



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, January 10, 2017
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
2. **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a. Proclamation declaring January 23-28, 2017 as "Stand With Me, Be Drug Free Week," sponsored by MATFORCE.
 - b. Proclamation declaring January 22-28, 2017 as School Choice Week, sponsored by National School Choice Week.
 - c. Presentation by ADOT District Engineer Alvin Stump regarding the results of a recent Transportation Study of State Route 89 from Road 3 North to the Forest Boundary north of Paulden. (Cecilia Grittman, Interim Town Manager)
 - d. Quarterly presentation by Arlene Alen, CEO/President of the Chino Valley Area Chamber of Commerce (CVACC).

3. **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4. **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a. Comments regarding loss of the Library Conference Room for public use.

5. **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Interim Town Manager Cecilia Grittmann and/or Town staff members regarding Town accomplishments, and current or upcoming projects.
- c. Recognition of the Town's Finance Department and its employees: Joe Duffy, Cindy Sandlin, and Kat Lordi for receiving the Town's fourth Distinguished Budget Presentation Award, presented by Government Finance Officers Association (GFOA). (Mayor Croft)
- d. Report on recently corrected scrivener's error pursuant to Town Code § 10.20 Authority to Correct Scrivener's Errors. (Jami Lewis, Town Clerk)

6. **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

- a. Consideration and possible action to approve Concessionaire Management Agreement for the Chino Valley Shooting Range with Prescott Sportsmen's Club, Inc. (Phyllis Smiley, Town Attorney)
- b. Consideration and possible action to approve Water and Wastewater Rate Schedule Modifications to clarify the method of calculating multi-family wastewater user and connection rates. (Joe Duffy, Finance Director)
- c. Consideration and possible action to approve Resolution No. 17-1097 repealing Resolution 16-1096 and authorizing acquisition of certain right-of-way by the Town for Road 1 East. (Phyllis Smiley, Town Attorney)
- d. Consideration and possible action to update appointments and assignments to the Public Safety Retirement Board. (Jami Lewis, Town Clerk)

- e. Consideration and possible action to accept the December 13, 2016 Regular Meeting minutes. (Jami Lewis, Town Clerk)

7. ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a. Consideration and possible action to approve the First Amendment to Equestrian Facility Lease between the Town of Chino Valley and Chino Valley Equestrian Association to move and use fixtures and equipment from the Town owned property at the Cameron Ranch located in Paulden, AZ to the property leased by the Chino Valley Equestrian Association located at Old Home Manor.(Chris Bartels, Public Works Manager)

Recommended Action: Approve the First Amendment to Equestrian Facility Lease between the Town of Chino Valley and Chino Valley Equestrian Association to move and use fixtures and equipment from the Town owned property at the Cameron Ranch located in Paulden, AZ to the property leased by the Chino Valley Equestrian Association located at Old Home Manor.

- b. Consideration and discussion only regarding a proposed development plan for Hawksnest at Chino Valley and provide comments regarding same to Staff. (Ruth Mayday, Development Services Director)
- c. Consideration and possible action to adopt Ordinance 16-819, amending the Unified Development Ordinance ("UDO"), Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms; repealing Chapter 4.21 Sign Regulations, and adopting new Chapter 4.21 Sign Regulations, consisting of Sections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-Conforming Signs, and 4.21.9 Violations; Removal, all as set forth in the "Amendments to the Unified Development Ordinance of the Town of Chino Valley Related to Signs, dated July 26, 2016". (Ruth Mayday, Development Services Director)

Recommended Action: Approve Ordinance 17-819, declaring the "Amendments to the Unified Development Ordinance of the Town of Chino Valley related to Signs, dated July 26, 2016" to be a public record and adopting the "Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona, Related to Signs, dated July 26, 2016", by reference.

- d. Consideration and possible action to authorize the Mayor to execute the Standard Application Form (SF-424) for a \$485,000 congressional appropriation from the Environment Protection Agency (EPA) for the purpose of water and wastewater improvements. (Ruth Mayday, Development Services Director)

Recommended Action: Authorize the Mayor to sign the SF-424 application.

- e. Consideration and possible action to update the Council Subcommittee roster. (Jami Lewis, Town Clerk)

Recommended Action: Appoint Councilmembers, liaisons, and other representatives to Council Subcommittees.

- f. Consideration and possible action to update the appointment of Councilmembers and staff to various regional and state entity committees. (Jami Lewis, Town Clerk)

Recommended Action: Appoint Councilmembers and/or staff to fill vacant positions on various entity committees and update existing appointments, as applicable.

8. EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a. An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation for legal advice with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position in settlement discussions conducted in order to avoid litigation in the matter of the termination of Daniel Trout and Mr. Trout's appeal thereof. (Cecilia Gritman, Interim Town Manager)

9. ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

- a. Consideration and possible action to approve a settlement agreement with Daniel R. Trout related to his employment by the Town. (Trish Stuhan, Town Attorney)

Recommended Action: Approve the settlement agreement with Daniel R. Trout.

10. ADJOURNMENT

Dated this 5th day of January, 2017.

By: **Jami C. Lewis, Town Clerk**

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities.

Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter> and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 2. a.

Meeting Date: 01/10/2017
Contact Person: Chuck Wynn, Police Chief
Phone: 928-636-2646 x-1258
Department: Police
Estimated length 10 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation declaring January 23-28, 2017 as "Stand With Me, Be Drug Free Week," sponsored by MATFORCE.

SITUATION & ANALYSIS:

MatForce has proclaimed January 23 - 28, 2017 to be Stand With Me, Be Drug Free Week. They have requested the Town of Chino Valley join them in this proclamation.

Attachments

Stand With Me, Be Drug Free proclamation



PROCLAMATION

Stand With Me, Be Drug Free Week – January 23-28, 2017



Whereas, MATFORCE has proclaimed January 23-28, 2017 to be Stand With Me, Be Drug Free Week; and

Whereas, the Town of Chino Valley: embraces a vision of a healthy, vibrant, and strong community for children, youth, families and people of all ages; and

Whereas, most citizens are not involved in substance abuse, the city/town of Chino Valley: recognizes that Stand With Me, Be Drug Free Week is an opportunity to acknowledge and celebrate these healthful citizens; and

Whereas, knowing that families are adversely affected by illegal drug use, including work problems, legal problems, mental health problems, physical illness, addiction, accidents, accidental death, economic loss, child abuse, destruction of families, driving while impaired, and crimes against persons and property; and

Whereas, the Town of Chino Valley would like to commend and pay tribute to all of its citizens who choose to be free of illegal drug use; and

Whereas, the Town of Chino Valley would like to especially commend the youngest of our citizens for not using alcohol, as 85% of 8th grade students, 69% of 10th grade students and 56% of 12th grade students DO NOT use alcohol; for not using marijuana, as 91% of 8th grade students, 79% of 10th grade students and 74% of 12th grade students DO NOT use marijuana; and for not abusing prescription drugs, as 94% of 8th grade students, 94% of 10th grade students and 95% of 12th grade students DO NOT abuse prescription drugs.

Now, Therefore, I, Darryl L. Croft, Mayor of the Town of Chino Valley, do hereby proclaim January 23-28, 2017 to be Stand With Me, Be Drug Free Week, and encourages all of our citizens to participate in the celebration of a drug-free, healthy community by participating in the planned events, activities and displays.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this **Day** day of **Month**, 2016.

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 2. b.

Meeting Date: 01/10/2017
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Council
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation declaring January 22-28, 2017 as School Choice Week, sponsored by National School Choice Week.

SITUATION & ANALYSIS:

N/A

Attachments

School Choice Week Proclamation



PROCLAMATION

School Choice Week – January 22-28, 2017



***Whereas**, all children in Chino Valley should have access to the highest-quality education possible; and*

***Whereas**, Chino Valley recognizes the important role that an effective education plays in preparing all students in Chino Valley to be successful adults; and*

***Whereas**, quality education is critically important to the economic vitality of Chino Valley; and*

***Whereas**, is home to a variety of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and*

***Whereas**, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and*

***Whereas**, Chino Valley has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and*

***Whereas**, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options; and*

***Now, Therefore**, I, Darryl L. Croft, Mayor of the Town of Chino Valley, do hereby proclaim **January 22-28, 2017** as **School Choice Week** in Chino Valley, Arizona, and call this observance to the attention of all of our citizens.*

***In Witness Whereof**, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this **10th** day of **January 2017**.*

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 2. c.

Meeting Date: 01/10/2017
Contact Person: Cecilia Grittman, Assistant Town Manager
Department: General Services
Estimated length 20 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation by ADOT District Engineer Alvin Stump regarding the results of a recent Transportation Study of State Route 89 from Road 3 North to the Forest Boundary north of Paulden. (Cecilia Grittman, Interim Town Manager)

SITUATION & ANALYSIS:

ADOT District Engineer, Alvin Stump, will provide Town Council with results from a recent Transportation Study. Scope of Study is Road 3 North to the Forest Boundary north of Paulden. Various organizations, including ADOT, CYMPO, Yavapai County, and Chino Valley have participated in a study of the corridor for intersection improvements and access management concepts along this stretch of Highway 89.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 2. d.

Meeting Date: 01/10/2017
Contact Person: Cecilia Grittmann, Assistant Town Manager
Department: General Services
Estimated length 10 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Quarterly presentation by Arlene Alen, CEO/President of the Chino Valley Area Chamber of Commerce (CVACC).

SITUATION & ANALYSIS:

The Town has a contract with the CVACC; Arlene Alen has agreed to give quarterly updates to the Council regarding the Chamber's activities and its partnership with the Town.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 5. c.

Meeting Date: 01/10/2017
Contact Person: Cecilia Grittmann, Acting Town Manager
Department: Town Manager
**Estimated length
of Staff Presentation:**
Physical location of item: N/A

AGENDA ITEM TITLE:

Recognition of the Town's Finance Department and its employees: Joe Duffy, Cindy Sandlin, and Kat Lordi for receiving the Town's fourth Distinguished Budget Presentation Award, presented by Government Finance Officers Association (GFOA). (Mayor Croft)

SITUATION & ANALYSIS:

This is the 4th year running that our Finance Department has received this distinction.

Attachments

Letter from Government Finance Officers Assoc. 11-30-16



Government Finance Officers Association
 203 North LaSalle Street, Suite 2700
 Chicago, Illinois 60601-1210
 312.977.9700 fax: 312.977.4806

November 30, 2016

Joe R. Duffy
 Finance Director
 Town of Chino Valley
 202 N. State Route 89
 Chino Valley, AZ 86323

Dear Mr. Duffy:

A Panel of independent reviewers has completed its examination of your budget document. We are pleased to inform you that the panel has voted to award your budget document the Distinguished Budget Presentation Award for the current fiscal period. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by your organization.

The Distinguished Budget Presentation Award is valid for one year. To continue your participation in the program, it will be necessary to submit your next annual budget document to GFOA within 90 days of the proposed budget's submission to the legislature or within 90 days of the budget's final adoption. Enclosed is an application form to facilitate a timely submission. This form should be submitted with four copies of your budget accompanied by the appropriate fee.

Each program participant is provided with confidential comments and suggestions for possible improvements to the budget document. Your comments are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next budget.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. Enclosed is a Certificate of Recognition for Budget Preparation for:

Joe R. Duffy, Finance Director

Continuing participants will find a certificate and brass medallion enclosed with these results. First-time recipients will receive an award plaque that will be mailed separately and should arrive within eight to ten weeks. Enclosed is a camera-ready reproduction of the award for inclusion in your next budget. If you reproduce the camera-ready in your next budget, it should be accompanied by a statement indicating continued compliance with program criteria.

The following standardized text should be used:



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

Joe R. Duffv
November 30, 2016
Page 2

The Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to **Town of Chino Valley, Arizona** for its annual budget for the fiscal year beginning **July 1, 2016**. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device.

This award is valid for a period of one year only. We believe our current budget continues to conform to program requirements, and we are submitting it to GFOA to determine its eligibility for another award.

A press release is enclosed.

The Government Finance Officers Association encourages you to make arrangements for a formal presentation of the award. If you would like the award presented by a member of your state or provincial finance officers association, we can provide the name of a contact person for that group.

We appreciate your participation in this program and we sincerely hope that your example will encourage others in their efforts to achieve and maintain excellence in governmental budgeting. The most current list of award recipients (with hyperlinks) can be found on GFOA's website at www.gfoa.org. If we can be of further assistance, please contact the Technical Services Center.

Sincerely,

A handwritten signature in cursive script, reading 'Stephen J. Gauthier', is positioned below the word 'Sincerely,'.

Stephen J. Gauthier, Director
Technical Services Center

Enclosure

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 5. d.

Meeting Date: 01/10/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Report on recently corrected scrivener's error pursuant to Town Code § 10.20 Authority to Correct Scrivener's Errors. (Jami Lewis, Town Clerk)

SITUATION & ANALYSIS:

Town Code § 10.20 grants authority to the Town Attorney and Town Clerk to correct scrivener's errors in the Town Code, UDO, and ordinances, resolutions, and minutes adopted by Council or other public body without the need for re-adoption. Paragraph (C) provides that any such corrections shall be reported within three months of such correction at a regular meeting of the Council.

There is 1 scrivener's correction to report:

1. Ordinance No. 16-827, adopted December 13, 2016, related to zone change of APN 306-03-002P & 002Q, generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way; applicant Curt Wells - Corrected Assessor's Parcel Number which had been typed erroneously as 306-03-022Q.

Attachments

Corrected Ordinance 16-827 (without exhibits)

ORDINANCE NO. 16-827

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 61 ACRES OF REAL PROPERTY GENERALLY LOCATED ON TREE FARM LANE BETWEEN GRANITE CREEK LANE AND COLORADO WAY, ALSO KNOWN AS YAVAPAI COUNTY ASSESSOR'S PARCELS NO. 306-03-002P AND ~~306-03-022Q~~ 306-03-002Q*, FROM CL (COMMERCIAL LIGHT) ZONING DISTRICT TO I (INDUSTRIAL) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

*Pursuant to Town Code § 10.20, scrivener's error on Ordinance No 16-827 was corrected on Dec. 29, 2016 and reported to Council on Jan. 10, 2017.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a vote of 5 ayes and 1 nay recommends approval of the rezoning;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 61 acres, described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both attached hereto and incorporated herein by this reference, from CL (Commercial Light) Zoning District to I (Industrial) Zoning District.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of December, 2016 by the following vote:

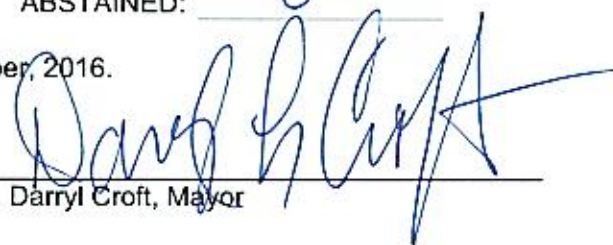
AYES: 7

ABSENT: 0

NAYS: 0

ABSTAINED: 0

APPROVED this 13th day of December, 2016.



Darryl Croft, Mayor

ATTEST:

APPROVED AS TO FORM:



Jami C. Lewis, Town Clerk

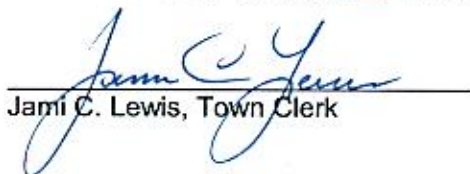


Phyllis Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-827 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 13th DAY OF DECEMBER, 2016, WAS POSTED IN THREE PLACES ON THE 14th DAY OF DECEMBER, 2016



Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. a.

Meeting Date: 01/10/2017
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: Chino Valley Public Shooting Range, 3926 Shooting Range Road

AGENDA ITEM TITLE:

Consideration and possible action to approve Concessionaire Management Agreement for the Chino Valley Shooting Range with Prescott Sportsmen's Club, Inc. (Phyllis Smiley, Town Attorney)

RECOMMENDED ACTION:

Move to approve the Concessionaire Management Agreement for the Chino Valley Shooting Range with Prescott Sportsmen's Club, Inc.

SITUATION AND ANALYSIS:

Issue Statement

The Town and Prescott Sportsmen's Club entered into a management agreement on May 31, 2011 whereby the Club manages the Town-owned Chino Valley Shooting Range. Over the years inconsistencies and ambiguities in the agreement have created concerns by the parties who would like to enter into a new agreement to clarify the responsibilities and benefits for each of the parties.

Satisfaction of "Policy"

The new agreement will provide clarity and further the intent of the original agreement.

Summary of Issues and Staff Rationale

The draft agreement has been reviewed and revised by the Town and the Club and the parties now believe they have an agreement that will clarify and address all of their concerns.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Prescott Sportsmen's Club Concessionaire Agreement

CONCESSIONAIRE MANAGEMENT AGREEMENT
for

Chino Valley Shooting Facility

This Concessionaire Management Agreement (the "Agreement") made this ____ day of _____, 2017, by and between the Town of Chino Valley, Arizona, a municipal corporation (the "Town") and Prescott Sportsmen's Club, Inc., an Arizona non-profit corporation (the "Club").

RECITALS:

1. Town and Club, in furtherance of their shared interest to educate and train the public in safe firearms handling, wish to combine their efforts in the development, planning, and operation of the Chino Valley Shooting Facility, and over time and with resources available, create the best possible comprehensive shooting sports facility and to offer a wide variety of shooting sports, services, events and opportunities to promote shooting safety in the community, to appeal to the shooting industry and a wide range of shooting enthusiasts.
2. In order to effectively accomplish the above, Town and Club agree to cooperate in planning, funding, and developing the facility, focusing on the long term operation and protection of the facility.

AGREEMENT:

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, the parties agree as follows:

1. Grant of Concession; Purpose: Town grants to Club the privilege of a concession for the purpose of managing, as an independent concessionaire, the use by the public of the currently operating Pistol and Rifle portions of Town's shooting range (the "Concession"). This includes any future additional ranges built within the 40 contiguous acres to be platted by the Town. The Chino Valley Police Department's 360 degree tactical range is not included in this Agreement.
2. Location of Concession: The Concession shall be operated at the Range, located at Old Home Manor, at 3926 Shooting Range Road, Chino Valley, Arizona. The Club's area of operation, including the safety zone down range, has been surveyed, staked, and designated as set forth in the legal description and survey, attached hereto as Exhibit A, and incorporated herein by this reference.
3. Term: The term of this Agreement shall be for a period of twenty (20) years commencing on _____, 2017 and terminating on _____ 2037 unless earlier terminated by either party as provided herein. Renewal of this Agreement shall be

offered to the Club at the end of the 20 year period, with the Club being given a right of first refusal to renew.

4. Definitions:

- 4.1 "Daily use fee": A fee charged by Club for use of the range.
- 4.2 "Others": Any contractor, group, or organization approved by Club to use the Range Facilities on a private basis (exclusive use). Such approval shall be obtained prior to such group entering the range.
- 4.3 "Point of Contact": The contact person for the Town shall be the Town Manager, and the contact person(s) for the Club shall be the Range Director or Range Master, as designated by the Club for such purposes.
- 4.4 "Range Master": A Club employee who reports to and is subject to the Range Director and whose responsibilities include, but are not limited to, overseeing the day-to-day operations of the range, including range safety, fee collections, and security.
- 4.5 "Range Director": Club Board Member who is responsible for overall operation and maintenance of the Range.
- 4.6 "Shooting Range" or "Ranges": The entire facility, including the land and improvements thereto, as set forth in this Agreement (the "Premises").

5. Compensation or Fees:

- 5.1 Fees to Town: Club shall pay semiannually, no later than December 31 and June 30, into Town's "Concession" fund, 30 cents per shooting head count. This money shall be used for future Range improvements to include, but not be limited to, the 200-600 yard range and/or the Action/Training pistol range area.
- 5.2 Lead Abatement Fund: Club shall pay \$2,000, no later than June 30 of each year this Agreement is in effect, into a Lead Abatement Fund, which shall be used to fund the Environmental Stewardship Plan ("ESP") for the Range. The Lead Abatement Fund shall be maintained and used for the sole purpose of implementing and executing the ESP and lead removal/abatement at the end of the 20 year term of the Agreement, or sooner if required by the Arizona Department of Environmental Quality or other governmental authority. Limit of liability to Club shall be \$40,000.00.
- 5.3 Lead Abatement Fund Withdrawals: Club may draw from the Lead Abatement fund at any time during the 20 years of this Agreement for Lead Abatement or

other ESP purposes only with prior approval in writing from Town. Such approval shall not be unreasonably withheld.

- 5.4 Care of Town Property: Club shall keep the Range in good condition and free of all papers, glass, cans, rubbish and debris.
- 5.5 Environmental Stewardship Plan:
 - 5.5.1 Within one (1) year of signing this agreement, Club shall submit to Town for approval an Environmental Stewardship Plan ("ESP") which shall detail lead abatement procedures for the Range and shall cooperate with Town to obtain Town's approval of the ESP within 120 days of submittal.
 - 5.5.2 The ESP shall comply with standards and regulations for lead abatement and other relevant environmental requirements set forth by federal, state, and local governmental authorities.
 - 5.5.3 The cost, development, and implementation of the ESP shall be the responsibility of the Club.
6. Operating Hours: Club shall only operate between 0800 (8:00 AM) and 1700 (5:00 PM) (summer hours) and between 0900 (9:00 AM) and 1630 (4:30 PM)(winter hours).
 - 6.1 Changes in hours of operation between winter and summer hours (and back again) will coincide with the dates the rest of the United States changes from standard time to daylight savings time (and back again).
 - 6.2 From May 15th to August 15th, each year, Club may extend summer shooting hours to 1900 (7:00 PM) one day per week.
 - 6.3 Two evenings per month Club may conduct low light training events. Such events shall conclude not later than 2100 (9:00 pm) and function as described only for the purposes stated within this Agreement.
7. Occasional Closings: Club shall operate Range seven days a week but may elect to close Range at any time due to weather conditions, maintenance, range usage needs, major national holidays, etc.
8. Supervision and Personnel: Club shall provide personal supervision and direction to the operation of the Concession and shall keep competent personnel in charge, utilizing experienced, professional, qualified and courteous individuals who will be on site during all hours of operation.
9. Club Leadership: Club shall annually provide to Town Manager a written list of Club's leadership (Board of Directors, Range Director, and Range Master) and shall notify Town Manager by email within 30 days of any change in the list.

