

DUE TO PANDEMIC PHASED RE-OPENING PLAN, COUNCIL MEETINGS WILL BE OPEN TO A MAXIMUM OF 25 PUBLIC ATTENDEES. PLEASE SEE LAST PAGE OF AGENDA FOR FURTHER PARTICIPATION INSTRUCTIONS.



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY, MARCH 9, 2021
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. p.5** Introduction and presentation of Town of Chino Valley new hires. (Laura Kyriakakis, Human Resources Director)
- 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. Individuals who wish to speak, please state your first and last name and if you reside in Chino Valley Town Limits.

4. 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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

5. 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. **p.7** Consideration and possible action to authorize the Police Department to apply for a Government of Highway Safety (GOHS) grant. (Chuck Wynn, Police Chief)
- b. **p.9** Consideration and possible action to approve the dedication of right-of-way on parcels 306-20-030G & 306-20-029C located approximately 700 feet West of the intersection on State Route 89 and West Road 2 North. (Will Dingee, Planner)
- c. **p.27** Consideration and possible action to approve the O'Brien Acres minor subdivision final plat, parcel number 306-18-014D, to subdivide approximately 5 acres into one (1) 2-acre lot and one (1) 3-acre lot developed over a single phase. (Will Dingee, Planner)
- d. **p.31** Consideration and possible action to approve the two year extension of the protected development rights for AZ Organics to continue the development of their site for the cultivation of medical marijuana. (Will Dingee, Planner)
- e. **p.39** Consideration and possible action to approve the February 9, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)
- f. **p.47** Consideration and possible action to approve the February 16, 2021, study session minutes. (Erin N. Deskins, Town Clerk)

6. 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. **p.55** Consideration, discussion, and possible action regarding the upcoming 2021 aquatics center season with attendance restrictions. (Cyndi Thomas, Assistant Community Services Director)

Recommended Action: Direct Staff per Council discussion.

- b. **p.57** Consideration and possible action to approve the proposed text amendment to the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the proposed definition and regulations for Metal Storage Containers. (Will Dingee, Planner)

Recommended Action: Approve the proposed text amendment to the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the proposed definition and regulations for Metal Storage Containers.

7. ADJOURNMENT

Dated this 4th day of March, 2021.

By: *Erin N. Deskins, 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 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.

Council meetings are live-streamed on Town of Chino Valley Facebook page, and Zoom.

Join Zoom Webinar: <https://us02web.zoom.us/j/81326335529>

Telephone: 877 853 5247 (toll free) or 888 788 0099 (toll free)

iPhone one-tap: US: +13462487799,,81326335529# or +16699009128,,81326335529#

Webinar ID: 813 2633 5529

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: _____
Erin N. Deskins, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2. a.

Meeting Date: 03/09/2021
Contact Person: Laura Kyriakakis, Human Resources Director
 Phone: 928-636-2646 x-1204
Department: Human Resources
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Introduction and presentation of Town of Chino Valley new hires. (Laura Kyriakakis, Human Resources Director)

SITUATION & ANALYSIS:

The following individuals have joined the Town of Chino Valley, One Town One Team. Welcome!

Employee Name	Department	Position	Hire Date
Desiree Hopf	Police	Civilian Officer	10/26/2020
Richard Wilkes	Public Works	Fleet Mechanic	12/7/2020
Mark Davis	Public Works	Street Superintendent	12/14/2020
Amanda Baillie	Community Services - Parks	Parkers Maintenance Worker	1/11/2021
Cindy Blackmore	Town Manager	Town Manager	2/1/2021
Brittany Resendez	Development Services - Customer Service	Administrative Technician	2/1/2021
Brenda Black	Community Services - Senior Center	PT Administrative Aide	2/1/2021

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. a.

Meeting Date: 03/09/2021
Contact Person: Marrilee Easton, Civilian Officer
 Phone: 928-636-4223 x-1283
Department: Police
Estimated length of staff presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to authorize the Police Department to apply for a Government of Highway Safety (GOHS) grant. (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Authorize Police Department to apply for a Government of Highway Safety (GOHS) Grant.

SITUATION AND ANALYSIS:

Each year the CVPD applies for and receives grant funds from the Government of Highway Safety (GOHS). This year we would like to request funds for Police Traffic Services. This will allow us to purchase additional speed signs to put up at school zones and overtime for officers to perform selective traffic enforcement on speeding, seat belts and aggressive/reckless driving.

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

5. b.

Meeting Date: 03/09/2021

Contact Person: Will Dingee, GIS Tech
Phone: 928-636-4427 x-1233

Department: Development Services

Estimated length None

of staff presentation:

Physical location of item: Approximately 700 feet west of the intersection of State Route 89 and West Road 2 North

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution 2021-1180, accepting the dedication of right-of-way and utility easements on parcels 306-20-030G & 306-20-029C located West of the intersection of State Route 89 and West Road 2 North. (Will Dingee, Planner)

RECOMMENDED ACTION:

Approve Resolution 2021-1180, accepting the dedication of right-of-way and utility easements on parcels 306-20-030G & 306-20-029C located West of the intersection of State Route 89 and West Road 2 North.

SITUATION AND ANALYSIS:

The Certificate of Occupancy for the Burger King Development was issued prior to the dedication of the right-of-way and utility easements. This item is to complete the dedication process as stipulated in the Infrastructures Reimbursement Agreement approved by Council on January 14, 2020.

Other Pertinent Documents Available Upon Request:

See attached Reimbursement Agreement and Deed.

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

RES 2021-1180 Barnett Jacobs Dedications

RESOLUTION NO. 2021-1180**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AUTHORIZING ACCEPTANCE OF DEDICATION OF CERTAIN INTERESTS IN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY AND OTHER PUBLIC USES.**

WHEREAS, pursuant to Section 1.3 of that certain Infrastructure Reimbursement Agreement between the Town of Chino Valley (the "Town") and Barnett Jacobs Real Estate, LLC (the "Developer"), approved January 14, 2020 (the "Infrastructure Agreement"), the Developer was required to dedicate to the Town certain real property (referred to therein and herein as the "Dedication Parcel") for future right-of-way and utility purposes; and

WHEREAS, pursuant to Section 1.4 of the Infrastructure Agreement, the Developer was required to construct certain utility extensions and dedicate to the Town an easement related to the utility extensions (the "Easement"); and

WHEREAS, upon execution by the Developer of the (i) Special Warranty Deed, in substantially the form attached hereto as Exhibit A and incorporated herein by reference, conveying the Dedication Parcel to the Town, and (ii) Utility Easement Agreement, in substantially the form attached hereto as Exhibit B, conveying the Easement to the Town, the Mayor and Council of the Town of Chino Valley (the "Town Council") desires to accept the Dedication Parcel and the Easement from the Developer.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Upon execution by the Developer of the Special Warranty Deed, in the form attached hereto as Exhibit A and incorporated herein by reference, the Dedication Parcel, comprising the real property described in the Special Warranty Deed attached hereto as Exhibit A, is hereby accepted.

SECTION 3. Upon execution by the Developer of the Utility Easement Agreement, in the form attached hereto as Exhibit B and incorporated herein by reference, the Easement, located as described and depicted in the Utility Easement Agreement attached hereto as Exhibit B, is hereby accepted.

SECTION 4. Upon Developer's execution of the Special Warranty Deed and the Utility Easement Agreement, the Town Manager is authorized and directed to execute such documents and to cause their recording in the Office of the Yavapai County Recorder.

SECTION 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 9th day of March, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2021-1180 was duly passed by the Council of the Town of Chino Valley, Arizona, at a special meeting held on March 9, 2021, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2021-1180

[Dedication Parcel Special Warranty Deed]

See following pages.

WHEN RECORDED, RETURN TO:

Town of Chino Valley
c/o Andrew J. McGuire
Gust Rosenfeld, PLC
One East Washington Street
Suite 1600
Phoenix, Arizona 85004-2553

SPECIAL WARRANTY DEED**THIS DEED IS EXEMPT FROM AFFIDAVIT PURSUANT TO A.R.S. § 11-1134(A)(3)**

For good and valuable consideration, **BARNETT JACOBS REAL ESTATE, LLC**, an Arizona limited liability company (“**Grantor**”), does hereby convey to the **TOWN OF CHINO VALLEY**, an Arizona municipal corporation (“**Grantee**”), 202 North State Route 89, Chino Valley, Arizona 86323, the following-described real property situated in Yavapai County, Arizona (the “**Property**”).

See **Exhibit A** attached hereto and incorporated herein by this reference.

To have and to hold unto the Grantee forever the Property free, clear and discharged of and from all matters whatsoever, except current taxes and other current assessments; patent reservations; all easements, encumbrances, liens, obligations, liabilities or other matters of record or to which reference is made in the public record; any and all conditions, easements, encroachments, rights-of-way, restrictions and other matters which a physical inspection would reveal; and the applicable zoning and use regulations of any municipality, county, state or the United States affecting the Property.

Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and no other, subject to the matters above set forth.

[SIGNATURE AND NOTARY PAGES FOLLOW]

[GRANTOR SIGNATURE AND NOTARY PAGE TO SPECIAL WARRANTY DEED]

Dated this 4th day of March, 2021.

GRANTOR:

BARNETT JACOBS REAL ESTATE, LLC, an Arizona
limited liability company

By: **KLK MANAGEMENT, INC.**, an Arizona limited liability company, its Manager

By:

Thomas D. Barnett, Director/President

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

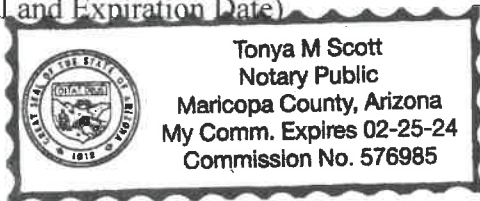
On this 4th day of March, 2021 before me, a notary public in and for said state, personally appeared Thomas D. Barnett, the Director of KLK MANAGEMENT, INC., an Arizona limited liability company, the Manager of BARNETT JACOBS REAL ESTATE, LLC, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the Special Warranty Deed the person, or the entity upon behalf of which the person acted, executed the Special Warranty Deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jonas Scott

Notary Public

(Seal and Expiration Date)



[GRANTEE SIGNATURE AND NOTARY PAGE TO SPECIAL WARRANTY DEED]

TOWN OF CHINO VALLEY, an Arizona
municipal corporation

Cindy Blackmore, Town Manager

ATTEST:

Erin N. Deskins, Town Clerk

STATE OF ARIZONA)
) ss.
County of Yavapai)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Cindy Blackmore, the Town Manager of the Town of Chino Valley, an Arizona municipal corporation, on behalf of the municipal corporation.

Notary Public

(Seal and Expiration Date)

Exhibit A

Legal Description and depiction
See following pages.

