

**MINUTES OF THE STUDY SESSION MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY**

**TUESDAY, FEBRUARY 15, 2022
6:00 P.M.**

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

1) CALL TO ORDER; ROLL CALL

Present: Mayor Jack Miller; Vice-Mayor Annie Perkins; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember John McCafferty; Councilmember Lon Turner (remotely at 6:16 p.m.)

Staff Present: Town Manager Cindy Blackmore; Town Attorney John Austin Gaylord (remotely); Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Administrative Services Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Senior Planner Will Dingee; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2) Discussion regarding the proposed amendments to Title V: Public Works, Chapters 50 and 51 of the Chino Valley Town Code. (Terri Denemy, Assistant to the Town Manager)

Frank Marbury presented the following:

- They would be covering changes to Chapter 50 and 51 of the Town Code utility code.
- Staff and the Town legal team began working on the changes back in 2015.
- The utility committee had reviewed the changes and provided input.
- The proposed changes were completed in collaboration with the Town Manager's Office, the Finance Department, Public Works Engineering, Development Services, and the Town Attorney's office.
- The goal of the amendments was to align the Town Code with the Council philosophy to better manage the development activities until the new General Plan and Utility Master Plan were in place.
- The changes were divided between administrative updates and policy and development issues.
- Administrative Changes included:
 - Authority of the Director: It would amend the text to take any financial, billing, or fee authority currently held by the Director of Public Works and give the authority to the Finance Director. The billing practices would also be under the authority of the Finance Director with the approval of the Town Manager.
 - Applications for Service: It was removed with specific applications and left at the policy direction of the Finance Director as approved by the Town Manager. Specifics were replaced with references to current standards or local limits.
 - Appeals Process: The specific appeals process was removed and instead referred to the General Code and the International Plumbing Code Process.
 - Buy-In Fees and Water Rates: These were set by Council Resolution. Instead of

restating them in the code, the code would instead refer to the current Council Resolution for rates.

- Sewer Disconnection: Clarification was added that gave the Town the option to plug inactive services. It was necessary because it required new customers to apply for new services, so they did not get free service.
- Definitions: Definitions were added for cleanup and clarification purposes. The definition for Sanitary Sewer System had been called four different things throughout the Code. All other references were changed to Sanitary Sewer System.
- Connection and Tap Installation Process: It clarified that the Town connected the taps and was limited to water taps two inches or less and sewer taps six inches or less because the Town did not have the equipment to make the larger taps. Larger services rarely happened.
- Policy Changes included:
 - Guiding Concepts: The guiding concepts were that it promoted and managed thoughtful growth and discouraged small lot subdivisions that may come up due to zoning changes, from being located in remote areas or areas in Town where there were no utilities. It encouraged high density growth in areas where Town had the utility and facility infrastructure to support the developments. It was a bridge until the General Plan was completed and defined the areas of growth.
 - Upsizing: It preserved the Town's right to upsize utility lines so a new development could be upsized to fit the masterplans, it removed potential subsidy for large developments, and limited the Town contribution for the cost of materials for the upsizing. The current code stated that the Town would need to pay for any size water line over 12-inches or any sewer line over 18-inches that was upsized. That meant the Town would only pay for the material of the sized line that the Town required, but not pay for a larger line only required by the developer. The amendment put the financial responsibility on the developer if they needed to upsize a line that was not needed by the Town.
 - Repayment Agreement: A repayment agreement was when a developer needed to extend utilities across other people's property to get to their development. The repayment agreement would require the other properties to pay their portion of the extension once they connected to Town utilities. The amendments clarified the procedures and eligibility. The code currently had a 10-year limitation, which was changed to reflect the staff and utility recommendation of a 20-year limitation. 30 years was considered too long due to business closures and property owner deaths. The repayment agreements would also be recorded by the County and would appear in title searches. The Council would continue to see every agreement. The procurement code requirements, which required developers to follow the Town procurement code, were removed because it could be cumbersome and expensive for developers. They would only need to submit a cost estimate to the Town Engineer. If the Town was involved in the repayment agreement, State construction requirements would be followed since they were less strict than Town requirements.

Recess at 6:14 p.m. Meeting resumed at 6:17 p.m.

- Water Connection Requirements: The recent UDO changes required any property within 300 feet of the parent parcel of a subdivision, to connect to Town water. Staff and the Utility Committee recommended that an existing single lot residential not in a subdivision would only need to connect for new construction if water lines were at the property line. A subdivision with lots one acre or more, needed to extend and connect if lines were within 300 feet from the development. With the new zoning changes, a subdivision of less than one acre needed to connect. The current code

was only at half an acre.

- Sewer Connection Requirements: It was similar to the water connection requirements. It was mandatory for new and existing non-residential, including commercial, industrial, and multifamily developments, to connect to sewer if sewer was within 300 feet. For a single lot, it was still optional for existing construction. For a single lot one acre or larger, it was required if it were at the property line. New subdivisions one acre or larger had the same requirements as the water connections. Subdivisions less than one acre needed to connect to sewer or if not available, they had the option of designing a neighborhood treatment facility until such time as sewer went by. The terms of that would be in the development agreement. If there was a lot split that created lots less than one-acre, they still needed to connect to sewer regardless of the distance. The utility committee recommended allowing the owners of an existing failed septic system the option of connecting to sewer if it was available unless it was deemed a public health safety issue.
- UDO: There were changes needed to the UDO for the small lot splits and subdivisions if the changes were made to Chapter 50 and 51.
- General Plan: The Town would be hiring a consultant, with the comprehensive approach to future growth and development, with a better handle on small lot placements.

Council and staff discussed the following:

- Lot splits with lots over an acre were required to connect to utilities for new construction if the lines were at the property line.
- Regardless of the size of a single lot, water connection was not required for new construction unless it was at the lot line. A lot smaller than an acre had to connect to sewer even if it were not at the property line.
- Failed septic systems were left to the owner's discretion whether they stay on their septic or hook to Town sewer, unless there were health safety issues. An option that had been discussed by the Utility Committee was to let the property owner replace the septic system if the cost of hooking to Town sewer was two to three times the cost of repairing the existing septic system. Since failure rarely happened, the new language left it at the owner's discretion. Members discussed what was considered a septic failure.
- Members agreed that staff should present the changes to Council for consideration as written.

3) ADJOURNMENT

Mayor Miller adjourned the meeting at 6:38 p.m.



A blue handwritten signature of Jack W. Miller.

Jack W. Miller, Mayor

ATTEST:

Erin Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 15th day of February, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of March, 2022.

Erin Deskins

Erin N. Deskins, Town Clerk