

Planning and Zoning Commission Meeting Minutes June 6, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, June 6, 2023, 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 Robert Switzer, Commissioner William Welker; Commissioner Richard Zamudio. Alternate Commissioner Rachelle Fernow was in attendance.

STAFF MEMBERS present were Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; Frank Marbury, Public Works Director; Dee Dee Moore, Process Coordinator; Laurence Diggs, Audio/Video.

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

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda as presented with a correction as noted by Pasciak on page 3 to change the \$1 million to \$1,742,400. The motion was seconded by Commissioner Pasciak and passed unanimously by a 7-0 vote.

PUBLIC HEARING #E.1 - CASE# ZC-2023-01 — *This is a request by Adam Haywood to rezone approximately 21 acres of land from Agricultural Residential 5-Acre (AR-5) to Single Family Residential 1-Acre (SR-1). The property is located at the southeast corner of N Road 1 East and Red Cinder Road, Chino Valley, Arizona.*

Meadors recused herself from the dais declaring she attended the neighborhood meeting as an interested party and clarified that she had received the public postcard notification. Meadors left the Council Chambers at 6:07pm. Chair Merritt noted in the staff report that Alternate Commissioner Fernow was also listed as attending the neighborhood meeting and asked her if she participated as a voice for the public. Fernow indicated that she did share her opinions as a member of the public.

Chair Merritt asked if anyone on the commission had a disclosure to declare regarding this project. There were none.

Will Dingee, Assistant Director presented the staff report for case ZC-2023-01 and stated that staff recommended approval. He also provided a modified street layout showing a second exit on Red Cinder Road to the north.

Switzer asked about the proximity of water and sewer to this area when utilities are completed in the Perkinsville 44 subdivision. Marbury stated water connection is at Adams, sewer is at Perkinsville. Marbury stated that the code identifies that if a subdivision of parcels is less than 1-acre must connect to the town water system. Lots one acre or larger must connect if within 300 feet of the Town water system. This is not the case with this property as the lots are not within 300 feet. For sewer, if a subdivision contains lots 1 acre or greater they may install septic tanks if sewer is not available within 300 feet. Water infrastructure costs are around \$350/foot.

Merritt estimated that the cost for water could be \$200,000, plus the cost to hook-up the individual lots. The cost to bring water and sewer to the property would be \$600,000, not including the \$1 Million cost of a lift station. He asked if there could be a stipulation to bring water to the property. Marbury stated that there could be some type of development agreement between the developer and the Council to share costs of installation. The council could make that decision for water and sewer. Pasciak asked if the town had an agreement to pay for the water line up to the 300' limit, in a partnership with the

development, that it would cost the Town to participate. **Marbury** agreed and said the money would have to come from somewhere in the Town budget.

There were no further questions from the commission for staff at this time.

Applicant Adam Haywood, of Borderland LLC, stated that Will covered everything that he was going to cover from the staff report, agreed with the conditions, which included a deed restriction for site-built homes, dedications to reach the town required right-of-way width, and road improvements, including pavement and drainage along the sides (pending engineering drainage review). He stated he was flexible with the road layout and connections to existing roadways. **Haywood** said they were open to participation in extending the water line and connecting. The improved roads will be dedicated to the town during the subdivision process.

Penn pointed out that the current drawing shows 16 lots, which would mean 16 individual well sites. He also asked about landscaping and the maintenance of common areas. **Switzer** asked if **Haywood** would be amenable to talk about extending the water line from Adams up to this property. **Haywood** stated that he would be agreeable to speak with Public Works to consider what the cost may be and how much the town would be willing to participate. **Haywood** stated that they are currently pursuing approval for the wells from Arizona Department of Water Resources (ADWR) and septic approvals.

There were no other questions from the commission for the applicant at this time.

Merritt opened the public comment period.

Diane Norberg stated she and her husband moved to Chino Valley because of the rural feel with farm animals and expressed concern about this development changing the character of her neighborhood. This change doesn't benefit current neighbors. Traffic will increase on the bad roads. She requested that the Commission restrict the new homes to one-story in order to preserve the current views existing property owners have. She requested the Planning and Zoning Commission deny the rezone.

Rachelle Fernow of 2949 N Road 1 East, questioned previous meetings where discussion regarding counting the right-of-way as part of the parcel would allow those parcels to be less than one acre in size. She felt there were inconsistencies that the Town needed to figure out. Also, she mentioned, as an alternative, using the current easement located on Road 3 North and continuing that road to allow the main access to this proposed plan. She felt that these homes would sell at \$585,066 on average and that the total profit would be around \$9.3 Million. The developer should use some of that profit to improve the infrastructure extension.

