



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, September 12, 2017
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**
3. **CALL TO THE PUBLIC**

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

4. **RESPONSE TO THE PUBLIC**

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

- a. Suggestion to beautify the welcome monument on the northeast corner of SR 89 and Road 4 South.

5. **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Town Manager Cecilia Gritman and/or Town staff members regarding Town accomplishments, and current or upcoming projects.
- c. Introduction of Frank Marbury, new Public Works Director/Town Engineer. (Richard Straub, Interim Public Works Director/Town Engineer)
- d. Presentation of letter from the Central Yavapai Metropolitan Planning Organization (CYMPO) to the Bureau of Land Management opposing the proposed Kirkland Mine. (Vice-Mayor Mike Best)
- e. Report on the proposed Lease Agreement between the Town and the Boys and Girls Club for use of the Community Center, located at 1527 N. Road 1 East. (Scott Bruner, Community Services Director)

6. **CONSENT AGENDA**

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

- a. Consideration and possible action to approve Change Order No. 1 to the Agreement for Professional Consulting Services between the Town of Chino Valley and Sanks and Associates, LLC, to allow for additional compensation due to the addition of one day per week to the Scope of Services. (Laura Kyriakakis, Human Resources Director)
- b. Consideration and possible action to accept the August 8, 2017 regular meeting minutes. (Jami Lewis, Town Clerk)
- c. Consideration and possible action to accept the August 15, 2017 study session meeting minutes. (Jami Lewis, Town Clerk)
- d. Consideration and possible action to accept the August 29, 2017 special meeting minutes. (Jami Lewis, Town Clerk)

7. **ACTION ITEMS**

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

- a. Consideration and possible action to approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals by amending the following sections: 90.02 Definitions, 90.03 Injury by Vehicle, 90.04 Stray Dogs, 90.05 Dogs at Large; Designation as Aggressive Dog, 90.06 Impoundment of Dogs; Destruction; Emergency Seizure, 90.07 Powers and Duties of the Animal Control Officer, 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties, 90.09 Anti-Rabies Vaccinations; Vaccination and License Standards, 90.10 Wearing License Tags, 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites, 90.12 Nuisance Barking, 90.13 Unlawful Interference with Officers, 90.14 Keeping of Aggressive Dogs, 90.15 Adequate Exercise Space for Dogs, 90.99 Violation; Penalty; and (2) by adopting new Section 90.16 Animal Cruelty, all as set forth in that document entitled the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017," which document is adopted and incorporated into Ordinance No. 17-834 by reference. (Chuck Wynn, Police Chief)

Recommended Action: Approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals as set forth in the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017", which is adopted by reference.

- b. Consideration and possible action to approve Ordinance No. 17-833 amending Town Code Title VII Traffic Code, Chapter 72 Parking Rules by (1) deleting Sections 72.02 Blocking Traffic, 72.03 Parking Adjacent to Schools, 72.05 Parking Vehicles on sidewalks, and 72.07 Restricted Parking Areas for the Handicapped; (2) amending Sections 72.01 Method of Parking, 72.04 Authority to Erect Signs, and 72.06 Abandoned Vehicles, and (3) adding new Sections 72.2 Presumption in Reference to Illegal Parking, 72.03 Parking, Standing, Stopping Prohibitions, 72.05 Removal of vehicles in Violation of Parking Restrictions, all as set forth in "Chapter 72 Parking Rules Amendments, dated September 12, 2017", which is being adopted by reference. (Chuck Wynn, Police Chief)

Recommended Action: Approve Ordinance No. 17-833 amending the Town Code, Title VII Traffic Code, Chapter 72 Parking Rules, as set forth in "Chapter 72 Parking Rules Amendments, dated September 12, 2017", which is adopted by reference.

- c. Consideration and possible action to approve Ordinance No. 17-835, approving a zone change from AR-5 (Agricultural Residential-5 Acre Minimum) to SR-2.5 (Single Family Residential-2.5 Acre Minimum) for approximately 5 acres of real property generally located approximately .25 miles southwest on North Road 1 West and West Road 2 North intersection, addressed as 1395 W Road 2 North, and identified as Yavapai County Assessor's Parcel Number 306-21-165. (Owner/Applicant Jay Parnell)(Alex Lerma, Associate Planner)

Recommended Action: Adopt Ordinance No. 17-835, approving a zone change from AR-5 to SR-2.5 for approximately 5 acres of real property located at 1395 W. Road 2 North (Assessor's Parcel Number 306-21-165).

- d. Consideration and possible action to approve:
- (1) Resolution No. 17-1113, a minor General Plan Amendment to change the land use classification for approximately 2 acres of real property generally located approximately 353 feet northwest of the intersection of East Center Street and North Road 1 East from Commercial/Multi-Family Residential to Medium Density Residential (2 Acres or Less); and
 - (2) Ordinance No. 17-836, approving a zone change from CL (Commercial Light) to SR-1 (Single Family Residential-1 Acre Minimum) for approximately 2 acres of real property generally located approximately 353 feet northwest of the intersection of East Center Street and North Road 1 East intersection, also known as Yavapai County Assessor's Parcel Nos. 306-23-063R and 306-23-063S. (Owner/Applicant Mary DeWitt) (Alex Lerma, Associate Planner)

Recommended Action:

- (1) Approve Resolution No. 17-1113 for a Minor General Plan Amendment to change the land use designation from Commercial/Multi-Family Residential to Medium Density Residential (2 acres or less) for approximately 2 acres of real property identified as APN 306-23-063R and 306-23-063S.
- (2) Approve Ordinance No. 17-836, approving a zone change from CL to SR-1 for the same approximately 2 acres of real property.

- e. Consideration and possible action to approve Ordinance No. 17-837, amending Ordinance No. 07-690 pertaining to the West Meadows Planned Area Development (PAD) by amending the development plan and changing the conditions of development for approximately 46 acres of real property generally located east of Road 1 West and approximately one half mile north of Road 4 North within the 133 acre West Meadows Planned Area Development within the SR-0.16 (Single Family Residential- 7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development overlay zoning district (PAD) to provide for an age restricted development of up to 276 park model units with required community amenities and open spaces as shown on the Development Plan. (Owner/Applicant Jim Fletcher/Granite Basin Engineering) (Jason Sanks, Acting Development Services Director)

Recommended Action: Approve Ordinance No. 17-837, amending Ordinance No. 07-690 pertaining to the West Meadows Planned Area Development by amending and approving the Development Plan for approximately 46 acres of real property within the West Meadows PAD, generally located east of Road 1 West and one-half mile north of Road 4 North.

- f. Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2017-2018 financial contribution from the District to the Town for flood control improvements. (Richard Straub, Interim Public Works Director/Town Engineer)

Recommended Action: Approve the Intergovernmental Agreement between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2017-2018 financial contribution from the District to the Town for flood control improvements.

8. EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9. ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

10. ADJOURNMENT

Dated this 7th day of September, 2017.

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.

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.d.

Meeting Date: 09/12/2017
Contact Person: Cecilia Grittmann, Town Manager
Department: Town Manager
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: Kirkland Mine

AGENDA ITEM TITLE:

Presentation of letter from the Central Yavapai Metropolitan Planning Organization (CYMPO) to the Bureau of Land Management opposing the proposed Kirkland Mine. (Vice-Mayor Mike Best)

SITUATION & ANALYSIS:

The Mayor and Council have heard from citizens in the surrounding communities, mainly the Williamson Valley area, about the possibility of the Kirkland Mine re-opening. It appears the main concern has been the possible transportation of unsafe materials as well as the potential for increased traffic by heavy haulers through Chino Valley. Vice Mayor Best sits on the Central Yavapai Metropolitan Planning Organization (CYMPO) Board, which coordinates transportation for state highways through our region.

CYMPO has recently sent a letter to the Bureau of Land Management in opposition to the proposed Kirkland Mine, and Vice Mayor Best will read this letter at the 9/12/2017 Council Meeting.

Attachments

Kirkland Mine letter



Central Yavapai Metropolitan Planning Organization

1971 Commerce Center Circle, Ste. E
 Prescott, AZ 86301
 Phone: 928-442-5730
 Fax: 928-442-5736
www.cympo.com

**Bureau of Land Management
 Arizona State Office – Phoenix Office
 Hassayampa Field Office
 Attention Rem Hawes
 21605 North 7th. Avenue
 Phoenix, AZ 85027**

August 17, 2017

Re: Kirkland Mine

Mr. Hawes,

The Central Yavapai Metropolitan Planning Organization, CYMPO, Executive Board at their last meeting on August 16, 2016 voted to submit a letter in opposition to the proposed Kirkland Mine. The establishment of this mine and the associated activities creates a number of issues which directly affect the surrounding areas not adjacent to proposed mine itself. These concerns include but are not limited to traffic safety, physical impacts to the pavement on regional roadways, the increase in heavy truck traffic, and negative air quality impacts related to dust and more specifically silica as a carcinogen.

The potential for this truck traffic entering the CYMPO planning boundary through the City of Prescott, Yavapai County, Town of Prescott Valley, Town of Chino Valley and the Town of Dewey-Humboldt located north and east of the mine site is a concern of the CYMPO Executive Board. According to the documentation detailing the mining operation, it is estimated that up to eighty-five (85) trucks, “bulk carriers”, per day may be leaving the facility traveling on Iron Springs Road. The weight of these trucks and the frequency are a concern for the public health, safety, and welfare of the residents in the CYMPO region.

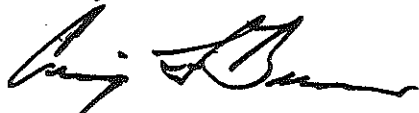
It is the mission of CYMPO to promote and maintain a regional coordinated transportation system for the safe and efficient movement of people, goods, and services. As such, the CYMPO Executive Board is opposed to the mine for the following reasons:

- Excessive heavy truck traffic causing depletion of the roadway surface, which was not designed for high volumes of truck traffic
- Excessive noise in residential areas on Iron Springs Road and other portions of the CYMPO region resulting from the addition truck volume
- Short single left turn lane at Iron Springs and Williamson Valley intersection

- Two elementary schools located at Iron Springs Road and Williamson Valley Road
- Fire Department at the same intersection
- Dust, debris, and noise caused by trucks entering the region
- Use of braking mechanisms causing noise and disruption in residential/school areas
- Congestion at school drop off areas causing hazardous situations for both trucks, buses, and parents picking up / dropping off their young children
- Air Quality impacts related to dust and the potential for airborne Silica
- The excessive use of water for dust control on the proposed mine site
- Bicycle, pedestrian, and equestrian safety

The CYMPO Executive Board respectfully submits this letter of opposition to the proposed Kirkland High Quality Pozzolan Mine.

