



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL AGENDA

**REGULAR MEETING
TUESDAY, MAY 24, 2022
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.

***AMENDED* AGENDA - Item 6(b) attachment**

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a.** Presentation by Regina Pecoraro with Compass Training Center regarding quarterly update and report. (Chuck Wynn, Police Chief)
 - b. Pg.5** Presentation by Cooper Anderson, Chino Valley Equestrian Association Board President on the value to the Town of Chino Valley to renew the Equestrian Association's lease of the Equestrian Park located at Old Home Manor Property. (Terri Denemy, Assistant to the Town Manager)
- 3. CALL TO THE PUBLIC- Individuals requesting to speak, please complete a Speaker Comment Card and return to the Clerk.**

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. 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. **Pg.7** Consideration and possible action to approve Resolution No. 2022-1212 regarding an Intergovernmental Agreement with Yavapai County, in the amount of \$17,920.72, for law enforcement records management and maintenance. (Chuck Wynn, Police Chief)
- b. **Pg.17** Consideration and possible action to adopt Resolution No. 2022-1201, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2022/2023. (Joe Duffy, Administrative Services Director)
- c. Consideration and possible action to continue the amendment to the Town of Chino Valley Unified Development Ordinance Section 2.1 by revising the definition of guest house and replacement of existing section 4.1 in the UDO with general regulations for guest house development of a date certain of Tuesday, July 12, 2022. (Will Dingee, Senior Planner)

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. **Pg.23** Consideration and possible action to approve the Accountability Contract with Yavapai Regional Transit, Inc., contributing \$2,000.00 to support transporting children from the Paulden area to the Chino Valley Aquatics Center for the 2022 swim season. (Cyndi Thomas, Assistant Community Services Director)

Recommended Action: Approve the Accountability Contract with Yavapai Regional Transit, contributing \$2,000.00 to support transporting children from the Paulden area to the Chino Valley Aquatics Center for the 2022 swim season.

- b. **Pg.29** Consideration and possible action to adopt Resolution No. 2022-1200, approving a Tentative Budget for the fiscal year 2022-2023 and proposed expenditure limitation for the same year, in the amount of \$46,544,100 and setting a public hearing date of June 28, 2022, on the tentative budget and adoption of the final budget. (Joe Duffy, Administrative Services Director)

Recommended Action: Adopt Resolution No. 2022-1200, approving a Tentative Budget and proposed expenditure limitation for FY 2022-2023, in the amount of \$46,544,100, and setting June 28, 2022, as the date for the public hearing on the tentative budget and for adoption of the final budget for FY 2022-2023.

- c. **Pg.47** Consideration and possible action to approve the First Amendment to the CVPD New Police Facility Construction Contract, in the additional amount of \$659,104, and authorize the Town Manager, or her designee, to execute. (Frank Marbury, Public Work Director/Town Engineer)

Recommended Action: Approve the First Amendment to the CVPD New Police Facility Construction Contract, in the additional amount of \$659,104, and authorize the Town Manager, or her designee, to execute.

- d. **Pg.55** Public Hearing, and consideration and possible action to approve Ordinance No. 2022-917 to rezone approximately 6.15 acres from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) for a property located at 735 S Road 1 West from applicant Thomas Langston. (Will Dingee, Development Services)

Recommended Action: (i) Hold Public Hearing
(ii) Approve Ordinance No. 2022-917 to rezone ZC-2022-03 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

- e. **Pg.83** Public Hearing, and consideration and possible action to approve Ordinance No. 2022-918 to rezone approximately 3.04 Acres from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1) for a property located approximately 750 feet east of the intersection of Granite Creek Lane and Arizona Trail, APN #306-17-110B, from applicant Gary Zito, on behalf of Arizona Heritage Construction. (Will Dingee, Senior Planner)

Recommended Action: (i) Hold Public Hearing
(ii) Approve Ordinance No. 2022-918 to rezone ZC-2022-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

7. **ADJOURNMENT**

Dated this 19th day of May, 2022.

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.

Click to join webinar: <https://us02web.zoom.us/j/82819522800>

One tap mobile : US: +12532158782,83455013925# or +13462487799,83455013925#

Telephone: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 828 1952 2800

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



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2. b.

Meeting Date: 05/24/2022

Contact Person: Terri Denemy, Assistant to the Town Manager
Phone: 928-636-2646 x-1301

Department: Town Manager

**Estimated length
of Staff Presentation:**

Physical location of item: Old Home Manor property

AGENDA ITEM TITLE:

Presentation by Cooper Anderson, Chino Valley Equestrian Association Board President on the value to the Town of Chino Valley to renew the Equestrian Association's lease of the Equestrian Park located at Old Home Manor Property. (Terri Denemy, Assistant to the Town Manager)

SITUATION & ANALYSIS:

The current lease expired in 2021 and the Equestrian Association has been operating the facility under that lease's month-to-month provision, while new lease terms are being negotiated. Town Staff, Attorney and Association representatives have been working diligently on the new version which will be presented for Council Action on the June 28, 2022 Agenda. This presentation will provide Council with an opportunity to hear directly from the Association on their plans and provide input for the final lease language.

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: 05/24/2022
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Estimated length of staff presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution No. 2022-1212 regarding an Intergovernmental Agreement with Yavapai County, in the amount of \$17,920.72, for law enforcement records management and maintenance. (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Approve Resolution No. 2022-1212 regarding an Intergovernmental Agreement with Yavapai County, in the amount of \$17,920.72, for law enforcement records management and maintenance.

SITUATION AND ANALYSIS:

CVPD contracts Records Management System with YCSO. The current IGA expires June 30, 2022. The new contract price is \$17,920.72. The new IGA requires signature from Town Mayor, Town Clerk and Town Attorney. The Resolution with an exhibit of the IGA is attached .

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 01-60-5212
Available: 17,920.72
Funding Source:

The amount is included in the fiscal year 2022/2023 budget.

Attachments

RES 2022-1212 IGA with Yavapai County for Police Records Management

RESOLUTION NO. 2022-1212**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY REGARDING THE PROVISION OF LAW ENFORCEMENT ELECTRONIC RECORDS MANAGEMENT.**

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

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

SECTION 2. The Intergovernmental Agreement regarding the provision of law enforcement electronic records management is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to execute all documents and 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, on this 24th day of May, 2022.

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. 2022-1212 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on May 24, 2022, 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. 2022-1212
[Intergovernmental Agreement]

See following pages.

INTERGOVERNMENTAL AGREEMENT BETWEEN
YAVAPAI COUNTY AND THE TOWN OF CHINO VALLEY

This Intergovernmental Agreement ("Agreement" or "IGA") is entered into this ____ day of _____, 2022, by and between Yavapai County, a political subdivision of the State of Arizona ("County"), and the Town of Chino Valley, Arizona, an Arizona municipal corporation ("Town"). County and Town may be referred to individually and collectively as "Party" or "Parties".

RECITALS

A. The County has provided electronic law enforcement records management and maintenance services to the Town under a prior intergovernmental agreement (the "Prior IGA").

B. The Prior IGA was executed by the County on April 23, 2019, and by the Town on March 29, 2019. The term of the Prior IGA expired on June 30, 2019, and thereafter automatically renewed for two successive one-year terms, which will end on June 30, 2022.

C. Both Parties utilize Spillman software to manage various types of law enforcement data, find the mutual and cooperative efforts to be beneficial to both Parties, and desire to continue a similar information and systems management relationship.

D. The Parties are authorized to enter into this IGA pursuant to A.R.S. § 11-952.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and consideration described herein, County and Town agree as follows:

1. **Purpose:** The purpose of this Agreement is to provide the terms and conditions pursuant to which the County will manage and maintain Town's law enforcement computerized data and systems.

2. **Term and Renewal; Termination:**

2.1 The Parties hereby agree that the Prior IGA shall terminate at the end of its current term, June 30, 2022, and shall not be further renewed.

2.2 This IGA shall be effective for a one-year term, from July 1, 2022, through June 30, 2023.

2.3 After the initial one-year term, this IGA shall automatically renew for up to two additional one-year terms unless written notice of intent not to renew is given by one Party to the other Party at least sixty (60) days prior to the expiration date of the then-current term. If either Party gives such written notice, the IGA shall terminate at the end of the then-current term. Each renewal term shall begin on July 1, and end on June 30 of the following year.

2.4 This Agreement may be terminated at any time prior to the expiration of the initial term or any renewal term by mutual written agreement of the Parties hereto. Any termination of this IGA shall not relieve either Party of responsibility for costs incurred prior to the effective date of the cancellation.

2.5 The Parties may terminate this Agreement with thirty (30) days written notice specifying the termination date. Any termination of this Agreement shall not relieve the Parties of their responsibility for costs incurred prior to the effective date of the termination.

3. **Responsibilities of the County:**

3.1 The County shall manage and maintain the Town's law enforcement computerized data system, computer aided dispatch, and national crime and state crime information modules (collectively the "Computerized Law Enforcement Data and Systems"), all of which are within Spillman software.

3.2 The County shall act as system administrator for the Town's Computerized Law Enforcement Data and Systems and manage the security features of the Town's Computerized Law Enforcement Data and Systems in accordance with industry standards and to the satisfaction of the Town.

3.3 The County's administrative and management duties do not include minor changes, described in Section 5.2, below.

3.4 The County shall, to the extent permitted by law, share the County's Computerized Law Enforcement Data and Systems with the Town.

3.5 The County shall coordinate any Spillman software upgrades with the Town so that both parties will continue to use the same versions of the software.

3.6 The County shall be the Town's point of contact for any requests for any significant upgrades or changes to Spillman software that could result in system unavailability for periods of time longer than one hour and shall notify and inform the Town at least five days prior to any significant upgrades or changes.

4. **Responsibilities of the Town.**

4.1 The Town shall pay the costs for any and all equipment required to enable it to connect with the County network.

4.2 The County shall be responsible for minor changes to the Computerized Enforcement Data and Systems such as reassignments, adding or removing employees system privileges, and management of passworded files.

4.3 The Town shall maintain, in accordance with Arizona public records requirements and other applicable laws, all permanent files that the County forwards to the Town for permanent archival storage.

4.4 The Town shall, to the extent permitted by law, share its Computerized Law Enforcement Data and Systems with the County.

4.5 The Town shall coordinate with the County for any desired system changes, updates, upgrades or additional functionality of the Town's Computerized Law Enforcement Data and Systems. The Town shall direct all requests for such updates, upgrades or additional functionality to the County, and shall not directly contact any vendor(s) or service provider(s) without prior written notice to, and agreement by, the County.

5. **Compensation:**

5.1 In consideration of the services provided by the County, the Town shall, on or before July 1, 2022, pay the county the amount of \$ \$17,920.72.

5.2 In the event that this IGA automatically renews pursuant to Section 3.3, above, the consideration for each subsequent term shall be the amount paid in the previous term plus three percent of the amount paid in the previous term.

6. **Notices:**

All notices under this IGA shall be in writing and sent to the appropriate person. Notices shall be deemed properly given if sent by (1) personal delivery, (2) facsimile transmission, (3) first- class United States mail, postage prepaid, or (4) certified U.S. mail, postage prepaid, return receipt requested, addressed as follows:

Yavapai County Sheriff's Office
Attn: Administrative Services Manager
255 E. Gurley St.
Prescott, AZ 86301

Town of Chino Valley
Chief of Police
1950 Voss Drive, #301
Chino Valley, AZ 86323

Each Party may specify by notice to the other a different address for purposes of subsequent notices. Notice is effective on the date of actual receipt or three days after the date of mailing, whichever is earlier.

7. **Indemnification:**

Each Party (as "indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage to the extent that such Claims are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers. This indemnification shall survive the termination of this IGA.

8. **Additional Agreements and Standard Provisions:**

8.1 **Arizona Law.** This Agreement shall be interpreted and enforced pursuant to Arizona Law.

8.2 **Relationship of Parties.** The Parties are independent of each other and neither Party shall be deemed to be the employee or agent of the other Party except as provided herein in Section 3, above.

8.3 **Severability.** If any provision(s) of this IGA is/are invalid, illegal, or unenforceable for any reason, all other provisions shall nevertheless remain in full force and effect. If any provision(s) is/are inapplicable to any person or circumstance, the same provision(s) shall nevertheless remain applicable to all other persons and circumstances.

8.4 **Entire Agreement.** This IGA represents the entire, integrated agreement between the Parties for the purposes set forth herein. The IGA may be amended only by written instrument signed by the Parties.

8.5 **No Parol Evidence.** This IGA is intended by the Parties as a final and complete expression of their agreement. No course of prior dealings between the Parties and no usage of the trade shall supplement or explain any terms used in this document.

8.6 **No Waiver.** No action or failure to act by the Parties constitutes a waiver of any right or duty under this IGA, nor does the action or failure to act constitute approval of or acquiescence in a breach of the IGA, unless the waiving Party memorializes the waiver or approval in writing and sign it.

8.7 **Headings.** Headings are for organizational purposes only and shall not be interpreted as having legal significance or meaning.

8.8 **Mutual Drafting.** The Parties acknowledge and agree that this IGA shall not be

construed for or against a Party because part or all of it was drafted by a Party or a Party's attorney.

8.9 Cancellation. This IGA is subject to the cancellation provisions of A.R.S. § 38-511.

8.10 Compliance with Law. The Parties shall comply with all applicable laws, statutes, ordinances, codes, rules and regulations, and lawful orders of public authorities in performing this IGA, including but not limited to environmental laws.

8.11 Inspection and Testing. The Parties agree to permit access, at reasonable times, to their facilities related to the purposes and responsibilities of the Parties as set forth in this Agreement.

8.12 Immigration Law Compliance. Both Parties hereby warrant that they will at all times during the term of this IGA comply with all federal immigration laws applicable to their employment of their employees, and with the requirements of A.R.S. §§ 23-214 and 41-4401 (together the "State and Federal Immigration Laws"). A breach of the foregoing warranty shall be deemed a material breach of the IGA, and the Parties shall have the right to terminate this IGA for such a breach, in addition to any other applicable remedies. The Parties retain the legal right to inspect the papers of each contractor or subcontractor employee of either who performs work pursuant to this IGA to verify performance of the foregoing warranty of compliance with the State and Federal Immigration Laws.

8.13 Alternative Dispute Resolution. Pursuant to A.R.S. § 12-1518, disputes under this IGA may be resolved through the use of arbitration upon written agreement of the Parties.

8.14 Prohibition of Assignment of Rights and Responsibilities. Neither Party to this IGA may assign its rights or responsibilities under this IGA without the prior, written consent of the other Party.

8.15 Execution in Parts. This IGA may be executed in two or more counterparts. Each counterpart will be deemed an original, and all counterparts shall form a single instrument.

8.16 Disposition of Property. All property purchased by a Party pursuant to that Party's respective duties pursuant to this IGA shall be returned to the purchasing Party upon termination of this Agreement for any reason.

8.17 Authority to Bind. Each person executing this IGA represents that he or she has full and legal authority to execute this IGA for and on behalf of the respective Party for which he or she is executing this IGA and to bind that Party.

8.18 Pursuant to A.R.S. § 35-393.01. If Chino Valley engages in for-profit activity and has 10 or more employees, and if this Agreement has a value of \$100,000 or more, Chino Valley certifies it is not currently engaged in, and agrees for the duration of this Agreement to not engage in, a boycott of goods or services from Israel. This certification does not apply to a boycott prohibited by 50 U.S.C. § 4842 or a regulation issued pursuant to 50 U.S.C. § 4842.

Yavapai County

Town of Chino Valley

Mary Mallory, Chairman

Date _____

Jack Miller, Mayor

Date _____

ATTEST:

Kim Kapin, Clerk Date

Erin Deskins, Town Clerk Date

In accordance with A.R.S. §11-952, this IGA has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to Yavapai County

In accordance with A.R.S. §11-952, this IGA has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to the Town of Chino Valley

Steven Clark, County Attorney

Date _____

Andrew McGuire, Town Attorney

Date _____

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. b.

