

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

**WEDNESDAY, JULY 22, 2020
3:30 P.M.**

The Town Council Ad Hoc UDO Update Subcommittee of the Town of Chino Valley convened for a regular meeting in Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

Present: Lon Turner, Chair; Corey Mendoza, Councilmember

Absent: Cloyce Kelly, Councilmember

Staff Cecilia Grittmann, Town Manager; Andrew McGuire, Town Attorney; Joshua Cook,

Present: Development Services Director; Frank Marbury, Public Works Director/Town Engineer;
Will Dingee, Assistant Planner

1) CALL TO ORDER

Chair Turner called the meeting to order at 3:31 p.m.

2) ROLL CALL

3) APPROVAL OF MINUTES

- a) Consideration and possible action to approve the June 17, 2020, regular meeting minutes.

MOVED by Chair Lon Turner, seconded by Councilmember Corey Mendoza to approve the June 17, 2020, regular 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:

- There was a study session June 30. There was a lot of discussion, but there were not many changes to the proposed language.
- There was extensive discussion regarding the language provided on the water and sewer section of the lot split exemptions.
- During the last three weeks since the study session, there had been no public comments regarding the draft text.
- They received a couple emails from Ryan Roberts, a local community member, regarding his belief that the Town was misinterpreting the code. Staff and the Town Attorney have discussed the points brought up. Attorney McGuire explained that the comments made were that land splits without a subdivision and above two and a half acres should not be regulated. The lots splits that had been denied previously had not been regulated under the statute used by Mr. Roberts, they had been defined according the subdivision definition and regulations. The issues the Town had, were not related to the lot split issues, but subdivision issues. People tended to equate lot splits with a lack of infrastructure requirement or that statutory provisions also prevented the Town from requiring infrastructure requirements for lot splits over 2.5 acres, but that was not the case. US Case Law in the Supreme Court were related to building permits, not lot splits.
- What was before the Committee was a revision to the subdivision requirements and to make larger lot subdivision regulations make sense rather than addressing lot split issues.
- Section 5.3.3(D) - Added Language: All lots created per regulations served by the Town's water system, shall connect to system in the manner described. A lot was considered to be served by the Town's water system if a Town water line was within 300 feet of the property line of the parent parcel from which the lot to be served was divided. Provided however, until September 1, 2025 any lot created in conformance with the requirements for land splits not requiring a subdivision in Section 5.2.6 or a combination of the minor subdivision and rural subdivision provisions 5.2.7 and 5.2.8 may be developed without connecting to the Town's water system even if the lot was served at the time of a building permit application. This exemption was not perpetual and would sunset on the above date.
- The definition of Parent Parcel had not yet been added, but could be added. The definition had to be universally accepted. The definition would go in Section 2, under definitions of the UDO.
- There was discussion amongst staff and committee members about the feet requirement currently in the code for water and sewer hookup requirements. The master plan requirement was 200 feet and anything over 200 was not required to hook to the Town's system.
- If a well was already on the lot prior to development, staff thought the lot owner still may be required to hook to Town utilities, depending on the code, but the topic would have to be discussed in depth during the appropriate meeting regarding that particular code section. Committee members discussed that the Town did not have the overall authority to decide if a property was or was not required to hookup to Town water. It would ultimately be up to the State, and their requirement was only 100 feet from an assured provider. Currently, the only assured provider was the City of Prescott in the Town area. Staff thought that for subdivisions within the Town, developers would have to extend the water and sewer to the property, but the Town was not making anyone abandoned a well. The Council could incentivize people to abandon their wells.
- The 5.3.4(A)(1) language for the sewer mirrored the language for the water. Staff reviewed the language with the Committee. Staff explained the parent parcel requirements. There would be issues because there were areas where roads had already been put in, but proper procedure not followed, and lots that were previously split wanted to split again. This had become an issue within the Town. Staff members stated that the cost of hooking to Town utilities could be extensive for individual property owners. The Committee discussed a particular lot cost to hook Town utilities. The costs had come in at double to triple the engineers report. Staff

explained that the exception was included for this reason. The Committee continued to discuss cost issues for developers and high-density developments. ADWR required water certificates for six lots or more.