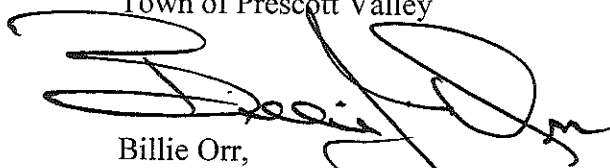
Sincerely,



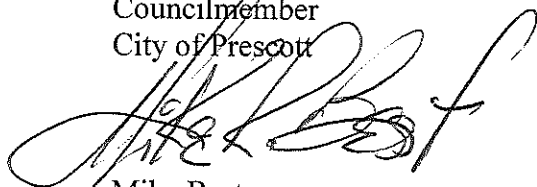
Craig L. Brown,
CYMPO Chairman
Supervisor District 4
Yavapai County Board of Supervisors



Mary Mallory,
CYMPO Vice Chair
Councilmember
Town of Prescott Valley



Billie Orr,
CYMPO Secretary/Treasurer
Councilmember
City of Prescott



Mike Best,
CYMPO Board Member
Vice-Mayor
Town of Chino Valley

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5.e.

Meeting Date: 09/12/2017
Contact Person: Scott Bruner, Community Services Director
 Phone: 928-636-2687 x-1237
Department: Community Services
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: Community Center, 1527 N. Road 1 East

AGENDA ITEM TITLE:

Report on the proposed Lease Agreement between the Town and the Boys and Girls Club for use of the Community Center, located at 1527 N. Road 1 East. (Scott Bruner, Community Services Director)

SITUATION & ANALYSIS:

Staff has scheduled the subject lease agreement for Council consideration on September 26. Mr. Bruner will present the details of the Lease Agreement on the 12th to give Council adequate time to review the document.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.a.

Meeting Date: 09/12/2017
Contact Person: Laura Kyriakakis, Human Resources Director
 Phone: 928-636-2646 x-1204
Department: Human Resources
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Change Order No. 1 to the Agreement for Professional Consulting Services between the Town of Chino Valley and Sanks and Associates, LLC, to allow for additional compensation due to the addition of one day per week to the Scope of Services. (Laura Kyriakakis, Human Resources Director)

RECOMMENDED ACTION:

Approve Change Order No. 1 to the Agreement for Professional Consulting Services between the Town of Chino Valley and Sanks and Associates, LLC.

SITUATION AND ANALYSIS:

Issue Statement

Due to the work load in the Planning Department, the need for increased assistance is required. Jason Sanks with Sanks and Associates, LLC has been serving as Interim Planning Director until the position is filled. We are requesting to change the planning consulting services as follows:

1. Work on-site at the Chino Valley Development Services office at 1982 Voss Drive, Chino Valley, Arizona and other locations in and around Chino Valley, as needed, an average of ~~two~~ **THREE** days per week (between Monday through Thursday, hours 7am to 6pm) and perform other functions as needed remotely via telephone, video conference, and email.
2. Compensation will continue at the rate of \$65.00 per hour but the "not to exceed amount" is increased from \$50,000 to \$66,700.00 to allow for additional compensation due to the addition of one day per week to the Scope of Services.
3. Reimbursable costs will continue as provided in Exhibit C or the Professional Consulting Services Agreement but the "not to exceed amount" is increased from \$5,000 to \$7,000 per year to reflect the additional expenses incurred by Consultant due to the addition of one day per week to the Scope of Services.

Attached for your review is Jason Sanks Professional Consulting Services Change Order No. 1 and

updated Scope of Work.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 01-55-5212

Available:

Funding Source:

Salary savings should cover the additional \$18,700 expense in the Planning Budget.

Attachments

Sanks and Assoc. Chg Order No.1

Sanks and Associates, LLC Professional Services Agreement

Dated June 20, 2017

CHANGE ORDER NO. 1

Distribution: TOWN []
CONSULTANT []
OTHER []

PROJECT: Planning Consulting Services DATE: August __, 2017
OWNER: Town of Chino Valley
CONSULTANT: Sanks and Associates, LLC
AGREEMENT DATED: June 20, 2017

CHANGES: The Agreement is changed as follows:

The Scope of Services, attached to the Agreement as Exhibit A is revised as shown in the Amended Scope of Services, attached to this Change Order No. 1 as Exhibit A

This Change Order No. 1 is not valid until signed by both Town and Consultant. Signature of Consultant indicates acceptance.

The original compensation was: \$65.00 per hour; not to exceed \$50,000.

The original reimbursable costs, as provided in Exhibit C, Paragraph C was: an amount not to exceed \$5,000.

Net change by previously authorized Change Orders: None

The compensation prior to this Change Order was: \$_____

The compensation and reimbursable costs will be increased by this Change Order in the amount of:

1. Compensation will continue at the rate of \$65.00 per hour but the “not to exceed amount” is increased to \$66,700.00 to allow for additional compensation due to the addition of one day per week to the Scope of Services.

2. Reimbursable costs will continue as provided in Exhibit C but the “not to exceed amount” is increased to \$7,000 per year to reflect the additional expenses incurred by Consultant due to the addition of one day per week to the Scope of Services.

The Contract Time will increase by: no increase in Contract Time.

ACCEPTANCE STATUS:

Sanks and Associates, LLC
Jason Sanks, Principal
Date _____

Darryl Croft, Mayor
Date _____

EXHIBIT A SCOPE OF WORK

The planning consulting services shall include the following:

- Perform the services and duties of the interim Planning Director overseeing junior planning staff, providing guidance, mentorship, department representation, and management of planning department work. Consultant shall inform the Town Manager on Department projects, customer relations, personnel matters, and issues that may arise and coordinate Department activities with the Town Manager and other relevant Town Departments, including Engineering and Public Works.
- Perform project review of all planning and related applications, as assigned, at the discretion of Town.
- Attend all site visits, meetings, and hearings as necessary on behalf of Town and act on behalf of Town's interests.
- Work on-site at the Chino Valley Development Services office at 1982 Voss Drive, Chino Valley, Arizona and other locations in and around Chino Valley, as needed, an average of ~~two~~THREE days per week (between Monday through Thursday, hours 7am to 6pm) and perform other functions as needed remotely via telephone, video conference, and email.
- Provide Town with a weekly and/or monthly schedule showing the times he will be on-site and available for consultation with Staff and Development Services customers.
- Other duties, projects, activities and coordination, at the request of Town on a time and materials basis.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.b.

Meeting Date: 09/12/2017

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 accept the August 8, 2017 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the August 8, 2017 regular meeting minutes.

Attachments

August 8, 2017 draft minutes

DRAFT

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

**TUESDAY, AUGUST 8, 2017
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, August 8, 2017.

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

Absent: Councilmember Annie Lane

Staff Town Manager Cecilia Gritman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy;

Present: Police Lieutenant Vince Schaan; Interim Public Works Director/Town Engineer Richard Straub; Matt Santos (videographer); Deputy Town Clerk Vickie Nipper; Town Clerk Jami Lewis (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Proclamation recognizing November 2017 as the 60th Anniversary Year of the Modern Arizona Rangers.

Mayor Croft read the proclamation and presented it to several Rangers, who spoke about the organization and the services they provided.

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.

Lee Paul, resident, suggested that the Town beautify the “welcome” monument on the northeast corner of SR 89 and Road 4 South.

Ron Romley, founder and Chairman of the Board, Yavapai Regional Transit (YRT), reported on the success of the Paulden Plunge Program, a partnership between the Town, YRT, and the Paulden Area Community Organization, whereby funds were raised to transport children from Paulden to the Chino Valley pool at no cost.

John Scholl, Superintendent, Chino Valley Unified School District, spoke about Police assistance with traffic control during the first week at school, and events scheduled to commemorate the District’s 100th year.

4) **RESPONSE TO THE PUBLIC**

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

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

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

Vice-Mayor Best reported on the Paulden Plunge Program and the commendable conduct of the participants.

Mayor Croft reported on the recent National Night Out, as well as events to take place during the upcoming Territorial Days celebration.

Councilmember Miller reported on the National Night Out, as well as commending Police Officer Pizzi’s conduct during the recent shooting in Town.

b) Status report by Town Manager Cecilia Grittmann and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Ms. Grittmann reported on:

- the Town’s budgeted \$10,000 for the Greater Prescott Regional Economic Partnership not being needed, due to the entity’s lack of a director;
- a mid-September meeting for the Old Home Manor Industrial Park stakeholders; and
- an upcoming Council study session on August 15, cancellation of the August 23 regular meeting, and a special meeting on August 29.

6) CONSENT AGENDA

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

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to accept consent agenda items a, b and c.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve recommended budget adjustments for the Fiscal Year Ending June 30, 2017. (Joe Duffy, Finance Director)
- b) Consideration and possible action to approve Financial Report for the twelve months ending June 30, 2017. (Joe Duffy, Finance Director)
- c) Consideration and possible action to accept the July 25, 2017 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

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

- a) Consideration and possible action to approve new land uses at the Police Training Facility. (Chuck Wynn, Police Chief)

Recommended Action: Approve the Chino Valley Police Department plans for new uses of currently vacant land directly east and west of the Chino Valley Police Department shooting range.