10. No Drugs or Alcohol: Use of intoxicating drugs or alcohol on the Range is prohibited. On-site usage of these substances by any Club employee or representative is cause for termination of this Agreement. Usage by any attendee is cause for immediate removal of the offending party from the premises. Range Master's residence area is not part of this stipulation.
11. No Live Animals: Apart from service animals, Club shall not allow or incorporate live animals on the range or within any of the shooting activities allowed under this agreement. Dogs brought to range must be kept in a properly vented vehicle in the parking lot area only. Range Master's pets residing at his residence area are not part of this prohibition.
12. Taxes, Compensation, Insurance, Licenses: Club shall obtain and maintain all permits, licenses required for the conduct of this Concession and shall promptly pay all taxes, excise, and license fees of whatever nature applicable to this Concession. Club shall not permit any of said taxes, excise or license fee to become delinquent. Club shall at all times maintain adequate Workers Compensation Insurance insuring the payment of compensation to all employees engaged in the operation of said Concession. Club shall not permit any mechanic's or materialmen's or any other lien to be imposed upon the property on which the Concession is located.
15. Termination by Town: This Agreement may be terminated by Town for any one of the following reasons:
 - a. Club failure to successfully prepare, implement, and execute the ESP;
 - b. Club failure to maintain required insurances and licenses and/or provide information as required by this Agreement; or
 - c. Club failure to secure any required permits or reviews in a timely manner;
 - d. Club breach of any term of this Agreement as further provided in Paragraph 39 of this Agreement.
16. Termination by Club: Club may terminate this Agreement for any reason by providing Town with written notice of its intent to terminate at least ninety (90) days in advance of the proposed termination.
17. Delivery after Termination: Club shall deliver the Premises and any permanent improvements and attached accessories to Town at the termination of this Agreement in as good condition and state of repair as when received except for ordinary wear and tear or loss or damage caused by an act of God. This does not include Club possessions within these permanent improvements, portable prefabricated buildings, conex storage boxes or the contents therein.

18. Assignment: Club shall not assign or sublet any property or Concession herein granted, in whole or in part, without prior written permission of Town.
19. Equipment; Special Conditions: Club shall furnish, install, and maintain at its own expense any equipment, materials, or other items required by it for the proper operation of the Concession. Should the Town or any related agency be in a position to offer funding assistance through a grant or in-kind (force account) resource, such assistance will be incorporated in the joint planning and development of the facility. Club, through cooperative planning and scheduling of facility enhancements and expansions shall ensure Town and all appropriate agencies are informed of needs and opportunities to bring supportive grants and resources to bear on approved projects or endeavors.
20. Future Facility Improvements:
 - 20.1 Club shall, at its sole cost and expense, provide facilities and equipment, including , but not limited to:
 - a. Range Master residence trailer (double wide 24' x 60') and required utilities;
 - b. Training building;
 - c. Storage sheds and conex boxes;
 - d. Miscellaneous tools and supplies (including public use target frames) for routine maintenance and operation of the facility.
 - 20.2 Club and Town shall jointly plan any future improvements to or expansion of the facility and services offered. Such planning shall be pursuant to the Town's procedures and approval processes for such improvements and expansions. Any new ranges or modifications to existing ranges will be in compliance with National Rifle Association ("NRA") requirements and standards found within the NRA Range Source Book.
 - 20.3 Club shall establish timeframes and budgets for proposed future improvements, as well as projections for initiation and scheduling of operations for new facilities. Such schedules and budgets shall be reviewed and approved by Town prior to initiation of such improvements.
 - 20.4 Town Manager and Club's representative shall meet twice a year to discuss said future improvements or projects. It shall be the responsibility of Club to initiate the meetings.
 - 20.5 Proposed future improvements and timetables are subject to funding for such improvements or projects.

- 20.6 The new 200-600 yard range is to be finished as funds become available, and the addition of a 5 bay Action/Training pistol range area will also be finished as funds become available.
- 20.7 Trap shotgun shooting system shall be temporarily placed in the future 200-600 yard range construction area. Permanent placement of Trap shotgun area is to be determined at a later date. Operation of the temporary trap shotgun shooting system is subject to the following stipulations:
- a. All shot shall fall within designated area; and
 - b. Shot fall shall not cause danger to nor interfere with the normal operations and activities of Model Aviators; and
 - c. Shot used shall be no larger than size 7 ½; and
 - d. Shotgun sports area shall be included in the ESP.
- 20.8 All projects with an estimated cost of less than \$10,000 shall be field engineered by the Town working in cooperation with the Club Range Director.
21. Project Approval, Permitting, and Inspections Required: Club shall, at no cost to Club, obtain all required approvals, licenses, and permits necessary to undertake projects, expansions or improvements to the facility, including Town Manager's approval of any and all planned expansions or changes to the facility.
22. Town shall use reasonable efforts to assist Club by expeditiously reviewing application materials necessary to process Club improvement projects.
23. Major maintenance of Range shall be performed by Town as Town resources and finances permit. Major maintenance shall include but not limited to:
- a. Continued maintenance of entry road and parking lot; and
 - b. Erosion control of Concession area; and
 - c. Provide heavy equipment to Club for range maintenance as approved by Town.
- Club shall be responsible for minor maintenance to the facilities.
24. Minor Maintenance. Club shall be responsible for minor maintenance to the facilities which shall include all maintenance not considered "major maintenance" as set forth in Paragraph 23 or otherwise agreed to in writing by Club and Town.
25. Utilities: Club shall pay any and all utility charges incurred by this Concession. Club shall allow Town to connect to and extend from any infrastructures (including but not limited to water, sewer, electric, storm-water, roads) that are developed on the subject

proper for the facility. Town agrees to meter and pay for any use it generates and reimburse Club for any maintenance repairs or replacement charges incurred from the Town's usage of infrastructure items; i.e. septic system/well pump system, etc.

26. Indemnification: Club consents and agrees that it will appear, defend, indemnify and hold harmless Town, its agents, officers, employees and volunteers from and against any and all liability, claim or demand whatsoever arising out of or as a result of the operation of this Concession or of any claim of liability arising out of any incident or happening in the area or areas included in this Concession during the term of this Concession, including reasonable attorneys' fees and costs. The obligations under this Section shall survive the termination of this Agreement.
27. Independent Contractor: Club is not an agent or employee of Town, for all purposes including the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, the withholding of income tax under the Income Tax Act, the Arizona Worker's Compensation Act, the Arizona Economic Security Act, and any and all other applicable Federal or State statutes, rules or regulations. Town shall not be responsible for the wages or salaries of any employee or representative of Club, nor for any debts, liabilities or other obligations of Club. Club's employees shall not be considered as Town employees and shall not be eligible for the benefits incident to Town employees or subject to supervision by Town officials. Club for itself and for such employee or employees waives any and all claims for damages against Town, its officers and agents on account thereof.
28. Sole Agreement: This Agreement contains the entire understanding among the parties and supersedes any prior written or oral agreements between those parties respecting the subject matter of this Agreement. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties relating to the subject matter of this Agreement that are not fully set forth herein.
29. Immigration Law Compliance Warranty: As required by A.R.S. Section 41-4401, Club hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. Section 23-214(A). Club further warrants that after hiring an employee, Club verifies the employment eligibility of the employee through the E-Verify program. If Club uses any subcontractors in performance of this Agreement, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. Section 23-214(A), and subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employment eligibility of the employee through the E-Verify program. A breach of this warranty shall be deemed a material breach of the Agreement that is subject to penalties up to and including termination of the Agreement. Club is subject to a penalty of \$100 per day for the first violation, \$500 per day for the second violation, and \$1,000 per day for the third violation. Town at its option may terminate the Agreement after the third violation. Club shall not be deemed in material breach of this

Agreement if Club and/or subcontractors establish compliance with the employment verification provisions of Sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements contained in A.R.S. Section 23-214(A). Town retains the legal right to inspect the papers of any Club or subcontractor employee who works on the Agreement to ensure the Club or subcontractor is complying with the warranty. Any inspection will be conducted after reasonable notice and at reasonable times. If state law is amended, the parties may modify this paragraph consistent with state law.

30. Equal Treatment of Workers: Club shall keep fully informed of all federal and state laws, county and local ordinances, regulations, codes and all orders and decrees of bodies or tribunals having any jurisdiction or authority, which in any way affect the conduct of the Concession operations. Club shall at all times observe and comply with all such laws, ordinances, regulations, codes, orders and decrees; this includes, but is not limited to laws and regulations ensuring equal treatment for all employees and against unfair employment practices, including the Occupational Safety and Health Administration ("OSHA") and the Fair Labor Standards Act ("FLSA"). Club shall protect and indemnify Town and its representatives against any claim or liability arising from or based on the violation of such, whether by Club or its employees.
31. Not a Lease: Club shall not by virtue hereof be deemed to have become the tenant of Town; provided however that as to the location of the Concession as described in this Agreement, Club is entitled to use such premises and shall be deemed merely to be a licensee entitled to enter therein for the purpose of exercising the rights and privileges granted by the Concession. Upon any termination of the Agreement, Town shall have the right through such means as it sees fit to remove and exclude therefrom Club and any of Club's employees without being deemed guilty of any unlawful entry, trespass or injury of any sort whatsoever.
32. Breach of Contract: In the event of any breach of any of the terms and conditions of this Agreement, Town shall have, in addition to any other recourse, the right to terminate this Agreement and remove and exclude any and all persons from the premises and to remove and exclude all property of Club therefrom.
33. Notices: Any and all notices required under this Agreement shall be given as follows:

TOWN OF CHINO VALLEY

Town Manager
Town of Chino Valley
202 N. State Route 89
Chino Valley, Arizona 86323

CLUB

Prescott Sportsmen's Club
PO Box 1078
Prescott, Arizona 86301

34. Inspections: Town shall have the right to make inspections at any reasonable time to insure compliance with this agreement.
35. Insurance:
- 35.1 Club shall purchase and maintain such insurance and designate Town as an additional insured in an amount deemed appropriate by Town with a minimum coverage of one million dollars (\$1,000,000) per occurrence and two million (\$2,000,000) aggregate for personal injury and one million (\$1,000,000) per occurrence/aggregate for property damage as will protect it and the Town from claims set forth below which may arise out of or result from Club's operations under this Agreement, whether such operations be by itself or by anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable.
- 35.2 Certificates of insurance acceptable to Town and designating the Town of Chino Valley as an additional insured shall be filed with Town prior to commencement of this Agreement. The certificate shall contain a provision that coverage is supported and that the policies will not expire, be cancelled or changed during the term of this Agreement.
- 35.3 Such insurance shall cover:
- a. Claims for damages because of bodily injury, occupational sickness or disease or death of its employees;
 - b. Claims for damages because of bodily injury, sickness or disease, or death of any person other than its employees;
 - c. Claims for damages insured by usual personal injury liability insurance which are sustained (1) by any person as a result of any offense whether directly or indirectly related to the employment of such person by the Club, or (2) by any other person;
 - d. Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom; and
 - e. Claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance or use of any motor vehicle.
36. Attorneys' Fees: Should litigation be necessary to enforce any term or provision of this Agreement, or to collect any damages claimed or portion of the amount payable under

this Agreement then all litigation and collection expenses, witness fees, court costs, and attorneys' fees shall be paid to the prevailing party.

37. Amendment: This Agreement may not be amended or any of its terms modified without written consent of Town and Club.
38. Notice Regarding A.R.S. Section 38-511: Under Section 38-511, Arizona Revised Statutes, as amended, Town may cancel any contract it is a party to within three (3) years after its execution and without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of Town is, at any time while the Agreement or any extension thereof is in effect, an employee or agent of any other party to the Agreement in any capacity or a consultant to any other party to the Agreement with respect to the subject matter of the Agreement. In the event Town elects to exercise its rights under Section 38-511, Arizona Revised Statutes, as amended, Town agrees to immediately give notice thereof to Club.
39. Non-Boycott of Israel: Club certifies that it is not currently engaged in, and agrees for the duration of this Agreement that it will not engage in, a boycott of Israel, as that term is defined in Ariz. Rev. Stat. § 35-393.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, the day and year first above written.

TOWN OF CHINO VALLEY
Darryl Croft, Mayor

PRESCOTT SPORTSMEN'S CLUB

By: _____
Its: _____

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, GUST ROSENFELD P.L.C.

Exhibit A

Legal Description and Survey of Club's Area of Operation

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. b.

Meeting Date: 01/10/2017
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to approve Water and Wastewater Rate Schedule Modifications to clarify the method of calculating multi-family wastewater user and connection fees.

RECOMMENDED ACTION:

Move to approve the Water and Wastewater Rate Schedule including the modifications added to clarify the method of calculating multi-family wastewater user and connection fees.

SITUATION AND ANALYSIS:

Issue Statement

The Town last adopted a change to its water and wastewater rates on February 12, 2013 with Resolution No. 13-1005. The current rate schedule needs to be modified to provide additional clarification of how rates are applied multi-family developments. The attached documents summarize the rate table revisions and an example of the changes are applied to a multi-family apartment complex.

The Finance Committee met and reviewed the proposed rate changes on December 7, 2016.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

No Rate Increases are proposed at this time.

Attachments

Rate Table

Example Fixture Unit Calculation

Town of Chino Valley		
Wastewater Monthly Service Fee and Wastewater Connection Fee		
	Current Rate Table January 2017	Proposed Rate Table Revisions
Wastewater Connection Fee		
Residential	\$ 6,000.00	\$ 6,000.00
Commercial		
Based on EDU Calculation	\$6,000 per EDU	\$6,000 per EDU
# of fixture Units per EDU		20
Calculated Connection Fee per FU		\$ 300.00
Monthly Service Fee		
Residential		
Base User Charge	\$ 64.14	\$ 64.14
Commercial		
3/4" Meter	\$ 64.14	\$ 64.14
1" Meter	\$ 107.34	\$ 107.34
1 1/2" Meter	\$ 213.35	\$ 215.35
2" Meter	\$ 341.89	\$ 341.89
4" Meter	\$ 1,069.41	\$ 1,069.41
Multi Family Housing*	Based on EDU	Based on EDU
Rate Per Fixture Unit (\$64.14/20 Fixture Units)		\$ 3.21
Rate Per EDU (20 Fixture Units)		\$ 64.14
* Multi-Family developments include: apartments, duplexes, mobile home parks, hotels/motels, schools and churches, typically with one master connection.		
EDU = Equivalent Dwelling Unit - level of service as expressed in gallons per day for an average residential dwelling or single family residence.		
FU = Fixture Unit - a flow rate unit used in both the water and wastewater plumbing design.		

Town of Chino Valley			
Fixture Unit Calculation			
One EDU = 20 Fixture Units			
	Apartment 1 Bed 1 bath	Apartment 2 bed 1 bath	3 Bedroom 2 Bath House
Clothes Washer		2	2
Bathroom Group	5	5	10
Bathtub/Shower Combo			
Water Closet			
Dishwasher		2	2
Kitchen Sink	2	2	2
Hose Bib			2
Other			2
	7	11	20
% of Full Rate	35%	55%	
Monthly Sewer Based on FU	\$ 22.45	\$ 35.28	\$ 64.14
Wastewater Connection Fee Per Unit	\$ 2,100	\$ 3,300	\$ 6,000

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. c.

Meeting Date: 01/10/2017
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution No. 17-1097 repealing Resolution 16-1096 and authorizing acquisition of certain right-of-way by the Town for Road 1 East. (Phyllis Smiley, Town Attorney)

RECOMMENDED ACTION:

Move to approve Resolution 17-1097.

SITUATION AND ANALYSIS:

Issue Statement

On December 13, 2016, the Town Council approved Resolution No. 16-1096 authorizing acquisition of certain real property described in the legal description attached to the Resolution as Exhibit A for the Road 1 East improvement project. After the resolution was approved, Staff discovered that the legal description attached as Exhibit A to Resolution No. 16-1096 was incorrect. In order to correct the error and acquire the property necessary for the project, the prior resolution is being repealed by Resolution 17-1097 which also authorizes acquisition of the properly described property.

Fiscal Impact

Fiscal Impact?: None
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Resolution 17-1097
 Exhibit A Survey Map

RESOLUTION NO. 17-1097

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING RESOLUTION NO. 16-1096, AND AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY PURPOSES; AUTHORIZING AND DIRECTING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO ACQUIRE TITLE TO SUCH REAL PROPERTY ON BEHALF OF THE TOWN BY DONATION, EMINENT DOMAIN OR PURCHASE FOR AN AMOUNT NOT TO EXCEED FAIR MARKET VALUE OF THE PROPERTY, PLUS ACQUISITION AND CLOSING COSTS.

WHEREAS, the Town of Chino Valley Town Council approved Resolution No. 16-1096 on December 13, 2016, authorizing acquisition of certain real property described in the legal description attached to the Resolution as Exhibit A; and

WHEREAS, it was subsequently discovered that the legal description attached as Exhibit A to Resolution No. 16-1096 was incorrect and therefore desires to repeal Resolution No. 16-1096; and

WHEREAS, the continued growth and development of the Town of Chino Valley requires the acquisition of certain real property for roadway improvements to Road One East, which real property is generally described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley find that acquisition of the property described is necessary for public right-of-way purposes for the Project and it is in the public interest to acquire such property; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley have considered alternatives available, have balanced the public good and the private injury resulting from the acquisition of the property, and have determined that locating the public improvements on the property results in the greatest public good and the least private injury.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA:

1. That Resolution 16-1096 is hereby repealed, rescinded and of no further effect;
2. That the Mayor, Town Manager and Town Attorney are hereby authorized and directed to acquire title to and possession of the real property generally described

in Exhibit A, plus any additional real property required for completion of the Project, as determined by the final engineering plans, by donation, eminent domain or purchase for an amount not to exceed fair market value, plus acquisition and closing costs; and

3. That the Mayor, Town Manager and Town Attorney are authorized to perform all acts necessary to acquire said property for the purposes described in this resolution on behalf of the Town.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 10th day of January, 2017.

Darryl L. Croft, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 17-1097 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on January 10, 2017, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Exhibit A – Legal Description of Property to be Acquired

EXHIBIT A**[Legal Description]**

All that portion of land lying within Section 15, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the Northeast corner of said Section 15;

Thence South 00°16'00" East, along the east line of said Section 15, a distance of 338.48 feet to the TRUE POINT OF BEGINNING;

Thence South 89°53'00" West, a distance of 25.00 feet;

Thence South 00°16'00" East, a distance of 137.00 feet;

Thence North 89°53'00" East, a distance of 25.00 feet to a point on said east line;

Thence North 00°16'00" West, along said east line, a distance of 137.00 feet to the TRUE POINT OF BEGINNING.

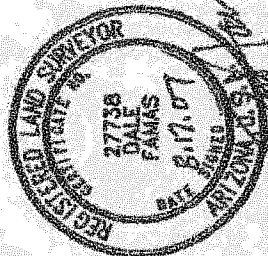
Containing 3,425.00 square feet or 0.08 Acres, more or less.

RECORD OF SURVEY

APN 306-20-001K
SEC. 15, T16N, R2W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA

LEGEND

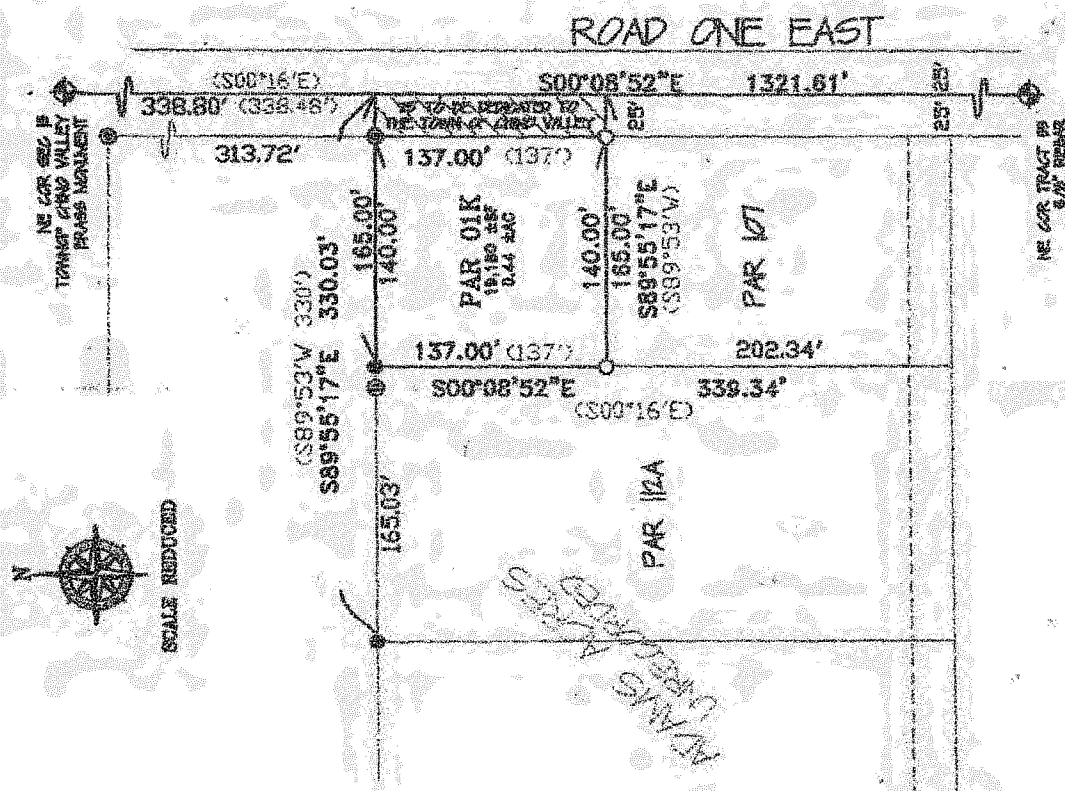
- = FOUND 1/2" REBAR CAPPED LS 33872
 - = FOUND 1/2" REBAR CAPPED "FAMAS"
 - = SET 1/2" REBAR WITH PLASTIC CAP
 - STAMPED "FAMAS" LS 27738
 - * = AFFIXED BRASS TAG "FAMAS" LS 27738
 - () = RECORD INFORMATION
 - BOOK 3888 O.R. PAGE 127 YORO
- BASIS OF BEARINGS IS GEODETIC
NORTH USING GPS OBSERVATIONS



EMPIRE SURVEYING, Inc

P.O. BOX 67 PAULDEN AZ 86334
PHONE (908)-838-6662 FAX 838-6663

SURVEY FOR DEYOUNG
DATE DRAWN: 8-17-07 FILE NO.: Y07184
DRAWN BY: DEF DRAWING: 184Y07



NOTE THAT ALL EASEMENTS OF RECORD
MAY NOT BE SHOWN ON THIS PLAT

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. d.

