

# City of Prescott

## Board of Adjustment



September 18, 2025 | 9:00 AM  
201 N. Montezuma Street  
Council Chambers, 1st Floor  
Prescott, AZ 86301

### AGENDA

The following Agenda will be considered by the **Board of Adjustment** at their meeting to be held **September 18, 2025**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. EXECUTIVE SESSION**

A. Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Board of Adjustment and to the general public that the Board will hold a Meeting at 9:00 a.m. on September 18, in the Council Chambers for the purpose of deciding whether to go into executive session. If authorized by a majority vote of the Board of Adjustment, the executive session will be held immediately after the vote and will not be open to the public. The agenda for the meeting is as follows:

A. Discuss & Consult with the City's Attorneys for Legal Advice and to Consider the City's Position and to Instruct its Attorneys and Necessary City Employees Regarding the Appeal, Pursuant to A.R.S. § 38-431.03(A)(3, 4 and 7).

**5. DISCUSSION & ACTION ITEMS**

A. Approval of the August 21, 2025 Board of Adjustment Meeting Minutes.  
**Recommended Action: MOVE to approve minutes as presented**

B. **APL25-001:** Discussion & Possible Action Regarding an Appeal of Administrative Code Interpretation Decision.  
**Recommended Action: MOVE to affirm the Community Development Director's Interpretation of LDC Section 6.8**

**6. UPDATES**

**7. ADJOURNMENT**

Upon a public majority vote of a quorum of the Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));

- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

**CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 9/12/25 at 10:30 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

*Sarah M. Siep*

---

Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: September 18 Board of Adjustment  
DATE: September 18, 2025  
DEPT: Community Development  
ITEM #: 5.A  
SUBJECT: Approval of the August 21, 2025 Board of Adjustment Meeting Minutes.

## ITEM SUMMARY

This item is for approval of the August 21, 2025 Board of Adjustments meeting minutes. Staff recommends approval of the minutes as presented.

## BACKGROUND

None.

## FINANCIAL IMPACT

There is no fiscal impact associated with this item.

## RECOMMENDED ACTION

MOVE to approve minutes as presented

## ATTACHMENTS

1. August 21, 2025 BOA Minutes



# City of Prescott Board of Adjustment

---

August 21<sup>st</sup>, 2025 | 9:00 AM  
201 N. Montezuma Street  
Council Chambers, 1st Floor  
Prescott, AZ 86301

## MINUTES

### 1. CALL TO ORDER

Chair Teeters called the meeting to order at 9:00 a.m.

### 2. ROLL CALL

Tony Teeters, Chair  
Tom Davis, Vice Chair (Excused)  
Mary Frederickson, Member  
Miriam Haubrich, Member  
Mark Hokeness, Member  
Tom Hutchison, Member (Excused)  
Rick Kimery, Member

### 3. DISCUSSION & ACTION ITEMS

A. Approval of the July 17, 2025 Board of Adjustment Meeting Minutes.

**MOTION BY MEMBER HOKENESS TO APPROVE THE JULY 17, 2025 MEETING MINUTES AS SUBMITTED; SECONDED BY MEMBER FREDERICKSON: PASSED (5-0)**

B. **V25-011:** A Variance to Article 2, Table 2.7.1/Single-Family Dwellings/Max Building Height of the City's Land Development Code (LDC) to Allow for an Increase in Height from the Maximum Allowed 35' to 55' for Construction of a New Single-Family Residence. Zoning: SPC (Special Planned Community). Property Owner: Evans Family Revocable Trust. Applicant: SMC Construction Inc. Location: APN 108-20-159, 1855 Woodland Pines Lane.

Tammy DeWitt Community Planner gave a presentation for the variance request and explained that this is to increase the maximum allowed building height from 35ft to 55ft due to topography issues on the lot. She provided maps, imagery, and elevations showing the height and location of the proposed single-family residence. Staff reviewed the proposal against all variance review criteria and recommended to approve or deny V25-011 per the site plan and renderings submitted.

Larry Evans Property Owner stated that the lot was challenging to develop due to topography and driveway slope issues. He provided a handout to the board members showing adjacent properties compared to his proposal. Additionally, he said that the

home will appear as a one-story home from the street level and believes the home will only be 47ft from natural grade once completed.

Member Frederickson said that she visited the site and believes the variance request is not as significant as neighboring properties and is consistent with the rest of the neighborhood.

**MOTION BY MEMBER FREDERICKSON TO APPROVE V25-011; SECONDED BY VICE CHAIR DAVIS: PASSED (5-1). MEMBER HOKENESS DISSENTING.**

- C. **V25-012:** A Variance to Article 6, Section 6.12.5.A.2 (Permanent On-Site Signs) of the City's Land Development Code (LDC) to Allow for an Increase in the Maximum Allowed Wall-Mounted Signage from 50 Sq. Ft. to 162 Sq. Ft. for Two (2) Roof Decal Sticker Signs. Zoning: BG (Business General). Property Owner: NDG Investments LLC. Applicant: Yavapai Landscaping. Location: APN 114-06-098B, 1106 E. Gurley Street.

