

# DRAFT

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

WEDNESDAY, OCTOBER 28, 2020  
4:00 P.M.

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

Present: Lon Turner, Chair; Corey Mendoza, Councilmember

Absent: Cloyce Kelly, Councilmember

Staff Joshua Cook, Development Services Director; Will Dingee, Assistant Planner; Kristina  
Present: Tranel, Senior Planner

### 1) CALL TO ORDER

Chair Turner called the meeting to order at 4:00 p.m.

### 2) ROLL CALL

### 3) APPROVAL OF MINUTES

- a) Consideration and possible action to approve July 22, 2020, regular meeting minutes.

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to approve the July 22, 2020, regular meeting minutes.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

**2 - 0 PASSED - Unanimously**

### 4) OLD BUSINESS

- a) Consideration and continuing discussion regarding Conex boxes.

Committee Members and staff discussed and reviewed the following:

- Earlier in the year the Committee gave staff direction to allow for a certain amount of Conex boxes by length or storage amounts based on the zoning classification.
- Staff drafted language for the Outdoor Storage Section, Single Family and Agriculture Zones, and the Commercial Zone.
- Staff over viewed the section for the Committee.
- Building permits were not required for metal storage containers under 200 square feet. No structure under 200 square feet needed a building permit. Only a 40 foot Conex box on an agriculture would require a building permit.
- Land use permits were required to ensure setbacks were adhered to.
- The code had two conflicting areas in the zoning code. The first said that accessory structures needed to be ten-feet away from certain property lines, but under the zoning district sections it states only five-feet. Staff had been enforcing the less restrictive code section. That error would be fixed in whatever way the Council preferred.
- The portable storage containers needed to meet setback requirements because they were considered a structure that was semi-permanent. All accessory structures were required to meet setbacks. Vehicles and equipment did not have to meet setback requirements.
- Electrical brought to the container did not make the structure habitable because major modifications were required.
- Agricultural zones were allowed two Conex units and Residential zones were allowed one. Committee Members thought limiting Agricultural zones to only two units may be too restrictive. Instead of allowing only two 20 foot containers, Committee Members wanted to allow for two 40 foot containers on Agricultural zoned properties.
- The idea for the Conex boxes was for storage units. If the units were modified for animal use, they would need to go through the CUP process. Staff would look further into animal uses for the Conex boxes.
- If Conex boxes were connected to any other structure, they became structural units.
- Committee Members had wanted the number of Conex units in the Commercial zone to be based on the square footage of the buildings, but staff thought that could cause issues because not all commercial buildings were on a one acre lot. Staff thought Commercial zoned properties could go through a Conditional Use Permit (CUP) to get approval for the container and it would allow Council to review the permit and attach further conditions and stipulations if necessary. Committee Members thought a CUP was overreaching.
- Committee Members thought that electrical to Conex units in the Commercial zone should be allowed with the proper permit.
- Conex box locations on Commercial zoned property was discussed. Screening may be difficult and could be covered under a CUP instead of a specific requirement in the code. Committee Members thought that having the unit painted the same color as the existing property structures was enough.
- The units were considered temporary because they were not placed on a foundation. A temporary use for a unit included Conex boxes that would be onsite for a short period of time for a specific reason such as construction uses.
- Commercial zoned properties were allowed storage units of 400 square feet or less on any one subject property. Committee Members were more in line with having a container per structure or based on the size of a structure. For every thousand square feet minimum of structure, a property would be allowed 160 square feet of cargo container (20 foot container) and progressively go up from there.
- Properties with no structures that currently had Conex units would be grandfathered.

Committee Members recommended creating a sticker system that showed the container had gone through the appropriate process. It would also make it easier on code enforcement.

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

This item would be brought back on a future agenda.

5) **NEW BUSINESS**

- a) Consideration and discussion regarding set backs in section 4.28 of the UDO.

Committee Members and staff discussed and reviewed the following:

- The Council had adopted the Subdivision Regulations on September 8, 2020, reducing the right-of-way widths of arterials, collectors and commercial industrial. Before the reduction, the Town required 100 feet of frontage on all arterial roads. With the reduction of the right-of-way, the Town needed to modify the front yard and street yard setback requirements.
- The reduction had created an issue because the Town had previously required developers to put in the 50 feet of half street improvements out of the 100 feet total requirement. Staff conferred with the Town Attorney and had a solution to minimize some of the setback requirements for those property owners that had all the extra right-of-way that would never be used. Instead of vacating the right-of-way, deeding it over to the property owner, and amending the plat, the idea was to reduce the street side yard setback to ten-feet instead of 20 feet, for those properties that already had 50 foot improvements. It gave those properties a bigger building envelope and allowed the Town to avoid the vacation process for right-of-way.
- The other issue that amending the section would address was the point or area the setback would be measured from. Staff reviewed the current method of measurement using the centerline, which was a convoluted and sometimes a difficult process. Instead of measuring from the centerline, the measurement could be measured from the subject property line based on either a pre-dedicated right-of-way point or the dedicated right-of-way point. This would make the regulation requirements easier to understand and use. There could be some streets that the current centerline was not actually the centerline. If that situation arose, the Public Works Director would be the person to ultimately determine where the centerline was. Wording could be added to the regulations that clarified the Public Works Engineer would determine the centerline location if that location was unclear.
- There was concern for developed property owners that would be affected if the centerline of a street was determined to be incorrect, thereby changing the setbacks of those properties. Staff stated that the property owner would not be affected, and the street would either shift to the other side if possible, or the Town would deal with a reduced setback for those types of properties. An overview of a situation on Perkinsville was provided as an example. Committee Members thought something should be included in the wording to provide for that allowance. Staff would run language through the attorney for review.