**RIGHT-OF-WAY
DEDICATION
LEGAL DESCRIPTION**

That portion of the Southeast quarter of Section 15, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

Commencing at the South quarter corner of said Southeast quarter of Section 15, from which the Southeast corner of said Section 15 bears North 89 degrees 49 minutes 00 seconds East, a distance of 2638.56 feet;

Thence North 00 degrees 17 minutes 09 seconds West along the North-South mid-section line, a distance of 25.00 feet the **TRUE POINT OF BEGINNING**;

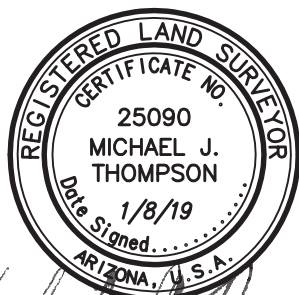
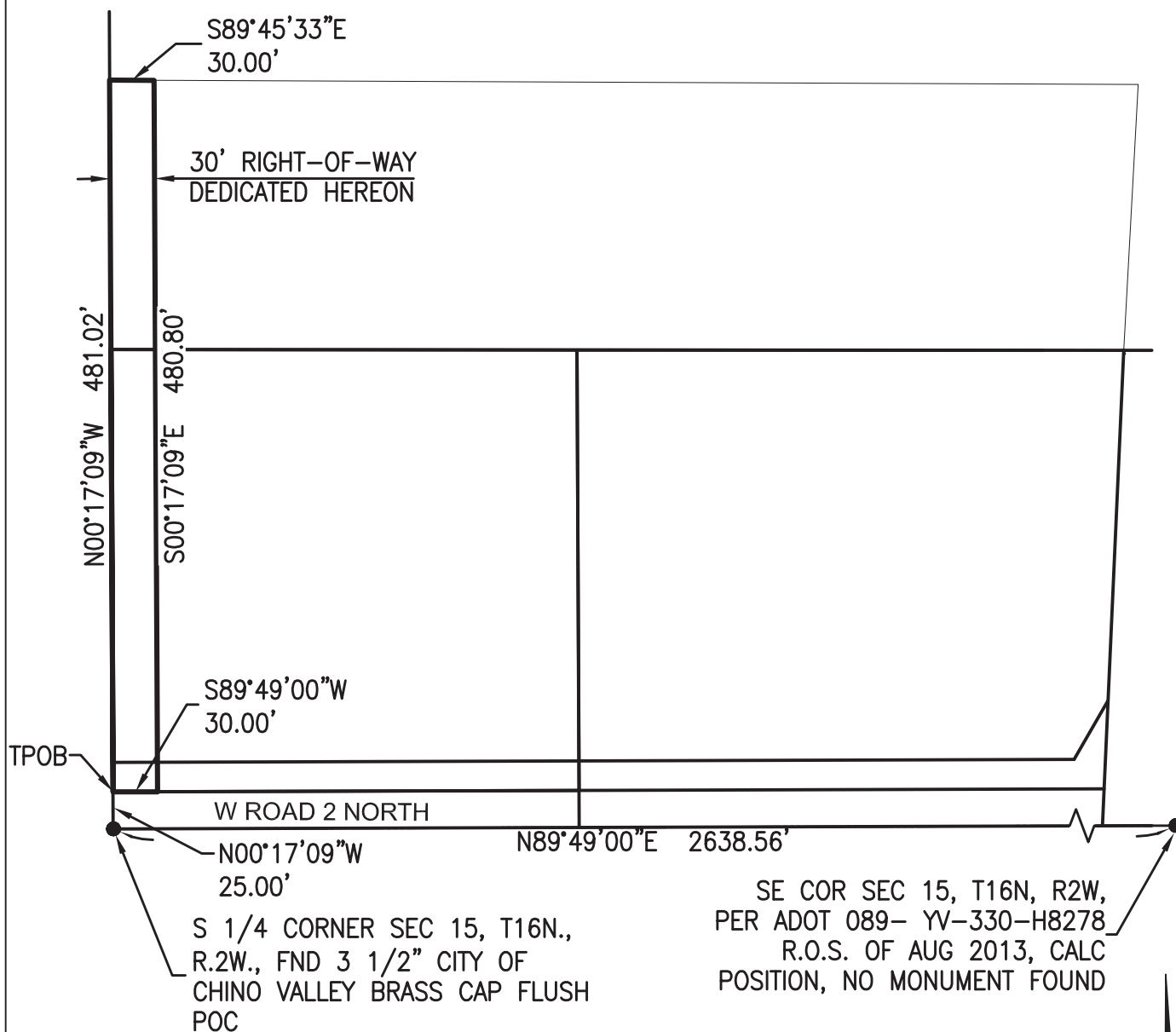
Thence continuing along said North-South mid-section line North 00 degrees 17 minutes 09 seconds West, a distance of 481.02 feet;

Thence South 89 degrees 45 minutes 33 seconds East, a distance of 30.00 feet;

Thence along a line parallel with and 30.00 feet East of said the North-South mid-section line, South 00 degrees 17 minutes 09 seconds East, a distance of 480.80 feet;

Thence along a line parallel with and 25.00 feet North of the East-West mid-section line, a distance of 30.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 14,427 square feet, or, 0.331 acres of land, more or less.



EXPIRES: 9-30-22



NO SCALE

NOTE: ALL VALUES SHOWN ARE CALCULATED, UNLESS NOTED OTHERWISE.

Helix Engineering, LLC

Engineering / Surveying / Consulting
3240 E Union Hills, Suite 113, Phoenix, AZ 85050
(ph) 602-788-2616, www.hxeng.com

30' RIGHT-OF-WAY DEDICATION

DRAWN BY: MJT

JANUARY 8, 2020

JOB No.: 383

CHECKED BY: MJT

SHEET 2 OF 2

EXHIBIT B
TO
RESOLUTION NO. 2021-1180

[Utility Easement Agreement]

See following pages.

WHEN RECORDED, RETURN TO:

Town of Chino Valley
c/o Andrew J. McGuire
Gust Rosenfeld, PLC
One East Washington Street
Suite 1600
Phoenix, Arizona 85004-2553

UTILITY EASEMENT
THIS EASEMENT IS EXEMPT FROM AFFIDAVIT PURSUANT TO A.R.S. § 11-1134(A)(2)

GRANTOR:

Barnett Jacobs Real Estate, LLC,
an Arizona limited liability company
650 North 99th Avenue, Suite 108
Avondale, Arizona 85323

GRANTEE:

Town of Chino Valley
202 North State Route 89
Chino Valley, Arizona 86323

For the consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR do hereby grant and convey to GRANTEE, its successors and assigns, a perpetual easement described herein for utility purposes, including, but not limited to, the right to erect, construct, install, maintain, use, operate, inspect, repair, replace and remove delivery and/or distribution lines, and other utility facilities and telemetering and communications equipment in, on, over, under, across, above and through the real property situated within Yavapai County, Arizona, described in the attached **Exhibit A**.

The GRANTEE shall also have the right and privilege forever to patrol, inspect, alter, improve, add to, repair and remove such utility facilities, including the right to increase or decrease the size of the lines, and all other rights and privileges necessary or convenient for the full use and enjoyment of the easement, servitude and privileges herein granted for the purposes herein described, including the right of ingress and egress to and from said easement and pipeline over adjoining property of the GRANTOR, and the right to remove trees and fences and to use existing roads and as much of the surface of the land, herein above described as may be necessary for the purpose of constructing, inspecting, maintaining, operating, repairing, replacing, and/or removing the facilities, either in whole or in part, at the will of GRANTEE.

To have and to hold said easement, servitude and privileges unto the GRANTEE, its successors and assigns, forever, subject to the conditions and limitations herein contained.

It is agreed that the GRANTOR shall have full use of said easement except for the purpose for which the same is herein conveyed to the GRANTEE, and except for uses which interfere with the enjoyment by GRANTEE of the rights and servitude herein conveyed to it, and provided always that no building or structure of any nature or kind whatsoever, including without

limitation fences, nor any part of same, shall be constructed, installed or placed on or over said easement or any part thereof by GRANTOR or the successors or assigns of GRANTOR, and that the grade over any buried facilities shall not be changed by GRANTOR or the successors or assigns of GRANTOR without the prior written consent of the GRANTEE. The rights and obligations of GRANTEE shall be construed broadly and consistent with the performance of its obligations to provide utility service to its customers.

GRANTEE shall be and remain responsible for the construction, operation, maintenance and repair of the utility facilities and GRANTOR shall have no responsibility or liability in such construction, operation, maintenance or repair. GRANTEE shall indemnify and hold GRANTOR harmless from all injuries and damages arising from GRANTEE'S use of the easement area. GRANTEE shall return the property to its prior condition after completing the construction, maintenance or other uses permitted under the foregoing easement.

This Utility Easement constitutes a perpetual covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

CAUTION: The above described easement may contain underground facilities the location of which must be verified as required by A.R.S. § 40-360.21, *et seq.* (Arizona Blue Stake Law) *prior to excavation.*

[SIGNATURE AND NOTARY PAGE FOLLOWS]

[GRANTOR SIGNATURE AND NOTARY PAGE TO UTILITY EASEMENT]

IN WITNESS WHEREOF, Grantor has executed this Utility Easement as of this 4th day of March, 2021.

GRANTOR:

BARNETT JACOBS REAL ESTATE, LLC, an Arizona limited liability company

By: **KLK MANAGEMENT, INC.**, an Arizona limited liability company, its Manager

By: *Thomas D. Barnett*

Thomas D. Barnett, Director/President

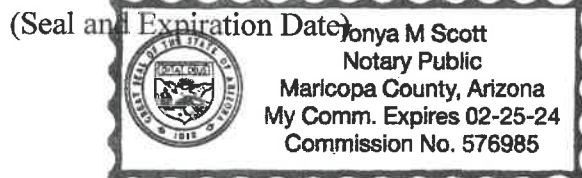
ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 4th day of March, 2021, before me, the undersigned Notary Public, personally appeared Thomas D. Barnett, the President of KLK Management, Inc., an Arizonan corporation, the Manager of Barnett Jacobs Real Estate, LLC, an Arizona limited liability company, being so authorized to execute, who executed and acknowledged the foregoing Utility Easement for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jonya M Scott
Notary Public

**ACCEPTED BY THE TOWN OF CHINO VALLEY**

Town Manager

Date

EXHIBIT A

Legal Description and depiction
See following pages.

