Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
TUESDAY, SEPTEMBER 8, 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. Acknowledgement by Sheriff Masher regarding donation from the Town for the Fallen Officer 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 Grittman regarding Town accomplishments, and current or upcoming projects

Report regarding 50th anniversary time capsule installation and ceremony.(Cecilia Grittman, Town Manager)

Report on the purpose of fundraising activities by the Police Department. (Cecilia Grittman, Town Manager)

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 August 11, 2020, regular meeting minutes. (Jami Lewis, Town Clerk)

b. **p.11** Consideration and possible action to approve the August 18, 2020, special 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.15** Consideration and possible action to approve Ordinance 2020-885 amending the Chino Valley Town Code Title XV, Land Usage, Chapter 154, Unified Development Ordinance, adopting by reference the "September 2020 Amendments to the Chino Valley Town Code Chapter 154 (Unified Development Ordinance)," including amendments to the Subdivision Regulations. (Joshua Cook, Development Services Director)

Recommended Action: Approve Ordinance 2020-885 amending the Chino Valley Town Code Title XV, Land Usage, Chapter 154, Unified Development Ordinance, adopting by reference the "September 2020 Amendments to the Chino Valley Town Code Chapter 154 (Unified Development Ordinance)," including amendments to the Subdivision Regulations.

b. **p.69** Consideration and possible action to approve the Cooperative Purchasing Agreement with Motorola Solutions, INC. for the purchase of 25 new Motorola APX 4000 VHF MHZ Model 2 Portable Radios in the amount of $58,370.75. (Chuck Wynn, Police Chief)

Recommended Action: Approve the Cooperative Purchasing Agreement with Motorola Solutions, INC. for the purchase of 25 new Motorola APX 4000 VHF MHZ Model 2 Portable Radios in the amount of $58,370.75.

c. **p.89** Consideration and possible action to exercise the authority granted in Governor Ducey's Executive Order 2020-43 allowing or denying organized public events of more than 50 people, effective until the Governor rescinds the Executive Order. (Cecilia Grittman, Town Manager)

Recommended Action: Deny or approve organized public events of more than 50 people, effective until the Governor rescinds Executive Order 2020-43.

7. ADJOURNMENT

Dated this 3rd day of September, 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

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **5. a.**

Meeting Date: 09/08/2020

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

Department: Town Clerk

Item Type:

AGENDA ITEM TITLE:

Consideration and possible action to approve the August 11, 2020, regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the August 11, 2020, regular meeting minutes.

Attachments

08-11-2020 draft minutes

D R A F T

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

TUESDAY, AUGUST 11, 2020
6:00 P.M.

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

Present:	Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Corey Mendoza; Councilmember Annie Perkins; Councilmember Lon Turner
Staff Present:	Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (remotely); Finance Director Joe Duffy; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; IT Manager Spencer Guest; Deputy Town Clerk Erin Deskins (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) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

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

Mayor Croft read an article relating to current COVID-19 statistics in Chino Valley and Yavapai County, and encouraged citizens to follow the Governor's and CDC recommendations in order to overcome the virus.

Councilmember Best reported the 50th Anniversary Subcommittee will reconvene its meetings in March 2021, at which time the Subcommittee will begin planning the celebration for September 2021.

Councilmember Perkins reported stage one fire restrictions being re-implemented and offered moral support to the children and parents who began on-line school instruction on Monday.

Councilmember Kelly reported that he had received positive comments from the community in relation to the start of the school year.

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

Ms. Grittman presented the 50th Anniversary plaque to the Council and thanked staff and committee members for the completion of the plaque. Chino Valley Cares magazine also featured an article relating to the Town's 50th Celebration although the events had been cancelled. Ms. Grittman reported next week's meeting will be short to adopt the Election Canvass Resolution. Council members may attend in person or through Zoom. August 25, 2020, regular meeting had been cancelled.

c) Report by Public Works Director/Town Engineer Frank Marbury regarding current status of capital projects.

Mr. Marbury reported:

- School district bus lane behind Del Rio School is essentially completed, just a few minor touch ups to be completed this week.
- Memory Park restrooms:
  - Plumbing fixtures are being installed.
  - Septic system has been installed.
  - Water is being installed.
  - Staff is anticipating a completion date by the end of the month.
- Utility Shop at Old Home Manor scheduled for December completion.
  - Footings and slab have been installed.
  - Steel and walls anticipated going up next week.
- The slurry seal projects is ready for bid, but work should not begin until winter months for crack sealing.
- During summer months the contractor would complete the seal coat work.
- Contractors are working on quotes for the Road 2 North chip seal project.
- Staff is working on a paving design for the Road 2 North paving project; the bid for this project should be released January 2021.
- The completion of Road 1 North signal project is anticipated for April/May 2021.

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 5 (a), (b), and (c).

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 adopt Ordinance No. 2020-884 adopting by reference the "Town of Chino Valley Procurement Policy, Dated August 11, 2020"; and amending Town Code Title III Administration, Chapter 32 Finance and Revenue, as set forth in the "Town of Chino Valley Procurement Policy, Dated August 11, 2020." (Joe Duffy, Administrative Services Director)

b) Consideration and possible action to approve the July 21, 2020, study session minutes.(Jami Lewis, Town Clerk)

c) Consideration and possible action to approve the July 28, 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) Consideration and possible action to approve the Professional Services Agreement with Stroh Architecture Inc. for the Police Station 30% Schematic Design Services in the amount of $148,057.00. (Chuck Wynn, Police Chief)

Recommended Action: Approve the Professional Services Agreement with Stroh Architecture Inc. for the Police Station 30% Schematic Design Services in the amount of $148,057.00.

Chief Wynn requested approval of the Professional Service Agreement and offered to answer any questions the Council had. No questions asked.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins to approve the Professional Services Agreement with Stroh Architecture Inc. for the Police Station 30% Schematic Design Services in the amount of $148,057.00.

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

b) Consideration and possible action to approve a monetary donation toward the Yavapai County Fallen Officer Memorial. (Chuck Wynn, Police Chief)

Recommended Action: Approve a monetary donation, in the amount of $2,500, toward the Yavapai County Fallen Officer Memorial.

Chief Wynn reported Sherriff Mascher presented this item at the last meeting and was available to answer any questions the Council may have. Council discussed the recommended donation amount from Staff of $2,500. Council agreed this was appropriate.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve a monetary donation in the amount of $2,500, toward the Yavapai County Fallen Officer Memorial.

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 6:16 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 _____ 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

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **5. b.**

Meeting Date: 09/08/2020

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 August 18, 2020, special meeting minutes.(Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the August 18, 2020, special meeting minutes.

Attachments

08/18/20 draft minutes

D R A F T

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

TUESDAY, AUGUST 18, 2020
5:00 P.M.

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

1) CALL TO ORDER; ROLL CALL

Present:	Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Annie Perkins
Absent:	Councilmember Corey Mendoza; Councilmember Lon Turner
Staff Present:	Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

Mayor Croft called the meeting to order at 5:00 p.m.

2) Consideration and possible action to adopt Resolution No. 2020-1172, declaring and adopting the results of the 2020 Primary Election held on August 4, 2020. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Resolution No. 2020-1172, declaring and adopting the results of the 2020 Primary Election held on August 4, 2020.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adopt Resolution No. 2020-1172, declaring and adopting the results of the 2020 Primary Election held on August 4, 2020.

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

5 - 0 PASSED - Unanimously

3) Consideration and possible action to approve the Cooperative Purchasing Agreement with Cactus Asphalt in an amount not to exceed $124,973.62 for the Fiscal Year 20/21 East Road 2 North Chip Seal Project. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve the Cooperative Purchasing Agreement with Cactus Asphalt in an amount not to exceed $124,973.62 for the Fiscal Year 20/21 East Road 2 North Chip Seal Project.

Director Marbury reported that this project was part of the 2020/2021 capital improvement program. Cactus Asphalt had a cooperative job order contract with Pinal County. Their quote for double chip sealing Road 2 North from Peppertree to the end of the road at Bright Star was comparable to previous bids, cheaper than the chip seal portion cost from 2018, and came under the Town's budgeted amount.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve the Cooperative Purchasing Agreement with Cactus Asphalt in an amount not to exceed $124,973.62 for the Fiscal Year 20/21 East Road 2 North Chip Seal Project.

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

5 - 0 PASSED - Unanimously

4) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 5:03 p.m.

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

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 Special Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 18th day of August, 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: 09/08/2020

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: 5 minutes

Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance 2020-885 amending the Chino Valley Town Code Title XV, Land Usage, Chapter 154, Unified Development Ordinance, adopting by reference the "September 2020 Amendments to the Chino Valley Town Code Chapter 154 (Unified Development Ordinance)," including amendments to the Subdivision Regulations. (Joshua Cook, Development Services Director)

RECOMMENDED ACTION:

Approve Ordinance 2020-885 amending the Chino Valley Town Code Title XV, Land Usage, Chapter 154, Unified Development Ordinance, adopting by reference the "September 2020 Amendments to the Chino Valley Town Code Chapter 154 (Unified Development Ordinance)," including amendments to the Subdivision Regulations.

SITUATION AND ANALYSIS:

See Attached Memo and Draft Language
Planning Commission and Staff recommend the Town Council adopt the proposed amendment to Section 2 Definitions and Section 5 Subdivision Regulations in its entirety.

Fiscal Impact

Fiscal Impact?: N

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Subdivision Regulations
Subdivision Regulations Memo

SEPTEMBER 2020
AMENDMENTS TO THE
CHINO VALLEY TOWN CODE
CHAPTER 154 (UNIFIED DEVELOPMENT ORDINANCE)

ADOPTED SEPTEMBER 8, 2020

SECTION 1. The Chino Valley Town Code, Chapter 154 (Unified Development Ordinance), Section 1.9 (Review and Approval Processes), Subsection 1.9.4 (Planned Area Development Overlay District, PAD), Subsection 1.9.4.3 (PAD Procedures), paragraph C, is hereby amended as follows:

C. Zoning conditions. The Planning Commission may recommend and the Town Council may impose conditions of approval including, but not limited to, the following:

1. Timing or phasing of development;
2. Off-site improvements to mitigate the impacts of the proposed development;
3. Development standards;
4. Design guidelines;
5. Conditions of use;
6. Dedication of land for public purposes;
7. Dedication to the Town of PARCELS OR rights-of-way FOR USE as streets, alleys, ~~public ways,~~ drainage and public utilities as are reasonably required by or related to the effect of the rezoning;
8. Dedication of easements for public use AS ~~of~~ trails and open space areas;
9. Establishment by the developer of a homeowners or property owners association to ~~assure~~ ENSURE continued maintenance and ownership of open space and landscaped areas within the PAD overlay district; AND
10. Reservation of land for future public acquisition.

SECTION 2. The Chino Valley Town Code, Chapter 154 (Unified Development Ordinance), Section 2.1 (Meanings of Words and Terms), is hereby amended as follows:

. . .

LOT FRONTAGE. The length at the front line of a lot which borders upon a street ~~or public way~~ measured at the wider of said front lot line in accordance with the definition of average lot width, but which shall not be less than 25 feet at the front lot line/border with said street ~~or public way~~.

. . .

PARENT PARCEL. ALL OF THE PROPERTY FROM WHICH A LOT, PARCEL OR TRACT WAS DIVIDED, WHETHER BY SUBDIVISION OR LAND SPLIT. FOR THE PURPOSES OF DETERMINING THE NUMBER OF LOTS, PARCELS OR TRACTS CREATED FROM A PARENT PARCEL, THE PARENT PARCEL SHALL BE ANY LOT, PARCEL OR TRACT EXISTING PURSUANT TO APPLICABLE LAW AND RECORDED IN THE YAVAPAI COUNTY RECORDER'S OFFICE ON OR BEFORE OCTOBER 15, 2020.

. . .

~~**PUBLIC WAY**. An easement for ingress, egress and public utilities established by deed or as part of a land split or other legal division of land other than a platted subdivision which is not less than fifty feet (50) in width; provides permanent legal access from privately owned property or properties to an existing public street or a public way or a private street created in a properly~~

~~recorded plat; includes a perpetual easement of not less than fifty feet (50) in width and along its entire length for public utilities and for general ingress and egress use to the public; and includes a perpetual offer of dedication of such easement to the Town, but which public way shall remain private property and the Town will have no duty of maintenance unless and until the Town formally accepts the offer of dedication by Town Council approved Resolution or Ordinance. The area included within a public way shall be included in computing the gross square footage of a contiguous lot where owned by the same person (common ownership) or where the public way was owned by the owner of such lot prior to dedication as accepted by Town and as provided above.~~

SECTION 3. The Chino Valley Town Code, Chapter 154 (Unified Development Ordinance), Section 4.5 (Yard, Lot and Area Requirements), Subsection 10, is hereby amended as follows:

4.5 YARD, LOT AND AREA REQUIREMENTS

10. Notwithstanding other provisions of this code to the contrary, flag shaped or panhandle lots ("flag lots") as depicted in the diagram below may be created by land split in any zone if all of the following requirements are met:

a. The lot has at least fifty (50) feet of frontage on a dedicated public street~~,~~ OR a private street established in a final plat ~~or a public way and, unless the flagpole/panhandle is a public way, which frontage and flagpole/panhandle may serve as access only to the subject lot or parcel via the end of the flagpole or panhandle farthest from the main body of the lot;~~.

b. The entire flagpole/panhandle portion of the lot shall be at least fifty (50) feet in width~~;~~.

c. There shall be a minimum separation between the edges of flagpoles/panhandles that equals or exceeds the minimum lot width for the respective zone in which the property is located.

d. The length of the flagpole or panhandle shall not exceed three hundred thirty (330) feet as measured from the right-of-way line or street chord upon which the flagpole/panhandle fronts on a public street or final platted private street ~~or public way~~ to the front line of the body of the lot~~; and~~.

e. The flagpole or panhandle portion of a flag lot shall be included in calculating gross square footage of a lot where the flagpole/panhandle is contiguous to the lot in question and is owned by the owner of the lot in question or was owned by the owner of the lot in question at the time the flagpole/panhandle or portion thereof was accepted for ownership by the Town pursuant to a dedication made by the owner in order to create, using all or part of the flagpole/panhandle and, if applicable, other property, a public street.

f. Existing lots which would otherwise meet the definition of a flag lot but for the width or length of the flagpole/panhandle used as access to the lot shall be considered non-conforming flag lots.

SECTION 4. The Chino Valley Town Code, Chapter 154 (Unified Development Ordinance), Section 4.23 (Public Street System and Public Use Access System), Subsection G (Non-Conforming Right-of-Way), is hereby deleted in its entirety.

SECTION 5. The Chino Valley Town Code, Chapter 154 (Unified Development Ordinance), Section 5 (Subdivision Regulations), is hereby deleted in its entirety and replaced with the following:

5. SUBDIVISION REGULATIONS

5.1 INTENT

The intent of these regulations is to provide procedures consistent with State Law that promote the health, safety and general welfare for all citizens of the Town by allowing for orderly growth and harmonious development of the Town in a manner that:

A. Implements the General Plan, any applicable specific plans, the zoning ordinance, design requirements, and all other codes and ordinances of the Town.

B. Ensures that future development will preserve and enhance the Town's natural scenic attributes.

C. Ensures that all new development will maintain and encourage a pleasing environment and be in harmony with the special character and historic quality of the Town.

D. Establishes and maintains safe and effective vehicular and non-vehicular circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining subdivisions, and public facilities.

E. Ensures the adequate provisions to all property for water, sewer and other utilities, drainage and stormwater retention, and other health and safety requirements.