Jacob Lund Community Planner gave a presentation and explained the variance request is to increase the maximum allowed wall-mounted signage from 50 sf. to 162 sf. for two unpermitted roof decal sticker signs. He provided zoning maps, aerial imagery, photographs of the site, and a site plan provided by the applicant detailing the scale and location of the proposed signs. Staff reviewed the proposal against all variance review criteria and recommended to approve or deny V25-012.

Member Frederickson asked if this was a result of a complaint from a community member.

Mr. Lund confirmed and clarified that this was a result of a recent zoning enforcement case that was heard by the City's Hearing Officer.

Nathan Green Yavapai Landscaping Owner stated that they were not aware that a permit was needed for the sticker signs. He explained that the increased signage is needed to improve his business' visibility from the street view and it has increased the safety for their customers in finding their office location.

Member Frederickson asked how long the decal signs had been on the roof.

Mr. Green said the signs have been there for about one year.

Member Frederickson asked if they had received any complaints that the signs were a visual blight.

Mr. Green confirmed there have been no complaints.

Member Frederickson does not believe the signs add to the visual clutter as much as neighboring business' signs. Additionally, she added that the unusual shape of the building gives reason for allowing the variance request.

Member Hokeness asked what the City's definition of a billboard was and if they are allowed.

Mr. Lund stated he would need to check the Land Development Code (LDC) for the exact definition, but billboards are not allowed.

Tammy DeWitt Community Planner clarified that billboards are for off-site advertising and if the City did allow billboards, it would not be allowed on this property.

Member Hokeness asked if this sign would be the size of a billboard.

Mr. Green referenced a billboard that Yavapai Landscaping rents in Dewey Arizona, and it is 16ft by 48ft structure, which is much larger than the signs in question.

Member Hokeness stated the signs are the greeting to customers coming and going to Prescott on Gurley Street and the signs are large.

Mr. Green expressed interest in providing landscaping services to the community to allow increased signage.

Matt Podracky Deputy City Attorney explained that the focus needs to be on the variance request and not an offer to do additional work.

Member Frederickson asked for clarification on the number of votes needed to approve a variance request.

Mr. Podracky stated that the by-laws require 4 votes in all circumstances.

**MOTION BY MEMBER FREDERICKSON TO APPROVE V25-012; SECONDED BY MEMBER HAUBRICH: PASSED (4-1). MEMBER HOKENESS DISSENTING.**

#### **4. STAFF UPDATES**

Ms. DeWitt informed the board members that there is one item on next month's agenda.

#### **5. ADJOURNMENT**

Chair Teeters adjourned the meeting at 9:37 a.m.

---

Anthony Teeters, Chair

---

Jacob Lund, Board Secretary



TO: MAYOR AND CITY COUNCIL  
AGENDA: September 18 Board of Adjustment  
DATE: September 18, 2025  
DEPT: Community Development  
ITEM #: 5.B  
SUBJECT: **APL25-001: Discussion & Possible Action Regarding an Appeal of Administrative Code Interpretation Decision.**

## ITEM SUMMARY

This item is for discussion regarding an appeal of an administrative code interpretation decision made by the Community Development Director.

The Land Development Code (LDC) Section 9.17 *Appeals of Administrative Decisions* allows any person aggrieved by the final administrative decision of the Community Development Director to appeal to the Board of Adjustment. On July 24, 2025, Ms. Veronica Grace submitted an appeal to a final decision of the Community Development Director regarding an interpretation of the applicability of LDC Section 6.8 that regulates Hillside Development Standards.

The Board shall hear the appeal in a public hearing. Consideration is limited to the specific interpretation of the Community Development Director. After the hearing, the Board shall vote to reverse, affirm wholly or partly, or modify the appealed interpretation. The Board may then provide direction for the appropriate action on the final interpretation. In any case, the Board shall only present the findings regarding specific errors made in the Community Development Director's interpretation.

## BACKGROUND

### Process and Appeal Documents

Appeal received 7/24/2025

Public Notification in Courier 9/3/2025

Documents constituting the record of the action appealed are attached as follows:

Exhibit 1: Ms. Veronica Grace's appeal narrative

Exhibit 2: Community Development Director written determination

Exhibit 3: Follow-Up correspondence confirming previous written determination

### Specific Interpretation of the Community Developer Director

Prescott is surrounded by rolling hills and mesas, which are valuable scenic resources that should be considered for preservation to the maximum extent possible, while allowing for the development and beneficial use of private property located in and around the hills and mesas. Regulating the intensity of development according to the natural characteristics of hillside terrain, such as degree of slope, significant landforms, and slope stability and existing drainage patterns, allows for development in hillside areas while minimizing the physical impacts of such development.

