



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**EXECUTIVE SESSION
TUESDAY, JULY 28, 2020
5:00 P.M.**

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

AGENDA

1. **ROLL CALL**
2. An Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation with the Town Attorney for legal advice relating to the proposed zone change of approximately 10.54 acres from AR-5 (Agricultural-Residential, 5-acre minimum) zoning district to SR-0.16 PAD (Single-Family Residential, 7,000 square foot minimum lot area) zoning district with a Planned Area Development Overlay (Wesdamar Farms).
3. **ADJOURNMENT**

**REGULAR MEETING
TUESDAY, JULY 28, 2020
6:00 P.M.**

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

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

AGENDA

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

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a. Presentation by Sheriff Masher regarding the proposed Fallen Officer's Memorial. (Chuck Wynn, Police Chief)

3. CALL TO THE PUBLIC

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

4. 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 Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.
- c. Report regarding Proposition 450, Alternative Expenditure Limitation (Home Rule Option). (Joe Duffy, Administrative Services Director)

5. CONSENT AGENDA

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

- a. **p.5** Consideration and possible action to approve the Shooting Range Grant Agreement between the Arizona Game and Fish Commission and the Town of Chino Valley, in the amount of \$9,715 in grant funds and \$9,715 Town match, for a total of \$19,430, to complete the 200-yard Rifle Range. (Chuck Wynn, Police Chief)
- b. **p.15** Consideration and possible action to approve the June 30, 2020, study session minutes. (Jami Lewis, Town Clerk)

- c. **p.23** Consideration and possible action to approve the July 14, 2020, regular meeting minutes. (Jami Lewis, Town Clerk)

6. ACTION ITEMS

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

- a. **p.31** Public Hearing, and consideration and possible action to adopt Ordinance No. 2020-883, approving the rezoning of approximately 10.54 acres of real property from the AR-5 (Agricultural-Residential 5-acre minimum) zoning district to SR-0.16 PAD (Single-Family Residential 7,000 square foot minimum lot area) zoning district with a Planned Area Development Overlay zoning district. (Joshua Cook, Development Services Director)

Recommended Action: Adopt Ordinance No. 2020-883 approving the rezoning of approximately 10.54 acres of real property from the AR-5 zoning district to SR-0.16 PAD zoning district with a Planned Area Development Overlay zoning district with a stipulation related to farming and agricultural uses.

- b. **p.61** Consideration and possible action to approve Wesdamar Farms Preliminary Plat, to subdivide approximately 10.54 acres into fifteen (15) lots with an average lot size of 21,796 square feet, developed over one (1) phase. Subject property, Assessor's Parcel No. 306-29-043B, is located approximately 1,000 feet west of the intersection of South State Route 89 and West Road 2 South. (Joshua Cook, Development Services Director)

Recommended Action: Approve Wesdamar Farms Preliminary Plat, subdividing approximately 10.54 acres into 15 lots with an average lot size of 21,796 square feet, developed over one (1) phase.

- c. **p.63** Consideration and possible action to adopt Ordinance No. 2020-882, amending the Town of Chino Valley Unified Development Ordinance, Chapter 4 General Regulations, Section 4.21 Sign Regulations related to off-site commercial signage. (Joshua Cook, Development Services Director)

Recommended Action: Adopt Ordinance No. 2020-882, amending the Town of Chino Valley Unified Development Ordinance, Section 4.21 related to off-site commercial signage.

7. ADJOURNMENT

Dated this 23rd day of July, 2020.

By: *Jami C. Lewis, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

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

Council meetings are live-streamed on Cable Channel 57, Town of Chino Valley Facebook page, and Zoom.

Join Zoom Webinar: <https://us02web.zoom.us/j/88089355589>

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

iPhone one-tap: US: +13462487799,,88089355589# or +16699009128,,88089355589#

Webinar ID: 880 8935 5589

CERTIFICATION OF POSTING

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

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



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. a.

Meeting Date: 07/28/2020
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: Compass Training Center, 3926 Shooting Range, Chino Valley

AGENDA ITEM TITLE:

Consideration and possible action to approve the Shooting Range Grant Agreement between the Arizona Game and Fish Commission and the Town of Chino Valley, in the amount of \$9,715 in grant funds and \$9,715 Town match, for a total of \$19,430, to complete the 200-yard Rifle Range.

RECOMMENDED ACTION:

Approve the Shooting Range Grant Agreement between the Arizona Game and Fish Commission and the Town of Chino Valley, in the amount of \$9,715 grant funds and \$9,715 Town match, for a total of \$19,430, to complete the 200-yard Rifle Range.

SITUATION AND ANALYSIS:

Police Department in conjunction with Compass Training Center is requesting consent from the Town Council to agree to the grant contract (see attached) and spend the monies from the Az Game & Fish Commission Grant for improvements to the Public Shooting Range.

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 07-63-5221
Available:
Funding Source:

Attachments

AZGFD Grant Agreement



Arizona Game and Fish Department Shooting Ranges Development Grants

Project Agreement Summary Sheet

Project number: 21-07582-04

Project name: Completion of 200 yard rifle bay

Project coordinator: Charles Wynn, Town of Chino Valley

Project period: From: July 1, 2020 To: June 30, 2021

Description:

Complete the 200 yard rifle bay from the existing 150 yards. Increase berm height between the 100 and 200 yard bays. Add metal shade cover for 200 yard bay. Increase size of retention pond to contain run off. Install target stands. Put crushed rock on the bay floor for dust / mud control.

Notations:

Work will be completed as set forth in the grant application.

Commission award:	\$9,715.00
Grantee matching share:	\$9,715.00
Total project cost:	\$96,092.00

**SHOOTING RANGE GRANT AGREEMENT
BETWEEN
THE ARIZONA GAME AND FISH COMMISSION
AND
TOWN OF CHINO VALLEY**

This Shooting Range Grant Agreement (“Agreement”) is entered into between the Arizona Game and Fish Commission (“Commission”) and Town of Chino Valley (“Grantee”) (collectively “Parties” and singularly “Party”) pursuant to A.R.S. § 17-231 (B) (7). The terms “Department” and “Director” refer to the Arizona Game and Fish Department and its Director, acting as administrative agent for the Commission.

WHEREAS, the Commission may expend funds to provide training in the safe handling and use of firearms and safe hunting practices pursuant to A.R.S. § 17-231.B.4;

WHEREAS, the Commission has a formal Policy, A2.19, for Shooting Range Development;

WHEREAS, Policy funds from the Commission are provided to the Grantee on a 50:50 matching basis;

WHEREAS, the Commission believes it is important to collaborate with other agencies or organizations in conserving Arizona’s wildlife and preserving Arizona’s wildlife heritage;

WHEREAS, the Commission wishes to foster this valuable relationship by granting funds to the Grantee to carry out the project(s) set forth in the Grantee’s approved Grant Application (“Application”), which is incorporated herein and attached as Attachment A, in accordance with the terms of this Agreement;

NOW, THEREFORE, in consideration of the above premises, the Parties hereto agree as follows:

I. The Commission agrees that the Department shall:

1. Provide grant funding to the Grantee in the amount of **\$9,715.00** to carry out projects set forth in the Application. Ninety percent (90%) of the funding will be provided upon signature by both Parties to this Agreement and the remaining ten percent (10%) will be provided upon completion of the projects, submittal of a final report by the Grantee, and inspection and approval of the completed projects by the Department. The Grantee shall place all funding received from the Department in a non-interest bearing account.
2. Grant funding shall not be provided to the Grantee for items other than those defined in the Application for projects and approved by the Department and Grantee.

II. The Grantee shall:

1. Provide cost share (match) towards the total project costs in the form of cash, donations of equipment, materials, land acquisition, and labor, which shall equal or exceed the Commission's Award.
2. Deposit all grant funding received under the terms of this Agreement to appropriate account(s) for project(s) under the name and number of the project and use such non-interest bearing funds to fulfill the purposes set forth in the Application. Should the Grantee use funds provided to it through this Agreement for purpose(s) other than those set forth in the Application, this Agreement shall terminate automatically and the Grantee shall return to the Department all misappropriated and unused funds. The Grantee shall not use grant funds for the purpose of producing income. The Grantee shall not use grant funds to pay compensation in excess of the established salary for any permanent employee. The funds shall be expended only for grant work as authorized under the terms of this Agreement.
3. Maintain full accounting of all actual expenses associated with completing this project and provide copies to the Department as requested.
4. Publicly acknowledge that Commission funds were used to assist project accomplishments. All materials prepared in the performance of this Agreement shall be acknowledged as having been funded by the Arizona Game and Fish Department.
5. Install a permanent sign at the project site that credits the Department, contains the official Department logo, and states that funding for the project(s) has been provided by the Department.
6. Submit quarterly project status reports that include the following information: 1) Progress toward completing approved work; 2) An itemized, cumulative project expenditure sheet; 3) any anticipated delays or other problems that may prevent on-time completion of the project; 4) any additional information that the Department requests in accordance with this Agreement.
7. Ensure design and construction of the Project shall conform to the plan submitted with the Application. Any changes in the approved plans must be approved in writing by the Statewide Shooting Range Administrator.
8. Operate and maintain grant-assisted capital improvements, provide reasonable protection of any project improvements, and ensure that reasonable public access (as defined in application) is maintained for a minimum of ten (10) years after completion of the project during the Term of Public Use.

9. Return to the Department any unused funding upon completion of the awarded project. The Grantee may make a written request that the Department award the unused funding for an additional project that is consistent with the original scope of work. The Department will consider the request and notify Grantee of its determination within thirty (30) days of receipt of written request.
10. Make available the project improvements free of charge for State Hunter Education and Safety, Archery Education and Scholastic Clay Target Programs (as applicable to the type of range being granted funding) and for general use by the public during reasonable hours. A nominal fee (as defined in Application) may be charged for public use of the range.
11. If any cultural resources (including human remains or cremations) are encountered during any aspect of this project, the crew should immediately stop work at that specific location, take steps to protect the discovery, and immediately call the Arizona Game and Fish Cultural Resource Compliance Manager at 623-236-7620 (Office) in order to determine the appropriate treatment of the discovery.

III. The Commission and the Grantee mutually agree and understand that:

1. At its discretion, the Department may conduct periodic on-site inspections of the project(s) as needed.
2. In the event of a conflict between the terms of this Agreement and the Application, the terms of this Agreement shall govern.
3. This Agreement shall become effective upon the date of final signature and will expire on June 30, 2021. This Agreement may be amended at any time by mutual agreement of the Parties in writing. It may be terminated by either Party upon thirty (30) days written notice to the other Party. Upon termination, the Grantee shall cease all work performed pursuant to this Agreement and return any unused funds to the Department.
4. The Parties may amend the terms of this Agreement by mutual written consent. The Department shall prepare any approved amendment in writing, and both the Department and the Grantee shall sign the amendment. An amendment lacking a required signature is invalid.
5. Should the property rights to the Subject Property be transferred to another Party during the term of this Agreement, the terms and conditions of this Agreement shall be transferred with the property to such other Party.
6. The Department may temporarily suspend grant assistance under the project pending required corrective action by the Grantee or pending a decision by the Department to terminate the grant by notifying the Grantee in writing. Whenever one Party to this contract in good faith has reason to question the other Party's

intent to perform, he or she may demand that the other Party give a written assurance of this intent to perform. In the event that a demand is made and no written assurance is given within ten (10) days, the demanding Party may treat this failure as an anticipatory repudiation of the contract.

