfer and maintenance shall be addressed in the Development Agreement.
10. ***Existing on-site wells that are not incorporated into a centralized water system for this PAD shall be abandoned in accordance with ADWR requirements unless demonstrated to be needed by the Town of Dewey-Humboldt***
11. That the location of the wastewater treatment facility be determined prior to and be contained within the required Development Agreement. Part of the criteria for the facility's location shall be to serve the proposed development and the future benefit of the Town of Dewey-Humboldt.

12. This project shall provide for re-use and/or recharge of all wastewater effluent generated by the project. Re-use and recharge facilities shall be designed and permitted by the Developer in accordance with the then current Federal, State and Local regulations and shall consider the shallow and sensitive nature of the groundwater conditions in and around the project.
13. ***It is the policy intent of the Town of Dewey-Humboldt that maximizing the re-use and recharge of effluent from the wastewater treatment plant be a goal of this project.*** Due to the fact that all residents in the area utilize groundwater as their drinking water source and due to the relatively shallow nature of the groundwater in and around the project and due to the proximity of the project to the Agua Fria River, it is the intent of the Town to utilize wastewater treatment processes that will provide for the highest level of wastewater treatment that can be reasonably and feasibly constructed. Thus, the design of the wastewater treatment plant process for this project shall include consideration of a reasonable level of additional treatment, based on current research and recommended best practices in the industry, to limit the amount of pharmaceuticals and other materials which are considered to be emerging contaminants in the effluent produced by this project. The additional level of such wastewater treatment shall be determined during the design phase of the project and included in the required Development Agreement.

Environmental

1. The development will comply with applicable "dark sky" ordinance (Dewey-Humboldt Zoning Ordinance Chapter 603) and/or objectives of the community as part of the Development Agreement.
2. The Agua Fria River corridor shall be preserved and maintained as public open space.
3. Applicant will provide a master trails, parks and open space plan prior to, ***or with***, the first preliminary plat. The plan shall identify all active and passive open space, amenities, ponds and trees. Future trails design and alignment will be coordinated with the Town and Yavapai County Trails Planner(s)
4. Applicant shall be responsible for complying with all Town, County, State and Federal flood control and storm water management regulations including obtaining any necessary AZPDES and 404 Permits.
5. NOTE COMMENT IN COVER MEMO RE PUBLIC POLICY

There shall be no new wood burning fireplaces constructed on site. "Wood burning fireplace" is defined as an open fireplace within a building or structure that will burn wood or other solid fuel. Solid fuel is defined as wood, or any compressed wood or fiber product, including coal, other solid hydrocarbons or compounds, oil and combustible, pellets, or solids of any composition.

EXHIBIT "B"
LEGAL DESCRIPTION

That portion Sections 2, 3, 10, 11 and 14 all lying within Township 13 North, Range 1 East of the Gila and Salt River Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the a GLO Brass cap located at the southwest corner of said Section 2 from which a brass cap located at the west quarter corner of said Section 2 bears North 00 degrees 14 minutes 32 seconds West a distance of 2644.49 feet;

Thence along the west line of said Section 2, North 00 degrees 14 minutes 32 seconds West a distance of 571.46 feet to the southerly right of way line of SR 169 as shown in plans for Project No. S-447-701, Drawing D-13-T-383 and the **POINT OF BEGINNING**;

Thence along said southerly line South 64 degrees 06 minutes 11 seconds East, a distance of 37.54 feet;

Thence continuing along said southerly line South 88 degrees 00 minutes 00 seconds East, a distance of 221.82 feet to the westerly line of "Sierra Dells" according to the plat of record in Book 17 of Maps, pages 1 and 2, records of Yavapai County, Arizona;

Thence along said westerly line South 36 degrees 44 minutes 01 seconds East, a distance of 508.64 feet;

Thence continuing along said westerly line South 36 degrees 44 minutes 36 seconds East, a distance of 173.27 feet;