The Land Development Code (LDC) Section 6.8 regulates the Hillside Development Standards. Below is staff's analysis of Section 6.8, which, in summary, concludes that the Hillside Development Standards apply to the Planned Area Development (PAD) and subdivision process and do not apply to single-site development.

The Land Development Code's (LDC) *General Development Standards* can be found in Article 6. Article 6.1 *Applicability* states, "The general development standards of this Article shall be applicable

to all site development and subdivisions in the City, except as otherwise specified herein. . ." This general applicability section references 'all site development' followed by 'except as otherwise specified herein'. Article 6, Section 6.8 of the LDC then provides the more specific exceptions that govern hillside development standards and limits those standards to subdivisions and Planned Area Developments and NOT single-site development.

The Hillside Development Standards under Article 6, Section 6.8.2 *Applicability*, state, "The regulations of this section shall apply unless otherwise addressed / specified herein. Notwithstanding these provisions, the City Council has full discretion in which to waive or modify Hillside Development Standards to all proposed residential land splits and subdivisions with slope areas greater than 20 percent, or as otherwise specified herein. Where the standards of this section are in conflict with other provisions of this Code, the more restrictive shall apply." This applicability section of the Hillside Development Standards is more restrictive by referencing residential land splits and subdivisions and does not apply to single-site development.

Section 6.8.3 *Residential Density Allocation and Maximum Site Disturbance* states, "Development projects proposing such density transfers shall be subject to the Planned Area Development requirements of Section 9.5. For slope areas greater (steeper) than 20 percent, the standards of this section shall apply." Sections 6.8.3.A through 6.8.3.D continue on to reference Preliminary Plat, PAD subdivisions, final plats, and hillside subdivisions. This section of the Hillside Development Standards further enforces the applicability to only the PAD/subdivision process and does not apply to single-site development.

Section 6.8.3.E is a table determining density and maximum site disturbance. Section 6.8.3.F *Table Interpretation* explains how to apply the table under 6.8.3.E for: 1. non-PAD preliminary plat designs; and, 2. for Planned Area Development (PAD) preliminary plat designs. These sections of the Hillside Development Standards further enforce the applicability to only the PAD/subdivision process and do not apply to single-site development.

Section 6.8.4 *Residential Density and Site Disturbance Transfer* preamble states, "Subject to Council's sole discretion and the Planned Area Development requirements of Sec. [9.5](#), residential density and site disturbance may be transferred from portions of a lot or parcel with a slope greater than 20 percent to an area of less than 20 percent slope. Areas from which density and site disturbance are transferred shall be designated as "natural areas" in accordance with Sec. 6.8.4C, below. Density and site disturbance shall be transferred only on-site, within the boundaries of the subject tract or parcel." This entire section is dedicated to density transfers within a Planned Area Development which further enforces the applicability to the PAD/subdivision process and is not applicable to single-site development.

Section 6.8.5 *Exceptions to Hillside Development Standards* states, "Exceptions to otherwise required minimum Hillside Standards including, but not limited to: maximum site disturbance, clustering, and the provisions outlined in Table 6.8.3 "Hillside Residential Density" relating to minimum lot area, minimum disturbable area, and density transfer options, may be modified and approved by the City Council. If the provisions of this Section (6.8) are in conflict with provisions found in the City's Planned Area Development (PAD) or subdivision Provisions, the provisions herein shall control." As mentioned previously, Section 6.8.3 specifically and continually references Preliminary Plat, PAD subdivisions, final plat, hillside subdivisions and is not applicable to single-site development.

## FINANCIAL IMPACT

There is no fiscal impact associated with this project.

## **RECOMMENDED ACTION**

MOVE to affirm the Community Development Director's Interpretation of LDC Section 6.8

## **ATTACHMENTS**

1. Exhibit 1: APL25-001 Appeal Submittal Narrative
2. Exhibit 2: March 24 2025 Community Development Director Decision Communication
3. Exhibit 3: July 4 2025 Correspondence regarding written interpretation
4. APL25-001 Public Comments
5. APL25-001 BOA Presentation

July 23, 2025

Att: City of Prescott Planning & Zoning Team

Re: Appeal of City of Prescott Administrative Decision made July 4, 2025

Under Sec 9.17 of the City of Prescott Land Development Code, I appeal the formal Code interpretation provided to me on July 4, 2025 via email from Chelsea Walton. On June 13, 2025, I requested a formal determination of whether the property at 500 S Marina Street is subject to Sec 6.8, Hillside development standards. Ms. Walton responded on July 4, 2025 referring me to a previous, informal email dated March 24, 2025. Ms. Walton's determination is that Sec 6.8, Hillside development standards, does not apply to the property at 500 S Marina Street. Further, Ms. Walton's interpretation is that Sec 6.8 applies only to multi-lot subdivision projects. With great respect for Ms. Walton, I do not agree with this interpretation.