7. The Department may terminate the project in whole, or in part, at any time before the date of completion whenever it is determined that the Grantee has failed to comply with the terms or conditions of the approved Application or this Agreement. In case of default, the Department will provide written notification to the Grantee. The Grantee will have ten days to correct the default or show cause. The Department will promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date. All payments made to the Grantee shall be recoverable by the Department under the project terminated for cause.
8. The Department or Grantee may terminate the project in whole, or in part, at any time before the date of completion, when both Parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two Parties shall agree upon the termination conditions, including the effective date of the termination and, in the case of partial termination, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department may allow full credit to the Grantee for the grant share of non-cancelable obligations properly incurred by the Grantee before termination.
9. The Department may require specific performance of the terms of this Agreement or take legal steps necessary to recover the funds granted if the Grantee fails to comply with the terms of the grant or breaches any condition or special condition of the Application or Agreement.
10. The remedies expressed in this Agreement are not intended to limit the rights of the Department. This Agreement shall not in any way abridge, defer, or limit the Department's right or remedy under law or equity that might otherwise be available to the Department.
11. If the Grantee violates state law or this Agreement, the Department may seek recovery of all funds granted and classify the Grantee as ineligible for Shooting Range Development Grant Funds for a period not to exceed five (5) years.
12. The Grantee is subject to the Department's on-site monitoring inspections to validate Grantee's compliance with the Agreement. All open grants (ongoing), closed grants (within ten [10] years of grant closure) and grants still within the "term of public use" are subject to Department monitoring inspections. When a Department monitoring inspection discovers the Grantee's default or non-compliance with the terms of the Agreement, the Department will provide written notification to the Grantee, and the Grantee will have ten (10) business

days to correct the default or non-compliance. The Department may pursue any remedy if the Grantee fails to correct the default or non-compliance within the period to correct, unless the Grantee can show good cause for not correcting the default or non-compliance.

13. Remedies may include repayment of the grant if the Grantee fails to provide for operation and maintenance of the equipment, facilities or product of any shooting range grant funded project during the Term of Public Use. The Grantee shall reimburse the Department one-hundred percent (100%) of grant funding received.
14. All written notices concerning this Agreement shall be delivered in person or sent by certified mail, return receipt requested, to the Parties as follows:
 - A. For the Commission and Department:

Statewide Shooting Range Administrator
Shooting Sports Branch
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086
 - B. For the Grantee:

Charles Wynn
Town of Chino Valley
1950 Voss Drive #301
Chino Valley, AZ 86323
15. In carrying out the terms of this Agreement, the Parties agree to comply with Executive Order 2009-09 and all other applicable Federal and State laws, rules and regulations, including the Americans with Disabilities Act.
16. Pursuant to A.R.S. § 35-214, all books, accounts, reports, files, electronic data, and other records relating to this Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona for five (5) years after completion of this Agreement. Upon request, Grantee shall produce original of any and all such records.
17. In accordance with A.R.S. § 41-151.12 (GS 1018), all books, accounts, reports, files, electronic data, and other records relating to this Agreement shall be kept for six (6) years after completion of this Agreement.
18. The Grantee shall use equipment purchased with grant funds for a public purpose for the useful life of the equipment, or surrender the equipment to the Department upon completion of the project, whichever comes first, if the equipment purchased with grant funds has an acquisition cost of greater than \$500. If the equipment is sold, the Grantee shall pay the Department the amount of any resulting proceeds in the ratio equivalent to the funds provided for the purchase.

19. In accordance with A.R.S. § 12-1518, the Parties agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review except as may be required by other applicable statutes.
20. Unless the Grantee is a State agency, or an agency of the United States of America, the Grantee shall indemnify, save and hold harmless the Department, and the State of Arizona, its agents, departments, officers and employees from all claims, loss, damage, liability, expense, costs, and charges incident to or resulting in any way from any injuries or damage to any person or any damage to any property caused by or resulting from the issuance of or the performance of services rendered as part of this Agreement
21. Assignment-Delegation: No right or interest in this contract shall be assigned by the Grantee without the prior written permission of the Department, and no delegation of any duty of the Grantee shall be made without the prior written permission of the Department.
22. This Agreement is subject to termination for conflict of interest pursuant to A.R.S. § 38-511.
23. This Agreement shall terminate automatically if funds necessary to carry out this Agreement are not allocated or available to the Commission or the Department. In the event of such termination, the Commission and the Department shall incur no obligation or liability to the Grantee under this Agreement.
24. This Agreement in no way restricts either Party from participating in similar activities with other public or private agencies, organizations, or individuals.
25. All work performed pursuant to this Agreement shall be in compliance with all applicable state and federal laws and regulations. If Grantee violates state or federal law or this Agreement, the Department shall seek recovery of all funds awarded and classify the Grantee as ineligible for grant funding for a period not to exceed five (5) years.
26. The attached Application and estimated cost sheet are hereby incorporated and become a part of this Agreement.
27. It is understood by the Parties that the Grantee is an independent contractor with respect to Arizona and not an employee of the Department. The Department will not provide fringe benefits, including health insurance benefits, paid vacation, or any other employee benefits to the Grantee.
28. Grantee's employees and or volunteers, if any, who perform services under this Agreement are bound by the provisions of this Agreement. At the request of the Department, the Grantee shall provide adequate evidence that such persons are the Grantee's employees or volunteers.

29. Grantee acknowledges its obligation to obtain appropriate insurance coverage for the benefit of the Grantee (and Grantee's employees and/or volunteers, if any). The Grantee waives any rights to recovery from the State of Arizona, the Commission or the Department for any injuries or property damage that the Grantee (and/or Grantee's employees or volunteers) may sustain while performing services under this Agreement and that are a result of the negligence of the Grantee or Grantee's employees and/or volunteers.
30. If Grantee contracts with a third party or subcontractor, the Grantee shall be responsible for ensuring said third party's or subcontractor's compliance with the terms of this Agreement and Grantee shall be responsible to the state of Arizona, the Commission, and the Department if the third party or subcontractor defaults or violates any terms or conditions of this Agreement.
31. The Parties agree to comply with Executive Order 2005-30, "Ensuring Compliance with Federal Immigration Laws by State Employers and Contractors," the provisions of which are hereby incorporated by reference.
32. Special terms and conditions, if any, will be attached hereto as Attachment B and are hereby incorporated into this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the last signature date below:

TOWN OF CHINO VALLEY

[Name]
[Title]

[Date]

ARIZONA GAME AND FISH DEPARTMENT

Tony Guiles, Assistant Director
Information, Education and Wildlife Recreation Branches

[Date]

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. b.

Meeting Date: 07/28/2020

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

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the June 30, 2020, study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the June 30, 2020, study session minutes.

Attachments

06/30/20 SS draft minutes

DRAFT

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

**TUESDAY, JUNE 30, 2020
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, June 30, 2020.

Present: Mayor Darryl Croft; Councilmember Mike Best; Councilmember Corey Mendoza; Councilmember Annie Perkins; Councilmember Lon Turner

Absent: Vice-Mayor Jack Miller; Councilmember Cloyce Kelly

Staff Town Manager Cecilia Gritman; Town Attorney Andrew McGuire (remotely); Public Works

Present: Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Assistant Planner Will Dingee; Water Consultant Mark Holmes; IT Manager Spencer Guest (videographer); Deputy Town Clerk Erin Deskins (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:03 p.m.

The Mayor played a tribute video to the Granite Mountain Hot Shots who lost their lives fighting wildfires in the area.

Councilmember Turner reported that he had been on the UDO Subcommittee for over a year, preparing to meet with Council to discuss the proposed Subdivision Regulation Amendments. He requested that members keep an open mind, make suggestions, and ask questions. The amendments were focused on lot splits and potential changes in the Town's administration of the Town Code. He explained that nothing had changed in the Town Code for years and they were bringing forward proposals for change. Past employees may have misstated the procedure to developers for the development of lot splits that may have conflicted with State statutes. Some lot splits had caused issues for the Town and property owners that were not apparent to the developer, such as lack of road connectivity, drainage issues, and easements that became substandard roads. The Town's duty was to protect the personal property rights of all citizens within the corporate boundary. The role of the Town's zoning administrator was to enforce the Town Code, which included UDO ordinances. The language in the UDO could be confusing and sometimes appeared to have conflicting guidelines. The subcommittee, Staff, and Town Attorney had been in the process of rewriting the code and addressing the structure, eliminating conflicts, and ensuring it adhered to State Statutes. Additional zoning categories had been added and zoning districts had been created to be more coherent with the Town.

The Zoning Administrator, Town Council, and Town Attorney had determined that approval of a lot split that created a street or created more than four lots, was a subdivision and had denied lot splits that presented those criteria, as they would need to go through the subdivision process. The

Town also realized the process for major and minor subdivisions were difficult for subdivisions of one acre or larger and did not fit with the semi-rural environment. The subcommittee had been working on a rural subdivision category that allowed relaxed standards because of the lack of density. The language was being worked through with the UDO Subcommittee and it would be presented at this meeting for discussion.

The Mayor reviewed the procedural process for the meeting.

2) Consideration and discussion regarding Subdivision Regulation UDO Amendments. (Joshua Cook, Development Services Director)

Mr. Cook presented the following:

- The draft language was available on the Town's website in two versions. One was the marked-up version showing the changes, deletions and additions. The other was the clean version with the changes incorporated.
- Staff had met five times with the UDO Subcommittee to discuss regulations and changes; all had been advertised and were open to the public. Several people attended those meetings.

Subdivision Process - Minor Subdivisions versus Major Subdivisions:

- The process detailed what was to be submitted to the Town for consideration and review. The current regulations had no difference in the process between the two in regards to submittal and infrastructure requirements.
- They were proposing to reduce the submittal requirements for minor subdivisions, which was ten or fewer lots.
 - A preliminary plat would not be required and it would go straight to Council for final plat and technical review.
 - Drainage, traffic study, and geotechnical submittal information was waived, provided the applicant could submit documentation to the public works director that satisfied any areas of concern based on site conditions of the property.

Proposed Two Types Of Subdivisions:

- Urban Subdivisions were for properties in which lot sizes were under one acre.
- Rural Subdivisions were for all subdivisions one acre or larger.
 - Rural subdivisions would have reduced infrastructure.
 - Two to three lots would require a dust free road surface.
 - Four to ten lots would require a double chip road surface.
 - These streets would be private streets and the Town would never accept the streets as right-of-way unless the property owners brought the street standards up to the minimum dedicated street infrastructure requirements.
 - Reduced infrastructure included sidewalk, curb and street widths. Two to three lots would only be required to have a 20-foot infrastructure width.
- The subdivision regulations had not removed the possibility of land splits not requiring a subdivision or generally-called lot splits. Town staff had been reviewing lot split submittals based on the criteria of a parent parcel being split within the last ten years.

Mayor Croft reviewed how the Town and other cities and towns had handled the business of lot

splits presently and in the past. The Town was aware of the A.R.S. requirements and knew how business needed to be conducted now and into the future and will revise Town policies and procedures accordingly. The UDO Subcommittee, staff, Council, and Town Attorney had spent many hours reviewing documents and listening to comments to develop a draft document. Now they needed constructive comments from Council, Staff, and citizens as the draft document was reviewed and finalized as it passed through Planning and Zoning Commission and Town Council for a final decision.

Councilmembers discussed the fact that the Subcommittee reviewed the information and did the best they could to develop the proposed language with the knowledge and history that they had available. Citizens should provide reasons for any requested changes.

Public Comment:

Allen Foster stated that all this had been reviewed nearly two decades ago, resulting in restrictions to control growth, all of which were later discarded. He has had an open mind and hoped Council would listen to the people in the room. He believed the Town's proposal conflicted with State Statutes and the rest of the state in that lots could be split with an easement. Staff's references appeared to apply to real estate law, not these applications. The Town was presenting some good ideas, but needed to keep people's personal property rights in mind. As a scenario, if he had nine acres and wanted to do a minor subdivision, if he could do an easement, but if he wanted to split his lot three times and give the land to his children, he did not think he would be allowed to do an easement and might need to do a flag lot. Once, he sat on a Town committee, which had one main purposes to eliminate flag lots because they were a nuisance to the Town.