**UTILITY EASEMENT
LEGAL DESCRIPTION**

That portion of the Southeast quarter of Section 15, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

Commencing at the South quarter corner of said Southeast quarter of Section 15, from which the Southeast corner of said Section 15 bears North 89 degrees 49 minutes 00 seconds East, a distance of 2638.56 feet;

Thence North 00 degrees 17 minutes 09 seconds West, a distance of 25.00 feet to an existing rebar on the North right of way line of Road 2 North;

Thence North 89 degrees 49 minutes 00 seconds East along said North right of way line of Road 2 North, a distance of 285.00 feet to the **TRUE POINT OF BEGINNING**;

Thence North 00 degrees 17 minutes 09 seconds West, along a line parallel with and 30.00 feet West of the East line of the land described in the Special Warranty Deed 2019-0031269 SWD, a distance of 327.79 feet;

Thence South 89 degrees 57 minutes 14 seconds East, along a line parallel with and 30.00 feet North of the North line of the land described in the Special Warranty Deed 2019-0031267 SWD, a distance of 208.60 feet;

Thence North 45 degrees 02 minutes 46 seconds East, a distance of 14.34 feet;

Thence North 00 degrees 02 minutes 46 seconds East, a distance of 4.45 feet;

Thence South 89 degrees 57 minutes 14 seconds East, a distance of 8.56 feet;

Thence North 00 degrees 02 minutes 46 seconds East, a distance of 2.14 feet;

Thence South 89 degrees 57 minutes 14 seconds East, a distance of 20.00 feet;

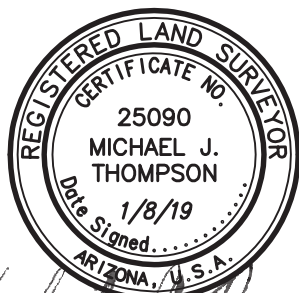
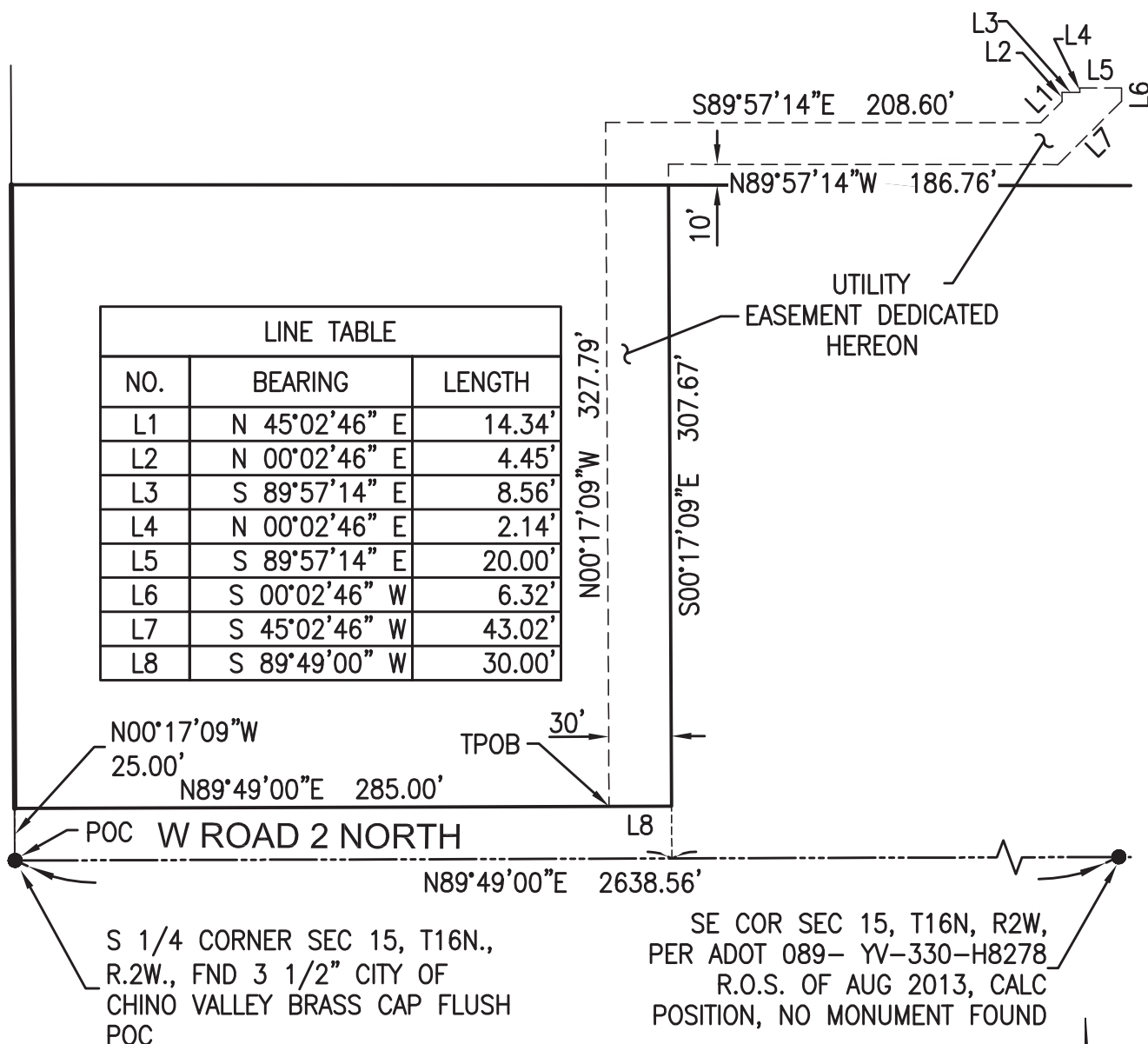
Thence South 00 degrees 02 minutes 46 seconds West, a distance of 6.32 feet;

Thence South 45 degrees 02 minutes 46 seconds West, a distance of 43.02 feet;

Thence North 89 degrees 57 minutes 14 seconds West, along a line parallel with and 10.00 feet North of said North line of the land described in the Special Warranty Deed 2019-0031267 SWD, a distance of 186.76 feet;

Thence South 00 degrees 17 minutes 09 seconds East, along said East line of the land described in the Special Warranty Deed 2019-0031269 SWD, a distance of 307.67 feet to the Southeast corner thereof, said Southeast corner being a point on said North right of way line of Road 2 North;

Thence South 89 degrees 49 minutes 00 seconds West, along said North right of way line of Road 2 North, a distance of 30.00 feet to the **TRUE POINT OF BEGINNING**.



EXPIRES: 9-30-22

NO SCALE

NOTE: ALL VALUES SHOWN ARE CALCULATED, UNLESS NOTED OTHERWISE.

Helix Engineering, LLC

Engineering / Surveying / Consulting
 3240 E Union Hills, Suite 113, Phoenix, AZ 85050
 (ph) 602-788-2616, www.hxeng.com

UTILITY EASEMENT

DRAWN BY: MJT

JANUARY 8, 2020

JOB No.: 383

CHECKED BY: MJT

SHEET 2 OF 2

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. c.

Meeting Date: 03/09/2021
Contact Person: Will Dingee, Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: None
Physical location of item: 1410 Freedom Court

AGENDA ITEM TITLE:

Consideration and possible action to approve the O'Brien Acres minor subdivision final plat, parcel number 306-18-014D, to subdivide approximately 5 acres into one (1) 2-acre lot and one (1) 3-acre lot developed over a single phase. (Will Dingee, Planner)

RECOMMENDED ACTION:

Town Staff recommends the Town Council approve the O'Brien Acres minor subdivision final plat to subdivide approximately 5 acres into one (1) 2-acre lot and one (1) 3-acre lot developed over a single phase, amending the final plat with the following stipulation: Prior to execution by the Town, the Final Plat shall be corrected to label Freedom Court as a private street.

SITUATION AND ANALYSIS:

Applicant: Michael O'Brien
 Property Owner: Michael and Kathleen O'Brien
 Address: 1410 Freedom Court
 Parcel: 306-18-014D
 Project Number: F-1-21

Site Data

Zoning: Single Family Residential 1-acre minimum (SR-1)
 General Plan Land Use Designation: Medium Density Residential
 Property Size: Approximately 5 Acres
 Subdivision: Currently not a part of a subdivision
 Existing Use: Agricultural Residential

The O'Brien Acres Minor Subdivision Final Plat meets all requirements set for by both sections 5.2.4 and 5.2.7 of the Unified Development Ordinance. The site will have its main access by way of an extension of Freedom Court (private street). The extension will be improved with two inches of dust free surface over four inches of base. The development will be utilizing onsite wells and septic systems. The Development Services Department and Public Works Department have completed their review of the Final Plat. Any further divisions of this property will have to come through the plat amendment process and be brought back for Town Council approval.

Other Pertinent Documents Available Upon Request:

See Attached Final Plat

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Final Plat

DECLARATION

KNOW ALL MEN BY THESE PRESENTS:

THAT MICHAEL PATRICK O'BRIEN AND KATHLEEN MAYE O'BRIEN, AS OWNERS, HAVE SUBDIVIDED UNDER THE NAME OF "O'BRIEN ACRES", ALL THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SECTION 14, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN YAVAPAI COUNTY, ARIZONA AS REFLECTED ON THIS PLAT, HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "O'BRIEN ACRES", AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATIONS AND GIVES THE DIMENSIONS OF THE LOTS AND EASEMENTS, AND THAT EACH LOT SHALL BE KNOWN BY THE NUMBER GIVEN, AS SHOWN ON SAID PLAT, AND FURTHER DEDICATE EASEMENTS FOR PRIVATE INGRESS, EGRESS AND PUBLIC UTILITIES INCLUDING BUT NOT LIMITED TO WATER, SEWER, ELECTRIC, TELEPHONE, GAS AND CABLE TELEVISION AND EMERGENCY ACCESS AS SHOWN HEREON;

IN WITNESS THEREOF, THAT MICHAEL PATRICK O'BRIEN AND KATHLEEN MAYE O'BRIEN, HAVE CAUSED THEIR NAMES TO BE SIGNED AND ARE AUTHORIZED TO DO SO.

OWNER

OWNER

APPROVALS

STATE OF ARIZONA

APPROVED BY THE MAYOR, TOWN CLERK AND TOWN ENGINEER OF CHINO VALLEY, ARIZONA ON THE DAY OF 2022.

MAYOR

TOWN CLERK

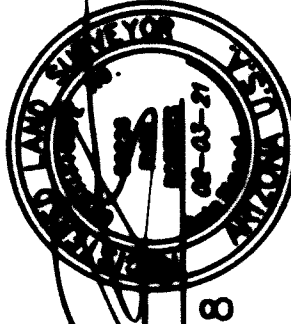
TOWN ENGINEER

FLOOD INFORMATION

YAVAPAI COUNTY FLOOD HAZARD: ZONE X FIRM PANEL: 04025C1320G EFFECTIVE 9/3/2010

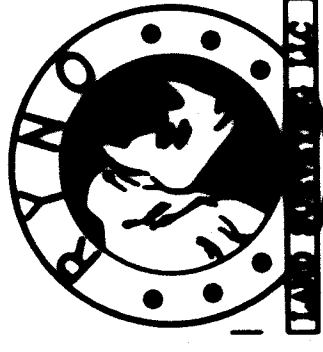
SURVEYORS STATEMENT

THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE DONE UNDER MY DIRECTION DURING THE MONTH OF JANUARY, 2021 AND POINTS THAT WERE FOUND OR SET ARE REPRESENTED TO THE BEST OF MY KNOWLEDGE AND BELIEF.