Toni Graybill of 1022 Granite Creek Lane, agreed with **Norberg** and shared that she appreciated the developer being flexible and willing to work with the town on utilities. She supported the access proposed by Rachelle Fernow, on Road 3 North. She questioned the possibility of regrading to accommodate sewer lines.

James Olson of 2117 N Road 1 East questioned water and sewer credits and how that works for the Town. He agreed with what all his neighbors had previously said. Using Road 3 North would be preferable.

Tom Trucba of 1130 Red Cinder stated that he lived on Red Cinder and there was a lot of traffic already on that road, so he was concerned about having an additional road access from this proposed development. He added that Red Cinder Road is in terrible disrepair and that more traffic will just cause additional deterioration. The Town needs to start working on the roads in Town.

Ralph Wilckin of 2044 N Road 1 East, stated that he lives on Road 1 East and his driveway is directly across from the proposed access to this development which creates safety issues. He also shared that he has lived here for 20-plus years and that the rural setting is why he moved here. These types of developments should not happen at the expense of the existing landowners.

James Holt, Water Consultant for applicant, he shared that the applicant will still need an assured water supply even if the State decides there is sufficient water to approve the 100-year supply. This ADWR paperwork is in progress and should be completed in 4-8 weeks. He agreed with Attachment B, comments from the Town's Water Consultant. He shared that the water quality in this area is extraordinarily good. He added that the overall impact to the water will remain the same if there are individual wells or the water is provided by the Town. **Pasciak** asked if the town was under agreement to provide water to this project, that means the Town would be guaranteeing the 100-year water supply to this project and be depleting the towns overall water supply. **Holt** agreed.

Nancy Thomas of 1166 Red Cinder, stated she also lives on Red Cinder and that having an additional road intersection will compound the already blind corner. She also liked the idea of having the main access off of Road 3 North. She added that the roads aren't wide enough and there are not enough sidewalks. She stated she was against this project. Perkinsville 44 was already approved by this body, with no road improvements. The area roads are in horrible shape and there is no safe place to walk. The Commission should support the neighbors. She felt the neighbors on Red Cinder should have their road improved.

There were no further comments from the public and **Merritt** closed the public portion of the meeting.

Merritt identified the various items of concerns. These included density, different sewer route, water recharge credits, possible access via Road 3 North and overall road improvements.

Marbury addressed the recharge credits first. He stated if you hook up to town water and not to town sewer, septic tanks do not recharge into the aquifer. That is the advantage of connecting homes to town sewer which does recharge to the aquifer; it adds to the towns paper water portfolio.

Merritt asked if the town uses the developers water assurances does it affect the town portfolio. **Marbury** stated that he would not recommend paying for the developers' water credits. He added that the town has the right to sell water credits out of its portfolio at a cost of \$25,000 per acre foot per 100-year supply. The town can supply water to developments with 660' of an existing line. The Town wells are around 1000' deep. Individual wells are around 400 feet deep. **Switzer** asked about water credits for Town water. **Marbury** shared the Town can supply water to the subdivision or sell the developer water credits. There is "legal" water and "physical water. **Merritt** asked if the developer agreed to bring town water to his development, could his assured water supply credit be signed over to the town. **Marbury** stated yes.

Mr. Holt had mentioned in his comments that whether it is town water or private wells, the water is being drawn from the same aquifer at different levels beneath the surface. **Marbury** shared that generally a home on a meter uses less water as they are paying water costs each month. **Pasciak** thanked Public Works for the thorough list of roadway improvements required. **Merritt** asked when the roads and infrastructure in Perkinsville 44 would be completed. **Marbury** stated he does not have a completion date. He added that Perkinsville 44 is obligated to improve both Road 1 East and Perkinsville Road adjacent to their project, including a 10' pathway.

Merritt asked if this project was required to provide the same dedications and assurances. **Marbury** stated yes. This project would provide 19-feet of asphalt on Road 1 West, curb, gutter, and sidewalk and also on Red Cinder if access should be approved. **Merritt** asked about the Road 3 North right-of-way concerns. **Marbury** shared that Road 3 North did not have a continuous right-of-way along the south property line of this development. This road was not scheduled to become an arterial, since it could not cross the wash. **Switzer** asked which type of roadways the town prefers, cul-de-sacs or loops. **Marbury** shared that a loop with two exits is the best scenario for larger vehicles, such as buses, fire equipment, garbage trucks, etc. He also confirmed that Red Cinder would require 12-foot minimum pavement per lane width, plus a 5-foot shoulder with a roadside ditch.