- A local developer discussed the difficulties of having a parent parcel and the cost of development with the proposed requirements. Staff explained that the Town did not have total autonomy to make decisions since they were bound by ARS Title 9. Staff reviewed the land split definition and requirements from the subdivision section in ARS. The code change would allow rural subdivisions to have reduced submittal requirements and reduced the amount of infrastructure required. Staff reviewed the proposed changes for the rural development for the developer. The current code, which had more restrictive requirements, would be modified to make rural lot splits easier for development.
- Committee members explained that they were close to finalizing subdivision and lot split road requirements. The Committee was currently reviewing the utility requirements. Members had gotten numbers for sewer, asphalt, curb and gutter, etc. There was a breaking point between high density and one-acre pieces. Part of the requirements for subdivisions from the Town was because of State Statutes. There were many issues that the Committee didn't like, but the State made the rules.
- Staff reviewed the requirements for a 1-3 lot split for infrastructure.
- Committee Members discussed whether they wanted to encourage high density areas and if they were making it cost prohibited to develop one acre lots. Staff explained that those questions should be dealt with through the General Plan's transportation plan and the future land use map section. The current future land use map only had medium residential density everywhere in Town. Technically someone could request a 0.16-acre lot anywhere, and they would qualify if they could provide water and sewer. It also did not designate certain areas for rural or urban lifestyles. The Town should have both. Where the Town's water and sewer lines were located should be urban density areas. Where water and sewer were not available or would never become available should be designated as rural agricultural areas. This was not addressed in the subdivision regulations. The General Plan needed to be rewritten. Staff discussed the subdivisions that could be allowed based on the current General Plan. The low, medium and high-density areas needed to be created within the General Plan. Medium density was not defined within the General Plan except for a statement that said under two acres.
- The General Plan needed to clearly define where the Town wanted agriculture, rural, large acre lots and where the Town was willing grow to urban levels.
- The last update for the General Plan was in 2014, but the Town should not wait six more years to complete another one. The Town did not have to wait to meet the state mandated time requirement of ten years, but they had to at least have one completed every ten years. The size of the community would dictate that the General Plan be adopted by a Town referendum vote. If it failed, it would have to go back through the total process again. The initial process included public outreach and open Town meetings so the community could be involved in the development of the plan. The Plan should be the vision of the community.
- Subdivision regulations dealt with what and when something was required for the development. It was a checklist that must be complied with fully to get the conceptual preliminary plat approved if they had the correct zoning entitlements.
- The Town should consider revising the uses and area use map as well as the transportation element in the General Plan. The transportation element dictated where the current roadways went and where future roadways were anticipated to go. The Town had to decide if they wanted to fix portions of the General Plan before the major rewrite or if they want to tackle the entire rewrite immediately.
- Committee members thought having the utilities map available to them to see what 300 feet looked like would be helpful. Staff explained that the water utilities started at the well at Bright Star ran up Juniper at Road 1 East and caught the Country West well, the line then ran north on Road 1 East to Perkinsville and then back out Perkinsville to Old Home Manor

(OHM). That was the extent of the Town's water lines. Staff explained that subdivisions using wells for the development, still needed to provide a certificate of assured water supply for six or more lots. A multiple family dwelling could house 300 people and not need an assured water supply because it was not considered a subdivision.

- Staff reviewed the sewer lines, which started at the sewer plant near OHM and encompassed several areas on both sides of State Route 89. The lines covered about 15% of the Town.
- Members wanted to move forward on the minor subdivisions to ease up the regulations for those property owners.
- Staff explained that the sewer code was out dated regarding sewer connections. Once the subdivision regulations were finalized, the utility code would be modified to be consistent with the subdivision regulations.
- Committee members questioned if there was a downside to making the changes without causing issues with the General Plan. Staff did not think there was a downside and thought it might help to spur the question about where rural and urban areas should be located.
- Committee members discussed that some property owners would still be affected by the proposed changes, but it would free up many property owners with the inclusion of the minor subdivision language. Staff explained that the Town could come back and address areas that may not be working.
- Staff explained that the ultimate solution would be to have a good masterplan that defined everything, and then expand in accordance with the masterplan.
- Staff said that several high-density subdivisions were extending water and sewer lines and there were several high-density subdivisions moving forward in getting their assured water certificates.

Staff would setup a special Planning Commission meeting in August to review the proposed language of Section 5 and then it would be presented to the Council in September.

5) **NEW BUSINESS**

- Future Agenda item – General Plan Modifications; Connex Box language; Agritainment, agribusiness and agritourism language; updating manufactured home definition; park trailer addition to the recreation vehicle definition as defined by the State. Staff would also be rewriting sections of Chapter Four. The wireless section needed some major modification.

6) **ADJOURNMENT**

MOVED by Councilmember Corey Mendoza, seconded by Chair Lon Turner to adjourn the meeting at 4:46 p.m.

AYE: Chair Lon Turner, Councilmember Corey Mendoza

2 - 0 PASSED - Unanimously

Submitted: July 30, 2020.

By: *Erin Deskins, Deputy Town Clerk*

Approved: October 28, 2020.