RYAN ROBERTS RLS 50228

RYNO LAND SURVEYING LLC
390 HOMESTEAD MESA DR CHINO VALLEY,
ARIZONA 86323 (928) 899-4087

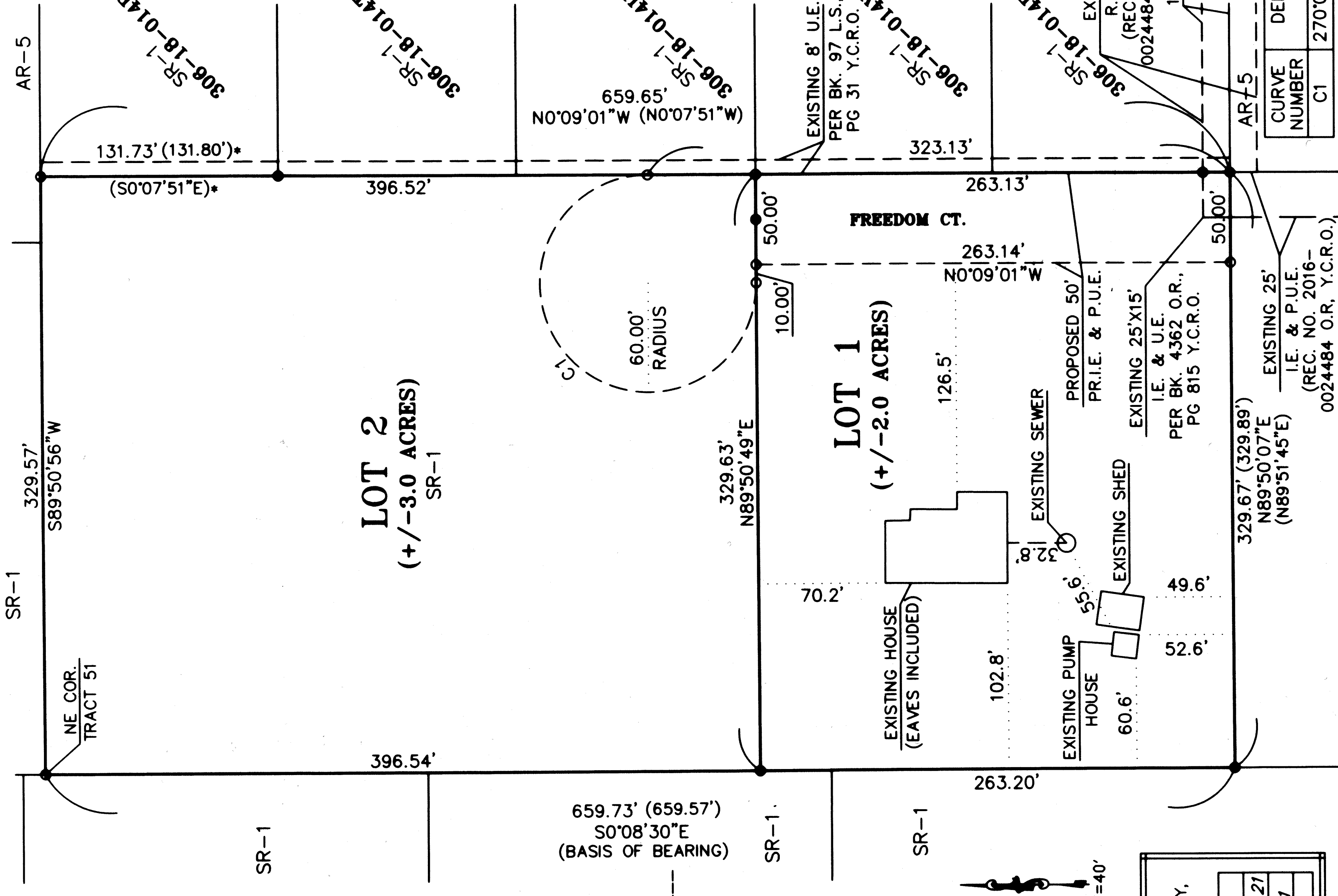


SURVEYED FOR: O'BRIEN

DRAWN BY: MCS DATE: 01-19-21
CHECKED BY: RMR DWG NO.: 00-1
JOB NO.: 2021103 SHEET 1 OF 1

FINAL PLAT
O'BRIEN ACRES

ALL THAT PORTION OF THE W1/2 OF THE NW1/4 OF THE NE1/4 OF THE SE1/4 OF SECTION 14, T16N, R2W OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA



LEGEND

- = FOUND 1/2" REBAR OR AS NOTED
- ⊙ = FOUND 1/2" REBAR 12005 CAP
- = FOUND 1/2" REBAR 37930 CAP
- = FOUND GENERAL LAND OFFICE BRASS CAP (GLO)
- = SET 1/2" REBAR 50228 CAP
- () = RECORD INFORMATION PER REC. NO. 2016-0024484 O.R., Y.C.R.O.
- (*) = RECORD INFORMATION PER REC. NO. 2018-0005383 O.R., Y.C.R.O.
- I.E. = INGRESS/EGRESS EASEMENT
- PR.I.E. = PRIVATE INGRESS/EGRESS EASEMENT
- P.U.E. = PUBLIC UTILITY EASEMENT
- R.E. = ROAD EASEMENT
- U.E. = UTILITY EASEMENT
- = LOT LINE
- - - = EASEMENT LINE
- SR-1 = ZONING SINGLE FAMILY RESIDENTIAL 1 AC
- AR-5 = ZONING AGRICULTURAL RESIDENTIAL 5 AC

NOTES

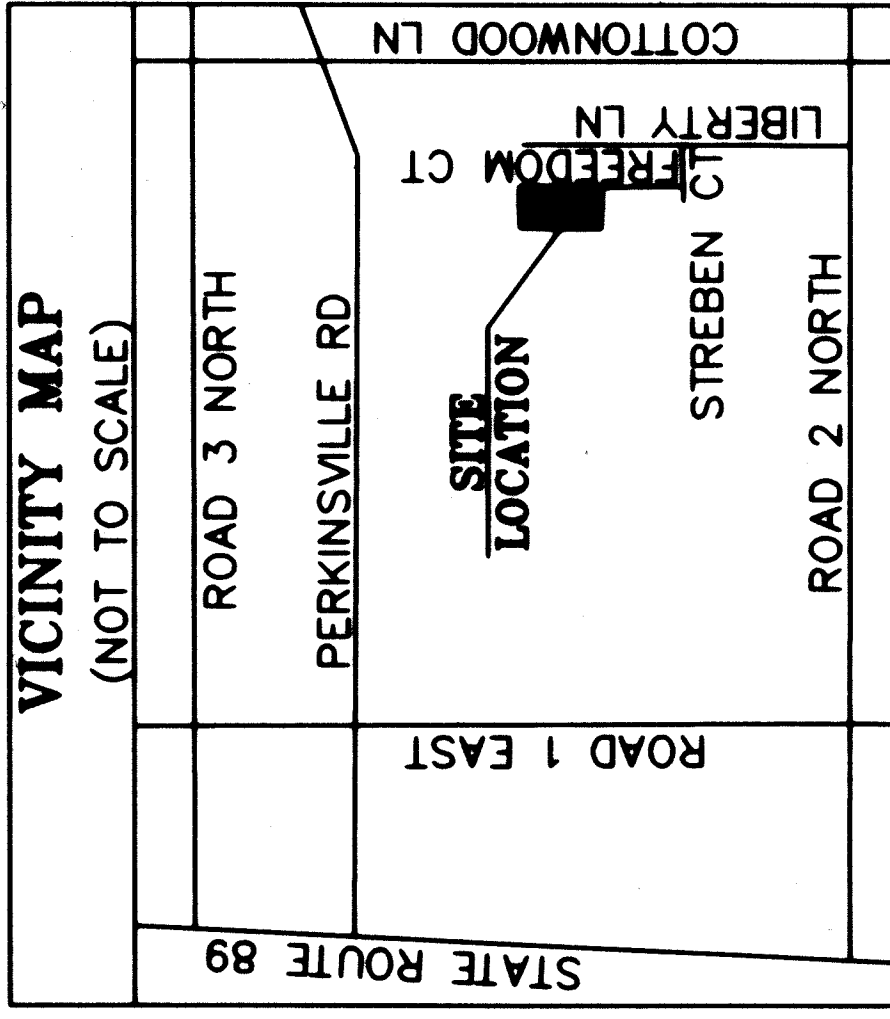
- 1) ALL EASEMENTS OF RECORD MAY NOT BE SHOWN
- 2) LOT OWNERS ARE RESPONSIBLE FOR MAINTAINING THE INTEGRITY OF THE PRIVATE INGRESS/EGRESS AND PUBLIC UTILITY EASEMENT
- 3) A ENGINEERED DRAINAGE STUDY AS REQUIRED BY SECTION 5.3.5(H) IS NOT REQUIRED FOR THIS MINOR SUBDIVISION AND THE PUBLIC WORKS DIRECTOR HAS DETERMINED THE MINOR SUBDIVISION HAS MET ALL REQUIREMENTS OF SECTIONS 5.3.5(A)-(G) OF THE TOWN OF CHINO VALLEY SUBDIVISION REGULATIONS WITHIN THE AMENDMENTS TO THE CHINO VALLEY TOWN CODE, CHAPTER 154 (UNIFIED DEVELOPMENT ORDINANCE), ADOPTED SEPTEMBER 8, 2020
- 4) ROAD IMPROVEMENTS REQUIRED BY THE TOWN OF CHINO VALLEY TO INCLUDE 4" ROAD BASE AND 2" OF DUST FREE SURFACE.

LEGAL DESCRIPTION

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.

CONTAINS 5 ACRES MORE OR LESS

CURVE TABLE				
CURVE NUMBER	DELTA	ARC LENGTH	RADIUS	CHORD BEARING
C1	270°00'10"	282.75'	60.00'	S44°50'54"W
				84.85'



VICINITY MAP
(NOT TO SCALE)

36X24

ACKNOWLEDGMENT

STATE OF ARIZONA

COUNTY OF YAVAPAI

ON THE DAY OF 2022, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, DID PERSONALLY APPEAR MICHAEL PATRICK O'BRIEN, OWNER, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME APPEARS ABOVE AND BEING DULY AUTHORIZED TO DO SO HAS EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS THEREOF I SET MY HAND AND SEAL.

NOTARY PUBLIC

DATE

MY COMMISSION

EXPIRES

STATE OF ARIZONA

COUNTY OF YAVAPAI

STATE OF ARIZONA

COUNTY OF YAVAPAI

ON THE DAY OF 2022, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, DID PERSONALLY APPEAR KATHLEEN MAYE O'BRIEN, OWNER, WHO ACKNOWLEDGED HERSELF TO BE THE PERSON WHOSE NAME APPEARS ABOVE AND BEING DULY AUTHORIZED TO DO SO HAS EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS THEREOF I SET MY HAND AND SEAL.

NOTARY PUBLIC

DATE

MY COMMISSION

EXPIRES

STATE OF ARIZONA

COUNTY OF YAVAPAI

ORIGINAL PARCEL RECORDING DATA

BOOK 2918 O.R., PAGE 63, 10/26/1994
RECORDS OF YAVAPAI COUNTY RECORDERS
OFFICE
YAVAPAI COUNTY, ARIZONA

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. d.

Meeting Date: 03/09/2021
Contact Person: Will Dingee, Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: None
Physical location of item: 828 E Road 4 South

AGENDA ITEM TITLE:

Consideration and possible action to approve the two-year extension of the protected development rights for AZ Organics located at 828 East Road 4 South, to continue the development of their site for the cultivation of medical marijuana. (Will Dingee, Planner)

RECOMMENDED ACTION:

Approve the two-year extension of the protected development rights for AZ Organics to continue the development of their site for the cultivation of medical marijuana.

SITUATION AND ANALYSIS:

Applicant: Chad Pipkins
 Property Owner: Azo One Members LLC (Chad Pipkins)
 Address: 828 East Road 4 South
 Parcel: 306-33-173T

Town Council approved the Protective Development Rights (PDR) for the cultivation of medical marijuana for AZ Organics in February 2016. It allowed for the 23.93 acre site to be developed for the cultivation of medical marijuana in conjunction with the approved development plan. The original PDR gave the applicant five (5) years to complete their development with the ability to ask for a two-year extension. The applicant is asking for the two-year extension in order to complete the development.