Merritt asked about a public suggestion for an alternate sewer route to the north through grading the area. **Marbury** shared that the topography of the area flows from southwest to northeast. A lift station would be required at the low point of the subdivision to pump to the existing sewer line in Perkinsville. There is no sewer to the northeast and there is no continuous right-of-way available to provide a sewer connection to the north.

Merritt asked **Marbury** to comment on the amount of traffic that 16 lots would generate. **Marbury** stated the standard traffic for single family residential use is considered an average of 10 trips per day per unit. This includes, postal office, garbage trucks, emergency vehicles, UPS, FedEx, deliveries, residents, etc. A Traffic Impact Statement could be required to provide more specific details.

Merritt felt it was important to share with the group where he lived in relation to the proposed development. He walked over to the map and pointed out his house, the two curves on Red Cinder, the trees that block visibility, along with the location of several speakers' homes. He returned to the dais.

Dingee shared that the amended circulation map shown tonight was conceptual only, to illustrate that the applicant is open to revisions and to creating a safe environment. **Merritt** agreed that the alternate circulation plan was not very safe, He felt the two cul-de-sacs wasn't safe either. He felt it was worth exploring the possibility of access on Road 3 North. **Switzer** also felt that the Road 3 North option made sense based on the primary direction people would drive to leave the Subdivision.

Pasciak directed the questions back to the slide showing the notification radius and the subsequent map showing where the neighborhood meeting attendees actually lived. He noted that there were multiple attendees that were outside of the notification radius.

Marbury interjected to clarify the provision of allowing certain properties less than 1-acre in size, to be served by well and septic. **Marbury** asked **Dingee** to supplement his response. Then **Merritt** asked **Dingee** to explain Prop 207 as it applies to these lots. **Merritt** asked about buffer zones. **Dingee** agreed that this parcel, as 1-acre lots, serves as a buffer between Perkinsville 44 Subdivision and properties to the north of this propose rezone.

Switzer asked about water (and not sewer) being supplied to the property. **Marbury** reiterated prior statements. For the record, **Switzer** shared that he voted "no" twice on the Perkinsville 44 project.

Haywood returned to the podium and responded to neighbors questions. He shared that if the access was on Red Cinder the road improvements are required. If there is an alternative access along Road 3 North, that also will be improved per the town requirements. He shared that they agreed the trees on the corner were a hazard. **Haywood** discussed extinguishment credits for water, which would cost him \$400,000. **Merritt** asked **Haywood** if he objected to exploring Road 3 North as an access. **Haywood** agreed to explore Road 3 North for access to the subdivision.

Merritt addressed a prior comment regarding the profit for this project. He stated that total sales does not equal profit to the developer. Profit is only determined after all the building costs are deducted, which include building design, roads, sidewalks, wells, septic installation, landscaping, etc.

Marbury asked to clarify that currently there is only one parcel that does not have right-of-way provided along Road 3 North, which is the parcel on the corner of Road 1 East and Road 3 North.

Merritt shared that all of the 1-acre parcels in the area of this project, started out as a great big parcel, those properties where divided and then split again as people wanted to move here and have a place to live. If you look at the area map, you can see 0.9-acres lots, 0.36-acre lots, 0.55-acre lots that are a result. This whole area is surrounded by a majority of 1-acre parcels with mobile homes – they all started out as parts of larger parcels. He stated that he has lived at his current location for 20 years, he liked his property and the location, but this town is going to develop to a certain degree for the same reason that others had moved to Chino Valley. He mentioned that the developer has agreed to build site-built homes rather than manufactured homes. He stressed that in his opinion, the density is a non-issue.

The commission discussed the possibility of adding a time limit to the rezone and the possibility of adding stipulations to staffs recommendations for approval.

MOTION - A motion was made by Commissioner Switzer and seconded by Vice-Chair Pasciak to approve ZC-2023-01, as presented by staff, with the following two stipulations :

- 8. The developer shall enter into discussions with the Town about:**
 - a. possible connection to Town Water service,**
 - b. alignment of Road 3 North for possible access to the project**
 - c. providing a Traffic Impact Statement.**

- 9. The rezone is effective for 5 years from the date of Town Council Approval**

A roll call vote was taken with the following votes: Welker–Yes, Penn–No, Zamudio–Yes, Switzer–Yes, Pasciak–Yes, Merritt–Yes. The motion passed with a 5-1-0 approval, with Teena Meadors recusing herself.