Meeting Date: 01/10/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to update appointments and assignments to the Public Safety Retirement Board. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Appoint Councilmember Jack Miller to the Public Safety Retirement Board with term ending June 30, 2020; and assign the Human Resources Director as the staff liaison.

SITUATION AND ANALYSIS:

Issue Statement

Mayor Croft was re-appointed as the Mayor's designee to the Public Safety Retirement Board on June 14, 2016. As the new mayor, he now recommends appointment of Councilmember Jack Miller to that position. He also recommends that the staff liaison be changed from the General Services Director/Assistant Town Manager position to the Human Resources Director.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Current PSRB Board Members

Term Tracker Report for Public Safety Retirement Board

<u>First Name</u>	<u>Last Name</u>	Appointed	<u>Start</u>	<u>End</u>	Run Date: 12/27/16
Cheri	Romley	05/26/2015	07/01/2014	06/30/2018	
Vince	Schaan	06/26/2012	07/01/2014	06/30/2018	
Darryl	Croft	06/14/2016	07/01/2016	06/30/2020	
Gary	Bruso	06/14/2016	07/01/2016	06/30/2020	
Dean	Keller	06/14/2016	07/01/2016	06/30/2020	



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. e.

Meeting Date: 01/10/2017

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the December 13, 2016 Regular Meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the December 13, 2016 Regular Meeting minutes.

Attachments

December 13, 2016 minutes

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, DECEMBER 13, 2016
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, December 13, 2016.

Present: Mayor Chris Marley; Vice-Mayor/Mayor Darryl Croft; Councilmember/Vice-Mayor Mike Best; Councilmember Susie Cuka; Councilmember-Elect/Councilmember Annie Lane; Councilmember Corey Mendoza; Councilmember Jack Miller; Councilmember Lon Turner

Staff Present: Interim Town Manager Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Michael Lopez; Development Services Director Ruth Mayday; GIS/CAD/Web Technician Jan Mazy (videographer); Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

1) **CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**

Mayor Marley called the meeting to order at 6:04 p.m. and led the Pledge of Allegiance.

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

a) **Presentation of Anti-Aggressive Driving & Speeding Commercial.**

Craig Brown, Chair, Central Yavapai Metropolitan Planning Organization (CYMPO) and County Supervisor, spoke about a partnership with county law enforcement agencies, ADOT, CYMPO, and CableOne to create video vignettes regarding distracted and aggressive driving.

Vinnie Gallegos, CYMPO Transportation Planner, spoke about the campaign and showed one of the commercials.

b) **Presentation of Life Saver Commendation to Lt. Vince Schaan.**

Chief Wynn described the incident in which Lt. Schaan performed life-saving measures after an accident, and Mayor Marley read and presented the commendation to Lt. Schaan.

****Council may consider and take action to change the order of the agenda.**

Recommended Action: Move items 8a) executive session; 7a) Recognition of Mayor Marley, 7b) Oaths of Office; and 7c) Selection of Vice-Mayor, in that order, prior to item 3) Call to the Public.

MOVED by Vice-Mayor/Mayor Darryl Croft, seconded by Councilmember Jack Miller to move items 8a) executive session; 7a) Recognition of Mayor Marley, 7b) Oaths of Office; and 7c) Selection of Vice-Mayor, in that order, prior to item 3) Call to the Public.

Vote: 7 - 0 PASSED - Unanimously

After Council held executive session item 8a, Mayor Marley reconvened the regular meeting at 6:31 p.m. and proceeded to items 7a, 7b and 7c.

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

(Item 3 was heard after item 7c but is retained here for clarity.)

Ron Larson spoke favorably of the Christmas lighting event at Memory Park, and also requested that the Town provide space for public meetings in lieu of the former Library conference room as soon as practicable.

4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a) Comments regarding factual information on the proposed racetrack.

Interim Town Manager Gritman reported that Yavapai Community College should be voting on this matter on January 10. If they voted in support, the item will be on Council's January 24th agenda for Council direction.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Mayor Croft acknowledged those who prepared and participated in the Christmas event at Memory Park, as well as the Council reception prior to this meeting.

Councilmember Cuka reported on topics being addressed by the Economic Development subcommittee: Old Home Manor master plan; sign code; branding; and connector roads.

Councilmember Turner reported on the filter replacement project at the sewer treatment plant.

- b) Status report by Interim Town Manager Cecilia Grittmann and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Staff had nothing to report.

6) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve Consent Agenda items (a) through (g).

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the State of Arizona through its Department of Public Safety (DPS) and the Town of Chino Valley through its Police Department regarding Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) State Gang Task Force, effective July 1, 2016. (Chuck Wynn, Police Chief)
- b) Consideration and possible action to adopt Resolution No. 16-1096, accepting the dedication of right-of-way of certain real property located approximately north of the intersection of Road 1 East and Adams Drive, identified in the 2007 Record of Survey for Assessor's Parcel Number (APN) 306-20-001K. (Michael Lopez, Public Works Director/Town Engineer)
- c) Consideration and possible action to accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2016, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)
- d) Consideration and possible action to adopt Resolution No. 16-1095, prescribing standards of financial disclosure for local public officers. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the October 25, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- f) Consideration and possible action to accept the November 8, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- g) Consideration and possible action to accept the November 15, 2016 study session minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Recognition of Chris Marley for 5-1/2 years of service as Mayor of Chino Valley. (Jami Lewis, Town Clerk)

(This item was heard after item 8a but is retained here for clarity.)

Vice-Mayor Croft read a proclamation declaring December 13, 2016 as Mayor Marley Appreciation Day and presented it, as well as other gifts, to Mayor Marley.

- b) Administer Oaths of Office to Mayor-Elect Darryl Croft and Councilmembers-Elect Mike Best, Susan Cuka, Annie Lane, Corey Mendoza, Jack Miller, and Lon Turner. (Jami Lewis, Town Clerk)

Ms. Lewis administered the Oath of Office to the new mayor and council, who assumed their respective offices immediately.

- c) Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor. (Jami Lewis, Town Clerk)

Recommended Action: The new Mayor shall nominate, and the new Council shall select, a Councilmember to serve as Vice-Mayor.

Mayor Croft nominated Councilmember Best to serve as vice-mayor for 2017 and Councilmember Turner to serve as vice-mayor for 2018.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to retain Mike Best and Lon Turner as vice-mayor for 2017 and 2018, respectively.

Vote: 7 - 0 PASSED - Unanimously

Mayor Croft recessed the meeting at 6:43 p.m. and reconvened it at 6:51 p.m.

- d) Hold a Public Hearing for consideration and possible action to approve Ordinance No. 16-826, decreasing the Town's sales tax (transaction privilege tax) rate for manufactured buildings in the Town of Chino Valley. (Joe Duffy, Finance Director)

Recommended Action: Approve Ordinance No. 16-826, decreasing the sales tax rate for manufactured buildings to ____%.

(This item was heard after item 6 but is retained here for clarity.)

Mr. Duffy presented on this item:

- Clayton Homes owner, David Roe, originally approached the Town to ask for relief on the sales tax rate, as he was unable to remain competitive due to the Town's higher sales tax rate.
- Mr. Duffy reviewed the data discussed at a previous study session on this item, including: issues with taxes collected at the point of sale for certain products; manufactured home tax rates of competing communities; financial impacts of reducing the rate; and the process and timeline for reducing the tax, if approved by Council.
- As the Model City Tax Code had a separate tax rate for manufactured homes, Council could address it separately; and any reduction in sales tax would hopefully be offset by an increase in sales. Such reduction would apply only to new units.

Development Services Director Mayday and Mr. Duffy added that business retention and expansion was the most overlooked piece of economic development, and as this business employed a lot of trades, the best argument to support it was for the economic incentive.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to open the public hearing on Ordinance 16-826, decreasing the Town's sales tax on manufactured homes.

Vote: 7 - 0 PASSED - Unanimously

Dave Roe, Clayton Homes owner, spoke about his business supporting local contractors and absorbing the costs of the additional sales taxes to try to stay competitive.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to open the public hearing.

Vote: 7 - 0 PASSED - Unanimously

Council questioned and staff provided further details on the following topics:

- *Possible overall tax reduction:* Mr. Duffy stated that the Town did not currently have the capacity for a reduction of even one percent (1%).
- *Effects of reduction:* If Council approved a two percent (2%) tax reduction, 10 additional home sales would make up the difference in revenue.
- *Manufactured home sales:* There used to be several manufactured home sales companies in Town; Clayton Homes was the only one currently. Manufactured home sales made up two percent (2%) of the Town's overall sales tax revenues.

Council comments:

- Several other products, such as propane, were also taxed at the point of sale, and should be addressed by the legislature.
- Council could give it a trial run at two percent (2%) for about two years and then re-evaluate.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Susie Cuka to approve Ordinance No. 16-826, decreasing the sales tax rate for manufactured buildings by 2%.

Vote: 6 - 1 PASSED

NAY: Councilmember Jack Miller

- e) Consideration and possible action to rezone approximately 2.49 acres of real property, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, and also known as Yavapai County Assessor's Parcel No. 306-05-095M, from SR-1.6 (Single Family Residential, 1.6-acre minimum) to SR-1 (Single Family Residential, 1-acre minimum) zoning district. Applicant: Jose Granillo. (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 16-824, rezoning APN 306-05-095M from SR-1.6 (Single Family Residential, 1.6 acre minimum) to SR-1 (Single Family Residential, 1 acre minimum).

Ms. Mayday presented on this item:

- *Purpose:* To divide the property and construct a home on each parcel.
- *Conformance:* The requested zoning was compatible with surrounding properties and the area's General Plan land use designation.
- *Public comment:* The public raised no objections at the neighborhood meeting or public hearing.
- *Commission recommendation:* Forward to Council with a recommendation for approval.

Council asked when staff addressed drainage. Ms. Mayday stated it was done when siting the home.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to adopt Ordinance No. 16-824, rezoning APN 306-05-095M from SR-1.6 (Single Family Residential, 1.6 acre minimum) to SR-1 (Single Family Residential, 1 acre minimum).

Vote: 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to approve the rezoning of approximately 61 acres of real property generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way, and also known as Assessor's Parcel Numbers 306-03-002P and 306-03-002Q, from CL (Commercial Light) to I (Industrial) zoning district. Applicant: Curt Wells. (Ruth Mayday, Development Services Director)

Recommended Action: Approve Ordinance No. 16-827, to rezone approximately 61 acres generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way, from CL (Commercial Light) to I (Industrial) Zoning District.

Ms. Mayday presented on this item:

- *Purpose:* The subject property had been zoned CL for a long time; however, surrounding area uses would not be compatible with a CL use.
- *Conformance:* The requested rezone would be consistent with area uses and the adjacent Old Home Manor industrial park.
- *Public comment:* The public raised no objections in response to notice letters or at the public hearing.
- *Commission recommendation:* The Commission expressed some concern about the property possibly being used for medical marijuana cultivation, a permitted use in the

Industrial zone, but ultimately voted with a 5 - 1 recommendation for approval.

- *Medical marijuana uses:* While the subject property was remote now, over time it will be surrounded by other Industrial uses, which made it ideal for medical marijuana uses.

Council comments:

- The requested rezone was mainly to increase the property value for sale.
- The Town could not keep medical marijuana out; Council had done its best to provide for it in areas that would suit the community, and this property met all the industrial requirements.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve Ordinance No. 16-827, to rezone approximately 61 acres generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way, from CL (Commercial Light) to I (Industrial) Zoning District.

Vote: 7 - 0 PASSED - Unanimously

- g) Consideration and possible action to approve a Conditional Use Permit (CUP) for approximately 1.4 acres of real property located at 3445 South State Route 89 (Assessor's Parcel Number 306-29-030C) to allow retail propane sales in the CL (Commercial Light) zoning district. Applicant: Olsen/Sischka Investments. (Ruth Mayday, Development Services Director)

Recommended Action: Approve CUP 16-002 allowing for liquefied petroleum gas sales in a CL (Commercial Light) zoning district at Olsen's Feed Store located at 3445 S. State Route 89.

Ms. Mayday presented on this item:

- *Purpose:* To sell propane as an accessory use. The owner originally wanted the propane for his own use, but later found there was demand for it from the public. Propane sales was a conditional use in the CL zone.
- *Public comment:* The public raised no objections in response to notice letters or at the public hearing.
- *Commission recommendation:* Forward with a unanimous recommendation for approval.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve CUP 16-002 allowing for liquefied petroleum gas sales in a CL (Commercial Light) zoning district at Olsen's Feed Store located at 3445 S. State Route 89.

Vote: 7 - 0 PASSED - Unanimously

- h) Consideration and possible action to approve a Conditional Use Permit (CUP) for approximately five (5) acres of real property located at 1151 E. Road 4 North (Assessor's Parcel No. 306-17-003Q) to permit storage of up to six (6) pieces of heavy equipment (tractors, backhoes, etc.) in the AR-5 (Agricultural/Residential - 5 Acre Minimum) zoning district. Applicant: Gregg and Susie Cuka. (Ruth Mayday, Development Services Director)

Recommended Action: Approve CUP 16-001 to allow for the storage of up to six (6) pieces of heavy equipment at 1151 E. Road 4 North as indicated on the site plan attached to the CUP thereto and made a part herewith.

As this item concerned her own business, Councilmember Cuka recused herself and left the dais.

Ms. Mayday presented on this item:

- *Purpose:* To allow for storage of heavy equipment for a home-based excavating business. The owners purchased the property in 2010 and had parked their equipment therein. When it was brought to their attention that they needed a CUP, they immediately started the process to apply. They were agreeing to a limit of six pieces of equipment.
- *Public comment:* The public raised no objections at the neighborhood meeting or public hearing.
- *Commission recommendation:* Forward to Council with a unanimous recommendation for approval.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to approve CUP 16-001 to allow for the storage of up to six (6) pieces of heavy equipment at 1151 E. Road 4 North as indicated on the site plan attached to the CUP thereto and made a part herewith.

Vote: 7 - 0 PASSED - Unanimously

Councilmember Cuka returned to the dais.

- i) Consideration and possible action to award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$1,853,639.00 for construction of sewer and water mains, and roadway improvements to Jerome Junction and Road 4 North including new drainage structures across the Santa Cruz wash and adjacent tributary, and the removal and replacement of existing culverts, roadway and other incidental work. (Michael Lopez, Public Works Director/Town Engineer)

Recommended Action: Award the bid and construction contract to Earth Resources Corporation in the amount not to exceed \$1,853,639.00 for construction of sewer and water mains, and roadway improvements to Jerome Junction and Road 4 North.

Mr. Lopez presented on this item:

- The Town let this bid with a total base bid and deductive alternatives. The low bid was low enough to award the whole base bid, including Road 4 North and all water and sewer.
- In analyzing the bids, he found that the hard costs were the same for all four bidders. The low bidder shaved his numbers on mobilization, traffic control—due to the location of the project, excavation, and dirt work.
- Per the contractor's qualifications, staff recommended awarding the contract to Earth Resources for the whole project. While the contractor might need some additional monitoring, staff had the capacity to do so.
- The original contract was for 120 days, but the federal representative for the associated grant recommended a longer period, so the contract was now for 200 days to accommodate the whole project. The ACA matching funds for the EDA grant required the Town to complete the project in July 2017. As the 200 days was after July, he and Ms. Mayday will contact ACA tomorrow to negotiate an extension, although he still hoped to complete the project in 120-150 days.

One councilmember expressed concern about change orders with the low bid. Mr. Lopez stated that it was the Town's responsibility to monitor the work and mitigate issues. In the past, he had

been successful in negotiating issues with this contractor without change orders.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to award the bid and construction contract to Earth Resources Corporation in the amount not to exceed \$1,853,639.00 for construction of sewer and water mains, and roadway improvements to Jerome Junction and Road 4 North.

Vote: 7 - 0 PASSED - Unanimously

- j) Consideration and possible action to approve the intergovernmental agreement (IGA) between the Town of Chino Valley, ADOT, and Yavapai County, authorizing payment of \$75,000.00 to ADOT for design of the Road 1 North and State Route 89 Traffic Signal. (Michael Lopez, Public Works Director/Town Engineer)

Recommended Action: Approve the IGA between the Town of Chino Valley, ADOT, and Yavapai County, authorizing payment of \$75,000.00 to ADOT for design of the Road 1 North and State Route 89 Traffic Signal.

Mr. Lopez presented on this item:

- The State had started this project and the funding ran out. Supervisor Brown, Yavapai County Public Works, and CYMPO reached out to the Town to get it back in front of ADOT.
- The proposed IGA allowed ADOT to proceed with the design with contributions from the Town and Yavapai County. The Town's total contribution would be \$150,000—\$75,000 for design and \$75,000 for right-of-way and mitigation. The County's total contribution would be \$200,000.
- The parties involved will go before the State Board as often as possible until the project was built.
- If Council approved this item, Yavapai County will consider it in January.

Supervisor Brown told Council that he fought hard to get the project back on track and hoped that it could be done by 2019.

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve the IGA between the Town of Chino Valley, ADOT, and Yavapai County, authorizing payment of \$75,000.00 to ADOT for design of the Road 1 North and State Route 89 Traffic Signal.

Vote: 7 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor Marley)

(Item 8a was heard after item 2b but is retained here for clarity.)

Per the motion made after item 2b, Mayor Marley read item 8a and recessed the Regular Meeting to go into executive session at 6:16 p.m.

Mayor Marley reconvened the Regular Meeting at 6:30 p.m.

- b) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract in pending litigation or in settlement discussions conducted in order to resolve litigation in the matter of Town v. The Glenarm Land Company, Inc., et al. (Phyllis Smiley, Town Attorney)

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to go into executive session at 8:14 p.m.

Vote: 7 - 0 PASSED - Unanimously

- c) * An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the arbitration process in the matter of former employee Dan Trout's appeal of termination. (Councilmember Corey Mendoza; Councilmember Lon Turner)

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

Mayor Croft reconvened the Regular Meeting at 9:41 p.m. and reported that Council had received advice from its attorney.

10) ADJOURNMENT

MOVED by Councilmember/Vice-Mayor Mike Best, seconded by Councilmember-Elect/Councilmember Annie Lane to adjourn the meeting at 9:41 p.m.

Vote: 7 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 13th day of December, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of January, 2017.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 01/10/2017
Contact Person: Chris Bartels, Utility Supervisor
 Phone: 928-636-2646 x-1233
Department: Public Works
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: 78 Acre Parcel located at Old Home Manor

AGENDA ITEM TITLE:

Consideration and possible action to approve the First Amendment to Equestrian Facility Lease between the Town of Chino Valley and Chino Valley Equestrian Association related to moving Town-owned fixtures and equipment from the Cameron Ranch property in Paulden, AZ to the property leased by the Chino Valley Equestrian Association located at Old Home Manor and authorizing the use of the fixtures and equipment by the Equestrian Association at the leased premises. (Chris Bartels, Public Works Manager)

RECOMMENDED ACTION:

Move to approve the First Amendment to Equestrian Facility Lease between the Town of Chino Valley and Chino Valley Equestrian Association related to moving Town-owned fixtures and equipment from the Cameron Ranch Property in Paulden, Arizona to the leased premises and authorizing the Equestrian Association to use same at the leased premises.

SITUATION AND ANALYSIS:

The Town of Chino Valley and the Chino Valley Equestrian Association entered into a Lease, on October 24, 2016, for use of property located at Old Home Manor and described in Exhibits A and B of the original lease for an initial term of five years.

Subsequent to the execution of the Lease, the Chino Valley Equestrian Association expressed its desire to relocate and use certain fixtures and equipment owned by Town of Chino Valley located at the Cameron Ranch in Paulden, AZ to the leased property at Old Home Manor in Chino Valley. The Chino Valley Equestrian Association wishes to amend the "Lease" to specifically set forth and include the Cameron Ranch Fixtures as "Landlord's Fixtures" as set forth in Exhibit D to the Lease Amendment.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Lease Amendment

Photos re Lease Amendment

**FIRST AMENDMENT
TO
EQUESTRIAN FACILITY LEASE BETWEEN
THE TOWN OF CHINO VALLEY, ARIZONA,
AND
CHINO VALLEY EQUESTRIAN ASSOCIATION**

This First Amendment to Equestrian Facility Lease (“Lease”) is entered into as of the date of the last signature below by and between the Town of Chino Valley, Arizona, a municipal corporation and political subdivision of the State of Arizona (“Landlord”), and Chino Valley Equestrian Association, an Arizona non-profit corporation (“Tenant”).

RECITALS

- A. Landlord and Tenant entered into Lease, on October 24, 2016, whereby Landlord leased to Tenant certain Premises therein described that are located at Old Home Manor and described in Exhibits A and B of the Lease for an initial term of five years.
- B. Subsequent to the execution of the Lease, Tenant expressed its desire to relocate from Cameron Ranch to the Premises and to use certain fixtures owned by Landlord pursuant to the terms of Lease.
- C. Landlord and Tenant wish to amend the Lease to specifically set forth and include the Cameron Ranch Fixtures as “Landlord’s Fixtures” as set forth in Exhibit D to the Lease.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

- a. Section 8 Fixtures and Personal Property, Subsection 8.2 Landlord’s Property is amended to read as follows:

8.1 Landlord’s Property. The fixtures and personal property listed in Exhibit D (“Landlord’s Fixtures” and “Cameron Ranch Fixtures”), attached hereto and incorporated herein by this reference, are owned by Landlord and shall remain Landlord’s personal property. Tenant may use and enjoy Landlord’s Fixtures and Cameron Ranch Fixtures provided that Tenant maintains and repairs said fixtures as reasonably required.

8.2 Cameron Ranch Fixtures.

8.2.1 Relocation and Installation. Tenant shall be responsible for relocating Cameron Ranch Fixtures from their present location at Cameron Ranch, Paulden, Arizona to the Premises and for proper installation, as approved by Landlord, of said Cameron Ranch Fixtures at the Premises.

8.2.2 Removal of Trash and Debris. Prior to Tenant’s uninstalling and removing any fencing from its current location at Cameron Ranch, Landlord shall

install approximately 350 feet of permanent fence from the southwest corner of the property north for approximately 350 feet on the west side of the property where the 77 steel corral panels are going to be removed. Trash, debris, concrete or steel scraps and other materials produced during the fence removal and installation shall be disposed of appropriately by Tenant and the property shall be returned to as good or better condition by Tenant at no cost to Landlord.