Ryan Roberts related that the bullet points did not cover many things like water supply, easements, and sewer and water requirements. They were missing almost everything needed to determine whether someone was going to do a subdivision. The cost of putting water and sewer into a minor subdivision was so high it was not worth doing. He questioned if the Development Services Director was qualified to determine if an engineer would be necessary for the drainage. He liked several things in the minor subdivision, but it did not apply to people splitting into only two or three lots because the cost of sewer and water was too substantial. Wells and water were not addressed, and he thought this was the front and the sneaky stuff would come after. Staff clarified that it would be the Public Works Director, not the Development Services Director, that would determine the drainage requirements.

Mark Marcinek explained that he bought a three-acre piece of property out at Road 1 West. He will do whatever he needs to do with his 50-feet of road to keep the neighbors happy and keep Chino looking nice, but he was confused about how much it would cost him. He wanted to make things right and have it spelled out so he knew the steps, as it was too vague and not clear enough. Staff explained that the drainage level would be determined by the Public Works Director and depended on the property.

Kasey Rock told Council that he bought two acres in 2018 and at that time, Town Staff had told him he could split it. A year later, he checked in again, and was told he could split it. When he submitted his paperwork in March 2020, he was told by the Town that he could not split it. Staff asked if he had gotten that approval in writing and he pointed out the Staff member who had told that to him. He explained that the three acres right beyond him had been split into three one-acre lots and felt that a precedent had been set in the area. Staff stated his two acres had been a nine-acre piece, and previously was a piece of 18 acres and 32 acres before that. He questioned how far back the Town needed to go. This process started because of an illegal easement, but now

it seemed the easement was not the issue, but that the property had been split multiple times in ten years. He and others had read the A.R.S. and it did not reference a ten-year window. That was from the Department of Real Estate and it seemed it was being used as a box to check for possible collusion. He wanted to see the State Statutes before the Town implemented ten years.

Councilmembers, Staff, and citizens discussed the following:

- Councilmembers asked if they needed to start with what the existing code stated because the rules had been in place since 2006 with only minor changes.
- *A.R.S. Title 9.* Staff and Council explained per Title 9, if the purpose for dividing the land or lands was for financing sale or lease into four or more lots, tracts or parcels of land, it was a subdivision. Two or more lots, tracts, or parcels of land with a new street (Town Code defined a street as an easement), was considered a subdivision. This rule in A.R.S. Title 9 had been copied and pasted into the UDO. This rule appears to be in perpetuity and the parent parcel did not reset. Once a property was split under that regulation, any further split would constitute a subdivision. The ten-year rule that was proposed was so that the Town actually had a date, otherwise almost every other property in Town had fallen into a subdivision. The way the code had been written in the past made it impractical for citizens and the ten-year rule was meant to help, not hinder.
- *A.R.S. 32-2101.* Staff explained that the ten-year rule was found in A.R.S. 32-2101 in the Department of Real Estate Section, not in Title 9, so municipalities were not bound by the rule. The Department of Real Estate, in order to determine if there was an intent to subdivide, would look at any division of land over ten years. In some areas in Town, lot split after lot split proved there was an intent to subdivide. The land split not requiring a subdivision was such a small section in the Town Code that it implied it should not be the rule but the exception. That had not been followed in the past. In Title 9, there was no reset for property to become a parent parcel. Using the ten years, Staff was trying to follow what the Department of Real Estate used so that the determination would have a reasonable time frame. Town Attorney McGuire stated that Staff had done a good job explaining the process and the ten-year interpretation was a means to put a framework around the current law so that it made sense for Town.
- *10-year rule.* Allen Foster stated Town Staff had not been consistent, in that he was told the ten year rule was from Title 9. He had suggested the Town use Dewey-Humboldt as a reference for their regulations and use five years instead of ten; and Staff told him the Town did not want to use Dewey as their reference. Council clarified that the current code stated that once something was split, it could no longer be split without being a subdivision. Ryan Roberts said that no one else throughout the State agreed with Town's interpretation of State Statutes. He recommended making sure everything was clearly written, that it be less than ten years, and that the Town look at what the rest of the state was doing in regard to lot splits.
- *Parent parcel definition.* Ryan Roberts questioned where the term 'parent parcel' came from and expressed concern about paraphrasing State Statutes because the meaning changed. Staff explained that the term 'parent parcel' was not mentioned in the Town Code, but the definition eluded to it when it referenced improved or unimproved land or lands.
- *Lot splits.* Darelyn Rock questioned whether her two acres of land that had been split before could not be split again. Staff explained that her property had been part of a larger split and had issues with the required lot frontage. There should have been a subdivision created. Lot splits were not specific to owners, but to land.
- *Current issues.* Council explained that despite what previous Staff and Council had failed to enforce, the population of Town was growing and now there were drainage and public safety issues. The present Council and staff were now trying to correct the situation. Council understood there were individual cases that needed to be worked out and they desired to

clean up the language so it was clear and easier to understand. They were sure the individual issues could be worked out between Council, Staff, and the Town Attorney. Going forward, they would consider the comments including the ten-year timeline as mentioned by citizens. Council encouraged the citizens to read the proposed language and thought they would be happy with what was suggested.

- *Staff approvals/denials.* Ryan Roberts questioned why the 10-year rule was being used if it was not in the code. Staff explained he had provided all his letters for lot splits to the Council for either approving or denying along with justifications for the decisions. Council stated they had seen Mr. Cook's letters of approval and denial, all of which cited the code for reasons justifying the decisions. Attorney McGuire pointed out that the Town of Dewey-Humboldt used the term "parent parcel" and that the Town was trying to put something in place that would not need a lot of interpretation. The text was in draft form and the Town wanted input on whether the language was reasonable and if not, what would make it reasonable. Dust control and drainage regulations were carved out of the State Statute, so those could not be changed or modified.
- *UDO text amendment adoption.* Tom Armstrong noted that the Town was breaking new ground by using a standard with a timeframe. He asked about the timeframe to get the new language finalized. Council said that there would most likely be another meeting within two to three weeks, and folks should bring comments to the table for consideration. Council was hoping that subdividing property would no longer be a bad thing. Attorney McGuire recommended reading the clean version of the rewrite because the redline copy was difficult to read due to the large number of changes.
- *Streets/easements.* Staff explained that the moment a street or easement was created by a split of two or more lots, it became a subdivision. The same process would be followed whether a street or easement was created for either a three-lot or nine-lot division of land. The Town did not care whether an easement, private street, or public street was created for access. The only way to get around this rule would be to create a flag lot, for which the code had separate provisions.
- *10-year rule.* A Councilmember asked if the 10-year regulation had been imposed before Mr. Cook was brought in. Mr. Armstrong, Planning and Zoning (P&Z) Commissioner stated that had never been brought before P&Z. A question was asked if current properties with applications could be grandfathered because it appeared the process would be timely. Mayor Croft stated that Staff was working from current guidelines and those questions could be brought to the UDO Subcommittee for a Council recommendation. Staff had been enforcing the 10-year timeline. Attorney McGuire explained this was being done because the current code was open ended and had no timeline, so the 10 years was giving a more reasonable timeline, rather than using the whole 50-year incorporation period. The question for Council was what the right number would be for the Town.
- *Water resources.* Water Resources Consultant Mark Holmes explained that the Arizona Department of Water Resources (ADWR) considered six or more units a subdivision. If six or more lots or pads would be sold, they would look at assured water supply (AWS) requirements. The Town was not the regulatory overseer, as the Town deferred to ADWR. There were several things required by the State to get the 100-year AWS. There was a considerable cost to getting the certificate of AWS.
- The Town was also in the Prescott Active Management Area, which had very limited water supplies and was currently in overdraft, and had the highest regulatory laws and requirements. There was also a lot of history with dry lot subdivisions within the County and Town. There were AWS requirements if a dry lot subdivision was proposed, and if the developer was successful in getting the Town's approval to move forward, the State would still require several things such as physical availability under the proposed land for 100 years of wells being drilled for each one acre or larger type of parcel and proving the water table would not drop 400 feet below land surface. Also required was a safe drinking water

quality test through a test well or existing well. If safe drinking water standards were not met, the dry lot subdivision would not be allowed. All three requirements needed to be met. A groundwater model was also required, which was very expensive. There was an analysis being conducted to quantify the water because the water in Town was extremely limited. Some lots on the west side had gone completely dry and had to haul water, and that was forever.

- A councilmember was concerned about water and the only way to get the water back was through the sewer and getting water credits for the Town. It would come to the point where land splits could not happen because of lack of water. The aquifer lost three to four feet each year. Attorney McGuire added that ADWR operated by their own standards and would not consider 10-year Department of Real Estate Standards. Allen Foster believed the Town was disenfranchising the smaller sub-divider because of the cost.

3) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn the meeting at 7:37 p.m.

AYE: Mayor Darryl Croft, Councilmember Mike Best, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

5 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the _____ day of _____, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. c.

Meeting Date: 07/28/2020

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

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the July 14, 2020, regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the July 14, 2020, regular meeting minutes.

Attachments

07/14/20 draft minutes

DRAFT

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

**TUESDAY, JULY 14, 2020
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, July 14, 2020.

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Corey Mendoza; Councilmember Annie Perkins

Absent: Councilmember Lon Turner

Staff Town Manager Cecilia Gritman; Town Attorney Andrew McGuire(remotely); Administrative

Present: Services Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Customer Service Manager JoAnn Brookins; Officer Jon Szymanski (Sergeant-at-Arms); IT Manager Spencer Guest (videographer); Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

- 1) CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
- 3) CALL TO THE PUBLIC**

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

- 4) RESPONSE TO THE PUBLIC**

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

- a) Comments regarding Meridian Parkway located in the Bright Star Subdivision.**

Mayor Croft stated this would be the last Response to the Public item on any upcoming agendas. This item would be removed completely from the agenda as Council directs staff to respond to any Call to the Public item. Call to the Public would remain on future agendas.

Public Works Director/Town Engineer Frank Marbury reported since the dust complaint on Unity Road, staff had presented several options to Roads and Streets Committee. Their

recommendation was to provide a dust palliative, which was a stabilization applied to the road which should hold the road together until a developer paved the road. It could last up to a year. Staff was reaching out to vendors for the necessary materials and would be applying it to the road as soon as they were able. It was estimated that the developer would have the road paved within a year's time.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. 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.

Councilmember Perkins reported that the emails had been received regarding the Planning & Zoning property zone change issue.

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

Cecilia Gritman reported that the Yavapai Community Organization had awarded a \$10,450 grant to the Yavapai Trails Organization to continue trail improvements on 5.3 miles of the Rails to Trails segment in Chino Valley. The grant will cover the expenses of an informational kiosk, dog waste stations, trail signs at road crossings and parking lots, trail materials, trail bench, and trail tools for volunteer trail maintenance people. The improvements would be a step closer to connecting the Peavine segments into one contiguous trail with the City of Prescott and Prescott Valley. The Town had started discussions with the City of Prescott regarding connectivity of the Peavine Trail.

- c) Report regarding upcoming Alternative Expenditure Limitation (Home Rule) option. (Joe Duffy, Administrative Services Director)

Joe Duffy presented the following:

- This would be on the upcoming August 4, 2020, ballot.
- In 1980 Arizona voters amended the AZ State Constitution to require expenditure limitations for all cities, counties, towns and community college districts to control expenditures and limit future increases in spending.
- The change only allows increases in expenditures based on increased population and inflation, which did not work for the majority of towns.
- Since 1985, Town has taken this question to the voters, and they have consistently voted for the Home Rule Option, which is an alternative to the State-imposed limit.
- The current Home Rule Option approval expires June 2021.
- There were three options the Town had: State limit, permanent base adjustment or the Home Rule option.

