

DRAFT

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

WEDNESDAY, MAY 13, 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.

Present: Lon Turner, Chair; Corey Mendoza, Councilmember

Absent: Cloyce Kelly, Councilmember

Staff Andrew McGuire (remotely), Town Attorney; Joshua Cook, Development Services

Present: Director; Frank Marbury, Public Works Director/Town Engineer

1) CALL TO ORDER

Chair Turner called the meeting to order at 3:51 p.m.

2) ROLL CALL

3) APPROVAL OF MINUTES

- a) Consideration and possible action to approve the February 26, 2020, regular meeting minutes.

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to approve the February 26, 2020, regular meeting minutes.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

2 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the March 11, 2020, special meeting minutes.

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to approve the March 11, 2020, special meeting minutes.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

2 - 0 PASSED - Unanimously

- 4) **OLD BUSINESS**
- 5) **NEW BUSINESS**

- a) Consideration and discussion regarding subdivision regulations.

Staff and Committee Members discussed and reviewed the following:

- Staff and the Committee had been unable to meet for the last couple of months due to the pandemic.
- Staff had created a draft of Chapter Five regarding subdivision regulations as well as some proposals for the chapter.
- Legal Counsel had reviewed the chapter and proposed changes and there were questions that Council needed to provide the appropriate direction to finalize the draft version. The Committee would review the draft once it was updated with Council direction, after which the draft would be sent to the Planning and Zoning Commission and Council Study Session.

The Town Attorney discussed and reviewed the following:

Rural Subdivisions:

- What defines a rural subdivision, what it looks like, and what it does or does not have.
- For small subdivisions of less than ten lots, State Statutes provisions allowed the Council to designate a size of lot for which those regulations would apply. Council could also waive requirements or standards based upon the impact of the subdivision on the community. Dust control and drainage improvements could not be waived.
- Depending on the subdivision and the location, things like drainage requirements could be at a lesser standard than those of a regular subdivision. Council needed to make a decision on the direction they wanted to take.
- Street improvement requirements of curb, gutter and sidewalks could be expensive for a rural subdivision. There needed to be a decision from Council on what they wanted to require for small subdivisions.
- Rural subdivisions could be tied to a zoning category so that when Council made a legislative decision to grant a rezone to one acre, it would be understood they were allowing for lesser improvement standards. It would allow the Council to consider if a property was truly rural or not.

Staff, Town Attorney and Committee Members discussed and reviewed the following:

- Committee Members were glad the drainage issues would be addressed and thought drainage issues were more important than the roads.
- They did not want to create a rural subdivision standard that could be used on any one-acre lot because the higher standard of development would never be used. The Town needed to determine what constituted a rural subdivision. Once it was determined, the appropriate areas for the classification could be determined.
- The General Plan's weakness was that it lumped all residential lots together into medium density, which gave the Town no policy direction for the staff as to what should be a higher or lower density residential category. The General Plan may need to be updated so that Council could give direction as to where the lower density rural areas were located.
- Within the Town, the Town itself controlled and governed the subdivisions and had the authority over the statutes. The Department of Real Estate dealt with the real estate transaction and the actions of the people who were doing things and the County had their own regulations for subdivisions. The Town had the obligation and the authority to regulate subdivisions within its boundaries. These were not interrelated powers, but were discrete and separate powers.
- Land splits were interrelated to subdivisions because often times a proposed land split was

actually a subdivision. Staff questioned if Council also wanted to consider minimum infrastructure standards to lot splits as well as subdivisions. Arizona State Statutes (ARS) gave the Town jurisdiction over all land divisions within their corporate boundaries. There were definitions within ARS regarding what constituted a subdivision and the Town was required to follow that because the Town's Unified Development Ordinance mirrored those definitions.