Thence continuing along said westerly line South 44 degrees 20 minutes 12 seconds East, a distance of 1,195.82 feet;

Thence continuing along said westerly line South 20 degrees 51 minutes 24 seconds East, a distance of 502.01 feet to the northwest corner of Tract "A" of said Sierra Dells;

Thence along the north line of said Tract "A" South 89 degrees 53 minutes 00 seconds East, a distance of 339.02 feet to the west line of the east 260.00 feet of said tract;

Thence South 00 degrees 21 minutes 00 seconds West, a distance of 414.92 feet;

Thence North 89 degrees 54 minutes 36 seconds West, a distance of 184.50 feet to the west line of said Sierra Dells;

Thence along said west line South 20 degrees 40 minutes 38 seconds East, a distance of 447.51 feet;

Thence continuing along said west line South 10 degrees 59 minutes 15 seconds East, a distance of 1,169.26 feet to the southwest corner of Tract "C" of said Sierra Dells;

Thence leaving said west line and along the westerly line of the lands described in deeds in Book 3519, page 107, Book 3480, page 242, Book 3574, page 849 and Book 4049, page 378, all records of Yavapai County the following eight (8) courses;

Thence South 62 degrees 52 minutes 25 seconds West a distance of 20.43 feet;

Thence South 04 degrees 24 minutes 49 seconds East a distance of 115.88 feet;

Thence South 15 degrees 15 minutes 57 seconds East a distance of 639.64 feet;

Thence South 26 degrees 22 minutes 37 seconds East a distance of 327.07 feet;

Thence South 44 degrees 52 minutes 29 seconds East a distance of 243.90 feet;

Thence South 39 degrees 27 minutes 07 seconds East a distance of 284.86 feet;

Thence South 38 degrees 47 minutes 59 seconds East a distance of 721.29 feet;

Thence North 89 degrees 44 minutes 41 seconds East a distance of 95.22 feet to the said west line of Sierra Dells;

Thence along said west line South 38 degrees 40 minutes 59 seconds East, a distance of 67.46 feet;

Thence continuing along said west line South 01 degrees 09 minutes 21 seconds East, a distance of 574.10 feet;

Thence continuing along said west line South 16 degrees 24 minutes 43 seconds East, a distance of 252.33 feet;

Thence continuing along said west line South 06 degrees 03 minutes 16 seconds West, a distance of 1,738.57 feet;

Thence continuing along said west line North 89 degrees 58 minutes 37 seconds West, a distance of 70.00 feet;

Thence continuing along said west line South 00 degrees 24 minutes 59 seconds West, a distance of 50.00 feet;

Thence continuing along said west line South 89 degrees 58 minutes 37 seconds East, a distance of 45.00 feet;

Thence continuing along said west line South 00 degrees 24 minutes 59 seconds West, a distance of 361.20 feet to the southwest corner of said Sierra Dells;

Thence South 88 degrees 08 minutes 44 seconds West, a distance of 391.50 feet to the easterly line of the land described Deed Book 3557, page 925, records of Yavapai County;

Thence along the said easterly line North 13 degrees 51 minutes 12 seconds East, a distance of 478.97 feet;

Thence continuing along said easterly line and of the lands described Deed Book 2437, page 196 and Book 4169, page 573, both records of Yavapai County North 02 degrees 08 minutes 11 seconds East, a distance of 1,062.61 feet to the northeast corner of said Book 4169, page 573,

Thence along the northerly line the two last said deeds South 82 degrees 54 minutes 37 seconds West a distance of 869.59 feet to the most westerly corner of said Book 2437, page 196 to the easterly line of the lands described as an exception to Parcel 1 in Deed Book 3461, page 397, records of Yavapai County;

Thence along the last said easterly line, North 37 degrees 29 minutes 11 seconds West a distance of 198.85 feet;

Thence North 43 degrees 59 minutes 11 seconds East a distance of 61.65 feet to the most westerly corner of land described in Deed Book 4064, page 867, records of Yavapai County;