8.3 Any trade fixtures, equipment, or personal property permanently installed in or permanently attached to the Premises by or at the expense of Tenant shall be and shall remain the property of Tenant, except as to the Cameron Ranch Fixtures and as otherwise agreed in writing by Tenant and Landlord. Tenant shall have the right to remove any and all of such property prior to the expiration or termination of this Lease Agreement, so long as no default exists under this Lease. Tenant shall, at its expense, repair any damage caused to the Premises by reason of the removal of any of its trade fixtures, equipment, or other permanently affixed personal property as described below.

- b. Exhibit D Landlord's Fixtures shall be amended to add the following:

Landlord's Fixtures

* * *

Cameron Ranch Fixtures

The fixtures described below and shown on the photographs attached hereto and incorporated herein by this reference shall be relocated by Tenant from their current location at Cameron Ranch, Paulden, Arizona, to the Premises and shall be installed for Tenant's use at the Premises.

Amount	Description	Photo
1 mile	Horse track race fence	1, 9, 10
12	15 foot welded gates	2
77	10' x 5' steel corral panels	3, 11, 12
6	30 foot steel light standards	6
11	HID light assemblies	6
1	Bleachers	4, 5
270 feet	5 foot "no climb" wire fencing	7
2	Metal cabinets	8

- c. All provisions of the Lease not modified by this First Amendment shall remain in effect.

IN WITNESS WHEREOF, each of Landlord and Tenant has caused this First Amendment to Equestrian Facility Lease to be executed by its properly authorized representative on the dates indicated below.

TENANT: Chino Valley Equestrian Association

Danielle Feller, President

Date: _____

LANDLORD: Town of Chino Valley, Arizona

Darryl Croft, Mayor

Date: _____

APPROVED AS TO FORM:

Phyllis L.N. Smiley
Town Attorney

Attachments: Photographs 1 through 12 to be added to Exhibit D of the Lease Agreement

























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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. b.

Meeting Date: 01/10/2017

Contact Person: Ruth Mayday, Development Services Director
Phone: 928-636-4427 x-1217

Department: Development Services

Item Type: Action Item - Presentation

Estimated length 15 minutes

of staff presentation:

Physical location of item: Behind Walgreen's near the intersection of SR 89 and W. Road 2 North

AGENDA ITEM TITLE:

Consideration and discussion only regarding a proposed development plan for Hawksnest at Chino Valley and provide comments regarding same to Staff. (Ruth Mayday, Development Services Director)

RECOMMENDED ACTION:

None.

SITUATION AND ANALYSIS:

Issue Statement

Bill Watson, Construction Management Services (the applicant), is requesting to rezone 15 of 92 acres located approximately 800 lineal feet west of the intersection of State Route 89 and West Road 2 North, from SR-0.16 PAD (Single Family Residential - 1.6 Acre Minimum with a Planned Area Development Overlay zoning district) to MR-1 PAD (Multiple Family Residential - 1 acre Minimum with a Planned Area Development Overlay zoning district). Approval of the rezoning requires the applicant to submit and obtain approval of a development plan with the approval of the Planned Area Development Overlay Zoning District. When the property was zoned SR-0.6 PAD, it was approved, erroneously, without a proper development plan. With the rezoning to MR-1 PAD, a development plan will be approved, as required by the UDO. This process and project are further explained in the attached memorandum.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

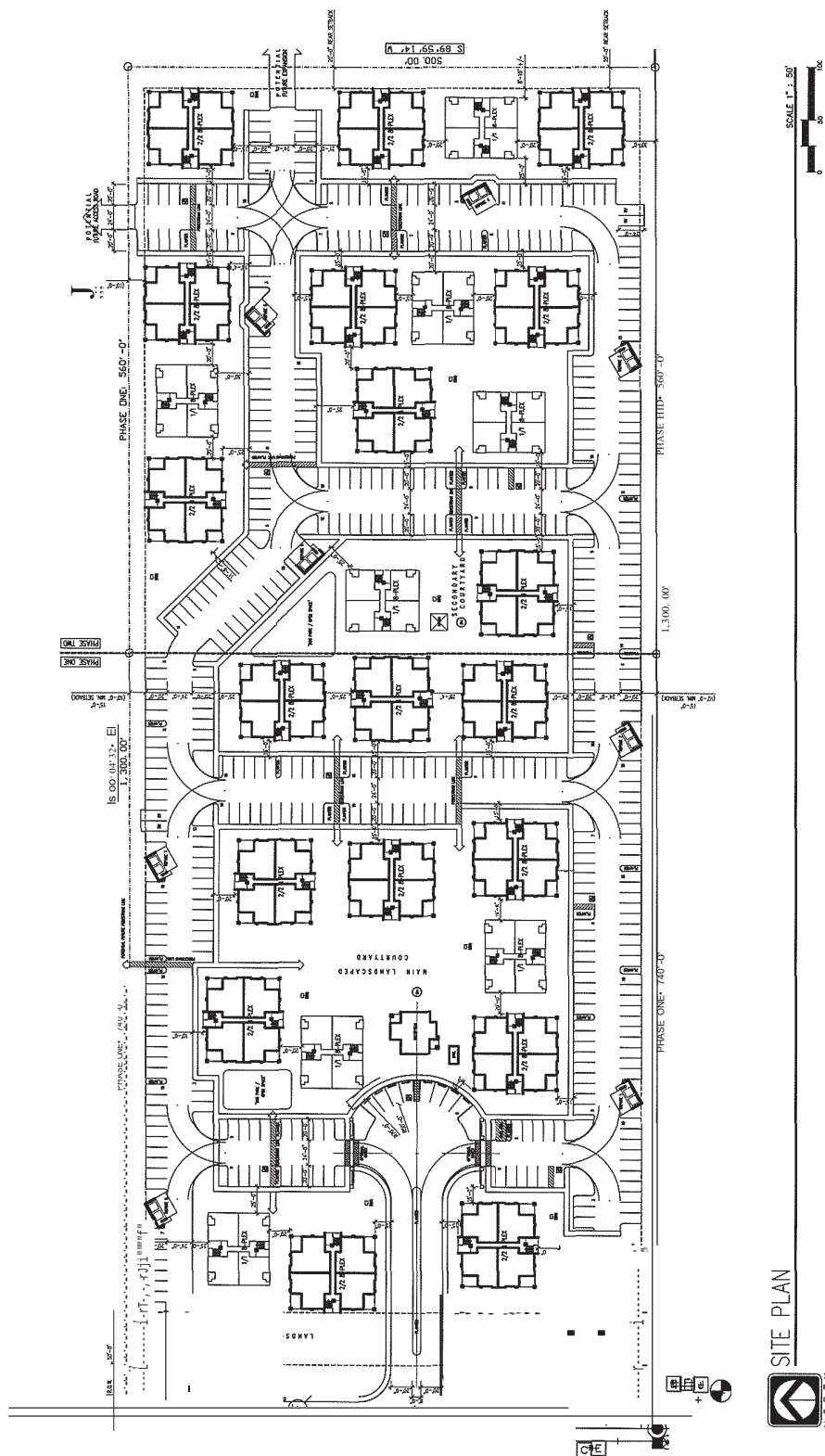
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Funding Source:

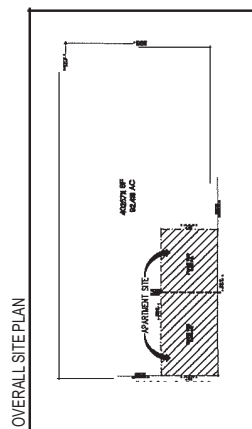
Attachments

Preliminary Site Plan

Preliminary Site plan - Reduced
Hawksnest Memo

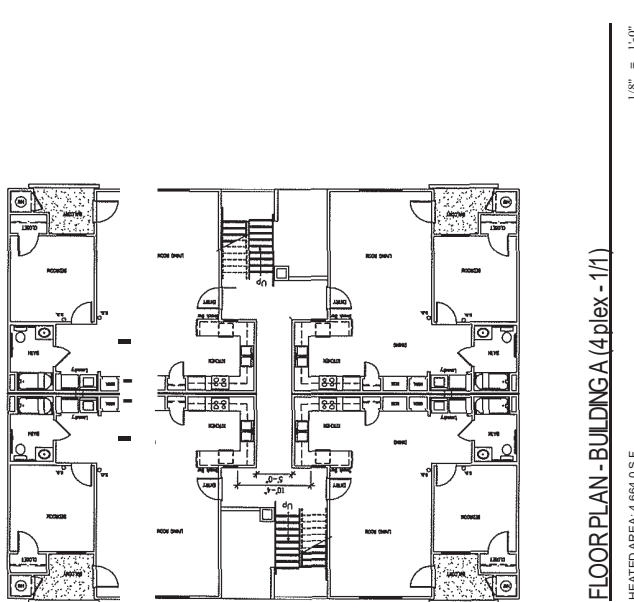
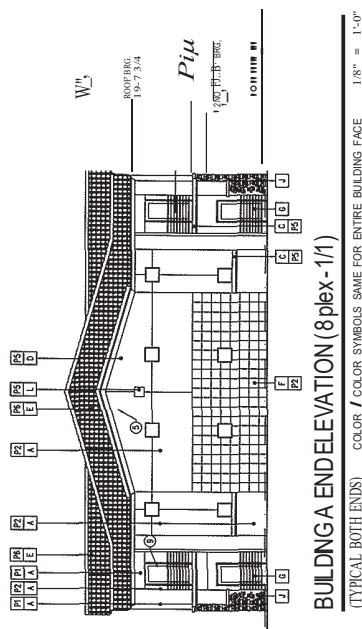
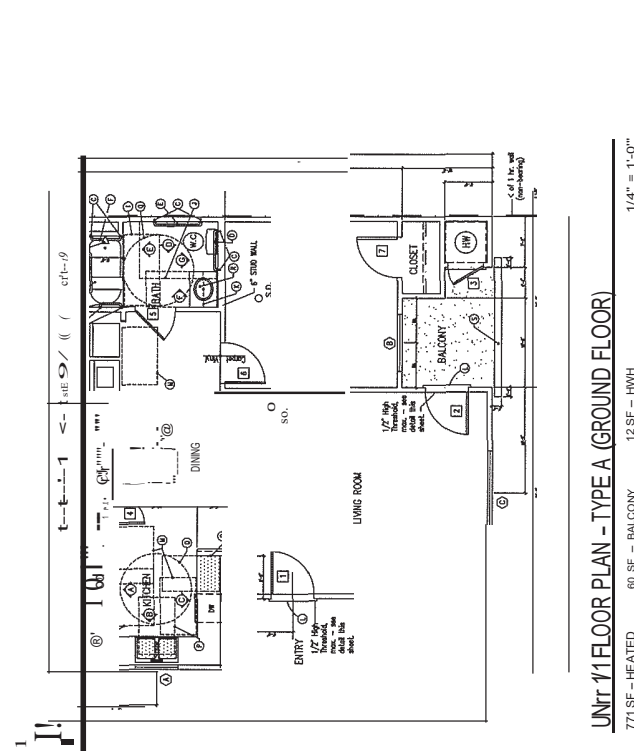
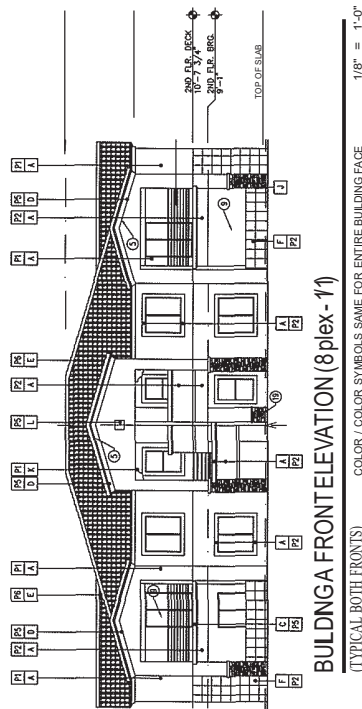
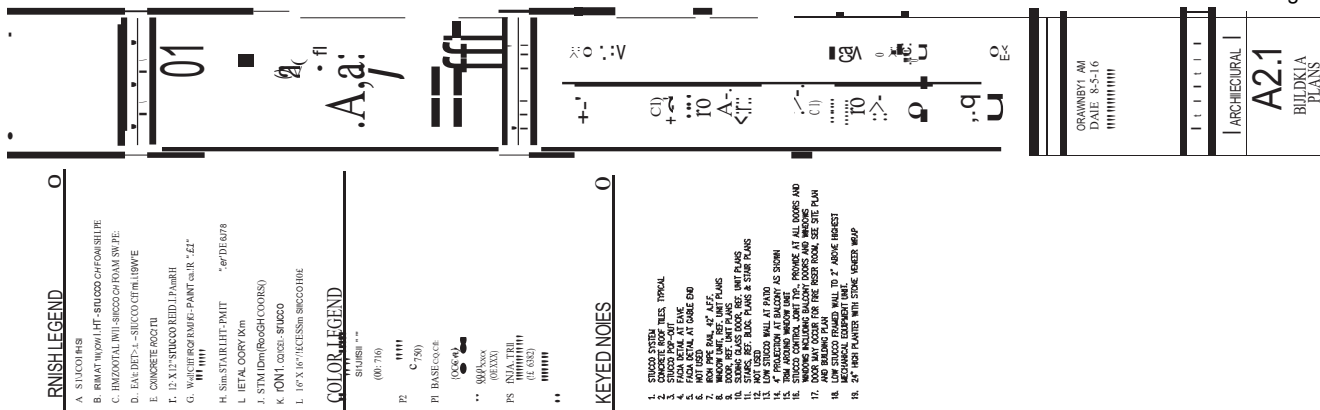


SITE PLAN



OVERALL SITE PLAN

[illegible]





MEMORANDUM

To: Planning & Zoning Commission
 From: Ruth Mayday, Development Services Director
 Re: Hawksnest at Chino Valley
 Date: November 28, 2016

Project Overview

This project proposes 224 apartments in two phases over fifteen acres of a larger ninety-acre parcel generally located west of the intersection of State Route 89 and Road 2 North, on the north side of West Road 2 North. Of the 224 units, a total of 64 one bedroom/one bath and 160 two bedroom/2 bath units will be constructed. The frontage on West Road 2 North will provide access/egress to the development, with the primary access slightly east of center and secondary access adjacent to the west boundary of the subject parcel.

The Commission will consider the following at the December 6, 2016 meeting:

- 1) Rezoning 15 acres from SR.016 (Single Family Residential, 0.16-acre lot) to MR-PAD (Multi-family residential; Planned Area Development overlay)
- 2) Review, comment, and possible recommendation with regards to the initial Development Plan and stipulations

History

Upon adoption of Ordinance 06-663 by Town Council on July 13, 2006, the subject parcel was zoned SR 0.16 (Single Family Residential, 7,000 sf minimum) with a Planned Area Development (PAD) overlay to allow for a 150-lot single family residential development. Prior to the zoning action, the parcel had been zoned AR-5 (Agricultural/Residential, 5-acre minimum). Subsequent to that, a Preliminary Plat was approved by Council on September 14, 2016 upon the approval of Resolution 06-803, setting forth the arrangement of lots and streets for the proposed Hawksnest Estate residential subdivision; a Certificate of Assured Water Supply (CAWS) was issued for the project by the Arizona Department of Water Resources (ADWR) on December 19, 2007. Due to poor economic conditions, the project stalled at the conclusion of the preliminary plat stage.

The property was acquired in 2010 and resold to the current developer in 2015. Staff has been working with the developer in the design/pre-development phase to ensure a project that meets the needs of the community as well as the intent of the Unified Development Ordinance and General Plan.

Project Detail

The development contemplates 224 multi-family dwelling units in two nearly identical phases. Phase One calls for 32 one br/1ba and 80 2 br/2ba units for a total of 112 apartments on 8.60 acres. A total of fifteen buildings are planned: four (4) 1/1 8-plex buildings, ten (10) 2/2 8-plex buildings, and a reception/club building. Phase One also includes 248 parking stalls and a landscaped courtyard adjacent to and immediately north of the reception/club building, as well as a small dog park in close proximity to the courtyard. In accordance with the submitted landscaping plan, all plants will be low water users selected from the ADWR drought-tolerant plant list. Pedestrian links between buildings will provide an alternative pathway through the central portion of the project, connecting Phase 1 with Phase 2.

Phase 2 includes 112 units on 6.313 acres. Again, 32 1/1 units and 80 2/2 units would be constructed in 14 separate buildings, five (5) of which would be 1/1 units in an 8-plex configuration and nine (9) of which would be 2/2 units in similar 8-plex structures. A secondary courtyard is identified, along with an additional dog park. The preliminary plan also provides 226 parking stalls, continuation of the pedestrian linkage from Phase 1, and connectivity to future expansion to the west and north.



MEMORANDUM

The matrix below sets forth the proposed project's compliance with the MR (Multi-family Residential) zoning district and required development standards for the parking, landscaping, and related standards.

Development Standard Matrix: Hawksnest Apartments				
Phase 1	Required/ Maximum		Proposed	+/-
Dwelling Unit Density	375,000 sf/3,000:	125	112	-13
DU/Acre	14.52		13.01	-1.51
Parking	1 br: 1.5; 2 br: 2; guest 1:10	220	248	28
Lot Coverage	40%		21%	-19%
Phase 2	Required/ Maximum		Proposed	+/-
Dwelling Unit Density	275,000 sf/3,000:	92	112	20
DU/Acre	14.52		17.74	3.22
Parking	1 br: 1.5; 2 br: 2; guest 1:10	220	248	28
Lot Coverage	40%		25%	-15%
Phases 1 & 2	Required/ Maximum		Proposed	+/-
Landscaping	Frontage (10' deep x 500)	5,000	25,000	20,000
	Sides (5' x 1300)X2	13,000	39,000	26,000
	Rear (5 x 500)	2,500	4,400	1,900
Additional		0	49,000	49,000
Total landscaping	sf	20,500	117,400	96,900
(perimeter)	acre	0.47	2.70	2.22

Signage and Lighting each require a separate permit. Permitted signage includes two (2) monument signs (NTE 32 sf in aggregate), other signage (directional, building identification) is approved as illustrated on the Development Plan. Lighting must be shielded to reflect downward and is also approved as indicated on the Development Plan.

While a CAWS was issued with the prior zoning district, ARS 32-210 (56) (c) (iii) specifically excludes apartments and other commercial residential uses from subdivision regulations. "The leasing of agricultural lands or apartments, offices, stores, hotels, motels...rental recreational vehicle community, rental manufactured home community, rental mobile home park or commercial building." Therefore, a CAWS is not required for this project.

Planned Area Development Overlay District (PAD)

Standards for the Planned Area Development (PAD) were amended upon the adoption of Ordinance No. 14-786 by Town Council on July 22, 2014. The purpose of the text amendments was to streamline the regulations and approval process, and provide a clarified purpose for the zoning district. The purpose of the Planned Area Development (PAD) is fivefold:

- A) Provide for the orderly development of land consistent with the Unified Development Ordinance of the Town of Chino Valley to permit flexibility in the design of residential, commercial, and/or industrial developments in conformity with the intent and purpose of the General Plan and Unified Development Ordinance.
- B) Modify underlying zoning district regulations to permit flexibility and innovation in developmental design and provide opportunities for unique or mixed-use development.



MEMORANDUM

- C) Promote economical construction and maintenance of streets and utilities without compromising public safety and welfare.
- D) Preserve and utilize open space and offer recreational opportunities close to residential use.
- E) Encourage the preservation of community character and stabilization of surrounding neighborhoods.

Density

UDO Chapter 3.13 Multiple Family Residential, Subsection 3.13.2 Permitted Uses allows one (1) dwelling unit for each 3,000 square feet of land, or 14.52 dwelling units/acre. Phase 1 proposes a density of 13 du/acre, or 1.5 units less than the maximum allowed, for a total of 13 units. These excess units would be transferred to Phase 2 to allow a higher density in that phase, (density transfer) which is commonly found in multiple family developments.

Phase 2 proposes a density that exceeds the allowed 14.52 du/a by 3.2 du/a. The du/a rate is reduced by 13 units as a result of the density transfer from Phase 1 from 3.2 to 1.2 du/a. Thus, $(92+13)-112 = 7$ $(7/6.313) = 1.1/du/a$ for Phase 2, or an increased density of .46 du/a for the entirety of the 15+/- acres encumbered by the subject project.

Increasing the density of the proposed project by approximately one-half dwelling unit per acre is justified for the following reasons:

- 1) Connection to municipal sewer and water eliminates the need for land set aside for an adequate on-site septic system and to meet separation requirements between the septic system and well.
- 2) The proposed increase represents a 3% increase in the number of units, while remaining well under the maximum lot coverage (40% vs. 23%) and within the maximum building height of 35'.
- 3) Increased density reduces sprawl – by concentrating the number of dwelling units over a smaller area, less surface area is consumed by buildings, parking lots, and drive lanes or streets.

Landscaping

UDO Chapter 4.26 Landscaping Subsections 4.26.3 Landscaping Requirements Generally and 4.26.4 Determination of Requirements, unless Modified by the Zoning Administrator, Subsections 4.26.4 B Multiple Family, Office, Commercial, and Industrial Districts, D Minimum Landscaping Pattern, and E Parking Lots sets forth the minimum landscape requirements for projects such as the one proffered by the developer in this case. As illustrated in the development standard matrix above, the required area for perimeter landscaping is 20,500 square feet; the landscape plan calls for a total of 117,400 square feet. A total of 180 trees and 229 shrubs are required for the perimeter landscaping; the preliminary plan calls for 98 trees and 184 shrubs, a difference of 82 and 45 respectively. This deficit is largely offset by the number of trees and shrubs distributed throughout the interior of the project – an additional 56 trees and 105 shrubs in Phase 1 and 53 trees and 93 shrubs in Phase 2, for a total of 109 additional trees and 198 additional shrubs. (this total does not include plantings in the required landscape islands in the parking areas).

Clustering the landscaping in the interior of the project is justified for the following reasons:

- 1) Concentrating trees and shrubs in close proximity to buildings and parking areas helps break up the mass of the structures and minimizes the visual impact of the parking areas.
- 2) Clustering landscaping also provides natural shade for sidewalks and interior pedestrian circulation paths, increasing the likelihood of use.
- 3) Use of drought tolerant/low water use plantings reduces the demand on water and provides a more natural setting, allowing the project to better blend into the existing viewscape.



