

Planning and Zoning Commission Special Meeting Minutes August 27, 2024

A special meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, August 27, 2024, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner Robert Switzer and Commissioner William Welker. Commissioner Richard Zamudio was absent.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director, Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Gerreann Froberg, Senior Processing Coordinator, Spencer Guest, Audio/Video.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. A quorum was declared. The Commission meeting began with the Pledge of Allegiance led by Commissioner Penn.

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda. The motion was seconded by Vice-Chair Pasciak and passed unanimously by a 6-0 vote.

Chair Merritt stated he was changing the order of the meeting and would start with the Information Items from Staff to update the Commission and the public on the Solar Ordinance. He stated that there would be no opportunity for public discussion tonight, nor would the Commission take any action on that item.

INFORMATION ITEMS – FROM STAFF: Will Dingee, Assistant Director, gave the Commission an update on the Solar Ordinance and reminded the Commission and the public of the Draconis group public meeting to be held at 5:30 p.m. on Thursday, August 29, 2024, at the Community Center. The public meeting was for an APS line extension for a potential future solar project. He shared that no project had come before the Planning and Zoning Commission yet. He reminded the Commission about not having a quorum at the Thursday public meeting. Commissioner Switzer stated he would be attending.

Laurie Lineberry, Development Service Director, stated that the General Plan, voted on by the public, required the Town staff to meet with a committee to help determine the rules for any potential new solar projects in Town. She shared they had been meeting with the committee monthly since January, and together they were working on writing regulations to be brought to the Commission on November 5, 2024, and to the Town Council on December 10, 2024. She stated that these were public hearings with opportunities for the public to ask questions and state comments which would become public record.

Merritt reiterated that the Thursday meeting was for an APS line extension and that there were no solar projects on the table with the Town at this time. He thanked the public for coming and invited them to come back when the Solar Ordinance was being presented to the Commission.

PUBLIC HEARING #D.1 – Case # TA-2024-01 — Metal Storage Containers - A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, to create regulations for Metal Storage Containers.

Chair Merritt asked if anyone on the Commission had a disclosure to declare regarding this project. Merritt stated he had spoken to Switzer for about 3 minutes on this item.

Assistant Director, Will Dingee presented the staff report and stated this was the third time it was being presented to the Commission this year. He shared there were two open houses held on June 5, 2024, at the direction of Council, and that the staff had presented the public comments from the two study sessions held on July 9th and 10th. He shared that the public did not want any regulations on metal storage containers. When this information was presented to the Town Council, the Council discussed it and sent it back to the Planning and Zoning Commission for consideration of additional regulations. Dingee shared a slide that reflected the proposed language and provisions for the new Ordinance,

recommended a discussion and public hearing of the Town Council's items of concern, and forwarding of language to the Town Council for their September 10, 2024, meeting.

Merritt asked if anyone on the Commission had questions for Town staff.

Switzer asked what the total attendance was of the two open houses and wanted to know if there was a current building code on commercial properties for the limit of how much of the land could be occupied.

Dingee replied approximately 20 people total attended the open houses. He stated currently commercial land had no maximum lot coverage requirements, but would still need to accommodate for parking, drainage, landscaping and setbacks.

Lineberry stated the lot coverage limits would be addressed with update of the Zoning Code to include around 50% coverage for commercial and industrial land.

Switzer replied he believed the same standards should be applied to metal storage containers.

Merritt stated the residential rules looked good, and the Commission agreed. He stated that on commercial land, the containers would be considered as an accessory structure and would be subject to current Codes for setbacks and lot coverage limits.

Lineberry shared that commercial and industrial zones do not have the same setback rules as residential and that became a point of contention at the Council meeting when a commercial or industrial lot backed up to a residential lot. The Current Code required the commercial or industrial lot to have a setback when backed up to a residential lot. The general practice is that higher density residential had to set back further when backing up to a single-family residential lot.

Merritt stated language would need to be added to the Ordinance to include protection for residential lots for setbacks on metal storage containers when backed up to commercial or industrial lots.

Dingee confirmed the language was already in the proposed Ordinance for setbacks on metal storage containers to adhere to the same standards already set forth for accessory structures.

Merritt discussed no allowance for stacking of containers except through an issuance of a CUP.