F. Ensures the provision for adequate sites for schools, recreation and open space, and other public facilities.

G. Promotes the conveyance of land by accurate legal description.

These Subdivision Regulations accommodate growth by considering the need for services generated by new lots together with public ability to provide and/or private willingness to contribute to the costs of these services.

5.1.2 SHORT TITLE

For the purpose of identification, these subdivision regulations as set forth in this Section 5 of the Unified Development Ordinance (Chapter 154 of the Town Code) shall hereafter be referred to as the "Subdivision Regulations."

5.1.3 AUTHORITY

The Subdivision Regulations are authorized by Title 9, Chapter 4, Articles 6.2 and 7 of the Arizona Revised Statutes.

5.1.4 JURISDICTION

These regulations shall govern the division of all land that lies within the corporate limits of the Town. These Subdivision Regulations apply to all properties within the Town limits proposed for division in any manner, including subdivision, land split, or lot line adjustment.

5.1.5 GENERAL REGULATIONS; ADMINISTRATION

A. Permits Prohibited: The Town shall not issue any building or other development permit for property that has been divided without meeting the requirements of these Subdivision Regulations.

B. Interpretation: The interpretation and application of the provisions of these Subdivision Regulations shall be made by the Zoning Administrator or his/her designee. Where any provision of these Subdivision Regulations imposes restrictions different from those imposed by any other provision, or any other ordinance, rule or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards controls. Nothing contained in these Subdivision Regulations shall be construed as relieving an applicant from the requirements imposed by the Arizona Revised Statutes.

C. Administration: The Zoning Administrator or his/her designee is hereby authorized to receive, process, and otherwise act upon preliminary and final subdivision plats, and land splits not requiring a subdivision, in accordance with these regulations. The Planning and Zoning Commission and Town staff shall provide recommendations to the Council with respect to these Subdivision Regulations. Town staff is charged with the duty of investigating and reporting upon matters referred to them in accordance with these Subdivision Regulations.

D. Fees: Fees for Town services provided in the administration of these Subdivision Regulations shall be set by Resolution of the Council and may be changed from time to time.

E. Actions Prohibited: Until a preliminary plat and final plat of a subdivision, as applicable, have been approved in accordance with these Subdivision Regulations, no person proposing a subdivision within the Town shall subdivide or file a record of survey, map or plat for record, or sell any part of a subdivision, or proceed with any improvement or other work on same.

5.1.6 PLATTING OR DIVISION REQUIRED

No division of land is permitted unless it conforms to the provisions of this chapter. All divisions of land that meet the conditions of Section 5.1.7 below shall follow the subdivision process in these Subdivision Regulations; all Land Splits are permitted pursuant to the Land Split provisions in Section 5.2.6 below; divisions of land not meeting the definition of Land Split or Subdivision are subject to improvement requirements as set forth in Section 5.2.6 below. No person shall, for the purpose of circumventing this chapter, sell, offer to sell or divide any lot, piece or parcel of land without first having recorded a Town-approved plat or a land split thereof, as applicable, in accordance with this chapter. The Town does not recognize recorded divisions of land that have not first obtained Town approval.

5.1.7 SUBDIVISION APPLICABILITY

A. Subdivision approval shall be required to divide improved or unimproved land for the purpose of financing, sale or lease, whether immediate or future, into:

1. Four (4) or more lots, tracts or parcels or land; or

2. Two (2) or more lots, tracts or parcels or land, if a new street is involved; or

3. Two (2) or more lots, tracts or parcels of land, if the boundaries of said land have been fixed by a recorded plat.

B. Subdivision Approval shall also be required for any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plat of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

5.2 SUBDIVISION APPLICATION PROCEDURES

5.2.1 GENERAL PROVISIONS

A. In General: Every land division shall conform to the goals and objectives of the General Plan, Unified Development Ordinance, and other ordinances adopted by Council and

laws of the State of Arizona that specifically relate to subdivisions and the development of land.

B. Owner/Agent Authorization: Applications shall only be submitted by property owners or their authorized representatives. The Zoning Administrator may require proof of ownership/agency prior to accepting an application.

C. Zoning Standards: Proposed subdivisions must be designed to meet the specific requirements of the zoning district in which they are located. In the event that a change in zoning is required to enable the development to be built as proposed, any necessary zoning amendment must be initiated by the property owner (or authorized agent) in accordance with the procedures for processing applications for changes in zoning set forth in the Town's Unified Development Ordinance. No subdivision plat for which a zone change is required may be considered by the Council until the required zone change has been adopted by the Council. The applications for both the requested zoning amendment and the preliminary plat may be filed concurrently.

D. Dedication or Reservation of Public Land: Where a tract to be subdivided contains all or any part of a planned park, recreation facility, school, open space, water facility, wastewater facility, public safety facility, flood control facility or other area shown on the General Plan as a public area, or required by Council as a public area, such site shall be dedicated to the Town or appropriate public entity or reserved for acquisition by the Town of appropriate public entity within a specified time period. The applicant and the Town or appropriate public agency shall reach an agreement regarding dedication or acquisition of the property for such purpose prior to consideration of final plat by the Council. If a parcel of property is to be reserved rather than dedicated, the Town may require the subdivider to designate the reserved area on the final plat subject to the following conditions:

1. The land reserved shall be in the size and shape as to permit the remainder of the land area in which the reservation is located to develop in an orderly and efficient manner.

2. The public entity for whose benefit an area has been reserved shall have a period of one year after the recording of the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the preliminary plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

3. If the public entity for whose benefit an area has been reserved does not exercise the reservation agreement set forth in paragraph 5.2.1(D)(3) above, within the agreed upon period of time, the reservation of such area shall terminate unless a

mutually agreeable time extension is executed between the entity and the subdivider.

E. Outline of the Review Process: The preparation, review and approval of subdivisions within the Town Limits shall proceed through the following progressive stages:

1. Pre-Application Conference with Town staff.

2. Preliminary plat submittal: The preliminary plat will be reviewed by Town staff to ensure it is complete and consistent with these Subdivision Regulations; the complete preliminary plat submittal is then considered by Planning and Zoning Commission and Council.

3. Final plat submittal: Includes review by the Town staff to ensure the Final Plat meets the requirements of these Subdivision Regulations and Subdivision Technical Review by Town staff and pertinent outside public service and utility agencies, all prior to consideration of the Final Plat by the Council.

5.2.2 PRE-APPLICATION CONFERENCE

Pre-application Conference: The pre-application conference precedes preparation of platting and improvement plans by the applicant. During this conference, applicants informally provide Town staff with an overview of the proposed land division, after which the Town Staff advises the applicants of specific public objectives related to the subject tract, and provides the applicant with detailed information regarding platting procedures and requirements.

A. At the pre-application meeting, the applicant must provide a general outline of the proposed development including:

1. Sketch plan(s) and ideas regarding land use, street and lot arrangement, and tentative lot sizes.

2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

B. Town staff will discuss the proposal with the applicant and provide input and suggestions regarding procedural steps, including the public hearing timeline, public policy objectives, design and improvement standards, and general platting requirements. Then, depending upon the scope of the proposed development, the Town staff will:

1. Check the existing General Plan land use designation for the proposed subdivision and determine if a General Plan amendment will be required and if such amendment will be obtained prior to additional processing of the application.

2. Check the existing zoning of the proposed subdivision and recommend changes in zoning if necessary or desirable.

3. Provide the applicant with information regarding existing and proposed schools, parks, and other public places, and inform the applicant of the Town's requirements for infrastructure improvements required for the proposed subdivision.

4. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and identify any unusual problems, including but not limited to those related to topography, utilities, and drainage.

5. Determine whether a Development Master Plan (DMP) will be required prior to the preparation of a preliminary plat, and the extent to which the property owner will be required to prepare it.

C. Subdivision Referral and Approval Process: Within fifteen (15) calendar days after the pre-application conference, the Zoning Administrator or his/her designee will send a written notice to the subdivider with staff's recommendations related to preparation and submittal of a preliminary plat by developer to be considered by the Planning and Zoning Commission and the Council, and with a determination as to whether a Development Master Plan will be required pursuant to 5.2.2(D) of these Subdivision Regulations. If the proposed subdivision does not require a Development Master Plan, the subdivider may to proceed with the preparation of a preliminary plat to be considered by the Planning and Zoning Commission and the Council. As a prerequisite of preliminary plat review by the Development Services Director and the Public Works Director, the subdivider shall submit copies of letters written to the following agencies informing them of the intent to subdivide and to learn the general requirement for public utilities and public dedications applicable to the subdivision needs:

1. Appropriate public utilities

2. Cable television and communication companies

3. Chino Valley Unified School District

4. Yavapai County Health Department

5. ADOT

6. U.S.D.A. Soil Conservation Service

7. Yavapai Flood Control District

D. Development Master Plan (DMP): A DMP shall be required prior to the preparation of a preliminary plat if any of the following apply: (i) the tract is larger than 100 acres; (ii) the tract is to be developed in multiple phases or if the tract is only a portion of a larger landholding of the subdivider; or (iii) the tract is part of a larger land area the development of which is complicated by unusual topographic, utility, land use, land ownership, or other conditions. As part of the notification described in 5.2.2(C) above, the Zoning Administrator or his/her designee shall notify the subdivider of the requirement to prepare a DMP. To ensure cohesive development, the subdivider may include areas within its DMP that are anticipated for future acquisition. If subdivider is requesting a zone change as part of the development, the conceptual land use plan required for such zone change application may, at the reasonable discretion of the Zoning Administrator of his/her designee, serve as the DMP for the subdivision.

1. Preparation: Development Master Plans must be prepared to a scale and accuracy commensurate with their purposes, and must include:

    a. General street pattern with particular attention to collector streets and future circulation throughout the development.

    b. General location and size of existing and proposed school sites, parks, and other public areas.

    c. Location of shopping centers, multiple-family residential or other non-residential land uses.

    d. Methods proposed for sewage disposal, water supply and storm drainage.

    e. Approximate densities and intensities of various land uses.

2. Phasing Plan: If development is to take place in several stages, the DMP must be submitted as a supporting document for each stage. The DMP must be kept up to date by the subdivider as modifications take place.

3. Approval: After Town staff has determined the required elements in 5.2.2(D)(1) are included in the proposed DMP, the DMP shall be forwarded to the Planning and Zoning Commission and the Council for review and approval. Upon acceptance of the general design approach by the Commission and the Council, the subdivider may submit a preliminary plat for review.

5.2.3 PRELIMINARY PLAT

To ensure that a subdivision complies with the most-current edition of these Subdivision Regulations, preliminary plats must be submitted to the Town for review no later than 120

calendar days after (i) the date of the Zoning Administrator's comment letter described in paragraph 5.2.2(C) in the case where a DMP is not required, and (ii) the date of Council approval of the DMP as described in paragraph 5.2.2(D)(3), an applicant shall apply for a preliminary plat or submit a Development Master Plan (DMP); provided, however that this time period may be extended by the Zoning Administrator to a time mutually agreed upon with the subdivider if the result of such extension will not cause the comment letter described in paragraph 5.2.2(C) to be inconsistent with a later change to the Subdivision Regulations.

A. Application Procedures and Requirements In General: The preliminary plat stage of land subdivision involves detailed subdivision planning, submittal, review, and approval of the preliminary plat. The preliminary plat must substantially conform to the conceptual land use plan provided to the Town curing the pre-application meeting described in Section 5.2.2 and, if applicable, to the approved DMP. A preliminary plat may only be submitted for review subsequent to the issuance of the Zoning Administrator's comment letter described in 5.2.2(C) and must be accompanied by payment of the prescribed fee. The subdivider must provide all essential information outlined below to enable the Zoning Administrator to determine the character and general acceptability of the proposed development.

B. Preliminary plat Submission: In addition to a completed preliminary plat application form, a complete submittal shall include a digital copy of the preliminary plat, or if the applicant is unable to produce a digital copy, twelve (12) blueline (or blackline) copies of the preliminary plat, which must be scaled to fit on one twenty-four (24) inches by thirty-six (36) inches sheet (where practical, although the scale may not exceed one hundred (100) feet to the inch), in addition to two eleven (11) inches by seventeen (17) inches reduced copies; whether digital or in blueline (or blackline), the preliminary plat must show:

1. Identification and Descriptive Data

    a. Proposed subdivision name, location by township, range, and section, and reference by dimension and bearing to a section or quarter section corner.

    b. North arrow, scale, and date of preparation.

    c. Name, address and phone number of the owner, and the engineer, surveyor, landscape architect, or land planner who prepared the preliminary plat.

    d. Vicinity map showing the relationship of the proposed subdivision to main traffic arterials and any other landmarks that would help to locate the project.

    e. Property owners name, fee number or assessor's parcel numbers for all abutting properties.

f. Legal description of property.

2. Existing Conditions Data

a. Topography by one (1), two (2) or five (5) foot contour intervals adequate to reflect the character and drainage of the land as determined by the Public Works Director, and related to U.S. Coastal and Geodetic Survey (USC&GS) datum, or other datum approved by the Public Works Director.

b. Surveyed location of all existing improvements on public rights-of-way and private property including land use, structures and fences, walls, shacks, barns, utility lines, wells, streams, irrigation canals and structures, private and public culverts, ditches, washes, lakes, water features of all types, direction of flow, flow pattern, location and extent of areas subject to inundation, and whether such inundation is frequent, periodic, or occasional and data regarding frequency.

c. Location, width, and names of all platted streets, drainage and utility easements, public areas, and municipal boundaries within, adjacent to, or extending from the property.

d. Location of historic and archaeological sites, if any.

e. Acreage and zoning of the property and abutting properties.

f. Complete boundary dimensions of the property and engineer's calculations and estimated values for each tributary storm runoff channel for ten (10), fifty (50), and one hundred (100)-year frequency storms (the values should be indicated along the boundary of the survey map for all points of drainage entering and exiting the property).

g. Evidence of adequate access from an existing public right-of-way.

3. Proposed Conditions Data

a. Proposed lot configuration, including approximate size and dimensions of each lot, and identification of each lot by number, and total number of lots; building setback lines; street layout, including location, width, curve radii, and proposed names.

b. Lot and tract table, containing the overall size of each lot, and identification of average and minimum lot size(s).

c. Designation of all land(s) to be dedicated or reserved for public use with use and acreage for each indicated.

d. Location of all proposed private and controlled access streets and identification of all access devices on local streets within the subdivision; their means of accomplishing access control (e.g. signage, traffic barriers, gates, etc.) and monitoring devices and facilities; and their hours of operation and standards and procedures for admittance.

e. Location and description of proposed and existing utilities within the subdivision; location of all above-ground utilities cabinets and facilities; location of water and sewer mains with respect to property lines, easements and/or street centerlines, with line sizes and valve/manhole locations shown.

f. Location of the permanent subdivision identification sign(s).

g. Location of all proposed fire hydrants within the subdivision.

h. Location of vehicular non-access easements.

i. Typical maximum construction envelope containing minimum building setbacks and maximum lot coverage permitted; non-typical buildings setbacks shall be specifically noted.

j. Location of water wells, streams, ditches, washes, lakes, or other water features; direction of flow; 100-year flood plain; location and extent of areas subject to inundation, whether such inundation is frequent, periodic or occasional, within the subdivision boundaries and 200 feet beyond such boundaries. In addition, the proposed location(s) of storm-water detention facilities shall be indicated.

k. A statement whether the proposed sewage disposal system will be by individual lot septic tanks or Town sewer.

l. A statement as to the types of potable water facilities proposed shall be included with the preliminary plat application. Such statement shall show evidence of adequate volume and quality of proposed water supply and facilities to the satisfaction of the Public Works Director.

m. Preliminary calculations and description of proposed stormwater disposal outlets in a form acceptable to the Public Works Director.

