

DRAFT

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

**WEDNESDAY, FEBRUARY 3, 2021
3:30 P.M.**

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

Present: Lon Turner, Chair; Corey Mendoza, Vice-Mayor; Cloyce Kelly, Councilmember
Staff Andrew McGuire (remotely), Town Attorney; Joshua Cook, Development Services
Present: Director; Will Dingee, Planner; Dan Trout, Chief Building Officer; Traci Lavelle
(recorder), Deputy Town Clerk

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 October 28, 2020, regular meeting minutes.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Cloyce Kelly to approve the October 28, 2020, regular meeting minutes.

AYE: Chair Lon Turner, Vice-Mayor Corey Mendoza, Councilmember Cloyce Kelly

3 - 0 PASSED - Unanimously

4) OLD BUSINESS

- a) Preliminary discussion and consideration of language changes to the Manufactured Home Definition.

Subcommittee Members, Town Attorney and staff discussed and reviewed the following:

- Staff had provided the initial draft language which included definitions for manufactured homes, factory and modular buildings, etc. Due to an ongoing issue with a property owner, staff and the Town attorney thought the language needed to be redrafted, so future issues could be avoided.
- There was a discrepancy between the code provision that defined key terms and State law.
- The Town's only authority for manufactured homes was to approve mobile homes or other types of structures that already had State approval. Town was prohibited from permitting a unit unless they met the Intergovernmental Agreement (IGA) and Code requirements. The current property issue did not meet the requirements. The current definition was conflicting and made it difficult for staff to appropriately do their job.
- The Town needed to modify their code to align with the State law in regard to defining recreational vehicles, park model homes, and manufactured homes.
- The Town's definitions and provisions for modular, manufactured and mobile homes had been in place for at least 15 years.
- The current property owner issue began because the property owner ignored all rules and when cited, went to court on nuanced language that gave him an opening to win a particular issue, but it would still be impossible to issue a permit. The language needed to be modified to ensure it was not a repeating issue.
- The definition for park model was included under recreational vehicle/travel trailer in the State's definition. The Town's code had also attempted to also define the units and left a hole by defining travel trailer and recreational and not including park model within the definition. The manufactured home definition had excluded everything that was a recreational vehicle and even though the state defined park model as a recreational vehicle, Town code did not. It needed to be addressed and changed.
- The only place a park model could legally be parked was in an RV park. The units were never permanently affixed to the property. The Jim Fletcher application for a park model development was an RV park, but it was limited to park models only because it was approved under a PAD.
- Park models were constructed under the American National Standards Institute (ANSI) and not the IBC or HUD codes and were not meant for permanent habitation. To be considered a manufactured home, the unit had to have a HUD manufacturing sticker and the installer had to certify that it was a HUD manufactured home. The units were also measured differently. A manufactured home was measured according to livable space, but a park model was measured by the exterior length and were issued an ADOT title that listed them as an RV, travel trailer or PT (park trailer).
- Park models did not have a power pedestal like a traditional or manufactured home. They were built like an RV.
- The Town's code needed to rely on the States definitions. Staff wanted to work with legal counsel to ensure the definitions were correct, and it did not become a reoccurring issue.
- Staff wanted to work with the Town attorney and permitting staff to create the verbiage. The language would be brought to the Committee for review. Members wanted to see separate definitions for park model, recreational vehicles, and manufactured homes. Staff wanted the Town's definitions to reference the State's definitions so that if the State's definitions were to change, the Town would still be covered by the reference and the Town would not need to continually update the code as HUD and the State made changes to their language.
- The attorney explained that under the definition of RV and park trailer, it included parameters such as a single chassis, mounted on wheels, and less than 320 and not more than 400 square feet when it was set up. The definitions of the units were under State purview and the Town had limited authority to make changes. The Town could define where they would be allowed under the zoning ordinance and could allow the use of park models through a conditional use

permit (CUP) or a PAD.

- The Town's current code allowed for a 25 spot RV park in Commercial Light districts through a CUP and were allowed outright in the Commercial Heavy district.

b) Consideration and continuing discussion regarding Conex boxes.

