

DRAFT

MINUTES OF THE SPECIAL MEETING TOWN COUNCIL AD HOC UDO UPDATE SUBCOMMITTEE TOWN OF CHINO VALLEY

WEDNESDAY, JANUARY 15, 2020
3:30 P.M.

The Town Council Ad Hoc UDO Update Subcommittee of the Town of Chino Valley convened for a special meeting in the Council Chambers Conference Room, located at 202 N. State Route 89, Chino Valley, Arizona.

1) **CALL TO ORDER**

2) **ROLL CALL**

Present: Lon Turner, Chair; Cloyce Kelly, Councilmember; Corey Mendoza, Councilmember
Staff Present: Joshua Cook, Development Services Director

3) **APPROVAL OF MINUTES**

- a) Consideration and possible action to approve September 25, 2019, minutes.

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Cloyce Kelly to approve the September 25, 2019, meeting minutes.

AYE: Chair Lon Turner, Councilmember Cloyce Kelly, Councilmember Corey Mendoza
3 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve August 14, 2019, minutes.

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Cloyce Kelly to approve the August 14, 2019, meeting minutes.

AYE: Chair Lon Turner, Councilmember Cloyce Kelly, Councilmember Corey Mendoza
3 - 0 PASSED - Unanimously

4) **OLD BUSINESS**

Mr. Cook stated there was not any old business, but that the Temporary Sign Ordinance had been unanimously approved by the Planning & Zoning Commission and was being brought to the Council for consideration.

5) **NEW BUSINESS**

a) Discussion regarding subdivision regulations section 5.

Mr. Cook and Committee Members discussed and reviewed the following:

- Committee members asked for staff to review the objective of the rewrite of the Unified Development Code (UDO) rewrite. The Committee discussed that the purpose was to address the things that staff and code enforcement had problems implementing and address the issues before it became a larger issue. Some of those issues had already been resolved. A previous staff member thought the entire code needed to be rewritten. Mr. Cook explained that when he was hired, one of the main tasks given was rewriting the entire UDO, not just problem sections. The code was last adopted in 2006. Clarity was the most important element of the code. He explained that long paragraphs of texts caused confusion, so his goal was to simplify the sentences, organize the information so that it was easier to follow, clarify the inconsistencies and add any additional provisions as necessary. Mr. Cook thought subdivisions was a good place to start the revisions, so he wanted to start with chapter five instead of chapter one but that could be modified. The Committee agreed that there were more issues with chapter five and it was a good way to start.
- The committee would be reviewing the first half of chapter five, which covered the purpose, intent, authority and administration of the subdivision regulations. It also addressed the platting requirements.
- The platting section was one of the sections that was causing confusion. The developers planning subdivisions had confusion with the necessary submittals after receiving their preliminary plat approval. The preliminary plat approval was only a 20% finished plat and was conceptual in nature. The clarity of the current code did not provide sufficient information on the process for the developers.
- The Committee reviewed the platting process and requirements.
- Developers were not confused after the pre-application conference. The confusion occurred during the technical review, which included the civil drawings. The technical review brought the plat plans to 100%. Commissioners said that the process was the same as it had been in the past. Staff explained that the technical review was not addressed in the code except within the Subdivision regulations and staff referred to it as a site plan review. Subdivision developers currently went through a preliminary plat process and then should go through a technical review process, but instead they wanted to file for a final plat.
- Staff explained to individuals who were coming in for a final plat that the final plat could be filed but that the technical review documents also needed to be submitted and must be signed off by the public works director and the zoning administrator. The civil plans included drainage, water and sewer connections, assured water supply certification, and 100% complete civil drawings matching the final plat.
- The goal was to clarify the process and require specific items before being reviewed by the Planning Commission and Council. The checklist review needed to match the code requirements because that what was adopted by Council. Permit applications needed to match what was in the code.
- The intent paragraph was convoluted and confusing and difficult to understand. Staff pulled out each individual statement and created a bulleted list, which focused each sentence on each specific requirement.
- Committee members pointed out that some bulleted items were not in the original intent. Staff explained that although it was not in the original intent, he thought that providing adequate sites for schools with a large subdivision was important. The population statistics would allow staff to contact schools to ensure they had the capacity to adequately serve the increased population. It allowed the Town to negotiate with developers through a Planned Area Development (PAD) for possible donated land for a future school or open space. Committee members had an issue with this because it was what staff thought should be there versus what was actually there.