Meeting Date: 05/24/2022
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length of staff presentation: None
Physical location of item: Bright Star Subdivision

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 2022-1201, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2022/2023. (Joe Duffy, Administrative Services Director)

RECOMMENDED ACTION:

Adopt Resolution No. 2022-1201, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2022/2023 and setting a date for the public hearing on the proposed statements and estimates for June 28, 2022.

SITUATION AND ANALYSIS:

Pursuant to Section 48-616, Arizona Revised Statutes, as amended; setting a date for public hearing on the proposed statements and estimates as approved; and providing for notice of the hearing and publication of the proposed statements and estimates of the expenses of the districts which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the districts.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code:

Available:

Funding Source:

Approval will create a levy to pay for street lighting within the CVSLID street lighting districts. The districts are accounted for in a separate fund by the Town.

Attachments

RES - 2022-1201 - CVSLID Estimates 2022-2023

RESOLUTION NO. 2022-1201

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING THE PROPOSED STATEMENT OF ESTIMATES AND EXPENSES OF THE TOWN OF CHINO VALLEY STREET LIGHTING IMPROVEMENT DISTRICTS FOR FISCAL YEAR 2022/2023, PURSUANT TO ARIZONA REVISED STATUTES SECTION 48-616, AS AMENDED; SETTING A DATE FOR PUBLIC HEARING ON THE PROPOSED STATEMENT OF ESTIMATES AND EXPENSES AS APPROVED; AND PROVIDING FOR NOTICE OF THE HEARING AND PUBLICATION OF THE PROPOSED STATEMENT OF ESTIMATES AND EXPENSES OF THE DISTRICTS WHICH SHALL BE PROVIDED FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY IN THE DISTRICTS.

WHEREAS, the provisions of ARIZ. REV. STAT. § 48-616 require the Mayor and Council of the Town of Chino Valley (the “Town Council”) to levy taxes upon all property, real and personal, in municipal street lighting improvement districts to pay the annual expenses of such districts; and

WHEREAS, the Town Council shall make annual statements and estimates of the expenses of each district that shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the property real and personal in the district, publish notice thereof, have hearings thereon, and adopt said statements and estimates as provided in Arizona Revised Statutes title 42, chapter 17, article 3; and

WHEREAS, the Town Council desires to approve said statements and estimates for the fiscal year beginning July 1, 2022, and ending June 30, 2023, for the following: (i) Chino Valley, Arizona, CVSLID #1 Lighting Improvement District; (ii) Chino Valley, Arizona, CVSLID #2 Lighting Improvement District; and (iii) Chino Valley, Arizona, CVSLID #3A Lighting Improvement District (collectively, the “Lighting Districts”); and

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

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

SECTION 2. The proposed statement of estimates and expenses of the Town of Chino Valley Lighting Districts for Fiscal Year 2022/2023, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

SECTION 3. The Town Clerk is authorized and directed to (i) make the statement of estimates and expenses available for inspection, not later than seven days after the date of this Resolution, at the Chino Valley Public Library, at the Chino Valley Town Hall, and on the official Town Website, and (ii) publish the statement of estimates and expenses in the official Town newspaper once per week for two consecutive weeks (a) the official statement of estimates and expenses and (b) a notice of the public hearing of the Town Council to hear taxpayers and make tax levies at designated times and places. The notice shall include the physical addresses of the Chino Valley Public Library and the Chino Valley Town Hall, and the website where the statement of estimates and expenses may be found.

SECTION 4. A public hearing and special meeting to approve the statement of estimates and expenses of the Lighting Districts shall be set for June 28, 2022.

SECTION 5. This Resolution shall be effective from and after its passage and approval according to law.

SECTION 6. All resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, phrase, or portion of this Resolution 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 24th day of May, 2022.

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. 2022-1201 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on May 24, 2022, 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. 2022-1201

[Statement of Estimates and Expenses]

See following page.

TOWN OF CHINO VALLEY, ARIZONA

Street Lighting Improvement Districts

Statement of Estimates and Expenses

Fiscal Year - 2022/2023

Co. Dist. No.	Town ID No.	Town ID Name	A	B	C	D	E
			2021/2022 Estimated Actual Expenses	2021/2022 Levy Request	2021/2022 Difference on Expenses vs. Levy	2022/2023 Projected Expenses	2022/2023 Levy Request
13004	CVSLID 1	Chino Valley, Arizona, CVSLID #1 Lighting Improvement District	\$ 1,900	\$ 1,900	\$ -	\$ 1,700	\$ 1,700
13005	CVSLID 2	Chino Valley, Arizona, CVSLID #2 Lighting Improvement District	\$ 1,000	\$ 1,000	\$ -	\$ 1,100	\$ 1,100
13006	CVSLID 3A	Chino Valley, Arizona, CVSLID #3A Lighting Improvement District	\$ 1,200	\$ 1,200	\$ -	\$ 1,100	\$ 1,100

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 05/24/2022
Contact Person: Cyndi Thomas, Community Services Manager
 Phone: 9286369114 x-1247
Department: Community Services
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the Accountability Contract with Yavapai Regional Transit, Inc., contributing \$2,000.00 to support transporting children from the Paulden area to the Chino Valley Aquatics Center for the 2022 swim season. (Cyndi Thomas, Assistant Community Services Director)

RECOMMENDED ACTION:

Approve the Accountability Contract with Yavapai Regional Transit, contributing \$2,000.00 to support transporting children from the Paulden area to the Chino Valley Aquatics Center for the 2022 swim season.

SITUATION AND ANALYSIS:

Each year the Yavapai Regional Transit requests assistance from the Town in transporting children from Paulden to the Chino Valley Aquatics Center. The contribution was last made in 2019. The number of kids served in 2019 was approximately 325. The Transit receives donations to cover the admission fees for the kids to the Aquatic Center. Without the contribution many of the children would not be able to enjoy the Aquatic Center.

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 01-50-5225
Available: 2,000.00
Funding Source:
 Paid from Mayor and Council Public Relations line item.

Attachments

Transit Letter
 AGR - Accountability Contract - Yavapai Regional Transport



“Keeping Yavapai County moving forward”

Cindy Blackmore
Chino Valley Town Hall
202 N State Road 89
Chino Valley, AZ 86303

April 26th, 2022

Yavapai Regional Transit is in the process of evaluating the Paulden Plunge. This program provides much needed services to the children of Paulden and was last implemented in 2019. Past support from Chino Valley residents, business organizations, and the City of Chino Valley has greatly contributed to the overall success of the program. We are in the early stages and depending upon the schedule of pool days and hours, hope to complete YRTs evaluation soon.

Yavapai Regional Transit is hereby requesting support in the amount of \$2,000.00 from the City of Chino Valley. YRT will contract with the city accordingly (similar to the 2019 contract) I remain enthusiastic about this program and thank you for your time and consideration.

Sincerely

Thomas S Stultz
Transit Manager

A 501(c)(3) corporation, EIN #46-1374771
An Arizona Qualifying Charitable Tax Credit Organization
P.O. Box 1157, Chino Valley, Arizona 86323
Office: (928) 458-5885; Dispatch: 928-458-5885

ACCOUNTABILITY CONTRACT
BETWEEN
THE TOWN OF CHINO VALLEY
AND
YAVAPAI REGIONAL TRANSIT, INC.

This Accountability Contract ("Contract") is entered into _____, 2022, by and between the Town of Chino Valley, Arizona, an Arizona municipal corporation ("Town") and Yavapai Regional Transit, Inc., an Arizona nonprofit corporation ("Contractor").

Now, therefore, in consideration of the mutual covenants between the parties, it is agreed as follows:

1. **DURATION OF CONTRACT.** The duration of the Contract shall be from June 6, 2022, through July 30, 2022, coinciding with the Aquatic Center's 2022 swim season.

2. **SCOPE OF WORK.** Contractor agrees to use funds received from the Town to transport children from the Paulden area to and from the Chino Valley Aquatics Center on at least Mondays, Wednesdays, Thursdays, and Fridays ("Services"). Contractor also agrees to maintain accurate financial records to enable the Town to verify that the funds provided under this Contract are expended in accordance with this Contract.

3. **FUNDING.** Town shall provide Contractor the amount of \$2,000. Such funds shall be used for gas, bus maintenance, and other costs to provide the Services.

4. **REPORTING.** Upon completion of the Services, Contractor shall submit to Town an itemized report setting forth how the funds received from Town were expended.

5. **INSPECTION.** Within five days of receipt of a written request from Town, Contractor agrees to open for inspection and make available all financial records relating to the Services.

6. **CONTRACT NONCOMPLIANCE.** If Town, in its sole discretion, determines Contractor is in breach of this Contract, Town shall give written notice to Contractor of the specific area of noncompliance. Contractor shall comply within 30 calendar days of the date of notice.

7. **TERMINATION FOR CAUSE.** If Contractor does not comply within 30 calendar days from the date of the notice of breach, Town may terminate this Contract. Contractor shall immediately return to Town all funds not spent for the Services described in Section 2.

8. **CONFLICT OF INTEREST.** This Contract may be canceled by the Town pursuant to A.R.S. § 38-511.

9. **INDEMNIFICATION.** To the furthest extent permitted by law, Contractor agrees to indemnify and hold harmless Town and each council member, officer, employee, or agent thereof from any loss, damage, liability, cost, charge, or expense, whether direct or indirect,

including reasonable attorneys' fees, and whether to any person or property to which Town, its agents, employees, or said parties may be subject to related to the Services, including, but not limited to, actions for bodily injury, illness, death, or property damage.

10. **INDEPENDENT CONTRACTOR.** Contractor is an independent contractor and not an agent or employee of the Town. Contractor shall supervise and direct the Services using Contractor's best skill and attention. Contractor shall be solely responsible for all staffing, curriculum, scheduling, transportation of participants to events, supplies, and equipment for the Services. Contractor shall be responsible to its employees, volunteers, Town employees, and other persons performing any services related to the Services as set forth in this Contract.

11. **ENTIRE AGREEMENT; AMENDMENTS.** This Contract represents the entire agreement between the parties with respect to the subject matter hereof. This Contract may not be amended except through an appropriate writing signed by both parties.

12. **ASSIGNMENT PROHIBITED.** Contractor shall not assign any rights acquired hereby, without first obtaining the written consent of Town.

13. **NO DISCRIMINATION.** Neither Contractor nor its employees or agents will discriminate on the basis of race, religion, handicap, gender, or national origin in providing the Services.

14. **E-VERIFY REQUIREMENTS.** To the extent applicable under A.R.S. § 41-4401, Contractor and its subcontractors warrant compliance with all federal immigration laws and regulations that relate to their employees and their compliance with the E-verify requirements under A.R.S. § 23-214(A). Contractor's or its subcontractor's failure to comply with such warranty shall be deemed a material breach of this Contract and may result in the termination of this Contract by the Town. Contractor 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 may, at its option, terminate the Contract after the third violation. Town retains the legal right to inspect the papers of any Contractor or subcontractor employee who works on the Contract to ensure that Contractor 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.

15. **NOTICES.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (A) delivered to the party at the address set forth below, (B) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below or (C) given to a recognized and reputable overnight delivery service, to the address set forth below:

CHINO VALLEY:
Town Manager
Town of Chino Valley
202 North State Route 89
Chino Valley, Arizona 86323

CONTRACTOR:
Ron Romley
Yavapai Regional Transit, Inc.
P.O. Box 1157
Chino Valley, Arizona 86323

or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this subsection. Notices shall be deemed received (A) when delivered to the party, (B) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (C) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

16. NON-BOYCOTT OF ISRAEL. Contractor certifies that it is not currently engaged in, and agrees for the duration of this Contract that it will not engage in, a boycott of Israel, as that term is defined in A.R.S. § 35-393.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

“Town”

TOWN OF CHINO VALLEY,
an Arizona municipal corporation

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

“Contractor”

YAVAPAI REGIONAL TRANSIT, INC.,
an Arizona non-profit corporation

By:_____

Name:_____

Title:_____

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. b.

Meeting Date: 05/24/2022
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 2022-1200, approving a Tentative Budget for the fiscal year 2022-2023 and proposed expenditure limitation for the same year, in the amount of \$46,544,100 and setting a public hearing date of June 28, 2022, on the tentative budget and adoption of the final budget. (Joe Duffy, Administrative Services Director)

RECOMMENDED ACTION:

Adopt Resolution No. 2022-1200, approving a Tentative Budget and proposed expenditure limitation for FY 2022-2023, in the amount of \$46,544,100, and setting June 28, 2022, as the date for the public hearing on the tentative budget and for adoption of the final budget for FY 2022-2023.

SITUATION AND ANALYSIS:

At the Council Meeting on May 17, 2022, staff reviewed the tentative budget draft to Council for consideration for FY 2022-2023. The tentative budget establishes a limitation on expenditures for the proposed fiscal year.

The Resolution directs the Town Clerk to publish the Tentative Budget as required by law. To that end, the Tentative Budget will be published once a week for two consecutive weeks following the adoption of the Tentative Budget.

The Tentative Budget will be made available for public inspection at Town Hall, the library and is published on the town website.

The Resolution also sets a date for the public hearing on the tentative budget to be held on June 28, 2022, after which the final budget may be adopted.

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code:
Available:

Funding Source:

Sets the Expenditure Limit for Fiscal Year 2022/2023

Attachments

RES 2022-1200 Tentative Budget

RESOLUTION NO. 2022-1200

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR 2022/2023; PROPOSING AN EXPENDITURE LIMITATION FOR THE SAME YEAR; AND SETTING A DATE FOR PUBLIC HEARING ON THE TENTATIVE BUDGET AND ADOPTION OF A FINAL BUDGET; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE AND APPROVAL ACCORDING TO THE LAW.

WHEREAS, pursuant to Article 9, Section 20(9) of the Arizona Constitution, and Arizona Revised Statutes ("A.R.S.") Section 41-563.03(C), (E) and (G), the qualified voters of the Town of Chino Valley (the "Town"), on August 4, 2020, approved Proposition 450, adopting an Alternative Expenditure Limitation for the Town; and

WHEREAS, Proposition 450 provided that, as part of the budget process, the Mayor and Common Council shall annually adopt an expenditure limitation to govern the budget, after public hearing; and

WHEREAS, in accordance with the provisions of A.R.S. Title 42, Chapter 17, Articles 1-5, the Mayor and Council of the Town of Chino Valley (the "Town Council") shall make an estimate of the amounts required to meet the public expenditures/expenses for the ensuing year, an estimate of revenues from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property of the Town; and

WHEREAS, in accordance with said chapter of said title, the estimates required to meet the public expenditures/expenses for the ensuing year shall be published according to law and a public hearing shall be held at which any taxpayer may appear and be heard in favor of or against any of the proposed expenditures/expenses or tax levies; and

WHEREAS, the Town Council desires now to establish a tentative expenditure limitation and budget expenditures for Fiscal Year 2022/2023.

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

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

SECTION 2. The tentative expenditure limitation to govern the Town of Chino Valley budget for Fiscal Year 2022/2023 is hereby proposed in an amount not to exceed \$46,544,100.

SECTION 3. The estimates of revenues and expenditures shown in the schedules attached hereto as Exhibit A and incorporated herein by reference are hereby adopted as the tentative budget of the Town of Chino Valley for Fiscal Year 2022/2023.

SECTION 4. The Town Clerk is authorized and directed to: (i) make available the tentative budget for inspection, not later than seven days after the date of this Resolution, at the Chino Valley Public Library, at the Chino Valley Town Hall, and on the official Town Website; and (ii) publish in the official Town newspaper once per week for two consecutive weeks (a) the official

tentative budget and (b) a notice of the public hearing of the Town Council to hear taxpayers and make tax levies at designated times and places. The notice shall include the physical addresses of the Chino Valley Public Library and the Chino Valley Town Hall, and the website where the tentative budget may be found.

