

Planning and Zoning Commission Meeting Minutes

January 3, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, January 3, 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 David Somerville, Commissioner Robert Switzer, Alternate Commissioner Richard Zamudio. Commissioner William Welker was absent

STAFF MEMBERS present were Will Dingee, Senior Planner; Bethan Heng, Planner; 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 – Chair Merritt stated he had a correction on the last page of the draft minutes, stating that he did not attend the General Plan Meeting, but instead talked with someone who had been in attendance. A motion was made by Commissioner Somerville to accept the consent agenda items, with the correction to be made regarding the changes Chair Merritt stated. The motion was seconded by Vice-Chair Pasciak and passed unanimously by a 7-0 vote.

PUBLIC HEARING #D.1

CASE# FP-2022-05 – *This is a request by Tom Luizzo on behalf of Granite Basin Engineering for "Final Plat for Old Hwy 89" to divide approximately 4.17 acres into 2 lots with an average lot size of 2.09 acres. The property is located at 19997 and 20047 Old State Route 89, Chino Valley, Arizona.*

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

Bethan Heng, Planner, noted that the applicant was not in attendance. She presented the staff report for case FP-2022-05 which is a 4-acre property. This property is surrounded by the Planned Area Development of Del Rio Springs except to the north. The existing zoning is appropriate for the request of a Final Plat. The Final Plat is in conformance with the current General Plan land use designation which is Medium Density Residential (2 acres or less). A drawing of the planned plat layout was displayed for the Commission. The access for these lots is from Old State Highway 89.

Heng provided information regarding the date of the Neighborhood Meeting, November 28, 2022, and that there were two community members in attendance. Concerns raised on-site were drainage, run-off, proposed access, obstruction of surrounding landscape, and further division of lots. Staff recommends approval of this project.

Switzer asked where the access points to these properties was located. Heng stated there was direct access off of Old State Highway 89.

Lineberry advised the Chair that after reviewing the by-laws which state that you cannot hold this hearing unless the applicant or an authorized representative is in attendance or the town has written authority to act in his absence. The applicant is not here at this time, so we can pause this presentation until later in the meeting to see if he shows up. Lineberry suggested that the Commission move on to the next item on the agenda. Merritt paused agenda Item D.1 and moved on to the next case, Item D.2.

PUBLIC HEARING #D.2

CASE# ZC-2022-10 - *This is a request by Jay Bates to rezone approximately 20 acres of land from AR-5 to SR-1. The property is located at the northeast corner of West Road 3 South and South Road 1 West, Chino Valley, AZ.*

Merritt asked the Commission if they had any interactions with the applicant to declare. There were none.

Bethan Heng, Planner, presented the staff report for this case. Jay Bates, applicant, was in attendance. The 20 acres are located at the northeast corner of the intersection of W Road 3 South and S Road 1 West. The property directly to the north is an existing slaughterhouse. The current zoning is AR-5 (Agricultural 5-acre minimum) and the new zoning requested is SR-1, (Single Family Residential 1-acre minimum). Heng described the surrounding area as AR-5, with Multiple Family Residential and Mobile Home Park directly north of the site. To the west are properties located within the Yavapai County Jurisdiction.

The rezone request to SR-1 is in conformance with the General Land Use Map, which designates the area as Medium Density Residential (2 acres or less). If this request is approved, the applicant intends to use this site for a 15-lot, 1-acre subdivision. **Heng** displayed a proposed subdivision site plan map showing the lot layouts. **Heng** stated that a Neighborhood Meeting was held on November 30, 2022 with nine community members in attendance. Topics of concern included drainage, runoff/flooding, parking configuration, water availability, traffic, and decreasing home values. Staff received one public comment in opposition of the rezone request. Requirements during the Preliminary Plat process will require that the applicant include an odor disclaimer and buyers must sign a Noise and Odor Disclosure Acknowledgement. Staff recommends approval of ZC-2022-10.

Merritt asked if the Commissioners had any questions for staff. **Switzer** asked how long the packing plant had been located there. **Merritt** shared that it had been there since he moved here in 1979. A member of the audience shared the date of 1971. There were no further questions for staff.

Jay Bates of Right Homes, applicant, stated that his plans are to create 15 lots, minimum 1-acre each subdivision with paved roads to be dedicated to the town. He is providing required dedications along W Road 3 South, as well as S Road 1 West adjacent to the subdivision frontage. **Merritt** asked what type of homes were being placed on this property. **Bates** stated they would be manufactured homes. **Penn** asked about water and sewer. **Bates** stated that the homes would be on well water and septic systems.

Merritt opened the meeting to public comments, giving instruction to those in attendance.