Other Pertinent Documents Available Upon Request:

See Attached Exhibits

Fiscal Impact

Fiscal Impact?: N/A
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Applicant Narrative and Exhibits

PHASED PROTECTED DEVELOPMENT RIGHTS PLAN 16-004
EXTENSION REQUEST
PROJECT NARRATIVE
FOR 51 +/- ACRES

ORIGINAL PARCELS 306-33-173R and 306-33-173Q

NEW PARCELS 306-33-173S and 306-33-173T

Submitted by:

Owner: AZO One Members LLC
&
Applicant: AZ Organics LLC ("AZO")
828 E Road 4 South
Chino Valley, AZ 86323

Submitted To:

The Town of Chino Valley ("Town")
Development Services
Planning and Zoning Division
1982 Voss Drive
Chino Valley, AZ 86323

Overview of the Property:

The Property consists of 51 +/- acres of land which includes 23.15 acres of the Property for the marijuana production site with only 10.4 acres being utilized for cultivation facilities and 3.1 acres being buildings and greenhouses.

Overview and Progress of Approved Phased Protected Development Rights Plan:

PDR Plan 16-004 was initially approved by the Town Council on February 23, 2016 with an effective date of March 22, 2016. The approved plan consisted of three (3) phases with Phase A being specific to development of the MJ Cultivation facilities within the MJ Site, Phase B being commercial development along Hwy 89, and Phase C being multi-family development along Road 1 East. All of which, AZO had relied upon a self-proclaimed “expert” management group for development and submittal of the original PDR application for the Property.

In the months following approval of the PDR, AZO became increasingly suspect of the management group’s abilities and intentions leading AZO to end the relationship and reconsider the development plans. AZO then hired a new contractor to finish construction of the cultivation facility and determined the best course of action was listing the non-cultivation land, pertaining to Phases B & C, for sale to a true development group. Phases B & C have been slow; however, we have signed a Purchase Sale Agreement with a very reputable convenience store chain for a portion of the Property located on Hwy 89.

At the time of approval, Phase A consisted of four (4) phases for completing construction of the MJ Cultivation facility over a five (5) year period with the possibility that an extension of no more than two (2) years may be necessary to complete all four phases. As of today, AZO has completed construction of the cultivation buildings, which are operational, on 1.05 acres of the Property as well as, the landscaping requirements. Current ‘as-builts’ are reflected in Exhibit “A” of this Extension Request.

Overview of Current Phased Development Plans for Extension Request:

AZO has spent considerable time and effort over the past 5 years overcoming the issues saddled on us by our former management group. The resolve of those issues delayed our ability to complete the buildout of the facility within five years from the date of approval. As of today, AZO is having initial discussions with contractors to complete the remaining buildings as provided in Phase A of the originally approved PDR.

It is expected the facilities will be constructed substantially consistent with the Site Plan, as reflected in Exhibit “B”, however the Protected Development Rights statutes do not envision or provide this Plan will control the building or design of the buildings to be completed on the

Property. Thereto, all construction will proceed through the typical Town building approval process and will comply with applicable building codes.

AZO respectfully requests that the Mayor and Town Council approve an additional two (2) year extension of the existing PDR.

With Appreciation,

A handwritten signature in blue ink, appearing to read 'Chad Pipkin', with a stylized flourish at the end.

Chad Pipkin
Managing Member
AZ Organics LLC

Exhibit "A"

ASBUILT SURVEY EXHIBIT

A PARCEL OF LAND, AS RECORDED IN BOOK 4126 OFFICIAL RECORDS, PAGE 95,
AND SHOWN IN BOOK 191 OF LAND SURVEYS, PAGE 44,
YAVAPAI COUNTY RECORDERS OFFICE, LOCATED IN THE SOUTHEAST
QUARTER OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.



STATE ROUTE 89

100' ROW



LEGEND

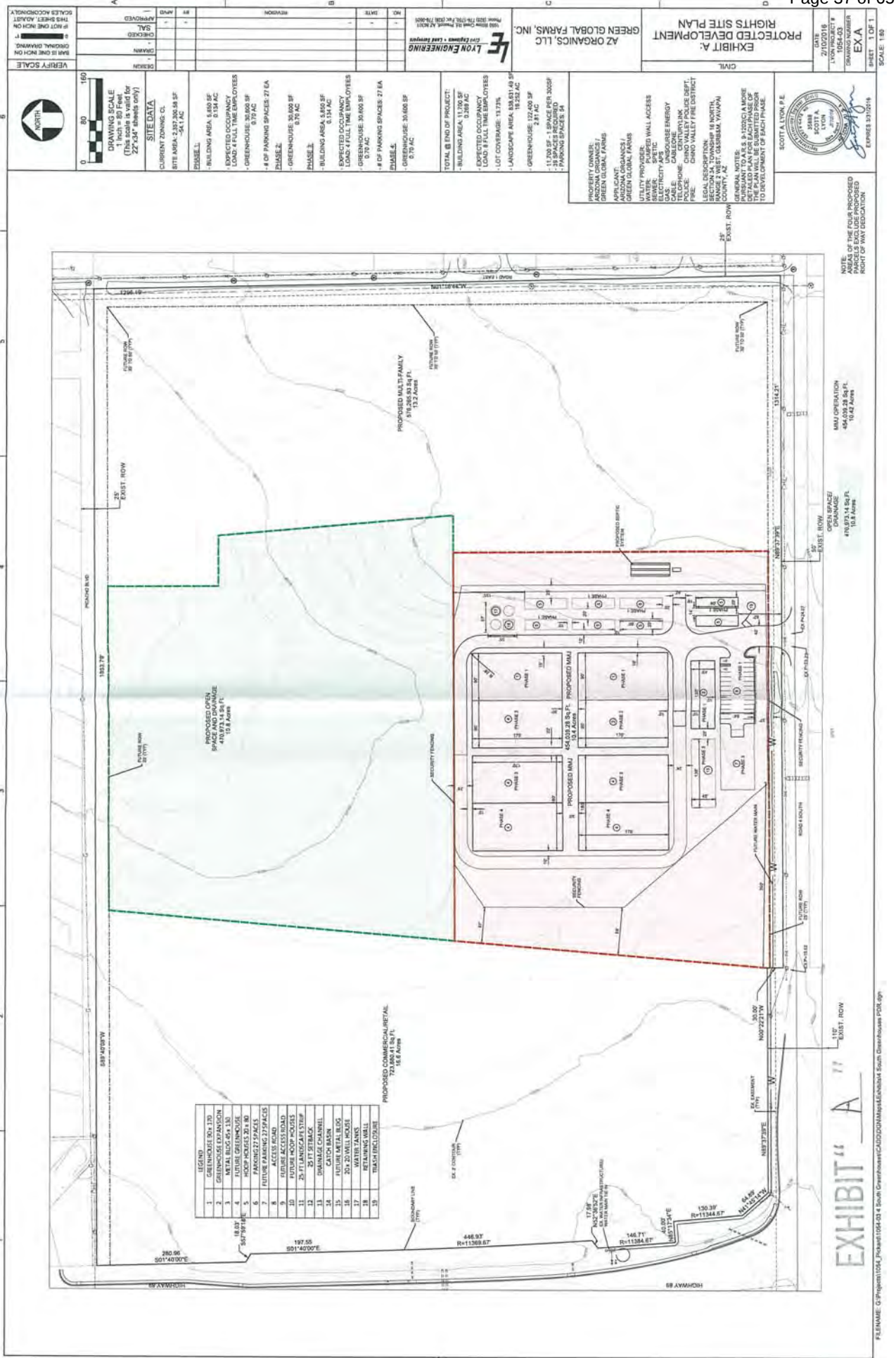
- EXISTING PINION PINE
- CATCH BASIN
- SEWER MANHOLE
- WATER TANK
- PAVED HOUSE
- PAVEMENT
- CONCRETE
- EDGE OF PAVEMENT

- CB
- MT
- PL
- PM
- C
- EP



LE Lyon Engineering
Civil Engineers • Land Surveyors
1650 WILLOW CREEK ROAD PRESCOTT, AZ 86301 (928) 776-1750
ASBUILT SURVEY EXHIBIT
DATE: 02-09-21 JOB NO: 1054-03
DRAWN BY: RJW CHECKED BY: JO
SHEET 1 OF 1

Exhibit "B"



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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. e.

Meeting Date: 03/09/2021

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type:

AGENDA ITEM TITLE:

Consideration and possible action to approve the February 9, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the February 9, 2021, regular meeting minutes.

Attachments

02-09-21 draft minutes

DRAFT

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

**TUESDAY, FEBRUARY 9, 2021
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Mayor Jack Miller; Vice-Mayor Corey Mendoza; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember Annie Perkins; Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Development Services Director Joshua Cook; Public Works Director/Town Engineer Frank Marbury; Administrative Services Director Joe Duffy; Police Chief Chuck Wynn; Economic Development / Project Manager Maggie Tidaback; Planner Will Dingee; Lieutenant Randy Chapman; Lieutenant Joshua McIntire; Sergeant Cody Johnson; Officer Todd Hyslip (Sergeant at Arms); IT Manager Spencer Guest (videographer); Deputy Town Clerk Traci Lavelle (recorder); Town Clerk Erin Deskins

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

Mayor Miller called the meeting to order at 6:08 p.m.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Quarterly update by the Chino Valley Area Chamber of Commerce. (Lorette Brashear, Chamber of Commerce Director)

Lorette Brashear presented the following:

- Continued business throughout the pandemic while following proper protocol.
- Continued holding community events, while thinking outside the box to deal with pandemic issues.
- Women in business and Chamber Ambassador's had resumed their normal schedules and meetings.
- The Chamber office found a new permanent location across the street from Town Hall offices. The building and surrounding areas were being updated.
- A list of upcoming events was shared.
- The Chamber was working on a giant community map that showed businesses and places of interest.

- A GoFundMe account was created to fund an amphitheater to hold community events, as well as a conference room for the Chamber.

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. Individuals who wish to speak, please state your first and last name and if you reside in Chino Valley Town Limits.

4) **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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

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

Mayor Miller reported on the following:

- Former Manager Cecilia Grittmann could not attend her last meeting as expected, but the Town wanted to recognize her almost 20 years of service.
- Welcomed new Town Manager, Cindy Blackmore.

Councilmember Perkins reported the Chino Valley Unified School District voted for all students, Pre-K through 12th grade to return to fulltime in person attendance beginning on February 16th, but families wishing to stay online had the option to continue.

Councilmember Granillo reported on the Chino Valley Football and Cheer fund-raising event.

- b) Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

Cindy Blackmore thanked the estate of Mary Katherine Campbell for a donation made to the local animal shelter. The donation was used to purchase an animal shelter transport van.

5) **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 Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to approve consent agenda items 5 (a), (b), (c), and (d) as written.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the Financial Report for the six months ending December 31, 2020. (Joe Duffy, Administrative Services Director)
- b) Consideration and possible action to approve the Council Entity appointments and the Council Subcommittee appointments. (Erin N. Deskins, Town Clerk)
- c) Consideration and possible action to approve January 12, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)
- d) Consideration and possible action to approve January 19, 2021, study session minutes. (Erin N. Deskins, Town Clerk)

6) 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 accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2020, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Administrative Services Director)

Recommended Action: Accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2020, as prepared by Henry & Horne, LLP, Certified Public Accountants.