### **Applicability**

I have sought legal advice on this applicability. The legal guidance I received is that Sec 6.8 does not include any exceptions (as is explicitly required in the language of the code) and therefore applies to all land development (as is explicitly stated in the language of the code). I believe Sec 6.8 applies to all land development including any development at 500 S Marina Street, and I believe Ms. Walton's interpretation of the code is erroneous as applicability is very clear, requiring explicit exceptions (which do not exist).

Article 6 is very clear about applicability:

#### **Sec. 6.1 / Applicability**

The general development standards of this Article shall be applicable to all site development and subdivisions in the City, except as otherwise specified herein.

Sec 6.8 is also very clear about applicability:

#### **6.8.2 / Applicability**

The regulations of this section shall apply unless otherwise addressed / specified herein.

### **Intent governs ambiguity**

I met with Ms. Walton and Mr. West on March 7, 2025 and informally inquired about the applicability of Sec 6.8 to 500 S Marina Street. At that time, Ms. Walton advised me that the Community Development Team believes Sec 6.8 of the Code is ambiguous and is targeted for future wording changes to clarify. As a result, the Community Development Team sought formal legal advice to interpret the applicability of Sec 6.8 to 500 S Marina Street. I was told by Ms. Walton that the legal guidance received is as aforementioned.

The Arizona Revised Statutes creates a consistent framework—across statutes, cases, and administrative rules—for interpreting municipal powers *in alignment with legislative intent*, especially where language is unclear.

According to the Arizona Revised Statutes, related case law and AG opinions, courts are instructed to interpret all laws—including municipal ones—*with reference to intent* where language is not plain.

Additionally, the Arizona State Bar's "Arizona Land Use Law" publication consistently advises courts to interpret ambiguous municipal code by looking at: wording, context, purpose, and entire scheme—to produce a coherent result that reflects *lawmakers' objectives and intent*.

Ms. Walton has acknowledged that the applicability of Sec 6.8 to 500 S Marina Street is not clear. In this case, lawmaker intent must govern.

The intent of Sec 6.8 is very clear: to maintain the beauty of Prescott's hillsides by balancing thoughtful hillside development rather than destroying hillsides in totality.

### **Sec. 6.8 / Hillside Development Standards**

#### **6.8.1 / Purpose**

Prescott's hills and mesas are valuable scenic resources that should be considered for preservation to the maximum extent possible, while allowing for the development and beneficial use of private property located in and around the hills and mesas. Dominant scenic ridges and mesas should be identified and developed with the goal of maintaining the city's unique visual setting, promoting its economic well being, and encouraging tourism and quality living. Regulating the intensity of development according to the natural characteristics of hillside terrain, such as degree of slope, significant landforms, and slope stability and existing drainage patterns, allows for development in hillside areas while minimizing the physical impacts of such development.

The City of Prescott must consider the legislative intent of our Land Development Code and Sec 6.8 clearly applies to all land development, not just sub-divisions. If the City of Prescott determines that Sec 6.8 only applies to multi-lot subdivision projects, then we have no hillside development standards for most hillside development in Prescott. In this interpretation, the many, active hillside construction projects - happening right now – also do not need to adhere to Sec 6.8, nor do they in the future. This is not the intent of our Code.

Regards,  
Veronica Grace  
536 S Marina Street  
Prescott, AZ 86303  
541 588 0027

Chelsea Walton

---

From: Chelsea Walton  
Sent: Monday, March 24, 2025 3:40 PM  
To: Veronica Grace  
Cc: Darryl Brown; Will West  
Subject: RE: 500 S Marina - Hillside Standards

Hi Veronica,

Thank you for meeting with Will and I regarding your concerns about the apartment project proposed for 500 S Marina Street.

To confirm, the position of the Community Development Department is that Section 6.8 of the Land Development Code (“LDC”) does not apply to this project as the scope does not propose a multi-lot subdivision plat.

Thank you for including your notes below. The opening paragraph of Article 6, Section 6.1 that references ‘all site development’ is followed by ‘except as otherwise specified herein.’ Section 6.8.2 of the LDC then provides the specificity. This applicability section of the Hillside Development Standards is more restrictive by referencing residential land splits and subdivisions. Section 6.8.3 specifically contemplates density transfers and Planned Area Development requirements, both of which have to do with subdivision processes (i.e. creating new lots). The table interpretation in Section 6.8.3.F only provides information applicable to preliminary plat designs (i.e. creating new lots), which is also consistent with the subdivision process.

Additionally, as we evaluate the entirety of Section 6.8, reference is continually made to the subdivision process. Since the project site has been previously divided as part of the Original Townsite of the City of Prescott, the Hillside Development Standards do not apply to this single site development.

Thank you for your patience as we put this information together for you.