Subcommittee Members and staff discussed and reviewed the following:

- Members were having trouble using the same requirements for every property when it came to the use of conex boxes. Staff explained, that was the reason they thought a CUP would work. It would allow the Town to look at each property individually and make any requirements tailored to that particular property.
- Some Commercial Light and Commercial Heavy properties could be small lots.
- Some requirements in the current draft language was also tied to parking and landscaping, which controlled the use and number of conex boxes.
- Minimum requirements for usage on commercial property could not be changed if an individual developed the property under the Town's guidelines and sold the property to someone using it for the same purposes. They would be considered non-conforming issues, but if the property was vacant for six months, it lost its grandfathered status unless the property owner contacted the Town and requested a six month extension.
- Town Code listed when the Town could request a Site Plan Submittal and what was exempted when changing a property use. If the use required changes to the exterior of the site, such as additional parking spaces, more landscaping, etc., the Town could require the property owner to bring a portion of the property up to code. It was proportionate to the changes. Staff shared an example of changes from a real estate business to a medical office, which required a new site plan review and additional parking requirements. Another example was a property that bulldozed the existing structure and were starting over. A new and full site plan review was required.
- Members questioned how the Town could track and monitor all properties to ensure that nothing was missed. Staff explained that CUP's could have a time limit, but it was not necessary and if the conditions were being followed, the CUP could easily be renewed. Staff also explained that he was still new, and the department was trying to get organized to better track those types of issues, including software that can help track CUP's.
- Staff explained that requiring commercial properties to acquire a CUP opened the door for the Town to require certain things. Those requirements included:
 - Mitigate impacts on surrounding property by regulating noise, lighting, odor, or placement of trash receptacles.
 - Assurance of adequate parking and ingress and egress to reduce traffic congestion
 - Hours of operation
 - Maintenance of a positive appearance with appropriate screening, landscaping and buffering to preserve a reasonable use in enjoyment of adjacent property (Connex boxes)
- Members questioned how many, if any, building code violations were happening with conex boxes. Staff explained that conex boxes were not addressed in code, and therefore the Town Code did not allow for them. Previous staff members created policies that gave staff the power to issue permits for conex boxes, but this should never have occurred. If a zoning ordinance does not state that something is allowed, permitted, or obtained through a CUP, it was prohibited.
- Town Code did address storage sheds, which was the most common use of conex boxes. Staff explained that under 200 square feet, no building permit was required for storage sheds, but a permit was required for larger storage sheds. A land use permit was required to ensure that setbacks were being met. If power was connected to a shed, a building permit was required.

conex boxes were not considered a structure because they were mobile. Property development, to include storage sheds, was based on a percentage total lot coverage. If the lot coverage was not exceeded, a property owner was not limited to a certain number of storage sheds. Each zoning section had a statement that allowed the Administrator to determine if a use was allowed or required a CUP, and staff had been requiring a CUP for conex boxes.

- Conex boxes were not built to any standard, and by allowing power to one would open it up to uses beyond storage. Sheds were built to a building code standard which would allow for power.
- The Town had one Code Enforcement Officer that had been on staff for several years and a new Enforcement Officer that had just been hired. There had been several staff changes, which had limited the code enforcement issues that were addressed.
- Members questioned if the code on conex boxes would specifically list things that were not allowed, such as power. Members thought if specifics of prohibited uses or modifications were not listed, there wouldn't be anything to stop people from doing those things.
- A main question to address was what would be allowed residentially versus commercial.
- Members were supportive of more containers on a property versus more items scattered around a property.
- Members discussed a citizen that had wanted to use metal containers for a storage business but had been denied. Staff explained that if the Town had allowed use through a CUP or a PAD, the exact required conditions could have been attached to the use. Conditions could have included different facades, additional landscaping, and noise. It allowed the Town flexibility on requirements. Staff thought that CUP's were a great tool to use as long as it was tracked. If something was listed as an allowable use, the Town could not put any additional stipulations on the use.
- Members discussed contractor yards, zones and allowed uses. The code was clear about outdoor storage and what constituted outdoor storage and screening. Conex boxes were considered outdoor storage and needed to be contained.
- Staff would consult with the building department staff and legal counsel to discuss any legal requirements for draft language.
- The information would be forwarded to Council to discuss at the next Council Study Session.
- Members questioned if the conex box size should be limited and treated like sheds in the residential zone. A stipulation could be added that an electrical permit would not be issued for a metal storage container unless accompanied by engineer drawings. Staff thought that encouraged people to use the containers for things other than storage, and that was not what they were intended for. Any language needed to specify that containers were only for storage. The containers needed to be treated like any other storage shed.
- Members discussed varied uses for the metal storage containers.

5) **NEW BUSINESS**

Staff explained that with the loss of one of their planners, the rewrite of Chapter 3 had been delayed. Staff would try and bring a draft of Chapter 3 of the UDO to the April or May Subcommittee meeting. Chapter 3 covered the zoning districts. Members wanted to include minimum upgrades to commercial property. It would address surfaces and landscaping as determined by the use. Members discussed requirements for driveways when crossing state land right-of-ways.

Staff was interrupted by the Deputy Town Clerk and reminded that since New Business had not been added to the agenda, they were not able to discuss the item at that time.

6) **ADJOURNMENT**

Submitted: February 16, 2021.

By: *Traci Lavelle, Deputy Town Clerk*

Approved: MONTH DAY, 2021.