SECTION 5. A public hearing on the tentative budget shall be held on June 28, 2022, during the regularly-scheduled Town Council meeting.

SECTION 6. This Resolution shall be effective from and after its passage and approval according to law.

SECTION 7. All resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this Resolution 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 24th day of May, 2022.

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. 2022-1200 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on May 24, 2022, 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. 2022-1200

[Statement of Estimates and Expenses]

See following pages

Official Budget Forms
City/Town of Chino Valley
Fiscal year 2023

City/Town of Chino Valley
Tax levy and tax rate information
Fiscal year 2023

	2022	2023
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ _____	\$ _____
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	\$ _____	
3. Property tax levy amounts		
A. Primary property taxes	\$ _____	\$ _____
Property tax judgment _____	_____	_____
B. Secondary property taxes	_____	_____
Property tax judgment _____	_____	_____
C. Total property tax levy amounts	\$ _____	\$ _____
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ _____	
(2) Prior years' levies	_____	
(3) Total primary property taxes	\$ _____	
B. Secondary property taxes		
(1) Current year's levy	\$ _____	
(2) Prior years' levies	_____	
(3) Total secondary property taxes	\$ _____	
C. Total property taxes collected	\$ _____	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	_____	_____
Property tax judgment _____	_____	_____
(2) Secondary property tax rate	_____	_____
Property tax judgment _____	_____	_____
(3) Total city/town tax rate	_____	_____
B. Special assessment district tax rates		
Secondary property tax rates—As of the date the proposed budget was prepared, the city/town was operating <u> 3 </u> special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.		

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

City/Town of Chino Valley
Revenues other than property taxes
Fiscal Year 2023

Source of revenues	Estimated revenues 2022	Actual revenues* 2022	Estimated revenues 2023
General Fund			
Local taxes			
Sales Taxes	\$ 7,169,000	\$ 7,680,570	\$ 7,910,900
Franchise Taxes	132,000	142,454	141,500
Licenses and permits			
Building Permits	320,000	357,916	325,000
Business Licenses	58,000	64,254	65,000
Plan Check Fees	145,000	154,730	150,000
Other Licenses and Permits	21,500	18,253	22,500
Intergovernmental			
State Shared Sales Tax	1,453,000	1,771,000	1,864,000
State Shared Income Tax	1,615,000	1,700,000	2,513,000
Vehicle License Tax	947,000	973,100	1,079,000
Yavapai County Library Funds	95,000	95,173	96,000
Police Dept Grants	7,500	8,050	7,500
Senior Nutrition Grant	88,000	106,814	115,000
Charges for services			
Engineering Fees	1,000	3,182	1,000
Senior Nutrition Program Fees	5,000	1,813	5,000
Facility Use Fees	20,000	24,739	27,000
Police Report Fees	5,000	4,261	4,000
Aquatic Center Fees	79,500	59,534	70,000
Other Charges for Services	30,000	47,927	28,000
Fines and forfeits			
Animal Control Fees	28,000	24,727	27,000
Library Fines	2,000	2,119	2,000
Court Fines and Forfeitures	130,000	120,233	130,000
Interest on investments			
Interest	5,000	860	2,000
In-lieu property taxes			
Contributions			
Senior Center Thrift Store	500		500
Miscellaneous			
Total General Fund	\$ 12,357,000	\$ 13,361,709	\$ 14,585,900

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

City/Town of Chino Valley
Revenues other than property taxes
Fiscal Year 2023

Source of revenues	Estimated revenues 2022	Actual revenues* 2022	Estimated revenues 2023
Special revenue funds			
Highway User Revenue	\$ 1,070,000	\$ 1,224,800	\$ 1,360,000
Interest	1,000	284	1,000
Miscellaneous	2,000	3,009	2,500
	\$ 1,073,000	\$ 1,228,093	\$ 1,363,500
Miscellaneous Grants	\$ 3,500,000	\$	\$ 3,500,000
Cares Act Funding	1,476,500	2,066,502	485,000
CDBG Grant			349,000
	\$ 4,976,500	\$ 2,066,502	\$ 4,334,000
Special Revenue Fund-Court	\$ 26,200	\$ 27,611	\$ 24,500
Special Revenue Fund-PD	12,000	11,345	12,000
Lighting Improvement Districts #1, #2, #3	4,100	4,100	4,100
	\$ 42,300	\$ 43,056	\$ 40,600
Total special revenue funds	\$ 6,091,800	\$ 3,337,651	\$ 5,738,100

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

City/Town of Chino Valley
Revenues other than property taxes
Fiscal Year 2023

Source of revenues	Estimated revenues 2022	Actual revenues* 2022	Estimated revenues 2023
Debt service funds			
Debt Refinancing Proceeds	\$	8,388,828	\$
Total debt service funds	\$	8,388,828	\$
Capital projects funds			
Capital Improvements Fund - General Fund	\$ 4,646,000	\$ 9,682,700	\$ 5,269,800
Capital Improvements Fund - Roads	500,000		
Asset Replacement Fund	14,000	1,617	4,000
	\$ 5,160,000	\$ 9,684,317	\$ 5,273,800
Total capital projects funds	\$ 5,160,000	\$ 9,684,317	\$ 5,273,800

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

Enterprise funds

Water Enterprise Fund	\$ 939,000	\$ 899,430	\$ 1,017,400
Capital Improvement Fund - Water	2,000,000		2,000,000
Sewer Enterprise Fund	2,142,000	2,230,430	2,134,500
Capital Improvement Fund - Sewer	692,500	700,000	400,000
	\$ 5,773,500	\$ 3,829,860	\$ 5,551,900
Total enterprise funds	\$ 5,773,500	\$ 3,829,860	\$ 5,551,900

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

Total all funds \$ 29,382,300 \$ 38,602,365 \$ 31,149,700

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

City/Town of Chino Valley
Other financing sources/(uses) and interfund transfers
Fiscal year 2023

Fund	Other financing 2023		Interfund transfers 2023	
	Sources	(Uses)	In	(Out)
General Fund				
Trans from Capital Improv Fund	\$	\$	\$ 400,000	\$
Trans to Capital Asset Replacement				250,000
Trans to Gen Fund CIP				500,000
Trans to CIP - Roads				3,100,000
Trans to SLFRF				1,000,000
Total General Fund	\$	\$	\$ 400,000	\$ 4,850,000
Special revenue funds				
HURF - Trans To CIP Roads	\$	\$	\$	\$ 200,000
Roads - CIP Trans from Gen			3,100,000	
Roads - CIP Trans from HURF			200,000	
SLFRF - Trans from General Fund			1,000,000	
Total special revenue funds	\$	\$	\$ 4,300,000	\$ 200,000
Debt service funds				
Trans From Capital Improvement	\$	\$	\$ 1,384,500	\$
Total debt service funds	\$	\$	\$ 1,384,500	\$
Capital projects funds				
Gen CIP - Trans from General Fund	\$	\$	\$ 500,000	\$
Trans to Debt Service				1,384,500
Trans to General Fund				400,000
Cap Asset - Trans from General Fund			250,000	
Total capital projects funds	\$	\$	\$ 750,000	\$ 1,784,500
Permanent funds				
Total permanent funds	\$	\$	\$	\$
Enterprise funds				
Water CIP	\$	\$	\$ 100,000	\$
Water Ent Fund to Water CIP				100,000
Sewer CIP			250,000	
Sewer Ent Fund to Sewer CIP	3,500,000	3,500,000		250,000
Total enterprise funds	\$ 3,500,000	\$ 3,500,000	\$ 350,000	\$ 350,000
Internal service funds				
Total Internal Service Funds	\$	\$	\$	\$
Total all funds	\$ 3,500,000	\$ 3,500,000	\$ 7,184,500	\$ 7,184,500

City/Town of Chino Valley
Expenditures/expenses by fund
Fiscal year 2023

Fund/Department	Adopted budgeted expenditures/ expenses 2022	Expenditure/ expense adjustments approved 2022	Actual expenditures/ expenses* 2022	Budgeted expenditures/ expenses 2023
General Fund				
Prosecutor	\$ 133,700	\$	\$ 130,150	\$ 139,900
Town Clerk	300,800		247,924	296,400
Town Manager	501,000		549,287	682,600
Human Resources	283,300		292,466	355,100
Magistrate Court	336,700		318,520	363,500
Finance	491,700		484,411	539,500
Mgmt Info Systems	391,300		383,085	434,200
Mayor & Council	51,200		44,078	56,700
Planning	337,700		321,926	632,500
Building Inspection	400,500		361,511	493,400
Police	3,705,700		3,686,337	4,526,800
Animal Control	209,400		206,909	280,600
Recreation	157,650		155,143	257,300
Library	400,500		379,568	426,300
Senior Center	346,400		345,632	563,600
Parks	876,700		797,072	809,500
Aquatic Center	343,800		260,900	256,800
Facilities Maintenance	613,800		612,409	941,800
Fleet Maintenance	290,150		252,606	392,400
Engineering	533,700		441,090	652,300
Customer Service	38,300		19,832	
Non-Departmental	646,600		503,800	724,700
Contingency	600,000		600,000	600,000
Total General Fund	\$ 11,990,600	\$	\$ 11,394,656	\$ 14,425,900
Special revenue funds				
Highway User Revenue Fund	\$ 1,095,500	\$	\$ 926,379	\$ 1,500,500
Roads - CIP	4,355,000		4,407,712	2,500,000
Miscellaneous Grants Fund	3,500,000			3,500,000
Special Revenue Fund -- Court	43,500		20,000	17,000
Special Revenue Fund -- PD	12,000		1,900	12,000
Lighting Improvement Districts	4,000		4,000	4,000
CSLFRF	2,952,900		206,800	5,400,000
CDBG Grant			1,000	348,000
Total special revenue funds	\$ 11,962,900	\$	\$ 5,567,791	\$ 13,281,500
Debt service funds				
Debt Service Fund	\$ 991,500	\$	\$ 9,584,265	\$ 1,384,500
Total debt service funds	\$ 991,500	\$	\$ 9,584,265	\$ 1,384,500
Capital projects funds				
General Fund CIP	\$ 10,092,500	\$	\$ 4,772,700	\$ 7,806,000
Asset Replacement Fund	241,000		142,000	245,000
Total capital projects funds	\$ 10,333,500	\$	\$ 4,914,700	\$ 8,051,000
Permanent funds				
Contingency	\$	\$	\$	\$
Total permanent funds	\$	\$	\$	\$
Enterprise funds				
Water Enterprise Fund	\$ 720,300	\$	\$ 559,669	\$ 873,300
Water CIP	2,355,000		55,000	2,202,000
Sewer Enterprise Fund	1,908,700		2,019,334	2,010,900
Sewer CIP	1,037,500		870,270	815,000
Total enterprise funds	\$ 6,021,500	\$	\$ 3,504,273	\$ 5,901,200
Internal service funds				
Contingency	\$	\$	\$	\$
Total internal service funds	\$	\$	\$	\$
Total all funds	\$ 41,300,000	\$	\$ 34,965,685	\$ 43,044,100

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

City/Town of Chino Valley
Full-time employees and personnel compensation
Fiscal year 2023

Fund	Full-time equivalent (FTE) 2023	Employee salaries and hourly costs 2023	Retirement costs 2023	Healthcare costs 2023	Other benefit costs 2023	Total estimated personnel compensation 2023
General Fund	105.0	\$ 6,545,216	\$ 1,142,089	\$ 928,293	\$ 649,686	\$ 9,265,284
Special revenue funds						
Highway User Revenue	9.0	\$ 438,992	\$ 53,645	\$ 82,729	\$ 67,583	\$ 642,949
Total special revenue funds	9.0	\$ 438,992	\$ 53,645	\$ 82,729	\$ 67,583	\$ 642,949
Enterprise funds						
Water Enterprise	3.5	\$ 218,038	\$ 26,644	\$ 34,997	\$ 24,285	\$ 303,964
Sewer Enterprise	3.5	\$ 218,038	\$ 26,644	\$ 34,997	\$ 24,285	\$ 303,964
Total enterprise funds	7.0	\$ 436,076	\$ 53,288	\$ 69,994	\$ 48,570	\$ 607,928
Total all funds	121.0	\$ 7,420,284	\$ 1,249,022	\$ 1,081,016	\$ 765,839	\$ 10,516,161

City/Town of Chino Valley
Expenditures/expenses by department
Fiscal year 2023

Department/Fund	Adopted budgeted expenditures/ expenses	Expenditure/ expense adjustments approved	Actual expenditures/ expenses*	Budgeted expenditures/ expenses
	2022	2022	2022	2023
Prosecutor				
General Fund	\$ 133,700	\$	\$ 130,150	\$ 139,900
Department Total	\$ 133,700	\$	\$ 130,150	\$ 139,900
Town Clerk				
General Fund	\$ 300,800	\$	\$ 247,924	\$ 296,400
Department Total	\$ 300,800	\$	\$ 247,924	\$ 296,400
Town Manager				
General Fund	\$ 501,000	\$	\$ 549,287	\$ 682,600
Department Total	\$ 501,000	\$	\$ 549,287	\$ 682,600
Human Resources				
General Fund	\$ 283,300	\$	\$ 292,466	\$ 355,100
Department Total	\$ 283,300	\$	\$ 292,466	\$ 355,100
Municipal Court				
General Fund	336,700		318,520	363,500
Special Revenue Fund	\$ 43,500	\$	\$ 20,000	\$ 17,000
Department Total	\$ 380,200	\$	\$ 338,520	\$ 380,500
Finance				
General Fund	\$ 491,700	\$	\$ 484,411	\$ 539,500
Department Total	\$ 491,700	\$	\$ 484,411	\$ 539,500
Mgmt Info Systems				
General Fund	\$ 391,300	\$	\$ 383,085	\$ 434,200
Department Total	\$ 391,300	\$	\$ 383,085	\$ 434,200
Mayor and Council				
General Fund	\$ 51,200	\$	\$ 44,078	\$ 56,700
Department Total	\$ 51,200	\$	\$ 44,078	\$ 56,700
Planning				
General Fund	\$ 337,700	\$	\$ 321,926	\$ 632,500
Department Total	\$ 337,700	\$	\$ 321,926	\$ 632,500
Building Inspection				
General Fund	\$ 400,500	\$	\$ 361,511	\$ 493,400
Department Total	\$ 400,500	\$	\$ 361,511	\$ 493,400
Police				
General Fund	3,705,700		3,686,337	4,526,800
Special Revenue Fund	12,000		1,900	12,000
Department Total	\$ 3,717,700	\$	\$ 3,688,237	\$ 4,538,800
Animal Control				
General Fund	\$ 209,400	\$	\$ 206,909	\$ 280,600
Department Total	\$ 209,400	\$	\$ 206,909	\$ 280,600
Recreation				
General Fund	\$ 157,650	\$	\$ 155,143	\$ 257,300
Department Total	\$ 157,650	\$	\$ 155,143	\$ 257,300