Thence along the lands described in the last said deed South 76 degrees 30 minutes 33 seconds East a distance of 56.97 feet;

Thence continuing along said lands South 53 degrees 21 minutes 13 seconds East a distance of 173.25 feet;

Thence continuing along said lands South 70 degrees 51 minutes 53 seconds East a distance of 46.27 feet to the most southerly corner thereof;

Thence continuing along said lands and the lands described in Deed Book 3629, page 517 North 82 degrees 54 minutes 35 seconds East, a distance of 602.02 feet to the most easterly corner of the last said deed.;

Thence along the easterly line of the last said deed North 06 degrees 54 minutes 18 seconds West, a distance of 184.26 feet to the northeast corner thereof;

Thence along the northerly line of the last said deed and the last said prior deed North 85 degrees 42 minutes 09 seconds West, a distance of 693.44 feet to the northerly corner of lands described in said Book 4064, page 867;

Thence continuing along the lands described in the last said deed South 47 degrees 33 minutes 24 seconds West, a distance of 152.14 feet to the easterly line of the lands described in Deed Book 2745, page 613, records of Yavapai County;

Thence along the last said easterly line North 24 degrees 42 minutes 44 seconds West, a distance of 269.45 feet;

Thence continuing along said easterly line North 14 degrees 05 minutes 53 seconds West, a distance of 617.19 feet to the southerly line of the lands described in Deed Book 2410, page 882, records of Yavapai County;

Thence along the last said southerly line North 86 degrees 01 minutes 19 seconds East, a distance of 311.99 feet to the southeast corner thereof;

Thence along the easterly line of the last said deed North 01 degrees 31 minutes 11 seconds East, a distance of 311.55 feet to the most easterly corner thereof;

Thence along the northeasterly line of the last said deed North 53 degrees 29 minutes 49 seconds West, a distance of 175.85 feet to the most southerly corner of the lands described in Deed Book 3604, page 770, records of Yavapai County;

Thence along the east line of the last said deed North 07 degrees 37 minutes 13 seconds West, a distance of 588.88 feet to the northeast corner thereof;

Thence along the northerly line of the last said deed South 88 degrees 37 minutes 28 seconds West, a distance of 900.74 feet to the most westerly corner thereof and the easterly right of way line of the Old Black Canyon Highway;

Thence along the westerly line of the last said deed and said right of way line South 28 degrees 02 minutes 53 seconds East, a distance of 585.49 feet to the line of said Section 11;

Thence along said south line North 89 degrees 55 minutes 20 seconds West, a distance of 70.90 feet to the beginning of a non tangent curve concave to the southwest, the center of which bears South 70 degrees 48 minutes 00 seconds West, a distance of 1,482.37 feet;

Thence northwesterly along said curve through a central angle of 07 degrees 10 minutes 00 seconds and an arc length of 185.42 feet;

Thence along the northeasterly line of the lands described in Deed Book 4153, page 994, Book 4251, page 439, Book 4120, page 629 and Book 4257, page 409, all records of Yavapai County, North 26 degrees 22 minutes 00 seconds West, a distance of 1,286.21 feet to the northeast corner of Book 4257, page 409;

Thence along the northerly line of the last said deed and the northerly line of the lands described in Deed Book 3615, page 916, records of Yavapai County, North 89 degrees 52 minutes 24 seconds West, a distance of 604.02 feet to southeasterly right of way line of SR 69 as shown on plans for Project No. STP-029-1(13), Drawing No. D-13-T-432 and the beginning of a non tangent curve concave to the west, the center of which bears North 81 degrees 57 minutes 09 seconds West, a distance of 2,964.79 feet;

Thence along said easterly right of way line the following seventeen (17) courses;

Thence northerly along said curve through a central angle of 22 degrees 16 minutes 29 seconds and an arc length of 1,152.61 feet to a tangent curve, concave westerly, having a radius of 3062.71 feet;