The Commission discussed and agreed on the following for the new Ordinance:

- No deviations from the setback standards already in place for accessory structures.
- Containers may not be stacked unless a CUP is applied for and approved by the Commission.
- CL, CH and Industrial Zones need to have a five metal storage containers limit per acre with a CUP available for additional metal storage containers above the 5/acre.
- Metal storage containers shall be painted to match the primary structure on-site, or an earth-tone consistent with the surrounding terrain. Commercial properties can utilize screening instead of paint.
- Temporary/Seasonal (6-week) placement of metal storage containers is permissible with Administrative Approval of a Temporary Use Permit.
- Grandfathering of existing metal storage containers on all properties, with the requirement that containers on residential properties be painted to match the primary structure on-site or an earth-tone, within one year of Ordinance adoption.
- Attaching a non-structural façade to the outside of metal storage containers to match the main structure on the property would not be allowed as it would compromise the integrity of the engineered structure.
- The setback for a container on a commercial or industrial property needs to respect the residential adjacent property.

Switzer wanted the public to know that currently it is illegal to place a container on a property and that Code Enforcement was watching for people who were trying to place any before the Ordinance was adopted by Planning and Zoning.

Lineberry confirmed that Code Enforcement had stepped up to monitor for any new containers and had already had situations where containers had to be removed.

Chair Merritt opened the meeting for public comments.

James Walker asked if no modification included insulation, roofing or matching sheeting on the outside. He was also concerned that it would not be safe to bring in electrical, that some 40-foot containers fall into the confined space air-restricted area and without adequate ventilation the air could become unsafe to breathe. He thought there should be the addition of a 20-amp 110 feed so someone could run a fan if they wanted to.

Cathy Middledsted commented that when she lived in another state, she had two 40-foot shipping containers for storage of plumbing equipment, household items, etc. and had lights in her containers. She was in favor of allowing for an electrical outlet on containers for lights or fans.

Chair Merritt closed the public hearing.

Dingee explained that containers were not currently covered by ICC/IBC/IRC construction code standards, and with the next Building Code update planned for early next year, there is an Appendix in the Code that addresses how to treat containers as buildings. Adding electrical, plumbing, etc. would fall under that Appendix to the new building codes, allowing for the Town to then issue permits for alterations to metal storage containers.

Lineberry shared that a building permit could be obtained from the Town for an electrical box on a pedestal outside of the container, which could be used with an extension cord for a portable light or fan.

Walker stated most after-market façade or exterior attachments require drilling, mounting or attaching to the engineered structure and then may not meet the load-bearing requirements, etc. He felt they should not be allowed, that a permitted carport would be a better option. Metal buildings were metal boxes and were usually on a slab. And anyone who brought in electrical to a metal storage container would need to ground it properly. He stated it was not uncommon to set the container on concrete if needed for extra piece of mind. It would be safer to have an electrical contractor come in and put a ground rod in to provide the electrical to the unit.

Merritt thanked him for his input and stated the new Building Codes would address some of these issues. Not everyone knows to ground, and by having a permit, the work would then be inspected for safety.

Penn stated he would be more comfortable with only one 20-foot container allowed on SR-1 and SR-1.6, he wanted to state that for the record.

Motion was made by Switzer, seconded by Pasciak to approve TA-2024-01 as reflected in the Attachment and as amended by the Commission, as presented, subject to the staff report and information provided during the hearing, and the Commission discussion. A roll-call vote was taken, and the motion passed unanimously with a 6-0 vote.

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

INFORMATION ITEMS – FROM THE COMMISSIONERS: no comment.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** shared an item coming before the Commission was for a livestock Ordinance and asked the public to please contact Town staff or Commissioners with any questions or concerns.

INFORMATION ITEMS – FROM THE PUBLIC:

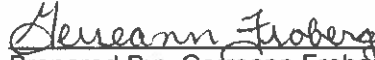
Brian Lantero asked how you grandfather something that is illegal.

Merritt replied the Commission was limited on this item, to what was directed to them by the Town Council.

ADJOURN – A motion was made by **Meadors** and seconded by **Switzer** to adjourn the meeting at 7:00 p.m.



Charles Merritt - Chair



Prepared By: Geireann Froberg