Heather Reinhard stated that she believes that owners can do whatever they want with their properties but shared that this rezone bothered her. The reason the rezoning bothered her is that it didn't make sense. There are lots of subdivisions scattered around the area and lots of open spaces too. But the main reason, she stated, is that homes are not selling right now and didn't see the point of creating an additional subdivision. She doesn't like packing subdivisions all together, which eliminates open spaces within the community, losing the country feel that is Chino. She wants to keep open spaces, and in turn, the wildlife. She wants the country feeling and doesn't think a subdivision on that corner is a good fit.

Suzy Bailey shared that she has lived in the county across the road at 1150 W Road 3 South for 17 years and has been a realtor in the area for the last 22 years. She followed the status of this property from estate sale to the purchase by this developer for \$320,000. **Bailey** said she knows that the developer has the choice to place manufactured homes on his property, but referred to the subdivision to the north, Wagon Wheel Ranch, where the homes are all stick-built and it is zoned SR-1. She said that that subdivision has water and sewer services and felt that water could be brought down the road to this property (with water being closer than sewer). She is concerned about the county road width of 40 feet, and the increase in traffic this project would bring. This is a major concern. She stated that this property owner has a prior history of not filing a public report for a prior minor land division. It was very important to her that the proper public reports for the subdivision be filed with the state and not just that the zoning was handled properly. She expressed concerns about this project being on individual wells and septic tanks, and asked about that approval process.

Brad Magee, resident in the county at 1350 S Road 1 West, stated that S Road 1 West near the slaughter house is very narrow and that the road is not monitored properly, there are a lot of speeders. **Magee** inquired what the Town was planning to do about the poor road condition, speeders and additional traffic this project will add to that road. He was also concerned because the lot sizes in the County were larger than the proposed lots in the Chino Valley Town Limits, so there was no consistency in parcel sizes between the Town and the County. He shared that there was already a well being drilled there and questioned if there would be individual wells, or one well serving all the lots. He also stated that there are homes on city water to the north. The impact to the water table is a big concern.

Virginia Reinhard read a poem she wrote as a sophomore in college while living in Los Angeles. The poem reflected on how all the fields, forests, and animals had disappeared from Los Angeles, leaving only homes and lights for miles on end. She did not want that to happen here in Chino Valley. She stated she enjoys seeing the wild animals roam around the area and hates the thought of losing all the wildlife to development here in Chino.

Larry Yentes of 1154 W Road 3 South and has lived here for 14 years. **Yentes** had concerns about the water. He stated that his well is dropping about 1 ½ feet each year. He felt that Chino Valley Aquifer couldn't handle the water demand and feels only 10-15 years of water is still available. He questioned if the new well was tested for chemicals, arsenic and was ok for human consumption. He felt that the mayor and newspaper editor should dig into the current water issues.

John Garden wished all a safe, happy and prosperous new year. He stated that the Town is "behind the 8-ball" on infrastructure. He felt that this project and all projects should tie into the town sewer system so that water could be sent back down to the aquifer. He inquired as to who the manufacturer of the manufactured homes would be, to ensure no conflict of interest with "certain individuals" within the town.

Bea Garcia stated she agrees with all the speakers before her. She added that retirees save to move to a rural country-feeling place to live. A manufactured home subdivision is not something nice to look at. She stated that at the neighborhood meeting, a neighbor suggested that the developer put a block wall around his subdivision. The developer stated that if they didn't want to look at this subdivision, they could put up their own wall.

Mary Seale also stated that she too, agreed with the previous speakers. There are water and sewer issues. She wanted to know how this project fit in with the general plan currently being developed and asked if this project should wait until the next general plan defines where the citizens want to have this type of development located.

There were no further comments from the public.

Merritt closed the public comment period and opened the discussion with the commission. **Heng** returned to the podium. **Merritt** asked about restrictions as to where manufactured homes could be placed. **Dingee** responded that the town code does not currently limit home locations by building type. Manufactured homes are allowed anywhere that Single Family homes are allowed, with the exception of Multi-Family and Manufacture Home Park Zoning.

The next topic addressed by **Merritt** was regarding roads and traffic studies. **Dingee** confirmed that this project was proposed to have individual wells and septic systems. **Dingee** responded that the Public Works Director, Frank Marbury, was still on vacation. However, there were Public Works comments submitted for the rezone regarding right-of-way dedication, street improvements and internal street requirements. The Civil drawing review process includes drainage, grading, and all aspects of the land preparation. **Merritt** asked if a traffic study would be required. **Lineberry** said no, it was not. **Merritt** added that the owner is not required to improve the roads beyond the property boundaries.

Merritt identified water issues as the next topic of questions. **Dingee** shared that the Wagon Wheel Subdivision mentioned earlier in the meeting, was **NOT** on Town of Chino Valley water or sewer. The water for that subdivision was provided by the City of Prescott as a Chino Valley Irrigation District reimbursement area. There is no legal obligation to serve this subdivision by the City of Prescott. He also shared that the closest town water lines are located at Center Street. A 'ballpark' cost of extending utilities is around \$200 per linear foot.