There were concerns that the intention would be unclear in the future and that the intentions also needed to be clear when presenting it to the Council. To provide clarification on the additions and deletions, Committee members wanted staff to highlight all the changes made to the code to clearly identify the differences.

- Committee members did like the way staff had separated the requirements into bulleted points.
- Tech review was adopted and used throughout the code. Staff was currently updating all the applications to ensure they matched the code. The applications would be based on the current adopted code and as the code was changed, the applications would be updated to mirror the new changes.
- Staff explained that sections of the code had been deleted due to redundancy and inserted information regarding when platting or division was required. Applicability and plat amendment information was also added. The information was pulled from paragraph form and highlighted through bulleted points.
- Clarity was added to the submittal requirements.
- Committee members thought the staff revisions for section five made sense.
- There was nothing in the preliminary plat that allowed it to be renewed. The code currently only allowed one year for completion of the final plat, and extensions for preliminary plat were at the end of the code section for preliminary plat review and approval. Staff explained the extension language should have a separate section. The technical review was added to the final plat review. Time approval and extension, allowing for a one-year extension, was added to the section where technical review was previously located.
- Committee members questioned if a preliminary plat expired, and the property had been rezoned, if the zoning would revert back to the original zoning. Staff explained that zoning never reverted back to the previous zoning unless a rezone was based on specific Council conditions. If those conditions were not met by the land owner, the Council could choose to revert the zoning to the previous zone. That was the only way to revert back to the previous zoning. Staff reviewed specific cases. Rezoning could be done without a plat and only required a conceptual master plan.
- Members discussed condition restrictions and flexibility on PAD and certain hard zones. The PAD allowed Council more flexibility in attaching conditions, but the developers would ask for something in return such as more density or setback leniency. PAD's were the only rezoning process that allowed additional conditions.
- Committee members questioned if bonds were required for projects. Staff explained that bonds and assurances should have always been required for projects because it had always been part of the code. The bonds should be obtained upfront before Town approval. Town needed to start enforcing what was in place and get rid of the inconsistencies.
- Surveyed lots and land needed to be staked within the six-month timeframe if the developer wanted to start platting or recording the property. The time frame allowed the Town to demonstrate that a developer had not performed and allowed for the plat to be reverted. The survey data for the subdivision was not official until it was recorded. This process was part of the final plat approval.
- Committee members questioned why plants or live vegetation was prohibited in drainage ditch areas. Some communities used drainage ditch areas as parks and the Town's code prevented that from happening. Staff explained that requirement had been part of the code, and he would have to talk to the Public Works staff as to why the requirement existed. Staff did not think the code was referring to retention ponds, but instead to retention easements that allowed the flow through a property, which needed to be kept clear by the property owners.
- Staff added that surrounding property zones needed to be recorded on the plats because the zoning map was not very accurate in some areas. If a plat showed the surrounding zoning on that date, staff could go back and conduct zoning history searches a lot easier.
- Committee members questioned if it was necessary to have an appeals process. Staff explained that anyone could file an appeal. For an appeal on an administrative action, staff would write an

interpretation based on the code and that could be appealed. This was covered in Chapter One of the UDO code.

- The definition of a minor subdivision was already in the code in the definitions section. There were three definitions of subdivisions: subdivision, major subdivision and minor subdivision. The definition used the language of the State of Arizona. The definition difference between major subdivision and minor subdivision was based on the number of units created. A major subdivision was more than 10-lots or two lots or more if new streets were created. A minor subdivision was four to ten units except two or more if a new street was created. The committee discussed the requirements for the creation of a street for accessing a subdivided lot. Staff discussed current lot split issues within Town. Staff explained that when dividing land and creating a street, State statute required the subdivision process. The minor and major subdivision platting process did not differ. The submissions were the same, both were required to go to Planning Commission and Council for approval, and the development standards were the same. Staff was proposing that lesser standards for a minor subdivision be built in the code. The Town could be held liable if State Statues were ignored.
- Committee members agreed that if a subdivision was on Town utilities or on private septic and well, the subdivision process needed to be followed properly.
- Committee members liked what staff had completed.
- The next Committee meeting was set for one month away on the criteria for street design, locations, definitions, drainage and arrangements

6) ADJOURNMENT

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Cloyce Kelly

AYE: Chair Lon Turner, Councilmember Cloyce Kelly, Councilmember Corey Mendoza

3 - 0 PASSED - Unanimously

Submitted: January 30, 2020.

By: *Erin Deskins, Deputy Town Clerk*

Approved: _____, 2020.