

Planning and Zoning Commission Meeting Minutes October 3, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, October 3, 2023, 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, Commissioner William Welker, Commissioner Richard Zamudio.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director, Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Frank Marbury, Public Works Director, Gerreann Froberg, Senior Processing 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 Commissioner **Zamudio**.

CONSENT CALENDAR – A motion was made by Commissioner **Meadors** to accept the consent agenda. The motion was seconded by Commissioner **Zamudio** and passed unanimously by a 7-0 vote.

PUBLIC HEARING #D.1 – Case# PP-2023-02 – This is a request by Jay Bates on behalf of Right Homes LLC, to subdivide approximately 20 acres of land into 15 one-acre lots for the Homestead Preliminary Plat. The property is located at the northeast corner of W Road 3 South and S Road 1 West, Chino Valley, Arizona.

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

Merritt stated that the Commission heard a subdivision for the property earlier this year and the Zoning Commission did approve it.

Merritt introduced and welcomed Jessica Barragan, Senior Planner, and Gerreann Froberg, Senior Processing Coordinator.

Senior Planner **Jessica Barragan** presented the staff report and stated the developer made a minor change to the Preliminary Plat brought earlier this year, of an increase in landscaping along Road 1 West. He had also supplied evidence of Assured Water Supply. The applicant was in attendance. There was no written opposition. Staff recommended approval.

Merritt reiterated the only change to the Preliminary Plat from the last time the Commission reviewed it, was additional landscaping. He asked the applicant if he would like to speak at this time. The applicant declined. **Merritt** stated he could be called up at a later time.

Chair Merritt opened the meeting for public comments.

Brad Magee, 1350 S Road 1 West, stated he lived across the street from the slaughterhouse. He kept receiving neighborhood notices and no one in the neighborhood was trying to stop progress and development. He stated he never saw the Plat at the neighborhood meeting. He had two main concerns: the condition of the road and water. **Magee** expressed concern about the disrepair of the road and additional traffic (this road is owned half by Chino and half by Yavapai County). He stated he would love to discuss fixing the road. The second issue was the water, which tested high in arsenic. He asked Mr. Bates about connecting to Town or Prescott water. He stated that Mr. Bates informed him that he had

applied to Prescott and was turned down. **Magee** encouraged the Town and Prescott to work with Mr. Bates to bring in infrastructure.

Ken Kronvold, 927 Rocking Horse Lane, stated he received notice of the hearing and questioned the status of the subdivision. Was it already approved?

Merritt stated they could not respond until after the public input portion of the public hearing was over.

Kronvold also identified three 80-foot power poles on the east side of Road 1 West. He wondered what was going to happen to the power poles that appeared to be in the future roadway. He stated water continued to be a big issue, everywhere, and he did not think there was enough of it.

Merritt closed the public portion of the hearing, and directed questions asked, to **Marbury**.

Marbury stated the road maintenance was the responsibility of the Town. He added that Town code requires power poles along the subdivision be undergrounded. If they were over 12,000 KV, they do not need to be undergrounded and he would check on it. Any adjustments would be part of the technical review of the subdivision, prior to Final Plat. Any pole relocation expenses would be borne by the developer. **Marbury** added that if Mr. Bates wanted to extend town water and/or sewer, the Town would be happy to allow that. The City of Prescott prohibited residential connections outside of their City limits.

Merritt stated the Commission had no authority over water usage and that Mr. Bates had an Arizona Department of Water Resources Certificate of Assured Water Supply. **Merritt** called on Mr. Bates and asked him to clarify the arsenic issue.

Mr. Bates stated he was aware of the arsenic issue, they had drilled a well early on and had the water tested. The acceptable limit had been lowered to .10 and the test results came back .11. After adding a filtration system (\$3,500) to each unit and retesting, the filtration system mitigated the arsenic level to zero. The CC&R's include a provision that every home would have a full filtration system, which would mitigate the arsenic level to zero. He stated the power poles were transmission lines.

Zamudio asked what kind of landscaping they would be doing? **Mr. Bates** stated they would be adding landscaping similar to another project, landscape rock, trees and plants, all irrigated with a separate well.

Meadors asked if he would consider putting in 2-acre lots instead of 1-acre lots. He stated it was zoned for SR-1, and with development at a 2-acre lot size, it leads to the housing being out of an affordable range and keeps people from buying houses.

Merritt asked staff to clarify the prior approvals on the site.

Lineberry stated that zoning was approved. The Preliminary Plat was recommended to Council by the Commission and that the Council had a tie vote 3-3, with only 6 people in attendance, which was a "no" vote and the Preliminary Plat was not approved. The applicant was able to make a change and submitted a new Preliminary Plat application.

Merritt closed the public hearing.

Motion was made by Pasciak, seconded by Zamudio to approve PP-2023-02, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A. A role-call vote was taken and the motion passed with a 6-1 vote, with Switzer voting no.

Merritt asked Commissioner **Switzer** to explain his vote.

Switzer stated he was staying consistent with his rezone vote, he voted against the rezone, and against the last Preliminary Plat. He believed the land should stay 5-acres (AR-5). At minimum, he would like to

see residential 2-acre lots as most of the properties around that area were that size. He did not like the proximity to the slaughterhouse.

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

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: Dingee updated the Commission about prior cases heard by Town Council on September 26, 2023: ZC-2023-02 – Antelope Valley Apartments and ZC-2023-04 – Saddle Butte SD; ZC-2023-05 – Tarpley Zone Change were approved by Council.

TRAINING – Lineberry stated there were no cases for November, so the Commission could either take a vacation from the November meeting or staff could provide some training. The training would include CUP's (the kinds of conditions you can put on them) and a piece on Ethics.

Merritt called for a vote on training for the November 7, 2023 hearing. **Penn** stated November 7 is election day. **Merritt** stated he was ok with the day. A role-call vote was taken and it passed with a 7-0 vote for training on November 7th.

INFORMATION ITEMS – FROM THE COMMISSIONERS: Switzer stated a correction to AR-5, not SR-5 on his comments. (Correction made in prior comment from **Switzer**).

INFORMATION ITEMS – FROM THE CHAIRMAN: Merritt – no comment.

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 6:33 p.m.

Charles Merritt – Chair

Prepared By: Gerreann Froberg