Lt. Schaan reported that:

- Staff was requesting Council's approval to use land east and west of the current shooting range for a small handgun range and a scenario training village that will benefit both law enforcement and the public ranges.
- Funding would come from drug seizure money that was allocated for the project, as well as funds from the public range.
- Approval will allow the parties to begin planning the joint venture.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve the Chino Valley Police Department plans for new uses of currently vacant land directly east and west of the Chino Valley Police Department shooting range.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Change Order No. 1 to the contract with Asphalt Paving and Supply, Inc., in an amount not to exceed \$74,895.50, to add a portion of South Firesky Lane, West Road 1 North, and Goldrush Way to the chip seal program, to be completed this construction season prior to September 15, 2017. (Richard Straub, Interim Public Works Director/Town Engineer)

Recommended Action: Approve Change Order No. 1 to the contract with Asphalt Paving and Supply, Inc., for the three new double chip seal roads in an amount not to exceed \$74,895.50.

Mr. Straub reported that:

- The subject roads, which were damaged during the Center Street project, were scheduled for chip seal in spring 2018, but staff was requesting to move up the project quickly to take advantage of AP&S' pricing and availability.
- Staff proposed to use the large pile of chips in the Roads yard and use Town forces to mill the road and haul in base, which will reduce the contractor's pricing.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to approve Change Order No. 1 to the contract with Asphalt Paving and Supply, Inc., for three new double chip seal roads in an amount not to exceed \$74,895.50.

Vote: 6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the Agreement for Professional Consulting Services with Kimley Horn for improvements to the Waste Water Treatment Plant in the amount of \$8,900.00. (Richard Straub, Interim Public Works Director/Town Engineer)

Recommended Action: Approve Agreement for Professional Consulting Services with Kimley Horn for design of a sludge drying bed at the Waste Water Treatment Plant in the amount of \$8,900.00.

Mr. Straub reported that the wastewater treatment plant, constructed about 13 years ago, lacked a sludge drying bed, which was standard for most such plants. Staff had been discussing this need for several years and had the money to proceed. Staff will come back to Council for the actual construction.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve Agreement for Professional Consulting Services with Kimley Horn for design of a sludge drying bed at the Waste Water Treatment Plant in the amount of \$8,900.00.

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve: (1) the Leasing Services Proposal from NB: AZ Public Financial Services, a Division of Zions First National Bank and Affiliate of National Bank of Arizona; (2) Lease/Purchase Agreement with ZB, N.A., in an amount up to \$825,000; and (3) Resolution No. 17-1110 authorizing the Mayor to execute the Agreement and all related documents necessary to the consummation of the transactions contemplated by the Agreement, all related to purchase of up to 8 police cars and potential purchase of certain public works equipment/vehicles. (Joe Duffy, Finance Director)

Recommended Action: Approve: (1) Leasing Services Proposal from NB: AZ Public Financial Services; (2) Lease/Purchase Agreement with ZB, N.A., in an amount up to \$825,000; and (3) Resolution No. 17-1110.

Mr. Duffy reported that:

- Zion submitted the only response to the Town's Request for Proposals, offering an interest rate of 1.8%. Only \$400,000 was currently committed for the police cars.
- The new Public Works Director will be tasked with evaluating the other capital equipment requests and bringing a recommendation to Council. The funds will be placed in an escrow acct to lock in the interest rate and anything not spent will be paid back.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve: (1) Leasing Services Proposal from NB: AZ Public Financial Services; (2) Lease/Purchase Agreement with ZB, N.A., in an amount up to \$825,000; and (3) Resolution No. 17-1110.

Vote: 6 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:40 p.m.

Vote: 6 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 8th day of August, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of September, 2017.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.c.

Meeting Date: 09/12/2017

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 accept the August 15, 2017 study session meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the August 15, 2017 study session meeting minutes.

Attachments

August 15, 2017 draft minutes

DRAFT

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

**TUESDAY, AUGUST 15, 2017
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, August 15, 2017.

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

Absent: Councilmember Cloyce Kelly

Staff Town Manager Cecilia Grittmann; Acting Development Services Director Jason Sanks;

Present: Associate Planner Alex Lerma; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:00 p.m.

2) Presentation and discussion regarding West Meadows Planned Area Development (PAD), located east of Road 1 West and half a mile north of Road 4 North. (Jason Sanks, Acting Development Service Director)

Town Manager Grittmann introduced Mr. Sanks to the Council.

Mr. Sanks stated that he would be presenting significant projects, such as the two on this agenda, to Council during future study sessions. He then presented on the following topics:

- *Project history:* West Meadows subdivision, a standard lot subdivision with a Planned Area Development, was originally approved in 2007.
- *Property description:* West Meadows subdivision was zoned SR-0.16, which consisted of 7,000 square foot lot minimums.
- *Project proposal:* Applicant Jim Fletcher proposed an alternative active adult 55+ park model community on 45 acres of the original PAD.
- *Project status:* Planning and Zoning Commission forwarded a recommendation to Council for approval on June 6, 2017. Legal counsel identified concerns with the public hearing notification and staff brought the item back to the Commission. During the interim period between the two hearings, Applicant Jim Fletcher and staff addressed some of the items of concern expressed during the first hearing.

Council, Mr. Sanks, Mr. Fletcher, and applicant's engineer Davin Benner, discussed the following topics in more detail:

- *Park model concept:* The property owner will own the property and rent out spaces on a short-term basis up to 12 months for homes owned by the renter. Housing types would primarily be park models from 400 to 1,100 square feet, which were titled as RVs and had unique building and code specifications. The spaces could include carports and storage structures.
- *Project status:* The proposal was in compliance with the General Plan. At the Commission's suggestion, Mr. Fletcher had worked with staff to move some of the amenities from Phase 2 to Phase 1. The phases were intended to connect and the connecting road in the current plat will have to be realigned. Any changes to this development plan will require the applicant to file a PAD amendment.
- *Density:* As the proposed number of units was equivalent to SR-0.16 zoning, there was no need to rezone the property. The spaces were purposely oversized compared to a standard mobile home park.
- *Requirements:* Public facilities and recreation areas will comply with ADA standards. Staff had requested an update to the traffic impact analysis. No phasing plan was required.
- *Water/sewer:* The development had an assured water supply and will have a potable water production facility, eventually to be taken over by the Town, and a centralized collection system and treatment facility. Phase 4 will require a lift station and connection to Town sewer.
- *Emergency services access:* The proposed plan met the required turning radii and will have the required secondary emergency access.
- *Property between phases 1 and 2:* The house between the two phases was exempt from the rezone and will be used to house a caretaker and maintenance equipment. It will not be used commercially.

Council asked staff to inform them if connection to Town sewer would still be required if the development stopped at Phase 1.

One councilmember commented that although past Councils had desired to require sewer connection for all future development, he preferred that folks be able to develop their land without having to hookup, as long as they had a plan for future connection.

3) Presentation and discussion regarding Chino Valley Town Center Project, located northeast of SR 89 and Road 1 South intersection. (Jason Sanks, Acting Development Service Director)

Mr. Sanks presented on the following topics:

- *Project history:* The property was originally rezoned in 2004 and the Town Center subdivision subsequently approved. A Retail Tax Development Incentive Agreement was approved by Council to offset the cost of extending utilities.
- *Property description:* The subject project represented a portion of the overall 2004 rezone case, and was located behind Days Inn. It was difficult to develop such properties as commercial when not visible from the highway.
- *Project proposal:* Applicant Jim Fletcher proposed an active adult 55+ park model community, with a potential RV park and assisted living facility. This proposal was unique in that it offered a variety of living spaces and lifestyle choices.

- *Project status:* The project was presented during a Planning Commission study session on August 1. The Commission recommended certain improvements.

Council, Mr. Sanks, Mr. Fletcher, and applicant's engineer Davin Benner, discussed the following topics in more detail:

- *RV section:* No maximum stay had been set yet. Sales taxes differed before and after a 30-day stay.
- *Benefits:* Space leases/rentals will general sales tax; and single ownership projects, like homeowner associations, tended to provide more incentive to keep the development looking nice.
- *Water/sewer:* The property had an assured supply from Prescott and had Town sewer connection.
- *Density:* Spaces were a little over 3,000 square feet and the maximum allowable park model size was 750 square feet.
- *Bacon Lane egress/ingress:* Bacon Lane could only be used for emergency access, as it went through a neighbor's property via easement.

One councilmember commented on the financial benefits to the Town from developments like these. Council also commented that bringing such items to them in study sessions was helpful.

4) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Vice-Mayor Mike Best to adjourn the meeting at 6:43 p.m.

Vote: 6 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 15th day of August, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of September, 2017.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.d.

Meeting Date: 09/12/2017

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 accept the August 29, 2017 special meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the August 29, 2017 special meeting minutes.

Attachments

August 29, 2017 draft minutes

DRAFT

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

**TUESDAY, AUGUST 29, 2017
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, August 29, 2017.

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

Absent: Councilmember Cloyce Kelly

Staff Town Manager Cecilia Grittmann; Finance Director Joe Duffy; Public Works Manager Kenny

Present: Tribolet; Community Services Director Scott Bruner; Assistant Community Services Director Cyndi Thomas; Recreation Lead Celia van der Molen; Recreation Coordinator Hailey Byrd; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:04 p.m.

2) Presentation by Arlene Alen, Chino Valley Area Chamber of Commerce President/CEO, regarding the Community Volunteer Program (CVP) and introduction of Sarah Haber, AmeriCorps Vista, CVP Coordinator. (Cecilia Grittmann, Town Manager)

Ms. Grittmann reported that Ms. Alen desired to brief Council on the Chamber's new volunteer program and the new personnel to administer it.

Ms. Alen reported that:

- Quad cities community organizations were struggling with retaining volunteers. Younger volunteers were wanting shorter-term, task-oriented projects, rather than long-term projects, while most current non-profits were based on a different model.
- The Chamber had received a grant to establish a community volunteer program to fill this need and Americore had agreed to provide the program coordinator.
- The program was designed to provide a revenue stream and be self-sustaining, and its goal was to free up service clubs to focus their time and funding on their mission and let the volunteer program supply event and ancillary volunteers. There was no cost to participate in the program.

Ms. Alen then introduced Ms. Haber, who spoke about her background and education, and her upcoming one year of service to the community to coordinate the volunteer program.

- 3) (i) Public Hearing regarding application from Shemsi Atipi for a new Series 12 (Restaurant) Liquor License for Auroma Pizza, LLC, located at 850 S. Highway 89, Chino Valley.
(ii) Consideration and possible action to recommend approval for a new Series 12 Liquor License for Auroma Pizza, LLC. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing and
- (ii) Recommend approval for a new Series 12 Liquor License for Auroma Pizza.