Public Comment:

- Mr. Owens: He had an issue at Road 1 East in Colonial Villas. He had a house and yard but did not have enough space to add a carport. Staff explained that because the manufactured home was placed 25 feet from the property line and the code dictated a 20 foot setback. The carport would encroach four feet into the required setback. Even though the full right-of-way had been dedicated, he still needed to stay within the setback requirements as specified under the old code. If the street side yard was reduced from 20 feet to ten feet, this issue would be resolved. There were only a handful of properties in Town that had the full 100 feet width of right-of-way that had constructed improvements already on the property. Staff was recommending the

reduced 10 feet setback in the new language. Staff would prefer to make a small exception in the code for those properties as opposed to going through a right-of-way vacation and amending the plats to fix the issue as it was more complicated. Staff did not see a downside to handling the issue in this manner because the number of properties affected is small.

**b) Consideration and discussion regarding Manufactured Home Definition.**

Committee Members and staff discussed and reviewed the following:

- Town had run into a situation with the new definitions that was being addressed by staff and the Town's attorney.
- This could be addressed now with a new definition created and adopted because it would not affect the current issue. The issue arose before the code was changed. Anyone in the process would not be bound by the new code and would still be working with the existing code.
- The issue with the property owner was that what they had was not a manufactured home and the Town was challenged based on the current definition. That definition had the description of a manufactured home being at least 400 square feet in size and a minimum of 12 feet wide. The definition excluded recreational vehicles, modular homes, or prefabricated homes. The Town's definition included, by extension, what the property owner had, which was a park trailer that had an ADOT Title, which were defined under the State as recreational vehicles. The issue had gone to Superior court and was sent back to the local judge stating the Town should have asked for a measurement. Town did not measure anything that had an ADOT Title because the title had the measurement on it. The measurement in question had the unit at approximately 385 square feet. The unit did not have a HUD label but did have a factory built label issued by the State. It was a structure that was not truly defined and the closest label that could be applied was a modular home even though modular homes don't have ADOT titles.
- The problem with the current definition of a Manufacture Home was the nebulous size, which had not been changed over the years to keep up with current standards. There were now manufactured homes with HUD stickers that were under 400 square feet (tiny homes).
- The Town needed to ensure they did not run into a similar situation in the future.
- Modular and prefabricated homes could be considered single family residences when placed on a foundation or what was considered a permanent foundation. This is when they became real property as opposed to personal property. Park trailers and travel trailers were considered personal property and never became real property. Manufactured, prefabricated and modular homes all could become real property once on a foundation.
- The new definition removed all size requirements. It required a manufactured home to be built by HUD standards, which was different than 2018 International Building Code (IBC) adopted by the Town, and it required modular homes and prefabricated homes to be built by IBC standards. The 1996 park trailer in question was constructed one year prior to the IBC being released and adopted. It was a very convoluted and confusing situation. The Judge was calling it a modular home, which would mean the owner would need to make modifications to make it a modular home and it was not clear if the owner would comply.
- There was a new definition for a manufactured home and for factory built structures. The factory built structures would address modular and prefabricated buildings.
- Committee and staff discussed the significance and equality of requirements for the different building stickers used for modular and prefabricated homes. The Town was not allowed to issue a manufactured home permit on anything except a manufactured home and the Judge had determined this structure was not a manufactured home. The Town could not issue a permit for the structure to be a single- family residence. Regardless of the quality of the structure or the unit being placed on a foundation, park models would never become real property.
- The size of a structure was only one factor in determining whether something was a manufactured home or a single- family dwelling. Park models were only allowed in RV parks.

- The Town had a medical exemption certificate that allowed someone caring for another to live in an RV on a temporary basis.
- The Committee would review the draft language and bring it back to discuss at the next meeting.

For the December Planning and Zoning meeting, staff would make the requested changes to the Conex boxes and the changes to the front yard and street side yard setback sections. The attorney would review the changes before the reviews. Both items would be sent to the Council for consideration for the January meetings.

A Committee Member requested a future topic regarding use of commercial property and when minimum upgrades to the property were required regardless of the properties use. Staff stated there should already be requirements in the code. Committee Members did not think the requirements were being enforced on several properties in Town. Staff explained that length of time someone had used the property, would determine if their use of the property was grandfathered but if there was an expansion of use, the Town could then require site plan review and minimum upgrades.

## 6) **ADJOURNMENT**

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to adjourn the meeting at 5:30.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

**2 - 0 PASSED - Unanimously**

Submitted: November 5, 2020.

By: *Traci Lavelle, Deputy Town Clerk*

Approved: MONTH DAY, 2020.