Joe Duffy presented the following:

- This was the annual report prepared by the Town auditor's Henry and Horne.

Brian Hemmerle of Henry & Horne presented the following:

- Reviewed the requirements of the Financial Statement audit as provided through State Statutes.
- The auditor's job was to provide reasonable assurance that the financial statements were materially correct through statistical sampling.
- An overview of the review process was provided.
- The Town received a clean opinion of their financial statements. The yellow book audit, also known as a generally accepted government audit on compliance with grants,

contracts, laws and regulations also received a clean opinion.

- There were still recommendations and findings throughout the audit. Those included the following:
 - There was a material weakness in debt compliance with the Town's bonds. Town disclosures needed to be uploaded in a timely manner.
 - Significant deficiencies:
 1. There had been reconciling issues between permit fees and subledgers. The situation and reconciliation had already been remedied.
 2. The May sales tax receivable revenue received by the State was improperly recorded.
- The Town's assets, liabilities, and equity five year trend analysis was reviewed.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Cloyce Kelly to accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2020, as prepared by Henry & Horne, LLP, Certified Public Accountants.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- b)** Consideration and possible action to (i) approve the 70% Police Building Design, (ii) approve the First Amendment to Professional Services Agreement with Stroh Architecture, Inc. for completion of construction plans and (iii) authorize and direct staff to arrange for financing options and to solicit bids for construction. (Chuck Wynn, Police Chief)

Recommended Action: (i) Approve the 70% Police Building Design, (ii) approve the First Amendment to Professional Services Agreement with Stroh Architecture, Inc. for completion of construction plans and (iii) authorize and direct staff to arrange for financing options and to solicit bids for construction.

Chief Wynn presented on the following:

- Council had reviewed and discussed this during the January Study Session.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Cloyce Kelly to: (i) Approve the 70% Police Building Design, (ii) approve the First Amendment to Professional Services Agreement with Stroh Architecture, Inc. for completion of construction plans and (iii) authorize and direct staff to arrange for financing options and to solicit bids for construction.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the two-year extension of the protected development rights for Chino Valley Farms to continue the development of their site for the cultivation of medical marijuana. (Will Dingee, Planner)

Recommended Action: Approve the two-year extension of the protected development rights for Chino Valley Farms to continue the development of their site for the cultivation of medical marijuana.

Will Dingee presented the following:

- The applicant was requesting an extension of the protected development rights (PDR) for continued development of their site for cultivation of medical marijuana.
- The site location and surrounding properties were reviewed.
- Council had approved the PDR in February 2016. It allowed the 12 acre property to be developed over three phases with greenhouses totaling over 220,000 square feet.
- The original PDR gave the applicant five years to complete development with the ability to request a two year extension.
- The original site plan was reviewed before presenting the new site plan. The new site plan included five greenhouses, employee parking, a one acre residential property subdivided off earlier in the year (no affiliation with the PDR), and the greenhouse square footage request of 64,000 square footage. The entitlement of 220,000 square feet was still in effect.
- Staff was recommending approval of the two year extension.

Councilmembers and staff discussed the following:

- The applicant had previously requested and received a conditional use permit to establish the residential property in the commercial light district, subdivided the property and subsequently sold it. It was no longer part of the PDR.
- Everything was in compliance.
- The extension request was based on the original site plan. The first plan defined the entitlements, which gave them the 220,000 square feet of greenhouse and cultivation space. The applicant was moving forward with the same entitlements but was currently only pursuing a portion of those entitlements. The entitlement was because the development was non-conforming with the zoning district. The protected development right gave the applicant the ability to cultivate and develop the site while non-conforming. As long as the applicant develops up to the 220,000 square feet within the next two years, they would need to submit an additional site plan showing where the additional greenhouses would go. Any new development would need to go through the building permit process to ensure compliance with zoning regulations. They could develop the entire 220,000 square feet within the next two years.
- The site was approved through the PDR for medical marijuana cultivation and there was nothing in the PDR that discussed recreational marijuana. Because it was a non-conforming use, expansion or enlargement beyond what had been approved would not be permitted.

The applicant's attorney, Tom Kack, via Zoom, discussed the following:

- Explained the site was for the cultivation and processing of medical marijuana.
- Explained the site was not only bringing in money for the Town, but also good jobs and pay with benefits.
- None of the product stayed in Town. It was processed and sent down to the Phoenix area.

- The expectation, with the recent legalization of recreational marijuana, was that the site would continue to expand its cultivation site under the same rules and regulations. It was also expected that with expansion, more jobs would be created.

MOVED by Mayor Jack Miller, seconded by Councilmember Annie Perkins to approve the two-year extension of the protected development rights for Chino Valley Farms to continue the development of their site for the cultivation of medical marijuana.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve and adopt Chapter 117 of the Town Code regulating Recreational Marijuana. (Joshua Cook, Development Services Director)

Recommended Action: Approve and adopt Chapter 117 of the Town Code regulating Recreational Marijuana.

Joshua Cook presented the following:

- In a January study session, members discussed a new text amendment to the Town Code adding a chapter on recreational marijuana. The chapter would regulate the cultivation, extraction and infusion of recreational marijuana within the Town. It did not address medical marijuana.
- There would need to be a text amendment to the medical marijuana section so that both sections were tied together.
- Staff recommended approval of the language.

Councilmembers, Town Attorney, and staff discussed the following:

- The definition of residential zoning district was how the zone was classified. All the residential categories were zoning districts. Individual households were the only ones permitted to cultivate marijuana in those zones, but medical or recreational providers were only allowed to cultivate their product in the industrial districts.
- Section 117-8 C was an exception statement that covered provisions beyond what was allowed in State statute. Section C limited the cultivation beyond what had been specified in State Statutes.
- The "Department", as used in the new code section referred to the State of Arizona Health Services or its successor agency.

MOVED by Councilmember Annie Perkins, seconded by Vice-Mayor Corey Mendoza to approve and adopt Chapter 117 of the Town Code regulating Recreational Marijuana.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

7) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the regular meeting at 6:45 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

**EXECUTIVE SESSION
TUESDAY, FEBRUARY 9, 2021
6:30 P.M.**

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

AGENDA

- 1) CALL TO ORDER; ROLL CALL**
- 2)** 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 pending lawsuit.(Cindy Blackmore, Town Manager)
- 3) ADJOURNMENT**

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, 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 _____ day of _____, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. f.

Meeting Date: 03/09/2021

Contact Person: Traci Lavelle, Deputy Town Clerk
Phone: 928-636-2646 x-1210

Department: Town Clerk

Item Type:

AGENDA ITEM TITLE:

Consideration and possible action to approve the February 16, 2021, study session minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the February 16, 2021, study session minutes. (Erin N. Deskins, Town Clerk)

Attachments

2-16-21 draft minutes

DRAFT

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, FEBRUARY 16, 2021
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

1) CALL TO ORDER; ROLL CALL

Present: Mayor Jack Miller; Vice-Mayor Corey Mendoza; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember Annie Perkins; Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Development Services Director Joshua Cook; Public Works Director/Town Engineer Frank Marbury; Chief Building Official Dan Trout; Economic Development / Project Manager Maggie Tidaback; Planner Will Dingee; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Traci Lavelle (recorder); Town Clerk Erin Deskins

Mayor Miller called the meeting to order at 6:01 p.m.

2) Consideration and discussion regarding the Town of Chino Valley Rural Co-Op Tourism Program with the Arizona Office of Tourism. (Maggie Tidaback, Economic Development Project Manager)

Maggie Tidaback presented the following:

- She had been working on a tourism campaign for the Town over the past year.
- Tourism was important because:
 - It brought to Town new money, new jobs, businesses and events, and boosted the economy.
 - It supported small businesses and enabled them to expand.
 - It built relationships within the community.
 - It helped build and maintain existing and new community amenities.
- Types of Tourism included:
 - Recreational
 - Agritourism
 - Sports Tourism
 - Adventure Tourism
 - Historic Tourism
- Arizona Office of Tourism Central Arizona 2018 numbers brought a large amount of money to the State and the Town had an opportunity to tap into some of that. The

addition of an RV Park and additional overnight accommodations would bring more opportunity to get some of those dollars. Covid had brought some of these numbers down over the last year.

- She had applied for a grant through a rural marketing co-op program through Arizona Office of Tourism. The Town was awarded grant funds through a 50/50 match for \$8,300. The grant ad types and partners were reviewed.
- In March the Local First Arizona Rural Development Council would be meeting in Town with local stakeholders. Discussions would center on what the Town had to offer visitors and the essence of the community.
- The next step would be developing the website and logo. A company had been selected to develop both.

Council Members and staff discussed the following:

- The website would be discoverchinovalley.org and the website developer would be creating a brand for tourism in Town. The website was separate from the Town's. The site would have its own logo, colors and individual website.
- Staff expected new dollars to be generated from the website and development, and expected the community to come together through community outreach programs.

3) Consideration and discussion regarding amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the definition and regulations of a Metal Storage Container. (Will Dingee, Assistant Planner)

Joshua Cook presented the following:

- Staff was proposing the text amendment because conex boxes had been allowed in the past and there were several throughout Town. The current UDO had no provisions to allow for conex boxes. There was an unclear statement within the residential sections under conditional uses that stated the zoning administrator had the authority to regulate the process for approval for items not specifically listed in zoning district. Current staff had opted for the conditional use process for conex boxes, which put the burden of approval on Planning & Zoning, and Council.
- The reason conex boxes had been allowed in the past was because policy letters were written to grant authority for their use. This was not the appropriate method. It should be done by a text amendment process in which the proposal was codified in the zoning ordinance and adopted by Council.
- The UDO Subcommittee had met at least three times over the last year to discuss the conex boxes. A review of the meetings and outcomes was provided. No changes recommended from the last meeting had been incorporated because Committee Members and staff wanted to make any changes with full Council.

Council Members and staff discussed the following:

- Accessory structures had a five foot setback from side and rear yard. Staff had been using the same guidelines for the conex boxes.
- This text amendment did not address anything with axles and wheels and only addressed conex boxes.
- This was coming to Council partly as a preventative measure and because if it was not in code, it was prohibited and could not be regulated. The Town had been regulating conex

boxes, which were not in the code. They were not considered structures or storage sheds and required a Conditional Use Permit (CUP) so they could be placed on the property. If it was not listed in the zoning ordinance, it was prohibited. Staff was bringing this to Council because many people had asked for permission to place conex boxes on their property.