The recommendation was for the Town to continue with the Home Rule option.

- Under the state limit, the Town could only spend approximately \$10 million a year, but the town received \$23-\$24 million in revenue each year. The Town would not be able to

spend the remaining revenue under the State Limit option.

- The state limit formula was developed in 1980 and based on 1980 data.
- The Home Rule option left the decision to local elected officials.
- A yes vote allowed the Town, for the next four years, to set their own spending cap based on actual revenues received. A no vote would set a spending cap based on the State formula for the next two years.
- Information could be found through brochures, pamphlets, website, mailers, media reports and direct contact with the staff.

Public Questions:

- Ryan Roberts – Asked about the permanent base adjustment. Staff explained that the permanent base adjustment took whatever the base limit from 1980 and adjusted it to today. If Town did a permanent base adjustment, staff recommended that they do \$25 million as the expenditure limit. It would then grow by population and inflation. The problem with the base adjustment option was that if it was not set high enough and the community was growing, the adjustment would need to be done again after a couple of years. The only option on the ballot in August was a yes or no for the Home Rule Option; permanent base adjustment is not on the ballot.

6) **CONSENT AGENDA**

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

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve consent agenda items (a) through (e).

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve an extension of Town Prosecutor Contract with Lexington Law firm through June 30, 2022, for a monthly amount of \$3,250.00. (Cecilia Grittmann, Town Manager)
- b) Consideration and possible action to adopt Resolution No. 2020-1163, levying and assessing an ad valorem tax on the assessed value of all real and personal property within the boundaries of the Town of Chino Valley Street Lighting Improvement Districts (CVSLID) for fiscal year 2020-2021, pursuant to Section 48-616, Arizona Revised Statutes. (Joe Duffy, Administrative Services Director)
- c) Consideration and possible action to adopt Resolution No. 2020-1164, designating Joe Duffy as Chief Fiscal Officer for officially submitting the Fiscal Year 2021 Expenditure Limitation Report to the Arizona Auditor General. (Joe Duffy, Administrative Services Director)

- d) Consideration and possible action to appoint applicants to the Board of Adjustment, Parks and Recreation Advisory Board, Roads and Streets Committee, Senior Center Advisory Board, Public Safety Retirement Board, Industrial Development Authority, and Municipal Property Corporation per recommendation of the Appointments Subcommittee. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to approve the June 23, 2020, regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

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

- a) Consideration and possible action to approve a transient merchant license/ temporary use permit for Tonya Childers, Natural Ag Solutions, to conduct hay sales for more than three days, on property located at 501 N. State Route 89, Chino Valley, AZ 86323. (JoAnn Brookins, Customer Service Manager)

Recommended Action: Direction to staff per council discussion.

JoAnn Brookins presented the following:

- This type of transient merchant business license required a temporary use permit and a lease agreement from the owner of the property. There was one in place for this applicant.
- The temporary use permit for anything over three days was required to be approved by the Council.

Staff and Council discussed the following:

- This temporary permit would allow the applicant to conduct the business of hay sales for 15 days.
- This was a temporary business license with a temporary use permit attached.
- After 15 days, they would have to repeat the license process, including obtaining Council approval.
- The applicant had a business in another Town outside of Chino Valley.
- Council members thought that it would take business away from local businesses that already sold hay.

Applicants Tonya Childers, Darrel Childers and Council discussed the following:

- In the farming community, many people had been going through hard times. As opposed to selling their hay wholesale, they thought they could offer the product at a price that could be more affordable for people who were also experiencing difficult times. They would also be offering a job to a local person while they were selling in Town.
- They researched the subject with Mark Kiliman from the State's Department of Agriculture; they found out that the local area pesticides and fertilizers were wide spread if the hay was tested. They wanted to sell an organic product for the livestock at a reasonable price. They had the expertise to provide these services. It was a quality

product.

- Council stated that the local vendors would still be in the area after the applicants had left. The goal of the applicant was to sell their product 15 days every month.

MOVED by Mayor Darryl Croft, seconded by Councilmember Annie Perkins to deny the application.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to move the 50th Anniversary celebration for the Town of Chino Valley from September 2020 to September 2021, including the funding for the activities. (Cecilia Gritman, Town Manager)

Recommended Action: Move the 50th Anniversary celebration for the Town of Chino Valley from September 2020 to September 2021, including the funding for the activities.

Committee Chair and Councilmember Best presented the following:

- The intention of the anniversary was to have a community party.
- Since community gatherings were limited to 50 people due to the pandemic, it was his recommendation to move the event to September 2021.
- At the beginning of the planning, there had been a discussion about timing the celebration at the beginning or the end of the year.
- Since the virus comes and goes and affects people in different ways, he did not have an answer, and with everything that had happened, they were left with only a few weeks to get it setup, and he didn't know how they would make it work with the fanfare they wanted.
- The committee still wanted to get the time capsule completed on Labor Day weekend September 2020.
- Staff was creating an app to create an online auction of the 50 license plates. If they get it done, they would do it next year.
- He would not be on Council and someone else would be heading it up, but he would be happy to assist in any way wanted.
- All the funds designated for the party would be available for the next year.

MOVED by Councilmember Mike Best, seconded by Councilmember Cloyce Kelly to postpone the 50th Anniversary celebration to September 2021.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins

6 - 0 PASSED - Unanimously

8) **ADJOURNMENT**

MOVED by Councilmember Cloyce Kelly, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 6:28 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins

6 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the _____ day of _____, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 07/28/2020
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 30 minutes
Physical location of item: 576 West Road 2 South

AGENDA ITEM TITLE:

Public Hearing, and consideration and possible action to adopt Ordinance No. 2020-883, approving the rezoning of approximately 10.54 acres of real property from the AR-5 (Agricultural-Residential 5-acre minimum) zoning district to SR-0.16 PAD (Single-Family Residential 7,000 square foot minimum lot area) zoning district with a Planned Area Development Overlay zoning district.

RECOMMENDED ACTION:

Adopt Ordinance No. 2020-883 approving the rezoning of approximately 10.54 acres of real property from the AR-5 zoning district to SR-0.16 PAD zoning district with a Planned Area Development Overlay zoning district with a stipulation related to farming and agricultural uses.

SITUATION AND ANALYSIS:

Staff and the Planning and Zoning Commission forward a recommendation of approval to Town Council of Ordinance 2020-883 for the request to approve the rezoning of approximately 10.54 acres of real property from the AR5 (Agricultural Residential- 5 acre minimum) zoning district to SR-0.16 PAD (Single Family Residential- 7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay zoning district with the following stipulation:

- Farming and agricultural uses are allowed on the property along with the keeping of non-house hold animals as defined in Town code with the exception of animals requiring a minimum of one (1) acre or larger.

See attached documents for further details

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Wesdamar Farms Staff Report
Preliminary Plat Map
Narrative from Applicant
ORD 2020-883 Wesdamar Farms



**TOWN OF CHINO VALLEY PLANNING AND ZONING
COMMISSION
Wesdamar Farms Zone Change & Pre-Plat
Staff Report July 7th 2020**

APPLICATION SUMMARY

File Number: ZC20-000005 & P20-000001

Assessor's Parcel Number: 306-29-043B

Site Location: Approximately 1,000 feet west of the intersection of South State Route 89 and West Road 2 South

Owners of Record: High Lonesome Holdings LLC

Applicant: Reserve Builders – George Rothfuss II

Request: Request to approve the rezoning of approximately 10.54 acres of real property from the AR-5 (Agricultural-Residential 5-acre minimum) zoning district to SR-0.16 PAD (Single-Family Residential 7,000 square foot minimum lot area) zoning district with a Planned Area Development Overlay zoning district.
&
Request for approval of Wesdamar Farms Preliminary Plat to subdivide approximately 10.54 acres into fifteen (15) lots developed over one (1) phase.

SITE DATA

Existing Zoning	Agricultural Residential 5-Acre Minimum
Lot Size	10.54 Acres (459,122 Square Feet)
Subdivision	N/A
General Plan Land Use Designation	Medium Density Residential (2 acres or less) (See Attachment 3: General Plan Land Use Map)
Existing Land Use	Vacant Land

AREA	ZONING	GENERAL PLAN LAND USE DESIGNATION	LAND USE
North	AR-5	Commercial/Multi-Family Residential	Agricultural Residential.

East	SR-1	Medium Density Residential (2 acres or less)	Chino Gardens Subdivision – Subdivision is non-conforming
South	AR-5	Commercial/Multi-Family Residential	Non-conforming agricultural residential
West	AR-5	Medium Density Residential (2 acres or less)	Agricultural Residential

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately 1,000 feet west of the intersection of South State Route 89 and West Road 2 South. The 10.54 acre site has a current zoning classification of AR-5 (Agricultural-Residential 5-acre minimum). The General Plan gives this parcel a land use designation of Medium Density Residential (2 acres or less). The property is vacant as of October of 2019 and previously had a 2,936 square foot home and various accessory structures on site. **(See Attachment 1: Vicinity Map)**

The surrounding area contains low to medium density agricultural and single-family residential development. The properties to the north and east are zoned AR-5 (Agricultural Residential 5-acre minimum) with agricultural residences. The four (4) properties to the south are also zoned AR-5 with a mix of agricultural and single-family residences. The southern properties are classified as non-conforming as they have an average of 1.16 acres per property, significantly under the 5-acre minimum defined by the zoning district. The development to the east is the Chino Gardens subdivision, which is, zoned SR-1 (Single-Family Residential 1-acre minimum). This area is also classified as non-conforming as the subdivision, originally nineteen (19) one-acre lots, is now thirty-four (34) half-acre lots and two (2) one-acre lots. **(See Attachment 2: Zoning Map)**

PROJECT HISTORY

Prior to this zone change and preliminary plat, there has been no prior land use action.

PROJECT DESCRIPTION

The applicant is requesting approval of a zone change for the property and subsequent approval of the preliminary plat for the Wesdamar Farms Subdivision.

ZONE CHANGE

The applicant is requesting to rezone 10.54 acres of real property from the AR-5 (Agricultural Residential - 5 Acre Minimum) zoning district to the SR-0.16 PAD (Single Family Residential- 7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay. The applicant is proposing to build fifteen (15) single family detached homes on individual lots on the 10.54 acre site ranging in size from 21,780 square feet to 21,874 square feet. The style of the homes will be a ranch style exterior. **(See Attachment 5: Conceptual Elevation Plan)**

In order for this subdivision to be approved, a PAD overlay is required. This requested overlay will provide relief from two development standards: lot depth to width ratio and the left side yard setback on lot 1.

Lot Dimensions

Town code states that lot dimensions should not exceed a 3:1 depth to width ratio. All of the proposed lots exceed this requirement. The developer has stated that this lot layout is necessary in order to keep the majority of the building envelopes outside of the 100-year floodplain.

Setbacks

The developer is requesting setback alleviation on Lot 1. Town code would require a 25-foot setback on the southern property line that abuts West Road 2 South. The developer is proposing a lessened setback of 10 feet from property line.

Open Space & Community Amenities

The community will feature an open space area of approximately 0.77 acres. This open space will offer a large diameter gazebo with a rock landscape ground cover. A 5-foot internal sidewalk will offer connectivity for the 15 homes to access the open space. The community will also provide a sidewalk and landscaping along West Road 2 South along the subdivision boundaries, this will include a 6-foot fence along the property line of Lot 1. Additionally, landscaping will also be provided along the eastern boundary of the subdivision. The community will have a homeowners association who will maintain the open space and landscaped areas throughout the development.

