

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

**TUESDAY, APRIL 20, 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 Annie Perkins; Councilmember Lon Turner

Absent: Councilmember Cloyce Kelly

Staff Town Manager Cindy Blackmore; Development Services Director Joshua Cook; Public
Present: Works Director/Town Engineer Frank Marbury; Planner Will Dingee; Chief Building
Official Dan Trout; Code Enforcement Officer David Jaime; Audio Video Technician
Lawrence Digges; Town Clerk Erin Deskins (recorder)

Mayor Miller called the meeting to order at 6:04 p.m.

2) Consideration and discussion regarding code compliance efforts and challenges within the Town over the last year, and direction from Council moving forward. (Joshua Cook, Development Services Director)

- Building Official/Code Compliance Manager Dan Trout and Code Compliance Officer David Jaime would be giving the presentation.

David Jaime:

- For 2020 until the current date, they had 201 complaints, with 160 of those being residential and 41 being commercial.
- They had received approximately 700 phone calls.
- Staff had planned a Town Clean-up scheduled for May 7-8th. They advertised through flyers, social media, and the Town website. Several flyers were mailed out to neighborhoods. They also had created cases while going through neighborhoods with flyers. When staff received calls regarding those cases, people were told they could drop off items for free during the Town cleanup.
- They had a concentrated effort to bring the commercial corridor into compliance. Staff was starting on one side of Town and going up and down looking for different issues and trying to get things cleaned up. Staff currently had 12 open cases with a couple resolved and closed 7.
- Issues that staff were looking at and addressing were storage, fencing, weeds, screening, etc. to ensure people were complying with the Town's codes.
- Many of the complaints staff received were not related to code. People would complain

about issues that staff could not address.

- There were numerous ways for a person to file a complaint, which included calling, filing a form in person or online, or through a website portal. Complaints can be anonymous. Staff had three days to respond to a complaint. Once staff got a complaint, it was added to the caseload, and then it would be inspected. Once on the property, staff would look at the complainant's issues but at the property as a whole as well, to ensure there was nothing else out of compliance. If staff found a violation, they would open a case.
- Recent cases included garbage and inoperable vehicles. One of the biggest complaints staff got was people living in RV's. Due to the conversations staff had when addressing the RV issue, staff believed that the current RV issues were directly related to the COVID-19 pandemic.
- Once a case was officially opened, staff followed a certain procedure that included the following:
 - An official violation notice was sent to the out of compliance party. The notice provided 15 days to correct the violation. The notice included what the violation was and ways to fix the violation. The person was also encouraged to contact Town staff with questions or concerns.
 - After 15 days, staff would revisit the subject property. If all issues had been addressed, it was documented, and the case was closed.
 - If there were outstanding issues, a second notice letter was sent out which provided an additional 15 days to correct the outstanding violation.
 - A third inspection was conducted after next 15 days. If a person did not come into compliance after the second letter, a civil citation was issued through the court. If a citation was involved, the case could go as long as 45 days.
 - Staff's goal was compliance and not trying to prosecute anyone, which was why people were provided numerous notices. Staff wanted to work with people.
- The pandemic had made some issues more difficult to address because Town offices and the Court had been closed. Due to this, several cases staff had on record had been canceled, pushed back, or rescheduled.
- The code had language for habitual offenders that staff thought needed Council review. A habitual offender was someone that offended repeatedly, whether it was the same violation or a different one. After two or more citations within a certain amount of time, it could move into a criminal process. That usually got people's attention, but the problem was that there needed to be two complete citations. This meant the citations had to be issued and corrected, paid, or ignored, at which time the citation was considered complete. The issue was that many times people came into compliance right before the citation expiration, but would then reoffend again. This started the process all over again. Once someone came into compliance by code, staff was required to dismiss the citation. Staff was trying to determine a way to tighten the grip on those types of situations to help fix that issue.
- Staff communicated with people continually to track the status of the violation.
- Staff wanted to find a way they could be notified when something changed instead of chasing people down.
- Staff wanted to stay educated and trained on current codes.
- Staff thought there had been some code language changes that could be clearer. Recent changes that could have further clarification included non-domesticated animals and outside storage and RV's
- Staff used software to manage their violation caseloads. Development Services also used it to track business licenses, building department, and planning and zoning issues. The software was difficult and not user-friendly. Staff was working on finding software that was easier to use.

- Staff shared examples of cases in which the people were interested in working with the Town to rectify the violation, but the Town's timeline did not fit the situation. Although it took longer, the properties had come into compliance.
- Staff wanted feedback on areas that Council wanted Code Compliance to focus on.
- Other than one full-time position, Code Compliance Officers were often temporary or were tasked with other duties. The Town had recently hired a second full-time Code Compliance Officer, which had been helpful. With a second full-time person, staff expected there to be more enforcement and compliance in Town.