Merritt asked each of the commissioners to explain their vote. They are as follows:

- **Welker** – voted yes. The subject property fits as a buffer between the 7,000 square foot lots and the surrounding properties.
- **Penn** – voted no. More consideration should be given to people that have purchased property over the years, knowing what the zoning was of the various lots in the area, and in most cases that is why they purchased their lots. Perkinsville 44 received zoning approval in April 2018. Chino Valley is a very different town from 2018 and I think property should be looked at differently today.
- **Zamudio** voted yes. The applicant satisfies the requirements for the land and when you buy property, nothing is guaranteed. You do not control someone elses property, and you don't tell them what to do with it. This proposal fits within what development is currently, and so I feel that he is correct and he should move forward with the way his plans are.

- **Switzer** – voted yes. He felt that the zoning fit with the surrounding properties/zoning. He felt the zoning change fit the surrounding property. If does fit with the current General Plan and it also fits with the potentially upcoming General Plan, with the stipulations of the proper preliminary plat comes forward, it could be a good project for the surrounding area and even for the folks on Red Cinder without impacting their properties to a great extent.
- **Meadors** - recused herself
- **Pasciak** – voted yes. He agreed with everything that had been said for this development, but in addition to that he added that the view you get with your property only extends to your property line. The fact that you might have 20-acres in front of you that has nothing on it, isn't going to be there forever and if you want that view to stay, you need to buy that 20-acres. A view is not guaranteed with your property. Comments about the conditions of the road – the Town has been aware of the road conditions since 2014 when there was an opportunity to develop a priority of roadway improvements and additionally in 2019, a tax was floated to the voters, with the voters voting "NO". **Pasciak** felt that the developer improving their half of the road was good for the Town and hopefully the Town can maintain it because nobody wants to vote for an increase in tax.
- **Merritt** – voted yes. **Merritt** agreed with everything that everybody else said, except for the no vote. He felt it was unreasonable to expect large parcels of land to stay undeveloped. This project is surrounded by 1-acre parcels or less in size. Those people moved here, just like current property owners did and the new people have a right to do the very same thing. If the citizens of Chino Valley do not want any more development in town, then they need to own or control the property. As far as the roads, tax money is what makes the roads get improved. The Town Engineer fights a losing battle every year to keep up with road maintenance that no one wants to pay for but everyone wants to complain about. We hear it every zoning meeting. This is a great project with site-built homes, a possibility of Town water and **Merritt** just didn't know what else, other than spending an extraordinarily large amount of money to put sewer there, the guy could have done any better than he did, especially with, the stipulations that were placed on the project. **Merritt** shared where he lived because he was putting his mouth where his wallet was.

Meadors returned to the dais at 7:35pm

ACTION ITEMS: There were no action items for this meeting.

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: **Dingee** informed the Commission that the Preliminary Plat for Homestead Subdivision received a 3-3 vote and the motion died. **Pasciak** asked whether the 7th vote was pending. **Lineberry** stated that even with the 7th person leaving the meeting prior to the vote, a quorum was still present and the vote stands. **Merritt** asked if there were any options available to the applicant. **Lineberry** stated that the applicant could address the council members that voted no and could ask if one of them would be willing to bring it back for reconsideration. Then the case could go back to council for reconsideration at their next meeting.

Dingee shared that the CUP-2022-01 – Equine Rescue on Firesky is up for review on June 13, 2023 for review of their compliance with their CUP conditions of approval. He stated that as of this meeting, the applicant was not in compliance. He is lacking shade structures and manure control. **Merritt** asked if he is able to sit on the commission for this review because he was not in attendance at the previous meeting. **Lineberry** stated he could if he reviewed the previous meeting (P&Z and Town Council) videos and minutes and documentation. Staff will coordinate a date with the Commission and schedule the public hearing.

Lineberry provided meeting dates in June 2023 for the General Plan.

Tuesday – June 7th, 2023 – 6pm – Steering Committee

Monday – June 12th, 2023 – 6pm - PZ & TC Joint Study Session

Monday – June 26th, 2023 – 6pm - Planning and Zoning Special Meeting

Tuesday – June 27th, 2023 – 6pm - Town Council Meeting

INFORMATION ITEMS – FROM THE COMMISSIONERS: .Switzer thanked the audience for showing up and providing their input. Public participation is critical. He said that this is the type of dialogue that must happen. Zamudio shared that he would miss the meeting on the 26th.

INFORMATION ITEMS – FROM THE CHAIRMAN: Merritt shared comments about the reference to profits and people making money with these projects. He mentioned that making a business successful is measured in profit and jobs, and that's how taxes are paid in the country. Profit is good if made in a reasonable and legal manner. This is the American way and what makes this country strong.

INFORMATION ITEMS – FROM THE PUBLIC: There were no comments from the Public.

ADJOURN – A motion was made by Meadors and seconded by Pasciak to adjourn the meeting at 7:47 p.m.


Charles Merritt - Chair


Prepared By: Dee Dee Moore