PRELIMINARY PLAT

Approval of the preliminary plat will allow the applicant to continue the process to subdivide approximately 10.54 acres of land into 15 lots with an average lot size of 21,796 square feet. The subdivision is to be developed over a single phase following technical review approval and final plat recordation (**See Attachment 4: Preliminary Plat**)

All lots shall conform to the development standards set forth by the proposed SR-0.16 PAD overlay zoning district as stipulated by Council. Approval of this preliminary plat is contingent upon receiving approval for the zone change.

The newly proposed local street shall be dedicated to the Town of Chino Valley with all street improvements being completed as required by the Unified Development Ordinance. While the Town does not have utilities in close proximity to this site, the City of Prescott does have water available. The developer has provided written confirmation from the City of Prescott that they will be providing water to this development. With no Town sewer nearby, the development will be utilizing septic systems in conformance Arizona Department of Environmental Quality standards.

Improvements to arterial and local streets shall be in accordance with Town Code. Improvement to West Road 2 South (arterial) shall include a minimum six (6) foot wide sidewalk separated from the roadway by a landscape strip of at least eight (8) feet. The newly proposed local street is required to provide a minimum of a five (5) foot sidewalk (per ADA requirements), separated from the roadway by a landscaped strip of at least six (6) feet on both sides of the road. Through the proposed planned area development, sidewalks are to be located on only one side of the proposed local street.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300-foot radius of the subject property, resulting in thirty (30) notices for public notification. The neighborhood meeting was held at the Chino Valley Town Hall on July 1, 2020. Twenty-four neighboring property owners attended the meeting.

The applicant summarized the details of the project, indicating that the development would be completed over a single phase and that the internal road would be dedicated to the Town of Chino Valley. He spoke about the proposed improvements and amenities for the subdivision and how there would be a homeowners' association. The applicant also discussed the styles, size and price point of the homes that were being proposed.

A resident asked if there was going to be a wall constructed along the eastern boundary of the property to help reduce traffic noise. The applicant stated that that was not his intent at the time and that the landscaping he was proposing was to serve as the buffer. Several residences spoke against the construction of a wall as it would obstruct their view of Granite Mountain.

A neighboring property owner asked about the possibility of relocating the road from the east side of the property to the west. The applicant stated that due to the 100-year floodplain relocating the road there would not be advisable.

A resident asked how the additional traffic on West Road 2 South would be handled specifically in regards to adding a turn lane or improving the school bus stop. The applicant replied that there was no turn lane proposed and referred the bus stop question to the Town as it wasn't located on the developments property.

Many residence and neighboring property owners spoke out stating that this proposal was changing the life style that they relocated here for because this development was too dense. The applicant responded to this by stating that the intent was to mimic the Chino Gardens subdivision directly to the east of the property. People then asked if the development would allow for farm animals or small agricultural uses. The applicant stated that it wasn't his intention to do so but would be open to the possibility as long as it was ok with the Town. He continued with stating he would sit down with the Town to discuss his options.

PLANNING AND ZONING COMMISSION MEETING.

The item went before the Planning and Zoning Commission on July 7, 2020. During said meeting, staff provided the Commission with an overview of the areas current conditions, parcel history and staff findings which included the applicants request to deviate from two development standards. Staff indicated that the applicant was requesting a zone change and approval for a preliminary plat concurrently. The Commission also received a summary of the citizen's review process along with the issues that were discussed by adjacent residents. Staff concluded with forwarding a recommendation of approval for both the zone change and the preliminary plat.

When the Commission inquired about why the applicant was proposing lots that exceed the 3:1 length to width ratio. Staff informed the Commission that, per the applicant, the proposed layout was necessary to accommodate the 100-year flood plain that inundates the property. The Commission asked for

clarification about why the SR-0.16 zoning district was being requested opposed to the SR-1 district. Staff answered that since the Town does not have a half-acre designated zoning district and SR-0.16 is the closest we have. Staff continued with explaining that the requested zoning of SR-0.16 PAD in conjunction with the proposed preliminary plat creates a zoning district restricting the development to half-acre lots only. Questions were asked by the Commission about the ability to stipulate farming and agricultural uses on the proposed properties. The applicant stated that it was not his intention to have these homes set up as mini or hobby farms.

Of Special Note:

Language found within the Purpose statement in Section 3.12 of the Unified Development Ordinance states, “.... It is not the intention of the Town to create any new SR-0.16 zoned property.” Staff has spoken to legal counsel about this statement and believe that it is not valid in restricting development rights of individual property owners to request that zone. The Town has not sought to create any new SR0-16 zone property within the last 15 years since adoption. However, that zoning district is a valid zone within the Town and as such property owners may seek to obtain that zoning district through the rezoning process. Further, if the property owner requests that zoning district and the General Plan is in conformance with the proposal, staff will generally recommend approval unless there are significant Findings of Fact to recommend otherwise.

The Planning and Zoning Commission forwarded a recommendation of approval to Town Council for the zone change request with the stipulation that farming and agricultural uses are allowed on the property in conformance with Town Code.

Vote: 5-2 Passed.

Commissioner Switzer voted no because he did not like the fact that Chino Gardens was non-conforming to SR-1 and he did not think it gave this development’s plan a free go-ahead. He wanted to see SR-1 minimum and he did not like that it violated the three to one ratio on lot size. He did not like that it created more SR-0.16 which went against the UDO statement. He did not like the two lots in the flood zone and he did not like the livestock issue.

Commissioner Meadors voted no for the same reasons Commissioner Switzer mentioned with issues on density, the SR-1 zoning, using a non-conforming zoning as to use for the same zoning.

The Planning and Zoning Commission forwarded a recommendation of approval to Town Council for the preliminary plat for Wesdamar Farms.

Vote: 5-2 Passed.

Both Nay votes were from Commissioner Switzer and Commissioner Meadors. Their reasons were the same as above.

STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

The property has a General Plan land use designation of Medium Density Residential- 2 acres or less. **(See attachment 5: General Plan Land Use Map)** The applicant is requesting a zone change from AR-5 to SR-0.16 with a PAD overlay, remaining under the General Plan Medium Density Residential land use designation. The Applicant proposes residential development at a density that meets the intent of the Medium Density Residential designation with an average lot size of 21,796 square feet.

ZONING

The general area supports the medium density single-family residential development base on the general areas current land uses. The existing development will complement the developers desire to develop the half-acre single-family residential lots. Directly east of the subject property sits the Chino Gardens subdivision, while originally planned at one-acre lots, this subdivision primarily consists of half-acre single-family lots. Although the applicant is requesting the high-density zoning of SR-0.16, the proposed lots will be no smaller than half-acre lots due to the PAD. The Town currently does have a zoning district dedicated to half-acre properties. The proposed development standards are consistent with the surrounding area; however, the open space and landscaped areas provided significantly exceeds those of the development surrounding it.

PRELIMINARY PLAT

The Wesdamar Farms Preliminary Plat meets all requirements set forth by Section 5.2.3 of the Unified Development Ordinance. The site will have its main access by way of West Road 2 South. The development will be connecting to City of Prescott water and will be utilized private septic systems for their wastewater. The Development Services Department and the Public Works Department have completed an initial review of the plat. After approval of the preliminary plat, the project will go through technical review and then come back through the public hearing process for approval of the final plat.

RECOMMENDATION ON REQUESTED ZONE CHANGE

Staff and the Planning and Zoning Commission forward a recommendation of approval to Town Council of Ordinance 2020-883 for the request to approve the rezoning of approximately 10.54 acres of real property from the AR5 (Agricultural Residential- 5 acre minimum) zoning district to SR-0.16 PAD (Single Family Residential- 7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay zoning district with the following stipulation:

- Farming and agricultural uses are allowed on the property along with the keeping of non-house hold animals as defined in Town code with the exception of animals requiring a minimum of one (1) acre or larger.

RECOMMENDATION ON REQUESTED PRELIMINARY PLAT APPROVAL

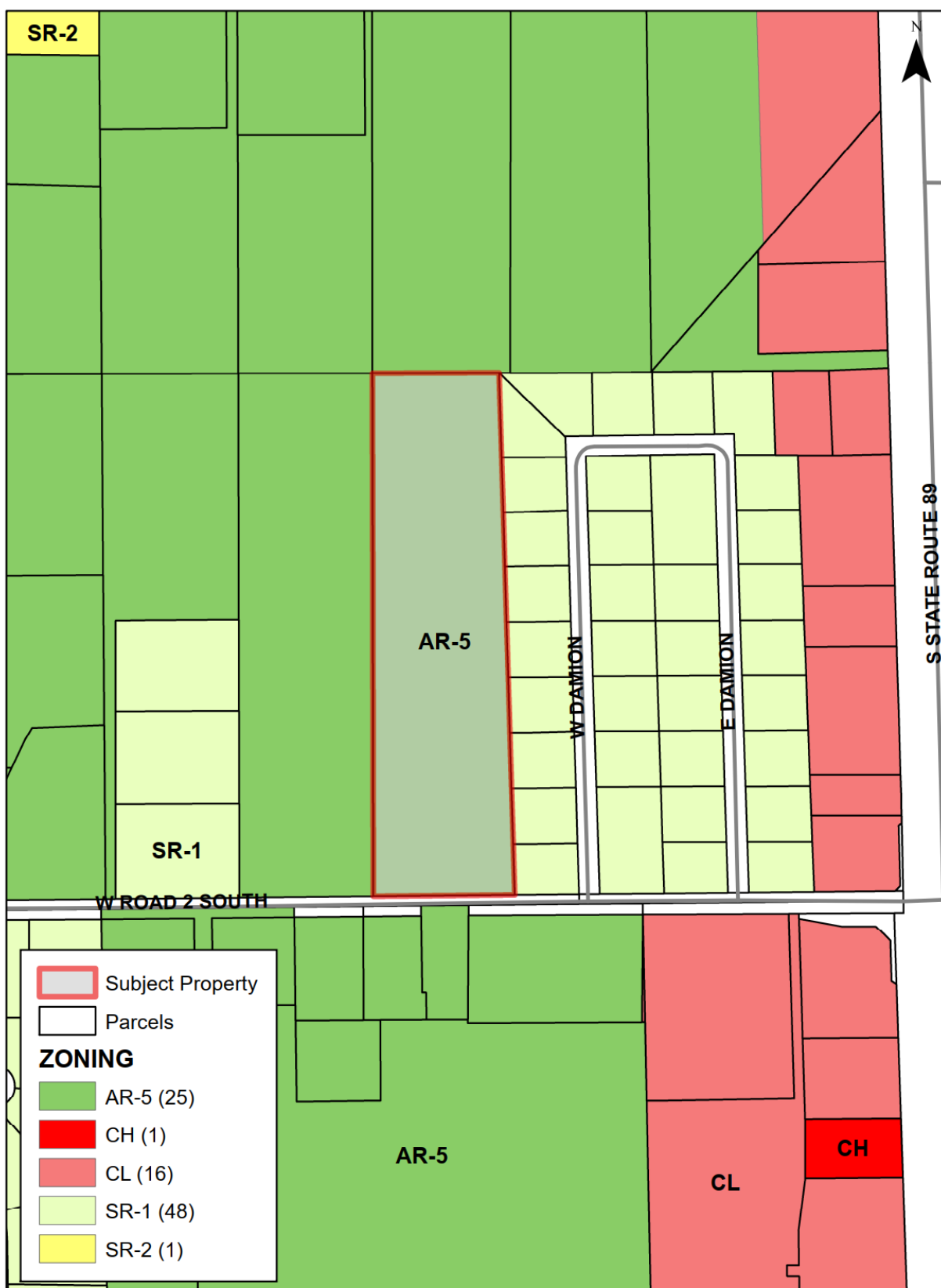
Staff and the Planning and Zoning Commission forward a recommendation of approval to Town Council to approve Wesdamar Farms Preliminary Plat subdividing approximately 10.54 acres into 15 lots with an average lot size of 21,796 square feet developed over one (1) phase.

