Commissioner's Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
September 6, 2022, 6:00 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. CONSENT CALENDAR – All items listed under the Consent Calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item. In which case, the Chair will pull the item from the Consent Calendar to be heard.

C.1 APPROVAL OF MINUTES –AUGUST 9, 2022 SPECIAL MEETING

C.2 WITHDRAWLS BY APPLICANT – NONE

C.3 TIME EXTENSIONS – NONE

C.4 CONTINUANCES – ONE - **ZC-2022-05** — This is a request by Jon Rocha to rezone approximately 10 acres of land from AR-5 Agricultural Residential to SF-12,000 Single Family Residential for property generally located on the north side of E Road 2 North, between Peppertree Place and James Drive, Chino Valley, Arizona.

C.5 APPROVALS – NONE

D. PUBLIC HEARINGS – ONE

D.1 **TA-2022-05** – This is a Text Amendment to Request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, as pertaining to water and sewer Town Codes by amending certain provisions of **C**hapter 2 related to the meaning of words and terms, certain provisions of Chapter 4 related to lot size, certain provisions of **C**hapter 5 related to subdivisions, subdivision processes, land splits, water design and sewer design, providing for repeal of conflicting ordinances; and providing for severability.

E. ACTION ITEMS – NONE

F. INFORMATION ITEMS

F.1 Staff

- Council Action on prior P&Z Cases
- General Plan Update

F.2 Commission

F.3 Public

G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: https://us02web.zoom.us/j/83054705626, or by phone: 1 877 853 5247 (Toll Free) or 1 888 788 0099 (Toll Free); Webinar ID: 830 5470 5626

A copy of the agenda packet is available for viewing 12 days prior to the Planning Commission Public Hearing date, at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request accommodation to participate in this meeting.

Planning and Zoning Commission Special Meeting Minutes
August 9, 2022

A special meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, August 9, 2022, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were; Chair Chuck Merritt; Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner David Somerville, Commissioner Robert Switzer, Commissioner William Welker. Alternate Commissioner Richard Zamudio was in attendance.

STAFF MEMBERS present were Will Dingee, Senior Planner; Bethan Heng, Planner: Dee Dee Moore, Process Coordinator; Lawrence Digges, Audio/Video Technician.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. Commission began with the Pledge of Allegiance

CONSENT CALENDAR – A motion was made by **Vice-Chair Pasciak** and seconded by **Commissioner Meadors** to approve the items on the Consent Calendar. This motion passed with a 7-0 voice vote.

Mini-Training: – Planning Commission Discussion, Motions, and What Makes it to Council. **Laurie Lineberry, Development Services Director** shared that the discussions held during the Planning and Zoning meeting are shared with council through the minutes, and sometimes those discussion items are not specifically added to the motion. She provided an example such as wanting a photo studio to be pink. Unless the motion specifies the requirement for the studio to be pink, the requirement will not be in the recommendation forwarded to council even though it may have been discussed and agreed on by members. **Switzer** added that he had been at the previous council meeting and realized during the council meeting certain details had been discussed at the commission meeting were not actually part of the motion made during the planning and zoning meeting. **Merritt** reiterated that the wording for a motion could be discussed by the commission and needed to be sure that it included exactly what the commission is requesting. **Switzer** added that the motion made sense to the commission but the wording ended up being vague to council.

CASE# TA-2022-07: – Guest House Text Amendment. The Town Council has requested clarification by the Planning Commission, of specific items related to the proposed text amendment, forwarded to Council and heard at their July 12th meeting. The text amendment addresses changes to section 2.1 of the UDO revising the definition of Guest House and replacement of existing section 4.1 in the UDO with general regulations for Guest House development. The items to be clarified included: Definition of what is meant by new manufactured home; clarification of when site-built and manufactured Guest Houses are allowed; manufactured homes being required to be on a permanent foundation; meters for utilities (water, sewer, electricity, gas, cable) for Guest Houses; and CC&R's and Town Code conflicts.

Each of the above items were discussed, one by one, by each of the commissioners. The Commission agreed that the definition of a new manufactured home is: a manufactured home unit that has never been lived in, used or occupied and is no more than 2 years from the date of manufacture.