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Stipulations of Approval

Development Agreements (DA) are the typical vehicle for approval of additional requirements for developments such as the project under consideration when certain conditions justify their implementation: reimbursement agreements, significant off-site improvements, or reservation of lands for future public acquisition, among other things. In this case, there are only two (2) off-site improvements required: continuation of the sidewalk along the West Road 2 North frontage, and improvements resulting from a Traffic Impact Analysis (TIA) that mitigate the impact increased traffic may have on the existing street/road system. Rather than implement a Development Agreement, Stipulations of Approval will be employed. Staff and the applicant are working through the details and will provide an update when terms and conditions are finalized.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. c.

Meeting Date: 01/10/2017
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item - Presentation
Estimated length 30 minutes
of staff presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance 17-819, amending the Unified Development Ordinance ("UDO"), Chapter 2, Definitions, Section 2.1, Meanings of Words and Terms; repealing Chapter 4.21 Sign Regulations, and adopting new Chapter 4.21 Sign Regulations, consisting of Sections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-Conforming Signs, and 4.21.9 Violations; Removal, all as set forth in the "Amendments to the Unified Development Ordinance of the Town of Chino Valley Related to Signs, dated July 26, 2016". (Ruth Mayday, Development Services Director)

RECOMMENDED ACTION:

Move to approve Ordinance 17-819, declaring the "Amendments to the Unified Development Ordinance of the Town of Chino Valley related to Signs, dated July 26, 2016" to be a public record and adopting the "Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona, Related to Signs, dated July 26, 2016", by reference, amending the Unified Development Ordinance as follows:

(1) by amending Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms to add new definitions and revise existing definitions related to signs; and (2) amending Chapter 4 General Regulations as follows: (a) Deleting Section 4.21 Sign Regulations in its entirety; (b) Adopting new Section 4.21 Sign Regulations and Subsections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-Conforming Signs, and 4.21.9 Violations; Enforcement, all as set forth in the "Amendments to the Unified Development Ordinance related to Signs, dated July 26, 2016".

SITUATION AND ANALYSIS:

Applicable “Policy”

2016 Strategic Plan, Key Result Area 1: Strong Fiscal Health, Goal 3: Resolve Outstanding Legal Issues, Objective D: Resolve issues with Unified Development Ordinance; Action 1: Continue text amendments to implement best practices in zoning and land use; Action 3: Restructure UDO to make it more user friendly

Satisfaction of “Policy”

Action 1: Continue text amendments to implement best practices in zoning and land use: The Supreme Court's decision in Reed v. Gilbert fundamentally changed the way in which signage can now be regulated. Content-based sign standards no longer satisfy the "If you have to read the sign to regulate it, the regulation is content based" rule conceived by the majority in the *Reed* decision. The sign regulations were already under review prior to the *Reed* decision as the Town had received numerous complaints from the public with regard to the strict limits and confusing nature of Chapter 4.21 Sign Regulations.

Action 3: Restructure UDO to make it more user friendly The current regulations are distributed over 22 pages of text, creating difficulty in locating and understanding signage rules for staff and customers alike. The tables proposed in the text amendments reorganize the information in a manner that is far easier to locate and understand.

Summary of Issues and Staff Rationale

The intent of the revisions of the Sign Code are threefold: Compliance with *Reed v. Gilbert*; allowing more signage for businesses, and creating a proportional allowance for signs based upon speed limits and frontages. Work began on the amendments to Section 4.21 of the Unified Development Ordinance (UDO) in mid-2014. The first round of amendments was brought to the Planning and Zoning Commission for consideration on January 6, 2015. Within a week, the Supreme Court had heard arguments on what was to become a landmark case: *Reed, et al v. Town of Gilbert, et al.*, (commonly known as *Reed v. Gilbert*). Upon advisement from legal counsel, the amendments to the sign code were put on hold, pending a decision in the case.

The *Reed* decision was handed down by the Court on June 18, 2015 and fundamentally changed the manner in which signs could be regulated by municipalities and other political subdivisions. The majority opinion(s) leaned heavily on First Amendment free speech rights, finding in favor of the speaker and not the regulator. Rather than limit its decision to the specific question at hand in *Reed*, the Court came down hard on its previous “strict scrutiny” test. Almost every jurisdiction was regulating signs in a way that was not "content neutral", and doing so without a "compelling government interest"; which was the basis for content-based regulations. The proposed text amendments then had to be rewritten to comply with the decision(s) of the Supreme Court.

The process for Sign Code Amendments began again in January 2016, and public participation for this round of amendments began as in-office outreach to those applying for sign permits or renewing temporary sign permits. Emails were sent to all business license holders via our online permitting system, CitizenServe, on March 16th, 2016; and an ad hoc Sign Code Committee was formed. This committee met once monthly from April through June and comments and questions from the committee were addressed. During the same timeframe, a Survey was distributed via SurveyMonkey, an online survey platform. Concerns heard during this process range from: formatting, definitions, how we will address temporary signs, including flags and banners, off-premise signs, and sizes of wall signs, monument signs, and shingle signs. Attached is the public outreach summary. Comments were received from business owners, Chino Valley citizens, and residents of surrounding unincorporated Yavapai County.

The revisions proposed address those specific intents by: Creating content-neutral sign regulations to comply with *Reed*; Increasing maximum sign sizes, increasing total aggregate signage allowances, creating matrices or tables for different types of signage; and regulating the manner and placement of signage based on speed limits on adjacent roadways, among other things. To make a more easily understandable code that is easy to read for the public as well as easy to interpret for staff, tables were created that provided basic, specific information with regards to the regulation of different types of signs in different zoning districts. Creating a table-based format the spells out quantity, type, and placement of signage for each zoning district and reducing the number of pages of regulations from 22 to 11. This was achieved by creating a more compact format as well as removing provisions in the code which were written for a special purpose, provisions which conflicted with other parts of the code, and provisions which conflicted with state statute and case law. Attached herein are the amendments to Section 4.21 that have arisen from this process, as well as amendments to Chapter 2 of the UDO, amending, deleting, and adding new definitions for signage.

Findings of Fact

- 1) The UDO is not compliant with the most recent Supreme Court Decision, *Reed V. Gilbert*. Adopting the proposed amendments will bring the UDO in substantial compliance with this decision.
- 2) The current arrangement of Chapter 4.21 Sign Regulations is confusing and regulations are difficult to locate and understand. By abandoning the text format in several instances and replacing it with the same information in a table format, regulations are easier to find and understand for the public, and easier to interpret and enforce for staff.
- 3) Regulations found in the UDO with respect to signage and area allow for half the area that is allowed by most municipalities in the area. This limitation puts the businesses in Chino Valley at a competitive disadvantage, as the smaller signage is harder to see and read by the travelling public. The proposed amendments consider the speed of traffic on adjacent streets, providing proportionality to the area of a sign based not on content but rather on readability from adjacent streets and roads.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Sign Code memorandum

Sign Code Amendments - Clean

Sign Code Amendments - Redline

Ordinance 17-819

Public Participation Chart



MEMORANDUM

To: Mayor Croft, Vice Mayor Best, Councilmembers Turner, Lane, Cuka, Miller, and Mendoza
 From: Ruth Mayday, Development Services Director
 Re: Amendments to Chapter 4.21 Sign Regulations
 Date: December 27, 2016

In advance of the public hearing scheduled for this matter on January 10, 2017, I wanted to provide Council with an overview of the changes to the existing sign code. Please refer to the Sign Code Amendments (strikeout) and Draft V 15 (clean version) attachments to your packet for details.

Chapter 2.1 Meanings of Words and Terms

The following terms have been deleted from Chapter 2.1 of the UDO: Banner, Billboard, Business Sign, Cabinet Sign, Construction or Development Sign, Directional Sign, Directory Sign, Figurative Sign, Fixed Balloon, Freestanding Monument Sign, Menu Board Sign, Off-site Sign, Parapet Sign, Political sign, Portable sign, Reader panel sign, Real Estate Sign, Residential kiosk sign, Roof Sign, Shingle Sign.

The following terms have been added to the same Chapter: Canopy, Marquee; Sign, Awning; Sign, Banner; Sign, Billboard; Sign Copy; Sign, Electronic; Sign Face, Sign, Figurative; Sign, Freestanding; Sign, Monument; Sign off-site or Off-Premise; Sign, Parapet; Sign, Portable; Sign, Projecting; Sign, Reader Panel; Sign, Roof; Sign, Shingle; Sign, Vehicle; Sign, Wall; Sign, Window.

The definitions of the following terms have been amended: Animation, Awning, Illuminated, Non-conforming sign, Sign.

Chapter 4.21 Sign Regulations

4.21.1 Purpose: The text has been simplified and reconstructed in an alphabetized outline format. Portions of the former 4.21.2 Intent: have been combined with 4.21.1 Purpose.

4.21.2 Permits Required:

- A) Sets forth requirement for permits to erect, construct, install, attach, alter, relocate, or otherwise maintain any non-exempt sign without a permit.
- B) Defaults to most restrictive requirements unless otherwise indicated.
- C) Establishes permit fees.
- D) Sets forth minimum information required to make determination on sign application
- E) Sets forth timeframes for approval
- F) Criteria for temporary sign permit
- G) Provides table of exempt signs – those signs that do not require a permit.

4.21.3 General Sign Regulations

- A) apply to all signs
- B) Requires compliance with all adopted codes
- C) No interference with traffic, pedestrian or vehicular travel, not create confusion
- D) 6' setback from all property lines
- E) Require maintenance
- F) Illuminated signs must also comply with 4.24 Outdoor Lighting



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G) Regulations are locational; non-commercial signs are allowed in commercial districts.

4.2.4 Measurement of Signs

- A) Regulates how signs are measured in terms of area, including multi-face and non-planar (figurative) signs
- B) Regulates how signs are measured in terms of height

4.21.5 Sign Standards

Provides tables that delineate use, zoning district allowed, maximum area, maximum height, and specific standards for each of the following types of sign:

- A) Wall Signs
- B) Freestanding Signs
- C) Electronic Signs
- D) Awning Signs
- E) Shingle Signs and Projecting Signs
- F) Parapet or Mansard signs
- G) Aggregate sign limits

4.21.6 Temporary Signs

Sets forth regulation of type, zoning district, maximum area, maximum height, and specific standards for the following temporary signs:

- A) Banner, Pennant, Flag, Display (Commercial)
- B) Banner, Pennant, Flag, Display (Multi-family and mobile home park)
- C) A-Frame (Commercial only)

4.21.7 Prohibited Signs

- A) Prohibits any sign not specifically listed
- B) Lists signs specifically prohibited, including but not limited to: Off-site commercial signage, stationary signs on vehicles, trailers, boats, and the like; animated, inflatable, or attached to a utility pole or similar structure, among other things.

4.21.8 Non-conforming Signs

Speaks to perpetual use and limits on alteration of legal, non-conforming signs.

4.21.9 Violations; Removal

Sets forth process to notify violators, grants Code Compliance Officer ability to remove non-compliant signs after notice, assigns costs of removal due to non-compliance to the property owner of record.

Analysis

While most of the changes have been well received by the business community, the Planning and Zoning Commission, and Town Council, there have been some provisions that have resulted in disagreement.

Regulation of flags has been problematic. Where flags were previously subject to a permit, staff has now included them in the Exempt Signs table. However, the current iteration differentiates between Government Signs and Flags and Non-Advertising Flags. Both of these categories



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create compliance issues with respect to *Reed* as they are regulated based on content rather than manner, place, or location. If Council reaffirms its desire to regulate flags, Staff recommends the following changes to the table:

Description	Type	Number Permitted	Maximum Area and Height
Official notices authorized by a court, public body or public safety official			No limit
Government Signs and Flags	Wall or ground-mounted standard	Commercial: 2 Residential: 3	Commercial: 6'x9' Residential: 3' x 5'
Posters			No limit
Non-Advertising flags	Wall or ground-mounted	Commercial: 2 Residential: 3	NTE 3' x 5'
A-Frame Signs		2 per frontage	12 Square feet total: See Table 4.21.6 for regulations
Signs located within structures in Commercial zoning districts	Window Signs	None	No limit
Signs on residentially zoned property	Wall, window, or ground-mounted	None	None
Signs required to be relocated by the Town or other governmental agency	Any	Any	As legal, non-conforming or in compliance with this ordinance, whichever is less restrictive

The adopted version of Chapter 4.21 Sign Regulations prohibits roof-mounted signs. As defined, these signs would project over the highest point of the roofline, parapet, or fascia of the structure to which it is attached. Under the proposed amendments, roof signs would be allowed, but not allowed to project higher than the roofline or highest point of the parapet wall.

Commercial wall signage is currently limited to one (1) square foot per one (1) lineal foot of building frontage, and ½ square foot of signage per one (1) lineal foot of any side of a building to which additional wall signage is mounted. This is half the signage allowed in nearby communities, creating a competitive disadvantage for businesses in Chino Valley as their signs are smaller and harder to see than those in Prescott or Prescott Valley. The proposed amendments set forth maximum areas for commercial and residential zoning districts, but provide a multiplier for commercial zoning districts based on the speed of adjacent roadways,



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allowing for larger signs where speeds are higher and more difficult to read, but limiting the size of signs where speeds are slower and signs are easier to read.

A number of sign definitions have been deleted, most of which were content-based in nature (e.g., menu board sign, real estate sign, construction or development sign). Those that have not been deleted based on their content-basis have largely been rewritten and/or re-alphabetized so that the definitions are organized in a consistent fashion. Prior to the proposed amendments, types of signs were listed as "cabinet sign" or "directional sign" or "billboard"; by aggregating them as "sign, directional" or "sign, billboard" these terms can all be found in one location rather than scattered throughout Chapter 2.1 Meanings of Words and Terms.

Regulating signage is rife with First Amendment issues – and rightly so. The ability to communicate amongst each other is essential to the success of many enterprises, yet that need cannot eclipse the safety and welfare of the community as a whole. Time and again the Supreme Court has found that while private speech is, for all intents and purposes, rarely subject to regulation, they have not found the same to be true of commercial speech. The degree to which commercial speech can be regulated is constantly challenged, which results in new and more nuanced regulation of commercial signs. While precedent setting cases are rare; the most recent of them has upended the way that signage can be regulated across the United States.

Amendments to the Unified Development Ordinance
of the Town of Chino Valley, Arizona
Related to Signs, Dated January 10, 2017

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms is hereby amended as follows (additions shown in ALL CAPS; deletions shown in ~~strike through~~):

2.1 Meanings of Words and Terms:

* * *

ANIMATION. AS PERTAINS TO SIGNS, THE PRESENTATION OF PICTORIALS AND GRAPHICS ON SIGNS DISPLAYED IN A PROGRESSION OF FRAMES WHICH GIVE THE ILLUSION OF MOVEMENT OF ANY PART OF THE SIGN STRUCTURE, DESIGN OR PICTORIAL SEGMENT, INCLUDING BUT NOT LIMITED TO THE ILLUSION OF MOVING OBJECTS, MOVING PATTERNS OR BANDS OF LIGHT, OR EXPANDING OR CONTRACTING SHAPES. ~~Animated, Sign. Any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.~~

* * *

AWNING. A SHEET OF CANVAS OR OTHER MATERIAL STRETCHED ON A FRAME AND USED TO KEEP THE SUN OR RAIN OFF A STOREFRONT, WINDOW, DOORWAY, OR DECK. ~~Awning, Canopy, or Marquee Sign. A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by this Ordinance. A marquee is defined as a canopy constructed of rigid materials which projects over an entrance to a building.~~

~~Banner, Sign. a temporary sign of fabric, plastic, paper, or other light pliable material not enclosed in a rigid frame.~~

* * *

~~Billboard. Same as Off-site sign.~~

* * *

~~Business Sign. A sign which directs attention to a business or profession conducted on-site or to a commodity or service sold, offered, or Manufactured on-site, or to an entertainment offered on-site.~~

~~Cabinet Sign. A three-dimensional structure which includes a frame, borders and sign panel face and which may include internal lighting.~~

* * *

CANOPY. A STRUCTURAL PROTECTIVE COVER OVER A DOOR, ENTRANCE, WINDOW, OR OUTDOOR SERVICE AREA.

* * *

~~Construction or Development Sign. A temporary sign, limited to the period of construction, erected on a premises or an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.~~

* * *

~~Directional Sign. A sign containing information for the purpose of directing traffic or pedestrian travel and placed on the property to which or on which the public is directed. No more than twenty-five percent (25%) of the area of a directional sign may be devoted to the display of a business logo or identification on such signs.~~

~~Directory Sign. A sign listing the names, uses, and/or locations of the various businesses or activities conducted within a building or group of buildings, but not for the purpose of advertising products, goods, or services.~~

* * *

~~Figurative Sign. A sign that advertises the occupant business through the use of graphic, or crafted symbols, such as shoes, keys, glasses, books, etc. Figurative signs may be incorporated into any of the allowable sign types identified in this Ordinance.~~

* * *

~~Fixed Balloon. One or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or Manufactured, or to any entertainment.~~

* * *

~~Freestanding Monument Sign. An identification sign on its own self-supporting permanent structure, detached from supportive elements of a building, on a base that has an aggregate width of at least fifty percent (50%) of the width of the sign and with supports that complement the materials and colors used in the architecture on-site.~~

~~Street address numerals shall be provided on any freestanding monument sign located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign.~~

* * *

Illuminated Sign. A sign with the surface AAS TO SIGNS, artificially lighted BY AN ELECTRICAL SOURCE, internally or externally, EXCEPT WHERE THE LIGHT SOURCE IS SPECIFICALLY AND CLEARLY OPERATED FOR THE PURPOSE OF LIGHTING THE GENERAL AREA IN WHICH THE SIGN IS LOCATED RATHER THAN THE SIGN ITSELF.

* * *

MARQUEE. A CANOPY CONSTRUCTED OF RIGID MATERIALS WHICH PROJECTS OVER A WINDOW OR ENTRANCE TO A BUILDING.

* * *

Menu Board Sign. A sign displaying the bill of fare of a drive-in or drive-thru restaurant.

* * *

Non-Conforming Sign. A sign THAT WAS lawfully erectedESTABLISHED and maintained prior to the adoptionEFFECTIVE DATE of this OrdinanceCHAPTER OR AMENDMENTS THERETO; OR WAS LAWFULLY ESTABLISHED IN ANOTHER POLITICAL JURISDICTION PRIOR TO ANNEXATION TO THE TOWN; AND that does not conform with the requirements of this OrdinanceTO THE REGULATIONS FOR SIGNS FOR THE DISTRICT IN WHICH IT IS LOCATED.

* * *

Off-Site Sign. A sign that directs attention to a business, commodity, service, entertainment, product or attraction sold, offered, or existing elsewhere than upon the property where the sign is located.

* * *

Parapet Sign. A sign attached to that portion of a building's exterior wall that projects above the plate line of the building.

* * *

Political Sign. A temporary sign that supports any candidate for public office or

~~urges action for or against any other matter of a political nature.~~

~~Portable Sign. A temporary sign not affixed to a structure or ground-mounted on a site.~~

~~* * *~~

~~Projecting Sign. A sign attached to a building or other structure and extending in whole or in part not more than twelve inches (12") beyond the building or other structure.~~

~~* * *~~

~~Reader Panel Sign. A sign which identifies a noncommercial institution or organization, on-site, which contains the name of the institution or organization and associated individuals, and general announcements of events or activities at the institution, or similar messages of general public interest and is designed to permit immediate change of copy.~~

~~Real Estate Sign. A sign advertising the sale, lease or rent of the property or building upon which it is located.~~

~~* * *~~

~~Residential Kiosk Sign. A Town-provided, informational sign indicating direction to multiple residential developments and community facilities.~~

~~* * *~~

~~Roof Sign. A sign erected on, above, or over the roof so that it projects above the highest point of the roofline, parapet, or fascia.~~

~~* * *~~

~~Shingle Sign. A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.~~

~~* * *~~

~~Sign. Any NAME, identification, description, illustration, DISPLAY, symbol or device which is affixed TO, PAINTED, OR REPRESENTED directly or indirectly upon THE EXTERIOR OF a building, vehicle, structure, or land OR OTHER OUTDOOR SURFACE and which identifies or directs attention to OR IS DESIGNED OR INTENDED TO DIRECT~~

ATTENTION TO THE SIGN FACE OR TO AN OBJECT, product, place, activity, person, institution, ORGANIZATION or business. SIGNS DO NOT INCLUDE SUCH ITEMS WHEN LOCATED WITHIN AN ENCLOSED STRUCTURE OR AN ENCLOSED PATIO.

SIGN, AWNING. A SIGN PAINTED, INSTALLED, MOUNTED, ATTACHED OR OTHERWISE APPLIED TO OR LOCATED DIRECTLY ON AN AWNING, CANOPY, MARQUEE, OR OTHER COVERING STRUCTURE ATTACHED TO A BUILDING STOREFRONT, WINDOW, DOORWAY, OR DECK.

SIGN, BANNER. A TEMPORARY SIGN OF FABRIC, PLASTIC, PAPER, OR OTHER LIGHT PLIABLE MATERIAL NOT ENCLOSED IN A RIGID FRAME.

SIGN, BILLBOARD. SAME AS SIGN, OFF-SITE OR OFF-PREMISE.

SIGN COPY. ANY WORDS, LETTERS, NUMBERS, FIGURES, DESIGNS, OR OTHER SYMBOLIC REPRESENTATIONS INCORPORATED ONTO THE FACE OF A SIGN.

SIGN, ELECTRONIC. A SIGN THAT IS STATIC AND CHANGES MESSAGES BY ANY ELECTRONIC PROCESS OR REMOTE CONTROL.

SIGN FACE. THE AREA OR DISPLAY SURFACE USED FOR THE MESSAGE.

SIGN, FIGURATIVE. A SIGN USING GRAPHICS, CRAFTED SYMBOLS, OR SCULPTED MATERIALS TO PRESENT THE MESSAGE OF THE SIGN. FIGURATIVE SIGNS MAY BE INCORPORATED INTO ANY OF THE ALLOWABLE SIGN TYPES IDENTIFIED IN THIS ORDINANCE.

SIGN, FREESTANDING. A SIGN ERECTED AND MAINTAINED ON A FRAME, MAST, POLE, OR OTHER STRUCTURE WHICH IS NOT ATTACHED TO ANY BUILDING.

SIGN, MONUMENT. A FREESTANDING GROUND-MOUNTED SIGN WITH AN AGGREGATE WIDTH OF AT LEAST FIFTY PERCENT (50%) OF THE WIDTH OF THE SIGN AND WITH SUPPORTS THAT COMPLEMENT THE MATERIALS AND COLORS USED IN THE ARCHITECTURE ON-SITE.

