

DRAFT

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

WEDNESDAY, FEBRUARY 26, 2020
3:30 P.M.

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

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

1) **CALL TO ORDER**

Chair Turner called the meeting to order at 3.31 p.m.

2) **ROLL CALL**

3) **APPROVAL OF MINUTES**

- a) Consideration and possible action to approve the January 29, 2020, regular meeting minutes.

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to approve the January 29, 2020, regular meeting minutes.

AYE: Chair Lon Turner, Councilmember Corey Mendoza
2 - 0 PASSED - Unanimously

4) **OLD BUSINESS**

- a) Continuing discussion regarding subdivision regulations.

Staff, Committee Members, and members of the public discussed and reviewed the following:

Members of the Public:

- Jay Bates
- Keith Bunton
- Troy Koski
- Donny Roskopf

Staff reviewed the subdivision regulations table for street design and had developed a table for lot splits versus subdivisions. It broke down the number of lots created and the infrastructure that should be required for minor subdivisions.

Street Design Table Sections (classifications of streets):

Staff explained how the classifications of streets affected the street development requirements.

- Principle arterial (Hwy 89)
 - Discussed the current 100 foot rights-of-way requirements being unnecessary and how the road requirements could be restructured to fit the Town needs. Property owners should not be required to dedicate rights-of-way the Town would never need. Staff believed the needs of the Town could be accomplished through 80 feet of rights-of-way.
 - Members of the public questioned why the Town took the 50 feet if it was not needed and staff explained it was because it was mandated by ordinance that was approved by the Council. The current UDO process was to update the standards by modifying the ordinance that would be reviewed, modified and approved or not, by the Council. Staff could not change regulations on the fly because it would be arbitrary and capricious.
 - Staff having issues with Town code that did not always align with UDO regulations initiated the UDO rewrite. To rewrite the whole UDO code, it would take up to two years, so staff brought forward the most problematic sections to address first.
- Minor arterial and collectors
 - Staff recommended changing minor arterial to urban arterial, then add in a rural arterial and make that the same as collector roads.
 - Definitions for rural and urban arterial would be created.
 - Rural arterial/collector – staff thought there should be a paved 6 foot shoulder instead of a ribbon curb.
 - Rural arterial/collector: Instead of a 28 foot width of pavement, staff was recommending 24 foot width of pavement with a 6 foot shoulder.
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- Residential one dwelling per acre or greater
 - Staff recommended modifying the language to add SR0.16 because it was the only zone the Town had less than SR1.
 - The lots splits would be based on the zoning of the property instead of a general statement, lessening any confusion or ambiguity from using a general statement.
 - The standards would be created that best fit the type of zoning for the Town.
 - Easements were supposed to be counted towards the total lot footage, so by using zoning instead of the lot size, it would help to make it clear what standards needed to be used.
 - Members of the public stated that using zoning wasn't clear enough. Staff explained how it simplified the process.
 - SR0.16 dealt with lots that were larger than 7,000 square feet but smaller than an acre.
 - SR0.16: Staff was recommending a five foot minimum sidewalk instead of a four-foot, which was not ADA approved. With a four foot sidewalk, there needed to be a passing lane or a bump out every 150 feet. Staff questioned if the Town really wanted sidewalks

or if it wanted to maintain a more rural feel. Committee members thought with a higher density, sidewalks were appropriate and the cost would be shared with the property owners but with larger sized properties, the cost to the property owners was not economical.

- The 50 foot rights-of-way and the 24 foot pavement did not accommodate on street parking. If on street parking is allowed, the rights-of-way would need to be widened. Most roads that had parking on either side were 40 foot roads. The problem with wide roads was that it was more pavement for the Town to maintain. The general code needed to be written to cover all properties without a PAD overly within the SR0.16 zone. The code could have a note that stated subdivisions that planned to have on-street parking had to have a certain required width but developments with no on-street parking allowances would only need a 50 foot road. The developer could then decide how they wanted to handle it. This would be enforced by the HOA, not the Town.
- Residential less than one dwelling per acre
 - Staff recommended modifying to add SR1, SR1.6, 2, 2.54, 5 and 36.
 - SR1 was large lots and staff thought it should fall under a rural category.
 - Staff recommended a minimum roadway of 20-24 feet and a four to six foot shoulder. The total width of a right-of-way needed to be 50 feet. The improvement width for a lot split of two to three lots was 20 feet with 6-inch subgrade and base with double chip, no edge improvements; for an additional four to six lot split or minor subdivision, the minimum requirements would be the same. If the subdivision was increased to over 6 and up to 10 lots, the width needed to be widened to 24 feet with six-inch subgrade and base and 1.5 inches of asphalt on top of a double chip. The level of improvements got closer to a street standard where the Town would accept it as a dedicated right-of-way. No curb, gutter or sidewalks would be required, but a ribbon or thickened edge would be required. The Committee discussed the benefits of having ribbon curbs or a thickened edge to protect the edges of the road.
 - Members of the public questioned the cost of requiring chip seal on lot split into two lots and thought the two inches of base would be enough. The committee explained that was the current dilemma and current code determined the road requirements by the amount of property frontage on the drive. Staff explained that several requirements had to be followed: the division of real estate, the Arizona State Statutes and the Town's UDO, which mirrored State requirements. State statutes considered four lots or more to be a subdivision or two lots with a street was determined to be a subdivision. The lot splits were not specific to owner.
 - A flag lot was not required to have a road because a flag lot was private property, but the flag lot length was limited to 330 feet and the created lot could not exceed a three to one ratio, not including the flag lot portion. A flag lot was private property and an easement was a road, but a flag lot had to have 100 feet of road frontage. If it was less than that and the lots were split, a road would be required. There were several nonconforming flag lots in Town. The Committee further discussed flag lot requirements.
 - The County had different regulations and was under Title 11 of the State Statutes whereas towns and cities were under Title 9.
 - Staff's recommendations for lot split roads had fewer requirements than the current code.
 - There were 30 miles of gravel road in Town, and it was dusty and hard to maintain.
 - It was possible for a property that was split and required to have an improved road be next to property that had not been split and still have dirt roads.
 - Costs of chip seal and asphalt were discussed.
- Commercial
- Industrial