The next item asking for clarification by council was in regards to when site-built and/or manufactured homes were allowed. Again, each of the commissioners shared their opinion choosing a scenario listed in the staff report. All three scenarios were in the mix of discussion, with Scenario 3 initially selected as the preferred alternative. The commission continued in-depth discussion of the alternatives. **Pasciak** shared that the UDO Section 4.1F states that the Guest House must be architectural compatible. **Switzer** stated that he strongly opposed Scenario 3 because site-built homes should only have a site-built Guest House, as the units should look the same architecturally, roof pitch, roof materials, etc. The Guest House should have a strong resemblance to the primary residence; structurally and architecturally. **Pasciak** felt that after weighing the pros and cons of each scenario, that Scenario 1, which required the same type

construction of the Guest House as the primary house, site-built to site-built and manufactured to manufactured, appeared to meet with the majority as the best solution. **Switzer** stated that he would agree with Scenario 1. The commissioners were re-polled and all were in agreement with limiting Guest Houses to the type of construction existing on-site, with the exception of **Meadors**, who felt that Scenario 3 should be selected, with manufactured homes being allowed regardless of the type of construction for the primary residence.

As part of the previous motion presented to Council, are manufactured homes required to be on a permanent foundation? **Merritt** stated that the commission would make it a requirement that manufactured homes be set on block or poured concrete, which are permanent foundation types.

Item 4, in the staff report, is asking for clarification regarding separate meters for utilities. **Lineberry** added that there was some confusion about metering, water, sewer, electric, etc. Separate hookups for a Guest House as a rental may make sense. **Meadors** shared that people who have to pay their own utilities, generally are more energy conservative.

Frank Marbury, Public Works Director, spoke regarding the provisions in the utility code section in the Town Code, that allows the Public Works Director to make a decision to allow separate utilities. Separate buildings must have separate meters. **Merritt** said it sounded like the best option is to allow the property owner to have the option. **Marbury** added that the cost for an additional water and sewer hook-up for utilities run in excess of $13,000 each, and may be cost prohibitive for most homeowners.

Pasciak voiced concerns that separate meters would ultimately allow the homeowners to have two rentals on their property. If they decided to purchase other properties, they would still be the owner of records, but may move to the new property. How is that going to be monitored if separate utilities are allowed. **Lineberry** stated that the new permitting software will help identify parcels and ownership. The Commission expressed the need for periodic check of owner's addresses to ensure they continued to live on the site with the rented Guest House.

The final determination/clarification was to allow the property owner the option to decide if they choose to have their Guest House separately metered with utilities.

Lastly, CC&R's vs Town Code. **Lineberry** explained that the town can only enforce the adopted town ordinances. An HOA is responsible for enforcing the CC&R's. CC&R's overrule any town code if they are more strict. If the Town Code is more strict, then those rules apply. She also stated that the town attorney spoke regarding this subject during the Town Council meeting.

Meadors asked about adding additional driveways for ease of access to a new Guest House. **Marbury** stated that he believed the distance required between driveways is 150 feet, so if the lot is large enough a second driveway could be an option but would require a building permit and approval before being constructed. The Commission felt that driveway requirements needed to meet town code requirements.

Switzer discussed the need to add language about what architectural attributes needed to be identified to ensure compatibility of Guest Houses to primary residences. **Somerville** also asked about sharing wells. **Marbury** stated that the town does not regulate wells, adding that septic is monitored through Yavapai County Environmental Services. He added that septic/sewer are required but water can be hauled onto the home site.

Somerville asked if the Guest House could be two-story if the primary residence is only one-story. **Meadors** also asked about adding a Guest House above a garage. **Lineberry** stated that a Guest House is required to be a separate structure. **Switzer** asked if a separate garage could be converted to a Guest House. **Lineberry** stated that it could be converted.

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION ON PRIOR P&Z CASES: Dingee shared that only the Guest House amendment was discussed and referred back to the Commission for clarification on the items that were just discussed. Also, the Council approved the consulting team to lead the effort to

rewrite the entire General Plan. The first meeting between staff and the team will be on August 15, 2022. At that time, they will provide a 12-month calendar which staff will share with the Commission.