ATTACHMENTS

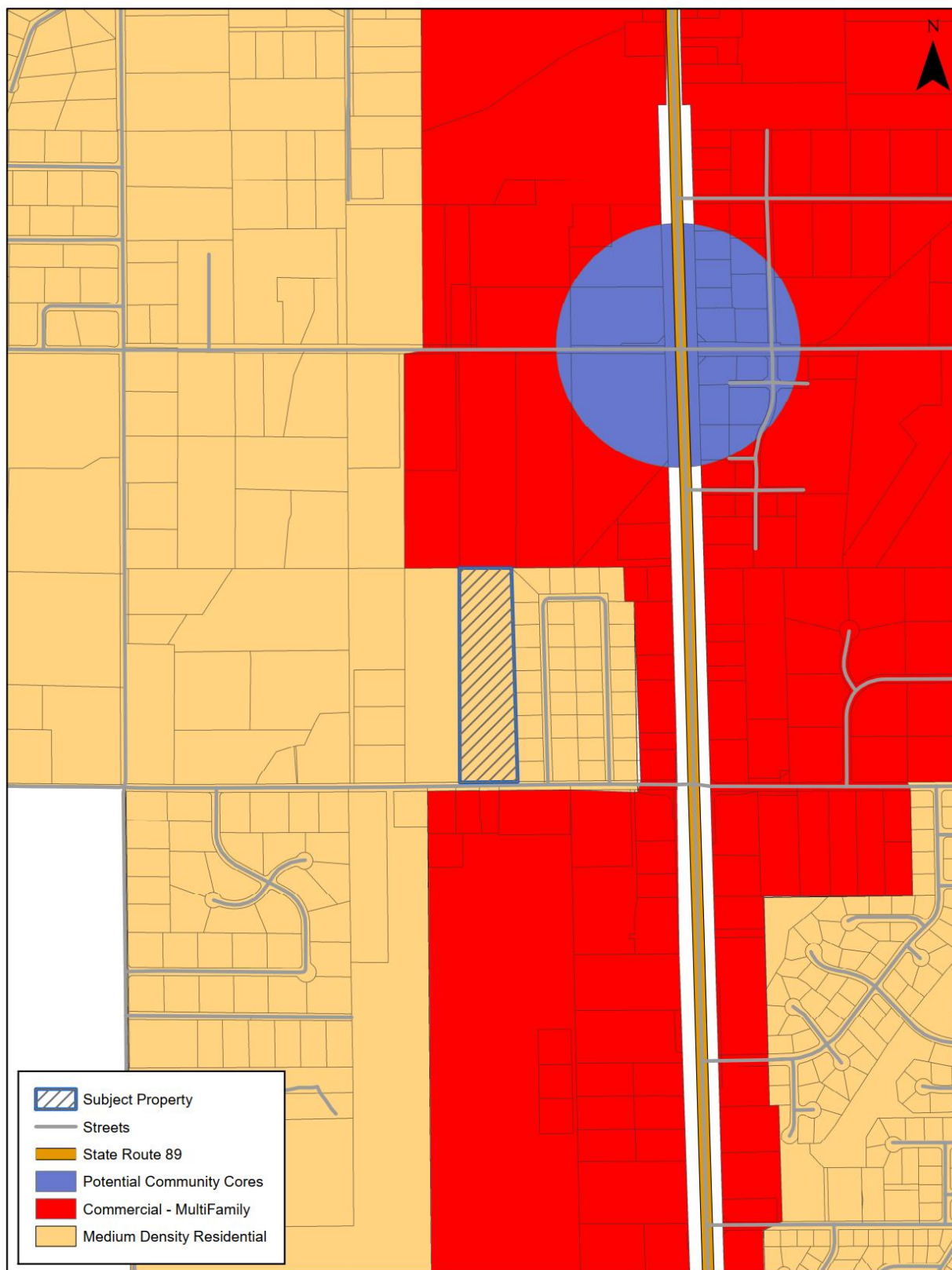
VICINITY MAP



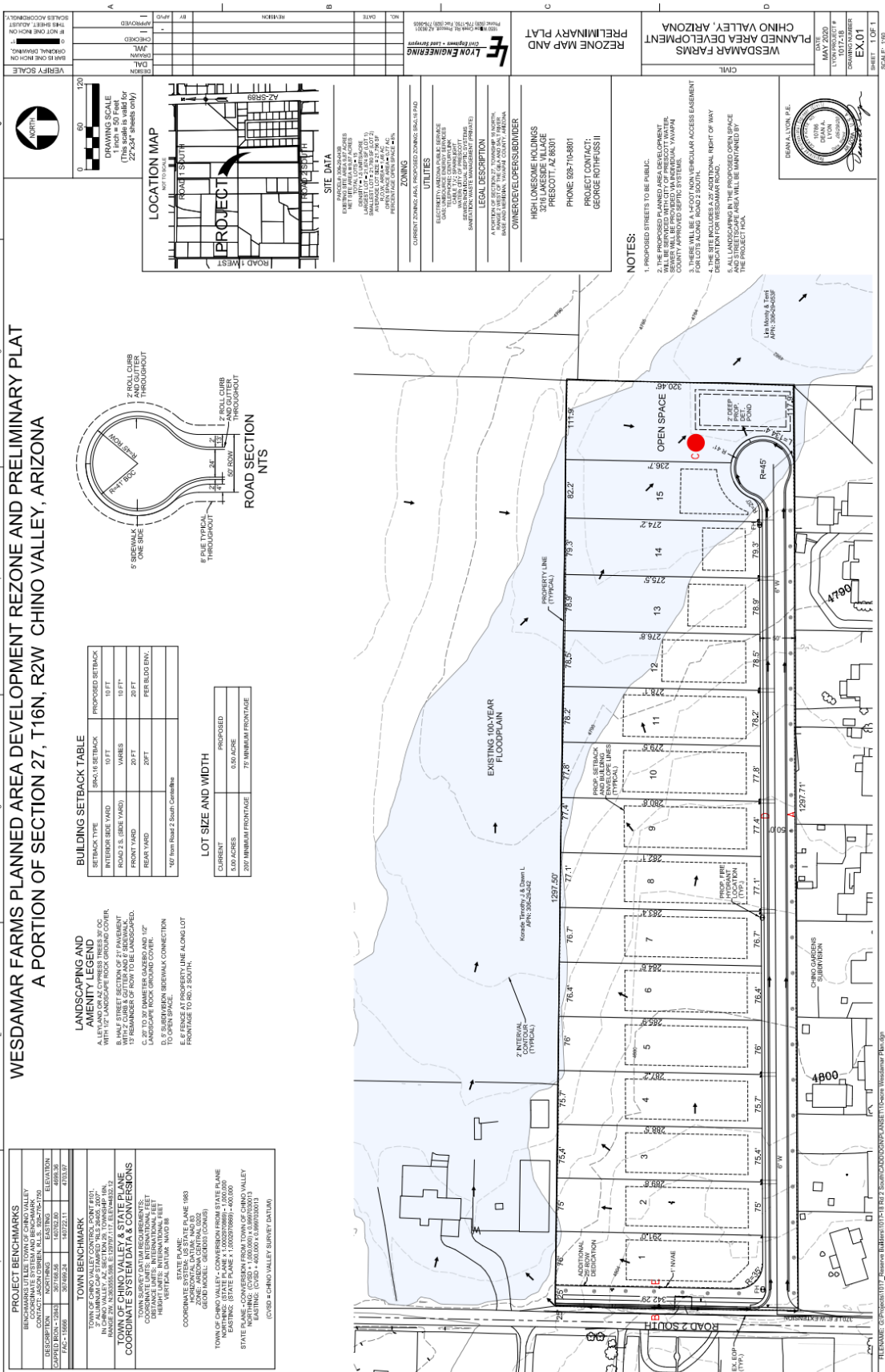
ZONING MAP



GENERAL PLAN LAND USE MAP



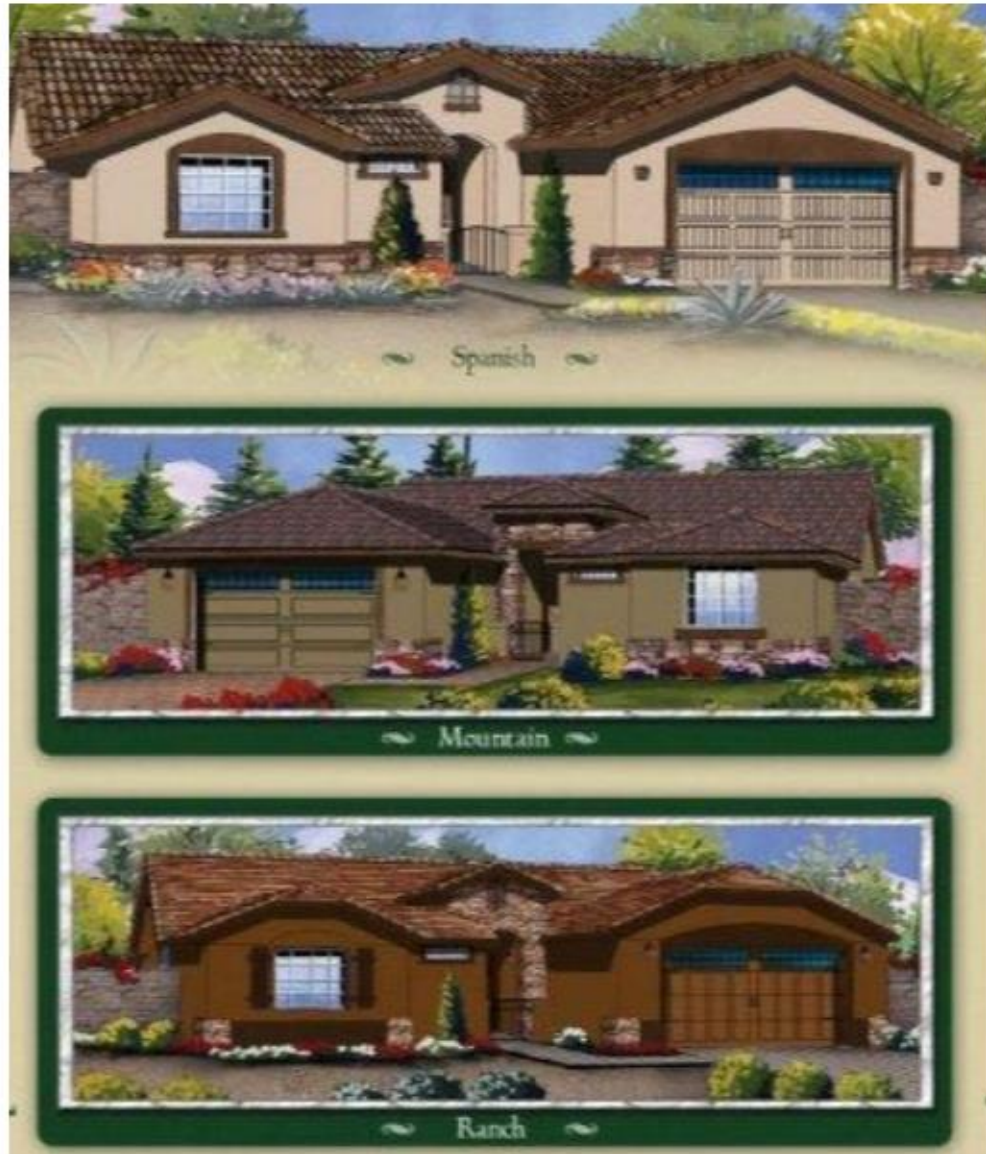
WESDAMAR FARMS PLANNED AREA DEVELOPMENT REZONE AND PRELIMINARY PLAT
A PORTION OF SECTION 27, T16N, R2W CHINO VALLEY, ARIZONA