This project fits with the current general plan, but a comment was made to wait see what the new General Plan looks like. **Lineberry** stated that the town has a current general plan in place and that the commission and staff need to rely on that plan. The Commission does not have a way to stop development and wait for the new plan. **Merritt** felt that the General Plan was not going to change that much in this area.

Zamudio asked if there was just one well for the whole subdivision. **Merritt** stated that the applicant would answer that question and the block wall concern. He also stated that the county and town zoning is different in this location.

Heng displayed Attachment A on the overhead screen. **Dingee** made an edit to Condition 3b, which say Road 3 North – it should read Road 3 South. **Switzer** asked about the lot sizes to the west of this project. **Heng** responded that they were 2.5 acres.

Somerville directed all to look at Attachment C, Summary of Neighborhood meeting comments, and asked how the developer had addressed the listed concerns. **Merritt** stated that the developer would come back up and answer that question.

Meadors asked if there were any kind of declaration provided or disclosed to any potential buyers about the slaughterhouse and about potential for buyers wells to go dry in this area. **Dingee** stated a disclosure regarding the slaughterhouse would be required by the seller. The well water drilling is regulated by Arizona Department of Water Resources (ADWR) and they provide an “Assured Water” certificate as part of the study for the pump test. **Meadors** stated that wells next to each other may not both have water. Again, **Dingee** stated that the developer has to prove to the ADWR, via pump test, that the water is available for the full 20 acres.

There was no further discussion for staff.

Merritt asked the developer to return to the podium to answer questions.

Bates, applicant, returned to the podium. He identified that each lot would have their own septic and their own well, as approved by the state. He was not sure about the gallons per minute, he added each home would have full filtration to remove arsenic and the water would be tested. **Bates** shared that as a licensed dealer for manufactured homes, he would be using Cavco or Champion homes.

Bates added that fencing is not required and people want to be able to enjoy the views, you lose the ‘country-feel’ with a block wall. These homes are affordable compared to stick-built homes in the area. These are nice homes and affordable. His business has placed and sold approximately 75 homes in Chino Valley over the last several years. He addressed the issue identified by Suzi Bailey for the cease and desist order. It was a project partnered with Embry Riddle Aeronautical University (ERAU) to provide affordable staff housing. Somebody wrote to the state that there were no curbs and gutters. Improvements were not needed at the time of development (4 years ago). When he needed a state report, he got one.

Bates explained about this property is being designed by a civil engineer, this includes drainage and grading, which could sometimes improve any run-off. The roads must meet requirements for school buses and fire vehicles. The Town Engineer reviews and identifies that the plans meet conformance with the all the applicable town codes.

Bates addressed that were no plans for garages to be built for these homes, although there is adequate property on a 1-acre site to build one, and to provide for parking. **Merritt** asked if any CCR’s would restrict parking or the building of a garage. **Bates** stated there would not be restrictions on garages, other than Town Code requirements.

Bates informed the commission that all the paperwork for the wells has been turned into ADWR and that the state is working on the assured water supply forms. He added that this was a 100-year assurance and the cost for the application is around \$65,000.

Merritt shared the concern about the quality of Road 1 West. **Bates** shared that his responsibility is the road in front of his project and the road within his project. The cul-de-sac will meet town code and will be dedicated to the town.

Merritt brought up the concern regarding property value being reduced in the county. **Bates** stated that his homes are not the “old trailer house”. They have amenities like nine-foot ceilings, walk-in glass showers, they are very nice. He invited anyone to stop by and see them. He added that these homes would give others the chance to realize their dream of owning a home on 1-acre and starting a life here in Chino Valley, as others have done.

Somerville asked for clarification on preparing the land for the homes. **Merritt** shared that drainage must continue to enter and leave the site in the historical locations, with no increase in run-off amounts. **Merritt** stated that all the ground work must be designed by a certified civil engineer and stamped approved by that engineer, then the plans are reviewed and approved by town staff if they meet the towns’ requirements for a subdivision.

Penn asked about the timeframe for water approval from the state. **Bates** stated that the application is in the review process with the state and he should have their determination in 1-2 weeks. **Meadors** asked if **Bates** would consider having 2-acre lots instead of 1-acre lots to match the surrounding area. **Bates** stated that all the lots to the north of the packing plant are 1-acre parcels and that is what he is requesting. **Merritt** concurred that all the parcels to the north, up to the next road, are zoned SR-1, 1-acre in size.

Merritt closed the public hearing.