SIGN, OFF-SITE OR OFF-PREMISE. A SIGN THAT DIRECTS ATTENTION TO A BUSINESS, COMMODITY, SERVICE, ENTERTAINMENT, PRODUCT OR ATTRACTION SOLD, OFFERED, OR EXISTING ELSEWHERE THAN UPON THE PROPERTY WHERE THE SIGN IS LOCATED.

SIGN, PARAPET. A SIGN ATTACHED TO THAT PORTION OF A BUILDING'S EXTERIOR WALL THAT PROJECTS ABOVE THE PLANE LINE OF THE BUILDING.

SIGN, PORTABLE. A TEMPORARY SIGN NOT AFFIXED TO A STRUCTURE OR GROUND-MOUNTED ON A SITE.

SIGN, PROJECTING. A SIGN ATTACHED TO A BUILDING OR OTHER STRUCTURE AND EXTENDING IN WHOLE OR IN PART NOT MORE THAN TWELVE INCHES (12") BEYOND THE BUILDING OR OTHER STRUCTURE TO WHICH IT IS ATTACHED.

SIGN, READER PANEL. A SIGN WHICH IS DESIGNED TO PERMIT IMMEDIATE CHANGE OF COPY.

SIGN, ROOF. A SIGN ERECTED ON, ABOVE, OR OVER THE ROOF SO THAT IT PROJECTS ABOVE THE HIGHEST POINT OF THE ROOFLINE, PARAPET, OR FASCIA.

SIGN, SHINGLE. A SIGN SUSPENDED FROM, AND LOCATED ENTIRELY UNDER A COVERED PORCH, COVERED WALKWAY, OR AN AWNING AND IS ANCHORED OR RIGIDLY HUNG TO PREVENT THE SIGN FROM SWINGING DUE TO WIND MOVEMENT.

SIGN, VEHICLE. A SIGN MOUNTED, PAINTED OR OTHERWISE PLACED ON A TRUCK, BUS, CAR, BOAT, TRAILER OR OTHER VEHICLE OR EQUIPMENT AND USED IN SUCH A MANNER THAT THE SIGN IS VISIBLE FROM A PUBLIC STREET OR RIGHT-OF-WAY WHERE THE PRIMARY PURPOSE OF THE VEHICLE OR EQUIPMENT IS TO DISPLAY THE SIGNAGE. THE PRIMARY PURPOSE OF THE VEHICLE OR EQUIPMENT SHALL BE PRESUMED TO BE TO DISPLAY SUCH SIGNAGE IF (A) THE VEHICLE OR EQUIPMENT IS NOT IN OPERATING CONDITION, CURRENTLY REGISTERED OR LICENSED TO OPERATE ON PUBLIC STREETS OR ACTIVELY USED IN THE DAILY FUNCTION OF THE BUSINESS TO WHICH THE SIGNS RELATE; OR (B) IS USED PRIMARILY AS A STATIC DISPLAY FOR THE DISPLAY OF THE SIGNAGE. VEHICLES AND EQUIPMENT ENGAGED IN ACTIVE CONSTRUCTION PROJECTS AND ON-PREMISE STORAGE OF EQUIPMENT AND VEHICLES OFFERED TO THE GENERAL PUBLIC FOR RENT OR LEASE SHALL NOT BE CONSIDERED TO BE VEHICLE SIGNS.

SIGN, WALL. A SIGN FASTENED TO OR PAINTED ON THE EXTERIOR WALL OF A BUILDING OR STRUCTURE IN SUCH A MANNER THAT THE WALL BECOMES THE SUPPORTING STRUCTURE FOR, OR FORMS THE BACKGROUND SURFACE OF THE SIGN.

SIGN, WINDOW. ANY POSTER, CUT-OUT LETTERS, PAINTED TEXT OR GRAPHIC, OR OTHER TEXT OR VISUAL PRESENTATION AFFIXED TO THE INTERIOR OR EXTERIOR OF A WINDOW, OR PLACED WITHIN SIX (6) FEET BEHIND A WINDOW PANE THAT IS PLACED TO BE READ FROM THE EXTERIOR OF A BUILDING. THIS DOES NOT INCLUDE ANY ITEM OF MERCHANDISE NORMALLY DISPLAYED WITHIN A STORE WINDOW OF A MERCHANT.

* * *

~~Vehicle Sign. A sign mounted, painted or otherwise placed on a truck, bus, car, boat, trailer or other vehicle or equipment and used in such a manner that the sign is visible from a public street or right-of-way and the primary purpose of such vehicle or~~

~~equipment is for the display of such signage. The primary purpose of such vehicle or equipment shall be presumed to be for the display of such signage if the vehicle/equipment is not in operating condition, currently registered or licensed to operate on public streets and actively used in the daily function of the business to which the signs relate, or is used primarily as a static display for the display of such signage. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be considered to be vehicle signs.~~

~~Wall Sign. A sign fastened to or painted on the exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.~~

~~* * *~~

~~Window Sign. Any poster, cut-out letters, painted text or graphic, or other text or visual presentation affixed to the interior or exterior of a window, or placed within six (6) feet behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a store window of a merchant.~~

~~* * *~~

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 4 General Regulations is hereby amended by deleting Section 4.21 Sign Regulations in its entirety and replacing it with the following:

4.21 Sign Regulations

4.21.1 Purpose: The purposes of this Ordinance are to establish reasonable regulations that:

- A. promote the public welfare and safety through the safe placement and installation of signs; and
- B. promote economic vitality for local businesses and services; and
- C. protect and enhance the Town's aesthetic interests by preventing over-proliferation of signs and maintaining a high quality of signs throughout the Town.

4.21.2 Permits Required.

A. *Permit Required.* Except as provided herein, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any non-exempt sign in the Town without first obtaining a sign permit in conformance with this Sign Code.

B. *Conflicts with other requirements.* If provisions of this Sign Code are conflict with any other Town Code or ordinance, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this Sign Code are declared to be nuisances and may be abated as provided by law.

C. *Fees.* Sign permit fees shall be as adopted by the Council by resolution.

D. *Sign Permit Application.* No sign permit application shall be accepted if not submitted with full payment of all fees required. Application for a sign permit shall be made to the Development Services Department on forms provided by the Town and shall include at a minimum the following information:

1. Yavapai County Assessor's parcel number identifying the property where the sign will be located;
2. Street address, if any, legal description of the property, and dimensions thereof. If the parcel is not within a recorded subdivision, a metes and bounds legal description shall be submitted with the application;
3. Name, address and telephone number of the property owner and agent, if any;
4. Signature of applicant or agent;
5. Inventory of all existing signs on the property showing the type, dimensions, and location of each sign;
6. Fully dimensioned plans and elevations showing the dimensions, placement of copy, and location of each proposed sign in relation to the property line(s) and public right(s)-of-way;
7. Plans indicating the scope and structural detail of the work to be done, including all connections, supports, footings, and materials to be used;
8. Type, placement, and strength of illumination, if any and required information for an electrical permit for signage illumination;
9. Such other information as the zoning administrator may require for the purpose of determining whether the application complies with the Sign Code requirements;

E. *Sign Permit Review; Timeframes*

1. Within ten business days of submission of an application for a sign permit, staff shall review the application for completeness. If the application is not complete, the applicant shall be notified of the deficiency via email, telephone, or first class mail.
2. Within thirty business days of receipt of a complete application, Town staff shall review the application for compliance with the regulations set forth in this Code and in the Town Code, as applicable, and shall issue the permit or notify the applicant of deficiencies and the need for corrections.

F. *Temporary Sign Permits.* Signs with a limited duration of use, such as those provided in § 4.21.6 shall obtain a temporary sign permit. The requirements and criteria for such signs are as follows:

1. Temporary sign permits shall be issued for no more than six months.
2. Temporary signs shall conform to all other requirements of this Code.

G. *Exempt Signs.* The following types of signs are exempt from the permitting requirements but shall comply with all other requirements and standards set forth in this Sign Code. No business shall have more than two (2) exempt signs and no more than two (2) exempt signs may be located on any residential lot, except as provided in the following table:

Description	Type	Number Permitted	Maximum Area and Height
Official notices authorized by a court, public body or public safety official			No limit
Government Signs and Non-Commercial Flags	Wall or ground-mounted standard	No limit Commercial: 2 Residential: 3	No limit Commercial: 6'x9' Residential: 3'x5'
Posters			No limit
Commercial Flags	Wall or ground-mounted	2	6' x 9'
A-Frame Signs		2 per frontage	12 Square feet total: See Table 4.21.6 for regulations
Signs located within structures in Commercial	Window Signs		No limit

zoning districts			
Signs on residentially zoned property	Wall, window, or ground-mounted		
Signs required to be relocated by the Town or other governmental agency			

4.21.3 General Sign Regulations

- A. The regulations, requirements, and provisions set forth in this Chapter shall apply to all signs erected, placed, or constructed within the Town.
- B. All signs shall be structurally designed, constructed, erected, and maintained in conformance with all applicable Technical Codes and regulations.
- C. Signs shall not be constructed or located in a manner that interferes with pedestrian or vehicular travel, obstructs free and clear vision of traffic, poses a hazard to either pedestrians or vehicles, or in such a manner to confuse, distract, or interfere with traffic and/or pedestrians.
- D. Signs shall be located a minimum of six feet (6') from property lines.
- E. All signs and sign structures, conforming and non-conforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the Zoning Administrator or his/her designee.
- F. All illuminated signs shall comply with § 4.24 Outdoor Lighting including, but not limited to, Subsection 4.24.4 General Requirements, Sub-subsection (P).
- G. A non-commercial sign may be located in any location that a commercial sign is permitted and shall comply with the regulations set forth in this Chapter for that location.

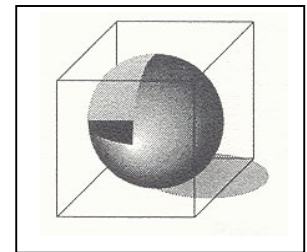
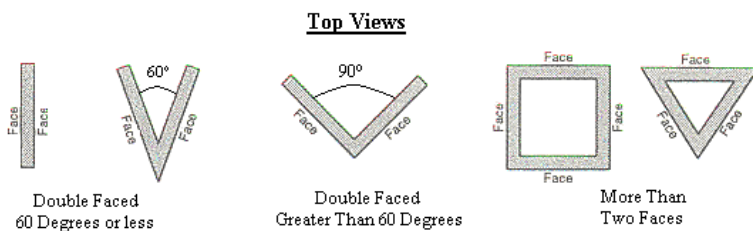
4.21.4 Measurement of Signs

- A. Sign Area shall be measured as follows:
 - 1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface.

2. Sign copy mounted as individual letters and/or graphics against a wall or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangles that will enclose each word and each graphic in the total sign copy.
3. Multi-face signs shall be measured as follows:
 - a. A two (2) faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel or the interior angle between the two (2) sign faces is sixty degrees (60°) or less. If the interior angle is greater than sixty degrees (60°), the sign area shall be the sum of the area of the two (2) faces.
 - b. Where a sign has three (3) or more faces: the area of the sign shall be calculated as fifty percent (50%) of the sum of the area of all faces.

Multi-Face Signs

Non-Planar Signs



- c. Where a sign is a spherical, free form, sculptural, figurative or other non-planar sign, the sign area shall be fifty (50%) percent of the sum of the area of the sides of the smallest polyhedron that will encompass the sign structure.

B. Sign Height

1. Sign height shall be measured as follows.
 - a. Freestanding sign height shall be the vertical distance from the top of the highest element of the sign or sign structure to ground level. The monument base or other structure erected to support or ornament the sign shall be included as part of the sign height.
 - b. When a freestanding sign is located below the average grade of an adjacent roadway "ground level" shall be measured from the average grade of the adjacent roadway.

- c. Wall or parapet-mounted sign height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

4.21.5 Sign Standards

A. Wall Signs

Zoning District	Maximum Area	Maximum Height	Standards
SR-0.16, SR-1, SR-1.6, SR-2.5	4 sq. feet		
AR-36, AR-5, AR-4*	8 sq. feet		
MR-1, MHP-4 Uses by Right*	3 sq. feet	6 feet above story floor level	May be illuminated.
MR-1, MHP-4 Conditional Uses*	As approved in Use Permit	As approved in Use Permit	As permitted in Use Permit
SR-0.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, MR-1, MHP-4	16 sq. feet		Institutional facility uses allowed by right within residential zoning districts.
CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.A-1 Aggregate sq. footage = 200 sq. feet		Horizontal distance no greater than 80% of the width of the building Wall signs pertaining to any one (1) business within a complex, on a separate parcel or lot, or on a freestanding PAD shall be permitted on the exterior walls of the space occupied by the business. Where a building is situated on a corner of two roadways, the signage shall be calculated where the wall fronts each roadway. Where a wall does not face an adjacent roadway, 1 sq. ft. per linear foot of shall be permitted.

*Not applicable to institutional facility uses allowed by right within residential zoning districts.

Speed Limit Table A-1		
Speed Limit of Adjacent Roadway		
< 35 MPH	35 MPH	> 35 MPH
1.25 sq. ft. per linear foot	1.5 sq. ft. per linear foot	2 sq. ft. per linear foot

B. Freestanding Signs

Use	Zoning District	Maximum Area	Maximum Height	Standards
Allowed by Right	OS, MR-1, MHP-4	32 sq. feet	6 feet	Maximum of 2 freestanding monument signs may be permitted. May be illuminated.
Subject to Conditional Use Permit	OS, MR-1, MHP-4	Per Use Permit	Per Use Permit	Per Use Permit
Institutional facility uses allowed by right in:	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, MR-1, MHP-4	32 sq. feet	6 feet	May be illuminated.
Single Tenant Building	CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.B-1		May be illuminated.
Multiple Tenant Building	CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.B-2		May be illuminated.
Shopping Centers or Commercial Centers	CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.B-2		One sign may be permitted for every 500 ft. of street frontage; Maximum of 2 signs per street frontage. Individual buildings within the development and/or the PAD sites within the commercial center shall not be considered as separate developments for signage purposes. May be illuminated.
Drive Through Services	CL, CH, I, PL, and OS	96 sq. feet	8 feet	Sign area to be distributed between up to 3 signs, the faces of which shall not be visible from the public right-of-way.

<i>Speed Limit Table 4.21.5.B-1</i>			
Speed Limit of Adjacent Roadway			
	< 35 MPH	35 MPH	> 35 MPH
Maximum Area	.5 sq. ft. per lineal ft. of lot frontage; not to exceed 32 sq. ft.	.5 sq. ft. per lineal ft. of lot frontage; not to exceed 48 sq. ft.	.5 sq. ft. per lineal ft. of lot frontage; not to exceed 48 sq. ft.
Maximum Height	8 ft.	12 ft.	12 ft.

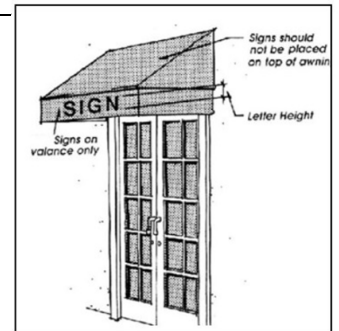
<i>Speed Limit Table 4.21.5.B-2</i>			
Speed Limit of Adjacent Roadway			
	< 35 MPH	35 MPH	> 35 MPH
Maximum Area	64 sq. ft.	72 sq. ft.	96 sq. ft.
Maximum Height	8 ft.	12 ft.	12 ft.

C. ~~Monument Signs~~ *Electronic Signs*

Uses	Zoning District	Maximum Area	Maximum Height	Standards
Institutional facility uses allowed by right	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	32 sq. ft.	14 feet	8 foot minimum height to bottom of sign panel. No flashing messages permitted. Minimum message display time: 6 seconds
	CL, CH, I, PL, and OS	Electronic Signs: Per Use Permit	Electronic Signs: Per Use Permit	Electronic Signs: As conditioned in Use Permit.
	CL, CH, I, PL, and OS	Reader Panel Signs: 32 sq. ft.	Reader Panel Signs: 14 feet	8 foot minimum height to bottom of sign panel.

D. *Awning Signs*

Zoning District	Maximum Area	Standards
CL, CH, I, PL and OS	1 sq. ft. per lineal foot of building frontage	Copy shall be placed on the valance of the awning.



E. *Shingle Signs and Projecting Signs*

Sign Type	Zoning District	Maximum Area	Maximum Height	Standards
Shingle Sign	CL, CH, I, PL, and OS	6 sq. ft.		8 ft. minimum clearance between bottom of sign and sidewalk. One sign permitted per business. Sign shall not encroach into public right-of-way, including sidewalk.
Projecting Sign	CL, CH, I, PL, and OS	9 sq. ft.		8 ft. minimum clearance between bottom of sign and sidewalk.

				One sign permitted per business. Sign shall not encroach into public right-of-way, including sidewalk.
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F. Parapet or Mansard Signs

Sign Type	Zoning District	Maximum Area	Maximum Height	Standards
Parapet or Mansard	CL, CH, I	50% of the front face area of the parapet or mansard		Shall not project above the top of the parapet or mansard.

G. Aggregate Signage Limits

1. The total maximum aggregate signage shall not exceed two-hundred ninety-six square feet (296 sq. feet) for a single-tenant development.
2. The total maximum aggregate signage shall not exceed three-hundred sixty square feet (360 sq. feet) for a multi-tenant development.
3. Comprehensive Sign Packages may be approved by Planning and Zoning Commission and Town Council for multi-tenant developments with up to a 50% increase in total aggregate area.
4. The provisions above shall apply unless such guidelines are addressed in an approved comprehensive sign package.
5. Signage whose manner and placement has not been listed herein may be approved at the discretion of the Zoning Administrator or his/her designee.

4.21.6 Temporary Signs

Sign Type	Zoning District	Maximum Area	Maximum Height	Standards
Banner, Pennant, Flag, Display	CL, CH, I, Public, Institutional Facility	48 sq. ft. aggregate		On-site only. Shall not be located above the roof of any building. Shall be maintained in good repair.
Banner, Pennant, Flag, Display	MR-1, MHP-4	24 sq. ft.		On-site only. Shall not be located above the roof of

				any building. Shall be maintained in good repair.
A-Frame	CL, CH, I, Public or Institutional Facility	Sizes limited to: 24" x 36" or 6 sq. ft. maximum.		May be made of wood, vinyl, metal, or other similar non-pliable material. Shall be on-site only. Up to two per frontage, not to exceed 12 sq. ft. total per parcel. Shall be maintained in good repair.

4.21.7 Prohibited Signs

Any sign not specifically listed as permitted by this Chapter is prohibited, including, but not limited to the following:

- A. Off-site commercial signs.
- B. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public.
- C. Signs attached to any utility pole, or structure, streetlight, traffic signal, tree, fire hydrant, bridge, park bench or other location on public property.
- D. Signs that are animated, inflatable, or audible, or rotate or have intermittent or flashing illumination or emit audible sound or visible matter; except time and/or temperature units.
- E. Signs displayed in a manner or location that prevents free ingress and egress from a door, window or other exit.

4.21.8 Non-Conforming Signs

A. A non-conforming sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed prior to the effective date of this Chapter or any amendments thereto.

B. A non-conforming sign may not be altered in any manner not in conformance with the sign regulations in the zoning district in which it is located that are in effect at the time of the alteration, except for reasonable repair and maintenance of the sign or to change the copy provided that does not require structural alterations.

4.21.9 Violations; Removal

A. Notice of Violation: Notice of violation of this Chapter shall be provided by a Code Compliance Officer to the property owner, person in control, or authorized agent of the property. The time periods provided for correction of the violation shall be:

1. Permanent Signs. A 10 calendar day written notice shall be provided.
2. Temporary Signs. A 2 calendar day written notice shall be provided.
3. Portable Signs.
 - a. A 2 calendar day written notice shall be provided for Portable Signs other than those placed within the right-of-way.
 - b. A written notice is not required for Portable Signs placed within the right-of-way.

B. Authority to Remove

1. The Code Compliance Officer is authorized to require removal of any sign installed in violation of this Chapter. The Code Compliance Officer may remove or cause to be removed any Temporary Sign which is not removed by the owner.

2. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.

C. Removal by Town. In the case of a sign code violation where the offending sign has been removed by the Code Compliance Officer, the notice provided pursuant to Section 4.21.9(A) shall state the reason for its removal.

D. Recovery of Costs. The costs of removal or repair of a sign by the Town shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the Town incurs costs in the removal or repair of a sign, the Town may bring an action in Municipal Court or Superior Court to recover its costs.

Amendments to the Unified Development Ordinance
of the Town of Chino Valley, Arizona
Related to Signs, Dated January 10, 2017

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms is hereby amended as follows (additions shown in ALL CAPS; deletions shown in ~~strike through~~):

2.1 Meanings of Words and Terms:

* * *

ANIMATION. AS PERTAINS TO SIGNS, THE PRESENTATION OF PICTORIALS AND GRAPHICS ON SIGNS DISPLAYED IN A PROGRESSION OF FRAMES WHICH GIVE THE ILLUSION OF MOVEMENT OF ANY PART OF THE SIGN STRUCTURE, DESIGN OR PICTORIAL SEGMENT, INCLUDING BUT NOT LIMITED TO THE ILLUSION OF MOVING OBJECTS, MOVING PATTERNS OR BANDS OF LIGHT, OR EXPANDING OR CONTRACTING SHAPES. ~~Animated, Sign. Any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.~~

* * *

AWNING. A SHEET OF CANVAS OR OTHER MATERIAL STRETCHED ON A FRAME AND USED TO KEEP THE SUN OR RAIN OFF A STOREFRONT, WINDOW, DOORWAY, OR DECK. ~~Awning, Canopy, or Marquee Sign. A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by this Ordinance. A marquee is defined as a canopy constructed of rigid materials which projects over an entrance to a building.~~

~~Banner, Sign. a temporary sign of fabric, plastic, paper, or other light pliable material not enclosed in a rigid frame.~~

* * *

~~Billboard, Sign. Same as Off site sign.~~

* * *

~~Business Sign. A sign which directs attention to a business or profession conducted on-site or to a commodity or service sold, offered, or Manufactured on-site, or to an entertainment offered on-site.~~

~~Cabinet Sign. A three-dimensional structure which includes a frame, borders and sign panel face and which may include internal lighting.~~

* * *

~~CANOPY. A STRUCTURAL PROTECTIVE COVER OVER A DOOR, ENTRANCE, WINDOW, OR OUTDOOR SERVICE AREA.~~

* * *

~~Construction or Development Sign. A temporary sign, limited to the period of construction, erected on a premises or an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.~~

* * *

~~Directional Sign. A sign containing information for the purpose of directing traffic or pedestrian travel and placed on the property to which or on which the public is directed. No more than twenty-five percent (25%) of the area of a directional sign may be devoted to the display of a business logo or identification on such signs.~~

~~Directory Sign. A sign listing the names, uses, and/or locations of the various businesses or activities conducted within a building or group of buildings, but not for the purpose of advertising products, goods, or services.~~

* * *

~~Figurative Sign. A sign that advertises the occupant business through the use of graphic, or crafted symbols, such as shoes, keys, glasses, books, etc.. Figurative signs may be incorporated into any of the allowable sign types identified in this Ordinance.~~

* * *

~~Fixed Balloon. One or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or Manufactured, or to any entertainment.~~

* * *

~~Freestanding Monument Sign. An identification sign on its own self-supporting permanent structure, detached from supportive elements of a building, on a base that has an aggregate width of at least fifty percent (50%) of the width of the sign and with supports that complement the materials and colors used in the architecture on-site.~~

~~Street address numerals shall be provided on any freestanding monument sign located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign.~~

* * *

Illuminated Sign. A sign with the surface AAS TO SIGNS, artificially lighted BY AN ELECTRICAL SOURCE, internally or externally, EXCEPT WHERE THE LIGHT SOURCE IS SPECIFICALLY AND CLEARLY OPERATED FOR THE PURPOSE OF LIGHTING THE GENERAL OREA IN WHICH THE SIGN IS LOCATED RATHER THAN THE SIGN ITSELF.