City/Town of Chino Valley
Expenditures/expenses by department
Fiscal year 2023

	Adopted budgeted expenditures/ expenses	Expenditure/ expense adjustments approved	Actual expenditures/ expenses*	Budgeted expenditures/ expenses
Library				
General Fund	\$ 400,500	\$	\$ 379,568	\$ 426,300
Department Total	\$ 400,500	\$	\$ 379,568	\$ 426,300
Senior Center				
General Fund	\$ 346,400	\$	\$ 345,632	\$ 563,600
Department Total	\$ 346,400	\$	\$ 345,632	\$ 563,600
Parks Maintenance				
General Fund	\$ 876,700	\$	\$ 797,072	\$ 809,500
Department Total	\$ 876,700	\$	\$ 797,072	\$ 809,500
Aquatics Center				
General Fund	\$ 343,800	\$	\$ 260,900	\$ 256,800
Department Total	\$ 343,800	\$	\$ 260,900	\$ 256,800
Facilities Maintenance				
General Fund	\$ 613,800	\$	\$ 612,409	\$ 941,800
Department Total	\$ 613,800	\$	\$ 612,409	\$ 941,800
Fleet Maintenance				
General Fund	\$ 290,150	\$	\$ 252,606	\$ 392,400
Department Total	\$ 290,150	\$	\$ 252,606	\$ 392,400
Engineering				
General Fund	\$ 533,700	\$	\$ 441,090	\$ 652,300
Department Total	\$ 533,700	\$	\$ 441,090	\$ 652,300
* Customer Service				
General Fund	\$ 38,300	\$	\$ 19,832	\$
Department Total	\$ 38,300	\$	\$ 19,832	\$
Non-Departmental				
General Fund	\$ 2,146,600	\$	\$ 1,103,800	\$ 1,324,700
Debt Service Fund	991,500			1,384,500
Debt Service Refunding			9,584,265	
Capital Improvement Fund	9,192,500		4,772,700	7,806,000
CDBG Grant			1,000	348,000
Grant Fund	3,500,000			3,500,000
AZ Cares Act /ARP	2,952,900		206,800	5,400,000
Asset Replacement Fund	241,000		142,000	245,000
Department Total	\$ 19,024,500	\$	\$ 15,810,565	\$ 20,008,200
Water Utilities				
Water Enterprise Fund	\$ 720,300	\$	\$ 559,669	\$ 873,300
WATER CIP	2,355,000		55,000	2,202,000
Department Total	\$ 3,075,300	\$	\$ 614,669	\$ 3,075,300
Sewer Utilities				
Sewer Enterprise Fund	\$ 1,908,700	\$	\$ 2,019,334	\$ 2,010,900
Sewer CIP	1,037,500		870,270	4,315,000
Department Total	\$ 2,946,200	\$	\$ 2,889,604	\$ 6,325,900

City/Town of Chino Valley
Expenditures/expenses by department
Fiscal year 2023

	Adopted budgeted expenditures/ expenses	Expenditure/ expense adjustments approved	Actual expenditures/ expenses*	Budgeted expenditures/ expenses
Roads				
HURF	\$ 1,095,500	\$	\$ 926,379	\$ 1,500,500
Roads CIP	4,355,000		4,407,712	\$2,500,000
Department Total	\$ 5,450,500	\$	\$ 5,334,091	\$ 4,000,500
Street Lighting Improvement District				
SLID Fund	\$ 4,000	\$	\$ 4,000	\$ 4,000
Department Total	\$ 4,000	\$	\$ 4,000	\$ 4,000
 TOTAL ALL DEPARTMENTS	 \$ 41,300,000	 \$	 \$ 34,965,685	 \$ 46,544,100

includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. c.

Meeting Date: 05/24/2022
Contact Person: Frank Marbury, Public Works Director/Town Engineer
 Phone: 928-636-7140 x-1226
Department: Public Works
Estimated length of staff presentation: 5 minutes
Physical location of item: 220 N. State Route 89

AGENDA ITEM TITLE:

Consideration and possible action to approve the First Amendment to the CVPD New Police Facility Construction Contract, in the additional amount of \$659,104, and authorize the Town Manager, or her designee, to execute. (Frank Marbury, Public Work Director/Town Engineer)

RECOMMENDED ACTION:

Approve the First Amendment to the CVPD New Police Facility Construction Contract, in the additional amount of \$659,104, and authorize the Town Manager, or her designee, to execute.

SITUATION AND ANALYSIS:

First Amendment provides funding for work on the CVPD New Police Facility Construction Contract that needs to be completed timely to keep the project on schedule as follows:

The project design included utility extensions and connections to the new Police facility and the bid documents confirmed that the Town would reimburse the contractor for the cost of the gas, electrical, telephone, and cable utility extension and connection costs. These costs were not known at the time and not included in the bid. The contractor and utility costs to extend and connect the utilities is now estimated at \$158,789.

The new Police facility north and south driveways and public parking lot connect to the existing Town Hall parking lot which is in disrepair. The Police project scope of work does not include improvement to the existing Town Hall's north driveway, parking lot, or lighting. Town staff recommend improvements. In order to improve the Town Hall parking lot and match the new Police parking lot, driveways, and parking lot lighting, the cost would be \$173,170.

As with most large projects, the Police Department facility project has experienced a number of items that need clarification or changes in order to meet construction schedules and requirements. Several building products and systems have been impacted by availability and supply chain issues. In order to provide the most suitable products while keeping the project on schedule, changes are needed. The anticipated cost for known items is \$121,825.

To ensure the Police facility project has sufficient contingency funding through the completion of the

project, the cost for future contingencies is estimated to be \$205,320. Combined with the additional funding above and the original \$40,000 contingency funding, the total project funding would be 10% of the project bid.

The project team, including the architect, contractor, and Town staff, have reviewed the change order items, and alternate options, to ensure the items are the most advantageous for the Town with respect to construction schedule, facility design, value, durability, maintenance, and cost.

The change order request can be summarized as:

1. Utility Connections -	\$158,789.00
2. Existing Parking area improvements -	\$173,170.00
3. Known Changes -	\$121,825.00
4. Anticipated Changes -	\$205,320.00
Total Requested for CCO#1 -	\$659,104.00

This total is reasonable when compared to other Town projects that have utilized up to a 10% contingency.

Fiscal Impact

Fiscal Impact?: \$659,104
If Yes, Budget Code: 05-90-5541
Available: \$659,104
Funding Source:

Attachments

First Amendment and Change Order
 Project to date 5 17 2022

**FIRST AMENDMENT
TO THE
CVPD NEW POLICE FACILITY CONSTRUCTION CONTRACT
BETWEEN
THE TOWN OF CHINO VALLEY
AND
DANSON CONSTRUCTION, LLC**

THIS FIRST AMENDMENT TO THE CVPD NEW POLICE FACILITY CONSTRUCTION CONTRACT (this "First Amendment") is entered into as of _____, 2022, between the Town of Chino Valley, an Arizona municipal corporation (the "Town"), and Danson Construction, LLC, an Arizona limited liability company (the "Contractor").

RECITALS

A. The Town and the Contractor entered into Contract No. 21-10-01, dated October 12, 2021, for the Contractor to construct a new Chino Valley Police Department facility for the Town (the "Contract"). All capitalized terms not otherwise defined in this First Amendment have the same meanings as contained in the Contract.

B. The Town has determined that "Change Order 1," as defined below, is necessary.

C. The Town has determined that it is necessary to increase the dollar amount of contingency funds the Town Manager can approve for changes in the Work.

D. The Town and the Contractor desire to enter into this First Amendment to (i) approve Change Order 1, (ii) authorize the Town Manager to approve changes in the Work requiring over \$50,000 of the Contract's available contingency allowance, (iii) authorize the Town Manager to execute and deliver Change Order 1 and to execute all documents and take all steps necessary to carry out the purpose and intent of Change Order 1, and (iv) provide for an increase in the Contract Price.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Contractor hereby agree as follows:

1. **Change Order.** The Contractor shall provide the Work, as amended by the Change Order attached hereto as **Exhibit 1** and incorporated herein by reference ("Change Order 1").

2. **Town Manager Approval Authority.** The Town Manager is authorized to (i) approve changes in the Work requiring over \$50,000 of the Contract's available contingency

allowance, (ii) execute and deliver Change Order 1, and (iii) execute all documents and take all steps necessary to carry out the purpose and intent of Change Order 1.

3. Contract Price. The Contract Price is increased by \$659,104, from \$6,991,046 to \$7,650,150, for the changes in the Work.

4. Effect of Amendment. The Contract is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Contract shall remain in full force and effect.

5. Non-Default. By executing this First Amendment, the Contractor affirmatively asserts that (i) the Town is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the Contract, and (ii) any and all claims, known and unknown, relating to the Contract and existing on or before the date of this First Amendment are forever waived.

6. Conflict of Interest. This First Amendment and the Contract may be cancelled by the Town pursuant to ARIZ. REV. STAT. § 38-511.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

“Town”

TOWN OF CHINO VALLEY,
an Arizona municipal corporation.

Jack W. Miller, Mayor

Attest:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

“Contractor”

DANSON CONSTRUCTION, LLC
an Arizona limited liability company.

By: _____

Name: EVERETT B SHARP

Title: Project Manager

**EXHIBIT 1
TO THE
NEW POLICE FACILITY CONSTRUCTION CONTRACT
BETWEEN
THE TOWN OF CHINO VALLEY
AND
DANSON CONSTRUCTION, LLC**

[Change Order 1]

See following pages.



AIA® Document G701™ – 2017

Change Order

PROJECT: <i>(Name and address)</i> New Chino Valley Police Department 202 North State Route 89, Chino Valley, AZ 86323	CONTRACT INFORMATION: Contract For: General Construction Date: 05/11/2022	CHANGE ORDER INFORMATION: Change Order Number: 001 Date: 05/11/2022
OWNER: <i>(Name and address)</i> Town of Chino Valley 202 North State Route 89, Chino Valley, AZ 86323	ARCHITECT: <i>(Name and address)</i> Stroh Architecture, Inc. 1577 Plaza West Drive, Suite B, Prescott, AZ 86303	CONTRACTOR: <i>(Name and address)</i> Danson Construction 2624 W. Lone Cactus Drive, Phoenix, AZ 85027

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

*SEE CHANGE ORDER ITEMS I-17 - EXHIBIT "A" - ON SEPARATE ATTACHMENT

The original Contract Sum was	\$ 6,991,046.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 6,991,046.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 659,104.00
The new Contract Sum including this Change Order will be	\$ 7,650,150.00

The Contract Time will be unchanged by Zero (0) days.

The new date of Substantial Completion will be unchanged

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

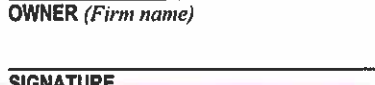
Stroh Architecture, Inc. ARCHITECT <i>(Firm name)</i>	Danson Construction CONTRACTOR <i>(Firm name)</i>	Town of Chino Valley OWNER <i>(Firm name)</i>
 SIGNATURE	 SIGNATURE	 SIGNATURE
Douglas Stroh, Architect PRINTED NAME AND TITLE	Frattolillo P/Inc PRINTED NAME AND TITLE	 PRINTED NAME AND TITLE
05/11/2022 DATE	5/12/22 DATE	 DATE

EXHIBIT "A"

CHANGE ORDER	DESCRIPTION			AMOUNT:
1	Dry and Gas Utility Services	1	LS	\$158,789.00
	a. APS (Electricity)			\$44,282.00
	b. Lumen (Telephone/Network)			\$15,865.00
	c. Sparklight (Cable TV/Network)			\$3,449.00
	d. Unisource (Natural Gas)			\$95,193.00
2.	Replace Existing Town Hall Parking Lot Pavement and Lighting	1	LS	\$173,170.00
	a. Pavement - Reconstruct Asphalt Parking Lot			\$169,096.00
	b. Lighting - Replace Light Fixtures to Match Police Department Parking Lot Lighting			\$4,074.00
3.	Fix North Driveway Pavement to Mitigate Standing Water at Joint Between New and Old Pavement	1	LS	\$25,000.00
4.	Elevator ADA Visual Communication Device	1	LS	\$6,439.00
5.	Building Exterior Frost Free Hose Bib	1	LS	\$1,061.00
6.	Heat Tape at Domestic Water Back-Flow Device	1	LS	\$3,441.00
7.	Terminate Three (3) 2-inch Conduits into both the PD and Town Hall Buildings Including Masonry Coring and Accessible Junction Boxes	1	LS	\$5,529.00
8.	Lighting Circuit for Reverse Pan Building Signage and Address	1	LS	\$1,659.00
9.	Elevator Cost Increase	1	LS	\$8,980.00
10.	TPO Roofing Material Cost Increase	1	LS	\$40,951.00
11.	Change From a Natural Gas to a Diesel Emergency Generator - CREDIT	1	LS	(\$12,023.00)
12.	Select a Larger Capacity Emergency Generator	1	LS	\$2,000.00
13.	Add a Separate Drlp Irrlgation Line for Cacti/Succulents	1	LS	\$10,000.00
14.	Asphalt Paving Material Cost Increase	1	LS	\$5,000.00
15.	Add Underground Conduit From the Building to the Parking Canopies for Possible Future PV System	1	LS	\$3,500.00
16.	Concrete 1st Floor Polished in Lieu of Installing Vinyl Plank Flooring	1	LS	\$20,288.00
17.	Unearmarked Additional Funding - 10% Total Project Contingency	1	LS	\$205,320.00



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. d.

Meeting Date: 05/24/2022
Contact Person: Will Dingee, Senior Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: 5 minutes
Physical location of item: 735 South Road 1 West APN 306-29-052A

AGENDA ITEM TITLE:

Public Hearing, and consideration and possible action to approve Ordinance No. 2022-917 to rezone approximately 6.15 acres from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) for a property located at 735 S Road 1 West from applicant Thomas Langston. (Will Dingee, Development Services)

RECOMMENDED ACTION:

- (i) Hold Public Hearing
- (ii) Approve Ordinance No. 2022-917 to rezone ZC-2022-03 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

SITUATION AND ANALYSIS:

The applicant is applying for a Rezone from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) with the intent to proceed to the Minor Subdivision Process. The applicant intends for the current subject property to result in 2 lots with an easement located to the east of the property. This item went before the Planning and Zoning Commission on May 3, 2022. The Applicant's request is in-line with the zoning of the surrounding area and conforms with the General Plan's Land Use Designation of this area.

Attachment 1 - Excerpt from the minutes of the May 3, 2022, Planning and Zoning Commission Meeting.

Fiscal Impact

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

Attachments

ORD - 2022-917 - Rezone Langston AR5 to SR2

Attachment 1 - P&Z Minutes

Attachment 2 - Conditions of Approval

Attachment 3 - P&Z Staff Report

When Recorded, Return to:

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

ORDINANCE NO. 2022-917

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 6.15 ACRES OF REAL PROPERTY LOCATED AT 735 S ROAD 1 WEST, FROM AR-5 (AGRICULTURAL RESIDENTIAL 5-ACRE MINIMUM) TO SR-2 (SINGLE FAMILY RESIDENTIAL 2-ACRE MINIMUM).

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Town of Chino Valley (the "Town") Official Zoning Map for approximately 6.15 acres of real property located at 735 S Road 1 West, (APN 306-29-052A), from AR-5 (Agricultural Residential 5-Acre Minimum) to SR-2 (Single Family Residential 2-Acre Minimum), as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference (the "Zoning Map Amendment"); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the "UDO"); 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 Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, and ARIZ. REV. STAT. § 9-462.01, the Town Council has, before adopting this Ordinance, considered the individual property rights and personal liberties of the residents of the Town, along with the probable impact of this Ordinance on the cost to construct housing for sale or rent in the Town;

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 hereby incorporated as if fully set forth herein.

Section 2: The Zoning Map Amendment is hereby approved and the Official Zoning Map is hereby amended for property consisting of approximately 6.15 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone the property from AR-5 (Agricultural Residential 5-Acre Minimum) to SR-2 (Single Family Residential 2-Acre Minimum), subject to the requirements of the Chino Valley Town Code and the UDO.

Section 3: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

Section 4: If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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 Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 24th day of May, 2022.