**Chelsea Walton**

*Director*

Community Development

201 S. Cortez Street | Prescott, AZ 86303  
Cell: 928-308-9129 | Ph: 928-777-1405 ext. 4950  
[chelsea.walton@prescott-az.gov](mailto:chelsea.walton@prescott-az.gov)

---

From: Veronica Grace <veronicagrace99@gmail.com>  
Sent: Friday, March 7, 2025 10:39 AM  
To: Chelsea Walton <chelsea.walton@prescott-az.gov>  
Cc: Darryl Brown <darryl@2b2d.com>  
Subject: 500 S Marina - Hillside Standards

Hi Chelsea.  
(I'm cc'ing my partner, Darryl Brown.)

Thank you, again, for meeting with me today. As a follow-up, you agreed to provide what is possible regarding the 2024 legal interpretation/ guidance of the Code that determined the Hillside Standards

(Section 6.8) do not apply to the 500 S Marina Street project. As you said, the City has determined that Section 6.8 only applies to new subdivisions, not existing plats, as is the case with this property.

I've again reviewed this section of code, and I believe Section 6.8 does apply. Please see my notes below.

This determination has a great impact on this project and the potential destruction of a hillside which adds value to this neighborhood. Is it possible to revisit this legal guidance?

Regards,  
Veronica Grace  
536 S Marina Street

## Article 6 General Development Standard

### Section 6.1 Applicability

The general development standards of this Article shall be applicable to all site development and subdivisions in the City, except as otherwise specified herein. [SECTION 6 APPLIES TO ALL SITE DEVELOPMENT AND SUBDIVISIONS, NOT "ONLY SUBDIVISIONS." ALSO, THIS SECTION APPLIES UNLESS IT IS EXPLICITLY SPECIFIED OTHERWISE.]

### Section 6.8 Hillside Development Standards

#### Section 6.8.1 Applicability

The regulations of this section shall apply unless otherwise addressed / specified herein.

Notwithstanding these provisions, the City Council has full discretion in which to waive or modify Hillside Development Standards to all proposed residential land splits and subdivisions with slope areas greater than 20 percent, or as otherwise specified herein. Where the standards of this section are in conflict with other provisions of this Code, the more restrictive shall apply. [THIS 2ND SENTENCE ONLY APPLIES TO "RESIDENTIAL LAND SPLITS AND SUBDIVISIONS," BUT THIS DOES NOT NEGATE THE APPLICABILITY TO "ALL SITE DEVELOPMENT" FROM SECTION 6.1. ]

#### Section 6.8.3 A

Maximum site disturbance (disturbable area), as used in this section, shall include all grading for the development of the property but shall not include any public or private street. Disturbable Area includes that portion of a lot or tract approved for grading and grubbing, which shall be indicated as disturbable area envelopes in conjunction with the Preliminary Plat.

#### Section 6.8.3 F

##### F. Table Interpretation

1. For non-PAD preliminary plat designs; [THIS PROJECT IS A NON-PAD PRELIM
2. For Planned Area Development (PAD) preliminary plat designs:

[THE EXCLUSION OF EXISTING "PLAT DESIGNS" DOES NOT NEGATE APPLICABILITY FROM SECTION 6.8. THIS IS NOT EXPLICITLY EXCLUDED PER THE REQUIREMENT OF SECTION 6.1.]

Chelsea Walton

---

From: Chelsea Walton  
Sent: Friday, July 4, 2025 10:37 AM  
To: 'Veronica Grace'  
Subject: RE: 500 S Marina St - Sec 6.8 applicability

Good Afternoon Veronica,

Thank you for your patience. My email provided to you on March 24, 2025 was the official written determination on this matter.

Please let me know if you require a hard copy on City letterhead.

I hope you have a great holiday,

**Chelsea Walton**

*Director*

Community Development

201 N. Montezuma Street | Prescott, AZ 86301  
Cell: 928-308-9129 | Ph: 928-777-1405 ext. 4950  
[chelsea.walton@prescott-az.gov](mailto:chelsea.walton@prescott-az.gov)

---

From: Chelsea Walton  
Sent: Friday, June 20, 2025 4:51 PM  
To: Veronica Grace <veronicagrace99@gmail.com>  
Subject: RE: 500 S Marina St - Sec 6.8 applicability

Good Afternoon Veronica,

Just a quick note to let you know that I am in receipt of your email below and will work to provide you with a written interpretation on or before July 3.

Thank you and I hope you are also enjoying our warmer weather!

**Chelsea Walton**

*Director*

Community Development

201 N. Montezuma Street | Prescott, AZ 86301  
Cell: 928-308-9129 | Ph: 928-777-1405 ext. 4950  
[chelsea.walton@prescott-az.gov](mailto:chelsea.walton@prescott-az.gov)

---

From: Veronica Grace <veronicagrace99@gmail.com>  
Sent: Friday, June 13, 2025 7:33 AM  
To: Chelsea Walton <[chelsea.walton@prescott-az.gov](mailto:chelsea.walton@prescott-az.gov)>  
Subject: 500 S Marina St - Sec 6.8 applicability

Hi Chelsea.

