

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

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

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

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

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

Staff Town Manager Cecilia Grittmann; Town Attorney Andrew McGuire(remotely); Police
Present: Chief Chuck Wynn; Officer Jeff Pizzi(Sergeant-At-Arms); Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Assistant Planner Will Dingee; IT Manager Spencer Guest; Deputy Town Clerk Erin Deskins; Town Clerk Jami Lewis (recorder)

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

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

Scott Mascher, Yavapai County Sheriff, presented on this item:

- He had worked to get the County Board of Supervisors' approval for a law enforcement officer memorial at the Prescott Plaza for over 10 years, and the Board unanimously approved it.
- The memorial, a bronze of a traditional western lawman by artist Bill Metzger, would represent all fallen officers from the entire Yavapai County, including detention officers. There were 18 such officers dating back to the territorial days.
- Thus far they had raised \$70,000 for the memorial.

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.

Councilmember Best reported that the Central Yavapai Metropolitan Planning Organization had contributed \$63,000 towards the Road 1 North signal.

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

- c) Report regarding Proposition 450, Alternative Expenditure Limitation (Home Rule Option). (Jami Lewis on behalf of Joe Duffy, Administrative Services Director)

Town Clerk Jami Lewis reported on Proposition 450 on the Town's August 4 ballot:

- In 1980, voters approved a constitutional amendment implementing an expenditure limitation for counties, cities, towns and community college districts. The purpose was to control expenditures and limit future increases in spending. The formula used for the expenditure limitation had limited growing towns and cities from using actual revenues received, so the legislature enacted alternatives that voters could approve for their local area.
- The Town was under the state limitation until 1985, when voters approved the home rule option. Voters have voted every four years since then to stay under the Home Rule Option. Available options to the Town were the State Limitation, the Permanent Base Adjustment, and Home Rule.
- Under the State-imposed limitation, regardless of revenues, which were anticipated to be approximately \$24 million, the Town would only be able to spend under \$10 million. The Town could not provide all of its current services under the State-imposed limitation.
- With Proposition 450, voters decide who should control the Town's budget and future: the State funding method or local officials based on local knowledge. A "yes" vote on the ballot will allow the Town to set the spending cap based on actual revenues for the next four years. A "no" vote will only allow the Town to set the spending cap based on the State formula for two years.
- Home Rule did not change the tax amount; it was about basic revenues and how those revenues could be spent. More information was available on the Town's website.

5) **CONSENT AGENDA**

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

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best, to approve Consent Agenda items (a), (b), and (c) as written.

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

7 - 0 PASSED - Unanimously

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

Assistant Planner Will Dingee presented on this item:

- Items 6(a) and 6(b), which both pertained to the same property will be presented together to avoid possible confusion and repetition.
- The subject property was 1,000 feet west of the intersection of West Road 2 South and South State Route (SR) 89. The property was approximately 10.54 acres, with a width of 320 feet and length of 1,300 feet, with an Agricultural Residential 5 acre minimum zone designation. The property is currently vacant, but had previously been used as an agricultural property. All structures that had been on the property were removed after acquiring a demolition permit from the Town in 2019.
- The General Plan Designation was Medium Density Residential. This designation included properties to the east and west of the subject property. The property to the north and south was designated multi-family commercial use. The subject property was also located near a potential community core near Road 1 South and SR 89.
- Surrounding residential developments included Wagon Wheel Ranch, Chino Gardens, Bee Mountain Estates, and Parkside Village. Chino Gardens, the development to the east, was originally planned to be one-acre lots, but due to lot splits, it now consisted of half acre

single family lots and was considered non-conforming. Of its 37 lots, 34 were non-conforming half-acre lots.

- The applicant proposed to rezone the property to half-acre lots, to mirror the lot size of the adjacent Chino Gardens subdivision, and under current Town Code, the only way to achieve that was to request the SR 0.16 zoning district with a planned area development, which would restrict the lot sizes to a half-acre minimum. Both the PAD and the preliminary plat restricted the development through the conceptual plan. Any drastic changes to the development would require approval by the Council.
- The conceptual plan included 15 lots with an average of 21,796 square feet, with a density of 1.54 homes to the acre; .77 acres of designated open space proposed; and seven house models. The main access would be off West Road 2 South; the development would utilize City of Prescott water and private septic systems for wastewater; and onsite amenities would be maintained by a homeowner's association (HOA).
- The planned area development would alleviate the lot dimension standards and the setback on lot one only. Code required lots not to exceed a three-to-one length-to-width ratio. The applicant was exceeding the required ratio so that there would be no detrimental impact to the lots by the 100 year floodplain. The developer's proposal was to mirror the lot size of the adjacent Chino Gardens subdivision.
- The applicant was requesting a setback reduction on the southern property line abutting Road 2 South of lot one from a 25 foot setback to a 10 foot setback. To offset the relaxation of standards, the applicant was proposing .77 acres of open space, with an open gazebo and landscaping buffering along the eastern boundary of the subdivision and the Chino Gardens subdivision.
- The proposed density met the intent of the General Plan medium density residential classification based on the surrounding area's current land use. The proposed development standards were consistent with the surrounding area; the open space and landscape area exceeded the surrounding developments; and the preliminary plat met all the requirements in Section 5.2.3 of the Unified Development Ordinance.
- Once the preliminary plat was approved, it would go through a staff technical review, followed by a final plat review by the Commission and the Town Council.
- Staff and the Planning and Zoning Commission were recommending approval of Ordinance 2020-883 for the rezone with a Planned Area Development Overlay zoning district.