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 Ordinance No. 2022-917 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on May 24, 2022, 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

EXHIBIT 1
TO
ORDINANCE 2022-917

[Legal Description]

All that portion of the North Half of the Southwest Quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at a 1" iron stake marking the West Quarter of said Section 27;

Thence North 89 degrees 32 minutes 35 seconds East, 674.34 feet along the East West centerline of Section 27 to an iron stake;

Thence South 00 degrees 45 minutes 19 seconds East, 521.61 feet to the TRUE POINT OF BEGINNING;

Thence South 00 degrees 45 minutes 19 seconds East, 794.46 feet;

Thence South 89 degrees 29 minutes 49 seconds West, 674.46 feet to an iron stake on the West line of said Section 27;

Thence North 00 degrees 45 minutes West, 529.82 feet;

Thence North 89 degrees 30 minutes 55 seconds East, 337.21 feet;

Thence North 00 degrees 45 minutes 10 seconds West, 264.86 feet;

Thence North 89 degrees 29 minutes 49 seconds East, 337.19 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM all that portion of the North Half of the Southwest Quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the West Quarter corner of Section 27 marked with a one inch iron stake;

Thence South 00 degrees 45 minutes 00 seconds East (basis of bearing) 794.73 feet along the Section line (toward a one and one quarter inch iron pipe marking the Southwest Section corner) to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 30 minutes 55 seconds East 337.21 feet;

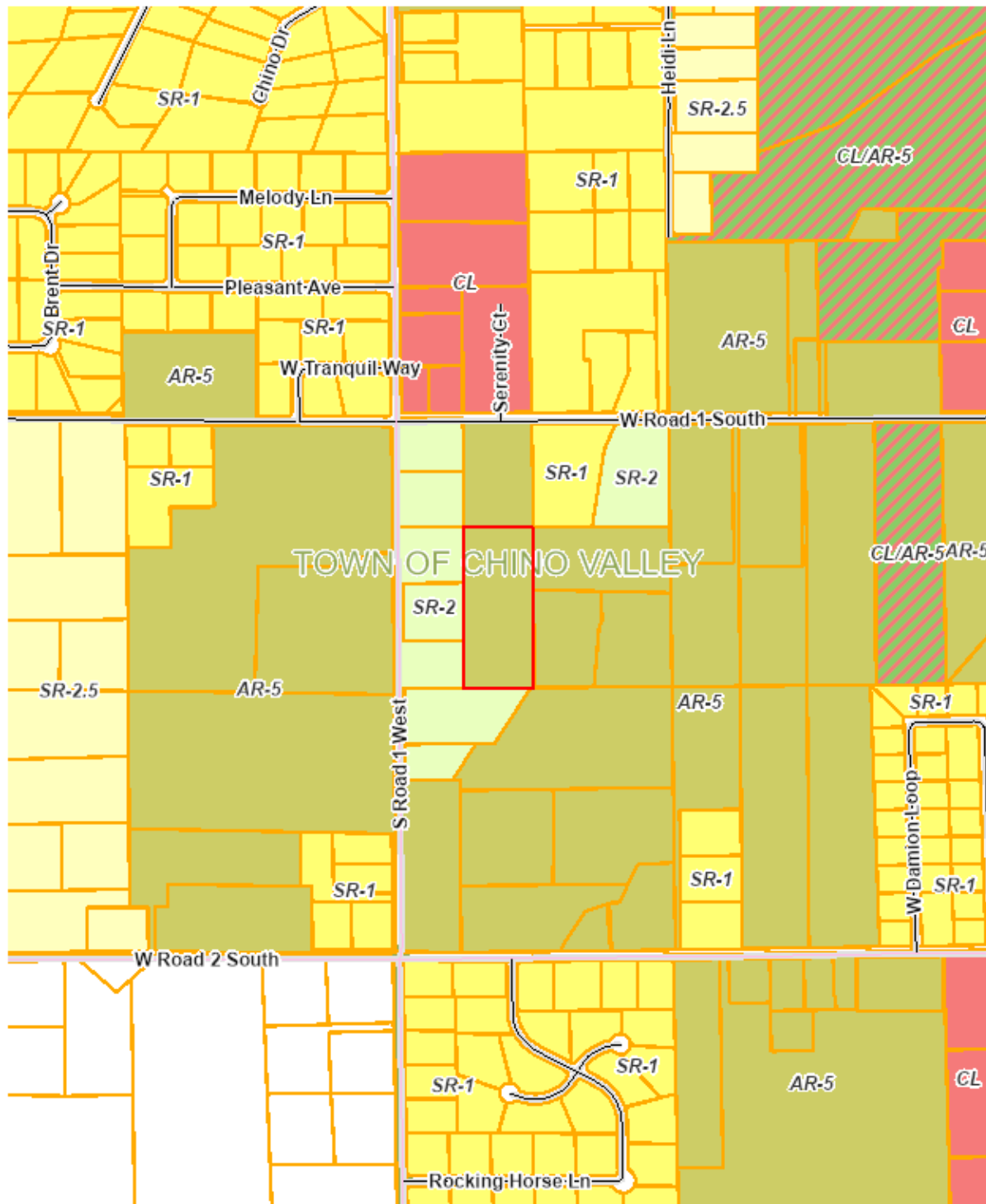
Thence South 00 degrees 45 minutes 10 seconds East 529.72 feet;

Thence South 89 degrees 29 minutes 49 seconds West 337.23 feet;

Thence North 00 degrees 45 minutes 00 seconds West 529.82 feet to the TRUE POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE 2022-917

[Zoning Map]



Attachment 1

Minutes from the Planning and Zoning Commission

CASE# Z-2022-03: - This is a request by Thomas Langston, for approval of a rezoning of approximately 6.15 acres from Agricultural Residential (AR-5) to Single Family Residential 2-Acre Minimum (SR-2) for property located at 735 S Road 1 West, Chino Valley, Arizona, APN# 306-29-052A.

Bethan Heng, Planner, presented the staff report and shared that the Applicant was in attendance for this meeting. Staff is recommending **APPROVAL** with stipulations as stated in Attachment A. There were three letters of opposition received from the public. **Pasciak** asked about the landlock issue pointed out in one of the memos. **Merritt** stated that road easements would be determined when the parcel is split. **Somerville** asked how many lots there would be and **Merritt** stated that question could be deferred to the applicant.

Applicant, Thomas Langston stated that he currently owned the parcel and explained that he was planning for the future and at this time was not planning to split the property. **Switzer** asked about easements. **Langston** shared that when or if the property is split, easements would be required.

Merritt opened the meeting for public comment.

Julie Tarpley of 833 W Road 1 South had concerns about keeping the area rural and how they would access the new parcels. She added that water was an issue. She also stated that three years ago she had asked to split her property and was told no. She asked for a clarification on the proposed zoning. **Merritt** stated that the request was for Single Family Residential – 1 acre.

Dan Main stated that at one point all of the land in this area was Bob's Farm, but it had been split many times over the years. The prior speaker lives on part of that old farm. There are other neighbors with houses on their lots that were originally part of that land, too. Main felt this action was a good idea, that there was plenty of notice given and easement issues would be determined when the lot was split.

Juliann Baker of 2869 N Road 1 East, stated her issues with the current notification process and that only landowners within 300 feet of the property were notified. She felt that the whole community needed to be informed and that the process was not working. She asked which newspaper the ad was placed in..

Rachelle Fernow of 2949 N Road 1 East, stated she was curious what it was about this project that created the need to consult the town attorney, or was consultation only because of the threat of litigation.

Jody Zito, prior applicant, stated that Bob's Farm has changed from a simple chicken farm to where the town was today. Chino Valley is a place that people like to live with property rather than in a subdivision. He stated that you can't stop the growth. He added that if this was his property, and he was in compliance then he could split it. If the prior speaker wished to split her property, she needed to apply. There were different ideas in Chino Valley and citizens weren't used to trying different things. He also stated that he felt that there was a probability of 10,000 more homes to be built in this town.

There were no further public comments. **Merritt** closed the public hearing.

Merritt stated that this request was for a rezone and easement access was not a requirement until the parcel was split, and at that time if there was an easement it would be identified in the survey. **Merritt** directly addressed the comment from **Fernow** where she "wanted to know why the commission gets to decide, who as a property owner, has more rights or value to their land than another". He said that they do not just sit up on the dais and do that. **Lineberry** stated that the commission cannot sit in their role and do anything they want, they are restricted and governed by the general plan and the zoning code. As a property owner, the zoning on your property is your entitlement. A property owner is also entitled to what the general plan reflects as possible land use (zoning). Both of these cases tonight are consistent with the general plan. That is the property owners' right on their property. If the requests were not meeting the criteria explained tonight, the cases wouldn't even reach the commission, because the staff wouldn't allow it. If the cases were not consistent with the general plan, then the general plan itself would need to be

amended, which is a lengthy process. **Main** reminded the public that the General Plan was approved by the voters of the town.

Merritt reminded everyone that the commission had no authority on water issues, but shared that this town was agricultural, with many farms, but through the State of Arizona over time, water became too pricey and farming was no longer a viable business, so what happens to those large pieces of property?

Merritt also asked staff about Ms. Tarpleys' comment regarding her lot split three years ago. **Dingee** said he had spoke with Ms. Tarpley previously and that her property was currently zoned AR-5 – if she chose to rezone, she would go through the same process.

Merritt stated that the concerns about the notification process had been brought up to this commission several times and asked Staff to educate everybody again. **Lineberry** explained that the process for public notification was set by state law and that the state requires that only one form of the three or four options listed in State Law are used. She stated (again) that the Town chooses to use all of the options for notification. Staff sends postcards to the properties directly impacted by the action requested which are within a 300-foot radius. The 300' notice is not for the people who may live close by, or for those that drive by, but for those whose property is directly impacted. Legal Notices are printed in the Daily News because the Chino Valley Review only runs once a week on Wednesdays, and the town ad was run two weeks prior to the meeting. Agendas were posted inside the Post Office, on the Town Hall and the Library external bulletin board, including a complete copy of the agenda placed inside the Library. The Town website has a copy of the complete agenda posted two weeks prior to the meetings. Additionally, a 24"x36" sign was posted on the property.

Switzer shared that he had concerns about water with Arizona Department of Water Resources (ADWR) in charge of water but that is the way water works now, and that the public could get involved with ADWR or other water advocacy groups to maybe change some water rules. He added that agricultural land uses much more water than residential uses. **Zamudio** questioned whether there was a map showing the aquifers and what Chino's water amounts were.

There were no further public comments. **Merritt** closed the public hearing.

A motion was made by Commissioner Switzer and seconded by Vice Chair Pasciak to approve ZC-2022-03, as presented by staff and subject to the conditions of approval. This motion passed with a 6-1 vote with Commissioner Somerville voting nay.

Attachment 2
Conditions of Approval

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate "Waiver of Claims" document.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

Attachment 3

Staff Report from Planning and Zoning Commission



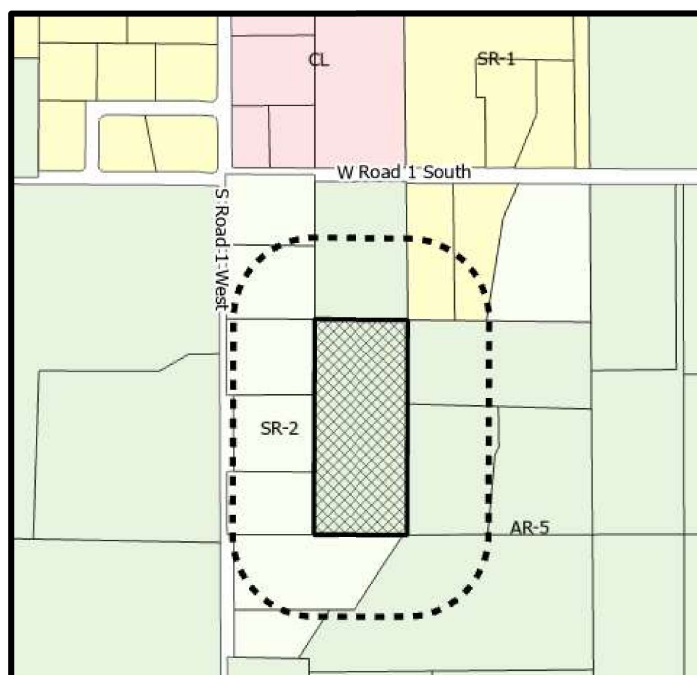
TOWN OF CHINO VALLEY
Planning Commission Staff Report
May 03, 2022
File Number ZC-2022-03
Zone Change

PROJECT DESCRIPTION

This is a request by Thomas Langston, for approval of a rezoning of approximately 6.15 Acres from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) for property located at 735 S Road 1 West, Chino Valley, Arizona, APN #306-29-052A.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	AR-5	Single Family Residential	Medium Density Residential (2 ac or less)
North	AR-5	Single Family Residential / Utility Building	Medium Density Residential (2 ac or less)
South	SR-2	Single Family Residential	Medium Density Residential (2 ac or less)
East	AR-5	Single Family Residential	Medium Density Residential (2 ac or less)
West	SR-2	Single Family Residential / Utility Building	Medium Density Residential (2 ac or less)

LOCATION MAP

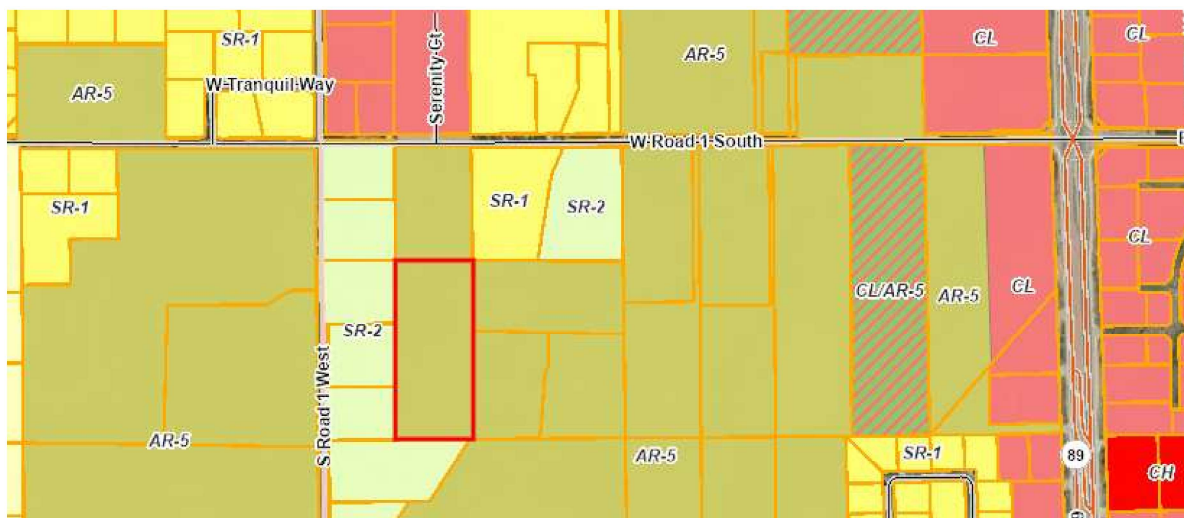
PRIOR SITE ACTIONS:	No prior site actions.
STAFF RECOMMENDATION:	Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of APPROVAL for the rezoning of approximately 6.15 Acres from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) for property located at 735 S Road 1 West, Chino Valley, Arizona with Conditions of Approval found in Attachment A.
SUGGESTED MOTION:	Move to APPROVE Rezone ZC-2022-03 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A
EFFECT OF THE APPROVAL:	By approving this Rezone, the Planning and Zoning Commission is recommending approval to the Town Council for the rezoning of approximately 6.15 Acres from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) for property located at 735 S Road 1 West, Chino Valley, Arizona, subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the previously approved zoning.

Staff Analysis:

The applicant is applying for a Rezone from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) with the intent to proceed to the Minor Subdivision Process. The applicant intends for the current subject property to result in 2 lots with an easement located to the east of the properties.

