

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

**TUESDAY, FEBRUARY 16, 2021
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 Corey Mendoza; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember Annie Perkins; Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Development Services Director Joshua Cook; Public Works Director/Town Engineer Frank Marbury; Chief Building Official Dan Trout; Economic Development / Project Manager Maggie Tidaback; Planner Will Dingee; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Traci Lavelle (recorder); Town Clerk Erin Deskins

Mayor Miller called the meeting to order at 6:01 p.m.

2) Consideration and discussion regarding the Town of Chino Valley Rural Co-Op Tourism Program with the Arizona Office of Tourism. (Maggie Tidaback, Economic Development Project Manager)

Maggie Tidaback presented the following:

- She had been working on a tourism campaign for the Town over the past year.
- Tourism was important because:
 - It brought to Town new money, new jobs, businesses and events, and boosted the economy.
 - It supported small businesses and enabled them to expand.
 - It built relationships within the community.
 - It helped build and maintain existing and new community amenities.
- Types of Tourism included:
 - Recreational
 - Agritourism
 - Sports Tourism
 - Adventure Tourism
 - Historic Tourism
- Arizona Office of Tourism Central Arizona 2018 numbers brought a large amount of money to the State and the Town had an opportunity to tap into some of that. The addition of an RV Park and additional overnight accommodations would bring more opportunity to get some of those dollars. Covid had brought some of these numbers down over the last year.

- She had applied for a grant through a rural marketing co-op program through Arizona Office of Tourism. The Town was awarded grant funds through a 50/50 match for \$8,300. The grant ad types and partners were reviewed.
- In March the Local First Arizona Rural Development Council would be meeting in Town with local stakeholders. Discussions would center on what the Town had to offer visitors and the essence of the community.
- The next step would be developing the website and logo. A company had been selected to develop both.

Council Members and staff discussed the following:

- The website would be discoverchinovalley.org and the website developer would be creating a brand for tourism in Town. The website was separate from the Town's. The site would have its own logo, colors and individual website.
- Staff expected new dollars to be generated from the website and development, and expected the community to come together through community outreach programs.

3) Consideration and discussion regarding amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the definition and regulations of a Metal Storage Container. (Will Dingee, Assistant Planner)

Joshua Cook presented the following:

- Staff was proposing the text amendment because conex boxes had been allowed in the past and there were several throughout Town. The current UDO had no provisions to allow for conex boxes. There was an unclear statement within the residential sections under conditional uses that stated the zoning administrator had the authority to regulate the process for approval for items not specifically listed in zoning district. Current staff had opted for the conditional use process for conex boxes, which put the burden of approval on Planning & Zoning, and Council.
- The reason conex boxes had been allowed in the past was because policy letters were written to grant authority for their use. This was not the appropriate method. It should be done by a text amendment process in which the proposal was codified in the zoning ordinance and adopted by Council.
- The UDO Subcommittee had met at least three times over the last year to discuss the conex boxes. A review of the meetings and outcomes was provided. No changes recommended from the last meeting had been incorporated because Committee Members and staff wanted to make any changes with full Council.

Council Members and staff discussed the following:

- Accessory structures had a five foot setback from side and rear yard. Staff had been using the same guidelines for the conex boxes.
- This text amendment did not address anything with axles and wheels and only addressed conex boxes.
- This was coming to Council partly as a preventative measure and because if it was not in code, it was prohibited and could not be regulated. The Town had been regulating conex boxes, which were not in the code. They were not considered structures or storage sheds and required a Conditional Use Permit (CUP) so they could be placed on the property. If it was not listed in the zoning ordinance, it was prohibited. Staff was bringing this to

Council because many people had asked for permission to place conex boxes on their property.