* * *

MARQUEE. A CANOPY CONSTRUCTED OF RIGID MATERIALS WHICH PROJECTS OVER A WINDOW OR ENTRANCE TO A BUILDING.

* * *

Menu Board Sign. A sign displaying the bill of fare of a drive-in or drive-thru restaurant.

* * *

Non-Conforming Sign. A sign THAT WAS lawfully erectedESTABLISHED and maintained prior to the adoptionEFFECTIVE DATE of this OrdinanceCHAPTER OR AMENDMENTS THERETO; OR WAS LAWFULLY ESTABLISHED IN ANOTHER POLITICAL JURISDICTION PRIOR TO ANNEXATION TO THE TOWN; AND that does not conform with the requirements of this OrdinanceTO THE REGULATIONS FOR SIGNS FOR THE DISTRICT IN WHICH IT IS LOCATED.

* * *

Off-Site Sign. A sign that directs attention to a business, commodity, service, entertainment, product or attraction sold, offered, or existing elsewhere than upon the property where the sign is located.

* * *

Parapet Sign. A sign attached to that portion of a building's exterior wall that projects above the plate line of the building.

* * *

Political Sign. A temporary sign that supports any candidate for public office or

~~urges action for or against any other matter of a political nature.~~

~~Portable Sign. A temporary sign not affixed to a structure or ground-mounted on a site.~~

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~~Projecting Sign. A sign attached to a building or other structure and extending in whole or in part not more than twelve inches (12") beyond the building or other structure.~~

~~* * *~~

~~Reader Panel Sign. A sign which identifies a noncommercial institution or organization, on-site, which contains the name of the institution or organization and associated individuals, and general announcements of events or activities at the institution, or similar messages of general public interest and is designed to permit immediate change of copy.~~

~~Real Estate Sign. A sign advertising the sale, lease or rent of the property or building upon which it is located.~~

~~* * *~~

~~Residential Kiosk Sign. A Town-provided, informational sign indicating direction to multiple residential developments and community facilities.~~

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~~Roof Sign. A sign erected on, above, or over the roof so that it projects above the highest point of the roofline, parapet, or fascia.~~

~~* * *~~

~~Shingle Sign. A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.~~

~~* * *~~

Sign. Any NAME, identification, description, illustration, DISPLAY, symbol or device which is affixed TO, PAINTED, OR REPRESENTED directly or indirectly upon THE EXTERIOR OF a building, vehicle, structure, or land OR OTHER OUTDOOR SURFACE and which identifies or directs attention to OR IS DESIGNED OR INTENDED TO DIRECT

ATTENTION TO THE SIGN FACE OR TO AN OBJECT, product, place, activity, person, institution, ORGANIZATION or business. SIGNS DO NOT INCLUDE SUCH ITEMS WHEN LOCATED WITHIN AN ENCLOSED STRUCTURE OR AN ENCLOSED PATIO.

SIGN, AWNING. A SIGN PAINTED, INSTALLED, MOUNTED, ATTACHED OR OTHERWISE APPLIED TO OR LOCATED DIRECTLY ON AN AWNING, CANOPY, MARQUEE, OR OTHER COVERING STRUCTURE ATTACHED TO A BUILDING STOREFRONT, WINDOW, DOORWAY, OR DECK.

SIGN, BANNER. A TEMPORARY SIGN OF FABRIC, PLASTIC, PAPER, OR OTHER LIGHT PLIABLE MATERIAL NOT ENCLOSED IN A RIGID FRAME.

SIGN, BILLBOARD. SAME AS SIGN, OFF-SITE OR OFF-PREMISE.

SIGN COPY. ANY WORDS, LETTERS, NUMBERS, FIGURES, DESIGNS, OR OTHER SYMBOLIC REPRESENTATIONS INCORPORATED ONTO THE FACE OF A SIGN.

SIGN, ELECTRONIC. A SIGN THAT IS STATIC AND CHANGES MESSAGES BY ANY ELECTRONIC PROCESS OR REMOTE CONTROL.

SIGN FACE. THE AREA OR DISPLAY SURFACE USED FOR THE MESSAGE.

SIGN, FIGURATIVE. A SIGN USING GRAPHICS, CRAFTED SYMBOLS, OR SCULPTED MATERIALS TO PRESENT THE MESSAGE OF THE SIGN. FIGURATIVE SIGNS MAY BE INCORPORATED INTO ANY OF THE ALLOWABLE SIGN TYPES IDENTIFIED IN THIS ORDINANCE.

SIGN, FREESTANDING. A SIGN ERECTED AND MAINTAINED ON A FRAME, MAST, POLE, OR OTHER STRUCTURE WHICH IS NOT ATTACHED TO ANY BUILDING.

SIGN, MONUMENT. A FREESTANDING GROUND-MOUNTED SIGN WITH AN AGGREGATE WIDTH OF AT LEAST FIFTY PERCENT (50%) OF THE WIDTH OF THE SIGN AND WITH SUPPORTS THAT COMPLEMENT THE MATERIALS AND COLORS USED IN THE ARCHITECTURE ON-SITE.

SIGN, OFF-SITE OR OFF-PREMISE. A sign that directs attention to a business, commodity, service, entertainment, product or attraction sold, offered, or existing elsewhere than upon the property where the sign is located.

SIGN, PARAPET. A SIGN ATTACHED TO THAT PORTION OF A BUILDING'S EXTERIOR WALL THAT PROJECTS ABOVE THE PLANE LINE OF THE BUILDING.

SIGN, PORTABLE. A TEMPORARY SIGN NOT AFFIXED TO A STRUCTURE OR GROUND-MOUNTED ON A SITE.

SIGN, PROJECTING. A SIGN ATTACHED TO A BUILDING OR OTHER STRUCTURE AND EXTENDING IN WHOLE OR IN PART NOT MORE THAN TWELVE INCHES (12") BEYOND THE BUILDING OR OTHER STRUCTURE TO WHICH IT IS ATTACHED.

SIGN, READER PANEL. A SIGN WHICH IS DESIGNED TO PERMIT IMMEDIATE CHANGE OF COPY.

SIGN, ROOF. A SIGN ERECTED ON, ABOVE, OR OVER THE ROOF SO THAT IT PROJECTS ABOVE THE HIGHEST POINT OF THE ROOFLINE, PARAPET, OR FASCIA.

SIGN, SHINGLE. A SIGN SUSPENDED FROM, AND LOCATED ENTIRELY UNDER A COVERED PORCH, COVERED WALKWAY, OR AN AWNING AND IS ANCHORED OR RIGIDLY HUNG TO PREVENT THE SIGN FROM SWINGING DUE TO WIND MOVEMENT.

SIGN, VEHICLE. A SIGN MOUNTED, PAINTED OR OTHERWISE PLACED ON A TRUCK, BUS, CAR, BOAT, TRAILER OR OTHER VEHICLE OR EQUIPMENT AND USED IN SUCH A MANNER THAT THE SIGN IS VISIBLE FROM A PUBLIC STREET OR RIGHT-OF-WAY WHERE THE PRIMARY PURPOSE OF THE VEHICLE OR EQUIPMENT IS TO DISPLAY THE SIGNAGE. THE PRIMARY PURPOSE OF THE VEHICLE OR EQUIPMENT SHALL BE PRESUMED TO BE TO DISPLAY SUCH SIGNAGE IF (A) THE VEHICLE OR EQUIPMENT IS NOT IN OPERATING CONDITION, CURRENTLY REGISTERED OR LICENSED TO OPERATE ON PUBLIC STREETS OR ACTIVELY USED IN THE DAILY FUNCTION OF THE BUSINESS TO WHICH THE SIGNS RELATE; OR (B) IS USED PRIMARILY AS A STATIC DISPLAY FOR THE DISPLAY OF THE SIGNAGE. VEHICLES AND EQUIPMENT ENGAGED IN ACTIVE CONSTRUCTION PROJECTS AND ON-PREMISE STORAGE OF EQUIPMENT AND VEHICLES OFFERED TO THE GENERAL PUBLIC FOR RENT OR LEASE SHALL NOT BE CONSIDERED TO BE VEHICLE SIGNS.

SIGN, WALL. A SIGN FASTENED TO OR PAINTED ON THE EXTERIOR WALL OF A BUILDING OR STRUCTURE IN SUCH A MANNER THAT THE WALL BECOMES THE SUPPORTING STRUCTURE FOR, OR FORMS THE BACKGROUND SURFACE OF THE SIGN.

SIGN, WINDOW. ANY POSTER, CUT-OUT LETTERS, PAINTED TEXT OR GRAPHIC, OR OTHER TEXT OR VISUAL PRESENTATION AFFIXED TO THE INTERIOR OR EXTERIOR OF A WINDOW, OR PLACED WITHIN SIX (6) FEET BEHIND A WINDOW PANE THAT IS PLACED TO BE READ FROM THE EXTERIOR OF A BUILDING. THIS DOES NOT INCLUDE ANY ITEM OF MERCHANDISE NORMALLY DISPLAYED WITHIN A STORE WINDOW OF A MERCHANT.

* * *

~~Vehicle Sign. A sign mounted, painted or otherwise placed on a truck, bus, car, boat, trailer or other vehicle or equipment and used in such a manner that the sign is visible~~

~~from a public street or right-of-way and the primary purpose of such vehicle or equipment is for the display of such signage. The primary purpose of such vehicle or equipment shall be presumed to be for the display of such signage if the vehicle/equipment is not in operating condition, currently registered or licensed to operate on public streets and actively used in the daily function of the business to which the signs relate, or is used primarily as a static display for the display of such signage. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be considered to be vehicle signs.~~

~~Wall Sign. A sign fastened to or painted on the exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.~~

~~* * *~~

~~Window Sign. Any poster, cut-out letters, painted text or graphic, or other text or visual presentation affixed to the interior or exterior of a window, or placed within six (6) feet behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a store window of a merchant.~~

~~* * *~~

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 4 General Regulations is hereby amended by deleting Section 4.21 Sign Regulations in its entirety and replacing it with the following:

4.21 Sign Regulations

4.21.1 Purpose: The purposes of this Ordinance are to establish reasonable regulations that:

- A. promote the public welfare and safety through the safe placement and installation of signs; and
- B. promote economic vitality for local businesses and services; and
- C. protect and enhance the Town's aesthetic interests by preventing over-proliferation of signs and maintaining a high quality of signs throughout the Town.

4.21.2 Permits Required.

A. *Permit Required.* Except as provided herein, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any non-exempt sign in the Town without first obtaining a sign permit in conformance with this Sign Code.

B. *Conflicts with other requirements.* If provisions of this Sign Code are conflict with any other Town Code or ordinance, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this Sign Code are declared to be nuisances and may be abated as provided by law.

C. *Fees.* Sign permit fees shall be as adopted by the Council by resolution.

D. *Sign Permit Application.* No sign permit application shall be accepted if not submitted with full payment of all fees required. Application for a sign permit shall be made to the Development Services Department on forms provided by the Town and shall include at a minimum the following information:

1. Yavapai County Assessor's parcel number identifying the property where the sign will be located;
2. Street address, if any, legal description of the property, and dimensions thereof. If the parcel is not within a recorded subdivision, a metes and bounds legal description shall be submitted with the application;
3. Name, address and telephone number of the property owner and agent, if any;
4. Signature of applicant or agent;
5. Inventory of all existing signs on the property showing the type, dimensions, and location of each sign;
6. Fully dimensioned plans and elevations showing the dimensions, placement of copy, and location of each proposed sign in relation to the property line(s) and public right(s)-of-way;
7. Plans indicating the scope and structural detail of the work to be done, including all connections, supports, footings, and materials to be used;
8. Type, placement, and strength of illumination, if any and required information for an electrical permit for signage illumination;

9. Such other information as the zoning administrator may require for the purpose of determining whether the application complies with the Sign Code requirements;

E. *Sign Permit Review; Timeframes*

1. Within ten business days of submission of an application for a sign permit, staff shall review the application for completeness. If the application is not complete, the applicant will be notified of the deficiency via email, telephone, or first class mail.
2. Within thirty business days of receipt of a complete application, Town staff shall review the application for compliance with the regulations set forth in this Code and in the Town Code, as applicable, and shall issue the permit or notify the applicant of deficiencies and the need for corrections.

F. *Temporary Sign Permits.* Signs with a limited duration of use, such as those provided in §4.21.6 shall obtain a temporary sign permit. The requirements and criteria for such signs are as follows:

1. Temporary sign permits shall be issued for no more than six months.
2. Temporary signs shall conform to all other requirements of this Code.

G. *Exempt Signs.* The following types of signs are exempt from the permitting requirements but shall comply with all other requirements and standards set forth in this Sign Code. No business shall have more than two (2) exempt signs and no more than two (2) exempt signs may be located on any residential lot, except as provided in the following table:

Description	Type	Number Permitted	Maximum Area and Height
Official notices authorized by a court, public body or public safety official			No limit
Government Signs and Non-Commercial Flags	Wall or ground-mounted standard	No limit	No limit
Posters			No limit
Commercial Flags	Wall or ground-mounted	2	6' x 9'
A-Frame Signs		2 per	12 Square feet

		frontage	total: See Table 4.21.6 for regulations
Signs located within structures in Commercial zoning districts	Window Signs		No limit
Signs on residentially zoned property	Wall, window, or ground-mounted		
Signs required to be relocated by the Town or other governmental agency			

4.21.3 General Sign Regulations

- A. The regulations, requirements, and provisions set forth in this Chapter shall apply to all signs erected, placed, or constructed within the Town.
- B. All signs shall be structurally designed, constructed, erected, and maintained in conformance with all applicable Technical Codes and regulations.
- C. Signs shall not be constructed or located in a manner that interferes with pedestrian or vehicular travel, obstructs free and clear vision of traffic, poses a hazard to either pedestrians or vehicles, or in such a manner to confuse, distract, or interfere with traffic and/or pedestrians.
- D. Signs shall be located a minimum of six feet (6') from property lines.
- E. All signs and sign structures, conforming and non-conforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the Zoning Administrator or his/her designee.
- F. All illuminated signs shall comply with §4.24 Outdoor Lighting including, but not limited to, Subsection 4.24.4 General Requirements, Sub-subsection (P).
- G. A non-commercial sign may be located in any location that a commercial sign is permitted and shall comply with the regulations set forth in this Chapter for that location.

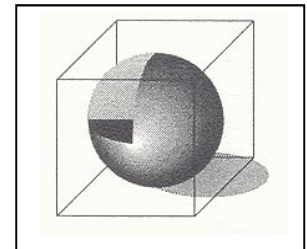
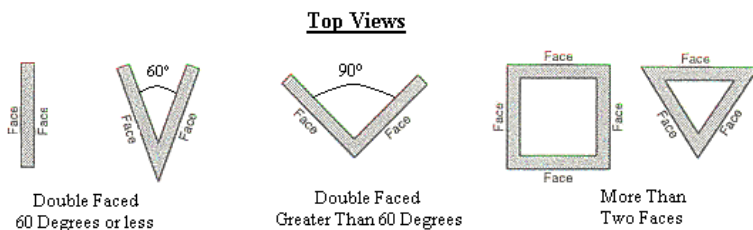
4.21.4 Measurement of Signs

- A. Sign Area shall be measured as follows:

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface.
2. Sign copy mounted as individual letters and/or graphics against a wall or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangles that will enclose each word and each graphic in the total sign copy.
3. Multi-face signs shall be measured as follows:
 - a. A two (2) faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel or the interior angle between the two (2) sign faces is sixty degrees (60°) or less. If the interior angle is greater than sixty degrees (60°), the sign area shall be the sum of the area of the two (2) faces.
 - b. Where a sign has three (3) or more faces: the area of the sign shall be calculated as fifty percent (50%) of the sum of the area of all faces.

Multi-Face Signs

Non-Planar Signs



- c. Where a sign is a spherical, free form, sculptural, figurative or other non-planar sign, the sign area shall be fifty (50%) percent of the sum of the area of the sides of the smallest polyhedron that will encompass the sign structure.

B. Sign Height

1. Sign height shall be measured as follows.
 - a. Freestanding sign height shall be the vertical distance from the top of the highest element of the sign or sign structure to ground level. The monument base or other structure erected to support or ornament the sign shall be included as part of the sign height.

- b. When a freestanding sign is located below the average grade of an adjacent roadway “ground level” shall be measured from the average grade of the adjacent roadway.
- c. Wall or parapet-mounted sign height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

4.21.5 Sign Standards

A. *Wall Signs*

Zoning District	Maximum Area	Maximum Height	Standards
SR-.16, SR-1, SR-1.6, SR-2.5	4 sq. feet		
AR-36, AR-5, AR-4*	8 sq. feet		
MR-1, MHP-4 Uses by Right*	3 sq. feet	6 feet above story floor level	May be illuminated.
MR-1, MHP-4 Conditional Uses*	As approved in Use Permit	As approved in Use Permit	As permitted in Use Permit
SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, MR-1, MHP-4	16 sq. feet		Institutional facility uses allowed by right within residential zoning districts.
CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.A-1 Aggregate sq. footage = 200 sq. feet		Horizontal distance no greater than 80% of the width of the building Wall signs pertaining to any one (1) business within a complex, on a separate parcel or lot, or on a freestanding PAD shall be permitted on the exterior walls of the space occupied by the business. Where a building is situated on a corner of two roadways, the signage shall be calculated where the wall fronts each roadway. Where a wall does not face an adjacent roadway, 1 sq. ft. per linear foot of shall be permitted.

*Not applicable to institutional facility uses allowed by right within residential zoning districts.

<i>Speed Limit Table A-1</i>		
Speed Limit of Adjacent Roadway		
< 35 MPH	35 MPH	> 35 MPH
1.25 sq. ft. per linear foot	1.5 sq. ft. per linear foot	2 sq. ft. per linear foot

B. *Freestanding Signs*

Use	Zoning District	Maximum Area	Maximum Height	Standards
Allowed by Right	OS, MR-1, MHP-4	32 sq. feet	6 feet	Maximum of 2 freestanding monument signs may be permitted. May be illuminated.
Subject to Conditional Use Permit	OS, MR-1, MHP-4	Per Use Permit	Per Use Permit	Per Use Permit
Institutional facility uses allowed by right in:	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, MR-1, MHP-4	32 sq. feet	6 feet	May be illuminated.
Single Tenant Building	CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.B-1		May be illuminated.
Multiple Tenant Building	CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.B-2		May be illuminated.
Shopping Centers or Commercial Centers	CL, CH, I, PL and OS	See Speed Limit Table 4.21.5.B-2		One sign may be permitted for every 500 ft. of street frontage; Maximum of 2 signs per street frontage. Individual buildings within the development and/or the PAD sites within the commercial center shall not be considered as separate developments for signage purposes. May be illuminated.
Drive Through Services	CL, CH, I, PL, and OS	96 sq. feet	8 feet	Sign area to be distributed between up to 3 signs, the faces of which shall not be visible from the public right-of-way.

<i>Speed Limit Table 4.21.5.B-1</i>
Speed Limit of Adjacent Roadway

	< 35 MPH	35 MPH	> 35 MPH
Maximum Area	.5 sq. ft. per lineal ft. of lot frontage; not to exceed 32 sq. ft.	.5 sq. ft. per lineal ft. of lot frontage; not to exceed 48 sq. ft.	.5 sq. ft. per lineal ft. of lot frontage; not to exceed 48 sq. ft.
Maximum Height	8 ft.	12 ft.	12 ft.

<i>Speed Limit Table 4.21.5.B-2</i>			
Speed Limit of Adjacent Roadway			
	< 35 MPH	35 MPH	> 35 MPH
Maximum Area	64 sq. ft.	72 sq. ft.	96 sq. ft.
Maximum Height	8 ft.	12 ft.	12 ft.

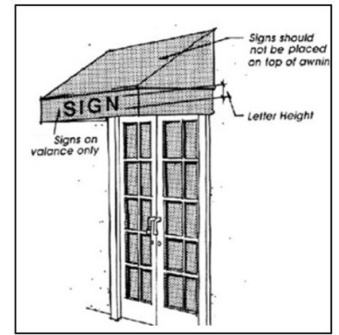
C. *Monument Signs*

D. *Electronic Signs*

Uses	Zoning District	Maximum Area	Maximum Height	Standards
Institutional facility uses allowed by right	SR-.16, SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36, OS, MR-1, MHP-4	32 sq. ft.	14 feet	8 foot minimum height to bottom of sign panel. No flashing messages permitted. Minimum message display time: 6 seconds
	CL, CH, I, PL, and OS	Electronic Signs: Per Use Permit	Electronic Signs: Per Use Permit	Electronic Signs: As conditioned in Use Permit.
	CL, CH, I, PL, and OS	Reader Panel Signs: 32 sq. ft.	Reader Panel Signs: 14 feet	8 foot minimum height to bottom of sign panel.

E. *Awning Signs*

Zoning District	Maximum Area	Standards
CL, CH, I, PL and OS	1 sq. ft. per lineal foot of building frontage	Copy shall be placed on the valance of the awning.