Council and staff discussed the following:

- On a typical day, staff would start out with previously scheduled violations or issues that they needed to follow up on. If staff received a call or complaint and the person left their name and number, staff would follow up on the issue, but many times people wanted to remain anonymous, and staff had no way to communicate. Staff was generally able to keep up on phone calls, but there were busy times when they might have to put a call off for a day because of a tight schedule.
- Staff wanted to keep a record of people that were repeat offenders who would come into compliance with the Town, but would repeat the violation within months, requiring staff to repeat the entire process. Staff wanted to find a way to make the first or second non-compliance carry more weight so that people would stay in compliance.
- Staff worked well with the Court, and staff planned to work with them to ensure the notification regarding non-compliance cases heard by the court were relayed to Town staff. If it were an automatic thing the Court did, it would save staff time.
- People could store RV's, campers, boats, trailers and other similar items, but the problem staff was seeing was when they made the items habitable. Staff had a list of conditions to make something habitable. In rural areas, people did not think it was an issue to plug in their RV to make it another living space.
- Violations did not start out as a legal issue, but instead it was considered a civil issue. Once the two 15 day time periods had passed, a civil citation was issued. It was comparable to a traffic ticket. The only way for it to become criminal was through the habitual offender code. Arizona Courts required a 30 day notice once given a citation to be notified and then the person could ignore the notification, come to the court to claim not guilty, or pay the fine. Once someone had a couple of those, it could become a criminal matter in which someone could pay higher fines or face jail time.
- Without a code change, staff could not make it more difficult for habitual offenders. Staff explained that when a case did get to court under a criminal offense, the court and staff were more than willing to get the person to come into compliance. Once the person had been through the process and was aware of the consequences if they did not come into compliance, they were more likely to resolve the issue. The times staff had been through the criminal process, it had been highly effective.
- Staff was looking at zoning and use violations on both residential and commercial properties.
- Staff was tracking commercial properties site plans, landscape plans and lighting plans by keeping a signed copy of them, which had not been done in the past. The plans were kept in the property parcel files for the individual developments. Going forward, staff would be able to track the developments and follow through on any code enforcement violations. There had always been basic landscaping requirements, but staff needed to talk to legal counsel to determine if they would be able to require businesses to have some basic landscaping.
- In the past when staffing had been low, staff mainly focused on complaint driven violations, but now that there was more staffing, staff could focus on more proactive issues.

- If Council wanted the Town cleaned up and there needed to be more staff, then Council needed to be approached by staff and the Town would have to pay for more Code Compliance Officers. One person could only do so much, and if Council wanted more time dedicated to enforcement, they needed to hire more people. Staff wanted Council's continued support.
- Council thought that an example of habitual offender code language from other communities would be helpful. The Town could try and blend more with the codes of Prescott and Prescott Valley.
- People were coming to the Town about animals because they were unsure what was allowed in their zones. In some zones non-domesticated animals were allowed but in others, nothing was allowed. The specific code language limited the number of horses, cows, or pigs to one per acre, but put no limit on goats, sheep, or fowl. Council needed to determine the number of animals per acre they wanted to allow, if they wanted to remove the restriction, or if they wanted to clarify the current language to make it clearer. Some properties that were five acres or larger had a lot more than five animals on their property. The question was whether the Town cites people with too many animals or if they fix the code to accommodate the Town. People who did not have or want those sorts of animals in their neighborhood were complaining about the people who did. Some people that had complaints were complying while others were not.
- Members discussed the appropriate number of animals for an acre of land. Some members thought that four animals per acre was appropriate, but the property had to be kept clean. Members also did not think there was a one size fit all situation because some one acre properties had much of the lot covered by structures, leaving only a small amount of space for animals. There needed to be clarification in the code. Other Town codes could be researched for language.
- Members discussed that having cattle and pigs was different from having horses.
- Staff thought an extra full-time staff member would help with proactive code enforcement along the commercial corridor and residential areas.
- Members wanted to see the Town working more with the State on the commercial corridor. There was a state rule that an asphalt 50 foot right-of-way was required in the commercial corridor for properties one acre or more, and there were many that did not have it. The Town should be able to request the State inspect properties to ensure compliance.
- Members discussed the importance of having enough staff so that they were able to enforce equally across the board.
- The residential areas were more complaint based, but the commercial corridor was more proactive based enforcement.
- Staff reminded Council that the signage sunset clause would reach the two year mark within several months, and they would have to reevaluate the auxiliary sign language.