- There were not any specific complaints about people using conex boxes. Staff explained that they did get complaints on the current approval process, which could take up to two months. There had been some complaints about conex boxes obstructing views.
- The proposed language would allow staff to issue a land use permit, which would allow staff to ensure it was placed within the accessory structure setback guidelines, which were the least restrictive setback guidelines.
- The UDO Subcommittee had struggled with regulating and developing an approval for people to have the ability to use conex boxes. The Subcommittee had looked at what was realistic and acceptable to neighbors. Another topic the committee grappled with was the number of units that would be allowed on any particular lot based on size or use. It was clear that use of the boxes was for storage containers and not workshops. Discussions in the Subcommittee had overviewed the cost of building a garage was significantly higher than placing a cargo box on a property. Members thought it was important for people to be able to afford to put storage on their property, and the cargo boxes allowed for this.
- Another discussion in the UDO was the appearance of properties. It was agreed that it's better to have belongings inside a storage unit than to have them scattered around the property. The Committee wanted to require containers to be painted in earth tones or similar to the adjacent property structure, so cosmetically the appearance was more appealing.
- The size and number of units could be determined similarly to sheds, with the total number based on a percentage of total property coverage of all buildings. The units could be classified as sheds. Residential properties would be prohibited from having a 40 foot container. The total percentage of property coverage was dependent on the zone. Other options were discussed based on the total size of the property, but it did not work for every zone or property.
- Determination of whether a container was blocking a view was impossible to make.
- Staff explained the reasoning for developing regulations was not just based on community complaints. The Town's code was prohibitive in nature, meaning anything not specifically listed was prohibited. Since conex boxes were not considered a structure, they could not be treated like a shed. To approve and allow people to start using conex boxes on their property in a manner in which they were treated like storage sheds, required Council action to add something into the Code allowing staff to recognize the storage containers as a shed. Language had been drafted to eliminate some uses beyond storage. Staff and code enforcement would ensure all regulations were being followed.
- Interior lighting would not be allowed because the containers did not qualify through the building code as a structure, so electrical permits could not be issued. There were lighting options available that did not require electricity to the storage units.
- Conex boxes had been a topic with Council previously, but it still needed to be addressed in the zoning regulations. Staff explained that a property maintenance code had been adopted, moving it from the UDO into the Town code, but it dealt with code enforcement ability to cite someone for unmaintained property. It also dealt with vehicles and junk around the yards. The code was clear on screening of outdoor storage and what the definition was of outdoor storage.
- It was being proposed that containers could be placed on a property if they met the minimum setbacks, they were painted, no electrical power to the units, and the number of units would be based on the zone.
- UDO Committee members wanted to avoid the CUP process. Adoption of the language would eliminate the need for staff to initiate the CUP process.
- A definition for metal storage container would be added to the code and included in the outdoor storage section enabling metal storage containers to be allowed outright. The

- remaining questions was how many would be allowed on a property.
- Members wanted the total allowance to be the same as storage sheds, which could be up to 50% of the lot. Staff explained that sheds were considered a structure because they were built to building code standards and metal storage containers were not, which was why a definition for metal storage containers had been added.
 - UDO Committee members explained that staff was not dictating any regulations. Everything proposed was determined through the UDO Subcommittee meetings. But Subcommittee members were concerned they were overstepping their boundaries by initiating regulations.
 - Members discussed how other areas of the United States were allowing the same metal containers to be turned into residential living quarters. Staff explained that if someone came to town that had an architectural and engineered stamped designed home that incorporated conex box material, it could be reviewed and possibly approved by the Town. The issue the Town currently had was that people were buying the containers and dropping them on their lots and then modifying them. Staff was not for or against the use of conex boxes but determined there was an issue when people were seeking approval, but the Town did not have a provision for them.
 - Members were not supportive of the restrictions on the number of units.
 - Some members wanted to treat the containers as an accessory unit, but others thought when considering setback requirements, they should be treated more like a garage or permanent structure, because once the containers were placed, they were not going to be moved. Members discussed the pros and cons of setback requirements.
 - Members agreed the larger setback requirements used for permanent structures was preferred.
 - The Town did not recognize HOA rules and would still issue a land use permit for conex boxes despite any HOA requirements.
 - Members discussed different options for different zones. Staff explained that a sunset clause could be added to the regulations to ensure the issue was revisited after one or two years.
 - If the number of units on a lot was based on total lot coverage, applicants would need to provide square footage of every structure on their property and a calculation would need to be done by staff for each land use application.
 - Members explained that one percent of an acre lot was 435 square feet. If one percent of the property could contain metal containers, it would allow more square footage than the maximum two unit requirement. If a flat percentage of the property were used as the requirement, a larger property could have a higher number of allowed containers.
 - Members thought the percentage of property was the fairest method. Staff explained it was easier to calculate a flat percentage based on the lot size and storage containers than to calculate total lot coverage. It was agreed amongst the Members to allow for containers based on one percent of the property size, all containers painted the same color with the proper setbacks followed. Staff stated the inclusion of a two year sunset clause would allow Council to review whether the regulations were working for the community.
 - Commercial and Industrial zones could also have a percentage rate of the property, but many of the commercial lots were smaller than an acre. Staff reviewed the regulations for Commercial lots. Adding a conex box to a commercial property would trigger a site plan to verify setback and parking requirements were being met. They could start requiring that a proportionate amount of landscaping be added based on the square footage of the container being added. Members discussed what would trigger a site review.
 - Members agreed that a percentage of the total property should be used for Commercial property. Members discussed what percentage would work best and thought that commercial property could need auxiliary storage more than residential lots. Members