- ARS 463.01U stated: for any subdivision that consisted of ten or fewer lots, tracts or parcels each of which was a size as prescribed by legislative body, the legislative body may expedite the processing or waive the requirement to prepare, submit, and receive approval of a preliminary plat as conditioned precedent to submitting a final plat and may waive or reduce infrastructure standards or requirements proportional to the impact of the subdivision. Requirements for dust control, access and drainage improvements shall not be waived.
- The Town was allowed to waive the level of infrastructure the minor subdivisions were allowed to do, but could not waive anything related to dust control or drainage improvements that should be required from the subdivision.
- Any requirements adopted by the Town had to be applied uniformly, and they could not pick and choose which developments had to follow regulations. But the Town could require small subdivisions of ten or fewer lots to follow lesser standards. Council had to uniformly follow subdivision requirements but had the authority to legislatively approve or deny zoning on a case by case basis.
- The committee understood that as soon as a road was created with a land split of two or more, it was a subdivision. In terms of a lot split, the lot could not be more than three times longer than it was wide and every lot was required to have the minimum required frontage that was specified within each zoning district. SR1 had the requirement of 100 feet of frontage and without that requirement being met, the subdivision request would be denied.
- The Committee and staff discussed what the minimum requirement the Town could require for a dust free road. Who the owner would be for a subdivision road was discussed, and the owner would be dependent on how the subdivision was setup. It could be designed and defined per Town standards to be a public right of way, it could be declared a private street, or it could be an easement for public vehicular access.
- Staff explained that the County subdivisions roads followed Title 11 that only required a statement from an engineer or surveyor stating that the vehicle passage way was passable by a two-wheel drive vehicle. The dust control requirement stated that the Town standards for dust control would be consistent across all subdivisions. The Town did not have a specific requirement for dust free surfaces. It would be up to the Council to determine what, if any, standards they wanted to regulate air quality for the Town. Historically the dust control regulations for the Town prior to the UDO had required minimum constructions standards of a single chip seal layer to be dust free. The UDO had expanded it to a double chip. Staff reviewed the Phoenix dust free road requirements, which could be used as a guideline for the Town.
- Committee members did not like a road requirement standard for private citizens that the Town itself did not follow. The Town had nearly 30 miles of road that did not have any hard type of bituminous surface. The Committee discussed a minimum of a four-inch AB surface for road surface to address the dust free surface requirement and properly applied drainage requirements accompanied by a report.
- The Committee discussed how to enforce the requirements. Staff stated something would have to be attached to the deed specifying the roads were not Town maintained and if it was a private road, the owners were on their own. No matter the graduating scale, until the road was brought up to Town standards and accepted by the Town as their road, it would be the property owner's responsibility to maintain the road.
- The graduating scale was based on the current property numbers. Any future owners that divided their property into more lots would be required to meet any minimum road standards. The road could be developed so that it was added onto as new lots were added.

- The Committee discussed how the Town could implement regulations for any subdivision as it grew in lot size. With each incremental growth, the standards for that total number of lots would require more stringent road standards that the new sub-divider would need to follow. The Committee discussed keeping the road dirt regardless of growth. The goal was to mitigate future problems. The road would have to go further than the edge of the property to meet minimum standards. Staff raised a concern about connectivity of roads if several small subdivisions end in cul-de-sacs.
- The Committee discussed a ten-year parent parcel split requirement, that could slow down growth. If someone wanted to divide sooner, they would need to meet a set of requirements. Staff would put together a breakdown with the number of lots and the road improvement requirements attached to those numbers. Staff recommended having some sort of bituminous treatment over the roads no matter what and it would be taking a step backwards by allowing more gravel roads.
- Staff recommended having the scale be based on the number of lots served as opposed to a scale based on zoning unless there was a new zoning created with an R category for rural (example SR1-R) and the reduced infrastructure would be used.
- Staff questioned legal counsel if there was any liability to the Town for graduated standards. It was explained that the Town standards would have to be clear and the Town could make a good argument for those requirements. Property dividers that had to increase the level of the road surface because of their split were benefiting because of the prior work done.
- The Committee spoke about past lot subdivisions and how they were or should have been handled and how having a Rural zoning category would have changed how the road system was developed.
- A building permit would not be issued for any property until the infrastructure was put in.
- Staff discussed half street improvements and when it was required on arterial and collector streets. If it was a requirement for local streets, staff recommended it be changed to half plus eight feet, which would give a 20' roadway.
- For subdivisions that did not have the right drainage, would have to go back and fix the drainage issues, or they would not be able to build.
- Council needed to define a town standard for road developments that would be acceptable for the Town to take possession. The Committee discussed that when a road would be a future collector, the road would need to be brought up to Town standards.
- There were questions and concerns about the cost of the upgrade someone would have to do for only adding a couple lots but crossed a threshold and had to pave an entire road. There were also concerns raised about the upkeep of a private road.
- It was questioned if a secondary requirement could be implemented that required the original lot splitter to do the road if their lots had the capability of being split many times over. But if a person with a smaller lot that had property that could not be further split would be under the lesser scale of requirements. Legal counsel stated that it had to be a default that there would be a minimum that would be accepted and the exception was a parcel that showed there could never be more than ten lots capable of being off the road. This would give the fairness component. The zoning administrator would make the decision based on the parent parcel size and location.
- It was asked if the Town could consider variables such as larger lots with the intent of being horse property that did not want to have sidewalks. Other zoning requirements would still make it a nice subdivision, but the lack of sidewalk allowed for riding horses. This allowance would fall under the Rural zoning subdivision.
- The Town had its road standards and if anyone wanted to do anything different on anything less than ten lots, it would go to zoning.
- If someone had a lot that they wanted to split into three lots but the lots already had the required minimum road frontage, there would not be any issues with road upgrades and approval.

- Staff would put together draft language completed based on the discussion to be reviewed by the Committee at the next meeting. The ten-year parent parcel language would be worked into the Town's standards and the real estate statutes used as a guide for the local regulations.
- Staff over viewed how a lot split would be handled in house.

6) ADJOURNMENT

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to adjourn the meeting at 5:49 p.m.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

2 - 0 PASSED - Unanimously

Submitted: May 21, 2020.

By: *Erin Deskins, Deputy Town Clerk*

Approved: MONTH DAY, 2020.