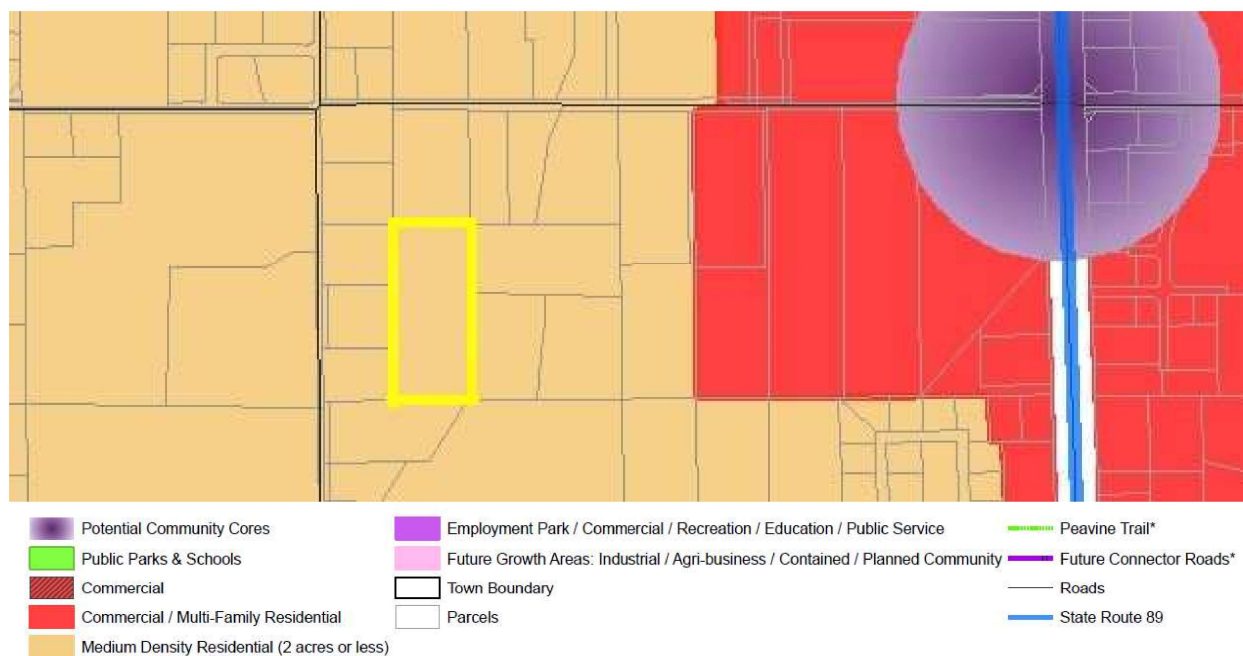
Zoning

Section 3.9.B.1 of the Unified Development Ordinance lists “One (1) single-family dwelling” as a permitted use within the Single Family Residential 2 Acre Minimum (SR-2) zoning district. The resulting rezone will be the same zoning designation as the properties to the west and north (APN 306-29-036X, APN 306-29-052D, & APN 306-29-052B).



General Plan

The zoning request of Single Family Residential 2 Acre Minimum (SR-2) zoning district will bring the property into conformance with General Plan's land use designation of Medium Density Residential (2 acres or less) for the property.



PUBLIC COMMENTS RECEIVED: See Attachment F

EXTERNAL AGENCY COMMENTS: See Attachment B

NEIGHBORHOOD MEETING COMMENTS: Staff notified the surrounding property owners of the date and location of the Planning and Zoning Commission Meeting and Town Council Meeting by postcard on March 14th, 2022.
See Attachment C

PROPOSED CONDITIONS DELIVERED TO APPLICANT ON: March 30, 2022

☒	Applicant agreed with all of the conditions of approval on (April 13, 2022)
☐	Applicant did not agree with the following conditions of approval: (list #'s)
☐	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Site Plan & Exhibits	Staff Research	Public Comment

PREPARED BY:


BETHAN HENG, PLANNER
(BHENG@CHINOAZ.NET)
928 636-4427 - x1295

DATE:

APRIL 18, 2022

APPROVED BY:


LAURIE LINEBERRY, AICP
DEVELOPMENT SERVICES DIRECTOR

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate "Waiver of Claims" document.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
EXTERNAL AGENCY COMMENTS

DATE:	2/11/2022	NAME:	RICHARD PEREZ	TITLE:	PRESCOTT PERMITS SUPERVISOR
AGENCY:	ADOT			PHONE	(928) 777-5861
• ADOT has no concerns or comments regarding the rezoning or lot split. • ADOT reserves the right to comment further when Parcel #306-29-052A develops to review the site plans and to comment on any other future meetings regarding Parcel #306-29-052A. Please contact the Northwest District Prescott Permits department if you have any questions or concerns.					

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: MARCH 23, 2022

LOCATION: TOWN HALL COUNCIL CHAMBERS

ATTENDEES:

AGENT/DEVELOPER: THOMAS LANGSTON

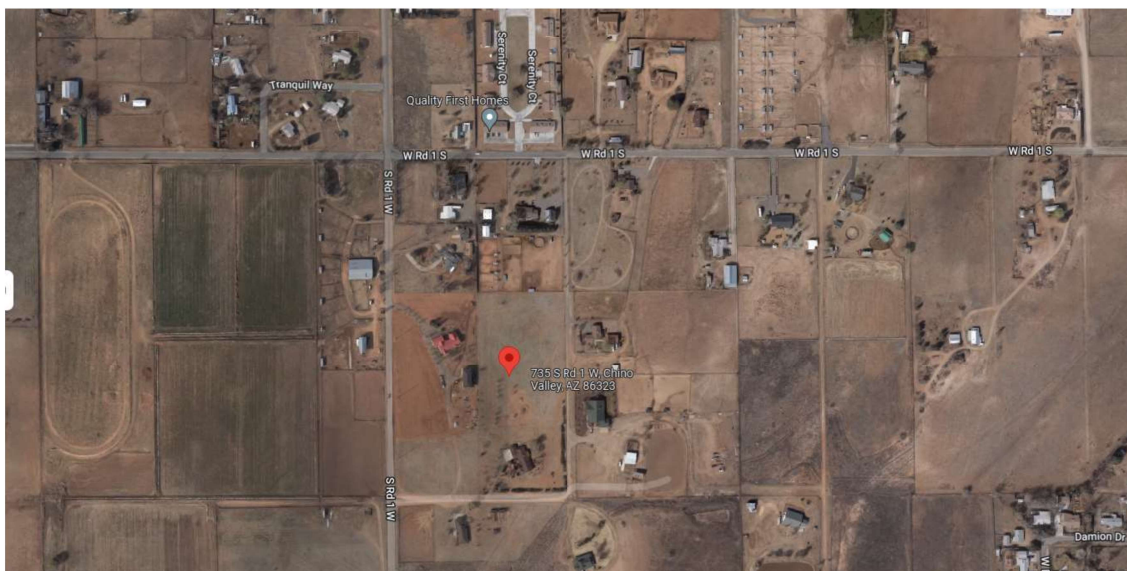
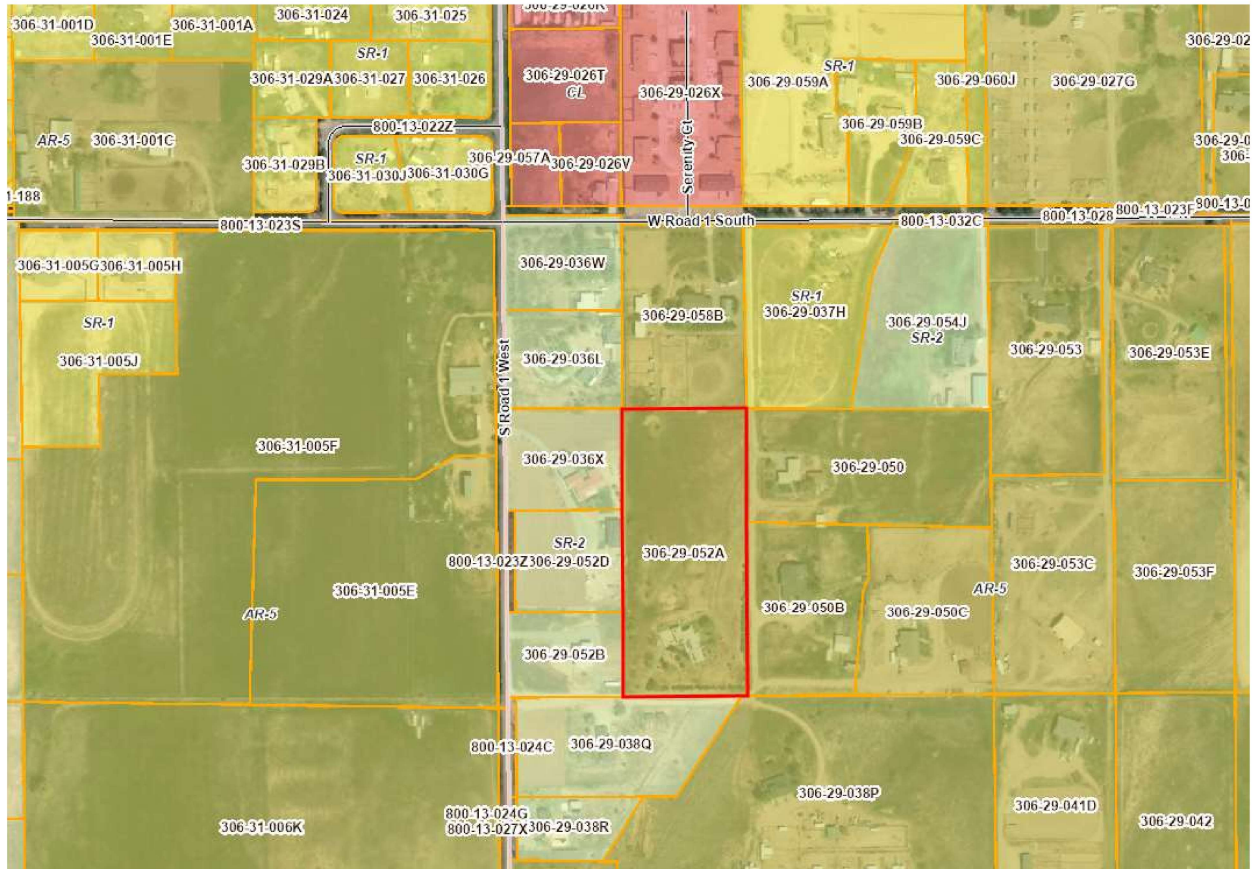
TOWN STAFF: WILL DINGEE, SENIOR PLANNER; BETHAN HENG, PLANNER

NEIGHBORS IN ATTENDANCE (4, JULIE TARPLEY, SHARON SMITH. SUE DENZ, & DUANE DORY)

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- PRIVATE ACCESS IS NOT A MAINTAINED ROAD; DUST FROM EXISTING EASEMENT
- WELL VS. TOWN WATER
- SUBJECT PROPERTY IS LANDLOCKED

ADDRESS: 735 S Road 1 West, Chino Valley, Arizona



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZC-2022-03

CASE PLANNER: BETHAN HENG

I. PROJECT DATA

Project Location:	735 S. Road 1 West, Chino Valley, AZ 86323
Parcel Number(s):	306-29-052A
Parcel Size(s):	6.15 Acres
Total Acreage:	6.15 Acres
Proposed Dwelling Units:	-
Address:	735 S Road 1 West, Chino Valley, AZ 86323
Applicant:	Thomas Langston
Applicant's Agent:	-
Land Use Conformity Matrix:	Conforms: Yes X No

Zoning Overlay	PAD		
	Existing Zoning	Use(s) on-site	General Plan Designation
Site	AR-5	Single Family Residential	Medium Density Residential (2 acres or less)
North	AR-5	Single Family Residential, Stable, Utility Building	Medium Density Residential (2 acres or less)
South	SR-2	Single Family Residential	Medium Density Residential (2 acres or less)
East	AR-5	Single Family Residential, Stables	Medium Density Residential (2 acres or less)
West	SR-2	Single Family Residential, Utility Building	Medium Density Residential (2 acres or less)

Prior Cases or Related Actions:

Type	Conforms				Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	X	
Annexation	Yes	X	No		1 st Annexation; 11/13/1970
General Plan Amendment	Yes		No	X	
Development Agreement	Yes		No	X	
Rezone	Yes		No	X	
Subdivision	Yes		No	X	
Conditional Use Permit	Yes		No	X	
Pre-Application Meeting	Yes	X	No		02/23/2022 (PA-2022-07)
Enforcement Actions	Yes		No	X	
Land Division Status:				X	
Irrigation District:					

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:	
Land Use Designation:	Medium Density Residential (2 acres or less)
Issues:	N/A
Public Services Element:	

Water Facility Plan:	Source:	Applicant plans to use a private well on new resulting lot; City of Prescott water location on Road 1 West, 350ft to the West of property.
Sewer Facility Plan:	Treatment:	Applicant plans to use private septic system on new resulting lot; Nearest Town Sewer is located 1,800ft to the North.
Issues:		
Safety Element:		
Flood Plain Designation:		
Issues:		
Transportation Element:		
Road Classification		
Issues:		
Parks and Rec Element:		
Closest Park:	Chino Valley Cemetery	
Within 1 mile of the Peavine Trail?	No	

NOTIFICATION

- **Legal Ad Published: The Sun** (04/04/2022)
- **300' Vicinity Mailing:** (03/14/2022)
- **34 Commenting/Reviewing Agencies noticed:** (03/18/2022)
- **Neighborhood Meeting:** (03/23/2022)
- **Hearing Dates:** (05/03/2022)
- **Comments Due:** (03/25/2022)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Chuck Dowdy – CAFMA	Y	2/23/2022	Y		
Monica Holiday – APS	NR	-			
Richard Perez - A.D.O.T.	Y	2/11/2022		Y	Y
Ralph Baker – C.V.I.D.	NR	-			
Suzann E. – YC ENV	NR	-			
Jon Groulx – YC Health	NR	-			
SparkLite Cable	NR	-			
Century Link Cable	NR	-			
Unisource Gas	NR	-			
CVUSD	NR	-			
United States Postal Service	NR	-			
Town of Chino Valley Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Bethan Heng – Planner (DS)	NR	-			
Will Dingee – Senior Planner (DS)	NR	-			
Laurie Lineberry – DS Director	Y	-		Y	Y
Frank Marbury – PW Director	NR	-			
Steve Sullivan – Assistant Engineer (PW)	NR	-			
Jim Shinost – Plans Examiner (DS)	NR	-			
Dan Trout – CBO (DS)	NR	-			
David Jamie – Code Enforcement	NR	-			
Damon Stanley – Code Enforcement	NR	-			
Chuck Winn – Chief of Police (Police)	NR	-			

ATTACHMENT F
PUBLIC COMMENT

March 23, 2022

Development Services
Planning Division

Subject: Case #ZC 2022-03

I am the owner of property located at 895 W. Rd. 1 S. Chino Valley, Az.
My property acreage —back area—touches the above parcel.

I moved here to enjoy my animals, and not have any neighbors any closer than existing ones when I purchased this property 4 years ago....and being agricultural zoned—thought this to be a great location, and no more people moving in or building would be happening.

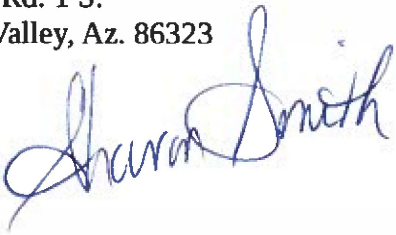
When a property becomes residential along come more rules/regulations—people—children—traffic, barking dogs, etc. -general complaints about animals, noise,—etc.

Water being necessary—will another well be dug?? if so there is only so much water available at certain depths and the North end of Chino is already experiencing well problems, and so close to my property—will it have any effect on my well??? who knows?? will water come from Prescott??

Building and turning agricultural farm land into residential is no doubt a money maker but what happens when no larger agricultural parcels are left??? what about gardens/planting crops for food and general farming?? Chino used to raise a lot of hay grain crops, and guess that is now a thing of the past due to “progress.”

In summary,, I hope the town of Chino will call a halt to subdividing larger parcels of land or consider appropriate locations thereof.

Sharon Smith
895 W. Rd. 1 S.
Chino Valley, Az. 86323

A handwritten signature in blue ink that reads "Sharon Smith". The signature is written in a cursive, flowing style.