I hope you're well and enjoying the warm weather.

Though we have discussed this informally many times in the past, I would like to formally request an interpretation of Prescott Land Development Code Section 6.8 applicability to the 500 S Marina Street development.

As you know, my interpretation, and that of my legal counsel, is that Section 6.8 applies to the 500 S Marina Street development.

Regards,  
Veronica Grace  
536 S Marina St  
Prescott, AZ 86303

**Alan Sargeant**

██████████  
Prescott, AZ 86303  
████████████████████

**Date:** July 25, 2025

**Prescott Board of Adjustment**

c/o Community Development Department  
City of Prescott  
201 S. Cortez Street  
Prescott, AZ 86303

**Re: Applicability of Section 6.8 – Hillside Development Standards**

Dear Members of the Board,

I write to respectfully urge the Board of Adjustment to affirm the applicability of **Section 6.8 – Hillside Development Standards** of the Prescott Land Development Code to **all hillside development**, not just subdivisions. This section is a vital protection for **Prescott’s residents, natural environment, and long-term resilience**.

---

**Protecting Our Citizens and Our Hillsides**

Prescott is defined by its scenic topography—its granite hills, wooded slopes, and dramatic ridgelines. These landscapes are not just beautiful; they are also fragile. Hillside development, when unregulated or under-regulated, increases risks of:

- **Erosion and sedimentation**, damaging adjacent properties and clogging stormwater systems
- **Slope failure and landslides**, particularly during monsoon events or wildfires
- **Increased stormwater runoff**, which can overwhelm infrastructure and cause flooding
- **Loss of vegetation and wildlife habitat**, degrading the ecological health of our region
- **Visual blight and skyline disruption**, undermining the natural beauty that defines our city's identity and tourism economy

Section 6.8 was created to manage these very risks. To limit its application only to subdivisions is to **deny these protections to the majority of new development** now occurring on individual parcels—precisely where uncoordinated impacts can accumulate rapidly and harm our community.

---

**Section 6.8 Was Designed to Apply Broadly**

Section 6.8 explicitly states:

*"The regulations of this section shall apply unless otherwise addressed/specified herein."*

There is **no language** that limits these rules to subdivisions. In fact, **Section 6.1**, which governs the entire article, reinforces that these development standards apply to "**all site development and subdivisions** in the City."

The clear intent is that **any project disturbing steep slopes—whether a single custom home or a 40-lot subdivision—must follow standards that protect public safety and environmental integrity.**

---

### **Prescott's Hills Are a Shared Resource**

Allowing hillside development to proceed without the safeguards in Section 6.8—simply because it's not part of a subdivision—sets a dangerous precedent. It creates an inconsistent regulatory landscape where large projects are held to high standards, while individual developers can sidestep best practices, engineering oversight, and community accountability.

In the long run, this approach exposes the City to:

- Increased **infrastructure maintenance costs**
- Greater risk of **property damage and liability**
- Accelerated **degradation of viewsheds and property values**

---

### **A Call for Consistency, Responsibility, and Vision**

I urge the Board to affirm that **Section 6.8 applies to all hillside development** in Prescott, not just to subdivisions. Doing so protects the health, safety, and character of our city, ensures fairness in permitting, and honors the intent of the Code as adopted.

Let's ensure that every development—large or small—respects the landscape we all share.

Thank you for your service to the City and for your thoughtful consideration of this critical issue.

Sincerely,  
**Alan Sargeant**  
Prescott Resident

August 28, 2025

Att: City of Prescott Planning & Zoning Team

Re: 500 S Marina St Project Appeal made by Veronica Grace on July 23, 2025

Please include this letter with Veronica Grace's at Board of Adjustments meeting Thursday September 18, 2025.

In addition to Ms. Grace's points, I would like to add the following items for consideration;

## 1. Environmental Protection

- **Preservation of Natural Resources:** The steep slopes and hilly terrain often contain delicate ecosystems, including native vegetation and wildlife habitats. Section 6.8 aims to limit the disturbance of these natural areas, ensuring that development does not lead to habitat loss or soil erosion. By preserving these ecosystems, we maintain the environmental integrity of the area.
- **Water Management:** Hillside areas are prone to water runoff and erosion, which can lead to flooding or damage to infrastructure. By implementing strict development guidelines, this section ensures that development plans incorporate proper drainage systems to manage water flow, reducing risks of erosion and preserving the quality of nearby water sources.

## 2. Safety and Stability

- **Landslide Prevention:** Hillsides are particularly vulnerable to landslides or subsidence when development is not carefully managed. Section 6.8 provides guidelines that require developers to conduct thorough geological studies, ensuring the stability of the land before construction begins. This minimizes the risk of landslides or foundation damage in the future.
- **Emergency Access and Evacuation:** Hillside developments often present challenges in terms of emergency vehicle access, especially in the event of natural disasters like wildfires or floods. This section mandates that roads, driveways, and infrastructure be designed for emergency accessibility, enhancing safety for all residents in the area.