During the Council study session, it was decided that the Building Advisory Board would be created which works on the reviewing and adopting of new building codes approximately every 6 years, therefore, the board would be in place proactively when this process takes place.

Dingee also shared that there is discussion partnering with the Police Department regarding a town code amendment to address camping inside parking lots. This will allow the police the ability to enforce illegal camping, **Lineberry** added that this is a Town Code amendment and will go directly to Council and not through the Planning and Zoning Commission.

Recreation Vehicle (RV) Parks – **Lineberry** provided an outline with 7 questions regarding items that the commission could use as talking points for discussion. These items included and general discussion was actively participated by all commissioners.

- Minimum RV Park Size
- Net lot area for RV Park
- Maximum Density (x units per acre)
- Minimum Space Width
- Minimum Space Length
- Minimum Usable Open Space per RV space
- Require, Allowed or Prohibited with park options.

The Commission provided direction for staff.

Subdivision Text Amendment – **Dingee** highlighted the deletions, additions and modifications to the amendment, sharing that this item would return to the commission for review and recommendation to Council.

INFORMATION ITEMS – FROM THE COMMISSIONERS: There were no items from the Commission.
INFORMATION ITEMS – FROM THE PUBLIC: John Garden spoke about RV Parks, sharing that most of the RV Parks he had personally used had a limit to the length of stay. He felt that the commission should consider a time limit moving forward. Lots of snow-birds use RV Parks and generally stay for months at a time. He felt RV Parks in Chino Valley should be recreational in use not as a long-term residency.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 7:50 p.m.

_____ _____

Charles Merritt
Chair

Dee Dee Moore
Prepared By

DRAFT

TOWN OF CHINO VALLEY
Planning Commission Staff Report
September 6, 2022
File Number TA-2022-05
Text Amendment

PROJECT DESCRIPTION: Request to amend the Town of Chino Valley Unified Development Ordinance, Section 2.1 Definitions, Section 4.5 Yard, Lot and Area Requirements, Section 4.23 Public Street System and Public Access System; and various parts of Section 5 Subdivision Regulations, to ensure internal consistency with recently amended Title V Public Works Chapters 50 and 51 of the Town Code

STAFF ANALYSIS:

The Unified Development Ordinance (UDO) states that it "may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town." This current text amendment request from staff, through direction of Town Council, is deemed necessary to best serve the public interest. The proposal is to modify Chapters 2, 4 and 5 of the UDO as it pertains recent text amendments to the Water and Sewer Utility Code. The primary purposes of the modifications are:

- Reconciling the UDO and Town Code provisions with respect to water and sewer utilities in conjunction with minimum lot sizes
- Administrative changes to add subdivision definitions, refine the Final Plat subdivision process and adjust plat time limits.

Earlier this year, the Town Council adopted an ordinance to amend the Town Code, Chapters 50 and 51, which govern water and sewer utilities within the Town of Chino Valley. The proposed amendment before the Planning and Zoning Commission is intended to bring the UDO into conformance with these recent changes made by Town Council. In addition to this, the text amendment brings forward a handful of administrative changes that have been discussed with both Town Council and the Planning Commission.

The proposed text amendment is reflected in Attachments A

Staff Recommendation: Staff recommends **APPROVAL** of the amendment to the Town of Chino Valley Unified Development Ordinance, Section 2.1 Definitions, Section 4.5 Yard, Lot and Area Requirements, Section 4.23 Public Street System and Public Access System; and various parts of Section 5 Subdivision Regulations, to ensure internal consistency with recently amended Title V Public Works Chapters 50 and 51 of the Town Code; providing for repeal of conflicting ordinances; and providing for severability.

SUGGESTED COMMISSION MOTION:	Move to **APPROVE** Text Amendment TA-2022-05 as reflected in Attachment A, subject to the staff report and information provided during this hearing.