Staff Report Summary: Auroma currently had a liquor license and was requesting a new one due to changes in ownership from a sole proprietorship or partnership to an LLC. Reviewing departments recommended approval with no comments. Staff posted the establishment with the necessary notices to meet the required 20-day period and received no written arguments in favor of or in opposition to the application.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to hold the public hearing.

Vote: 6 - 0 PASSED - Unanimously

No one from the public spoke.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to close the public hearing.

Vote: 6 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to recommend approval of a new Series 12 Liquor License for Auroma Pizza.

Vote: 6 - 0 PASSED - Unanimously

- 4) Consideration and possible action to award the bid for the Community Center Flooring To KT Interiors, Inc. in the amount of \$24,883.50. (Joe Duffy, Finance Director)

Recommended Action: Award KT Interiors, Inc. the bid for the Community Center Flooring in the amount of \$24,883.50.

Mr. Duffy reported that:

- The goal for this project was to obtain vinyl flooring that would take years of abuse, and the Town asked each bidder to propose as many bids as desired for preferred products.
- Public Works Manager Kenny Tribolet and Recreation Department staff reviewed the proposed products and recommended KT Interiors. Although this was not the low bid, their product quality met the goal, included a 15-year warranty, and was within the budgeted amount.
- Although the bids came in under \$25,000, staff elected to complete the formal

bidding process, even though it was not required.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to award to KT Interiors, Inc. the contract for the Community Center Flooring in the amount of \$24,883.50.

Vote: 6 - 0 PASSED - Unanimously

5) Overview of budgeted recreation events and parks maintenance expenses for the current fiscal year. (Scott Bruner, Community Services Director)

Ms. Grittmann reported that this item was placed on the agenda in response to demands that staff kept receiving for different recreation programs after the budget was set.

Mr. Bruner introduced the new recreation services team: Assistant Community Services Director Cyndi Thomas, Recreation Lead Celia van der Molen, and Recreation Coordinator Hailey Byrd. Mr. Bruner then presented information on the parks and recreation budgets, department responsibilities, and recreation events.

- *Parks Maintenance:* Two full-time and two seasonal employees maintained 130+ acres of Town property with a \$40,000 budget.
- *Recreation:* Two recreation coordinators administered 12 annual events with a budget of \$15,000.
- *Current fiscal year events budget and planning:* Most events averaged \$500; 4th of July, Territorial Days, and Halloween were higher. Staff had begun meeting quarterly with the Chamber to discuss how to partner, and complement events to avoid duplication.
- *Future changes:* Staff desired to (i) expand Territorial Days to three days; (ii) add Drool in the Pool, increase the pool season through Labor Day weekend, and increase open swim sessions; and (iii) increase the recreation budget to \$33,800 next fiscal year.
- *Chino Mudder:* The event this past weekend had 300 participants with \$8,500 in revenues.

Council and staff discussed the following in more detail:

- *OHM facilities maintained:* Parks staff maintained baseball fields, Chino Mudder area, areas around events, and the wastewater treatment plant and other Town facilities.
- *Recreation revenues:* The \$8,500 in revenues from the Mudder were not profit and will go into the general fund.

Councilmember Mendoza expressed a desire for the Town to get the most bang for its buck with regard to recreation and suggested that the Lions, Rotary, and other organizations be included in these partnership efforts.

- 6) Consideration and possible action to approve Resolution No. 17-1112, authorizing the acquisition of a right-of-way for roadway and public utility easement purposes along East Road 2 North, east of North Road 1 East to Pepper Tree Place; Pepper Tree Place from East Road 2 North south to Juniper Drive; Juniper Drive from Pepper Tree Place west to North Road 1 East. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve Resolution No. 17-1112, authorizing the acquisition of a right-of-way for roadway and public utility easement purposes from Bonnie Plants, Inc. on portions of East Road 2 North, Pepper Tree Place, and Juniper Drive.

Town Manager Gritman reported that her understanding was that through previous processes, the Town had asked for this right-of-way, which never got recorded. Staff needed Council's approval to complete processing the documents.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to recommend approval of Resolution No. 17-1112, authorizing the acquisition of a right-of-way for road and public utility easement purposes from Bonnie Plants, Inc. on portions of East Road 2 North, Pepper Tree Place, and Juniper Drive.

Vote: 6 - 0 PASSED - Unanimously

- 7) Consideration and possible action to appoint applicants to the Board of Adjustment and Planning and Zoning Commission. (Jami Lewis, Town Clerk)

Recommended Action: Accept the resignation of Gwen Rowitsch as Planning and Zoning Commission Alternate; appoint Welles Geary as Planning and Zoning Commission Alternate to term ending January 31, 2018; and appoint Welles Geary and Marcus Walker to the Board of Adjustment to terms ending July 31, 2019 and July 31, 2018, respectively.

Ms. Lewis reported that:

- When the Appointments Subcommittee last reviewed applications for public body openings, there had been vacancies on the Board of Adjustment, but no applicants. The subcommittee asked staff to contact certain applicants about serving on the Board, as well as the Planning and Zoning Commission, as its Alternate member, Gwen Rowitsch, had previously expressed a desire to step down.
- Staff's contacts with these persons resulted in the recommendations that Council appoint Welles Geary to the positions of Planning and Zoning Commission Alternate and Board of Adjustment member; and Marcus Walker to the Board of Adjustment.
- Town Attorney Smiley had advised that one person could serve on both the Commission and Board of Adjustment, as the two bodies had different responsibilities and would rarely hear the same matters. Should a matter need to be heard by both bodies, Mr. Geary would have to recuse himself from one of them.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to make recommendation to accept the resignation of Gwen Rowitsch as Planning and Zoning Commissioner Alternate; appointing Welles Geary as Planning and Zoning Commissioner Alternate to term ending January 31, 2018; and to appoint Welles Geary and Marcus Walker to the Board of Adjustment, terms ending July 31, 2019 and July 31, 2018, respectively.

Vote: 6 - 0 PASSED - Unanimously

8) ADJOURNMENT

MOVED by Councilmember Annie Lane, seconded by Vice-Mayor Mike Best to adjourn the meeting at 6:43 p.m.

Vote: 6 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 29th day of August, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of September, 2017.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 09/12/2017
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Action Item
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals by amending the following sections: 90.02 Definitions, 90.03 Injury by Vehicle, 90.04 Stray Dogs, 90.05 Dogs at Large; Designation as Aggressive Dog, 90.06 Impoundment of Dogs; Destruction; Emergency Seizure, 90.07 Powers and Duties of the Animal Control Officer, 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties, 90.09 Anti-Rabies Vaccinations; Vaccination and License Standards, 90.10 Wearing License Tags, 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites, 90.12 Nuisance Barking, 90.13 Unlawful Interference with Officers, 90.14 Keeping of Aggressive Dogs, 90.15 Adequate Exercise Space for Dogs, 90.99 Violation; Penalty; and (2) by adopting new Section 90.16 Animal Cruelty, all as set forth in that document entitled the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017," which document is adopted and incorporated into Ordinance No. 17-834 by reference. (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals as set forth in the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017", which is adopted by reference.

SITUATION AND ANALYSIS:

Issue Statement

Several areas of concern were encountered with the current Animal Code for the Town of Chino Valley. Staff has spent over 2 years working with stakeholders to improve the Animal regulations. We feel these ordinances will provide the tools and resources necessary to allow Chino Valley Animal Control to work with the citizens for the safety and well being of animals and citizens.

Applicable "Policy"

N/A

Satisfaction of “Policy”

N/A

Summary of Issues and Staff Rationale

We believe this will allow for better teamwork with the community to ensure animal and public safety.

Findings of Fact

Some of these revisions include decriminalizing various offenses to broaden our ability to work with our community and to ensure compliance with these regulations.

Fiscal Impact**Fiscal Impact?:** No**If Yes, Budget Code:****Available:****Funding Source:**

Attachments

Town Attorney Comments

Ordinance 17-834

Ordinance 17-834 - Exhibit being Adopted

Town Attorney Comments on Proposed Animal Code Amendments

§ 90.01 Purpose – No changes from present provisions.

§ 90.02 Definitions – No need to change the first sentence but consider Town Attorney's revision.

There is no need to number the definitions and it is not a good idea because if, in the future, you wish to add or delete definitions, all the other definitions need to be renumbered.

There is also no reason to revise the format of the current definitions by inserting a hyphen and the word "means".

Aggressive Dog definition

- was moved to beginning because it was out of alphabetical order.
- The prior definition of "Dangerous Dog" provides more clarity and specific means to determine whether a dog is "dangerous."
- What Court has jurisdiction to convict a dog of "biting, molesting or attacking a person, dog and/or livestock, without provocation off the owner's property"? Section 90.05 says there is a hearing to determine whether a dog is aggressive, so I added Hearing Officer.
- The definition says the dog is "aggressive" if it bites, attacks or molests a person, etc once and is deemed by a court to be aggressive or it is convicted of biting, attacking or molesting a person, etc. twice. The provision in Section 90.05 to determine if a dog is aggressive only permits a determination after a hearing if there are 2 incidents. This is confusing. Since the procedure to designate a dog as "aggressive" is set forth in § 90.05, we revised the definition to reference that section.
- The prior Dangerous Dog definition included a provision that puts the onus on the owner – a dog whose *owner or responsible person knows or has reason to know that the dog has a propensity to attack* This is more similar to the statutory definition of "Vicious Animal": "any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or a city magistrate."

Dangerous Dog is shown as being deleted from current Code provisions. See additional comments above.

Dog at Large – How is "under control of the owner or responsible person" determined? If the owner says that even though he did not have the animal in an enclosure or physically restrained, he could call to the dog at any time and the dog would respond – is that considered "under control"? What about if the dog was perceived by another person as being aggressive and not "under control" of the owner? Who determines? That is why saying "physically restrained" is preferable.

Dog Owner. Deleted phrase added nothing to the meaning since “having control or custody of a dog” is already part of the definition whether or not it is on behalf of the owner.