4. Additional Information and Requirements

a. An electronic copy of the preliminary plat on disk or other digital format compatible with the Town computer database. Typically, the form of these files will be in DXF, DWG or other similar industry-standard digital file (latest edition of AutoCAD or similar).

b. Payment of prescribed filing fee.

c. A preliminary draft or outline of conditions, covenants and restrictions that demonstrate the proposed theme and character of the proposed subdivision.

d. Such other information as, in the reasonable opinion of the Zoning Administrator or his/her designee, will be required to complete a thorough analysis of the preliminary plat in terms of its compliance with all Town Codes, ordinances, rules and regulations.

e. Water Certificates for assured water supply shall be required in accordance with A.R.S. § 45-576, as amended and as may be supplemented by rules promulgated by the Arizona Department of Water Resources.

C. Preliminary plat Review and Approval

1. Upon acceptance of an application for approval of a preliminary plat, the Zoning Administrator or his/her designee will have five (5) working days to advise the applicant if the submittal is complete. Copies of complete applications will be forwarded to the Town departments and utility and public safety agencies that serve the area for their review and comment.

2. The reviewing agencies and departments shall transmit their comments and recommendations to the Zoning Administrator or his/her designee. The Zoning Administrator or his/her designee will then summarize the comments and recommendations, prepare a staff report, and present it to the Commission.

3. The Commission shall consider the proposed preliminary plat at a properly posted and advertised public meeting. The Commission shall provide a recommendation to the Council to approve the preliminary plat as submitted, to approve the preliminary plat with conditions, or to deny the preliminary plat.

4. After the Planning and Zoning Commission has forwarded its recommendation to the Council, the Council shall consider the proposed preliminary plat at a properly posted and advertised public meeting. The Council may approve the preliminary plat as submitted, approve the preliminary plat with conditions as recommended by the Commission, approve the preliminary plat with additional or modified conditions, or deny the preliminary plat.

5. Preliminary plat approval constitutes authorization for the subdivider to proceed with the preparation and submittal of engineering plans and specifications for public infrastructure improvements and the final plat. Preliminary plat approval does not ensure final plat approval.

6. Each approved preliminary plat shall expire if a final plat for that property has not been submitted within one (1) year of the preliminary plat approval. Extensions of one (1) year may be granted by the Zoning Administrator or his/her designee upon written request by the applicant/subdivider.

5.2.4 FINAL PLAT

When the subdivider submits an application for final plat approval, all required documents, civils, and plans outlined below shall be required for a complete application. The Town will not accept any application if all required submittal documents are not included. The time limitations for expiration of the preliminary plat will not be extended by submittal of an incomplete application.

A. Application Procedure and Requirements

1. In General: The final plat will be processed in stages involving the final design of the subdivision, submittal of engineering plans and specifications (if not already completed), final CC&R's clearly setting forth the requirements for property owners form and operate a homeowners' association to maintain private streets, satisfactory assurance documentation, execution of a development agreement (if applicable), and signing of an infrastructure improvement agreement.

2. Zoning: The zoning of a tract must permit the proposed development. If a zoning amendment is required to enable the property to be developed as proposed, the rezoning must be approved by Council prior to approval of a final plat; provided that the subdivider must file an application for such rezoning prior to consideration of the preliminary plat. In the event a preliminary plat is not required as permitted in Section 5.2.7.

3. Easements:

   a. The subdivider shall be responsible for providing on the final plat, prior to plat approval, the location and width of all easements necessary to provide the infrastructure improvements required by these Subdivision Regulations. All easements shown on the final plat shall be accompanied by the necessary dedication and acceptance statements to convey the easement to the appropriate person or entity to meet the requirements of these Subdivision Regulations.

b. The following notation shall be placed on all final plats: "Construction within easements, except by public agencies and utility companies, shall be limited to utilities, fencing (wood, wire or removable section-type), and/or landscaping. Utility companies will not be required to replace any obstructions or landscaping that must be removed during the course of maintenance, construction, or reconstruction within any utility easement."

4. Technical Review: the subdivider must submit the documents below at the same time as the application for final plat approval.

   a. A complete set of engineering plans and specifications prepared by a civil engineer who is currently registered in the State of Arizona, including water, sanitary sewer, streets, grading and drainage and all other improvements; such plans and specifications shall be designed based upon the approved preliminary plat.

   b. The final plat shall not be presented to Council until all engineering plans have been approved by the Development Services Director, the Public Works Director, and other applicable review agencies.

   c. When applicable, for water and sewer mainline extensions, the subdivider must furnish to the Arizona Department of Environmental Quality (ADEQ) and the Town's Public Works Director such evidence as the ADEQ may require regarding the adequacy of the design and operation of the proposed potable water and sanitary sewerage facilities. Applications for plan review by ADEQ may only be made with written authorization of the Public Works Director. For the purposes of calculating distances for required water and sewer improvements, extension of utilities shall be measured from property line of the parent parcel that is closest to the existing water or sewer lines. If the proposed sewage disposal system will be by individual lot septic tanks, where permitted, the result of the percolation test and test boring logs shall be submitted to the Public Works Director.

   d. In conjunction with all necessary engineering plans prescribed in these Subdivision Regulations, the subdivider shall provide a Comprehensive Development Plan (CDP) that illustrates the physical relationship of all proposed utility improvements for the proposed subdivision. This plan shall cumulatively index all proposed utility improvements for future reference, and help coordinate ongoing development within the Town.

      (1) The subdivider may submit a preliminary CDP for Town staff review with the preliminary plat, or prior to the preparation and submittal of a final CDP and other engineering or improvement plans.

(2) The CDP shall depict the following:

i. Proposed location and separation of all public improvements and how they relate to the lots or blocks of the subdivision.

ii. Approximate distances and measurements of all proposed rights-of-way, easements, one hundred (100)-year floodplain limits for regulatory flows, utility placements, edge of pavement, curb, gutter, and sidewalk (if required); drainage structures and building envelopes for each lot.

iii. Topographic contours with an interval of between two (2) and ten (10) feet. The topographic mapping should extend fifty (50) feet beyond the subdivision boundaries. Spot elevations for the proposed grading should be provided at various locations to assist in determining the suitability of topography for the proposed subdivision.

iv. Phase lines, phase numbers and infrastructure to be provided in each phase.

e. Until such time as the Town formally adopts its own Engineering Design Details, the subdivider shall be required to use the Maricopa Association of Governments Standard Specifications and Details (most recent version), the Quad City Standards as published by the City of Prescott, and the Yavapai County Drainage Manual.

B. Final plat Submission: A complete Final Plat application submittal shall include the following:

1. Two (2) copies of a record plat drawn in permanent black ink on linen or mylar on a twenty-four (24) inches by thirty-six (36) inches sheet with the scale not to exceed one hundred (100) feet to one (1) inch The Zoning Administrator or his/her designee may permit a variation in that scale if there is a unique or unusual size or shape to the subject property. If more than two (2) sheets are required for the drafting of the final plat, an index sheet of the same dimensions illustrating the layout of the entire subdivision shall be included.

2. A certificate or letter from each utility company providing service to the area indicating approval of the plans for utility installations and confirming the availability of services.

3. An Arizona Department of Transportation access permit, where required.

4. An Infrastructure Improvement Agreement, completed and recorded, between the subdivider and the Town, including all required bonds to cover warranties.

5. A completion date for the construction of the improvements. Council shall approve the completion date as part of the final plat approval. The completion date for the improvements should not exceed two (2) years from the date of such approval. If subdivider fails to complete the improvements by the completion date, the Council may, in its sole discretion, draw upon the assurances described hereafter to complete the improvements.

6. In addition to the paper submittal required above, an electronic version of the final plat, in digital format compatible with the Town's computer database (DXF, DWG or other similar digital file developed with the latest AutoCAD or ArcGIS), to facilitate the inclusion of the final plat into the Town's parcel database.

7. A copy of the subdivision's proposed covenants, conditions and restrictions (CC&R's). The CC&R submittal, including any HOA requirements as set forth in these Subdivision Regulations, shall be in recordable format and shall be submitted and recorded with the final plat.

8. Identification Data

    a. A title that includes the name of the subdivision and its location by section, township, and range.

    b. Name, address, registration number, and valid seal of the registered land surveyor who prepared the plat.

    c. Names, addresses, and signatures of all owners of record.

    d. Names and addresses of the engineer and applicant for the project.

9. Survey Data

    a. Subdivision boundary lines and corners, together with courses and distances and all curve or angle data. Subdivision corners must be shown and must close on the ground within 0.05 foot per one hundred (100) feet; other monuments, lot corners, and other survey points must also be described and located. One (1) tie must be made by true course and distance to a GLO corner, or, if none exists, to a corner of common acceptance. Proposed subdivisions adjacent to existing subdivisions must tie to the corners of the existing subdivisions. Adjoining property must be identified by subdivision name, or as "unsubdivided" if applicable. Forest Service lands must be identified. All

connecting streets (public and private) and Forest Service roads must be shown and named.

b. Name, courses, length and width of all streets and street cross sections; radii, points of tangency, and central angles of all curvilinear streets; radii of all rounded street line intersections; location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public; and a statement noting that the streets dedicated on the plat will not be accepted for Town maintenance until they are brought up to minimum Town standards.

c. Certification by a registered professional land surveyor that all lots are staked, or will be staked within six (6) months.

10. Existing Conditions Data

a. Utility easements intended to remain on the property, including a reference to the recorded documents that granted the easements.

b. Drainage easements intended to remain on the property, with the following notation: "Natural, unimpeded flow is preferred in all drainage ways, wherever practical. No structure of any kind may be constructed or placed, nor may any vegetation be planted nor be allowed to grow within, on or over any drainage easement, which would obstruct or divert the flow of storm water. The Town may construct and/or maintain drainage facilities on or upon or under the land in any drainage easement."

c. Zoning on surrounding properties.

11. Descriptive Data Required:

a. Name, right-of-way lines, courses, lengths, width of all streets, crosswalks, and utility easements; radii, points of tangency and central angles of all curvilinear streets and rounded street line intersections.

b. Utility easements shown in the manner and including the information required as part of the preliminary plat submittal.

c. All drainage ways, including rights-of-way or easements for all major drainage ways, as designated by the Public Works Director, which shall be dedicated to the public on the face of the plat.

d. Location and dimension of all residential lots, including identification of each lot by number and size of each lot, total number of lots and average and minimum lot sizes.

e. All residential lots shall be numbered by consecutive numbers throughout the plat. “Exception” parcels, “tracts” and amenities such as parks shall be so designated, lettered or named and clearly dimensioned.

f. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public, with the use clearly indicated.

g. Location of all adjoining subdivisions with date, map and page number of recordation noted, or if unrecorded or unsubdivided, so marked.

12. Assurances:

a. In order to ensure proper installation of subdivision improvements, the subdivider shall designate the type of assurance in a form and method acceptable to the Town Attorney and approved by Council in conjunction with review of the final plat. A final copy of the assurance shall be submitted to the Zoning Administrator within ninety (90) calendar days of Council approval, and prior to the recordation of any final plat approved by Council.

b. The amount of the assurance shall be based on a cost estimate prepared by a registered civil engineer in an amount to cover one hundred ten percent (110%) of the complete installation of the improvements. This assurance shall provide for its forfeiture to the Town in the event the Town does not accept the improvements by the declared completion date due to the default of the subdivider. Any portion of the forfeiture in excess of the expenses incurred by the Town in connection with the installation of the improvements shall be returned to the subdivider. The owner must provide the Town with one of the following types of financial assurances for the completion of the construction of the improvements required for the development of the subdivision:

(1) Surety Bond

i. A surety bond shall be executed by the subdivider with a corporation duly licensed and authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force.

ii. The bond shall be released upon satisfactory performance of the work and its acceptance by the Town according to its customary requirements.

iii. The bond may be only cancelled by the subdivider if other security, satisfactory to the Town Attorney, has been deposited with the Town in an amount that will will cover the obligations of the subdivider that remain to be performed.

iv. Any work abandoned or not completed by the subdivider may be completed by the Town, which shall recover the construction costs first from cash deposit or the bond, and second from the subdivider as to any amounts not covered by the cash deposit or the bond.

(2) Irrevocable Letter of Credit

i. A letter of credit shall be provided by a banking institution authorized to transact business in the State of Arizona. The letter of credit shall be in favor of the Town for the full amount of the required assurance.

ii. The letter of credit shall be released upon satisfactory performance of the work and its acceptance by the Town according to its customary requirements. In the Town's sole discretion as infrastructure is completed, the subdivider may subsequently replace the original letter of credit with substitute letters of credit as the required infrastructure is completed and accepted, so long as the total amount available to the Town is at all times sufficient to cover the cost of the remaining infrastructure to be built.

iii. The letter of credit will only be surrendered by the Town if the subdivider provides other security to the Town, in a form satisfactory to the Town Attorney, and in an amount that will ensure completion of the subdivider's obligations that remain to be performed.

iv. Any work abandoned or not completed by the subdivider may be completed by the Town, which shall recover the construction costs first from the letter of credit, and second from the subdivider as to any amounts not covered by the letter of credit.

(3) Cash or Certified Check

i. A cash deposit for the full amount of the required assurance in an account held by subdivider separate from other subdivider accounts, at a banking institution authorized to transact business in the State of Arizona. The subdivider shall execute a deposit account control agreement in the Town's favor, authorizing the Town to have exclusive control over the account until all of subdivider's obligations have been met.

ii. The cash deposit shall be released upon satisfactory performance of the work and its acceptance by the Town according to its customary requirements. In the Town's sole discretion as infrastructure is completed, the Town may release amounts from the account as the required infrastructure is completed and accepted, so long as the total amount available to the Town is at all times sufficient to cover the cost of the remaining infrastructure to be built.

iii. The cash deposit will only be surrendered by the Town if the subdivider provides other security to the Town, in a form satisfactory to the Town Attorney, and in an amount that will ensure completion of the subdivider's obligations that remain to be performed.

iv. Any work abandoned or not completed by the subdivider may be completed by the Town, which shall recover the construction costs first from the cash on deposit, and second from the subdivider as to any amounts not covered by the cash on deposit.

(4) Alternative Assurances. In lieu of providing cash, a letter of credit, or a surety bond, the Town Attorney may approve and recommend to Council such alternative assurances that it deems sufficient to guarantee and assure construction of the required improvements.

c. When no adjacent arterial or collector (as identified on the Chino Valley Streets Master Plan) is being constructed and the improvement of an arterial or collector street by a governmental agency is anticipated in the short-term future, the subdivider shall deposit the current estimated cost of improving the abutting half street with the Town in full satisfaction of its responsibility to the Town for such half-street improvements.

13. Dedication and acknowledgment - A statement dedicating all streets and easements for public use by the person holding legal title of record to the property. If the property contains any liens, all lien holders shall execute an appropriate release for all dedications. If the plat shows private access ways, it must include the appropriate easements to allow for use by, and access to, public utility providers, refuse collectors, and other public services. All signatures for dedication and acknowledgment shall be notarized.

14. Final plat Review

a. Complete Application: Upon acceptance of an application for approval of a final plat, the Zoning Administrator or his/her designee will have five (5) working days to advise the applicant if the submittal is complete. Copies of

complete applications will be sent to the Town departments and utility and public safety agencies that serve the area. No application shall be deemed complete unless it includes all of the required items set forth above.

b. Council Consideration. Council shall consider the proposed final plat after the Zoning Administrator and the Public Works Director approve all civil drawings and deem technical review to be complete.

c. Recordation: Upon receipt of the required assurances, and proof of adequate water supply, the Zoning Administrator or his/her designee will have the final plat recorded and provide a recorded copy of the plat to the applicant.