- discussed how the location of commercial lots would make a difference on the number of containers that would be appropriate for the area. For the good of the business corridor, the Town needed to determine how to differentiate the areas and the percentage allowed for containers. Staff explained they could add an additional requirement that all properties that fronted State Route 89 would be restricted to the additional requirements.
- Members discussed allowing three percent per acre for off highway commercial property. Members also discussed that two 40 foot containers kept behind a building on commercial property located on the highway was not too much. Three percent coverage for off highway commercial property would be approximately four containers per acre. Two 40 foot containers per acre would be lot coverage of 1.5%, which could be used for property on the highway. A half-acre of commercial property could have one container.
 - Members wanted to incorporate rules on containers which included:
 - Containers could not be stacked on top of one another and could only be one story.
 - No garbage could be piled on top.
 - Staff explained that accessory buildings including conex boxes, were not allowed on property without a primary use. The only lots that did not require a building were contractor lots in Commercial Heavy zones. Conex boxes would be allowed on a contractor's lot without any buildings if that was the primary use of the property. It would still be restricted to 3% of the lot.
 - If a property owner had a legitimate reason to have more containers than what was allowed by code, they could apply for a CUP.

The meeting was recessed from 7:13 to 7:15 p.m.

The agreed upon conex box regulations were as follows:

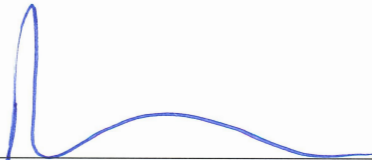
- Residential Zones: Allow for one percent of the total square footage of the lot to be used for conex boxes.
- Include a sunset clause.
- The conex boxes need to meet the maximum setback requirements instead of the less restrictive accessory setbacks.
- Commercial property: Allow for three percent for commercial and industrial properties that were off the highway, and there had to be a primary use on the property.
- Containers had to be one story and not stacked, and no items stored on top.
- Item H would be added stating properties facing State Route 89, would be required to meet design requirements, and would be allowed 1.5 %, equivalent to two 40 foot containers.
- A property owner may apply for a CUP for extenuating circumstances.

4) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Annie Perkins to adjourn the meeting at 7:34 p.m.

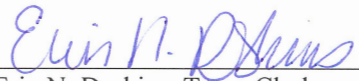
AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously



Jack W. Miller, Mayor

ATTEST:

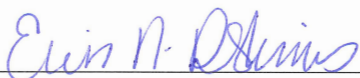


Erin N. Deskins, Town Clerk

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 16th day of February, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of March, 2021.



Erin N. Deskins, Town Clerk