Impound. The prior version was more grammatically correct because the new version splits the subject from the verb with intervening

Neglect. Deleted “an overt act” because by definition, the word “neglect” is a failure to act.

Proper Enclosure for a Dangerous Dog. Since this only applies to Aggressive Dogs, I moved it to § 90.14, which is the section that sets forth the requirements for Aggressive Dogs.

§ 90.03 Injury by Vehicle. The provision calls for the person who hit the dog to contact the Animal Control Officer or the Police Department. Would it be possible for them to call 911 or just the PD and PD would call the Animal Control Officer?

§ 90.04 Stray Dogs. Do you want the finder to notify both PD and Animal Control Officer or just the Animal Control Officer? And consider whether making the finder legally responsible to try to locate the owner would make people less likely to catch or assist a stray dog. Should a person who is doing a good deed by picking up a stray be held responsible for trying to find its owner?

§ 90.05 We changed the title because there is no definition of or other mention of “Nuisance Dog”

(A) We deleted the addition of the Penalty since it is included specifically in § 90.99.

§ 90.06(F). We revised it so that the dog does not become the property of the Town. There are statutes dealing with destruction of Town property and we would rather not have to deal with the legal issues involved in that process.

(G) Emergency Seizure. Is this meant to be only for dogs? In some places it refers only to dogs and in others it appears to apply to all animals. We added a provision dealing with the disposition of the dog. We are not sure what should be done with the dog but if nothing is said, there is no information for the court (or anyone else) to determine what happens to the dog.

§ 90.08 Licensing. State law requires licenses for dogs 3 months of age or over. The Town’s ordinance is required to be equal to or more stringent than state law, pursuant to ARS § 11-1018.

§ 90.10(A). State law requires tags for dogs 3 months or older. See above.

§ 90.11(G) New fees (the \$25.00 fee to pick up a dog) must be posted on the Town’s website for at least 60 days prior to adoption by the Council and a report or data supporting the new fee must be filed with the Town Clerk.

§ 90.12. We reorganized it to make excessive noise and nuisance behavior be violations. Town’s version merely defined nuisance behavior without making it a violation.

§ 90.15 (B) and (C). These provisions seemed to be essentially the same – B was “when not at the residence with the dog” and (C) was “whether they are home or not”. I combined them to say “whether present or not”. It is possible that they could be securing the dog by such means at a place other than their own residence and if the ordinance is limited to whether or not they are at home or at their residence, then they presumably could attach a dog to a tie-out somewhere other than their own home.

§ 90.16. I’m not sure why you changed “animal” in the state law to “dog or cat” in some places, but you may want to consider keeping “animal” in case there are birds, hamsters, pigs, goats, or other animals being abused.

(B)(2) makes reference to Section 17-101. This reference is to a definition in ARS § 17-101. I added the reference but consider revising to read “excluding ~~any fur-bearing animals as defined in section 17-101~~ muskrats, raccoons, otters, weasels, bobcats, beavers, badgers and ringtail cats” (which is how § 17-101 defines “fur-bearing animal”).

(C) also includes a reference to the Arizona Revised Statutes without including the reference.

§ 90.17 This was moved to § 90.05 Dogs at Large to consolidate the provisions, since one deals with the violation and the other says that the owner is responsible for any property damage caused by a dog running at large.

§ 90.99(B). We prefer, when possible, to refer back to the Town’s general penalty for violations and to keep the wording consistent. Our revisions to this section reflect that with respect to the 1st Offense and 2nd offense civil, 3rd offense Class 1 misdemeanor. We lose the enhanced penalty for 2nd offense but gain the limitation to within a certain time period for the look back.

ORDINANCE NO. 17-834

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "TOWN OF CHINO VALLEY ANIMAL REGULATIONS AMENDMENTS, DATED SEPTEMBER 12, 2017" AS A PUBLIC RECORD; ADOPTING THE "TOWN OF CHINO VALLEY ANIMAL REGULATIONS AMENDMENTS, DATED SEPTEMBER 12, 2017" BY REFERENCE; AMENDING THE TOWN OF CHINO VALLEY TOWN CODE, TITLE IX GENERAL REGULATIONS AS FOLLOWS: (1) BY AMENDING THE FOLLOWING SECTIONS: 90.02 DEFINITIONS, 90.03 INJURY BY VEHICLE, 90.04 STRAY DOGS, 90.05 DOGS AT LARGE; DESIGNATION AS AGGRESSIVE DOG, 90.06 IMPOUNDMENT OF DOGS; DESTRUCTION; EMERGENCY SEIZURE, 90.07 POWERS AND DUTIES OF THE ANIMAL CONTROL OFFICER, 90.08 LICENSE FEE FOR DOGS; ISSUANCE OF TAGS; RECORDS; PENALTIES, 90.09 ANTI-RABIES VACCINATIONS; VACCINATION AND LICENSE STANDARDS, 90.10 WEARING LICENSE TAGS, 90.11 HANDLING OF BITING DOGS; RESPONSIBILITY FOR REPORTING DOG BITES, 90.12 NUISANCE BARKING, 90.13 UNLAWFUL INTERFERENCE WITH OFFICERS, 90.14 KEEPING OF AGGRESSIVE DOGS, 90.15 ADEQUATE EXERCISE SPACE FOR DOGS, 90.99 VIOLATION; PENALTY; AND (2) BY ADOPTING NEW SECTION 90.16 ANIMAL CRUELTY, ALL AS SET FORTH IN THE "TOWN OF CHINO VALLEY ANIMAL REGULATIONS AMENDMENTS, DATED SEPTEMBER 12, 2017" AND ALL RELATED TO CHANGING THE DESIGNATION OF "DANGEROUS DOG" TO "AGGRESSIVE DOG", REVISING THE DEFINITION OF "DOG", CLARIFYING THE REGULATIONS FOR IDENTIFYING AND KEEPING AGGRESSIVE DOGS, PROVIDING PROCESSES AND REGULATIONS RELATED TO EMERGENCY SEIZURE OF DOGS, REVISING THE REQUIREMENTS FOR ANTI-RABIES VACCINES TO CONFORM TO STATE LAW, CLARIFYING THE RESPONSIBILITIES OF DOG OWNERS/PERSONS IN CONTROL RELATED TO AGGRESSIVE DOGS AND DOG BITES, EXCESSIVE BARKING, AND OTHER NUISANCE BEHAVIORS, CRIMINALIZING ANIMAL CRUELTY, AND UPDATING THE PENALTY PROVISIONS FOR VIOLATIONS OF CHAPTER 90; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

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

Section 1. In General.

1. That certain document entitled "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017" is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy maintained in compliance with Arizona Revised

Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection.

2. The Town Code of the Town of Chino Valley, Arizona, Title IX General Regulations, Chapter 90 Animals is hereby amended by (1) by amending the following sections: 90.02 Definitions, 90.03 Injury by Vehicle, 90.04 Stray Dogs, 90.05 Dogs at Large; Designation as Aggressive Dog, 90.06 Impoundment of Dogs; Destruction; Emergency Seizure, 90.07 Powers and Duties of the Animal Control Officer, 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties, 90.09 Anti-Rabies Vaccinations; Vaccination and License Standards, 90.10 Wearing License Tags, 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites, 90.12 Nuisance Barking, 90.13 Unlawful Interference with Officers, 90.14 Keeping of Aggressive Dogs, 90.15 Adequate Exercise Space for Dogs, 90.99 Violation; Penalty; and (2) by adopting new Section 90.16 Animal Cruelty, all as set forth in that document entitled the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017," which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

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

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance punishable by civil sanctions shall be subject to the civil sanctions and habitual offender provisions and any person found guilty of a violation of any provision of this Ordinance that is designated as a criminal violation shall be subject to imprisonment and penalties, all as set forth in Section 90.99 of the Town Code, as amended by and set forth in that document entitled "Town of Chino Valley Animal Regulation Amendments, Dated September 12, 2017."

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of September, 2017 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this ____ day of September, 2017.

Darryl Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

1. Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-834 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2017.

Jami C. Lewis, Town Clerk

Chino Valley, Arizona Animal Regulations Amendments

Dated September 12, 2017

The Town Code of Chino Valley, Arizona, Title IX General Regulations, Chapter 90 Animals, is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

§ 90.01 Purpose.

The purpose of this chapter is to aid and assist the Town and its appropriate staff in the enforcement of A.R.S. §11-1002, Powers and duties of the state veterinarian and the Arizona Department of Agriculture; A.R.S. §11-1003, Power and Duties of the Department of Health Services; A.R.S. §11-1010, Anti-rabies Vaccination; Vaccination and License Stations; A.R.S. §11- 1016, Removing Impounded Animals; A.R.S. §11-1017, Unlawful Keeping of Dogs; and A.R.S. §11-1020, Dogs; Liability.

§ 90.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context ~~clearly indicates or requires a different meaning~~ OTHERWISE:

AGGRESSIVE DOG. ANY DOG THAT HAS BITTEN, ATTACKED OR MOLESTED A PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET AND/OR LIVESTOCK AND HAS BEEN DEEMED AS SUCH BY A HEARING OFFICER OR COURT OF JURISDICTION PURSUANT TO § 90.05.

Animal Control Officer. A person who has the authority and is responsible for enforcement of the provisions and regulations of this Chapter.

Animal Control Shelter. Any established location authorized by the Chief of Police for the confinement, maintenance, safekeeping and control of dogs that come into the custody of an animal control officer or police officer in the performance of their duties.

Collar. A band, harness, or suitable device worn around the neck or body of a dog to which a license tag may be attached.

~~**Dangerous Dog.** Any dog:~~

~~—(1) Whose owner or responsible person knows, or has reason to know, that the dog has a propensity to attack, to cause injury, or otherwise endanger the safety of human beings or domestic animals without provocation;~~

~~—(2) That has been previously found to be dangerous or vicious by a court of competent jurisdiction, the owner having received notice thereof, and the dog again having aggressively bitten, attacked or endangered the safety of humans or domestic animals;~~

- ~~—(3) That, without provocation, inflicts severe injury to a human being;~~
- ~~—(4) That menaces, maims or kills domestic animals when off its owner's property;~~
- ~~—(5) That is used in the commission of a crime, including but not limited to, dog fighting; or~~
- ~~—(6) That, unprovoked, chases or approaches a person upon the streets, or any public grounds, in a menacing fashion or apparent attitude of attack, or that causes injury or otherwise threatens the safety of humans or domestic animals.~~

Dog. A member of the canis familiaris family, DOMESTICATED WOLVES AND/OR OFFSPRING OF A DOG CROSS-BRED WITH WILD ANIMALS OR DOMESTICATED WOLVES.

Dog at Large. A dog that is not on the premises of the owner or responsible person, and is not under the control of the owner or responsible person. Any dog in a suitable enclosure or physically restrained by the owner or responsible person shall not be considered to be at large.

Dog Owner. Any person OWNING, possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

Dog Violation Citation. A document issued by an animal control officer or police officer to a person who has violated a provision of this chapter.

Enclosure. A fence or structure suitable to prevent the escape of a dog or the entry of young children.

Impound. The act of taking or receiving any dog into THE custody by OF an animal control officer or police officer for the purpose of confinement IN THE Chino Valley Animal Control Shelter in accordance with the provisions of this chapter.

Microchip. To implant an animal with a microchip tag linked to a national computer network for the purpose of identification.

Neglect. ~~An overt act involving~~ Failure to provide for the health and safety of a dog, including but not limited to, failure to provide adequate food, water, shelter, exercise or necessary veterinary care to a dog, or to adequately confine a dog in a manner appropriate to its breed, age and condition.

Person. See § 10.05.

Proper Enclosure for a Dangerous Dog ~~means while on the owner's or responsible person's~~

~~property, the secure confinement of a dangerous dog, either indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides, top and floor, and be constructed in a manner that does not allow the dog's head to protrude through the pen or structure. Such pen or structure shall also provide protection from the elements for the dog, along with fresh food and water and exercise area to maintain the dog in good health.~~

Responsible Person. An owner or ~~any~~ OTHER person who has the responsibility for the possession, care, custody, or control of a dog ~~or fowl~~, and has the authority and ability to act on behalf of, or in the interest of the owner.

Restraint. Confinement of a dog within the real property limits of its owner, or secured by a leash or lead or otherwise under control of a responsible person, or confinement within a vehicle in a manner that prevents escape.

Severe Injury. Any physical injury that results in A broken bones, puncture wounds, or lacerations, AND THAT MAY OR MAY NOT requirEing sutures and/or cosmetic surgery.

Shelter. A structure capable of protecting a dog from present and potential environmental hazards.

Stray Dog. A dog that is at large and is not wearing a valid license tag and/or microchip device.

Tag. Proof of a license that is worn by the licensed dog.

~~**Tattoo**—an indelible mark or figure fixed upon the body by insertion of pigment under the skin.~~

Under Control. Physically restrained by a leash, rope, cord or chain or other device and/or under the direct supervision and control of the owner or responsible person.

Vaccination. The administration of an anti-rabies vaccine to A dogs by a veterinarian.

Veterinary Hospital. Any establishment operated by a veterinarian licensed to practice in the State of Arizona which provides clinical facilities and houses dogs ~~or birds~~ AND/OR OTHER DOMESTICATED ANIMALS for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pen, stalls, cages or kennels for quarantine, observation or boarding.

§ 90.03 Injury by Vehicle.

Any person who accidentally or otherwise hits a dog with a vehicle ~~must~~ SHALL make a reasonable effort to contact the owner of the dog. In the event the owner cannot be contacted, the operator of the vehicle shall at once contact the Police Department or Animal Control Officer to report the incident.

Penalty, see § 90.99

§ 90.04 Strays DOGS.

(A) It is unlawful for any person to harbor or keep any lost or stray dog within the town without notifying the Animal Control Officer. ~~Whenever any dog is found that appears to be lost or strayed, it shall be the duty of the finder to notify the owner, animal control officer, or the Police Department as soon as possible.~~

(B) WHEN A DOG THAT APPEARS TO BE LOST OR STRAY IS FOUND, THE FINDER SHALL MAKE A REASONABLE EFFORT TO LOCATE THE OWNER AND SHALL NOTIFY THE ANIMAL CONTROL OFFICER OR THE POLICE DEPARTMENT AS SOON AS POSSIBLE. ~~Penalty, see section 90.99-B~~

§ 90.05 Running DogS at Large; DESIGNATION AS AGGRESSIVE DOG.

(A) It is unlawful for an owner or responsible person of a dog to allow it to be at large within the Town limits. The owner or responsible person of a dog shall provide adequate fencing and/or enclosures to keep ~~it~~THE DOG contained on his or her property. ~~or, If A DOG IS off the OWNER OR PERSON IN CONTROL'S property, THE OWNER OR RESPONSIBLE PERSON are~~SHALL MAINTAIN ~~under the owner's or responsible person's~~ direct supervision and control OF THE DOG AT ALL TIMES.

(B) Any dog at large may be apprehended and impounded by an animal control officer or police officer.

(1) Animal control officers may issue citation(s) for a dog at large to the owner or responsible person of that dog.

(2) The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S §13-3903, except the animal control officer shall not make an arrest before issuing the notice.

(3) The issuance of citations pursuant to this chapter shall be subject to the provisions of A.R.S. §13-3899.

(C) THE OWNER OR RESPONSIBLE PERSON OF THE DOG SHALL BE LIABLE FOR ANY INJURY TO A PERSON OR DAMAGE TO ANY PROPERTY RESULTING FROM A DOG AT LARGE IN VIOLATION OF THIS SECTION.

(CD) A dog is not at large:

(1) If it is engaged in obedience training, accompanied by and under the control of its owner or trainer.

(2) While it is being used for legitimate hunting purposes.

(3) While it is being exhibited in a sanctioned event.

(4) If while off the premises of the owner or responsible person, it is under the owner's, or responsible person's direct supervision and control OR BY USE OF A LEASH OR OTHER TETHER DEVICE DIRECTLY CONTROLLED BY THE OWNER OR RESPONSIBLE PERSON.

(5) If it is being utilized as a service dog for a handicapped person or a seeing-eye dog in assisting a legally blind person, AND SUFFICIENT CONTROL IS EXERCISED BY THE HANDLER.

(6) If IT is being used to control livestock.

(7) WHILE IT IS BEING USED TO ASSIST A POLICE OFFICER ENGAGED IN LAW ENFORCEMENT DUTIES.

(E) A DOG OWNER OR RESPONSIBLE PERSON SHALL CONTROL THE DOG IN A MANNER THAT PREVENTS THE DOG FROM BITING, ATTACKING, MOLESTING, OR INTERFERING WITH A PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET AND/OR LIVESTOCK OR CHASING VEHICLES.

(F) A PERSON IS NOT IN VIOLATION OF SUBSECTION (E) IF:

(1) THE DOG IS ON THE OWNERS' PROPERTY AND THE BITING, ATTACKING, MOLESTING, OR INTERFERING OCCURS AFTER PROVOCATION FROM THE PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET OR LIVESTOCK THAT WAS BIT, ATTACKED, MOLESTED OR INTERFERED WITH; OR

(2) THE DOG IS OWNED BY A GOVERNMENTAL AGENCY AND IS IN USE FOR MILITARY OR POLICE WORK; OR

(3) THE DOG IS A SERVICE DOG AND THE INCIDENT OCCURRED WHILE THE DOG WAS PROVIDING A SERVICE TO THE OWNER;

(4) THE DOG WAS ENGAGED IN THE LAWFUL ACT OF HUNTING, RANCHING, FARMING OR OTHER AGRICULTURAL PURPOSE.

(G) AFTER A CONVICTION OF A VIOLATION OF SUBSECTION 90.05(E) INVOLVING THE ATTACKING AND/OR BITING OF A PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET AND/OR LIVESTOCK, THE PROSECUTOR MAY REQUEST A HEARING TO ESTABLISH PROBABLE CAUSE TO HAVE THE DOG CLASSIFIED BY THE COURT AS AN AGGRESSIVE DOG.

(H) IF A DOG IS INVOLVED IN TWO OR MORE VIOLATIONS OF SUBSECTION 90.05(E) INVOLVING AN ATTACK AND/OR BITING OF A PERSON, DOMESTIC

ANIMAL, PET AND/OR LIVESTOCK OFF THE OWNER'S PROPERTY THE DOG SHALL, UPON THE SECOND OR SUBSEQUENT CONVICTION, BE DEEMED BY THE COURT TO BE AN AGGRESSIVE DOG AND THE DOG SHALL BE MAINTAINED IN CONFORMANCE WITH § 90.14.

(I) AN OWNER WHOSE DOG IS DEEMED TO BE AN AGGRESSIVE DOG MAY PETITION THE COURT TO DE-CLASSIFY THE DOG AS AGGRESSIVE. THE PETITION SHALL REQUEST A HEARING AT WHICH THE OWNER MAY PRESENT FACTS AND CIRCUMSTANCES TO THE COURT SUPPORTING THE REQUEST. WHILE THE REQUEST IS PENDING AND UNTIL THE HEARING OFFICER MAKES A DETERMINATION THAT THE DOG IS NOT AN AGGRESSIVE DOG, THE DOG SHALL BE MAINTAINED IN CONFORMANCE WITH § 90.14.

§ 90.06 ImpoundingMENT of Dogs; DESTRUCTION; EMERGENCY SEIZURE.

(A) Any stray dog shall be impounded. All impounded dogs shall be given proper care and maintenance.

(B) Each impounded licensed, OR micro chipped ~~or tattooed~~ dog shall be kept and maintained at the Animal Control Shelter for a minimum of ~~10~~TEN days, unless claimed by its owner or responsible person. An unlicensed dog ~~will~~SHALL be kept and maintained at the Animal Control Shelter for a minimum of ~~3~~THREE days. Any dog found without a tag, OR microchip device, ~~or tattoo~~ identifying its owner shall be deemed not owned.

(C) An impounded licensed or unlicensed dog may be adopted upon expiration of the impoundment period, provided the ADOPTING person pays the appropriate adoption fees and complies with licensing and vaccinating provisions of this chapter. Adoption fees may be waived for recognized nonprofit dog rescue groups. No dog ~~will~~SHALL be released for use in medical research. Animal control officers may destroy impounded sick, or injured dogs whenever the destruction is DEEMED BY A LICENSED VETERINARIAN TO BE necessary to prevent the dog from suffering or to prevent the spread of disease, ~~provided such is confirmed by a licensed veterinarian.~~

(D) Any licensed impounded dog ~~impoundment~~ may be reclaimed by its owner or responsible person within ~~10~~TEN days OF ITS IMPOUNDMENT, provided the person reclaiming the dog furnishes proof of the right to do so, proof of rabies vaccination, pays all dog shelter fees, medical fees, service and license fees as applicable. If the dog is not reclaimed within the impoundment period, the animal control officer shall take possession OF THE DOG and may place the dog for adoption or ~~may~~ dispose of the dog in a humane manner as prescribed by a licensed veterinarian.

(E) A DOG SHOWING SIGNS OR SYMPTOMS OF RABIES, ~~Any dog, except those showing signs of rabies, which it is necessary to destroy, shall~~MAY be destroyed ~~only~~ by a state licensed veterinarian OR ANY OTHER MEANS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH AND SAFETY.

F. ~~Any dog~~UPON surrender OF A DOG by its owner or responsible person to THE TOWN FOR DESTRUCTION, ~~be destroyed, A DOG SHALL become the property of the town~~ SHALL BECOME THE PERSON RESPONSIBLE FOR THE DOG. PRIOR TO THE SURRENDER, THE OWNER OR RESPONSIBLE PERSON SHALL PAY All associated fees ~~will be paid by the owner or responsible person that~~ TO THE TOWN ~~surrenders the dog~~.

(G) EMERGENCY SEIZURE OF ANIMAL. IF PROBABLE CAUSE IS PRESENT AND THE ADDITIONAL TIME NEEDED TO OBTAIN A SEARCH WARRANT MAY RESULT IN THE DEATH OR INHUMANE SUFFERING OF AN ANIMAL, A PEACE OFFICER OR ANIMAL CONTROL OFFICER MAY:

(1) ENTER THE PREMISES AND/OR PROPERTY AT WHICH THE DOG IS LOCATED; AND

(2) SEIZE THE DOG FACING DEATH OR INHUMANE SUFFERING;

(3) IMPOUND THE DOG AT THE SHELTER OR VETERINARIAN FACILITY AS DEEMED APPROPRIATE BY THE PEACE OFFICER OR ANIMAL CONTROL OFFICER AFTER CONSULTATION WITH A LICENSED VETERINARIAN;

(4) SERVE NOTICE TO THE OWNER OF THE SEIZURE AND PENDING PROBABLE CAUSE HEARING FILING BY THE TOWN ATTORNEY.

(H) THIS SECTION SHALL NOT RELIEVE THE DUTY OF AN OFFICER TO OBTAIN A WARRANT IF TIME AND CIRCUMSTANCES ALLOW FOR THE WARRANT PROCESS WITHOUT UNREASONABLE RISK TO THE HEALTH AND SAFETY OF THE DOG.

(I) IF A DOG IS SEIZED WITHOUT A SEARCH WARRANT PURSUANT TO SUBSECTION (G) ABOVE, THE TOWN ATTORNEY OR PROSECUTOR SHALL, WITHIN FIFTEEN DAYS OF THE SEIZURE, REQUEST A HEARING BEFORE THE MAGISTRATE TO ESTABLISH PROBABLE CAUSE FOR THE SEIZURE FOR MISTREATMENT AND/OR NEGLECT.

(1) IF THE MAGISTRATE DOES NOT FIND PROBABLE CAUSE, ALL FEES AND COSTS ASSOCIATED WITH THE CARE, IMPOUNDMENT OR TREATMENT OF THE DOG DURING THE SEIZURE SHALL BE BORNE BY THE TOWN AND THE DOG SHALL BE RETURNED TO THE OWNER OR PERSON RESPONSIBLE BY THE END OF THAT BUSINESS DAY.

(2) IF THE MAGISTRATE FINDS PROBABLE CAUSE:

(a) THE COURT SHALL REQUIRE THE OWNER OR PERSON RESPONSIBLE TO PAY THE TOWN FOR ALL FEES AND COSTS INCURRED IN THE CARE, IMPOUNDMENT AND/OR TREATMENT OF THE DOG EITHER AT THE TIME OF THE PROBABLE CAUSE HEARING OR AT A SUBSEQUENT FEE HEARING WHICH SHALL BE HELD WITHIN THIRTY DAYS OF THE PROBABLE CAUSE HEARING.

(b) THE COURT SHALL DETERMINE WHETHER TO THE TOWN SHALL RETAIN CUSTODY AND CONTROL OF THE DOG OR WHETHER THE DOG MAY BE RETURNED TO THE OWNER OR PERSON IN CONTROL.

§ 90.07 Powers and Duties of the Animal Control Officer.

(A) The animal control officer shall:

- (1) Enforce the provisions of this chapter and the regulations promulgated hereunder;
- (2) Issue citations for violations of this chapter and the regulations promulgated hereunder. The procedure ~~of~~ FOR the issuance of notices to appear shall be AS provided for peace officers in A.R.S. §13-3903, except that the Animal Control Officer shall not make an arrest before issuing the notice.

(B) ~~The issuance of citations ISSUED FOR VIOLATIONS OF THIS CHAPTER pursuant to this section shall be subject to~~ COMPLY WITH the NON-VERIFICATION AND CERTIFICATION REQUIREMENTS ~~provision of~~ SET FORTH IN A.R.S. §13-3899.

(C) The animal control officer is a member of the Police Department and, where applicable, shall function in accordance with Police Department policies and procedures.

§ 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties.

(A) The Town Council shall set an annual license fee, which shall be paid for each dog 3 THREE months of age or over that is kept, harbored or maintained withIN the boundaries of the Town for at least 30 ~~consecutive~~ days of the calendar year. License fees shall ~~become payable~~ SET AT the discretion of the Council BY RESOLUTION. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian.

(B) License fees shall be paid within ~~90~~30 days of acquisition of the dog AND/OR THE DOG BECOMES ELIGIBLE FOR LICENSING. A penalty shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this chapter.

(C) Durable license tags shall be provided. Each dog licensed under the terms of this chapter shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the town, the number of the license and the year for which it is valid. The license tag shall be attached to a collar or harness which shall be worn by the dog at all times except when the dog is confined on the owner's property or due to medical condition certified by a licensed veterinarian in which case the owner ~~will~~SHALL provide proof of said condition signed by a licensed veterinarian. Whenever a tag is lost, a duplicate tag shall be issued upon application and payment of a fee by the owner.

(D) License fees for dogs permanently incapable of procreation shall be at a lower rate. An application for a license for a dog incapable of procreation shall furnish adequate proof

satisfactory to the animal control officer that the dog has been surgically altered to be permanently incapable of procreation.

(E) After written notification from the animal control officer, the owner will have ~~15~~FIFTEEN days to obtain a license for a dog required to be licensed. It is ~~also~~ a violation of this chapter to counterfeit or attempt to counterfeit an official dog tag, or to remove a tag from any dog for the purpose of willful and malicious mischief or to place a dog tag upon a dog unless the tag was issued for that particular dog.

(F) Impounding fees shall be established by RESOLUTION OF the Council in conformance with current state fees for the impounding and maintenance of dogs of like species and circumstances.

~~Penalty, see section 90.99.~~

§ 90.09 Anti-Rabies Vaccinations: Vaccination and License Standards.

(A) Before a license is issued for any dog, the owner must present a rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued to a resident of Chino Valley shall be transmitted to the animal control officer on or before the 10th day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions and regulations of this chapter.

(B) The owner of a dog ~~3~~THREE months of age over which, for medical purposes, is unable to receive a rabies vaccination may request a waiver of the unaltered license fees. The owner may be granted this waiver only after supplying ~~to the animal control officer~~ a certified veterinarian recommendation from a licensed veterinarian TO THE ANIMAL CONTROL OFFICER.

(C) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, its owner presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state. The vaccination certificate must state the owner's name and address, and provide a description of the dog, its date of vaccination, and type, manufacturer and serial number of the vaccine used.

(D) The vaccination must be in conformity with the provisions and regulations of this chapter.

§ 90.10 Wearing License Tags.

(A) Any dog over the age of ~~3~~THREE months, THAT IS OFF THE OWNERS PROPERTY, shall ~~either be implanted with a permanent microchip device or~~ wear a collar or harness to which is attached a valid license tag pursuant to § 90.08 above.

B. EXCEPTIONS:

1. IF A DOG IS MICROCHIPPED AND THE OWNER INFORMATION ON FILE WITH THE MICROCHIP COMPANY IS CURRENT AND INCLUDES A VALID TELEPHONE NUMBER, AND THE OWNER OF THE DOG HAS IN HIS POSSESSION PROOF OF CURRENT RABIES VACCINATION THE DOG NEED NOT WEAR A LICENSE TAG.

2. Dogs used for the control of livestock, while being trained for hunting or dog obedience training, or while being exhibited or trained at a kennel club event, and ~~the dogs while~~ being transported to and from such events, need not wear a collar or harness with a valid license attached, provided they are properly vaccinated, licensed and controlled.

~~C. Penalty, see section 90.99-~~

§ 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites.

(A) A dog whether licensed, unlicensed or unvaccinated, that bites any person shall be confined and quarantined in an authorized animal control shelter ~~(as defined in section 90.02)~~, with the owner or responsible person liable for all fees and expenses. Upon the request of and at the expense of the owner or responsible person, the dog may be quarantined at a veterinary hospital, or at a location deemed appropriate by the animal control officer for a period of not less than ~~10~~TEN days.

(B) Whenever a dog bites any person, the incident shall be reported to the animal control officer or Police Department immediately by any person having direct knowledge. The officer shall be responsible for making reports of dog bites and other dog related incidents and procedures, including the disposal of dog remains and transportation of dogs to be scientifically examined.

(C) Any dog confined and quarantined pursuant to this chapter may be destroyed prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- (1) The dog shows clear clinical signs of rabies in accordance with state law; and
- (2) The owner or responsible person of the dog consents to its destruction.

