

# **DRAFT**

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

**WEDNESDAY, JUNE 17, 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 Present: Joshua Cook, Development Services Director

**1) CALL TO ORDER**

Chair Turner called the meeting to order at 3:40 p.m.

**2) ROLL CALL**

**3) APPROVAL OF MINUTES**

- a) Consideration and possible action to approve the May 13, 2020, special meeting minutes.

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to approve the May 13, 2020, special meeting minutes.

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

**4) OLD BUSINESS**

- a) Consideration and discussion regarding Subdivision Regulations.

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

- Changes to the regulations: Blue was added language, red were deleted parts and green were parts that had been relocated to another section.
- Section 5.1 Title Authority and Jurisdiction had not had significant changes.
- Staff explained that in their initial report to the Council, they had explained the plan was to adopt new subdivision regulations or a rewrite of the existing regulations in its entirety so it would not be piece milled together.
- Staff was still enforcing what was currently in the code as written. The subdivision definition was what was defined in Title 9:463 and was included in the UDO definitions, but it had not previously been followed.
- Subheadings were included to help amplify the requirements for land splits not requiring a subdivision, one of which was the lot frontage requirement not previously included in this section of the code. It was now being formalized in Section 5.2.6.

Section 5.1 Intent (D):

- It was a new addition and Committee Members were concerned with the reference in Item D and Item F to the open space and bicycles because it could become a requirement for bicycle lanes and open space. Staff explained the code already required some open space for subdivisions, multifamily, and commercial areas. The intent statements would be considerations when reviewing development plans. The original intent section was one long paragraph that wasn't broken down.
- The Town Attorney explained that Section 5.1.5 also had general purpose and intent statements in large paragraph form, and information from both sections had been moved to the new list form under Section 5.1. Some statements had been tweaked to fall in line with the General Plan requirements. By State Law, all building and development in Town had to be according to the General Plan, and the General Plan was required to have a circulation element that included all the things in section 5.1.

Section 5.1.6 Platting or Division Required:

- This was a new section.
- Defined when a platting or division was required.

Section 5.1.7 Subdivision Applicability:

- This was a new section.
- This took the subdivision definition and broke it down into points. It defined what a subdivision was.
- Part A of the definition, both in State Statute and the Town Code, defined the requirement and approval of when a subdivision was necessary.
- Part B of the definition explained that subdivision approval was required for condominium, cooperative communities, or townhomes or similar project with four or more parcels within that building.
- The parcels were the actual units within the building or structure, small pieces of land, or air space that a unit may occupy.
- Section B was part of the definition of subdivisions in a longer paragraph in the State Statutes.

Section 5.2 Subdivision Application Procedures:

- This section had not been substantially changed from the existing language.

Section 5.2.1 (D) General Provisions:

- Dedication: Land dedicated for a public facility.
- Under state law the Town had limited authority to require a subdivider to put aside land for a school district. They can be asked to reserve the land, and it could be reserved for up to a year and if the school district did not use it, it could be reserved for another facility. The area could be shown on a map, but unless the reserved property was bought by the Town or school district, the dedications could only happen if the impact of the development on the Town was proportional to what the actual development was actually causing.
- Usually a general plan would include a public facilities section, which would talk about locations for future parks, libraries, public facilities, etc. but the Town's general plan did not include that section.
- General plans also looked at school capacity. When the Town's general plan was rewritten, staff wanted it to look at future capacity needs for schools.
- An application for a PAD could include a requirement for a dedication of certain lands for schools.
- This section was perfunctory that required a developer had to show on their plat where all the facilities may go but it did not convey the land. The dedications should be shown on the plat so that the Council could review and decide if the areas were where they wanted them to be located.
- The only land the Town should be asking for in regards to land dedication, were to rectify impacts on the Town due to the subdivision development.
- Willingness to contribute was from language from previous code and was similar to the new language.

Section 5.2.1 (E) General Provisions:

- Outlined the review process.
- The final plat submittal included the technical review.

Section 5.2.2 Application Conference:

- This section was already required in the code.
- Many of the changes had been previously submitted in February.
- Staff overviewed the process.
- The final plat that included technical review had been changed. Now the process would include a final plat submission, with a technical review before the applicant was placed on a Council meeting agenda for approval.
- Section 5.2.2(B)3 Application Conference: - The section did not distinguish whether the number of days was by calendar days or working days. Attorney McGuire explained that the courts determined that if it was under ten days, it was working days and if it was over ten days it was calendar days. With a four-day work week and using calendar days, it shortened up the time for review and turn around. Staff would determine what stipulation worked best in this scenario.

Section 5.2.3 Preliminary Plat:

- The section included what was required for submittal.
- The initial paragraph was changed and outlined the time frame of submittal. It included the date

- of the zoning administrations comment letter.
- If the end of the time period was reached and nothing had changed in the subdivision regulations, but if the applicant was not ready to move forward, it gave the zoning administrator the option to extend the period. The time period was added to prevent a 15-year-old subdivision from developing after regulations had changed and were significantly different. The time frame gave notice that there was a limited amount of time and a preliminary plat was not received until the applicant was ready to move forward.
- The requirement of 12 copies of the preliminary plat submittal could be changed to include electronic Bluebeam submittals. The requirement of 12 copies would remain if electronic submittals was not available.
- Section 5.3.2(L): Commissioners requested a specific requirement for Public Works Director approval and less objectiveness. Specific requirements included ADWR certificates of assured water supply or well certification, physical availability, and an available physical supply by a public or private water supplier. This would be part of the technical review submittal paperwork. The preliminary plat only required a statement that those requirements would be met. An assured water supply certificate could take up to 210 days to get from ADWR.
- The code needed to be changed in regards to the title of the Public Works Director, which needed to be a consistent reference throughout the code.
- Section 5.2.3(7): Commissioners asked about the deletion of HOA's in the regulations. Staff explained that CC&R's were still in the regulations and they were what formed the HOA's. Attorney McGuire explained that the Town did not have authority over approving the contents of CC&R's. The Town did need to review the CC&R's on such things as private streets and ensure that it is within the CC&R's that the streets must be maintained privately. Commissioners thought an HOA was a board that the Town could contact if the CC&R's on a private street were not being upheld because they were more of a legal entity. If there was going to be a private street, the Town needed to make sure they could have the CC&R's enforced and should require and encourage an HOA.
- Section 5.2.3(4)a: Remove the AutoCAD reference and replace it with a more generic electronic copy reference name. The older AutoCAD's were not supported with modern software.

Section 5.2.5 Subdivision Plat Amendments:

- A new section that defined the three types of subdivision plat amendments and the processes for the amendments.

Section 5.2.6 Land Splits Not Requiring a Subdivision:

- Section 5.2.6 (B): Formalized the lot frontage requirements for land splits.
- Section 5.2.6 (F): A land split would require street improvements along the lot frontage, which would require the property owner to bring the road up to the proper road standards. There would be tables defining the type of road. It would require a property owner to improve a small section of the road. This was common in other development codes with the theory that development pays for development. The Town Attorney explained this section could not be read in isolation and was part of the larger section of requirements for street improvements. Property owners would not be asked to make improvements that were not proportional to their impact. The Assurances Section allowed the Town discretion on implementation of the improvements. Proportional impact would be determined by using a consistent standard and determine how and if a lot split would impact those standards. If there was not a substantial impact, the improvement requirements would be scaled back. Town had to ensure that it was handled consistently. Staff would have to look at several factors to determine the proportional impact. Staff recommended keeping this in the regulations to ensure all lot owners were treated the same and that the improvements would be relevant to the lots and areas based on what was written in the regulations. Rural and urban subdivisions would have completely different development

standards as defined in the tables.

- Section 5.2.6(G): This did not change the distance requirements for utility extensions but clarified from where the distance would be measured. This would also help to stop property owners who were trying to avoid utility obligations by developing the furthest or back portion of a lot first. This would ensure they had to develop the proper utilities no matter what lot was developed first. Water utilities would be handled through State law first and then by Town regulations. Section 5.3.3 (D) and Section 5.3.4 (A)(1) specified a distance of 300 feet for Public utility service requirements. Commissioners wanted to make sure that property owner were not forced to hook up to Town water utilities if they had their own well. Staff would review State requirements with ADWR.

#### Section 5.2.7 Minor Subdivision

- Under this section, preliminary plats could be waived but the final plat would still need to go to Council for approval.
- Drainage design and traffic study information was provided under this section. The drainage and traffic study were left intentionally vague because it would be different for every minor subdivision application. Having a specific standard would end up being insufficient for some properties and overkill for other properties. The Public Works Director was qualified for and would determine the necessary requirements and documentation.

#### Section 5.2.8 Rural Subdivision

- Defined rural subdivision and provided the requirements for rural private streets and requirements for sidewalks, curb and gutter in Tables 5.2 and 5.1.
- Staff wanted to separate out rural arterials and urban collectors into two different roads. Staff thought urban collector roads should still have curb and gutter for drainage and the current standard had 28-foot roadways which was easier for trucks turning onto a road. Rural arterials were a two-lane roadway and could be 11- or 12-foot lanes with 4-foot paved shoulders with a thickened edge and 2-foot gravel shoulder after that making for a total of a 6-foot shoulder. That would eliminate a concrete shoulder in a rural setting. People riding horses would be on the backside slope of the ditch and there could be a non paved pathway away from the road. There was 80-feet of right-of-way leaving plenty of room. This would apply to new major subdivisions. Members were supportive of minimizing these requirements in rural areas. Members discussed the pros and cons of a 50-foot right-of-way in rural arterials.
- Members discussed the current road designations for arterial and collector's road. The current requirement for collector roads was 80 feet and the arterials were 100 feet of right of way. Members also discussed rural local road standard requirements with lower density.
- Staff explained the General Plan typically had circulation or transportation element that defined where the arterial and collector roads were and the area of where future roads of both designations could be located. Those things should be planned out years in advance.
- Members discussed when land dedication for the roads would be required. Dedication would not be required with private roads.
- Table 5.2: Members thought the double chip requirement for two to five lots was excessive for a private street. Members thought the Public Works Director should have some discretion in what was required for lower number of lots. Signage showing roadways were not Town maintained should be posted. Once there were over ten lots, it should be a dedicated and developed road, not private and have reasonable requirements. Staff said that they recommended some sort of hard surface for dust control reasons. Previous code required a minimum single layer of chip seal dating back to 2001 for road construction standards. Members wanted to see how many Town roads there were that were not up to that standard. Staff was concerned about complaints on dust control for roads that did not have a seal coat or hard surface. A dust free surface road could be required for developments up to three lots and four to ten lots could have a requirement for the

double chip. A ten-lot subdivision could still be private if desired by the subdivision, but it would require an asphalt surface. The requirements were up to Council discretion and could be changed if it did not work. Private streets would be regulated by the HOA, but the HOA would need to have a minimum requirement to maintain the road.

- Members discussed the difficulty in regulating dust control issues. The code makes suggestions on what constituted dust free material. A definition of dust free material should be added for clarification that could include decomposed granite. Members discussed subgrade requirements.
- Road dedications would not be required for private roads unless the subdivision fronted onto a major arterial and there was not the required half street width, then a dedication along that frontage would be required.

5.3.2(E) – Private streets in areas other than rural subdivisions: It needed to be modified to clarify that an HOA was required for all private streets in a rural subdivision.

Needed to unify the UDO code with Town code in regards to connection requirements for water and sewer.

5.3.5(F): Drainage Design

This was a trouble spot for subdivisions. Staff recommended having the regulatory floodways dedicated to the HOA instead of the public (Town) unless one did not exist. The Town Attorney thought that would work. It could also be dedicated to the Town but maintained by the HOA.

5) **NEW BUSINESS**

6) **ADJOURNMENT**

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to adjourn the meeting at 6:19 p.m.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

**2 - 0 PASSED - Unanimously**

Submitted: June 25, 2020.

By: *Erin Deskins, Deputy Town Clerk*

Approved: MONTH DAY, 2020.