3) Consideration and discussion of ORD 2021-893 regarding the proposed text amendment to 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 proposed definition and regulations for Metal Storage Containers. (Will Dingee, Planner)

Josh Cook presented the following:

- Staff was proposing the text amendments for several reasons.
- Conex boxes, which were metal storage containers, were not permitted in the code. They were not structures, and staff had no way of permitting them. The only way they could be permitted was through a conditional use permit. Conditional use permits could

take eight to twelve weeks for approval and based on the Town's fee schedule, would cost \$400 for a permit fee. It was a lengthy and expensive process with no guarantee of the outcome. To make it an allowed use, the code needed to be changed.

- This had been brought forward multiple times, starting in February 2020, through the UDO subcommittee, Planning and Zoning Commission, Council meeting and study session, and a final Council meeting in March 2021.
- Changes to the proposed code included the addition of percentages of storage container based on lot coverage or total amount of area in a lot.
 - Residential – 1%
 - Commercial and Industrial – 3%
 - Commercial along State Route 89 – 1.5%
- Language was added requiring the metal storage containers setback measurement be based on permanent setback structures, which was ten feet in some areas instead of five feet for accessory structures.
- The electrical service allowance was deleted because it was not a structure. To have electricity, the container would need to be engineered to become a structure.
- It was clarified that all commercial and industrial properties making any external changes to the site, including adding a metal storage container, would require a site plan review process.
- A sunset clause was added to have the issue revisited and discussed.

Council and staff discussed the following:

- This had been tabled because some Members had issues with the proposed code.
- It was a concern the Town was over regulating since there had been few complaints and few questions from the community regarding the metal storage containers. Members did not want to see the containers stacked on top of one another or things stored on top of them, but they also did not want to require the containers to be painted because it could be expensive.
- Staff explained that adding any roofing to the unit was not allowed because it was becoming a structure, and it was not engineered. Once a solid roof was added, it needed to meet wind loads and snow loads and needed to be engineered. If it was a life, health, or safety issue, it needed to be regulated. Some Members had seen storage units that ended up in the neighbor's yard when strong winds occurred, and they thought it was important any addition to storage containers needed to pass code, needed to be engineered, and inspected.
- Staff explained conex boxes that were existing before any code was enacted would be grandfathered, but if someone had created a roof structure over the conex boxes, it became a public safety issue and would be addressed.
- Metal Storage Container was not currently in the code and would be added into the definition section 2.1. Staff thought the Outdoor Storage Section 4.9 was the best existing section to include metal storage containers.
- The Outdoor Storage section had been amended during the manufactured home definitions changes, which had already been approved by Council. It eliminated Section 4.9 1A-G. People could park an RV on their property to live in while they were building their primary structure. Staff would check if there was a time limit for that. All references to manufactured homes and RV's had already been addressed the previous month.
- Staff explained the requirement of a land use permit was to ensure the required setbacks had been met because they were modifying their property. Members thought it was overregulation. Members thought the Town could keep the side setbacks without a permit and any non-compliance could be dealt with on a complaint basis or through general code enforcement review. Staff explained that land use permits had no fee, and

permits would be used to enter the information into the system so staff could go out and check the setbacks. Staff explained they would rather ensure the setbacks were reviewed when they were putting the box down rather than after a complaint, which would require the person to move the container. It was a record keeping permit that helped staff track setbacks. Staff posed the question regarding what would cost more staff time and money, going out and verifying the setbacks while it was being placed, or code enforcement going through the non-compliance procedure, including notifications and citations. It would also cost the citizen money to have the container moved after it was already placed. Land use permits could be filled out quickly, put in the system by staff, and arrangements made for staff to meet onsite to review the setbacks. It could happen the same day.