5.2.5 SUBDIVISION PLAT AMENDMENTS

There are three (3) types of plat amendments that apply to any recorded subdivision:

A. Replat**:** The following activities shall be considered a replat and require an application and processing with the Final Plat procedures and subsequent approval by the Council:

1. Any division of a lot or lots in a recorded subdivision resulting in an increase in the total number of lots in that subdivision.

2. Any revision to a final plat involving dedication or abandonment of land for a public street, public easement, or other public rights-of-way.

3. Any change in lot lines in a recorded subdivision affecting 5% or more of the total lot area within the subdivision; provided that no such adjustments shall be permitted to reduce lot sizes below the minimum for the applicable zoning category.

4. Any changes in the location of streets, easements or and other rights-of-way that are adjacent to 10% or more of the lots in a subdivision.

5. Any changes in the exterior boundary of a recorded subdivision.

B. Lot Line Adjustment: The following activities shall be considered a lot line adjustment and shall require an application in accordance and processing with the Final Plat procedures, but may be administratively approved by the Development Services Director. Notwithstanding the above, the Development Services Director may request and the Council may direct that any re-plat request be acted on by the Council.

1. Any joining or merger of lots in a recorded subdivision.

2. Any joining of lots and subsequent division of those same lots in a recorded subdivision, so long as such division results in no increase in the total number of lots in that subdivision.

3. Any changes in lot lines that result in only nominal increases or decreases of lot sizes (less than 5% of total lot area).

4. Any nominal changes (adjacent to 10% or fewer of the lots in a subdivision) in the location of streets, easements, and other rights-of-way.

C. Plat Correction: An amendment to a plat for the sole purpose of correcting a scrivener's error, such as for a distance or course, may be administratively approved by the Development Services Director with the correction noted and the plat labeled as "Amended Map of _____."

5.2.6 LAND SPLITS AND OTHER DIVISIONS OF LAND NOT REQUIRING A SUBDIVISION

Land splits or divisions of land not meeting the definition of land split or subdivision do not require the submission and approval of preliminary and/or final plats. Such divisions do not include or allow for a land split or further division of previously-subdivided land. All divisions of land are subject to the following:

A. All parcels or lots created by any division of land must meet the minimum parcel size applicable under the current zoning of the lots or parcels created by the division of land.

B. All parcels or lots created in a division of land shall have the required frontage on a dedicated and improved street. If a parcel or lot does not have the required frontage (determined by the zoning) on a dedicated and improved street (public or private), then the applicant shall be required to go through the subdivision process.

C. The proposed division of land may not modify lot lines in a manner that would cause building setbacks to be less than required by the underlying zoning or increase the non-conformance of an already non-conforming structure relating to building setbacks.

D. The parcels or lots created by the division of land shall have permanent legal access by connecting to a street that is part of the public access system, or to a private street created by a properly recorded plat.

E. A person proposing a land split shall submit a Record of Survey prepared by a civil engineer or registered land surveyor licensed in Arizona that reflects the lots or parcels created by the land split and the required legal access for the lots or parcels created, as set forth in Subsection 5.2.6(D). The access required to be depicted on the

Record of Survey shall be only that portion leading to a public street or a street that is part of the public access system. No building permit shall be issued for a lot or parcel created by a land split until the party seeking the building permit has provided the requisite Record of Survey reflecting compliance with this Section 5.2.6 and has paid the required fees for review and approval of land splits as those fees may be established by the Council. No building permit shall be issued for a lot or parcel created by a division of land other than a land split or a subdivision until the party seeking the building permit has provided the requisite Record of Survey reflecting compliance with this Section 5.2.6.

F. All land splits or divisions of land not meeting the definition of land split or subdivision shall be required to provide street improvements along the lot frontage proportional to the impact of the parcel on the existing or planned street and consistent with the improvements constructed by adjoining parcels, but in no event less than the required street improvements for private streets in subdivisions of fewer than three lots, as shown in Table 5.2 below. If the parcel is adjacent to a public arterial or collector street, in lieu of making the street improvements described in this paragraph, the owner of the new parcel may contribute an amount to the Town equal to the parcel's proportionate share of the improvements already made, or to be made, to the public street. After the owner makes such contribution, the Town shall be responsible for the costs related to any such improvements.

G. Extension of utilities shall be measured from the closest property line of the Parent Parcel.

H. When a parcel is divided via land split pursuant to this Section 5.2.6, the Zoning Administrator may require the applicant to include on the Record of Survey the following statement:

"The parcels depicted on this Record of Survey were created on the date of this survey, and any further division of the land shown on this Record of Survey shall be treated as a subdivision."

5.2.7 MINOR SUBDIVISION

The minor subdivision process provides relief from certain administrative requirements related to subdivisions of ten (10) or fewer lots. In order to utilize the minor subdivision process, the subdivider shall provide, as part of its application, certification that the land sought to be subdivided consists of ten (10) or fewer lots and that such subdivision is situated such that future extensions of streets therein cannot facilitate a subdivision of more than ten (10) lots. Subdivisions meeting the requirements of a minor subdivision shall meet all of the requirements of these Subdivision Regulations except as follows:

A. Preliminary Plats. Subdividers of minor subdivisions shall be permitted to seek final plat approval in a single stage, without the need for a preliminary plat approval by the Commission.

B. Drainage Design. A minor subdivision subdivider shall not be required to submit an engineered drainage study as required by Section 5.3.5(H) of these Subdivision Regulations; provided, however that the subdivider shall be required to provide documentation containing sufficient detail, as determined by the Public Works Director, to show the drainage for the subdivision will meet the requirements of Sections 5.3.5(A)–(G) of these Subdivision Regulations.

C. Traffic Study. A minor subdivision subdivider shall not be required to submit an engineered traffic study as required by Section 5.3.1(C)(2) of these Subdivision Regulations; provided, however that the subdivider shall be required to provide documentation containing sufficient detail, as determined by the Public Works Director, to show how traffic from the subdivision will safely join the existing street system.

D. Geotechnical Report. A minor subdivision subdivider shall not be required to submit a geotechnical report as required by Section 5.4(E) of these Subdivision Regulations; provided, however that the subdivider shall be required to provide documentation containing sufficient detail, as determined by the Public Works Director, to show that safe, durable streets will be constructed.

5.2.8 RURAL SUBDIVISION

Property with an underlying residential zoning designation of one acre or larger may be developed as a rural subdivision. Unless also permitted to utilize the reduced procedural requirements of a minor subdivision, all rural subdivisions shall follow the submittal and review requirements for subdivisions under these Subdivision Regulations. Rural subdivisions shall be required to meet the subdivision improvement standards set forth in these Subdivision Regulations, except for the following:

A. Private Streets. Rural subdivisions may utilize private streets meeting the requirements set forth in Table 5.2.

B. Sidewalks, vertical curb and gutter, as described in Table 5.1.

5.3 DESIGN PRINCIPLES AND DEVELOPMENT STANDARDS

5.3.1 STREET LOCATION AND ARRANGEMENT

A. The arrangement, character, extent, width, grade, and location of all streets should conform to the Town's General Plan Circulation/Transportation Element and

Transportation Plan and should ensure public safety and convenience, and respond to existing natural features of terrain, vegetation, and drainage.

B. Street layout shall provide for the continuation of existing principal streets through new subdivisions. Principal streets shall typically follow section or mid-section lines, however, if the alignment is impractical then principal street right-of-way should be provided at least every three thousand (3,000) feet.

C. Proposed streets shall be arranged to provide for future connection with adjoining unplatted lands.

1. Street connections to an adjoining platted tract shall be made only to those extended streets of the platted tract.

2. Street connections shall be designed to accommodate the amount of increased traffic flow generated by the proposed subdivision, as determined by an engineered traffic study or as approved by the Public Works Department.

D. Local streets shall be so arranged as to discourage their use by through traffic. If topography allows and suitable alternate locations are available, the subdivider shall provide at least two (2) points of access for ingress/egress into the subdivision.

E. The maximum length of cul-de-sac streets shall be one thousand, five hundred (1,500) feet measured from the intersection of the right-of-way lines to the extreme depth of the turning circle along the street centerline. Regardless of length, no cul-de-sac shall provide access to more than twenty-five (25) single family residences.

F. Where a proposed subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access, frontage streets, and/or turning movements or for reverse frontage combined with a one (1) foot non-vehicular access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from traffic hazards occurring on the major route.

G. Where a subdivision abuts or contains the right-of-way of a limited access highway or an irrigation canal or abuts a commercial or industrial land use, the Zoning Administrator or his/her designee may recommend location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

H. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient and to facilitate adequate drainage.

I. No alleys may be constructed in residential, commercial, or industrial subdivisions, except that the Zoning Administrator or his/her designee may waive the requirements in certain areas because of topography, open space provided or service access.

J. Half streets shall be discouraged, but may be permissible where necessary to provide right-of-way required by the Town's General Plan and Transportation Plan, to complete a street pattern already begun, or to ensure reasonable development of a number of adjoining parcels. The minimum paved street width of a half street is twenty (20) feet. Where there exists a platted half street abutting the tract to be subdivided, the remaining half shall be platted within the tract. In lieu of the actual construction of a half street, the subdivider may provide the Town a cash payment for the probable cost of the half street. The amount of the cash payment shall be determined by a registered civil engineer and must be approved by the Public Works Director. Such funds will be held on deposit by the Town until such time as the Town proceeds to improve the full width of the street.

K. A minimum of two (2) permanent reference survey monuments shall be required for a street as a recoverable point for future surveys.

5.3.2 STREET DESIGN

All streets in the Town, unless otherwise specified in these Subdivision Regulations shall be designed to the standards in this subsection and as follows:

A. Minimum required right-of-way widths shall be provided as set forth in Table 5.1 below. Additionally, the following standards shall apply:

1. Cul-de-sac streets shall terminate in a circular right-of-way sixty (60) feet in radius with a minimum improved traffic turning circle forty-one (48) feet in radius.

2. Dead end streets will not be approved except in locations designated by the Zoning Administrator or his/her designee as necessary for future extension to facilitate development of adjacent lands. A dead end street serving more than four (4) lots shall provide a temporary turning circle with a forty-one (48) foot radius or other acceptable design to accomplish adequate access.

3. Local roads for commercial or industrial subdivisions are highly recommended at sixty (60) feet. However, when the size of subdivisions or other factors limit the inclusion of the sixty (60)-foot rights-of-way, the Zoning Administrator or his/her designee may approve the use of fifty (50)-foot rights-of-way with all intersection chamfers at forty-five (45) feet.

4. Access or frontage streets shall be provided as required by a traffic impact study.

Table 5.1: Town Public Street Minimum Design Standards

Item	Principal Arterial (1)	Urban Arterial	Rural Arterial	Urban Collector	Urban Local Road SR-0.16, MR	Rural Local Road SR-1, SR-1.6, SR-2, SR-2.5, AR-4, AR-5, AR-36	Commercial & Industrial
Minimum Right of Way	Per ADOT (1)	80’	80'	80’	50' (4)	50'	60’
Minimum Roadway Width w/o On Street Parking	Per ADOT	51’	24’	28’	24'	20’ - 24'	28'
Pavement Edge Treatment	7" ADOT C&G	6" Vert. C&G	4’-6’ shoulder each side, thickened edge	Vertical Curb	Rolled Curb	4’-6’ shoulder each side, thickened edge	6" Vert. C&G
Sidewalk	6' on each side	5' Min. on each side (2)	None (3)	5' Min. on one side (3)	5' Min. on one side (3)	None (3)	5’ detached 6’ Min. on each side (2)

Street Design Notes

(1) Currently, all principal arterial routes are state highways owned and maintained by the Arizona Department of Transportation.

(2) Sidewalk may be required on only one (1) side of the road with an increased width if approved by the Zoning Administrator or his/her designee and the Public Works Director. (Also, see note #3.)

(3) A minimum of two (2) foot wide shoulders is required if no sidewalk is installed. These shoulders shall maintain the same slope as the pavement and shall be constructed of ABC or an approved equal. However, construction of sidewalks on collector roads shall be determined through a Development Agreement.
Note: These standards are primarily for new roadway construction. These standards may be adjusted on projects involving rehabilitation or reconstruction of existing improvements as approved by the Public Works Director.

(4) 62’ versus 50-feet right-of-way options for urban level local street to accommodate subdivision that have on-street parking versus no on-street parking.

Table 5.2: Rural Subdivision Private Street Minimum Design Standards (1) (2)

Number of Lots (3)	Right-of-way Width		Subgrade	Base Depth	Surface Depth	Edge Improvements	Accept ROW?
	Total Width	Improvement Width					
2 to 3	50	20	6"	6"	3" Dust free material	None	No
4 to 10	50	24	6"	6"	Double Chip	Ribbon/Thickened Edge	No
More than 10	50	24	6"	6"	3" Asphalt	Ribbon/Thickened Edge	Council Discretion

(1) Rural subdivision private streets shall meet the roadway geometric criteria and pavement structural section requirements set forth in Sections 5.3.2(A)–(D) of these Subdivision Regulations.

(2) Subdividers utilizing rural subdivision private streets shall be required to meet the homeowners' association requirements set forth in Section 5.3.2(E) of these Subdivision Regulations.

(3) If the proposed subdivision serves as an access point to other lots or parcels, and the total number of potential remaining lots that could be developed, together with the proposed subdivision, is more than 10, the proposed subdivision shall make the "Improvement Width" the same as a development with 10 or more lots. As an example, if the proposed subdivision is three lots, but the private street could continue beyond the proposed subdivision to include more than 10 lots, the "Improvement Width" must be 24 feet. Surface Depth and Edge Improvements shall remain as listed for the proposed number of lots in the proposed subdivision.

B. Grades

1. Maximum:

   a. Arterial routes: as determined by the Public Works Director.

   b. Collector streets: eight (8) percent.

   c. Local residential streets: twelve (12) percent.

      (Maximum longitudinal slopes of up to eighteen (18) percent may be used for a distance not to exceed three hundred (300) feet if existing terrain dictates, and if approved by the Public Works Director).

   d. Cul-de-sacs: eight (8) percent.

   e. Intersections five (5) percent for a minimum of fifty (50) feet from points of intersection.

2. Minimum: all streets shall have a minimum longitudinal slope of four-tenths (0.4) percent.

3. Desirable: all streets six (6) percent.

4. Exceptions may be made upon showing of extraordinary circumstances by the subdivider and review and approval by the Public Works Director.

C. Vertical Curves

1. Arterial routes: Minimum length, one hundred (100) feet, or as determined by using the AASHTO Standards.

2. Collector and minor streets: Minimum length, one hundred (100) feet, or as determined by using the AASHTO Standards for residential streets, the length of the vertical curve may be reduced to fifty (50) feet if existing terrain dictates and if approved by the Public Works Director.

3. When the longitudinal grade for all streets changes with an algebraic difference of one (1) percent as measured between the tangent grades in percent, a vertical curve shall be provided.

D. Horizontal Alignment

1. Arterial routes: As determined by the Public Works Director.

2. When tangent center lines deflect from each other more than ten (10) degrees and less than ninety (90) degrees, they shall be connected by a curve with a minimum centerline radius of five hundred (500) feet for collector streets and one hundred fifty (150) feet for local streets.

3. Between reverse curves there shall be a tangent section of centerline not less than one hundred (100) feet long, unless the radius exceeds seven hundred fifty (750) feet on arterial and collector streets or two hundred fifty (250) feet on local streets, in which cases fifty (50) feet of tangent shall be required if approved by the Public Works Director.

4. Intersecting arterial and collector streets shall do so at an angle that shall not vary from ninety (90) degrees by more than ten (10) degrees; intersections of local streets shall not vary from ninety (90) degrees by more than fifteen (15) degrees.