BUILDING ELEVATIONS



Chandler | 1793 Sq Ft.
Main Floor



Taylor | 1925 Sq Ft.
Main Floor



WESDAMAR FARMS PLANNED AREA DEVELOPMENT REZONE AND PRELIMINARY PLAT
A PORTION OF SECTION 27, T16N, R2W CHINO VALLEY, ARIZONA

PROJECT BENCHMARKS		
BENCHMARKS UTILIZED: TOWN OF CHINO VALLEY		
CONTACT: JASON CORBIN, R.L.S. 626-785-1750		
DESCRIPTION	NORTHING	EASTING
CHINO VALLEY 2843	3516.52	40222.01
CHINO VALLEY 2843	3516.52	40222.01
CHINO VALLEY 2843	3516.52	40222.01
TOWN BENCHMARK		
TOWN OF CHINO VALLEY CONTROL POINT #101		
IN CHINO VALLEY, AZ, SECTION 26, TOWNSHIP 16N,		
TOWNSHIP 16N, R2W, CHINO VALLEY, ARIZONA		
COORDINATE SYSTEM DATA & CONVERSIONS		
TOWN SURVEY DATUM REQUIREMENTS:		
COORDINATE UNITS: INTERNATIONAL FEET		
HEIGHT UNITS: INTERNATIONAL FEET		
VERTICAL DATUM: NAVD 86		
COORDINATE SYSTEM: STATE PLANE 1983		
HORIZONTAL DATUM: NAD 83		
GEOD MODEL: GEOD83 (CONUS)		
TOWN OF CHINO VALLEY - CONVERSION FROM STATE PLANE		
NORTHING: (STATE PLANE X 1.0000970889) - 100.0000		
EASTING: (STATE PLANE Y 1.0000000000) - 100.0000		
STATE PLANE - CONVERSION FROM TOWN OF CHINO VALLEY		
NORTHING: (TOWN OF CHINO VALLEY X 1.0000000000) - 100.0000		
EASTING: (TOWN OF CHINO VALLEY Y 1.0000000000) - 100.0000		
(CY8D = CHINO VALLEY SURVEY DATUM)		

LANDSCAPING AND AMENITY LEGEND

A. 1/2" LANDSCAPE ROCK GROUND COVER WITH 1/2" LANDSCAPE ROCK GROUND COVER.

B. HALF STREET SECTION OF 2" PAVEMENT WITH 2" CURB & GUTTER AND 8' SIDEWALK.

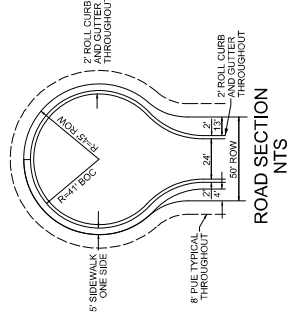
C. 2" TO 3" PAVEMENT WITH 2" CURB & GUTTER AND 8' SIDEWALK.

D. 5' SUBDIVISION SIDEWALK CONNECTION TO OPEN SPACE.

E. 6' FENCE AT PROPERTY LINE ALONG LOT FRONTAGE TO RD. 2 SOUTH.

BUILDING SETBACK TABLE		
SETBACK TYPE	SR4.16 SETBACK	PROPOSED SETBACK
INTERIOR SIDE YARD	10 FT	10 FT
ROAD 2 S. (SIDE YARD)	VARIES	10 FT
FRONT YARD	20 FT	20 FT
REAR YARD	20 FT	20 FT
PER BLDG ENL.		

LOT SIZE AND WIDTH	
CURRENT	PROPOSED
5.50 ACRES	0.50 ACRE
200' MINIMUM FRONTAGE	75' MINIMUM FRONTAGE



WESDAMAR FARMS
PLANNED AREA DEVELOPMENT
CHINO VALLEY, ARIZONA

PROJECT #
1017-18

DATE
MAY 2020

DESIGNED BY
LION ENGINEERING

SCALE
1" = 100'

REZONE MAP AND
PRELIMINARY PLAT

OWNER/DEVELOPER/SUBDIVIDER
HIGH LONESOME HOLDINGS
3216 LAKESIDE VILLAGE
PRESCOTT, AZ 86301
PHONE 928-768-8801
PROJECT CONTACT:
GEORGE ROTHFUSS II

NOTES:

1. PROPOSED STREETS TO BE PUBLIC.

2. THE PROPOSED PLANNED AREA DEVELOPMENT WILL BE SERVICED WITH CITY OF PRESCOTT WATER, SEWER, AND GAS SERVICES.

3. THERE WILL BE A 14-FOOT NON-VEHICULAR ACCESS EASEMENT FOR LOTS ALONG ROAD 2 SOUTH.

4. THE SITE INCLUDES A 25' ADDITIONAL RIGHT OF WAY DEDICATION FOR WESDAMAR ROAD.

5. THE PROPOSED PLANNED AREA DEVELOPMENT AND STREETScape AREA WILL BE MAINTAINED BY THE PROJECT HOA.

DESIGNED BY
LION ENGINEERING

APPROVED BY
DEAN A. LYON, P.E.

VERIFIED SCALE
1" = 100'

DRIVING SCALE
1" = 50 Feet
(This scale is valid for
22"x34" sheets only)

LOCATION MAP

SITE DATA

ZONING

UTILITIES

LEGAL DESCRIPTION

OWNER/DEVELOPER/SUBDIVIDER

FILENAME: C:\Projects\1017 - Wesdamar Farms\1017-18-REZ 2 South\CAD\DWG\ANSI\116area Wesdamar Plan.dwg

Project Narrative/ Development Concept- Wesdamar Farms

High Lonesome Holdings, the applicant, is hereby requesting the rezone of parcel number 306-29-043B, a 10-acre parcel located at the North side of Road 2 West between Road 1 West and Highway 89 in Chino Valley (see attached map).

Introduction to Project Concept and Case for Demand

The plan for this property is to build 15 single family detached homes on individual lots on the 10 acres. The style of the homes will be the Craftsman Bungalow (also known as Arts and Crafts) This style home was a popular house style between 1905 and the 1930s, and it's making a comeback today. As for the exterior, Craftsman-style homes often have low-pitched roofs with wide eave overhangs and porches framed by tapered square columns. We have attached several elevations of homes we are considering building.

Compatibility with Town Code and General Plan

The property is currently zoned AR-5. The site lies between an existing SR-1 subdivision along the east boundary and an AR-5 site to the west and north. The town's General Plan addresses the need for cost effective housing for seniors and working families alike, therefore his project meets the goals set forth in Chino Valley's General Plan.

Adjoining and Neighboring Properties

As depicted on the attached Zoning Map, the property bordering the subject site to the east is Chino Gardens subdivision, a single-family home community zoned SR-1. Properties bordering the north and west are undeveloped and zoned AR-5.

Zoning request and Variance from existing requirements

The requested zoning is SR-.016. The proposed overall density is 1.5 dwelling units per acre, which is within the standards of the requested zoning classification per the UDC of the Town of Chino Valley. The interior street width will meet the Town code. The proposed setbacks will meet the minimum requirements of the proposed zoning. The proposed subdivision will not meet the width vs length ratio normally required due to the proposed layout. The proposed minimum frontage requested within the PAD is 75' due to the required subdivision layout for minimum impact on the floodplain.

Proposed Setback Table

Setback Type	Current Setback	Proposed Min.Setback
Interior Side Yard	10 FT	10FT
Street Side Yard	20 FT	10 FT
Front Yard	20 FT	20 FT
Rear Yard	20 FT	Per building envelope

Proposed Minimum Lot Area & frontage, and sidewalk variation*

Current	Proposed
7000 sq. ft.	21,780 sq. ft.
50' minimum frontage	75' min. on all lots

* 5' Sidewalks are proposed on lot frontage site of street

Open Space and Community Amenities

The community will feature an approximate 1-acre open space tract that includes a large gazebo pavilion with surrounding landscaping. The open space and landscaping will be maintained by the property owner's association. In addition to ½ street improvements on Road 2 South, there will be tree-lined landscaping and a 6' fence between the proposed lot line and street improvements. There will also be a tree-lined landscape buffer between the proposed subdivision road and Chino Gardens to the east.

General Conditions

The project will connect to existing City of Prescott Water in Road 2 South. Individual septic systems are proposed for sewer due to the site's remote proximity to sewer. Individual septic systems are allowed on half acre and greater size lots within Yavapai County.

Benefits to the Town and the Community

The proposed development will allow for an affordable large lot subdivision within the Town of Chino Valley. Road 2 South will be fully improved along the subdivision frontage and will include right-of-way dedication and landscaping.

The proposed subdivision road has been located adjacent to Chino Gardens with a large landscape area to provide an aesthetic buffer. Housing within the proposed subdivision will be constructed near the proposed street, providing a large setback buffer to the existing AR-5 property to the west. The open space tract will buffer the existing AR-5 property to the north.



Chandler | 1793 Sq Ft.
Main Floor



Taylor | 1925 Sq Ft.
Main Floor



ORDINANCE NO. 2020-883

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 10.54 ACRES OF REAL PROPERTY GENERALLY LOCATED 1,000 FEET WEST OF STATE ROUTE 89 ON WEST ROAD 2 SOUTH, FROM AR-5 (AGRICULTURAL-RESIDENTIAL – 5 ACRE MINIMUM) TO SR-0.16 PAD (SINGLE-FAMILY RESIDENTIAL – 7,000 SQUARE FOOT MINIMUM) WITH A PLANNED AREA DEVELOPMENT OVERLAY.

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 a 10.54 acre parcel zoned AR-5 (Agricultural-Residential – 5 acre minimum) to SR-0.16 (Single-Family Residential – 7,000 square foot minimum) with a Planned Area Development Overlay (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, and any overlay zoning district; and

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

WHEREAS, the Planning and Zoning Commission recommended approval of the rezoning; and

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

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

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

Section 2: The Official Zoning Map is hereby amended for property consisting of approximately 10.54 acres, described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone it from AR-5 (Agricultural-Residential – 5 acre minimum) to SR-0.16 (Single-Family

Residential – 7,000 square foot minimum) with a Planned Area Development Overlay (SR-0.16 PAD), subject to the following stipulations:

1. The project shall substantially conform to the site plan, landscaping plan, conceptual building elevations and other exhibits provided by the applicant, as modified by staff's recommended conditions contained herein.
2. All street and infrastructure improvements shall be completed to each lot prior to issuance of a certificate of occupancy for any use on such lot. Intersection improvements on Road 2 North shall be constructed in accordance with the existing traffic study to match road construction type and materials existing on similar improved segments west Road 2 South. Final design of the intersection improvements shall be approved by the Town Engineer.
3. Farming and agricultural uses are allowed on the property along with the keeping of non-household animals as defined in the Town Code, with the exception of animals requiring a minimum of one (1) acre or larger.

Section 3: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Zoning Map Amendment to reflect the new zoning of 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.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 28th day of July, 2020.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2020-833 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 28, 2020, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2020-883

[Legal Description]

See following page.