F. *Shingle Signs and Projecting Signs*

Sign Type	Zoning District	Maximum Area	Maximum Height	Standards
Shingle Sign	CL, CH, I, PL, and OS	6 sq. ft.		8 ft. minimum clearance between bottom of sign and sidewalk. One sign permitted per business. Sign shall not encroach into public right-of-way, including sidewalk.
Projecting Sign	CL, CH, I, PL, and OS	9 sq. ft.		8 ft minimum clearance between bottom of sign and sidewalk. One sign permitted per business. Sign shall not encroach into public right-of-way, including sidewalk.

G. *Parapet or Mansard Signs*

Sign Type	Zoning District	Maximum Area	Maximum Height	Standards
Parapet or Mansard	CL, CH, I	50% of the front face area of the parapet or mansard		Shall not project above the top of the parapet or mansard.

H. *Aggregate Signage Limits*

1. The total maximum aggregate signage shall not exceed two-hundred ninety-six square feet (296 sq. feet) for a single-tenant development.
2. The total maximum aggregate signage shall not exceed three-hundred sixty square feet (360 sq. feet) for a multi-tenant development.
3. Comprehensive Sign Packages may be approved by Planning and Zoning Commission and Town Council for multi-tenant developments with up to a 50% increase in total aggregate area.

4. The provisions above shall apply unless such guidelines are addressed in an approved comprehensive sign package.
5. Signage whose manner and placement has not been listed herein may be approved at the discretion of the Zoning Administrator or his/her designee.

4.21.6 Temporary Signs

Sign Type	Zoning District	Maximum Area	Maximum Height	Standards
Banner, Pennant, Flag, Display	CL, CH, I, Public, Institutional Facility	48 sq. ft. aggregate		On-site only. Shall not be located above the roof of any building. Shall be maintained in good repair.
Banner, Pennant, Flag, Display	MR-1, MHP-4	24 sq. ft.		On-site only. Shall not be located above the roof of any building. Shall be maintained in good repair.
A-Frame	CL, CH, I, Public or Institutional Facility	Sizes limited to: 24" x 36" or 6 sq. ft. maximum.		May be made of wood, vinyl, metal, or other similar non-pliable material. Shall be on-site only. Up to two per frontage, not to exceed 12 sq. ft. total per parcel. Shall be maintained in good repair.

4.21.7 Prohibited Signs

Any sign not specifically listed as permitted by this Chapter is prohibited, including, but not limited to the following:

- A. Off-site commercial signs.
- B. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public.
- C. Signs attached to any utility pole, or structure, streetlight, traffic signal, tree, fire hydrant, bridge, park bench or other location on public property.

- D. Signs that are animated, inflatable, or audible, or rotate or have intermittent or flashing illumination or emit audible sound or visible matter; except time and/or temperature units.
- E. Roof-mounted signs.
- F. Signs displayed in a manner or location that prevents free ingress and egress from a door, window or other exit.

4.21.8 Non-conforming Signs

A. A non-conforming sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed prior to the effective date of this Chapter or any amendments thereto.

B. A non-conforming sign may not be altered in any manner not in conformance with the sign regulations in the zoning district in which it is located that are in effect at the time of the alteration, except for reasonable repair and maintenance of the sign or to change the copy provided that does not require structural alterations.

4.21.9 Violations; Removal

A. Notice of Violation: Notice of violation of this Chapter shall be provided by a Code Compliance Officer to the property owner, person in control, or authorized agent of the property. The time periods provided for correction of the violation shall be:

1. Permanent Signs. A 10 calendar day written notice shall be provided.
2. Temporary Signs. A 2 calendar day written notice shall be provided.
3. Portable Signs.
 - a. A 2 calendar day written notice shall be provided for Portable Signs other than those placed within the right-of-way.
 - b. A written notice is not required for Portable Signs placed within the right-of-way.

B. Authority to Remove

1. The Code Compliance Manager is authorized to require removal of any sign installed in violation of this Chapter. The Code Compliance Manager may remove or cause to be removed any Temporary Sign which is not removed by the owner.

2. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.

C. *Removal by Town.* In the case of a sign code violation where the offending sign has been removed by the Code Compliance Officer, the notice provided pursuant to Section 4.21.9(A) shall state the reason for its removal.

D. *Recovery of Costs.* The costs of removal or repair of a sign by the Town shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the Town incurs costs in the removal or repair of a sign, the Town may bring an action in Municipal Court or Superior Court to recover its costs.

ORDINANCE NO. 17-819

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA RELATED TO SIGNS, DATED JULY 26, 2016" AS A PUBLIC RECORD; ADOPTING THE "AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA RELATED TO SIGNS, DATED JULY 26, 2016" BY REFERENCE; AMENDING THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE AS FOLLOWS: (1) BY AMENDING CHAPTER 2 DEFINITIONS, SECTION 2.1 MEANINGS OF WORDS AND TERMS TO ADD NEW DEFINITIONS AND REVISE EXISTING DEFINITIONS RELATED TO SIGNS; AND (2) AMENDING CHAPTER 4 GENERAL REGULATIONS AS FOLLOWS: (A) DELETING SECTION 4.21 SIGN REGULATIONS IN ITS ENTIRETY; (B) ADOPTING NEW SECTION 4.21 SIGN REGULATIONS AND SUBSECTIONS 4.21.1 PURPOSE, 4.21.2 PERMITS REQUIRED, 4.21.3 GENERAL SIGN REGULATIONS, 4.21.4 MEASUREMENT OF SIGNS, 4.21.5 SIGN STANDARDS, 4.21.6 TEMPORARY SIGNS, 4.21.7 PROHIBITED SIGNS, 4.21.8 NON-CONFORMING SIGNS, 4.21.9 VIOLATIONS; ENFORCEMENT, ALL RELATED TO PROVIDING REASONABLE REGULATIONS OF SIGNS WITHIN THE TOWN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, signs are an important means of communication, providing a means for entities to identify their locations, for businesses to advertise their products, and for individuals to express their opinions on public issues; and

WHEREAS, unregulated, signs may be disorienting to drivers creating serious traffic issue or may proliferate creating clutter, safety issues and long-term negative effects on the visual environment and economic development of the Town; and

WHEREAS, in *Reed v. Town of Gilbert*, the United States Supreme Court found that distinctions between certain types of signs are content-based if a person must read a sign to know whether a sign regulation applies; and

WHEREAS, many of the provisions of the Unified Development Ordinance ("UDO") dealing with signs would be content-based and unconstitutional pursuant to *Reed v. Gilbert*; and

WHEREAS, the Town of Chino Valley Town Council desires to regulate signs for the purposes of encouraging economic development of the Town while protecting the public safety and preventing the potential negative impacts of clutter and unsafe placement and construction of signs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

That certain document entitled “Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona related to Signs, dated July 26, 2016” is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy maintained in compliance with Arizona Revised Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, is hereby amended by amending Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms; and amending Chapter 4 General Regulations as follows: (a) by deleting Section 4.21 Sign Regulations in its entirety; and (b) by adopting new Sections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-conforming Signs, and 4.21.9 Violations; Enforcement, all as set forth in that document entitled “Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona related to Signs, dated July 26, 2016”, which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 10th day of January, 2017 by the following vote:

AYES: _____
NAYS: _____

ABSENT: _____
ABSTAINED: _____

APPROVED this 26th day of July, 2017.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-819 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 10th DAY JANUARY, 2017, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2016.

Jami C. Lewis, Town Clerk

Sign Ordinance Outreach Plan and Review Schedule			Ongoing email/phone communication
What	Why	When	
In-Office Outreach With Business Owners	Expiration of Ord. 14-784, temporary banners and signs	January 1, 2016 – ongoing	
Media Outreach – Daily Courier	To invite involvement	February 5, 2016	
Outreach to Chamber of Commerce	To reach business-owners with signs	February 1, 2016 – ongoing	
Introductory Meeting at P&Z	To introduce topic to P&Z	March 1, 2016	
Emails to all business license holders with an email address	To invite participation and involvement in a Citizen Advisory Group	March 16, 2016	
Online Survey	Seeking input on past experiences and desired changes	By March 31, 2016	
Chamber of Commerce Online Survey	Same as above	By March 21, 2016	
1 st Citizen Advisory Group Meeting	Introduce topic to group, discuss possible changes and limitations	10:30 AM on April 11, 2016 (Development Services Conference Room)	
1 st Update at P&Z	To brief P&Z on input thus far	April 13, 2016	
2 nd Advisory Group Meeting	Continue discussion on sign code updates (after staff draft)	May 2, 2016	
2 nd Update at P&Z	To brief P&Z on input thus far (present draft)	May 3, 2016	
Chamber of Commerce Luncheon	Present draft plan to Chamber members, invite input	May 11, 2016	
3 rd Advisory Group Meeting	Discuss draft, make final changes	June 1, 2016	
3 rd Update at P&Z/1 st Public Hearing at P&Z	Present Final Draft and Ordinance to P&Z	June 15, 2016	
Final Public Hearing at P&Z	Present Final Draft and Ordinance to P&Z for vote	July 5, 2016	
Public Hearing at Town Council	Hold public hearing at Town Council, adopt ordinance	July 26, 2016	



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. d.

Meeting Date: 01/10/2017
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item - Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: NA

AGENDA ITEM TITLE:

Consideration and possible action to authorize Mayor Croft to execute the Standard Application Form (SF-424) for a \$485,000 congressional appropriation from the Environment Protection Agency (EPA) for the purpose of water and wastewater improvements.

RECOMMENDED ACTION:

Authorize the Mayor to sign the SF-424 .

SITUATION AND ANALYSIS:

Issue Statement In 2010, Congress awarded the Town of Chino Valley \$485,000 for water and wastewater infrastructure improvements. The award is managed by the EPA; as a formality, they require submission of an SF-424 standard application form prior to issuing a grant agreement. Staff has prepared the application and can submit it upon Council's authorization of the Mayor to sign the form.

Like most grants, this award is paid out on a reimbursement basis; once the Town has an invoice for work that was done, the Town submits the invoice to the EPA for approval prior to the release of funds. Clawback would only occur if the funds were not used in the manner stated on the invoice.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. e.

Meeting Date: 01/10/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to update the Council Subcommittee roster.

RECOMMENDED ACTION:

Appoint Councilmembers, liaisons, and other representatives to Council Subcommittees.

SITUATION AND ANALYSIS:

The Council has established several subcommittees, each consisting of 3 of its members, with applicable staff liaisons, and other representatives. With new Councilmembers on board, it is necessary to adjust the members of these subcommittees. Council has the discretion to modify, discontinue, or add new subcommittees as needed. A brief description and current status of each subcommittee is as follows:

Appointments – Reviews applications, conducts interviews, and recommends candidates for appointment to Town corporations, boards, commission, and committees (“public bodies”). This subcommittee is active mostly during recruitment periods, which occur twice per year, or as vacancies occur.

Finance – Reviews finance and budget matters coming before the Council, such as to review proposals for auditing services and banking services, conduct research, or address financial or budgetary matters. This subcommittee meets approximately 4-8 times per year.

Economic Development – Conducts research with regard to economic development matters. This subcommittee had not met since July 2014, but recently began meeting monthly.

Public Safety – Addresses issues of public safety and traffic control that impact safety in Town. This committee's last actions were to assist with updates to the Animal Control Ordinance in 2012 and 2016.

Water and Utilities – Provides direction and reviews reports on utilities impacting the Town, negotiates utility franchise agreements as they come due, provides review and proposals for resource acquisitions

to include private water companies and wells, and plans for future waste water system needs. This subcommittee met most recently to review utility fee schedules and mandatory sewer hookups, as well as to discuss topics of mutual interest with CVID (Chino Valley Irrigation District) representatives.

Mayor Croft's proposed roster changes are attached.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Council Subcommittees, proposed changes

COUNCIL SUBCOMMITTEES
as of JUNE 28, 2016

Subcommittee	Members	Staff Liaison/Participant(s)
Appointments	Darryl Croft (Chair) Mike Best Lon Turner	Town Clerk (LIAISON)
Finance	Susie Cuka (Chair) Darryl Croft ANNIE LANE Corey Mendoza	Finance Director (LIAISON) Town Manager
Economic Development	Susie Cuka (Chair) Darryl Croft Corey Mendoza	Devt Svcs Director (LIAISON) Town Manager Chamber CEO
Public Safety	Mike Best (Chair) Chris Marley ANNIE LANE Jack Miller	Police Chief (LIAISON) Town Manager
Water & Utilities	Lon Turner (Chair) Jack Miller Corey Mendoza Darryl Croft (Alternate)	Town Engineer (LIAISON) Town Manager

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. f.

Meeting Date: 01/10/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to update the appointment of persons to various regional and state entity committees.

RECOMMENDED ACTION:

Appoint persons to fill vacant positions on various entity committees and update existing appointments, as applicable.

SITUATION AND ANALYSIS:

Over the years, the Town Council has been asked to participate in various intergovernmental or other entity committees. Generally, this involves the Council appointing one of its members or a staff member to represent the Town and Council in the entity's meetings. Most of these appointments also include a designated alternate.

The attached table lists all the current entities, the appointed representative and alternate, the appointment date, the current status of the position, and Mayor Croft's recommended changes. The second attachment gives a brief description of each entity.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Entity Appointments, proposed changes
 Entity Descriptions

ENTITY		REP	APPOINTED DATE	ALT	APPOINTED DATE	CURRENT STATUS
a)	Upper Verde River Watershed Protection Coalition (UVRWPC)	FORMER Mayor Chris Marley	6/25/2013 1/10/2017	Councilmember Lon Turner	7/26/2011	Position typically filled by elected official.
b)	UPRWPC Technical Advisory Committee (TAC)	Town Engineer Michael Lopez	7/26/2011	Town Engineer designee	7/26/2011	Position typically filled by staff members and/or technical community members
c)	Northern Arizona Municipal Water User's Association (NAMWUA)	FORMER Mayor Chris Marley	7/26/2011 1/10/2017	Councilmember Lon Turner	7/26/2011	Position typically filled by elected official.
d)	NAMWUA Technical Advisory Committee (TAC)	Town Engineer Michael Lopez	7/26/2011	Town Engineer designee	7/26/2011	Position typically filled by staff members and/or technical community members
e)	Groundwater Users Advisory Council (GUAC)	FORMER Mayor Chris Marley		Councilmember Lon Turner		Position appointed by the Governor and is <i>not</i> tied to the Town.
f)	Central Yavapai Metropolitan Planning Organization (CYMPO)	Councilmember Mike Best	7/12/2016	Vice-Mayor Darryl Croft COUNCILMEMBER COREY MENDOZA	7/12/2016 1/10/2017	Position typically filled by elected official.
g)	CYMPO Technical Advisory Committee (TAC)	Town Engineer Michael Lopez	6/28/2011	Town Engineer designee	6/28/2011	Position typically filled by staff members and/or technical community members
h)	Northern Arizona Council of Governments (NACOG) Regional Council	Vice-Mayor Darryl Croft	6/28/2016	Councilmember Lon Turner MIKE BEST	6/28/2016 1/10/2017	Position typically filled by elected official.
i)	Greater Arizona Mayors Association (GAMA)	Mayor Chris Marley MAYOR DARRYL CROFT	6/14/2011 1/10/2017	Vice-Mayor Darryl Croft COUNCILMEMBER MIKE BEST	6/25/2013 1/10/2017	Position typically filled by mayor; alternate typically filled by Vice-Mayor.
j)	League Resolutions Committee	Mayor Chris Marley MAYOR DARRYL CROFT	7/24/2012 1/10/2017	Vice-Mayor Darryl Croft COUNCILMEMBER MIKE BEST	7/24/2012 1/10/2017	Position typically filled by mayor; alternate typically filled by Vice-Mayor.
k)	Yavapai Regional Medical Center (YRMC) Council of Electors	Mayor-Elect Darryl Croft	10/11/2016	Mayor-Elect Croft Designee- COUNCILMEMBER MIKE BEST	10/11/2016 1/10/2017	Position typically filled by elected official.

ENTITY		REP		ALT		APPOINTED DATE	CURRENT STATUS
l)	Chamber of Commerce	Vice-Mayor Darryl Croft COUNCILMEMBER SUSIE CUKA	6/28/2011 1/10/2017	Councilmember Mike Best JACK MILLER	6/25/2013 1/10/2017		The Chamber typically elects a representative from the Council with Council ratifying the action.
m)	Arizona Municipal Risk Retention Pool (AMRRP)	Councilmember Lon Turner INTERIM TOWN MGR CECILIA GRITTMAN	6/25/2013 1/10/2017	Vice-Mayor Darryl Croft HR DIRECTOR LAURA KYRIAKAKIS	6/25/2013 1/10/2017		Appointee may be elected official or staff member, who may participate in nominations for this board.
n)	Central Arizona Partnership (CAP) Regional Economic Development (RED) Team	Vice-Mayor Darryl Croft	6/25/2013	Councilmember Lon Turner	6/25/2013		Position to be filled by elected official.
o)	Greater Prescott Regional Economic Partnership (GPREP)	Mayor Chris Marley MAYOR DARRYL CROFT	8/5/2013 1/10/2017	Vice-Mayor Darryl Croft COUNCILMEMBER MIKE BEST	8/5/2013 1/10/2017		Position filled by elected official, appointed by Mayor.
p)	Yavapai Combined Trust (YCT)	HR Director, Laura Kyriakakis	3/27/2012	Assistant Interim Town Manager Cecilia Grittmann	4/14/2016		Positions typically filled by staff members.
q)	Liaison to Chino Valley Fire District (CVFD) Board	Councilmember Jack Miller	10/13/2015	Councilmember Mike Best	10/13/2015		First-time position in 2013.
r)	Liaison to Chino Valley Municipal Court	Mayor Chris Marley	2/24/2015	Councilmember Susan Cuka	10/13/2015		First-time position appointed by Council in 2015.
s)	Prescott Regional Airport Master Plan Committee-Planning Advisory Committee	Vice-Mayor Darryl Croft	1/10/2017	COUNCILMEMBER MIKE BEST	1/10/2017		This is a Proposed Committee that has not yet been officially established.

Rev. Draft 12-12-16

DESCRIPTION OF ENTITIES	
a)	UVRWPC consists of representatives from Prescott, Prescott Valley, Chino Valley, Yavapai County, and the Yavapai Prescott Indian Tribe; and one of its actions has been to appoint a Safe Yield Workgroup to develop a plan for the Prescott Active Management Area to reach safe yield by 2025.
b)	Technical Advisory Committee under UVRWPC .
c)	NAMWUA was formed to give Northern Arizona entities a stronger voice with state and federal governments with regard to water allocation matters.
d)	Technical Advisory Committee under NAMWUA .
e)	The 1980 Groundwater Code established a Groundwater Users Advisory Council (GUAC) in each active management area consisting of five members. Members of the council are appointed by the governor to represent the users of groundwater in the active management area and on the basis of their knowledge of, interest in and experience with problems relating to the development, use and conservation of water.
f)	CYMPO is a partnership of Chino Valley, Prescott, Prescott Valley, Yavapai County, and the Arizona Department of Transportation that was established in June 2003 by federal mandate when the region achieved a population of 50,000. Its purpose is to cooperatively plan the transportation future of the Central Yavapai region that fell within the 401.46 square miles of the MPO Planning boundary. The member agencies of CYMPO are represented on the Executive Board by elected officials. The positions of Chair, Chair emeritus, Vice-Chair, and Secretary-Treasurer are rotated between Chino Valley, Prescott, Prescott Valley and Yavapai County on a yearly basis.
g)	Technical Advisory Committee under CYMPO .
h)	NACOG is a nonprofit membership corporation representing local governments to provide a wide variety of services within the four Arizona counties of Apache, Coconino, Navajo, and Yavapai. It is governed by a Regional Council comprised of public and private sector officials that are appointed or elected by their respective governments, who work together to address similar issues faced by the cities, towns, and counties in the NACOG region. It also assists local governments and other local groups to take advantage of common economic and other resource opportunities.
i)	GAMA was established to provide mayors from communities in northwest and north-central Arizona a forum to discuss and organize on common interests unique in rural Arizona regarding matters being heard before the state and federal levels of government.
j)	The League Resolutions Committee meets at the Annual Conference to discuss the proposed policies for the next legislative session. Their actions are ratified at the League's Annual Business Meeting and became the League's Policy Statement for the next legislative session.
k)	YRMC Council of Electors nominates candidates for the hospital administrative governing board. In 2000, they requested that local entities, including Chino Valley, appoint an elected official to serve on this council. Joel Baker served on it from 2000 until June 2011.
l)	Chino Valley Area Chamber of Commerce exists to promote economic growth, serve as a voice for the business community, and enhance the quality of life for Chino Valley. It routinely appoints a councilmember to its board.

DESCRIPTION OF ENTITIES	
m)	AMRRP , a not-for-profit corporation, is owned and operated by its Members in a cooperative effort to provide protection from losses to Members' resources and claims due to the services provided by municipal government. The Town purchases its casualty and property insurance through this entity.
n)	CAP's mission is to advocate responsible growth on behalf of those who believe in a balance between economic and ecological sustainability in Central Arizona, judicious management of natural resources and truthful examination and debate on matters of public importance relative to growth in the region. The RED Team is to be comprised officials from regional entities and staff believes it would be beneficial to appoint a representative.
o)	GPREP's mission is to attract quality businesses, capital investment, and quality jobs to the Greater Prescott region, working cooperatively to project a regional identity and ensure a vibrant and self-sustaining regional economy.
p)	YCT is the entity through whom the Town contracts with for medical insurance for its employees.
q)	CVFD is the local fire district, a special taxing district (not part of the Town government).
r)	The Chino Valley Municipal Court is a Court of Limited Jurisdiction, having concurrent jurisdiction with the Justice of the Peace Court and the Superior Court of Arizona for matters as designated by Arizona State Statutes, to and including violations of Town Ordinance and Code.
s)	As of October 18, 2016, the Prescott Regional Airport Master Plan Committee-Planning Advisory Committee has not yet officially been established.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 8. a.

Meeting Date: 01/10/2017
Contact Person: Cecilia Grittman, Acting Town Manager
Department: Town Manager
Estimated length of Staff Presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation for legal advice with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position in settlement discussions conducted in order to avoid litigation in the matter of the termination of Daniel Trout and Mr. Trout's appeal thereof. (Cecilia Grittman, Interim Town Manager)

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 9. a.

Meeting Date: 01/10/2017
Contact Person: Trish Stuhan, Town Attorney
Department: Town Attorney
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve a settlement agreement with Daniel R. Trout related to his employment by the Town (Phyllis Smiley, Town Attorney)

RECOMMENDED ACTION:

Motion to approve the settlement agreement with Daniel R. Trout.

SITUATION AND ANALYSIS:

Fiscal Impact

Attachments

No file(s) attached.