Pasciak made a motion to recommend approval of ZC-2022-10 subject to staff report and Attachment A, **Zamudio** seconded the motion. A voice vote was taken and the motion failed. The case was denied by a 3-4 vote. (**Somerville, Switzer, Meadors & Penn** voted Nay). The nay votes explained their vote.

Somerville agreed with the comment from the public that this project should wait until more work is done on the new general plan, for a project like this. He stated he is always concerned about water and loss of water supply. The road is a county road, and the town can’t fix a county road. He drives that road and people drive it at 70 mph. The road needs to be widened.

Switzer would like to see it stay at AR-5 since it’s right next door to the packing plant. He understood that there was a noise and odor disclosure agreement to sign by the resident. The packing plant has been there since 1971 and they have rights too. Just because you purchase property with AR-5 doesn’t mean it can automatically be rezoned to SR-1. He felt that the home values in the County would be affected, with manufactured homes across the street. County residents are our residents here in Chino Valley (not the town). Water did not affect his decision since that is out of the Town hands and sits with the State ADWR, but it is the elephant in the room. **Switzer** stated that he believes that the 100-year water supply is a crock, and that it did not affect his decision to vote nay.

Meadors knows people that have to haul water, because of where the granite goes through the area. She shared that she would like to see the project as 2-acre lots, not 1-acre so there are only half the number of wells. She stated concern about lack of water in that area for that many properties.

Penn stated that water is a concern in this area and wanted to wait to see what the 100-year report has to say. Just because an owner wants to divide property, it’s not guaranteed. He felt traffic congestion was a consideration.

PUBLIC HEARING #D.1 – Postponed from earlier in the meeting to allow time for the applicant to attend.
FP-2022-05 – This is a request by Tom Luizzo on behalf of Granite Basin Engineering for “Final Plat for Old Hwy 89” to divide approximately 4.17 acres into 2 lots with an average lot size of 2.09 acres. The property is located at 19997 and 20047 Old State Route 89, Chino Valley, Arizona.

Chair Merritt asked Staff if the applicant was in attendance. Staff stated that they were not. **Merritt** asked for a motion to continue this item to the February 7, 2023 Planning and Zoning Commission meeting.

Meadors made a motion to continue FP-2022-05 to the February 7, 2023 P&Z Meeting, **Somerville** seconded the motion. The continuation was approved by a 7-0 vote.

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

INFORMATION ITEMS – FROM STAFF: **Dingee** stated that the Conditional Use Permit for the Equine Rescue was passed by council. Council modified the conditions to require all conditions be met within 6-months and lowered the total number of horse and cattle to 20. **Pasciak** asked about ensuring the completion of the requirements. **Dingee** stated that Code Enforcement can still cite the property if they are not in compliance. The final inspection regarding compliance with the CUP will be done by staff.

INFORMATION ITEMS – FROM THE COMMISSIONERS: There were no items from the commissioners.

INFORMATION ITEMS – EDUCATIONAL PRESENTATION: **Lineberry** shared that in attendance was a company to provide information regarding solar farms, per the commissions' request. This presentation is for solar informational purposes only and not for a specific project.

Seth Arden, of YA Jerome Solar & Battery Storage Facility, out of Pennsylvania, with a main focus in Arizona made the presentation. He shared visuals of solar farm panels and perimeter fencing, and discussed use of local contractors for installation only, minimal maintenance of the completed farm, disposal of used panels, and road improvement. Additionally, he spoke about the "temporary use" of vacant land and that no rezoning be required for this specific use. **Arden** mentioned that a solar farm would help APS to provide 100% clean energy by the year 2050, APS' power goal.

Zamudio asked what the lifespan of a typical solar farm was. **Somerville** asked about upgrade in technology with new panels being developed and on-site monitoring. He also asked if there could be electric car charging stations. **Merritt** questioned what happens at the end of the panel life cycle. **Switzer** asked what the benefit to the town might be since there is no guarantee that the power would stay in Chino Valley.

Arden stated "theoretically" that the life of a solar farm is 35-40 years, the panels are assumed to be good for the life of the project, and there is a secondary market for the used panels. There would be no on-site employees, but the monitoring would occur via control rooms and cameras to monitor security. If a retrofit panel was needed, then an employee would do the install. He stated that the power generated goes into the nearest load.


INFORMATION ITEMS – FROM THE PUBLIC:

John Gardner questioned why solar farms would want to be in Chino Valley. He was concerned about the amount of open land that they could consume. He felt these farms could be from 640 acres to 2,200 acres. He was wondering if this was just going to be the crack in the dam. Chino Valley weather is not as sunny as the valley. California has large solar farms and year-round sunshine. **Gardner** continued stating that the residents here like the small town feeling and solar farms don't fit in. He added that he is keeping informed about the 2040 General Plan and does not see much out there on the website.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 7:35 p.m.



Charles Merritt
Chair



Dee Dee Moore
Prepared By