From: Ken Haley <khaley4@gmail.com>
Sent: Wednesday, April 6, 2022 5:12 PM
To: Bethan Heng
Subject: Case # ZC-2022-03

We oppose this rezoning proposal for the following reasons:

First, since the proposed rezoning will create land-locked parcels, it's unclear how access will be provided, what easements will need to be modified or created, etc. Furthermore, regardless of how this is solved, there will be an increase in traffic on whatever road is used to access these parcels. Existing roads are already in less than ideal condition.

Second, we moved here after searching for a pleasant rural environment for our horses and other animals, as well as the peace and quiet that we find here. Rezoning such as this erode that environment.

Thirdly, we worry about water resources, which are reportedly dwindling in this area. Without a plan to address this issue, it seems irresponsible to allow such subdivision.

Sincerely
Ken and Vicki Haley
751 S. Road 1 W.

PLEASE BE AWARE THIS MESSAGE CAME FROM A SENDER OUTSIDE THE TOWN!

April 6, 2022

Town Contact: Planner Bethan Hang

Re: CASE #ZC-2022-03
APN #306-29-052A

This response is made regarding the request by Thomas Langston, for approval of a rezoning from agricultural residential AR-5 to single-family resident 2 acre minimum SR-2 for property located at 735 South Rd 1 W, Chino Valley, AZ. We oppose this rezoning.

As residents in very close proximity we are writing to oppose this plan. This parcel of approximately 6.15 acres is landlocked and will need allocation for access to proposed rezoning SR-2 family resident 2 acre minimum. There is no access.

We have resided in Chino Valley for over a quarter of a century. We intentional chose this area because of the agricultural residential zoning which provides ability to keep horses, farm animals, etc. on our property. We oppose this rezoning.

It makes no sense to have a suburban neighborhood in the middle of agricultural properties. How many of those prospective Suburban families will appreciate the smell of manure, crowing of roosters before sunrise, etc. How many complaints do you think the city will have to deal with?

We are appealing to keep Chino Valley unique! We are known as a community that invites property owners who choose agricultural zoning acreage purposefully! Let's keep it that way!

Respectfully,

Julie A Tarpley
Delton H Tarpley
APN #306-29-05002

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. e.

Meeting Date: 05/24/2022

Contact Person: Will Dingee, Senior Planner
Phone: 928-636-4427 x-1233

Department: Development Services

Estimated length 5 minutes

of staff presentation:

Physical location of item: Approximately 750 feet east of the intersection of Granite Creek Lane and Arizona Trail, APN - 306-17-110B

AGENDA ITEM TITLE:

Public Hearing, and consideration and possible action to approve Ordinance No. 2022-918 to rezone approximately 3.04 Acres from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1) for a property located approximately 750 feet east of the intersection of Granite Creek Lane and Arizona Trail, APN #306-17-110B, from applicant Gary Zito, on behalf of Arizona Heritage Construction. (Will Dingee, Senior Planner)

RECOMMENDED ACTION:

- (i) Hold Public Hearing
- (ii) Approve Ordinance No. 2022-918 to rezone ZC-2022-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

SITUATION AND ANALYSIS:

The applicant is applying for a Rezone from the Industrial (I) Zoning District to Single Family Residential 1 Acre Minimum (SR-1) with the intent to proceed to the Minor Subdivision Process. The applicant intends for the current subject property to result in 3 lots with an easement. This item went before the Planning and Zoning Commission on May 3, 2022. The Applicant's request is compatible with the zoning of the surrounding area and conforms with the General Plan's Land Use Designation.

The Town Attorney has reviewed this item. If any legal questions come up during the presentation, the Town Attorney can address them with Council.

Attachment 1 - Excerpt from the minutes of the May 3, 2022, Planning and Zoning Commission Meeting.

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

ORD - 2022-918 - Rezone Zito I to SR1

Attachment 1 - P&Z Minutes

Attachment 2 - Conditions of Approval

Attachment 3 - P&Z Staff Report

When Recorded, Return to:

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

ORDINANCE NO. 2022-918

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 3.04 ACRES OF REAL PROPERTY LOCATED APPROXIMATELY 750 FEET EAST OF THE INTERSECTION OF GRANITE CREEK LANE AND ARIZONA TRAIL, FROM I (INDUSTRIAL) TO SR-1 (SINGLE FAMILY RESIDENTIAL 1-ACRE MINIMUM).

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Town of Chino Valley (the "Town") Official Zoning Map for approximately 3.04 acres of real property located approximately 750 feet East of the intersection of Granite Creek Lane and Arizona Trail, (APN 306-17-110B), from I (Industrial) to SR-1 (Single Family Residential 1-Acre Minimum), as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, (the "Zoning Map Amendment"); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the "UDO"); 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 Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, and ARIZ. REV. STAT. § 9-462.01, the Town Council has, before adopting this Ordinance, considered the individual property rights and personal liberties of the residents of the Town, along with the probable impact of this Ordinance on the cost to construct housing for sale or rent in the Town;

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 hereby incorporated as if fully set forth herein.

Section 2: The Zoning Map Amendment is hereby approved and the Official Zoning Map is hereby amended for property consisting of approximately 3.04 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone the property from I (Industrial) to SR-1 (Single Family Residential 1-Acre

Minimum) to divide the land, subject to the requirements of the Chino Valley Town Code and the UDO.

Section 3: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

Section 4: If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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 Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 24th day of May, 2022.

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 Ordinance No. 2022-918 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on May 24, 2022, 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

EXHIBIT 1
TO
ORDINANCE 2022-918

[Legal Description]

PARCEL I:

All that portion of Section 11, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the Northwest corner of said Section 11;

Thence, North 89°58'East, 2974.72 feet along the North line of said Section 11 to a point, said point being the Northeast corner of SUNRISE, a subdivision recorded in Book 19 of Maps and Plats, Page 21, on file in the office of the Yavapai County Recorder;

Thence, South 00°16'10" East, along the East line of said SUNRISE, 1840.00 feet to the Southeast corner thereof;

Thence, South 89°56'40" East, 397.50 feet to a point on the North line of that certain parcel described in Book 767 of Official Records, Page 145, on file in the office of the Yavapai County Recorder;

Thence, continuing South 89°56'40" East, 348.37 feet to the POINT OF BEGINNING;

Thence, North 00°37'07" West, 377.95 feet;

Thence, North 44°21'36" West, 221.12 feet;

Thence, South 88°10'49" East, 216.12 feet;

Thence, North 88°41'29" East, 533.15 feet along the East line of Tract 39 to a point on the West line of that certain parcel described in Book 1060 of Official Records, Page 918, on file in the office of the Yavapai County Recorder;

Thence, North 89°56'40" West, 227.37 feet to the POINT OF BEGINNING.

PARCEL II:

An easement for ingress, egress, drainage and utilities, 50.0 feet in width, lying 25.0 feet on each side of a centerline located over all that portion of Section 11, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, said centerline more particularly described as follows:

Commencing at the Northwest corner of said Section 11;

Thence, North 89°58' East, 2974.72 feet along the North line of said Section 11 to a point, said point being the Northwest corner of SUNPRISE, a subdivision recorded in Book 19 of Maps and Plats, Page 21, on file in the office of the Yavapai County Recorder;

Thence, South 00°16'10" East, along the East line of said SUNRISE, 1840.00 feet to the Southeast corner thereof;

Thence, South 89°56'40" East, 397.50 feet to a point on the North line of that certain parcel described in Book 767 of Official Records, Page 145, on file in the office of the Yavapai County Recorders;

Thence, continuing South 89°56'40" East, 348.37 feet to the POINT OF BEGINNING of this centerline;

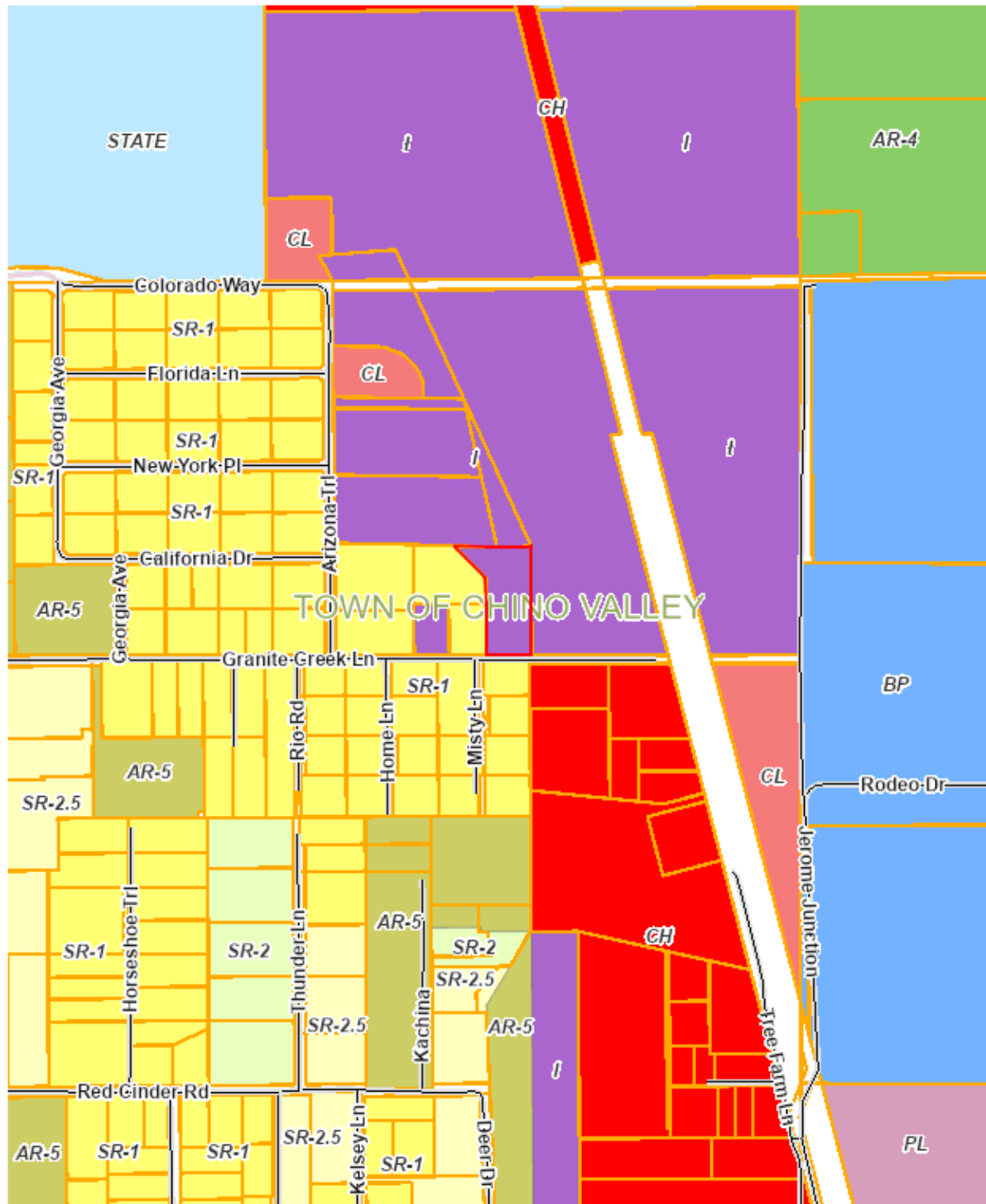
Thence, North 00°37'00" West, 300.75 feet to the END of this centerline;

The sidelines to commence on a line running South 89°56'40" East and North 89°56'40" West from the Point of Beginning and terminating on a line running perpendicular to the End point.

EXCEPTING THEREFROM any portion lying within Parcel I above.

EXHIBIT 2
TO
ORDINANCE 2022-918

[Zoning Map]



CASE# Z-2022-02: - This is a request by Gary Zito on behalf of Arizona Heritage Construction, for approval of a rezoning of approximately 3.04 Acres from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1) for property located at E Granite Creek Lane.

Bethan Heng, Planner, presented the staff report and shared that the Applicant was in attendance for this meeting. Staff is recommending **APPROVAL** with stipulations as stated in Attachment A.

Applicant, Jody Zito of Arizona Heritage Construction, stated that they planned to split the property into three 1-acre parcels to build homes. He stated the zoning request is the same as neighboring residential properties in the area. There were no questions from the commission to the applicant.

Chair Merritt opened the meeting for public comment.

Julie Tarpley of 833 W Road 1 South, asked for clarification of what zoning was being asked for. **Merritt** stated that this request was for Single Family Residential – 1 acre.

Dan Main shared that most of the land to the east of this parcel was located in a Floodway, not a floodplain, and that it would never be able to be built on.

John Kuzicki, Realtor for Mr. Wells, spoke in length regarding the area in question, and that the notifications (2 separate postcards) were not sufficient enough, in his opinion. He stated he was opposed to the rezone, with his objections centering about how this rezone might impact his clients' property to the east. He stated that the rezone could require an industrial sized buffer which might affect the current owner, Mr. Wells' ability to start up a medical marijuana facility. He added that a 500 foot buffer would make most of Mr. Wells property unusable and reduce the property value. He also believed that even though most of the adjacent property is within a FEMA Floodplain and Floodway that it could be a buildable property. **Merritt** again stated that this request was for Single Family Residential – 1 acre. **Lineberry** stated that the General Plan designation was for Medium Density Residential, 2 acres or less in size.

Rachell Fernow of 2949 N Road 1, shared her concern that people were buying property and then expecting to rezone into something else, rather than use as it was already zoned. She felt that there was no transition between the residential and industrial properties. She also wanted to know why the commission gets to decide, which property owner has more rights or value to their land than another. She reiterated that Mr. Wells owned property that was zoned industrial and he had the right to use it for whatever he wanted under that Industrial designation. Based on the previous speakers' comments it appeared that this would devalue his adjacent property. **Fernow** wanted to know how many lawsuits the town could afford.

There were no further public comments.

Merritt asked staff for clarification regarding the Floodway and Floodplain designations. **Dingee**, accessed the Yavapai County GIS Interactive Map and showed on the overhead projection the FEMA flood information. He shared that the darker blue had a Floodway designation and the lighter blue reflected the Floodplain area. The mapping shows that Mr. Wells property is located in those areas. **Frank Marbury, Public Works Director**, attended through the Zoom meeting app, stated that Mr. Wells would be hard pressed to be allowed by the Federal Government to build there. **Pasciak** stated that it appeared most of Mr. Wells property was in the floodway and unbuildable.

Merritt stated that there was a comment about buffering. There were many residential parcels adjacent to existing industrial parcels as the zoning currently exists and there is no buffer.

Applicant Jody Zito returned to the podium and shared that he was a General Contractor that builds homes and that there were currently existing homes to the west and to the south of this property. **Switzer** asked about the easement to the yet-to-be created parcels. **Zito** stated that an easement would be required when the split occurred. **Somerville** asked if the home would be elevated and **Zito** stated they would be built per code, with natural drainage towards the wash.

There were no further questions for staff or the applicant.

A motion was made by Vice Chair Pasciak and seconded by Commissioner Somerville to approve ZC-2022-02, as presented by staff and subject to the conditions of approval. This motion passed with a 7-0 vote.