## 3. Aesthetic and Scenic Value

- **Visual Appeal:** Prescott is known for its stunning vistas, and hillside developments can drastically impact the aesthetic value of the area if not carefully controlled. Section 6.8 encourages architectural designs that blend with the natural landscape, maintaining visual harmony and preserving scenic views for residents and visitors alike.
- **Architectural Integrity:** By regulating the height, footprint, and style of buildings, the section ensures that development maintains the character and charm of Prescott's hillside

neighborhoods. Strict guidelines can prevent unsightly developments that clash with the surrounding natural beauty, enhancing both the livability and market value of the area.

#### 4. Long-Term Sustainability

- **Infrastructure Durability:** Developing on steep slopes requires thoughtful planning regarding building materials, structural integrity, and utility infrastructure. Section 6.8 mandates that all new development projects meet high construction standards to ensure buildings are durable and can withstand the unique stresses of a hillside environment.
- **Preserving Property Values:** Strict development guidelines not only help with aesthetics and safety but also protect long-term property values. Well-designed, sustainable developments are less likely to deteriorate over time, preserving the value of both individual properties and the community as a whole.

#### 5. Community Cohesion

- **Neighborhood Integration:** By enforcing standards that ensure that new developments are integrated into the existing community—respecting zoning regulations, setbacks, and the surrounding environment—the section helps avoid haphazard, disjointed development. This fosters a sense of community and cohesion in the area.
- **Responsible Growth:** Section 6.8 encourages responsible development, balancing growth with environmental stewardship and community needs. This creates a model for other regions to follow in terms of developing on sensitive land areas.

#### Conclusion:

Section 6.8 of the Prescott Hillside Development Standards is essential for ensuring that development is safe, sustainable, and respectful of the unique challenges and beauty of the hillside environment. By enforcing these guidelines, Prescott can protect its natural resources, enhance public safety, maintain its aesthetic charm, and promote long-term growth that benefits both current and future residents. These measures ultimately ensure that the hillsides remain a valuable and livable area for generations to come.

Respectfully,

Marti Verrier

████████████████████  
Prescott, AZ 86303  
████████████████████

# APL25-001

## Appeal of an Administrative Code Interpretation Decision

**ALEX BRAMLETTE, PLANNING MANAGER**

September 18<sup>th</sup>, 2025  
Board of Adjustment



# Article 9, Section 9.17 Appeals of Administrative Decisions

- The Board shall hear the appeal in a public hearing. Consideration is limited to the specific interpretation of the Community Development Director.
- After the hearing, the Board shall vote to reverse, affirm wholly or partly, or modify the appealed interpretation. The Board may then provide direction for the appropriate action on the final interpretation.
- In any case, the Board shall only present findings regarding specific errors made in the Community Development Director's interpretation.

## Article 6, Section 6.1 *Applicability*

The general development standards of this Article shall be applicable to all site development and subdivisions in the City, except as otherwise specified herein.

No building permit, certificate of occupancy, site disturbance and grading permit, or final plat shall be approved until all of the applicable standards of this Article 6, General Development Standards, are met.

## Article 6, Section 6.8 *Hillside Development Standards*

## Article 6, Section 6.8.2 *Applicability*

The regulations of this section shall apply unless otherwise addressed / specified herein. Notwithstanding these provisions, the City Council has full discretion in which to waive or modify Hillside Development Standards to all proposed residential land splits and subdivisions with slope areas greater than 20 percent, or as otherwise specified herein. Where the standards of this section are in conflict with other provisions of this Code, the more restrictive shall apply.

## Article 6, Section 6.8.3 *Residential Density Allocation and Maximum Site Disturbance*

For all areas of the lot or parcel with less than a 20 percent slope, 100 percent site disturbance may occur where densities are being transferred from higher slope areas. Development projects proposing such density transfers shall be subject to the Planned Area Development requirements of Sec. 9.5. For slope areas greater (steeper) than 20 percent, the standards of this section shall apply.

Sections 6.8.3.A through 6.8.3.D continue to reference Preliminary Plat, PAD subdivisions, final plats, and hillside subdivisions.

# Article 6, Section 6.8.3.A and 6.8.3.B

**A.** Maximum site disturbance (disturbable area), as used in this section, shall include all grading for the development of the property but shall not include any public or private street. Disturbable Area includes that portion of a lot or tract approved for grading and grubbing, which shall be indicated as disturbable area envelopes in conjunction with the Preliminary Plat.