Council, Developer George Rothfuss and Staff further discussed the following:

- The developer would provide landscaping along the southern boundary of the development as well as the east boundary. The southern boundary was required by Town code, but the eastern boundary was an additional amenity.
- Mr. Rothfuss' intention was not to build a block wall along the eastern boundary, but to provide a landscaping amenity. If screening was required, there was existing wood fencing along the boundary. Chino Gardens homeowners were split on whether they wanted additional landscaping.
- The property had ten dwelling units of water and the developer intended to purchase five more to meet the minimum requirement.
- The boxes shown on the preliminary plat were the proposed building areas for the homes, which would be staggered and the front of the homes facing east. The layout of the plat was to provide buffers between the Chino Gardens Subdivision and the neighbor to the west with large rear and front yards. The Developer would build each home.

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

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

7 - 0 PASSED - Unanimously

Public Hearing:

Michelle Belverud, resident, spoke about losing her views due to the development; greater precedence being given to floodplain requirements rather than the aesthetic effect; and the plan not conforming to the zoning rules and regulations in place. She suggested a compromise of only building nine homes on the subject property, and asked Council to review the General Plan and consider the residents over the developer.

Lisa Corbell believed the code was being violated with regard to Section 5.70(e) pertaining to sewer disposal and lot size, and expressed concern about possible future issues with the Arizona Department of Environmental Quality, as had happened with Chino Meadows years ago.

Chris Lowman, resident, stated that his family knew that something would eventually be built on the property, but he believed larger lot sizes was more in keeping with the surrounding area's agricultural lifestyle. He asked that the decision be tabled until changes were made to the zoning regulations to allow for something more fitting with the surrounding area. The Mayor's recent comments about what was best for Phoenix and other metro areas was not necessarily the best for small rural communities with regard to wearing face masks, should also apply to development.

Patsy Beaven, resident, read a statement from the Chino Meadows community in that they agreed the homes were beautiful, but not when stacked up in a nine-acre space, and they wanted to the development to conform more to the Town Code.

Andrea Sexton, resident, spoke for several people in the neighborhood that could not attend the meeting. The neighborhood valued open spaces and livestock. Allowing for livestock on the proposed lots, along with the floodplain and septic systems, did not seem feasible. They had been told at the last meeting that even though livestock could be approved, the HOA could exclude it. She wanted the Council to be creative and ask the Commission to come up with new ideas to modify the existing code so the developer had more options.

Carol Faoro, resident, expressed concern about an increased number of vehicles turning onto Road 2 South; nine homes being more comparable to Chino Gardens; and sewer being needed, as Chino Meadows' residents had been told 12 years prior that sewer would come because of their properties' small size.

Matthew Fish, resident, supported the rezone, even though all the headlights from the street would point directly towards his house. Although he loved the agricultural aspect, a half-acre dense project 1,000 feet from State Route 89 was not inappropriate and it was nice to have diverse housing throughout the community. He trusted the State and other specialists to make the determination regarding the septic permits.

Lisa Corbell asked about a study demonstrating that septic tanks would not affect the groundwater. Staff stated no study existed at this time and explained that the rezoning and preliminary plat dealt with conceptual level detail and all of the design elements and necessary studies were done during technical review, which was after the preliminary plat approval. Approval and request for septic studies was up to the County and State, not the Town.

Linda Patterson spoke about fears that the new residents would complain about the animals, dust, and noise from the Chino Gardens neighborhood.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly, to close the public hearing.

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

7 - 0 PASSED - Unanimously

Council, Developer George Rothfuss and Staff responded to the public's comments:

- *Density:* The lots that were being created were half-acre in size, as was Chino Gardens, which was also served by septic. The comparisons to Chino Meadows was inaccurate, as those lots were only 7,000 square feet, and were platted around 50 years ago without infrastructure or plans to install infrastructure. The proposed lots were three times that size and would not be stacked on each other.
- *Floodplain:* There was nothing against building in a floodplain, but the building pads would need to be raised above the base flood elevation. Staff would handle this during the technical review, and they would work to minimize impact for water flows in the area. There had been ongoing issues with other subdivisions from the past that they hoped to prevent in the future. A property owner could not build any additional structures on a property if it would impede the flow of flood water. Any infrastructure would need to be engineered to show other properties were not impacted and the water flow was not impeded.
- *Sewer/Septic:* Section 5.3.4 of the UDO did not allow for septic on half-acre or less even though the county would approve septic for lots that size. Most the subject lots were above half acre by a few square feet and were not technically half-acre.
- *Livestock:* Some livestock was restricted to one per acre per the Town code, including cattle, horse and swine. Goat, sheep and fowl did not have a limit. The developer stated that he did not intend to create mini farms, and he was not looking for those types of buyers. The Town did review CC&Rs during the technical review. The existing Chino Gardens was non-conforming with their animals if they had cattle, horse, and swine, but they were grandfathered in if they had their animals for several years. It should be disclosed to buyers that they could be moving in next to someone with livestock.
- *Screening:* The developer favored a hedge or a combination of trees and hedges. Council discussed landscaping screening and spacing options for the eastern boundary. Privacy between the two subdivisions was important. Council asked for public input on the subject.
 - Carol Faoro stated that her tenant wanted to have a wall between the subdivisions to help deflect headlights.
 - Chris Lowman did not believe privacy fencing and brick walls were fitting in the Town and would block his views.
 - Mike Belverud stated that a brick wall would spoil everything he moved to the area for.
- *Screening stipulation:* Town Attorney McGuire advised that the stipulation in the proposed ordinance required compliance with the site plan or landscaping plan, but because they had not had uniformity in the request and if the developer and staff agreed, the developer could provide screening for adjacent lots if requested by the adjacent property owner. Staff said they could administer that, but Mr. Rothfuss preferred to abide by what the Town directed

him to do, as it was not realistic to be held to a variety of property owner wishes. The group discussed amending the motion to add a specific stipulation about screening.

Council comments:

- The close-the-door-behind-me attitude was disturbing. Every person in the room had impacted the population of Town at one point in time.
- The subdivision to the east was all half-acre lots, as was the proposed subdivision. The difference was the shape of the lots. It was not out of character for the area and people had personal property rights if they go through the proper channels and were approved.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best, to 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 with a Planned Area Development Overlay zoning district with a stipulation related to farming and agricultural uses, with one tree every 20 feet along the east 1,300 foot eastern boundary along with staggering hedge such as Photinia.

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

NAY: Councilmember Cloyce Kelly

6 - 1 PASSED

- b) 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.

Mr. Cook explained that this item was discussed under Item 6(a) and they were requesting approval of the preliminary plat so that the technical review could start.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best, 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.

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

7 - 0 PASSED - Unanimously

- c) 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.

Assistant Planner Will Dingee presented on this item:

- The proposed text amendment was for the addition of offsite commercial signage within the Town's limits. Currently, all offsite signage was prohibited. Council had directed staff to draft a text amendment following a February study session. Staff could not find any town that allowed offsite signage, so if adopted, the language would be precedent-setting in the State.
- The intent was for businesses that were primarily accessed off State Route 89 or other roadways that did not have direct frontage for signage. It would apply to businesses that had a property line within a quarter of a mile of a roadway. The Planning and Zoning Commission ("Commission") asked that a stipulation be made that the distance be extended based on approval of a conditional use permit on a case-by-case basis.
- The requirements for offsite signage included a license agreement between property owners of the offsite business and the property owner where the sign would be placed. It would not be affected by a sale of the property and all rights would still be held. Agreements would have to be renewed after their time periods had expired.
- All signs were subject to permanent sign standards; temporary or auxiliary signs would not be permitted. The placard needed to be placed on an existing free-standing sign. If one was not on a property, one could be constructed. It would be included in their total allowable permanent sign square footage.
- No offsite signage was allowed on vacant property. The property had to be in use as a business before any offsite signage was allowed. The business also had to have a sign on the property and the offsite sign could not be the only sign on the property.
- Staff and the Planning and Zoning Commission recommended approval of Ordinance 2020-882.

Councilmembers believed this would help the situation for offsite businesses.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins, to adopt Ordinance No. 2020-882, amending the Town of Chino Valley Unified Development Ordinance, Section 4.21 related to off-site commercial signage.

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

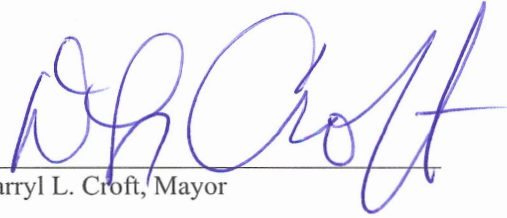
7 - 0 PASSED - Unanimously

7) **ADJOURNMENT**

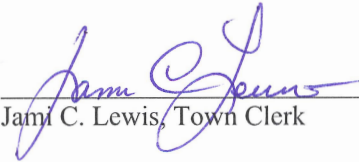
MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly, to adjourn the meeting at 7:39 p.m.

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

7 - 0 PASSED - Unanimously


Darryl L. Croft, Mayor

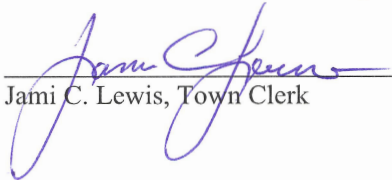
ATTEST:


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 28th day of July, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of August, 2020.


Jami C. Lewis, Town Clerk