Effect of the Approval:	By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to Chapters 2, 4 and 5 of the UDO, to ensure internal consistency with recently amended Title V Public Works, Chapters 50 and 51, of the Town Code

Attachments

A
Text Amendment Language

Prepared By: **Date:** August 29, 2022

Will Dingee
Senior Planner
wdingee@chinoaz.net
(928)636-4427, x1233

Approved By: **Date:** August 29, 2022

Laurie Lineberry, AICP
Development Services Director
llineberry@chinoaz.net
(928)636-4427, x1217

Attachment A

2 DEFINITIONS

2.1 Meanings of Words and Terms

The following terms may be used interchangeably; ~~lot, parcel, plot, or premises~~; used, arranged, occupied or maintained; building or structure; sold or dispensed; zone or district.

4 GENERAL REGULATIONS

4.5 Yard, Lot and Area requirements

10. Notwithstanding other provisions of this code to the contrary, flag shaped or panhandle lots ("flag lots") ~~as depicted in the diagram below~~ may be created by land split in any zone, with the exception of zones with a minimum required acreage of less than one (1) acre in size, if all of the following requirements are met:

4.23 Public Street System and Public Use Access System

E. Right of way Dedication

~~5. In no case shall right-of-way or public street of the public use access system, as required by this UDO, be considered as creating non-conforming lots or prevent such lots from legally being split as otherwise governed in this UDO due to loss of area as a result of such requirements.~~

5. For lots with a zoning classification of one (1) acre or greater, dedications of right-of-way or public streets for the public use access system, as required by this UDO, shall not be considered as creating non-conforming lots or prevent such lots from legally being split as otherwise governed in the UDO due to loss of area as a result of such dedication. This provision is not applicable to lots with a zoning classification of less than one (1) acre in size.

5 SUBDIVISION REGULATIONS

5.1.8 Definitions

Subdivision – A division of land into 4 or more lots, or 2 or more with the creation of a street/road. Within a subdivision, Tracts of land are designated with letters, Lots are designated with numbers and Roads are named.

Tract – A unit of land within a subdivision not intended or designed to ever be used as a buildable lot, designated and reserved on a plat for the following ancillary uses: wells, drainage, retention, open space, utilities, all of which are deemed common areas in the subdivision

Lot – A unit of land within a subdivision designed to be occupied by a main building and the accessory buildings customarily incidental to such main building.

Roads – Areas identified on a plat, whether public or private that provide legal vehicular, pedestrian and bicycle access to every lot in the subdivision.

Parcel – Any legally described piece of land designated by the owner or developer as land to be used or developed as a unit.

5.2.3 Preliminary Plat

C. Preliminary plat Review and Approval

6. Each approved preliminary plat shall expire if a final plat for that property has not been submitted within ~~one (1)~~ three (3) years of the preliminary plat approval. ~~Extensions of one (1) year may be granted by the Zoning Administrator or his/her designee upon written request by the applicant/subdivider.~~

5.2.5 Final Plat

14. Final Plat Review and Approval

b. ~~Council Consideration: Council shall consider the proposed final plat after the Zoning Administrator and the Public Works Director approve all civil drawings and deem technical review to be complete~~. The Commission shall consider the Final Plat at a properly posted and advertised public meeting. The Commission shall provide a recommendation to the Council to approve the Final Plat as submitted, to approve Final Plat with conditions, or to deny the Final Plat.

c. After the Planning and Zoning Commission has forwarded its recommendation to the Council, the Council shall consider the proposed Final Plat at a properly posted and advertised public meeting. The Council may approve the Final Plat as submitted, approve the Final Plat with conditions as recommended by the Commission, approve the Final Plat with additional or modified conditions, or deny the Final Plat.

~~c.~~ d. Recordation: Upon receipt of the required assurances, and proof of adequate water supply, the Zoning Administrator or his/her designee will have the final plat recorded and provide a recorded copy of the plat to the applicant.

e. Each approved Final Plat shall expire if not recorded within one (1) year of receiving approval from the Town Council.

5.2.6 Land Splits and other divisions of land not requiring a subdivision

Land splits or divisions of land not meeting the definition of land split or subdivision do not require the submission and approval of preliminary and/or final plats. Such divisions do not include or allow for a land split or further division of previously-subdivided land. Land Splits with a resulting lot size of less than one (1) acre in size do not qualify for Land Splits and are required to go through the subdivision process. All divisions of land are subject to the following: ….