5. Street jogs shall be avoided. Street Intersections shall be a minimum of one hundred-fifty (150) feet apart unless otherwise approved by the Public Works Director.

6. Minor streets intersecting a collector street or arterial route shall have a tangent section of centerline at least one hundred fifty (150) feet in length measured from the right-of-way line of the major street; except that, no such tangent is required when

the minor street curve has a centerline radius greater than four hundred (400) feet with the center located on the major street right-of-way line.

Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be modified by the Public Works Director.

7. Street intersections with more than four (4) legs, and Y-type intersections where legs meet at acute angles, shall be avoided.

8. At street intersections, property line corners shall be rounded by circular arc having a minimum chamfer length of thirty-five (35) feet for collector and arterial streets and twenty-five (25) feet for local streets.

E. Private Streets

1. Private streets in zoning districts that do not permit rural subdivisions shall be constructed to conform to current Town street standards, including but not limited to right-of-way widths, roadway geometric criteria, and pavement structural section. Private streets in zoning districts that allow rural subdivisions shall be constructed to conform to current Town street standards, including but not limited to right-of-way widths, roadway geometric criteria, and pavement structural section, except as specifically modified by Table 5.2 above.

2. If private streets are proposed for a subdivision, whether urban or rural, maintenance of such streets shall be solely the responsibility of the homeowners. A homeowners' association shall be established at the time the final plat is approved with a mechanism for collecting funds to be placed in an escrow account for future maintenance of the private streets. A note shall be placed on the final plat that states, "All private streets shown on this plat shall be maintained by the homeowners association. The Town will not maintain these streets and will not take the streets into the public street system unless they are improved, at the sole expense of the property owners, to the Town public street standards that are in effect at the time of the request."

3. An emergency rapid entry system for unrestricted entry of police and fire emergency vehicle at all gated locations shall be provided. For uniformity, the only allowable system shall be the "Knox Rapid Entry System".

5.3.3 WATER FACILITIES DESIGN

A. Subdivision water system and facilities will substantially conform to the precepts of the Chino Valley Comprehensive Water Master Plan and other water company master plans.

B. Each lot or building unit shall be supplied with potable water in sufficient volume and pressure for domestic use and fire purposes. Design and construction of any and all facilities relating to transmission and distribution of potable water within and outside of any subdivision must meet with the written approval of the Public Works Director.

C. Water mains shall be looped or installed in a circulatory configuration whenever possible. Branching or dead-end patterns may be accepted by the Public Works Director if no looping alternative is possible.

D. All lots created pursuant to these Subdivision Regulations that are served by the Town's water system shall connect to such system in the manner described in this Section 5.3.3. A lot is considered to be served by the Town's water system if a Town water line is within three hundred (300) feet of the property line of the parent parcel from which the lot to be served was divided; provided, however, that until September 1, 2025, any lot that is created in conformance with the requirements for (1) land splits not requiring a subdivision in Section 5.2.6, or (2) a combination of the minor subdivision and rural subdivision provisions in Sections 5.2.7 and 5.2.8 of these Subdivision Regulations, may be developed without connecting to the Town's water system, even if the lot is served at the time of building permit application.

5.3.4 SEWER FACILITIES DESIGN

A. Wastewater disposal facilities shall be installed to serve each lot and be subject to the following standards and approvals:

1. Individual systems, including septic tanks, shall be discouraged, but may be constructed in areas not presently served. Property is considered served if a public sewer is within three hundred (300) feet of the property line of the parent parcel from which the lot to be served was divided; provided, however, that until September 1, 2025, any lot that is created in conformance with the requirements for (1) land splits not requiring a subdivision in Section 5.2.6, or (2) a combination of the minor subdivision and rural subdivision provisions in Sections 5.2.7 and 5.2.8 of these Subdivision Regulations, and which otherwise meets the requirements of these Subdivision Regulations and any applicable law, regulation or ordinance, may be developed without connecting to the Town's sewer system, even if the lot is served at the time of building permit application.

2. Public sanitary sewers shall be installed in areas served by an existing public sewer system, and shall be installed in all areas where the lot sizes are one-half (½) acre or less, regardless of whether the area is currently served. A gravity sewer system is the preferred method of collecting and conveying wastewater. However, low-pressure sewer systems may be installed if a homeowners' association is established during the platting process to oversee operation and maintenance of the individual grinder pump stations. If low-pressure sewer systems are utilized within a subdivision, a hybrid of

gravity and low-pressure sewer should be contemplated with line lengths for low-pressure sewer system kept to minimum lengths in an attempt to minimize odors.

B. Public sanitary sewers shall be designed for location within the street rights-of-way unless topography or unusually excessive cost dictates the installation of sewers in public utility easements extending through the rear or side yards of lots.

C. Design and construction of any and all facilities relating to the collection and conveyance of wastewater within and outside any subdivision is the responsibility of the developer of the subdivision and must meet with the written approval of the Public Works Director.

5.3.5 DRAINAGE DESIGN

A. Drainage and topography shall be a primary consideration of any subdivision.

B. The preservation of natural flood areas, streams, washes, arroyos, rivers or ephemeral drainage courses should be maintained, if possible, in their natural state. The limits of the ten (10) year flood event shall define the extent of the area of concern. The only exceptions are for roadway crossings and utility lines, if no other alternative exists. Subdividers are encouraged to preserve natural flood areas to the maximum extent possible.

C. Drainage layout and development shall meet all State and Federal requirements to allow residents of Chino Valley to purchase flood insurance, to receive disaster relief, to obtain real estate loans and to minimize flood damage.

D. Subdivision improvements that propose grading and/or grade changes shall not have an adverse impact on surrounding property. At the boundaries of the subdivision, all drainage and floodwaters shall be accepted and released so that the flow characteristics are minimally disturbed by providing appropriate entrance and exit transitions.

E. All weather access to all lots shall be provided during any regulatory flood, which means depths of flows over streets will not exceed one (1) foot to allow passage of emergency vehicles. The standard applies to both public and private streets.

F. All drainage ways that convey fifty (50) cubic feet per second or more during a one-hundred (100)-year flood event shall be considered regulatory flood ways Regulatory floodways shall be maintained by the adjacent property owner within the subdivision, unless the Town has agreed to allow such flood ways to be dedicated to the Town with provisions for maintenance access ramps. Flows less than fifty (50) cubic feet per second shall be regulated for impacts to buildings and structures, particularly the placement of the finished first floor or basement, and areas designated for containing such flows shall be identified as a common area or noted on the final plat as impacting a lot and the lot owner's responsibility for maintenance.

G. Drainage basins or watersheds with known flood hazards shall be designated as critical basins. Within designated critical basins, all proposed subdivisions shall address on-site detention for the two (2)-, ten (10)- and one hundred (100)-year flood events to mitigate the post-development drainage to the pre-development levels. If the subdivider can demonstrate that on-site detention will exacerbate the downstream condition, then the Public Works Director may allow for modifications to the requirement.

H. A drainage study that addresses the hydrologic and hydraulic components relating to onsite and off-site drainage shall be developed for each subdivision. The study shall be prepared by a registered Arizona Professional Engineer. The drainage study shall be

approved before the street improvement plans and final plat are approved. If the subdivision will be developed in phases, a master drainage plan will be required.

5.3.6 BLOCK DESIGN

A. Blocks should not exceed one thousand five-hundred (1,500) feet in length between street centerlines. Variation from this requirement may be justified where topography or optimal lot configurations are achieved or when lot sizes average one-half acre or greater.

B. Blocks should have sufficient width for an optimal layout of two (2) tiers of lots of the size required by these Subdivision Regulations.

C. Where practical, pedestrian ways with a minimum width of ten (10) feet may be required at mid-block and/or internal connection locations where essential for access to schools, playgrounds, common open space or other community facilities. Pedestrian ways may be used for utility purposes.

5.3.7 **LOT** PLANNING

A. Lot width, depth, and area shall comply with the minimum development standards of the applicable zoning district.

B. Lots having double frontage should be avoided except where necessary to provide separation of the residential development from traffic collectors and arterials.

C. Corner lots should be a minimum of ten (10) feet wider than the interior lots within the same block.

D. The depth to width ratio of useable area shall be no greater than three (3) to one (1).

E. Grouping of wider side yards of no less than thirty (30) feet in combined width shall be encouraged to convey openness and privacy as well as create useable storage area.

F. Where gross densities of four (4) units to the acre or greater are provided, front yard setback lines should be staggered within a ten (10)-foot range to create a diversified streetscape. No front yard should be less than twenty (20) feet in depth, measured from the property line to the closest point of the structure.

G. Where a two (2)-story single-family dwelling is provided, the rear yard setback should be a minimum of thirty (30) feet.

5.3.8 EASEMENT PLANNING

A. Generally, a Public Utility Easement (PUE) shall be twenty (20) feet in width. In cases of slopes greater than a six (6) percent or unusual topography, the PUE should be increased to twenty (20) feet in width. The location PUE of shall be approved by the Public Works Director.

B. The subdivider must provide a one (1)-foot easement prohibiting vehicular access to and from arterials and collectors from rear yards of double frontage lots.

C. No wall structures are allowed or permitted within any Public Utility Easement (PUE).

5.4 IMPROVEMENT REQUIREMENTS AND SPECIFICATIONS

A. Purpose

1. The purpose of this Section 5.4 is to establish the minimum acceptable standards for improvement of public streets and utilities, to define the responsibility of the subdivider in the planning, constructing, and financing of public improvements and to establish procedures for review and approval of engineering plans.

2. All improvements required in streets or easements that are required as a condition to plat approval shall be the responsibility of the subdivider.

3. Any subdivider failing to comply with the following minimum acceptable standards shall be punished as provided in these Subdivision Regulations.

B. Engineering Plans

1. Except for specific exemptions relating to rural subdivisions as set forth in these Subdivision Regulations, the subdivider shall have a complete set of engineering plans and specifications prepared by a registered civil engineer who is currently registered in the State of Arizona, and submit such plans to the Public Works Department for approval. Such plans and specifications shall be based on the approved preliminary plat and shall be prepared and submitted in conjunction with the comprehensive development plan, or if no comprehensive development plan is required, prepared and submitted in conjunction with the final plat review process.

2. Final engineering plans shall be approved by the Public Works Director prior to recordation of the final plat. This final plan approval is valid for a period of one (1) year. If construction is not started prior to the plan approval expiration, the plans shall be resubmitted to the Public Works Department for an update approval according to then-current standards and guidelines. If, after construction has begun on a project and it is stopped for any reason for a period of one year or more, the

plans must be resubmitted for update approval prior to restarting construction. The plans will be reviewed for compliance with then-current standards and requirements.

3. Improvement plans shall include plans, profiles and typical street cross sections that contain the following minimum information:

   a. The cover sheet shall include at least the following information:

      (1) Name and type of plan.

      (2) Vicinity map.

      (3) Location map.

      (4) Benchmarks approved by the Town.

      (5) Basis of bearing for the project.

      (6) Name, address, and phone number of subdivider.

      (7) Name, address, phone number, and professional seal of engineer preparing plans.

      (8) List of utility agencies serving the proposed development.

      (9) Plan sheet index.

      (10) Approval signature block of the Town officials, including the Public Works Director.

      (11) Bluestake note.

   b. Plans shall include at least the following information:

      (1) Street names.

      (2) A north arrow and graphic on each plan sheet.

      (3) Stationing and lateral dimensions of streets and rights-of-way, including pertinent survey data and curb return data.

      (4) Location of existing and proposed utilities being designed and existing streets to be joined.

(5) Drainage structures, including cross gutters, culverts, catch basins, or similar items. Show a positive outlet for all drainage leaving the site sufficient to ensure will not have a negative impact on the downstream property. All concentrated drainage flowing from public right-of-way onto private property must have a drainage easement to flow into or a note on the final plat relating the drainage impact on the lot.

(6) Curb, gutter, sidewalks and asphalt structures.

(7) Survey monument location to be set, existing control monuments to be referenced prior to destruction and all benchmarks used.

(8) New traffic control devices, all existing traffic control devices within the area of the project, and changes in traffic control devices in the vicinity of the project that are required as a result of the project.

(9) The top and toe of slopes for both cuts and fills shall be shown if the project extends outside of the right-of-way limits.

(10) Location of all existing and proposed water lines, water valves, water meters, water service lines, fire hydrants, sewer manholes, sewer services, storm drains, and street lights shall be shown on the plans.

(11) Construction notes indicating any and all construction items for utilities, paving, storm drainage, etc.;

(12) Town current general notes for construction.

(13) A plan sheet showing the location of all traffic control signs shall be included as a plan sheet.

(14) Additional information needed to clarify plans or deal with specific conditions.

c. Profiles shall include at least the following information:

(1) Bench marks, including description, location and elevation.

(2) Existing and finished grade profiles. Profiles of centerline and right and left gutter control line or edge of pavement are required. The presentation must clearly show and distinguish existing profiles and other profile information.

(3) Finished elevations including BVC, PI, and EVC of vertical curves, vertical intersection points, curb returns match lines and all other points needed for vertical control of construction.

(4) Slopes and vertical curve lengths.

(5) Curb return profiles at intersections.

(6) Drainage structures and utilities.

(7) Extension of the improvement project as required to ensure that the design is compatible with future extensions.

(8) Consistent stationing throughout the plans.

(9) Additional information needed to clarify profiles or deal with special conditions, including, but not limited to, profile or drainage channels, stationing and elevations at beginning and end of all curb returns, grade breaks and beginning and end of construction.

d. Cross Sections shall include at least the following:

(1) Typical street cross-sections are needed for each condition encountered and each should be clearly identified as to where it applies.

(2) Materials and thickness, including sub-base select material aggregate base, prime coat, asphaltic concrete, curb and gutter, and sidewalk with notation of the engineering firm preparing the soils reports and the report numbers, if applicable. The specification and types of materials shall be stated.

(3) Horizontal dimensions to all key points, including rights-of-way.

(4) Cross slopes.

(5) Parkway conditions. Maximum and minimum slopes are to be shown for cuts, fills, and side hill conditions. Any side ditches or other special conditions are to be shown. A minimum two (2)-foot wide flat area shall be constructed behind the sidewalk or curb before the slope begins.

(6) Right-of-way widths shown in relation to centerline, and identified by street name to which each is applicable.

(7) Limits of applicability by station if necessary.

e. The plans shall contain the current Town "General Notes" for water, sewer, grading, and paving construction as prepared by the Public Works Director.

f. One set of Record Drawings on reproducible film and electronic file (AutoCAD or approved equal) of all improvements must be submitted to and approved by the Public Works Director prior to final approval of the project.

C. Construction and Inspection

1. All improvements in the public rights-of-way and easements shall be constructed under the inspection and approval of the Town. The subdivider shall be responsible for the total cost of all inspection and testing during the construction of all improvements. The subdivider will execute an Infrastructure Improvement Agreement (IIA) with the Town and the subdivider will be responsible for the performance of the required inspections and testing. If the IIA provides that the Town will perform the inspection and testing, an estimated advance payment will be provided to the Town prior to the commencement of any construction work. If the IIA provides that the subdivider will be responsible for providing qualified engineers to conduct inspection and testing, a payment in the amount as established by resolution, will be required for the Town's oversight and monitoring of the IIA requirements.

2. All construction work shall be performed and all material furnished shall be in reasonably close conformity to the lines, grades, cross sections, dimensions, and material requirements, including tolerances shown on the plans and profiles or indicated in the specifications. The Public Works Director shall determine the limits of reasonably close conformity in each individual case and the Public Works Director's judgment shall be final and conclusive.

3. The Public Works Director shall be notified at least three (3) calendar days before the start of any construction. Clearing and grubbing activities shall not proceed without approved Improvement Plans by the Public Works Director.

4. All relocation and reconstruction of existing irrigation and utility facilities shall be conducted according to the standards of the owning utility and the Town.

5. All underground utilities installed in streets shall be constructed prior to the surfacing of such street. Service stubs for underground utilities to platted lots within the subdivision shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made.

6. Prior to the Town accepting any subdivision, the subdivider shall submit engineering record drawings or as-built plans for all water and sewer infrastructure.

The record information shall be submitted on both a high quality mylar having a thickness of approximately four (4) mil and in a digital format that is compatible with the Town computer database to facilitate the inclusion of the plans into the Town database. Typically, the form of these files will be in DXF, DWG or other similar industry standards digital file developed in a recent version of AutoCAD according to the Town's technological capabilities. Additionally, a certified letter from a professional land surveyor shall be required, stating that the centerlines of streets, easements, and survey monuments are located as denoted on the final plat.

7. When public infrastructure improvements for a subdivision are accepted by Council for maintenance and operation, the developer shall provide all approvals from all appropriate regulatory agencies (for example, ADEQ Approval of Construction) and shall provide a warranty or guarantee for a period of two (2) years against defective materials and workmanship.

D. Development of Plans and Specifications

The "Uniform Standard Specifications and Details for Public Works Construction" as published by the Maricopa Association of Governments (MAG) are recognized as acceptable construction specifications and standard details. Because of variations in climate, soils, and availability of materials, modifications to the MAG specifications may have been implemented by the Town. The MAG specifications shall be utilized at the direction and approval of the Public Works Director. Other pertinent manuals for the development of plans and specifications include "A Policy on Geometric Design of Highways and Streets" as distributed by AASHTO; all design manuals, specifications, and standard details as distributed by the Arizona Department of Transportation; all engineering bulletins as distributed by the Arizona Department of Environmental Quality; "Manual on Uniform Traffic Control Devices for Streets and Highways" as distributed by the U.S. Department of Transportation, Federal Highway Administration; and the various design manuals, procedures, and guidelines as published by professional organizations and governmental agencies.

E. Streets

1. Except as specifically exempted for rural streets as set forth in these Subdivision Regulations, a geotechnical report shall be required for the pavement design of all subdivision streets. The design approach shall be based on the latest methodology that is utilized by the Arizona Department of Transportation or the American Association of Highway and Transportation Officials.

   Traffic volumes for the pavement design shall be based on a trip generation analysis as developed by the Institute of Transportation Engineers.

2. Portland cement concrete shall normally be used for all required curb and gutter, valley gutters, and sidewalks unless otherwise approved by the Public Works Director.

3. A seal coat shall be required on all street paving projects. If pavement cuts occur after the final lift of asphaltic concrete then a chip seal will be required.

4. The developer shall be responsible for the installation of all regulatory, warning, and street signs for the orderly movement of vehicles and for public safety. Regulatory and warning signs shall be in conformance Manual on Uniform Traffic Control Devices. Street signs shall be in accordance with Town standards and include 911 or emergency addressing.

F. Drainage

1. Subdivider must show the limits of the one hundred (100)-year floodplain on the final plat in a readily retraceable manner with frequent ties to intersecting lot lines for all flows of fifty (50) cubic feet per second or more.

2. Watercourses that are relocated, altered, or include any man-made improvements, should be developed with channel treatments that allow for the reestablishment of vegetation. The use of concrete will be limited to headwalls, cut-off walls, transitions, and areas with limited right-of-way because of existing improvements. The placement of concrete structures shall be at the discretion of the Public Works Director.

3. Culverts for streets shall be designed to convey at the fifty (50)-year peak discharge with no flow over the roadway, Additionally, the flow depth over the street shall be limited to one (1.0) foot for one hundred (100)-year peak discharge if the street provides all weather access.

4. A minimum pipe diameter of eighteen (18) inches is required for all street crossings and a minimum pipe diameter of twelve (12) inches is required for all driveways.

5. Culvert outlet velocities should be kept below fifteen (15) feet per second unless approved by the Public Works Director due to special conditions. The maximum velocity should be consistent with the channel stability requirements at the culvert outlet. If the culvert velocities exceed permissible velocities for the proposed outlet (greater than five (5) feet per second for natural conditions depending on soil types), suitable outlet protection must be provided.

6. Drainage ditches or storm drains along streets and adjacent areas shall be required to avoid trapping water and to ensure positive drainage away from the streets. Street drainage shall be designed to provide for one (1) lane of traffic on all local streets and one (1) lane of traffic in both directions for all collectors and arterials for the ten (10)-year peak discharge.

G. Water

1. New water facilities shall be designed in accordance with the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Health Services Bulletin No. 10 (latest edition). Any deviation from the bulletin's requirements shall require the written approval of the Public Works Director.

2. All water mains shall be a minimum of six (6) inches in diameter, unless designated otherwise by the Public Works Director, to ensure minimum water flow requirements of the pressure zone or the Chino Valley Comprehensive Water Master Plan.

3. All water mains, valves, and fittings shall be constructed with materials having a working pressure rating of two hundred (200) pounds per square inch.

4. The longitudinal bending of water mains shall not be allowed. All changes in direction or angle will require the appropriate fittings.

5. All dead ends on new mains shall be provide with a blow-off cock in the plug or cap, and reaction backing or thrust blocking shall be arranged not encased or covered by the concrete, if used.

6. Fire hydrants shall be spaced at a distance no greater than five hundred (500) feet apart in residential areas and five hundred (500) feet apart in commercial and industrial areas. The measurement between fire hydrants shall be linear and the measurement will be effected along the centerline of the streets. The Chino Valley Fire District may adjust the distances between fire hydrants when circumstances dictate.

7. The water system for the subdivision must be capable of supplying and sustaining the required flows for fire protection throughout all subdivided properties as approved by the Town. For residential areas, the minimum required fire flow capability is one thousand (1,000) gallons per minute for a duration of two (2) hours with a minimum system pressure of twenty (20) pounds per square inch while the required fire hydrant flow rate is being met. For all multi-family, industrial and commercial areas, the chief Building Code official, in consultation with the Chino Valley Fire District, shall determine minimum fire flow capability and that flow will be provided with a minimum system pressure of twenty (20) pounds per square inch.

8. The approval of the final design of the water system rests with the Council and will be based on the conformity of the design to policy, standards, and specifications. The subdivider is responsible for all approvals with ADEQ and other regulatory agencies.

9. The Town may issue building permits after the approval of the water system and the installation of an all-weather road. Approval of the water system requires that the water lines have been successfully pressure tested and disinfected to Town standards and that fire flow can be provided to all subdivided properties. An all-weather road for this purpose means that the sub-grade and aggregate base material has been constructed to the approved plans and specifications and the width of the road is a minimum of twenty (20) feet wide. Water service shall not be connected to any structures until approval from ADEQ is received.

10. The Town will not issue any certificates of occupancy until the subdivision improvements are accepted for maintenance and operation by Council.

H. Sewer

1. New sanitary sewerage facilities shall be designed in accordance with the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Health Services Bulletin No. 11 (latest edition). Any deviations from the bulletins requirements must have the written approval of the Public Works Director.

2. New sanitary sewers shall be designed to carry the designated peak wet weather flow from the area that will be ultimately tributary to the respective reach of sewer.

3. No public gravity sewer lines shall be less than eight (8) inches in diameter. All gravity sewer line pipes shall be of bell and spigot and gasketed joints.

4. The longitudinal bending of PVC SDR 35 sewer pipe is allowable with a minimum allowable radius of one hundred-fifty (150) feet and no joint deflection. Because longitudinal bending is allowable for PVC sewer pipe, drop manholes shall be discouraged with elevational differences addressed by vertical sweeps of the sewer main.

5. Testing of gravity sewer lines and manholes may include multiple test methods to ensure a minimum of inflow and infiltration. Sewer lines shall be subject to but not limited to low pressure air testing, deflection testing, and closed circuit TV inspection. Manholes, at a minimum, shall be vacuum tested after the frame and cover are installed.

6. Low pressure pipe shall be PVC SDR 21 with gasketed joints or HDPE SDR 11 with welded joints. Substitution may be provided if the pipe is of equal or better quality.

7. Low pressure sewer system shall be pressure tested in accordance with applicable test procedures for potable water lines.

8. The outfall for all low-pressure sewer systems shall include adequate measures to prevent sulfide corrosion of manholes and to mitigate odors.

9. Pump stations that are to be operated and maintained by the Town shall be designed as a wet/dry well type system and include odor control, corrosion mitigation measures, and supervisory/control and data acquisition systems.

10. Sewer house service connections shall have adequate separation or protection from potable water house service connections. Sewer service lines should be installed at points ten (10) feet from the lowest lot corner adjacent to the sewer main. Crossing of water and sewer service lines, especially a low-pressure sewer with water service line, may require that the sewer service line be sleeved.

11. The Town will not issue any certificates of occupancy until the subdivision improvements are accepted for maintenance and operation by Council.

5.5 ENFORCEMENT

Fines/Imprisonment: Any person, as principal, owner, agent, tenant, employee, or otherwise found violating these Subdivision Regulations, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in these Subdivision Regulations. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is committed, continued or permitted. All remedies provided for herein shall be cumulative and exclusive. A finding of guilty or responsible and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of these Subdivision Regulations may institute any action in law or equity to prevent or abate such violation.

Enforcement Action: Any division of property contrary to these Subdivision Regulations is hereby declared to be a public nuisance and the Town Attorney may, upon order of Council, or on his or her own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinment, and removal thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating these Subdivision Regulations.

5.6 FLOODPLAIN MANAGEMENT

The Town designates the Yavapai County Flood Control District as the enforcement authority for all floodplain management activities within the Town's corporate limits. The district is hereby authorized to exercise the powers and duties set forth in Title 45, Chapter 10, Article 4, Arizona Revised Statutes, within all areas of the Town.

TOWN OF CHINO VALLEY TOWN COUNCIL
Memorandum September 8, 2020

APPLICATION SUMMARY

Applicant:	Town of Chino Valley
Request:	Consideration and possible Recommendation to the Town Council to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 5 Subdivision Regulations, and Section 2 Definitions.

SUMMARY

DISCUSSION

Staff began redrafting Section 5 Subdivision Regulations of the Unified Development Ordinance in November 2019. Drafts of the proposed changes to Section 5 and Section 2 were presented to the UDO Subcommittee at five meetings between January 2020 and June 2020. A study session was held with Council on June 23, 2020, and a final UDO subcommittee meeting was held on July 22, 2020. Specific dates for the meetings and general discussion topic is listed below.

January 15, 2020	– Subdivision Regulations
January 29, 2020	– Public Way
February 26, 2020	– Subdivision Regulations and Improvements. Record of Surveys and Lot Splits
May 13, 2020	– Subdivision Regulations
June 17, 2020	– Subdivision Regulations
June 30, 2020	– (Council Study Session) Subdivision Regulations
July 22, 2020	– Subdivision Regulations Draft version with changes from Study Session

The Draft presented to you is the next iteration which includes proposed changes to the definition section, specifically deleting Public Way from the code, and adding a definition for Parent Parcel, along with the proposed text changes presented to Council during the June 30th Study Session.

CITIZENS OUTREACH

Staff has followed State mandated and UDO outlined public notification requirements. 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 regarding the proposed text.

PLANNING COMMISSION MEETING

The Planning Commission meeting was held on August 13, 2020. There were no citizens or public in attendance at the meeting. The Planning Commission had several questions which were included in the motion of approval related to septic, bus/emergency vehicle turn radius requirements, and a few word deletions.

Staff has conducted the research and changed the text of the document accordingly.

STAFF RECOMMENDATION

Planning Commission and Staff forward a recommendation of approval to Town Council to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 5 Subdivision Regulations, and Section 2 Definitions.

ORDINANCE NO. 2020-885

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 ADOPTING BY REFERENCE THE "SEPTEMBER 2020 AMENDMENTS TO THE CHINO VALLEY TOWN CODE CHAPTER 154 (UNIFIED DEVELOPMENT ORDINANCE)" AND ESTABLISHING AN EFFECTIVE DATE.

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, by adopting by reference the "September 2020 Amendments to the Chino Valley Town Code Chapter 154 (Unified Development Ordinance)" (the "September 2020 Amendments"); and

WHEREAS, the Town Council has determined that the September 2020 Amendments conform 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 September 2020 Amendments; 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 hereby incorporated as if fully set forth herein.

Section 2. That certain document known as the "September 2020 Amendments to the Chino Valley Town Code Chapter 154 (Unified Development Ordinance)" one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 of which is on file in the office of the Town Clerk as required by ARIZ. REV. STAT. § 9-802 and is available for public use and inspection during normal business hours, which September 2020 Amendments are hereby declared to be public records, which public records are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance and which are hereby ordered to remain on file with the Town Clerk.

Section 3. The Chino Valley Town Code, Chapter 154 (Unified Development Ordinance) is hereby amended to incorporate the changes thereto as set forth in the September 2020 Amendments.

Section 4. The Chino Valley Town Code, Chapter 154 (Unified Development Ordinance), Section 154.01 (Regulations Adopted by Reference), is hereby amended to reflect the adoption of the September 2020 Amendments, as follows:

That certain code entitled the "Unified Development Ordinance of the Town of Chino Valley" AS AMENDED BY THE SEPTEMBER 2020 AMENDMENTS is hereby incorporated by reference and made a part of this code as if fully set forth herein. ~~At least three copies~~ ONE PAPER COPY AND ONE ELECTRONIC COPY OF THE CODE, MAINTAINED IN COMPLIANCE WITH ARIZ. REV. STAT. § 44-7041 ~~of the code~~ shall be kept on file in the office of the Town Clerk, and kept available for public use and inspection during normal business hours.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. This Ordinance shall become effective 30 days after its passage.

Section 7. 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 8. 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 8th day of September, 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. 2020-885 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 8, 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

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **6. b.**

Meeting Date:	09/08/2020
Contact Person:	Chuck Wynn, Police Chief
	Phone: 928-636-2646 x-1258
Department:	Police
Item Type:	Action-Presentation
Estimated length of staff presentation:	5 minutes
Physical location of item:	n/a

AGENDA ITEM TITLE:

Consideration and possible action to approve the Cooperative Purchasing Agreement with Motorola Solutions, INC. for the purchase of 25 new Motorola APX 4000 VHF MHZ Model 2 Portable Radios in the amount of $58,370.75. (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Approve the Cooperative Purchasing Agreement with Motorola Solutions, INC. for the purchase of 25 new Motorola APX 4000 VHF MHZ Model 2 Portable Radios in the amount of $58,370.75.

SITUATION AND ANALYSIS:

The Chino Valley Police Department would like to purchase 25 new Motorola Portable Radios to replace the existing radios that we currently use. The radios that we currently use are very outdated, not working properly, and have bad reception. We received a $25,000 grant from Arizona Attorney General to purchase 10 radios. The other 15 radios will be purchased with funds that were budgeted in this fiscal year.

The radio's are purchased through Arizona State Contract # CTR046830.

Other Pertinent Documents Available Upon Request:

Appendix 6b.-A The Complete Cooperative Purchasing Agreement with Motorola may be viewed online at www.chinoaz.net/agendacenter with the September 9th, 2020 Council Meeting Documents

Fiscal Impact

Fiscal Impact?:	Yes
If Yes, Budget Code:	Various
Available:	58,370.75
Funding Source:	

$25,000 will be paid with Office of Attorney General Grant Funds.
$33,370.75 will be paid from FY 20/21 Police Department budget.

Attachments

LE Equipment Grant
Motorola Solutions Quote #1
Motorola Solutions Quote #2

Office of Arizona Attorney General

Mark Brnovich

Law Enforcement Equipment Funding Program

Notice of Funds Available

PURPOSE

The Office of Arizona Attorney General Mark Brnovich (AGO) has set aside approximately $2.5 million in total funds of Arizona's portion of the Wells Fargo multistate settlement monies for purposes of funding requests by Arizona law enforcement agencies to procure police safety equipment that is not currently funded by other sources. The goal of the AGO is to award grants to every eligible law enforcement agency in Arizona that requests qualified funding for officer safety equipment. **Funding will be awarded in capped contract amounts to eligible agencies based on the current number of law enforcement personnel with AZPOST certification in each agency as of May 1, 2020.**

AVAILABLE FUNDS

Grant awards of up to $25,000 are available for law enforcement agencies with a AZPOST certified office workforce of 26 certified officers. The grant funds will be distributed through an executed Intergovernmental Agreement (see Attachment I) between the agency and the AGO. The Awarded funds are available for a period of twelve (12) months upon notice of award and are subject to available funds. All funds must be expended by the end of the contract period. Agencies will be required to provide proof of purchase of approved equipment purchased with AGO funds.

Available funds have been divided into ten (10) award category funding tiers, based upon current agency AZPOST certification (as of 05/01/2020).

In the event eligible submission requests in a particular funding category exceed the capped amount of funds available for that funding tier, the overall money distributed to each qualified requestor in that tier will be adjusted proportionally.

ELIGIBLE LAW ENFORCEMENT AGENCIES

Applications can be submitted by law enforcement agencies identified by the AGO that include local governmental police departments, County Sheriff offices, and Tribal law enforcement offices. Statewide agencies and county attorney offices are not eligible for grant awards. Agencies that serve a primary function as game or wildlife management are not eligible for funding. Agencies affiliated with community colleges, state universities, or private universities are not eligible for funding. Agencies with an AZPOST certified force of less than two (2) officers are not eligible for funding.

ALLOWABLE SAFETY EQUIPMENT

Examples of police safety equipment include, but are not limited to: personal protective equipment (PPE), body armor, body cameras and video storage, improvements and repairs to existing law enforcement patrol vehicles, replacement side arms, radios, GPS, cuffs and restraints devices, holsters, recording devices, shields, batons, helmets, and / or electrical incapacitation devices. The AGO is providing each law enforcement agency with the flexibility to determine what safety equipment is most appropriate for each agency, however, the AGO reserves the right to reject any funding request that is determined to be outside of the scope or purposes of law enforcement

Office of Arizona Attorney General
Mark Brnovich
Law Enforcement Equipment Funding Program

Notice of Funds Available

safety equipment. Funds from the AGO may be used to fund portions of requested qualified equipment. Agencies are encouraged to request full funding made available by the AGO.

REQUIREMENTS

Applications should provide a clear response to each question below and include a Cost Sheet (see Attachment II) with a narrative that provides a clear and concise explanation of the methods used to determine the actual anticipated costs for each line item in the budget. The AGO will provide funding to law enforcement agencies that intend to purchase pre-approved safety equipment or that can provide proof of planned purchase orders of pre-approved safety equipment. Previously purchased safety equipment is not eligible for reimbursement.

The AGO reserves the right to reject any initial funding request in whole or in part for any reason. Approved safety equipment purchases cannot be altered or modified without express prior written authorization from the AGO.

The application must be signed by the head of the agency or an authorized agency representative. **Completed applications must be received or postmarked by July 24, 2020.** Please email EquipmentFunding@azag.gov or mail to:

Office of the Attorney General - Procurement Section
2005 N. Central Avenue
Phoenix, AZ 85007
Attn: Cindy Palmer, Procurement Officer
Cindy.Palmer@azag.gov
(602) 542-8986

Office of Arizona Attorney General

Mark Brnovich

Law Enforcement Equipment Funding Program

Notice of Funds Available

The Chino Valley Police department has struggled for years with portable radio reception due to our large geographic area and terrain. There are a number of areas where officers can not contact dispatch or fellow officers on their portable radios. Our current radios were given to us several years ago, used, by our Fire Department. In 2019, the department tested new models of portable radios offered by Motorola and Kenwood. After extensive field testing the Motorola APX 4000 was found to provide the best coverage and fewest dead spots for our town. The department requested funding from the town to purchase 30 new portable radios. Due to funding limitations, the town agreed to purchase ½ the radios during the FY2020-2021 budget. A short time later that purchase was put on hold due to expected declines in state shared revenues.

For a number of years, the Chino Valley Police Department has issued 3 different caliber pistols to officers, depending on their preference. The departments firearms instructors have identified a number of issues with this policy, including officers shooting accuracy not being as good as it might be if they carried a smaller caliber weapon. In 2019, the department completed a study, which included surveys as well as actual live fire testing by almost all sworn staff. The conclusion of the testing was the department should switch to a single caliber and model of firearm. Firearms instructors also concluded the Smith and Wesson M&P 9mm would be easier to train new recruits on, as well as raise qualification scores for many officers. There would be an added safety factor for all officers, should they get into a shooting situation that they are all carrying the same model and caliber of pistol. As with the radios, there is currently no funding to purchase new pistols. The department would like to begin purchasing these new pistols to replace ones that are due for replacement anyway, with a goal of cycling everyone to the same gun in the next 24 months.

Office of Arizona Attorney General

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Law Enforcement Equipment Funding Program

Notice of Funds Available

Please explain how each item of requested equipment will assist with or promote officer safety.

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Law Enforcement Equipment Funding Program

Notice of Funds Available

Radios will be issued to patrol officers first, starting with the oldest or broken ones.

Pistols will be issued to sworn staff based on the replacing the oldest / due for replacement ones first.

What is the expected timeline to purchase each type of equipment?

We will order the equipment as soon as approval is given by the Attorney General's Office to spend the funds.

Please verify that the AGO monies will not supplant funds, i.e., they will not be used to take the place of any existing state or federal funding for the purchase of the equipment.

This funding will not supplant any funding from our Department's budget or state or federal funding.

Office of Arizona Attorney General

Mark Brnovich

Law Enforcement Equipment Funding Program

Notice of Funds Available

Describe personnel who will use each type of equipment you propose to purchase.

Office of Arizona Attorney General
Mark Brnovich
Law Enforcement Equipment Funding Program

Notice of Funds Available

Are there specific department-related funding requests that are outside the scope of this grant, but are needed by your agency and you would like to see addressed in the future? If so, please describe and explain the need.
Although within the scope of these grant funds we would definitely like to find additional funding to be able to replace all of our old portable radios. We would also like to purchase protective helmets with face shields for our officers. We currently do not have those.

Authorized Signature:	
Printed Name:	
Title:	**Date:**

Office of Arizona Attorney General
Mark Brnovich
Law Enforcement Equipment Funding Program

Notice of Funds Available

Please list the description / type of equipment, quantity of each item, and dollar amount of items you intend to purchase with the AGO funds. Explain why the equipment is needed.

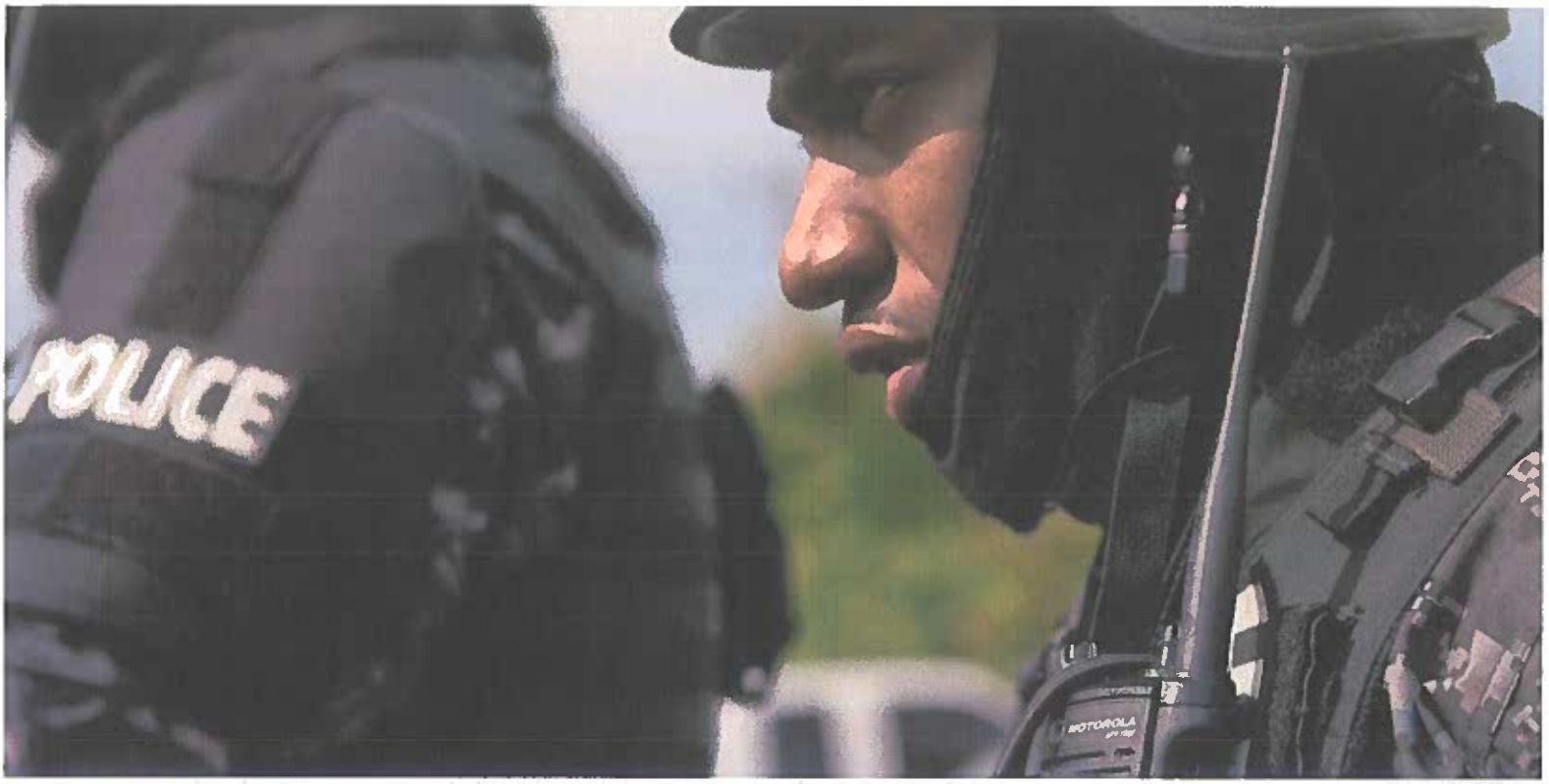
Description of equipment / type of equipment	Quantity	Total cost
Motorola APX 4000 VHF Portable radios. Includes software, programing, shoulder mikes, belt clips, chargers, warranty, sales tax and discount for trading in old radios. Our current radios were obtained several years ago as used hand-me-downs from our Fire Department. A number have physically broken and reception in many areas of our 66 square mile town is very poor. This causes a major safety concern when an officer can not contact dispatch or fellow officers using their portable radio.	10	$22,960.00
Smith and Wesson M&P 9mm 4.25" barrel, optic ready including sales tax. Our department currently issues Glock pistols in 3 different calibers. A study was conducted in 2019 by our department's firearms instructors, which included a survey of all officers and actual firearms testing. The results of the study concluded it would improve our firearm training program and shooting scores to go to a single caliber (9mm) pistol. It was also concluded the Smith and Wesson was preferable to the Glock for training new officers with little shooting experience. The department has implemented a plan to begin replacing older pistols, which are due for replacement with the Smith and Wesson pistol.	3	$1963.80

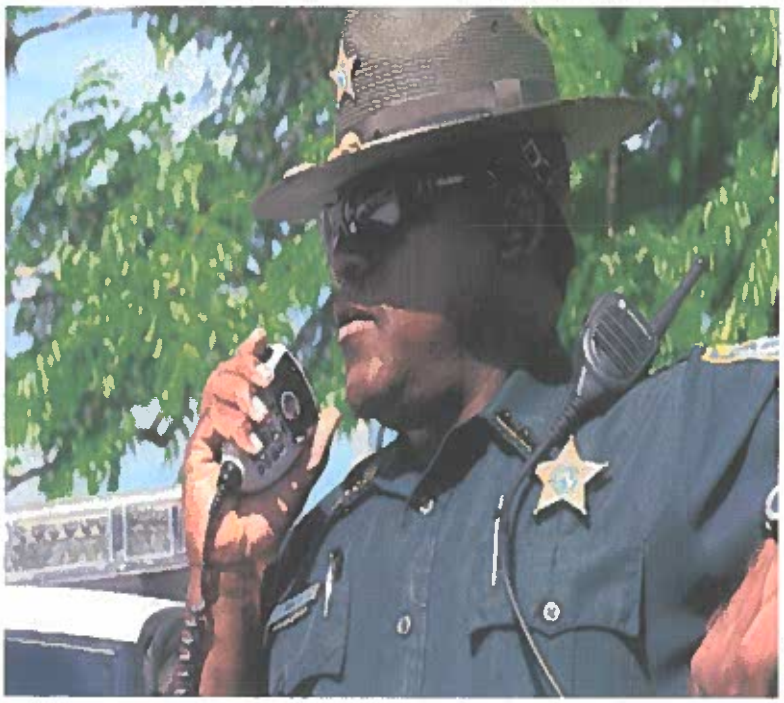
Office of Arizona Attorney General
Mark Brnovich
Law Enforcement Equipment Funding Program

Notice of Funds Available

Law Enforcement Agency Name	**Chino Valley Police Department**		
Legal entity (government agency or body)	**Town of Chino Valley**		
Mailing Address	**1950 Voss Drive, #301**	**County**	**Yavapai**
City	**Chino Valley**	**Zip Code**	**86323**
Chief / Sheriff	**Chief Charles Wynn**	**Phone**	**(928) 636-4223**
Email	**cwynn@chinoaz.net**	**Secondary Email**	**rchapman@chinoaz.net**
Grant Contact	**Chief Charles Wynn**	**Phone**	**(928) 636-4223**
Email	**cwynn@chinoaz.net**		
Total number of current law enforcement personnel with ACT certification (as of 05/01/20):	**26**	**Total Funding Amount Requested:**	**$24,923.80**

MOTOROLA SOLUTIONS





CHINO VALLEY, TOWN OF

08/19/2020

The design, technical, pricing, and other information ("Information") furnished with this submission is confidential proprietary information of Motorola Solutions, Inc. ("Motorola") and is submitted with the restriction that it is to be used for evaluation purposes only. To the fullest extent allowed by applicable law, the Information is not to be disclosed publicly or in any manner to anyone other than those required to evaluate the Information without the express written permission of Motorola.
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MOTOROLA SOLUTIONS

QUOTE-1324707

08/19/2020

CHINO VALLEY, TOWN OF
202 N STATE RT 89
CHINO VALLEY, AZ 86323

Dear Mike Pereda,

Motorola Solutions, Inc. is pleased to present CHINO VALLEY, TOWN OF with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide CHINO VALLEY, TOWN OF with the best products and services available in the communications industry. Please direct any questions to Douglas Buxbaum at Doug.Buxbaum@motorolasolutions.com.

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

Douglas Buxbaum

MOTOROLA SOLUTIONS

QUOTE-1324707

Billing Address:
CHINO VALLEY, TOWN OF
202 N STATE RT 89
CHINO VALLEY, AZ 86323
US

Quote Date:08/19/2020
Expiration Date:11/17/2020
Quote Created By:
Douglas Buxbaum
Doug.Buxbaum@
motorolasolutions.com

End Customer:
CHINO VALLEY, TOWN OF
Mike Pereda
mpereda@chinoaz.net
+1.928.636.4223 X 1286

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 4000 Series	APX4000				
1	H51KDF9PW6AN	APX 4000 VHF MHZ MODEL 2 PORTABLE	10	$1,963.00	$1,432.99	$14,329.90
1a	QA01833AD	ADD: EXTREME NOISE REDUCTION	10	$25.00	$18.25	$182.50
1b	Q698AA	ADD: 2.5 INCH BELT CLIP	10	$12.00	$8.76	$87.60
1c	Q667BB	ADD: ADP ONLY (NON-P25 CAP COMPLIANT)	10	$0.00	$0.00	$0.00
1d	Q811BR	ENH: SOFTWARE P25 CONVENTIONAL	10	$650.00	$474.50	$4,745.00
1e	QA09008AA	ADD: GROUP SERVICES	10	$150.00	$109.50	$1,095.00
1f	QA00582AJ	ALT: IMPRES LI-ION 2500MAH UL BATTERY (NNTN8560A)	10	$130.00	$130.00	$1,300.00
1g	H885BK	ADD: 3Y ESSENTIAL SERVICE	10	$90.00	$90.00	$900.00
2	PMPN4174A	CHGR DESKTOP SINGLE UNIT IMPRES, US/NA	10	$76.00	$55.48	$554.80
3	PMMN4099CL	AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,IP68 REMOTE SPEAKER MICROPHONE,3.5MM,UL	10	$132.00	$96.36	$963.60

Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the ""Underlying Agreement"") that authorizes Customer to purchase equipment and/or services or license software (collectively ""Products""). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of use and Purchase Terms and Conditions govern the purchase of the Products.

MOTOROLA SOLUTIONS

QUOTE-1324707

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
4	Trade-In	Expiration Date: 09/30/2020	1	-$3,000.00	-$3,000.00	-$3,000.00

Subtotal	$21,158.40
Estimated Tax	$2,189.90
Grand Total	$23,348.30(USD)

Notes:

- **PLEASE BE ADVISED: Motorola Solutions is moving towards being more environmentally green and emailing invoices. You may receive an email invoice instead of a mailed invoice, depending on the purchase. In addition, the invoice may have a new address for submitting payments. If you have any questions or would like to change where your electronic invoices will be delivered, please contact your credit analyst or dial 800-422-4210.**

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MOTOROLA SOLUTIONS

QUOTE-1324547

CHINO VALLEY, TOWN OF

08/19/2020

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MOTOROLA SOLUTIONS

QUOTE-1324547

08/19/2020

CHINO VALLEY, TOWN OF
202 N STATE RT 89
CHINO VALLEY, AZ 86323

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Sincerely,

Douglas Buxbaum

MOTOROLA SOLUTIONS

QUOTE-1324547

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202 N STATE RT 89
CHINO VALLEY, AZ 86323
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Quote Date:08/19/2020
Expiration Date:11/17/2020
Quote Created By:
Douglas Buxbaum
Doug.Buxbaum@
motorolasolutions.com

End Customer:
CHINO VALLEY, TOWN OF
Mike Pereda
mpereda@chinoaz.net
+1.928.636.4223 X 1286

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
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1b	Q698AA	ADD: 2.5 INCH BELT CLIP	15	$12.00	$8.76	$131.40
1c	Q667BB	ADD: ADP ONLY (NON-P25 CAP COMPLIANT)	15	$0.00	$0.00	$0.00
1d	Q811BR	ENH: SOFTWARE P25 CONVENTIONAL	15	$650.00	$474.50	$7,117.50
1e	QA09008AA	ADD: GROUP SERVICES	15	$150.00	$109.50	$1,642.50
1f	QA00582AJ	ALT: IMPRES LI-ION 2500MAH UL BATTERY (NNTN8560A)	15	$130.00	$130.00	$1,950.00
1g	H885BK	ADD: 3Y ESSENTIAL SERVICE	15	$90.00	$90.00	$1,350.00
2	PMPN4174A	CHGR DESKTOP SINGLE UNIT IMPRES, US/NA	15	$76.00	$55.48	$832.20
3	PMMN4099CL	AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,IP68 REMOTE SPEAKER MICROPHONE,3.5MM,UL	15	$132.00	$96.36	$1,445.40

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MOTOROLA SOLUTIONS

QUOTE-1324547

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
4	Trade-In	Expiration Date: 09/30/2020	1	-$4,500.00	-$4,500.00	-$4,500.00

Subtotal	$31,737.60
Estimated Tax	$3,284.85
Grand Total	$35,022.45(USD)

Notes:

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **6. c.**

Meeting Date:	09/08/2020
Contact Person:	Cecilia Grittman, Town Manager
Department:	Town Manager
Item Type:	Action
Estimated length of staff presentation:	5 minutes
Physical location of item:	N/A

AGENDA ITEM TITLE:

Consideration and possible action to exercise the authority granted in Governor Ducey's Executive Order 2020-43 allowing or denying organized public events of more than 50 people, effective until the Governor rescinds the Executive Order. (Cecilia Grittman, Town Manager)

RECOMMENDED ACTION:

Deny or approve organized public events of more than 50 people, effective until the Governor rescinds Executive Order 2020-43.

SITUATION AND ANALYSIS:

As the world has endured the COVID-19 virus and implications therein, Governor Ducey has issued many Executive Orders in efforts to manage the potential spread. Executive Order 2020-43, dated 6/29/2020 "Pausing Arizona's Re-opening, Slowing the Spread," states (in part):

"Effective June 29, 2020, organized public events of more than 50 people are prohibited unless the city, town or county in unincorporated areas has approved the event, and only if adequate safety precautions are implemented, including physical distancing measures. A city, Town, or county in unincorporated areas may deny a request for an organized event due to public health concerns related to COVID-19. Any approval may be subject to certain conditions or restrictions not inconsistent with this or any other executive order. Nothing in this order shall inhibit a person from engaging in constitutionally protected activities such as speech and religion, and any legal or court process provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible."

The Mayor, in consultation with the Manager and the Town Attorney, acknowledged the risk and the Town's position at that time was to deny events when requested. The standard response to requestors was: "Governor Ducey's Executive Order #2020-43 delegated to Cities and Towns the authority to approve scheduled public events of more than 50 people. This authority WILL BE IN EFFECT until ***at least*** JULY 27,2020. Although the Town would like your event to be a success, after careful consideration it has been decided that the Town of Chino Valley will **not** grant approval for any event over 50 people while this Executive Order is in force. While we appreciate that you have thoughtfully considered methods to comply with the Executive Order, recent events in the State have highlighted the difficulty in ensuring participant compliance. With our own staff

resources stretched thin due to COVID-19, we do not have the capacity to evaluate and monitor the many different events that have been requested and, therefore, we have no way to ensure compliance with the Executive Order. We appreciate your cooperation in cancelling your event; We wish circumstances were different. We hope as a community that our collective cooperation with the Executive Order brings a positive, responsible result that allows us to permit large gatherings in the near future."

The thought initially was that the Governor would be rescinding this authority within 45 days or so. However, to date this has not happened, and the Town is continuing to receive requests for gatherings over 50 people. After discussing with the Mayor, Vice Mayor and Town Attorney, it was decided the full Council should weigh in on the decision to allow or deny larger gatherings.

Many of the applicants, in their request to the Town, have indicated the safety measures they intend to adhere to. Although many have been outlining that they would be following CDC guidelines, the Town has no enforcement capability for the events and cannot ensure that protocols are followed and sufficient to stymie the possible spread of the virus.

The Town is not aware of all events over 50 people. Some events require a Town permit or a liquor license that makes the Town aware of an upcoming event. We have been made aware of some events because they are posted on social media. We have not been allowing events that will have over 50 people on Town property (parks and Community Center). The Chino Grinder, re-scheduled to the end of September, was to occur on Town property and has been cancelled. If we are unaware of an event, or someone has not asked us permission to hold the event, then we have not halted it. Recently we have received a request from the Chino Valley Unified School District asking for consideration of their fall sports season and allowing gatherings of over 50 people. Their first event is scheduled mid-September.

The objective is to manage any potential risk, and there is no immunity should someone choose to sue the Town and / or the entity putting on the event should infection occur. Without the ability to monitor or enforce compliance to certain standards, Town staff is recommending denying express permission for any event over 50 participants until the Governor rescinds the Executive Order. Town Staff will, however, follow Council's direction.

Fiscal Impact

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

Attachments

Exec Orders

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-43

Pausing of Arizona's Reopening
Slowing the Spread of COVID-19

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services (ADHS), based on an epidemiological assessment of Arizona specific data and in alignment with the Centers for Disease Control and Prevention (CDC) guidance, recommended the State implement enhanced mitigation strategies which are continuing; and

WHEREAS, on May 12, 2020, Executive Order 2020-36, *Stay Healthy, Return Smarter, Return Stronger,* was issued outlining requirements for businesses to assist in mitigating the spread of COVID-19 as they reopened and mandated that businesses adopt policies consistent with guidance from the CDC and the ADHS; and

WHEREAS, as of June 28, 2020, there have been 73,908 diagnosed cases of COVID-19 in Arizona including 1,588 deaths, and the State is seeing an increase in the number of cases and hospitalizations; and

WHEREAS, the increased case numbers and hospitalizations also necessitate the need for an increased focus on precautionary measures by both businesses and individuals; and

WHEREAS, data has shown that community spread continues to grow at an exponential pace and is greatest among the demographic of 20-44 year olds; and

WHEREAS, there has not been sufficient time for mask mandates and limiting groups to have a demonstrable effect on containing the spread and additional measures need to be taken to ensure quicker containment; and

WHEREAS, it is necessary to impose additional measures to protect public health and safety and mitigate the strain on our health care providers by slowing the spread of COVID-19; and

WHEREAS, in taking such critical measures to protect public health there will be direct economic consequences for businesses across the State of Arizona that provide employment for many Arizonans, including bars and restaurants; and

WHEREAS, A.R.S. § 4-203, allows "[a] spirituous liquor license…[to] be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and, with the exception of

wholesaler, producer, government or club licenses, that the public convenience requires and that the best interest of the community will be substantially served by the issuance." ; and

WHEREAS, due to community spread of COVID-19, the state will not be substantially served by the issuance of certain liquor licenses; and

WHEREAS, Arizona is committed to containing the spread of COVID-19.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this state including A.R.S. §§ 26-303 and 36-787, hereby order as follows:

1. Effective June 29, 2020, organized public events of more than 50 people are prohibited unless the city, town or county in unincorporated areas has approved the event, and only if adequate safety precautions are implemented, including physical distancing measures. A city, town or county in unincorporated areas may deny a request for an organized event due to public health concerns related to COVID-19. Any approval may be subject to certain conditions or restrictions not inconsistent with this or any other executive order. Nothing in this order shall inhibit a person from engaging in constitutionally protected activities such as speech and religion, and any legal or court process provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible.

2. The Department of Liquor Licenses and Control shall cease issuing series 15, Special Event licenses and series 16, Festival/Fair licenses for the period of June 29, 2020 through July 27, 2020.

3. Notwithstanding any other law or executive order, effective at 8:00 pm on Monday, June 29, 2020, the following establishments shall pause operations until at least July 27, 2020, unless extended:

    a. Bars, meaning an entity who holds a series 6 or 7 liquor license from the Department of Liquor Licenses and Control and whose primary business is the sale or dispensing of alcoholic beverages. These entities may continue serving the public through pick up, delivery, and drive-thru operations as provided for series 12 liquor licenses in Executive Order 2020-09, *Limiting The Operations Of Certain Businesses To Slow The Spread Of COVID-19*.
    b. Indoor gyms and fitness clubs or centers.
    c. Indoor movie theaters.
    d. Water parks and tubing operators.

4. Pools may continue to operate as follows:
    a. Pools operated as part of a public accommodation, such as those at hotels but not those at multi-housing complexes, shall prohibit groups larger than 10 from congregating together in or near the pool.
    b. Privately owned pools located in public areas such as those at multi-housing complexes or other privately owned facilities may continue to be open provided that signage is included at all entrances to the pool reminding people to maintain physical distance and that groups larger than 10 should not congregate.

5. To receive authorization to reopen, entities shall complete and submit a form as prescribed by the Arizona Department of Health Services that attests the entity is in compliance with guidance issued by ADHS related to COVID-19 business operations. The form shall also be posted in an easily visible public place on the entity's premises. ADHS shall provide information to the public on those entities that have submitted such attestations on its website.

6. A local governmental jurisdiction shall have the authority to take immediate action against an entity that operates without submitting the prescribed attestation to the Arizona Department of Health Services.

7. Notwithstanding any other law or executive order, this executive order allows law enforcement and any regulatory agency, pursuant to their regulatory authority, to take immediate enforcement action against any business that fails to follow this Executive Order or any guidance issued by the Arizona Department of Health Services relating to COVID-19 for the protection of the public health, safety and welfare up to and including summary suspension for any license that the business holds.

8. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

9. This order shall remain in place until further notice, and shall be reconsidered for repeal or revision every two weeks after July 27, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of June in the year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

Secretary of State

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-52

Continuation of Executive Order 2020-43
Slowing the Spread of COVID-19

WHEREAS, on June 29, 2020, Executive Order 2020-43 was issued providing measures to protect public health and safety and mitigate the strain on our health care providers by slowing the spread of COVID-19; and

WHEREAS, at the time of issuance, Arizona had 73,908 diagnosed cases of COVID-19 including 1,588 deaths, and the State was seeing an increase in the number of cases and hospitalizations; and

WHEREAS, the increased case numbers and hospitalizations necessitated the need for an increased focus on precautionary measures by both businesses and individuals; and

WHEREAS, since the issuance of that Order, action was taken to limit restaurant capacity to 50% and other mitigation measures such as eliminating standing at restaurants; and

WHEREAS, as of July 23, 2020, there have been 152,944 diagnosed cases of COVID-19 in Arizona including 3,063 deaths; and

WHEREAS, the weekly Arizona State Report issued by the White House Coronavirus Task Force on July 19, 2020, identifies that all but two Arizona counties are in the "red zone" which indicates there were new cases above 100 per 100,000 population and a diagnostic test positivity result above 10%; and

WHEREAS, the policy recommendations in the State Report, include that gyms and bars should be closed, that outdoor dining opportunities should be provided as possible and that groups should be limited to 10 people or fewer; and

WHEREAS, Executive Order 2020-43, outlined that certain businesses should be closed until at least July 27, 2020 to respond to and mitigate the spread of COVID-19; and

WHEREAS, Executive Order 2020-43 stated it "shall remain in place until further notice and reviewed for repeal or revision every two weeks after July 27, 2020;" and

WHEREAS, mask mandates, limitations on groups and closure of certain businesses have resulted in slight improvements to the growth of cases, these measures need to continue due to continued high rates of hospitalizations and high numbers of cases; and

WHEREAS, Arizona is committed to containing the spread of COVID-19.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this state including A.R.S. §§ 26-303 and 36-787, hereby order as follows:

1. The provisions of Executive Order 2020-43, ordered through July 27, 2020, including those pausing business operations for certain businesses, shall be extended, remain in place and continue to be reviewed for repeal or revision every two weeks.

2. The Governor's Office will issue a notice of review and current status of this and Executive Order 2020-43 which shall be published on the Governor's Office website at www.azgovernor.gov.

3. If any provision of this Executive Order, and Executive Order 2020-43 which is incorporated herein, or their application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order or any other Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this twenty- third day of July in the year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty- Fifth.

ATTEST:

Secretary of State