- There were not any specific complaints about people using conex boxes. Staff explained that they did get complaints on the current approval process, which could take up to two months. There had been some complaints about conex boxes obstructing views.
- The proposed language would allow staff to issue a land use permit, which would allow staff to ensure it was placed within the accessory structure setback guidelines, which were the least restrictive setback guidelines.
- The UDO Subcommittee had struggled with regulating and developing an approval for people to have the ability to use conex boxes. The Subcommittee had looked at what was realistic and acceptable to neighbors. Another topic the committee grappled with was the number of units that would be allowed on any particular lot based on size or use. It was clear that use of the boxes was for storage containers and not workshops. Discussions in the Subcommittee had overviewed the cost of building a garage was significantly higher than placing a cargo box on a property. Members thought it was important for people to be able to afford to put storage on their property, and the cargo boxes allowed for this.
- Another discussion in the UDO was the appearance of properties. It was agreed that it's better to have belongings inside a storage unit than to have them scattered around the property. The Committee wanted to require containers to be painted in earth tones or similar to the adjacent property structure, so cosmetically the appearance was more appealing.
- The size and number of units could be determined similarly to sheds, with the total number based on a percentage of total property coverage of all buildings. The units could be classified as sheds. Residential properties would be prohibited from having a 40 foot container. The total percentage of property coverage was dependent on the zone. Other options were discussed based on the total size of the property, but it did not work for every zone or property.
- Determination of whether a container was blocking a view was impossible to make.
- Staff explained the reasoning for developing regulations was not just based on community complaints. The Town's code was prohibitive in nature, meaning anything not specifically listed was prohibited. Since conex boxes were not considered a structure, they could not be treated like a shed. To approve and allow people to start using conex boxes on their property in a manner in which they were treated like storage sheds, required Council action to add something into the Code allowing staff to recognize the storage containers as a shed. Language had been drafted to eliminate some uses beyond storage. Staff and code enforcement would ensure all regulations were being followed.
- Interior lighting would not be allowed because the containers did not qualify through the building code as a structure, so electrical permits could not be issued. There were lighting options available that did not require electricity to the storage units.
- Conex boxes had been a topic with Council previously, but it still needed to be addressed in the zoning regulations. Staff explained that a property maintenance code had been adopted, moving it from the UDO into the Town code, but it dealt with code enforcement ability to cite someone for unmaintained property. It also dealt with vehicles and junk around the yards. The code was clear on screening of outdoor storage and what the definition was of outdoor storage.
- It was being proposed that containers could be placed on a property if they met the minimum setbacks, they were painted, no electrical power to the units, and the number of units would be based on the zone.
- UDO Committee members wanted to avoid the CUP process. Adoption of the language

would eliminate the need for staff to initiate the CUP process.

- A definition for metal storage container would be added to the code and included in the outdoor storage section enabling metal storage containers to be allowed outright. The remaining questions was how many would be allowed on a property.
- Members wanted the total allowance to be the same as storage sheds, which could be up to 50% of the lot. Staff explained that sheds were considered a structure because they were built to building code standards and metal storage containers were not, which was why a definition for metal storage containers had been added.
- UDO Committee members explained that staff was not dictating any regulations. Everything proposed was determined through the UDO Subcommittee meetings. But Subcommittee members were concerned they were overstepping their boundaries by initiating regulations.
- Members discussed how other areas of the United States were allowing the same metal containers to be turned into residential living quarters. Staff explained that if someone came to town that had an architectural and engineered stamped designed home that incorporated conex box material, it could be reviewed and possibly approved by the Town. The issue the Town currently had was that people were buying the containers and dropping them on their lots and then modifying them. Staff was not for or against the use of conex boxes but determined there was an issue when people were seeking approval, but the Town did not have a provision for them.
- Members were not supportive of the restrictions on the number of units.
- Some members wanted to treat the containers as an accessory unit, but others thought when considering setback requirements, they should be treated more like a garage or permanent structure, because once the containers were placed, they were not going to be moved. Members discussed the pros and cons of setback requirements.
- Members agreed the larger setback requirements used for permanent structures was preferred.
- The Town did not recognize HOA rules and would still issue a land use permit for conex boxes despite any HOA requirements.
- Members discussed different options for different zones. Staff explained that a sunset clause could be added to the regulations to ensure the issue was revisited after one or two years.
- If the number of units on a lot was based on total lot coverage, applicants would need to provide square footage of every structure on their property and a calculation would need to be done by staff for each land use application.
- Members explained that one percent of an acre lot was 435 square feet. If one percent of the property could contain metal containers, it would allow more square footage than the maximum two unit requirement. If a flat percentage of the property were used as the requirement, a larger property could have a higher number of allowed containers.
- Members thought the percentage of property was the fairest method. Staff explained it was easier to calculate a flat percentage based on the lot size and storage containers than to calculate total lot coverage. It was agreed amongst the Members to allow for containers based on one percent of the property size, all containers painted the same color with the proper setbacks followed. Staff stated the inclusion of a two year sunset clause would allow Council to review whether the regulations were working for the community.
- Commercial and Industrial zones could also have a percentage rate of the property, but many of the commercial lots were smaller than an acre. Staff reviewed the regulations for Commercial lots. Adding a conex box to a commercial property would trigger a site plan to verify setback and parking requirements were being met. They could start requiring that a proportionate amount of landscaping be added based on the square footage of the container being added. Members discussed what would trigger a site review.

- Members agreed that a percentage of the total property should be used for Commercial property. Members discussed what percentage would work best and thought that commercial property could need auxiliary storage more than residential lots. Members discussed how the location of commercial lots would make a difference on the number of containers that would be appropriate for the area. For the good of the business corridor, the Town needed to determine how to differentiate the areas and the percentage allowed for containers. Staff explained they could add an additional requirement that all properties that fronted State Route 89 would be restricted to the additional requirements.
- Members discussed allowing three percent per acre for off highway commercial property. Members also discussed that two 40 foot containers kept behind a building on commercial property located on the highway was not too much. Three percent coverage for off highway commercial property would be approximately four containers per acre. Two 40 foot containers per acre would be lot coverage of 1.5%, which could be used for property on the highway. A half-acre of commercial property could have one container.
- Members wanted to incorporate rules on containers which included:
 - Containers could not be stacked on top of one another and could only be one story.
 - No garbage could be piled on top.
- Staff explained that accessory buildings including conex boxes, were not allowed on property without a primary use. The only lots that did not require a building were contractor lots in Commercial Heavy zones. Conex boxes would be allowed on a contractor's lot without any buildings if that was the primary use of the property. It would still be restricted to 3% of the lot.
- If a property owner had a legitimate reason to have more containers than what was allowed by code, they could apply for a CUP.

The meeting was recessed from 7:13 to 7:15 p.m.

The agreed upon conex box regulations were as follows:

- Residential Zones: Allow for one percent of the total square footage of the lot to be used for conex boxes.
- Include a sunset clause.
- The conex boxes need to meet the maximum setback requirements instead of the less restrictive accessory setbacks.
- Commercial property: Allow for three percent for commercial and industrial properties that were off the highway, and there had to be a primary use on the property.
- Containers had to be one story and not stacked, and no items stored on top.
- Item H would be added stating properties facing State Route 89, would be required to meet design requirements, and would be allowed 1.5 %, equivalent to two 40 foot containers.
- A property owner may apply for a CUP for extenuating circumstances.

4) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Annie Perkins to adjourn the meeting at 7:34 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, 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 _____ day of _____, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.

Erin N. Deskins, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 03/09/2021
Contact Person: Scott Bruner, Community Services Director
 Phone: 928-636-2687 x-1237
Department: Community Services
Estimated length of staff presentation: 5 minutes
Physical location of item: Town of Chino Valley Aquatics Center

AGENDA ITEM TITLE:

Consideration, discussion, and possible action regarding the upcoming 2021 aquatics center season with attendance restrictions. (Cyndi Thomas, Assistant Community Services Director)

RECOMMENDED ACTION:

Direct Staff per Council discussion.

SITUATION AND ANALYSIS:

Staff would like Council to review the proposed options and direct staff on how they should open the Aquatic Center this season.

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 69
Available: \$248,000
Funding Source:

Attachments

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. b.

Meeting Date: 03/09/2021
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the proposed text amendment to the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the proposed definition and regulations for Metal Storage Containers. (Will Dingee, Planner)

RECOMMENDED ACTION:

Approve the proposed text amendment to the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1 Meanings of Words and Terms and Section 4.9 Outdoor Storage, by adding the proposed definition and regulations for Metal Storage Containers.

SITUATION AND ANALYSIS:

Under current Town Code, there are no provisions to allow staff to permit a steel shipping container (commonly referred to as a conex Box) within in the Town of Chino Valley limits. Previously, staff had instituted a policy that allowed for the placement of these containers. However, it has since been determined that the creation of this policy is not something that can be done solely at the discretion of Town staff.

On February 26, 2020, staff met with the UDO Update Subcommittee to ask for direction regarding shipping containers. The subcommittee members gave staff the go ahead to draft language that would address this issue. Unfortunately, due to COVID and the subdivision regulations text amendment, this language was placed on hold.

Staff met with the UDO Update Subcommittee on October 28, 2020, and presented draft language in response to the February meeting. The subcommittee gave direction to proceed with the text amendment so long as certain changes were reflected in the language. The changes involve screening requirements, conversion of the containers to a use other than storage, electrical service and allowed quantity.

The Planning Commission recommended 7-0 approval of the requested text amendment on December 1, 2020.

The UDO Subcommittee met again on February 3, 2021, to discuss the language once again. It was then

presented to Council at a study session on February 16, 2021

CITIZENS OUTREACH: Staff has notified all residents within Chino Valley through public notification. The draft text amendment has been uploaded to the Town of Chino Valley's homepage and can be accessed by citizens by going to the news flash section. Staff has encouraged the citizens to send comments to the Development Service Department. To date, staff has not received any comments or emails from residents.

Staff has attached a copy of the proposed language to this staff report (See Attachment 1: Proposed Text Amendment Language).

Other Pertinent Documents Available Upon Request:

Not Applicable

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Not Applicable

Attachments

ORD 2021-893 - Conex Boxes

ORDINANCE NO. 2021-893

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING THE PROVISIONS RELATING TO MEANINGS OF WORDS AND TERMS AND OUTDOOR STORAGE.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the “UDO”), by modifying the provisions relating to outdoor storage (the “Text Amendment”); and

WHEREAS, the Town Council has determined that the Text Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan; 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 recommended approval of the Text Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The UDO, Section 2.1 (Meanings of Words and Terms), is hereby amended to add the definition of “metal storage containers” as follows (deleted text is shown in strikethrough, and new text is shown in ALL CAPS):

METAL STORAGE CONTAINER. A STEEL OR OTHER METAL STORAGE CONTAINER SOMETIMES REFERRED TO AS A CARGO CONTAINER OR CONEX BOX, WHICH IS INDEPENDENT OF ANY TRAILER OR AXLES, AND IS COMMERCIALY PRODUCED AND DESIGNED FOR THE PURPOSES OF STORAGE OF PERSONAL OR COMMERCIAL BELONGINGS/PRODUCTS. THIS DOES NOT INCLUDE TRACTOR-TRAILERS, BOXCARS, OR VEHICLE CARGO BOX/BODY.