5.2.7 Minor Subdivision

The minor subdivision process provides relief from certain administrative requirements related to subdivisions of ten (10) or fewer lots with a resulting lot size of greater than or equal to one (1) acre in size. In order to utilize the minor subdivision process, the subdivider shall provide, as part of its application, certification that the land sought to be subdivided consists of ten (10) or fewer lots and that such subdivision is situated such that future extensions of streets therein cannot facilitate a subdivision of more than ten (10) lots. The minor subdivision process cannot be used for lots with a zoning classification of less than one (1) acre in size. Subdivisions meeting the requirements of a minor subdivision shall meet all of the requirements of these Subdivision Regulations except as follows: ….

5.3.3 Water Facilities and Design

~~A. **Subdivision** water system and facilities will substantially conform to the precepts of the Chino Valley Comprehensive Water Master Plan and other water company master plans.~~

~~B. Each **lot** or **building** unit shall be supplied with potable water in sufficient volume and pressure for domestic **use** and fire purposes. Design and construction of any and all facilities relating to transmission and distribution of potable water within and outside of any **subdivision** must meet with the written approval of the Public Works Director.~~

~~C. Water mains shall be looped or installed in a circulatory configuration whenever possible. Branching or dead-end patterns may be accepted by the Public Works Director if no looping alternative is possible.~~

~~D. All **lot**s created pursuant to these **Subdivision** Regulations that are served by the **Town**'s water system shall connect to such system in the manner described in this Section 5.3.3. A **lot** is considered to be served by the **Town**'s water system if a **Town** water line is within three hundred (300) feet of the property line of the parent parcel from which the lot to be served was divided; provided, however, that~~

Until September 1, 2025, any lot that is created in conformance with the requirements for (1) land splits not requiring a subdivision in Section 5.2.6, or (2) a combination of the minor subdivision and rural subdivision provisions in Sections 5.2.7 and 5.2.8 of these Subdivision Regulations, may be developed without connecting to the Town's water system, even if the lot is served at the time of building permit application

See Town Code Title V for all other regulations.

5.3.3 Sewer Facilities Design

~~A. Wastewater disposal facilities shall be installed to serve each **lot** and be subject to the following standards and approvals:~~

~~1. Individual systems, including septic tanks, shall be discouraged, but may be constructed in areas not presently served. Property is considered served if a **public** sewer is within three hundred (300) feet of the property line of the parent parcel from which the **lot** to be served was divided; provided, however, that~~

Until September 1, 2025, any lot that is created in conformance with the requirements for (1) land splits not requiring a subdivision in Section 5.2.6, or (2) a combination of the minor subdivision and rural subdivision provisions in Sections 5.2.7 and 5.2.8 of these Subdivision Regulations, and which otherwise meets the requirements of these Subdivision Regulations and any applicable law, regulation or ordinance, may be developed without connecting to the Town's sewer system, even if the lot is served at the time of building permit application.

~~2. **Public** sanitary sewers shall be installed in areas served by an existing **public** sewer system, and shall be installed in all areas where the **lot** sizes are one-half (½) **acre** or less, regardless of whether the area is currently served. A gravity sewer system is the preferred method of collecting and conveying wastewater. However, low-pressure sewer systems may be installed if a homeowners' association is established during the platting process to oversee operation and maintenance of the individual grinder pump stations. If low-pressure sewer systems are utilized within a **subdivision**, a hybrid of gravity and low-pressure sewer should be contemplated with line lengths for low-pressure sewer system kept to minimum lengths in an attempt to minimize odors.~~

~~B. **Public** sanitary sewers shall be designed for location within the **street right**s **of way** unless topography or unusually excessive cost dictates the installation of sewers in **public utilityeasement**s extending through the rear or side **yard**s of **lot**s.~~

~~C. Design and construction of any and all facilities relating to the collection and conveyance of wastewater within and outside any **subdivision** is the responsibility of the developer of the **subdivision** and must meet with the written approval of the Public Works Director.~~

See Town Code Title V for all other regulations.

LEGEND

Red with a ~~strike through~~ = Deletion

Blue = New language