All that portion of the Southeast quarter of the Southwest quarter of Section Twenty-seven (27), Township Sixteen (16) North, Range Two (2) West of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at the Southwest corner of said Section Twenty-Seven (27);

Thence North 89°29' East along the South line of said Section Twenty-Seven (27), a distance of 2015.32 feet to the Southeast corner of the Curtis Tract, as described in Book 251 of Official records, page 205 and the TRUE POINT OF BEGINNING;

Thence North 0°55'40" West along the East line of the said Curtis Tract a distance of 1322.55 feet;

Thence North 89°31'30" East to the Northwest corner of CHINO GARDENS SUBDIVISION, according to the plat of record in the office of the Yavapai County Recorder in Book 8 of Maps, page 99;

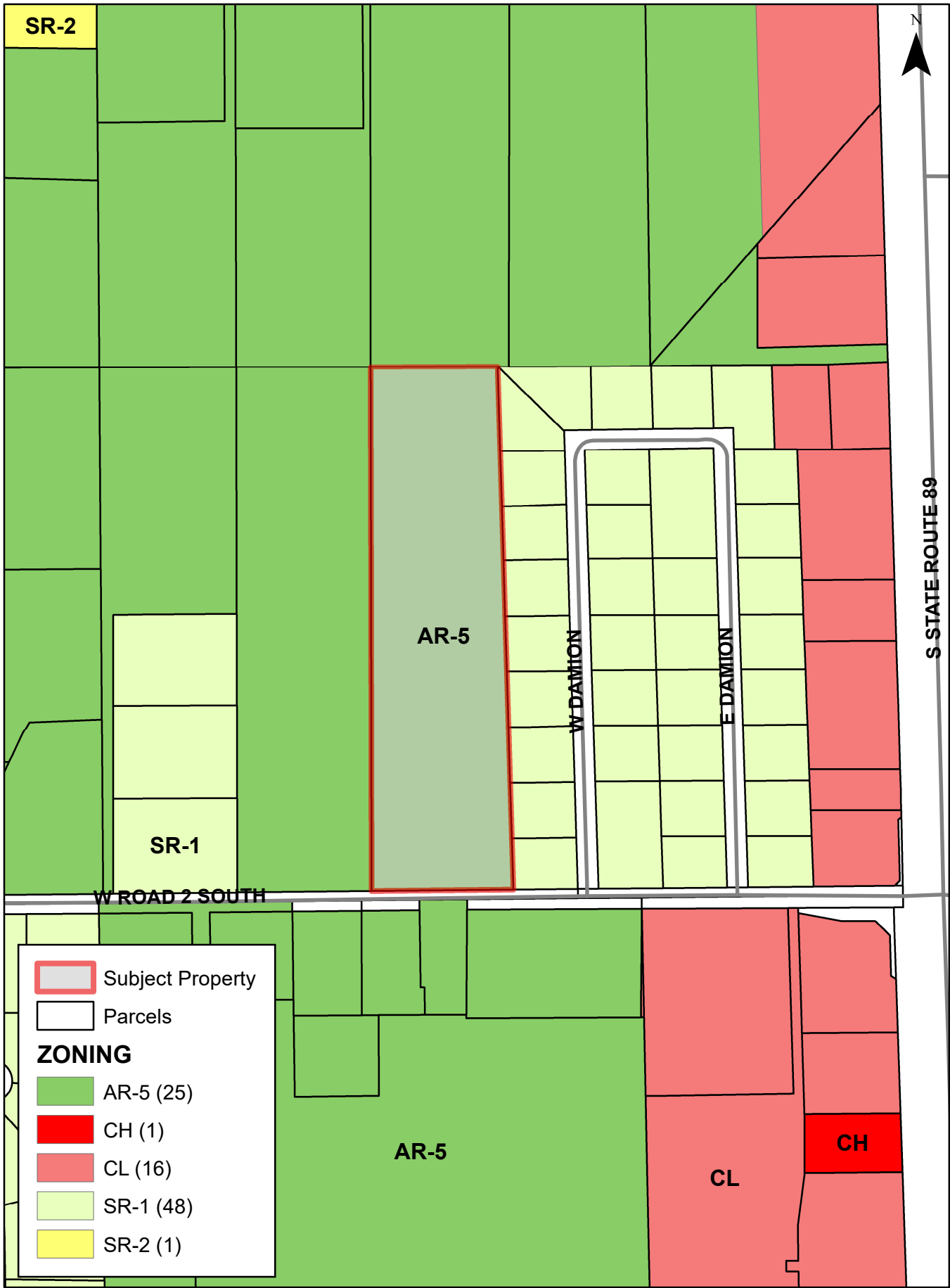
Thence South 1°55'30" East along the West line of said Chino Gardens, a distance of 1322.57 feet to a point on the South line of said Section Twenty-Seven;

Thence South 89°29' West along said South line, a distance of 342.69 feet to the TRUE POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE 2020-883

[Zoning Exhibit]

See following page.





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. b.

Meeting Date: 07/28/2020
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 30 minutes
Physical location of item: 576 West Road 2 South

AGENDA ITEM TITLE:

Consideration and possible action to approve Wesdamar Farms Preliminary Plat, to subdivide approximately 10.54 acres into fifteen (15) lots with an average lot size of 21,796 square feet, developed over one (1) phase. Subject property, Assessor's Parcel No. 306-29-043B, is located approximately 1,000 feet west of the intersection of South State Route 89 and West Road 2 South.

RECOMMENDED ACTION:

Approve Wesdamar Farms Preliminary Plat, subdividing approximately 10.54 acres into 15 lots with an average lot size of 21,796 square feet, developed over one (1) phase.

SITUATION AND ANALYSIS:

See documents attached to the rezoning item.

Fiscal Impact

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

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. c.

Meeting Date: 07/28/2020
Contact Person: Joshua Cook, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 15 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 2020-882, amending the Town of Chino Valley Unified Development Ordinance, Chapter 4 General Regulations, Section 4.21 Sign Regulations related to off-site commercial signage.

RECOMMENDED ACTION:

Adopt Ordinance No. 2020-882, amending the Town of Chino Valley Unified Development Ordinance, Chapter 4 General Regulations, Section 4.21 Sign Regulations related to off-site commercial signage.

SITUATION AND ANALYSIS:

Staff and the Planning and Zoning Commission forward a recommendation of approval to Town Council to approve Ordinance 2020-882 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.21 Sign Regulations, by amending off-site commercial sign text with the following addition to the language.

- Allow businesses further than a quarter mile away to apply for a Conditional Use Permit to allow their proposed off-site signage.

See attached documents for further details.

Fiscal Impact

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

Attachments

Staff Report - Off Site Signage
 Ordinance 2020-882



TOWN OF CHINO VALLEY PLANNING AND ZONING COMMISSION

Staff Report July 23, 2020

APPLICATION SUMMARY

File Number:	ZC20-004
Applicant:	Town of Chino Valley
Request:	Consideration and possible action to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.21 Sign Regulations, by amending off-site commercial signage.

SUMMARY

DISCUSSION

On March 14, 2017, Town Council adopted Section 4.21 of the UDO (Unified Development Ordinance) through Ordinance 17-819 as the sign regulations. Since then, it has become impossible for select businesses to obtain a permit that grants them signage that is visible from a roadway. The rise of complaints from local business owners based on this regulation has led staff to believe that the off-site sign section of the UDO needs revisions for a relaxed standard for local business owners that do not have frontage on a roadway.

Staff met with Town Council at the February 18, 2020 study session to discuss the issues with the off-site-sign ordinance and the need for businesses to have visible signage. Council directed staff to initiate drafting language for a potential text amendment to the sign regulations.

Staff has attached a copy of the off-site sign section of the ordinance with the proposed changes that satisfies the direction given by Town Council.

CITIZENS OUTREACH

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

PLANNING AND ZONING COMMISSION

This item was presented before the Planning and Zoning Commission on July 7, 2020 at Town Hall. Staff provided an overview of the draft text for the off-site signage text amendment.

The Commission asked Staff if there were any loopholes they could see happening with this amendment. Staff answered that to the best of their knowledge there was not. The Commission wanted clarification about how the off-site signs square footage would affect the businesses where these new signs would be located. Town Staff answered that the businesses would not lose any of their square footage for off-site signage. The Commission felt that a quarter mile could be too restrictive and proposed that the provision to the language be made that allowed businesses further away than a quarter mile off-site signage.

The Planning and Zoning Commission forwarded a recommendation of approval to Town Council with the following modification:

- Allow businesses further than a quarter mile away to apply for a Conditional Use Permit to allow their proposed off-site signage.

Vote: 7-0 **Passed**

STAFF RECOMMENDATION

Staff and the Planning and Zoning Commission forward a recommendation of approval to Town Council to approve Ordinance 2020-882 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.21 Sign Regulations, by amending off-site commercial sign text with the following addition to the language.

- Allow businesses Allow businesses further than a quarter mile away to apply for a Conditional Use Permit to allow their proposed off-site signage.

ORDINANCE NO. 2020-882

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING THE PROVISIONS RELATING TO OFF-SITE COMMERCIAL SIGNS.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the "UDO"), by modifying the provisions relating off-site commercial signs as set forth in Section 2 of this Ordinance (the "Text Amendment"); and

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

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

WHEREAS, the Planning and Zoning Commission recommended approval of the Text Amendment; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

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

Section 2. The UDO, Section 4.21.3 (General Sign Regulations), is hereby amended by adding a new subsection "H" to as follows:

H. Off-Site Signage is prohibited, except as specifically set forth in this Section. In order to be permitted to have off-site signage, the following conditions must be met:

1. The property on which the business requesting the off-site signage is located shall be no further than ¼ mile from SR 89.

2. The business owner shall obtain permission pursuant to a non-revocable license, in a form provided by the Town, from an owner of commercial property fronting on SR 89, granting the off-site business the right to construct a new freestanding sign on the commercial property or to add the off-site business nameplate to an existing freestanding or monument sign. If no existing freestanding or monument sign exists, a new sign may be constructed to provide signage for the onsite businesses with additional nameplates

for off-site signage opportunities; provided, that any signage on such new freestanding or monument sign shall be calculated as part of the total allowable signage for each business.

3. The non-revocable license granted by the owner of the commercial property fronting SR 89 shall include a specific depiction of the location of the sign and a specific time limit or expiration date for the license. If the license has not been extended at the conclusion of the time period, the sign must be removed. The license shall be valid for the time period stated and shall not be terminated if the underlying property or the related business is sold during that time period.

4. Off-site signage shall require a sign permit. The signature of the owner of the commercial property fronting on SR 89 on which the sign is proposed shall be required on the application. A copy of the signed license shall be submitted as part of the application.

5. Off-Site signage shall conform to all other aspects of permanent signage as defined in Section 4.21 of this Chapter (i.e. freestanding, monument, etc.).

6. Off-site signage shall not be allowed on vacant property.

7. The business requesting off-site signage shall be required to have a permanent sign on-site prior to approval of any off-site signage. The square footage of the off-site signage shall be deducted from the total allowable signage of that type on the site the business is located.

8. No temporary or auxiliary off-site signage shall be permitted; such signage shall only be allowed on the property on which the business is located.

9. All off-site signage shall comply with the Outdoor Lighting ordinance found in Section 4.24 of this Chapter.

10. Signage shall meet minimum required setbacks. Signage is prohibited from being located in the public rights-of-way.

11. The Town shall not provide advice or direction to either party in discussions or negotiations regarding the license, other than to provide the form.

Section 3. The UDO, Section 4.21.7 (Prohibited Signs), Subsection A, paragraph (1), is hereby amended as follows:

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

1. Off-site commercial signs, EXCEPT AS SPECIFICALLY PERMITTED IN SUBSECTION 4.21.3(H) OF THIS CHAPTER.

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

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 28th day of July, 2020.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2020-882 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 28, 2020, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk