

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CHINO VALLEY

THURSDAY, AUGUST 13, 2020
6:00 P.M.

CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ

1) **CALL TO ORDER**

Chair Chuck Merritt called the meeting to order at 6:04 p.m.

2) **PLEDGE OF ALLEGIANCE**

Commissioner McCafferty led the Pledge of Allegiance.

3) **ROLL CALL**

Present: Chair Chuck Merritt; Commissioner Gary Pasciak; Vice-Chair Tom Armstrong;
Commissioner John McCafferty; Commissioner Teena Meadors; Commissioner Robert
Switzer; Commissioner William Welker

Staff Present: Town Attorney Andrew McGuire(remotely); Development Services Director Joshua
Cook; Assistant Planner Will Dingee; Public Works Director/Town Engineer Frank
Marbury; Administrative Technician Kathy Frohock (videographer); Deputy Town
Clerk Erin Deskins (recorder)

4) **MINUTES**

- a) Consideration and possible action to approve the July 7, 2020, regular meeting minutes.

MOVED by Commissioner Teena Meadors, seconded by Commissioner John McCafferty to
approve the July 7, 2020, regular meeting minutes.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong,
Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert
Switzer, Commissioner William Welker

7 - 0 PASSED - Unanimously

5) **STAFF REPORTS**

6) PUBLIC HEARING

- a) Public Hearing and consideration and possible action to forward a recommendation to the Town Council regarding an amendment to the Town of Chino Valley Unified Development Ordinance (UDO) Section 5 Subdivision Regulations and Section 2 Definitions.

Mr. Cook presented the following:

- Staff was proposing a complete rewrite of the Subdivision Regulation in Section 5 of the Unified Development Ordinance
- The UDO Subcommittee had been meeting nearly every month since December to discuss the changes. One of the Members of the P&Z had also attended most the meetings. There had been a total of seven meetings with the sub-committee and a study session with the Council.
- All the meetings had been advertised and open to the public.
- The language for the rewrite had gone through multiple changes and the current draft for the section rewrite was version nine or ten.
- The majority of the changes addressed minor sub-divisions, land splits that were actually sub-divisions, and implemented proper infrastructure including proper drainage design requirements for all identified land splits and subdivisions.
- The current lack of infrastructure and drainage design on lot splits that did not go through the proper process produced streets (easements) that had not gone through any type of design or infrastructure analysis. This is what spurred the need to address the subdivision regulations.
- The current regulations required both major and minor subdivisions to go through both a preliminary and final plat and nothing distinguished the two from those final requirements. Both required full geo-technical, full traffic studies, full drainage studies, and all subdivisions were required to produce full infrastructure improvements based on the geo-technical. This included three inches of asphalt, sidewalks, curb and gutter.
- The UDO allowed the zoning administrator to waive sidewalks on both sides and allow sidewalks on one side.
- During the rewrite a type of subdivision was added and the difference between a minor and major subdivision was clearly defined as well as the process that is to be followed for each type.
- Minor subdivisions were ten or fewer lots; major subdivisions were more than ten lots.
- Minor subdivision changes included:
 - Reducing the process requirements.
 - Reducing infrastructure and submittal requirements to make them more financially feasible.
 - Preliminary plats were not required. There would be a technical review and then final plat. They would skip the P&Z process and go straight to Council for final approval.
 - Submittals of drainage, traffic and geo-technical would be based on site conditions for each individual property. For example, if the property was not located in a flood plain, then a letter stating such would be acceptable instead of going through an entire drainage study. This would aid in reducing costs.
- Major subdivisions would still go through the entire process.
- A Rural Subdivision was created, which applied to all subdivisions created that were one acre or more. If the lots were smaller than one acre, then they would be called an urban subdivision.
- The rural subdivision's infrastructure requirements had been reduced to be more in line with a rural setting. Reduced requirements included:

- No sidewalks or curb.
- Street widths were lessened in some instances.
- Private streets may be used, which would encompass easements, which were also considered streets.
- The last major change from the previous version reviewed by the UDO Subcommittee and the Council, was the definition of Parent Parcel. During the review process of proposed land splits, staff did a property history assessment. If the property had been split within the last ten years, then it was required that individuals go through the minor subdivision process in order to split the properties. Staff was using the ten-year rule based on what was found in the Real Estate Division Section of AZ Revised Statutes 32.21.01, which specified a ten year period would be used to determine if there was an intent to subdivide. What staff was proposing to do instead of going back ten years, was to do a parent parcel reset with the adoption of the new language. It would make every parcel within the Town, excluding subdivisions and properties part of a subdivision, parent parcels. With that reset, the parent parcel would not reset again based on Title Nine. It was meant to help those property owners who had requested the Town to pick a date. Instead of a date in the past, staff was thinking the date of the new adopted code would be the appropriate date.
- The reset would mean that all property on or before the date determined by Council would be considered a parent parcel for purposes of determining whether they could qualify as a land split not requiring a subdivision.
- Staff was recommending that the P&Z Commission recommend approval to the Town Council.

Commission Members and staff discussed the following:

- Section 5.2.4 Final Plat referenced Maricopa Association of Government (MAG) in Section A4d(2)iii. The County also used MAG as well as the Arizona Department of Transportation, which was industry standards in the State for specs and details.
- Section 5.2.4 Final Plat B12bi referenced the use of surety bonds, and it was understood by staff that it could be difficult
- Section 5.2.7 Minor Subdivision A, the intent of removing the preliminary plat and P&Z review was to speed up the minor subdivision process. Since it included four to ten lots, staff believed that those number of lots could be reviewed administratively through technical review and that a final plat approval from Town Council would be sufficient. Major subdivisions would still be required to go through the entire process.
- Section 5.3.1 Street Location and Arrangement J, the 20 foot street requirement should be sufficient for three lots. Staff preferred 11-foot lanes over 12 foot lanes when shoulder or gutters were present except on major or more populated roadways. This section only affected roadways serving three lots and the moment that a fourth lot was added, the road would need to widen out to 24-feet.
- Page 28 was not left blank intentionally, it was a formatting error.
- Table 5.1, except for rural streets, pavement design needed to be engineered.
- Section 5.3.3 Water Facility Design D, the date of September 1, 2025 was used because it should not be a perpetual approval. Staff hoped that the new language would be approved by Town council on September 8, 2020, which would provide a five year time span.
- Section 5.3.4 Sewer Design A2, emergency power would be required for the individual grinder pump stations. Emergency generators were required, with automatic switching and communications with the Town's CSADA network.
- Section 5.3.5 Drainage Design G, a drainage basin for a 100 year flood was standard and coincided with the Towns flood prevention ordinance.
- Section 5.3.8 Easement Planning A, the lack of increase in the width of the easement for slope greater than 6% or unusual topography was an error. The current code started at 16

and 20 feet should be sufficient. Staff thought the sentence in the code referring to excessive slopes could be removed because it would be easier to make everything 20 and then work on a case by case basis.

- Section 5.4 Improvement Requirement and Specifications D, the County uses MAG as well.
- Section 5.4 Improvement Requirement and Specifications F4, the minimum pipe diameter of 12 inches was used because many older areas of town only had ditches deep enough for 12 inches. When conditions allowed, engineering required larger diameters
- Section 5.4 Improvement Requirement and Specifications H10, this was standard with the code and coincided with the Flood Prevention ordinance
- Section 1C1 Zoning Conditions, the only timing and phasing the subdivision regulations had was that once a preliminary plat was approved, the developer had one-year to submit for technical review of the final plat. That was also allowed to be extended with a letter written to staff requesting an extension. The extension did not have to be approved by P&Z and could be approved by staff for an additional year. Staff stated that this section granted the P&Z the authority to recommend conditions of approval including setting a timing or phasing of a development.
- A minor subdivision was four to ten properties. Anything over ten would be considered a major subdivision.
- The staff recommended the parent parcel reset occur at the 30-day period after the text is approved by Town Council.
- Anything under one acre, would not be considered a rural subdivision and could not technically be approved by staff for well and septic. Easements would not be deducted from the total lot area because the property belonged to the property owners and was not a right of way granted to the Town.
- This language would help address what was commonly referred to as wildcat subdivisions.
- The Rural Subdivisions rule of four lots was used because AZ State Statutes for Title Nine specified properties divided into four or more lots, were considered a subdivision. Once a fourth lot was created, it would become a minor subdivision. If a lot is split two times and a street created, it automatically became a subdivision. The County followed Title 11 and Towns and Cities followed Title Nine.
- For minor and major subdivisions, the lot size did not matter. It was the number of lots created that mattered and determined the process, whether it was urban or rural.
- The Town would rely on County and State requirements for submittals for subdivisions pertaining to septic requirements and perc tests for the subdivision. The County was involved in the approval process and it would be part of the technical review. Before the final plat is approved, a subdivision was considered a single lot and it wasn't until the final plat was recorded that one lot became individual lots. Septic perc tests for each individual lot could be addressed during the final technical review. Staff would work with the County Environmental Services for guidance and to clean up the language, and this could be a stipulation as part of the P&Z approval process. The stipulation could say to amend Section K to clearly articulate the County's regulations.
- On Page 22, Item 14 Final Plat Review, the major subdivision final plat would be brought back to P&Z after their review of the preliminary plat. Wording could be implemented that stated P&Z Commission and Council consideration would be required on the final plat. The Attorney suggested using the same language located under the Final Plat section.
- Section 5.2.7 Minor Subdivision, Item D, the geotechnical report that referred to safe and durable roads was backed up by a minimum standards table. Staff stated the road surface would fall under their discretion and eventually follow up with engineering standards that would better define the language. The Town Code had minimum constructions standards

that included some sort of chip seal surface with dust control. Dust control and drainage issues were not allowed to be waived in the review and approval process. Committee members requested that wordage be added referencing Tables 5.1 and 5.2 and safe and durable roads be removed. The attorney suggested ending the section at “as determined by the Public Works Director” and only delete the safe durable roads without referencing the two tables.

- 5.3.2 Street Design, Item A1 Cul-de-sac’s, the 60-foot radius was the radius fire trucks and school buses could safely operate. Staff was concerned because the pavement radius as specified at 41-feet was typically 45 feet. Staff would confer with the school and fire department to ensure the referenced radiuses was sufficient.
- Some members were worried about approving the new language with so many technical issues. Other members thought it could be moved forward to the Council with the knowledge that staff was ensuring the validity of the regulations. A recommendation by the Commission for approval, subject to possible changes by the Public Works Director, because the items in question were not sufficient enough to require it go back before the P&Z Commission.
- Item 5.3.2 Street Design, Item 5D, stated street jogs shall be avoided and Members were happy to see that implemented into the code.
- Staff was satisfied with the language and thought going forward it would help to clear up any confusion.
- Typo corrections on page 15, Section 4b, remove the word for; Page 10, Section A remove the word and in the sixth sentence.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Gary Pasciak to forward a recommendation of approval to the Town Council to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 5 Subdivision Regulations, and Section 2 Definitions, as amended by Commission to be addressed by the Public Works Director.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker

7 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

Congratulations to Commissioner Armstrong for his new position on Town Council.

9) PUBLIC COMMENTS

10) ADJOURN

MOVED by Commissioner Gary Pasciak, seconded by Commissioner John McCafferty to adjourn the meeting at 7:05 p.m.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker

7 - 0 PASSED - Unanimously

Chair Charles Merritt

Date