- Committee members asked members of the public to take notes on the meeting discussion and give any questions or comments to the Roads and Streets Committee or the Public Works Director, and they would be taken into consideration, and they should continue coming to the meetings.
- Staff made recommendations, based on their expertise, to the Council, but the Council also considered comments from the public and developers. Once the Council set the policy, whatever it was, staff would follow it.
- Members of the public stated there needed to be more communication between citizens, the county and the Town because they could no longer do what they were allowed to do in the past. Committee members explained the things that the Town had been doing for years had not followed code. The Town started getting complaints and problems that needed to be addressed.
- Committee members discussed whether it was fair to make a property owner develop a road-based on subdivisions that could happen in the future or if it was fair to the make a property owner further improve an existing road if they decided to subdivide a fourth lot. Staff explained that when the lot was sold, the cost could be passed down the buyer.
- The graduating scale concept was so that someone was not priced out of the market.
- Staff explained that Development Services determined the definition of a street from a land use perspective, but improvement standards for the street was from public works and it was up to the Town to decide the improvement standards. The State dictated when something became a subdivision, the definition of a street, but they left the design and improvements to the towns. If the Council decided that they did not want any improvement requirements for streets and adopted those regulations, then staff would follow those regulations.
- Fire services should be considered when making any decisions on roads.
- Staff recommended the chip seal to help eliminate dust. It would seal the base layer.
- There was a problem with subdivision easements and infrastructure improvements in Town.
- The Committee discussed subdivision areas and subdivision road expansions. Staff explained that if the Town enforced the existing definition of subdivisions, there would be a lot of smaller subdivisions. There was currently an issue with serial splits and no infrastructure was going in and the Town was getting more complaints.
- If the Town lowered the standards for a five lot subdivision, it may deter smaller serial subdivisions. A minor subdivision could be administrative only and go through the proper Town departments for approval. Staff would check to see if it was legal to have administrative plats. The preliminary might be able to be administrative but staff was unsure about the final plat.
- Staff explained that engineering requirements were necessary for pavement with 50-400 trips per day.
- Staff thought drainage was always necessary but nothing was being designed currently. Easements should be placed based on drainage and engineering. The Town could require the phase one County drainage study for lot splits. The County drainage guide was well vetted and used statewide. People buying lots needed to be sure that what they were purchasing was safe and buildable.
- Another issue with serial subdivisions was the certificate of assured water supply, which was required by ADWR with six or more lots.
- The subdivision requirement information and cost needed to get out to the public.
- The Committee Members wanted to discuss the subject and information again at the next scheduled meeting.
- Staff also had a draft of the engineering grading standards ready for committee review. Staff would present it to the Committee with the drainage standards.

5) NEW BUSINESS

- a) Consideration and discussion regarding:
- Agritainment
 - Agribusiness
 - Agritourism

The Committee postponed the item to be heard at a special meeting within two weeks.

- b) Consideration and discussion regarding connex boxes.

Staff and Committee Members discussed the following:

- In 2006 a policy was put together for Conex boxes, which allowed one per residential lot and then it was modified at a later date.
- The issue was a policy that was created outside the code and it was a bad policy.
- There was currently nothing in the code that allowed a Conex box to be used as a storage building because it was not technically a building or structure.
- Staff was requiring a conditional use permit, which was the only thing they had to use to address the Conex's. The boxes were not listed in the code; therefore, they were prohibited.
- The Committee discussed certain zones where a Conex might be useful, such as commercial or a Conex could be allowed and be directly related to the amount of the square footage of the building.
- There were currently several issues of Conex box use that needed to be addressed. Staff wanted to hold everyone to the same standard. Some current users would be grandfathered.

Committee members discussed allowing the Conex's in zoning of SR1 or greater with a one acre minimum and commercial zoning based on the square footage or percentage of the building size. The box should be painted to match the main building or home on the lot. Ventilation should be allowed but no electricity should be allowed.

- c) Consideration and discussion regarding record of surveys and lot splits.

Staff, Committee Members, and members of the public discussed and reviewed the following:

- Staff had worked with the Town Attorney and had decided to start having a statement placed on the record of survey stating "*Any future division of this land will constitute a subdivision.*" This would alert buyers that there would be additional requirements if the land was further split.

Each individual property owner was not guaranteed or allowed three lot splits each. It was the collective splits that ultimately determined a subdivision. Members of the public disagreed with the staff's interpretation of the regulations.

- d) Consideration and discussion regarding subdivision improvements.

This item to be discussed at a future meeting.

6) **ADJOURNMENT**

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to adjourn the meeting at 5:18 p.m.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

2 - 0 PASSED - Unanimously

Submitted: March 12, 2020.

By: *Erin Deskins, Deputy Town Clerk*

Approved: _____, 2020.