Section 3. The UDO, Section 4.9 (Outdoor Storage), is hereby amended as follows (deleted text is shown in strikethrough, and new text is shown in ALL CAPS):

4.9 OUTDOOR STORAGE

A. IN RESIDENTIAL ZONING DISTRICTS. OUTDOOR STORAGE OF OBJECTS AND MATERIALS SHALL BE PERMITTED AS AN ACCESSORY USE ONLY IF A PRIMARY USE ON THE PROPERTY HAS BEEN ESTABLISHED, AND SUBJECT TO THE FOLLOWING:

1. No **travel trailer**, motor home, **recreational vehicle (INCLUDING PARK TRAILERS)**, or boat stored on residentially zoned parcels or **lots** shall be made suitable for on-site occupancy unless permitted in the specific zoning regulation. ~~Evidence of an on-site residency shall consist of~~ "SUITABLE FOR ON-SITE OCCUPANCY" MEANS at least three (3) of the following conditions ARE PRESENT:
 - a. Connection to a source of power.
 - b. Connection to a source of water.
 - c. Connection to sewer or septic system.
 - d. Raising or leveling by means of jacks, stands or **blocks**.
 - e. Having a mailbox.
 - f. Having any attached or ~~adjacent structure~~ **ADJACENT STRUCTURE** or improvement, ~~which~~ **THAT** enhances on-site livability and/or decreases the mobility of the vehicle.
 - g. Removal of wheels, axles or hitches on a vehicle normally fitted with wheels, axles and/or hitches. All vehicles shall be kept in reasonable repair and neatly arranged to resemble a parked position.
2. THE INSTALLATION OR PLACEMENT OF A METAL STORAGE CONTAINER IS ALLOWED AS AN ACCESSORY USE, SOLELY FOR THE STORAGE OF PERSONAL ITEMS OWNED BY THE PROPERTY OWNER OR OCCUPANT SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:
 - a. PROPERTIES LOCATED WITHIN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS ARE ALLOWED A TOTAL SQUARE FOOTAGE OF METAL STORAGE CONTAINER EQUAL TO OR LESS THAN ONE PERCENT OF THE PROPERTY'S TOTAL SQUARE FOOTAGE (E.G., A ONE-ACRE PROPERTY WOULD BE ALLOWED 435 TOTAL SQUARE FEET OF METAL STORAGE CONTAINER).

- b. A LAND USE PERMIT IS REQUIRED AND SHALL BE OBTAINED PRIOR TO PLACEMENT OF THE METAL STORAGE CONTAINER. METAL STORAGE CONTAINERS ARE EXEMPT FROM BUILDING PERMITS, AS THEY ARE NOT STRUCTURES.
- c. ALL METAL STORAGE CONTAINERS SHALL BE PLACED IN THE REAR YARD AREA AND SHALL MEET THE PROPERTY DEVELOPMENT STANDARDS OF THE RESPECTIVE ZONING DISTRICTS. METAL STORAGE CONTAINERS SHALL MEET THE MINIMUM SETBACKS FOR PERMANENT STRUCTURES INSTEAD OF THE SETBACKS FOR ACCESSORY STRUCTURES.
- d. ALL METAL STORAGE CONTAINERS SHALL BE PAINTED A SINGLE COLOR WITHIN FIFTEEN (15) DAYS OF PLACEMENT AND SHOULD BE MAINTAINED IN SUCH CONDITION AT ALL TIMES WHILE ON THE PROPERTY. GRAFFITI LEFT ON THE METAL STORAGE CONTAINER IS NOT PERMISSIBLE. IT IS ENCOURAGED THAT THE METAL STORAGE CONTAINERS COLOR BE EITHER THE PRIMARY STRUCTURE'S COLOR OR AN EARTH TONE CONSISTENT WITH THE SURROUNDING TERRAIN.
- e. PHYSICAL MODIFICATION OF METAL STORAGE CONTAINERS IS PROHIBITED. THE ADDITION OF ANY STRUCTURE TO A METAL STORAGE CONTAINER, INCLUDING, BUT NOT LIMITED TO, ROOFS, OTHER METAL STORAGE CONTAINERS, WALLS, OR DECKS, IS PROHIBITED. MODIFICATION OF A METAL STORAGE CONTAINER TO REPURPOSE IT INTO SOMETHING OTHER THAN A STORAGE SPACE REQUIRES ENGINEERING AND SHALL BE SUBMITTED TO THE TOWN FOR BUILDING PERMIT REVIEW.
- f. ELECTRICAL SERVICE TO METAL STORAGE CONTAINERS IS PROHIBITED.
- g. PLACEMENT OF THE METAL STORAGE CONTAINER IS SUBJECT TO DRAINAGE AND BUILDING SAFETY REQUIREMENTS. THE TOWN ENGINEER MAY REQUIRE ANCHORING OF THE METAL STORAGE CONTAINER.
- h. TEMPORARY USES OF SUCH METAL STORAGE CONTAINERS MAY BE APPROVED IN CONJUNCTION WITH A TOWN ISSUED BUILDING PERMIT.

B. 2. ~~IN Commercial, manufacturing and industrial zone~~ **INDUSTRIAL ZONING DISTRICTS. Outdoor storage** of objects and materials shall be permitted as AN **accessory use** when a primary **use** has been established in **commercial**,

manufacturing and industrial zones ~~INDUSTRIAL ZONING DISTRICTS~~, providing the following conditions are met:

1. ~~a. All outdoor storage must be stored~~ OCCUR at least thirty-five (35) feet from the edge of the ~~pavement or other prepared street~~ ROADWAY subject to:
 - a. ~~i. Storage may not occur within ten (10) feet from any street or property line.~~
 - b. ~~ii. Any material or objects stored within the required front or street side yard shall not exceed eight (8) feet in height.~~
2. ~~b. Flammables stored outdoors must be a minimum of ten (10) feet from any property line or such storage must be previously approved by the local fire department.~~
3. ~~c. No travel trailer, motor home, recreational vehicle (INCLUDING PARK TRAILERS), or boat stored on commercial, manufacturing or industrial zoned parcels or lots shall be made suitable for on-site occupancy unless permitted in the specific zoning regulation. Evidence of an on-site residency shall consist of "SUITABLE FOR ON-SITE OCCUPANCY" MEANS at least three (3) of the following conditions ARE PRESENT:~~
 - a. ~~i. Connection to a source of power.~~
 - b. ~~ii. Connection to a source of water.~~
 - c. ~~iii. Connection to sewer or septic or sewer system.~~
 - d. ~~iv. Raising or leveling by means of jacks, stands or blocks.~~
 - e. ~~v. Having a mailbox.~~
 - f. ~~vi. Having any attached or adjacent structure ADJACENT STRUCTURE or improvement, which THAT enhances on-site livability and/or decreases the mobility of the vehicle.~~
 - g. ~~vii. Removal of wheels, axles or hitches on a vehicle normally fitted with wheels, axles and/or hitches.~~
4. ~~d. All outdoor storage shall be arranged in a neat and orderly manner or screened from the view of neighboring properties.~~
5. THE INSTALLATION OR PLACEMENT OF A METAL STORAGE CONTAINER IS ALLOWED ON COMMERCIAL AND INDUSTRIAL PROPERTY AS AN ACCESSORY USE, SOLELY FOR THE STORAGE OF

ITEMS OWNED BY THE BUSINESS OWNER OR OCCUPANT SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:

- a. PLACEMENT OF ANY METAL STORAGE CONTAINER REQUIRES SITE PLAN REVIEW AND APPROVAL.
- b. PROPERTIES LOCATED WITHIN COMMERCIAL AND INDUSTRIAL DISTRICTS AND NOT ON SR 89 ARE ALLOWED A TOTAL SQUARE FOOTAGE OF METAL STORAGE CONTAINER EQUAL TO OR LESS THAN THREE PERCENT OF THE PROPERTY'S TOTAL SQUARE FOOTAGE (E.G., A ONE-ACRE PROPERTY WOULD BE ALLOWED 1,306 TOTAL SQUARE FEET OF METAL STORAGE CONTAINER).
- c. PROPERTIES LOCATED WITHIN COMMERCIAL AND INDUSTRIAL DISTRICTS ON SR 89 SHALL BE LIMITED TO A TOTAL SQUARE FOOTAGE OF METAL STORAGE CONTAINER EQUAL TO OR LESS THAN ONE AND ONE-HALF PERCENT OF THE PROPERTY'S TOTAL SQUARE FOOTAGE (E.G., A ONE-ACRE PROPERTY WOULD BE ALLOWED 653 TOTAL SQUARE FEET OF METAL STORAGE CONTAINER).
- d. ALL METAL STORAGE CONTAINERS SHALL BE PLACED AT THE REAR OF THE BUSINESS AND SHALL MEET THE PROPERTY DEVELOPMENT STANDARDS OF THE RESPECTIVE ZONING DISTRICTS. THOSE METAL STORAGE CONTAINERS THAT CANNOT BE PLACED TO THE REAR OF THE BUILDING SHALL BE FULLY SCREENED WITH BOTH LANDSCAPING AND FENCING. METAL STORAGE CONTAINERS SHALL MEET THE MINIMUM SETBACKS FOR PERMANENT STRUCTURES INSTEAD OF THE SETBACKS FOR ACCESSORY STRUCTURES.
- e. ALL METAL STORAGE CONTAINERS SHALL BE PAINTED A SINGLE COLOR WITHIN FIFTEEN (15) DAYS OF PLACEMENT AND SHOULD BE MAINTAINED IN SUCH CONDITION AT ALL TIMES WHILE ON THE PROPERTY. GRAFFITI LEFT ON THE METAL STORAGE CONTAINER IS NOT PERMISSIBLE. IT IS ENCOURAGED THAT THE METAL STORAGE CONTAINERS COLOR BE EITHER THE PRIMARY COMMERCIAL OR INDUSTRIAL STRUCTURE'S COLOR OR AN EARTH TONE CONSISTENT WITH THE SURROUNDING TERRAIN.
- f. PHYSICAL MODIFICATION OF METAL STORAGE CONTAINERS IS PROHIBITED. THE ADDITION OF ANY STRUCTURE TO A METAL STORAGE CONTAINER, INCLUDING, BUT NOT LIMITED TO, ROOFS, OTHER METAL STORAGE CONTAINERS, WALLS, OR DECKS, IS PROHIBITED. MODIFICATION OF A METAL STORAGE CONTAINER TO REPURPOSE IT INTO SOMETHING OTHER THAN A STORAGE SPACE

REQUIRES ENGINEERING AND SHALL BE SUBMITTED TO THE TOWN FOR BUILDING PERMIT REVIEW.

- g. ELECTRICAL SERVICE TO METAL STORAGE CONTAINERS IS PROHIBITED.
- i. PLACEMENT OF THE METAL STORAGE CONTAINER IS SUBJECT TO DRAINAGE AND BUILDING SAFETY REQUIREMENTS. THE TOWN ENGINEER MAY REQUIRE ANCHORING OF THE METAL STORAGE CONTAINER.
- j. IF A PROPERTY OWNER OR OCCUPANT REQUESTS PLACEMENT OF A METAL STORAGE CONTAINER IN A MANNER NOT ADDRESSED IN THESE REQUIREMENTS, THEN THE ZONING ADMINISTRATOR MAY REQUIRE SUBMITTAL OF A CONDITIONAL USE PERMIT.
- h. TEMPORARY USES OF SUCH METAL STORAGE CONTAINERS (E.G., ON-SITE CONSTRUCTION) MAY BE APPROVED IN CONJUNCTION WITH A TOWN ISSUED BUILDING PERMIT.

C. SUNSET PROVISION:

- a. THE PROVISIONS OF THIS SECTION 4.9 RELATING TO OUTDOOR STORAGE SHALL BE OF NO FORCE AND EFFECT AFTER APRIL 23, 2023, UNLESS, AFTER MEETING ALL APPLICABLE PUBLIC NOTICE AND HEARING REQUIREMENTS, THE TOWN COUNCIL DETERMINES THESE PROVISIONS SHOULD REMAIN IN EFFECT, AS CURRENTLY WRITTEN, OR AS MAY BE AMENDED.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. 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, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 9th day of March, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2021-893 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on March 9, 2021, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Erin N. Deskins, Town Clerk