Thence northerly along said curve, through a central angle of 00 degrees 46 minutes 24 seconds, an arc length of 41.34 feet to a non-tangent curve, concave westerly, the center of which bears South 75 degrees 00 minutes 22 seconds West, a distance of 3470.34 feet;

Thence northerly along said curve, through a central angle of 00 degrees 40 minutes 48 seconds, an arc length of 41.19 feet to a tangent curve, concave westerly, having a radius of 3919.72 feet;

Thence northerly along said curve, through a central angle of 00 degrees 33 minutes 13 seconds, an arc length of 37.87 feet;

Thence North 74 degrees 40 minutes 35 seconds East, a distance of 91.84 feet;

Thence North 17 degrees 13 minutes 26 seconds West, a distance of 207.83 feet;

Thence South 71 degrees 46 minutes 22 seconds West, a distance of 62.49 feet;

Thence North 20 degrees 23 minutes 05 seconds West, a distance of 839.23 feet;

Thence North 17 degrees 48 minutes 15 seconds West, a distance of 282.63 feet;

Thence North 18 degrees 13 minutes 38 seconds West, a distance of 198.24 feet;

Thence South 71 degrees 46 minutes 22 seconds West, a distance of 20.18 feet;

Thence North 20 degrees 23 minutes 18 seconds West, a distance of 494.31 feet;

Thence North 14 degrees 55 minutes 42 seconds West, a distance of 500.83 feet;

Thence North 16 degrees 19 minutes 05 seconds West, a distance of 300.17 feet;

Thence North 18 degrees 18 minutes 50 seconds West, a distance of 200.51 feet;

Thence North 71 degrees 28 minutes 44 seconds East, a distance of 75.00 feet;

Thence North 18 degrees 42 minutes 31 seconds West, a distance of 112.54 feet;

Thence leaving said easterly right of way line and along the south line of lands described in Deed Book 3725, page 339 and Book 3577, page 771, both records of Yavapai County and the easterly prolongation thereof North 89 degrees 33 minutes 29 seconds East, a distance of 166.10 feet to the easterly right of way line of the Old Black Canyon Highway;

Thence along said easterly right of way line North 00 degrees 26 minutes 23 seconds West, a distance of 322.21 feet to the southerly right of way line of said SR169;

Thence along said southerly line South 89 degrees 39 minutes 00 seconds East, a distance of 269.00 feet to the beginning of a curve concave to the south and having a radius of 22,863.31 feet;

Thence easterly along said southerly line and said curve through a central angle of 01 degree 07 minutes 18 seconds and an arc length of 447.59 feet;

Thence continuing along said southerly line South 64 degrees 06 minutes 11 seconds East, a distance of 71.81 feet to the **POINT OF BEGINNING.**

EXCEPT that portion of the Southeast quarter of the Southwest quarter of said Section 11 described as follows:

COMMENCING at the northwest corner thereof where the north line of the Southeast quarter of the Southwest quarter bears South 89 degrees 52 minutes 24 seconds East;

Thence South 44 degrees 44 minutes 05 seconds East a distance of 1064.79 feet to the **POINT OF BEGINNING;**

Thence North 81 degrees 13 minutes 58 seconds East a distance of 163.12 feet;

Thence South 12 degrees 43 minutes 26 seconds East a distance of 128.80 feet;

Thence South 79 degrees 45 minutes 10 seconds West a distance of 170.00 feet;

Thence North 09 degrees 39 minutes 26 seconds West a distance of 132.90 feet to the **POINT OF BEGINNING;**

Containing 13,652,344 square feet or 313.4147 acres, more or less.

Prepared by: CMX, L.L.C.
7740 N. 16th Street, Suite 100
Phoenix, Arizona 85020
Project No. 7246.02
March 2, 2006

This description shown hereon is not to be used to violate subdivision regulation of the state, county and/or municipality or any other land division restrictions.

Note: This description is for zoning purposes only and is not intended to be utilized as a final legal description for Ownership Deed purposes.