- Staff explained that a permanent structure was considered a primary structure, and certain zones required a 10 to 15 foot setback for the primary structure from the rear and side yard property line and 20 feet from the front yard property line. Any container would need to abide by those setback requirements. Accessory structures were barns, sheds or an actual structure and the setbacks were only five feet. The storage containers were not considered structures. Since the structure were very heavy, once they were set it would be difficult to move.
- Members thought it was confusing that metal storage containers were listed as an accessory use but had to follow setback requirements of a permanent structure. Staff explained that it was an accessory use because it was not the primary structure or use, such as a single-family home. The conex was an accessory to the property, but the setbacks would be measured from the primary structure's setbacks. Members suggested leaving the accessory language off to remove any confusion.
- The proposed language encouraged the conex boxes to be painted the same colors as the primary structure, but it was not required. They were required to be painted. Many of the boxes had graffiti, business names, etc. The language for painting and maintaining the conex boxes a single color included the word shall, making it a requirement. If the box already had a solid single color and had no wording or graffiti on it, it did not need to be repainted. Staff could delete the portion that encouraged the boxes be painted the same color as the primary structure.
- Modifying the structure in any way, would be turning it into a structure without going through the proper process. Cutting the container would be considered modification.
- Members thought it should be clarified that although there could be no power installed in the unit, people could use an extension cord. It was suggested that the word permanent be added to electrical service or that no electrical service shall be served to the building without engineering, which opened it up to extension cords. It could be left as worded to convey the intention.
- In areas of special flood hazards, sheet flow, or flood plains required outdoor storage to be anchored, which was part of the Town's flood ordinance. A land use permit would allow staff to do a flood assessment on the property to determine if it were in an area of flooding. It would be part of the assessment and review process. Staff could address any flood issues when someone was applying for the permit because they had access to flood maps. The containers would be tied down the same way a shed was tied down. The anchoring system would be on a case-by-case basis. Staff would not restrict options and applicants could bring an anchoring method to staff for review. Staff agreed the second sentence could be removed from the proposed language and section 152 regarding flood zones could be referenced.
- Section H allowed for people to have a conex box permitted under the primary structure building permit, in a front yard in conjunction with construction of a primary structure. It would need to be removed from the front yard before the certificate of occupancy. The commercial language was similar.

- The reference to commercial manufacturing and industrial zoning in section B would be changed to exclude the word manufacturing. Staff explained that B had not changed, it had only been renumbered.
- Section 5A required a site plan review and approval for commercial sites. Staff explained the current code required a site plan review for any external site changes. It did not differentiate between the changes. Changes could include increased parking, increased floor area or any changes to the external site in general. Members asked if they could amend current code to make an exception of conex boxes. Staff agreed it could be changed but stated there were many things to change and wanted to wait to make those types of changes. Staff explained that site plan review needed to be to scale but could be drawn on graph paper and would be accepted as the site plan submittal for review. Staff explained that site plan review was clearly defined in the code. Some Members disagreed that a conex box should justify the site plan review process and should fall under the same land use review as residential, and they believed it was over regulating. Staff explained that any external changes required a review, not just the addition of a conex box. It was explained that there was a separate site plan review section that laid out the process for review. The commercial code was different from residential and had different requirements. Staff explained that once the site plan was approved, the applicant was good to go. The only thing that staff would review on site were the setbacks and the drainage. The site plan review cost \$100.

Members took a break at 7:46 and resumed at 7:50 p.m.

- Members wanted to come up with an exemption to the commercial site plan review just for metal containers. Staff explained there were a couple of exemptions to the site plan review. There would need to be an exemption statement for conex boxes added to the list of exemptions. Staff explained the main commercial corridor was the gateway into the community and every person that drove through the Town drove through the entire commercial corridor. If conex boxes could be placed on commercial properties without screening, buffering, landscaping, etc., that would be what people saw driving through the community. Some Members thought it was over regulating, but others thought it was acceptable. Members wanted to have it specifically stated in the commercial section that a to-scale graph paper drawing was acceptable for the site plan, and they did not think referencing the site plan review section was appropriate and made it difficult for people to go back and forth through code sections.
- A Member did not like section D for placement of containers on Commercial property because property owners should not be told where they could place an item on private property if it was off the commercial corridor area on SR89. It was explained the containers could be placed anywhere on the property if they were screened and fenced from view. Members wanted the last sentence removed referencing accessory structures, just as in the residential section.
- The code would sunset in 2023.
- Changes in fees would require Council action to the fee schedule. Most members thought there should not be a fee for the site plan review for conex boxes. Staff said it was not much work for the addition of conex boxes and the specific fee could be amended.
- The item would need to go through Planning and Zoning again because it had been tabled indefinitely.

4) ADJOURNMENT

MOVED by Mayor Jack Miller, to adjourn the meeting at 8:04 p.m.

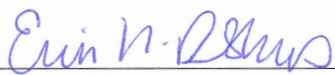
AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong,
Councilmember Eric Granillo, Councilmember Annie Perkins, Councilmember Lon
Turner

6 - 0 PASSED - Unanimously



Jack W. Miller, Mayor

ATTEST:

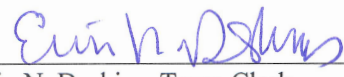


Erin N. Deskins, Town Clerk

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 20th day of April, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of May, 2021.



Erin N. Deskins, Town Clerk