Attachment 2
Conditions of Approval

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate "Waiver of Claims" document.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

Attachment 3

Staff Report from Planning and Zoning Commission



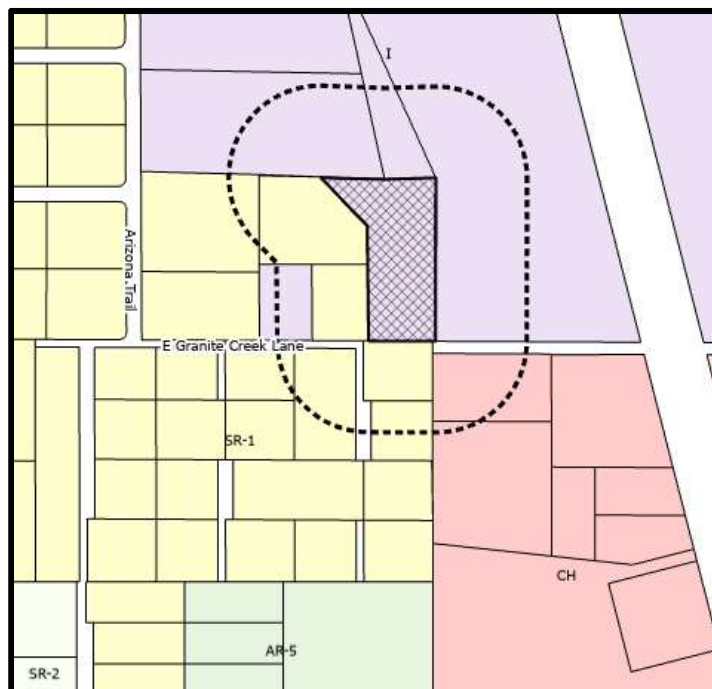
TOWN OF CHINO VALLEY
Planning Commission Staff Report
May 03, 2022
File Number ZC-2022-02
Zone Change

PROJECT DESCRIPTION

This is a request by Gary Zito on behalf of Arizona Heritage Construction, for approval of a rezoning of approximately 3.04 Acres from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1) for property located at E Granite Creek Lane, Chino Valley, Arizona, APN #306-17-110B.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Industrial	Vacant	Medium Density Residential (2 acres or less)
North	Industrial	Vacant	Medium Density Residential (2 acres or less)
South	Single Family Residential 1 Acre Minimum (SR-1)	Residential	Medium Density Residential (2 acres or less)
East	Industrial	Vacant	Commercial
West	Single Family Residential 1 Acre Minimum (SR-1)	Residential; Vacant	Medium Density Residential (2 acres or less)

LOCATION MAP


PRIOR SITE ACTIONS: No prior site actions.

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of **APPROVAL** for the rezoning of approximately 3.04 Acres from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1) for property located at E Granite Creek Lane with Conditions of Approval found in Attachment A.

SUGGESTED MOTION: Move to **APPROVE** Rezone ZC-2022-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A

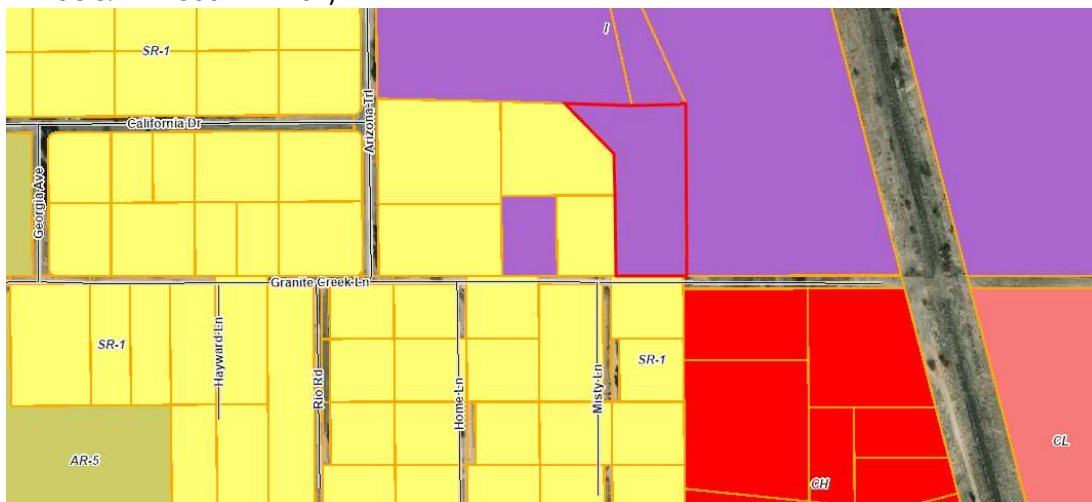
EFFECT OF THE APPROVAL: By approving this Rezone, the Planning and Zoning Commission is recommending approval to the Town Council for the rezoning of approximately 3.04 Acres from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1) for property located at E. Granite Creek Lane, subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the previously approved zoning.

Staff Analysis:

The applicant is applying for a Rezone from the Industrial (I) Zoning District to Single Family Residential 1 Acre Minimum (SR-1) with the intent to proceed to the Minor Subdivision Process. The applicant intends for the current subject property to result in 3 lots with an easement.

Zoning

Section 3.11.B.1 of the Unified Development Ordinance lists “One (1) single-family dwelling” as a permitted use within the Single Family Residential 1 Acre Minimum (SR-1) zoning district. The resulting rezone will be the same zoning designation as the properties to the west (APN 306-17-110C & APN 306-17-110E).



General Plan

The zoning request of Single Family Residential 1 Acre Minimum (SR-1) zoning district will bring the property into conformance with General Plan's land use designation of Medium Density Residential (2 acres or less) for the property.



PUBLIC COMMENTS RECEIVED: See Attachment F

EXTERNAL AGENCY COMMENTS: See Attachment B

NEIGHBORHOOD MEETING COMMENTS: Staff initially notified surrounding property owners of a neighborhood meeting on site for March 23, 2022. Discovering the error, staff notified all neighbors by a correct postcard, identifying Town Hall as the location & March 14th as the date of a neighborhood meeting.

Staff notified the surrounding property owners of the date and location of the Planning and Zoning Commission Meeting and Town Council Meeting by postcard on March 14, 2022.
See Attachment C

PROPOSED CONDITIONS DELIVERED TO APPLICANT ON: March 30, 2022

X	Applicant agreed with all of the conditions of approval on (April 12, 2022)
	Applicant did not agree with the following conditions of approval: (list #'s)
	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Site Plan & Exhibits	Staff Research	Public Comment

PREPARED BY:


 BATHAN HENG, PLANNER
 (BHENG@CHINOAZ.NET)
 928 636-4427 - x1295

DATE:

APRIL 18, 2022

APPROVED BY:


 LAURIE LINEBERRY, AICP
 DEVELOPMENT SERVICES DIRECTOR

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate "Waiver of Claims" document.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
EXTERNAL AGENCY COMMENTS

DATE:	2/15/2022	NAME:	RICHARD PEREZ	TITLE:	PRESCOTT PERMITS SUPERVISOR
AGENCY:	ADOT			PHONE	(928) 777-5861
• ADOT has no concerns or comments regarding the rezoning from Industrial (I) to Single Family Residential (SR-1). • ADOT's comments may not be all inclusive. ADOT's comments may not be all inclusive. ADOT reserves the right to comment further when Parcel #306-17-110B develops to review the site plans and to comment on any other future meetings regarding Parcel #306-17-110B. Please contact the Northwest District Prescott Permits department if you have any questions or concerns. • ADOT respectfully request that the Town of Chino Valley keep ADOT included of all reviews and any other future meetings moving forward with this development.					

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: MARCH 23, 2022

LOCATION: TOWN HALL COUNCIL CHAMBERS

ATTENDEES:

AGENT/DEVELOPER: JODI ZITO; DAN MAIN

TOWN STAFF: WILL DINGEE, SENIOR PLANNER; BETHAN HENG, PLANNER

NEIGHBORS IN ATTENDANCE (0, -)

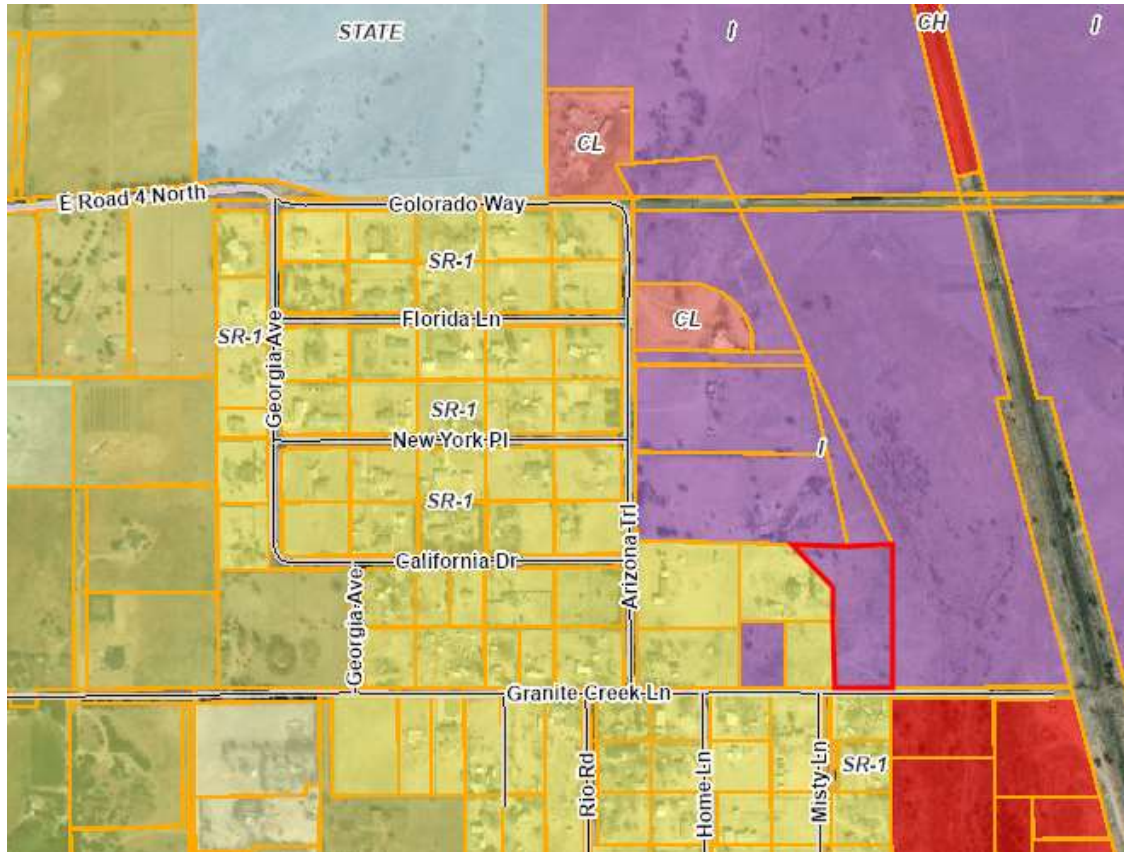
SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

No community members were in attendance.

ATTACHMENT D SITE PLAN AND EXHIBITS

APN# 306-17-110B

ADDRESS: GRANITE CREEK LANE



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – ZONE CHANGE

CASE #: ZC-2022-02

CASE PLANNER: BETHAN HENG

I. PROJECT DATA

Project Location:	E Granite Creek Lane
Parcel Number(s):	306-17-110B
Parcel Size(s):	3.04 Ac
Total Acreage:	3.04 Ac
Proposed Dwelling Units:	N/A
Address:	E Granite Creek Lane
Applicant:	Arizona Heritage Construction
Applicant's Agent:	Gary Zito; Jody Zito
Land Use Conformity Matrix:	Conforms: Yes X No

Zoning Overlay		PAD		Industrial	
	Existing Zoning		Use(s) on-site		General Plan Designation
Site	Industrial		Vacant		Medium Density Residential (2 acres or less)
North	Industrial		Vacant		Medium Density Residential (2 acres or less)
South	Single Family Residential 1 Acre Minimum (SR-1)		Residential		Medium Density Residential (2 acres or less)
East	Industrial		Vacant		Commercial
West	Single Family Residential 1 Acre Minimum (SR-1)		Residential; Vacant		Medium Density Residential (2 acres or less)

Prior Cases or Related Actions:

Type	Conforms	Cases, Actions or Agreements
Pre-Annexation Agreement	Yes N/A X	
Annexation	Yes X N/A	Original Town – September 21, 1970
General Plan Amendment	Yes N/A X	
Development Agreement	Yes N/A X	
Rezone	Yes X N/A	April 05, 2022
Subdivision	Yes N/A X	
Conditional Use Permit	Yes N/A	
Pre-Application Meeting	Yes X N/A	October 6, 2021; December 13, 2021
Enforcement Actions	Yes N/A X	
Land Division Status:	Yes N/A X	
Irrigation District:	N/A	

Detailed Narrative

This is a request by Gary Zito on behalf of Arizona Heritage Construction, for approval of a rezoning for property located at E Granite Creek Lane.

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:	
Land Use Designation:	Medium Density Residential (2 acres or less)
Issues:	N/A

Public Services Element:		
Water Facility Plan:	Source:	
Sewer Facility Plan:	Treatment:	
Issues:		
Safety Element:		
Flood Plain Designation:		
Issues:		
Transportation Element:		
Road Classification		
Issues:		
Parks and Rec Element:		
Closest Park:	LIST	
Within 1 mile of the Peavine Trail?		

NOTIFICATION

- **Legal Ad Published: The Sun** (03/08/2022)
- **300' Vicinity Mailing:** (03/15/2022)
- **21 Commenting/Reviewing Agencies noticed:** (02/10/2022)
- **Neighborhood Meeting:** (03/23/2022)
- **Hearing Dates:** (05/03/2022)
- **Comments Due:** (03/25/2022)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Chuck Dowdy – CAFMA	NR	-			
Monica Holiday – APS	NR	-			
Richard Perez - A.D.O.T.	Y	2/15/2022		Y	Y
Ralph Baker – C.V.I.D.	Y	2/10/2022	Y		
Suzann E. – YC ENV	NR	-			
Jon Groulx – YC Health	NR	-			
SparkLite Cable	NR	-			
Century Link Cable	NR	-			
Unisource Gas	NR	-			
CVUSD	NR	-			
United States Postal Service	NR	-			
Town of Chino Valley Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Bethan Heng – Planner (DS)	Y	-		Y	Y
Will Dingee – Senior Planner (DS)	NR	-			
Laurie Lineberry – DS Director	Y	-		Y	Y
Frank Marbury – PW Director	NR	-			
Steve Sullivan – Assistant Engineer (PW)	Y	2/22/2022		Y	Y
Jim Shinost – Plans Examiner (DS)	NR	-			
Dan Trout – CBO (DS)	NR	-			
David Jamie – Code Enforcement	NR	-			
Damon Stanley – Code Enforcement	NR	-			
Chuck Winn – Chief of Police (Police)	NR	-			

ATTACHMENT F
PUBLIC COMMENT

From: prescottproperty@aol.com
Sent: Wednesday, March 23, 2022 11:04 AM
To: Bethan Heng
Subject: Case: #Z-2022-02

Hello Ms. Heng,

I am a licensed Real Estate Agent in the State of Arizona; I currently represent Mr. Curt Wells in the Sale of vacant land parcels #306-03-002N and #306-17-001. Also, I represent Mr. Curt Wells in the Sale of vacant land parcels #306-03-002M,P, & Q. Parcel #306-02-002Q currently has a valid and accepted Purchase Contract associated with it; likewise, the Buyer and Seller are in Escrow and they anticipate Closing the transaction in the near future.

The rezoning of parcel #306-17-110B will have harmful financial impact on my Client's ownership. If the subject property is rezoned, I believe that my Client (under appropriate direction from Counsel) will have grounds to seek remediation and damages from the Town of Chino Valley under Proposition #307(I believe this is the proper Proposition number, however I will conduct further research and I will furnish you with any necessary correction in the future). Please call or email/text me anytime to review any portion of this email. I look forward to working with everyone involved in this Case #Z-2022-02 in a positive manner.

Thank you,
John Kuzicki

John Kuzicki

Better Homes and Gardens Real Estate
BloomTree Realty

Courthouse Square Office

102 West Gurley Street Suite #102

Prescott, Arizona 86301

928-710-7606

PrescottProperty@aol.com

PrescottProperty.Net

PLEASE BE AWARE THIS MESSAGE CAME FROM A SENDER OUTSIDE THE TOWN!