**B.** Encroachments into sloped areas may be approved by the City Council for PAD subdivisions using the density transfer option where doing so helps achieve an efficient subdivision layout that works with the terrain. Such encroachments shall be limited to maximum disturbable areas, as specified for each slope category detailed in Table 6.8.3, except the maximum disturbable area provision shall not be applicable to a clustered unit development proposal located within a steep slope category greater than 20% but less than or equal to 25% in instances where it can be clearly demonstrated that such clustering would result in a more efficient use of land, create smaller networks of utilities, streets, and driveways, and overall reduced hillside scarring. The following criteria shall be utilized in determining the adequacy of a clustered development proposal:

# Article 6, Section 6.8.3.C and 6.8.3.D

**C.** Additionally, remediation of resulting disturbed ground shall be a requirement of **final plat** approval and noted for the related disturbable area envelopes. **Subdivisions** approved for this additional site disturbance allowance may only gain an increase beyond what was approved at **final plat** by a revised approval of the Planning and Zoning Commission.

**D.** For approved **Hillside Subdivisions** which were not approved with minor encroachments per Section 6.8.3.B, a maximum of 10 percent increase in maximum site disturbance shall be allowed for the construction of a driveway subject to approval of an Administrative Adjustment by the Community Development Director pursuant to the requirements of Sec. 9.516, Administrative Adjustments. Notwithstanding other provisions to the contrary, any increase in excess of 10 percent shall be subject to Planning and Zoning Commission approval and to additional mitigation requirements as necessary to reduce the potential for erosion and slope scarring.

# Article 6, Section 6.8.3.E Density and maximum site disturbance shall be determined in accordance with the following table:

<b>HILLSIDE RESIDENTIAL DENSITY</b>			
<b>Steep Slope Categories</b>	<b>Maximum Disturbable Area*</b>	<b>Minimum Lot Area</b>	<b>Density Transfer Option (Bonus) - Adds To Base Density Of Underlying Zone On Slopes 0% To 20%</b>
0% to 20% (Base Density)	Per Underlying Zoning	Per Underlying Zoning (Base Density)	Receiving Area For Density Transfers
>20% to 30%	30%	½ acre (21,780 sf)	2.5 DU per AC
>30% to 40%	15%	2 acres	1 DU per one AC
>40%	10%	3 acres	1 DU per one AC

\* "disturbable area" shall be defined as "all grading for the development of a property except any public or private street," (Sec. 6.8.3A).

# Article 6, Section 6.8.3.F *Table Interpretation*

## 1. For non-PAD preliminary plat designs;

- a.** In instances where a proposed lot is located in a steep slope category greater than 20%, and the disturbable area\* within such lot would exceed the allowable percentage referenced in the “Maximum Disturbable Area” column in Table 6.8.3 (herein referred to as “Table”), then such lot shall either be reconfigured so as to not exceed the maximum disturbable percentage identified in said Table, or, reconfigured to conform to the lot size identified in the “Minimum Lot Area” column referenced in said “Table.”
- b.** In instances where the disturbable area of a proposed lot contains a combination or mixture of slope categories greater than 20%, as listed in the Table column heading “Steep Slope Categories”, the calculation for determining “Minimum Lot Area” shall be based upon the slope category occupying the largest portion of the proposed disturbable area.

## 2. For Planned Area Development (PAD) preliminary plat designs:

- a.** In instances where proposed lot contains a slope category or mixture of slope categories 20% or greater as listed in Table 6.8.3 (herein referred to a “Table”), under the column heading “Steep Slope Categories”, the maximum disturbable area for each slope category shall be limited to those percentages listed in said Table under the column heading “Maximum Disturbable Area” and shall apply to any/all disturbable areas of an affected lot.
- b.** The “Minimum Lot Area” provisions listed in the Table shall not apply to PAD designations; however, lot design shall be limited by the maximum disturbable area percentages listed in the Table for the respective steep slope category. Increasing the overall area of a proposed lot may be necessary to compensate for the size of the proposed disturbable area envelope to ensure that the maximum allowable percentages of disturbable area are not exceeded for each steep slope category that may be present.

# Article 6, Section 6.8.4 *Residential Density and Site Disturbance Transfer*

## Preamble:

Subject to Council's sole discretion and the Planned Area Development requirements of Sec. 9.5, residential density and site disturbance may be transferred from portions of a lot or parcel with a slope greater than 20 percent to an area of less than 20 percent slope. Areas from which density and site disturbance are transferred shall be designated as "natural areas" in accordance with Sec. 6.8.4C, below. Density and site disturbance shall be transferred only on-site, within the boundaries of the subject tract or parcel.

# Article 6, Section 6.8.5 *Exceptions to Hillside Development Standards*

Exceptions to otherwise required minimum Hillside Standards including, but not limited to: maximum site disturbance, clustering, and the provisions outlined in Table 6.8.3 “Hillside Residential Density” relating to minimum lot area, minimum disturbable area, and density transfer options, may be modified and approved by the City Council. If the provisions of this Section (6.8) are in conflict with provisions found in the City’s Planned Area Development (PAD) or subdivision Provisions, the provisions herein shall control.

## *Recommended Action*

**MOVE to affirm the Community  
Development Director's  
Interpretation of the LDC Section  
6.8 Hillside Development Standards**

*Questions or Comments?*