(D) Any dog found without a tag, OR microchip device, ~~or tattoo~~, identifying its owner shall be deemed not owned.

(E) Dogs that expire or become ill during quarantine shall be examined by medical authorities to scientifically determine causes for the condition or death of the dog and if a

communicable disease is present. All associated fees will be paid by the owner or responsible person.

(F) In any case, where the dog is determined to be diseased, the owner or responsible person of the dog and the victim of the attack or bite shall be immediately notified so medical treatment may be administered as necessary. In cases where the victim is in or on a public place or lawfully in or on a private place at the time of the attack or bite, all associated reasonably necessary fees shall be paid by the owner or responsible person.

~~Penalty, see § 90.99~~

(G) THE OWNER OF ANY DOG THAT HAS BITTEN A PERSON SHALL DELIVER THE DOG TO THE CHINO VALLEY ANIMAL SHELTER AT THE REQUEST OF THE ANIMAL CONTROL OFFICER AND/OR POLICE OFFICER. IF THE OWNER REFUSES OR DOES NOT BRING THE DOG TO THE CHINO VALLEY ANIMAL SHELTER, AND THE DOG IS RETRIEVED BY THE POLICE DEPARTMENT OR ANIMAL CONTROL OFFICER, THE OWNER SHALL PAY THE TOWN A BITING DOG RETRIEVAL FEE, AS ESTABLISHED BY THE TOWN COUNCIL BY SEPARATE RESOLUTION. AS AN ALTERNATIVE TO DELIVERING THE DOG TO THE CHINO VALLEY ANIMAL SHELTER, THE OWNER MAY TIMELY TAKE THE DOG TO A LICENSED VETERINARIAN CLINIC WHERE IT SHALL REMAIN FOR THE QUARANTINE PERIOD AND, IN WHICH CASE, THE BITING DOG RETRIEVAL FEE SHALL NOT APPLY.

§ 90.12 ~~Nuisance Barking~~ EXCESSIVE BARKING; NUISANCE BEHAVIOR

(A) ~~No dog shall cause~~ IT SHALL BE UNLAWFUL FOR A DOG TO:

(1) CAUSE a disturbance TO THE PEACE AND ENJOYMENT OF ANY REASONABLE PERSON RESIDING WITHIN THE TOWN LIMITS by excessive barking or other noise making ~~that causes a disturbance~~, including, but not limited to, howling, screeching, yelping, or baying, ~~as specified in division (B) below~~;

(2) ENGAGE IN NUISANCE BEHAVIOR, WHICH SHALL INCLUDE DAMAGING, SOILING, DEFILING, OR DEFECATING ON PRIVATE PROPERTY OTHER THAN THE OWNER'S OR ON PUBLIC SIDEWALKS, TRAILS, OR RECREATION AREAS, UNLESS SUCH WASTE IS IMMEDIATELY REMOVED AND PROPERLY DISPOSED OF BY THE OWNER OR PERSON RESPONSIBLE.

(B) ~~ALL~~ANY persons desiring to pursue CIVIL OR criminal charges against any person ~~keeping or maintaining a dog that is in the habit of barking, howling or otherwise disturbing the peace and quiet of any reasonable persons residing within the town limits~~ FOR A VIOLATION OF SUBSECTION (A) ABOVE, ~~must~~SHALL complete a witness statement (provided by the animal control officer or other representative of the Police Department) and assist in the prosecution. ~~Penalty, see § 90.99.~~

§ 90.13 Unlawful Interference with ~~Animal Control~~ Officers

It is unlawful for any person to interfere with an animal control officer OR PEACE OFFICER in the performance of his or her duties. ~~Penalty, see section 90.99~~

§ 90.14 ~~Dangerous~~KEEPING OF AGGRESSIVE Dogs.

It is unlawful for an owner to have a ~~a dangerous~~AN AGGRESSIVE dog within the Town limits without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

(A) An animal control officer shall issue a certification ~~one~~ of registration to the owner of such dog if the owner presents to the animal control officer sufficient evidence of:

(1) A proper enclosure for a ~~a dangerous~~THE AGGRESSIVE dog to confine the ~~dangerous~~AGGRESSIVE dog, and the posting of the premises with a clearly visible warning sign that there is a ~~a dangerous~~AN AGGRESSIVE dog on the property. ~~In addition, the owner shall conspicuously display a~~THE sign with ~~SHALL INCLUDE~~ a warning symbol that informs children of the presence of a ~~dangerous~~AN AGGRESSIVE dog.

(2) A surety bond issued by a surety insurer, in ~~the~~A form acceptable to the Town Prosecutor in a sum of no less than \$100,000.

(3) A policy of liability insurance, such as homeowner's insurance, issued by a qualified insurer, in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the ~~dangerous~~AGGRESSIVE dog.

(B) It is unlawful for the owner of a ~~a dangerous~~AN AGGRESSIVE dog to permit the dog to be outside of the proper enclosure unless the dog is under control of the owner or a responsible person AND IS RESTRAINED BY A LEASH AND MUZZLE.

(C) A dog shall not be declared to be ~~dangerous~~AGGRESSIVE if the bite or attack was deemed accidental or with reasonable cause, or if the threat or damage was sustained by a person who, at that time, was committing a willful trespass or other criminal act upon the premises occupied by the owner of OR PERSON RESPONSIBLE FOR the dog, or was tormenting, abusing or assaulting the dog, or has in the past been observed or reported to have tormented, abused or assaulted the dog, or committing or attempting commit a crime.

(D) Any ~~dangerous~~AGGRESSIVE dog shall be immediately confiscated by an animal control officer if:

(1) The dog is not validly registered ~~under division~~AS REQUIRED BY SUBSECTION (A) above;

(2) The owner does not secure the REQUIRED liability insurance coverage ~~required under this section~~;

(3) The dog is not maintained in the proper enclosure;

(4) The dog is outside the dwelling of the owner, or outside of the proper enclosure and not under control of the owner or responsible person, IN WHICH CASE, ~~—In addition,~~ the owner or responsible person shall be guilty of a Class 1 misdemeanor.

(5) The dog was previously found to be a ~~dangerous~~ AN AGGRESSIVE dog under this chapter and attacks or bites a person or another domestic dog. In this event, the owner or responsible person ~~is subject to~~ SHALL REASONABLY ACT TO protect the public or other dogs. In addition, the aggressive dog shall be placed in quarantine for the proper length of time and thereafter, upon order of the court, shall be destroyed in an expeditious and humane manner.

(6) The dog aggressively attacks and causes severe injury or death of any human, regardless of whether the dog has previously been declared potentially dangerous, ~~or dangerous,~~ OR AGGRESSIVE. In addition, the dog shall immediately be placed in quarantine for the proper length of time and thereafter, upon order of the court, shall be destroyed in an expeditious and humane manner. ~~In addition,~~ The owner or responsible person shall be guilty of a Class 1 Misdemeanor.

(E) Notwithstanding the requirements set forth in paragraphs (A)(1) through (A)(3) above, the Town shall not be liable for the owner's failure to secure and maintain a proper enclosure, a surety bond, or a policy of liability insurance.

(F) FOR PURPOSES OF THIS SECTION "PROPER ENCLOSURE" SHALL MEAN THE SECURE CONFINEMENT, EITHER INDOORS OR IN A SECURELY ENCLOSED AND LOCKED PEN OR STRUCTURE WITH SECURE SIDES, TOP, AND FLOOR, DESIGNED TO PREVENT THE DOG FROM ESCAPING AND THE ENTRY OF YOUNG CHILDREN. THE DOG'S HEAD SHALL NOT BE ABLE TO PROTRUDE OUT OF THE ENCLOSURE. THE ENCLOSURE SHALL PROTECT THE DOG FROM THE ELEMENTS AND ALLOW FOR THE PROVISION OF FRESH FOOD AND WATER AND AN EXERCISE AREA IN ORDER TO MAINTAIN THE DOG IN GOOD HEALTH.

§ 90.15 Adequate Exercise Space for Dogs

(A) Every enclosure for a dog shall be constructed in a manner to minimize the risk of injury to the dog and shall encompass sufficient useable space to keep the dog in good condition.

(B) It shall be unlawful for the owner or responsible person of a dog, WHETHER PRESENT OR NOT, to INTENTIONALLY, KNOWINGLY OR RECKLESSLY secure ~~the~~ A dog by means of a tie-out, including but not limited to, chains, leashes, ropes, wire or cable attached to a swivel, pulley system or fixed point, ~~unless the dog is under the direct supervision of the owner~~ THAT DOES EITHER OF THE FOLLOWING:

(1) PREVENTS OR RESULTS IN DENYING THE DOG ACCESS TO WATER OR SHELTER;

(2) INFLECTS INJURY OR DEATH UPON THE DOG; OR

(3) RESULTS IN OR FACILITATES INJURY OR DEATH TO THE DOG.

Penalty, see 90.99

§ 90.16 ANIMAL CRUELTY

(A) A PERSON COMMITS CRUELTY TO ANIMALS IF THE PERSON DOES ANY OF THE FOLLOWING:

(1) INTENTIONALLY, KNOWINGLY OR RECKLESSLY SUBJECTS ANY ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL TO CRUEL NEGLECT OR ABANDONMENT.

(2) INTENTIONALLY, KNOWINGLY OR RECKLESSLY FAILS TO PROVIDE MEDICAL ATTENTION NECESSARY TO PREVENT PROTRACTED SUFFERING TO ANY ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL.

(3) INTENTIONALLY, KNOWINGLY OR RECKLESSLY INFLECTS UNNECESSARY PHYSICAL INJURY TO ANY ANIMAL.

(4) RECKLESSLY SUBJECTS ANY ANIMAL TO CRUEL MISTREATMENT.

(5) INTENTIONALLY, KNOWINGLY OR RECKLESSLY KILLS ANY ANIMAL UNDER THE CUSTODY OR CONTROL OF ANOTHER PERSON WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

(6) RECKLESSLY INTERFERES WITH, KILLS OR HARMS A WORKING OR SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

(7) INTENTIONALLY, KNOWINGLY OR RECKLESSLY LEAVES AN ANIMAL UNATTENDED AND CONFINED IN A MOTOR VEHICLE AND PHYSICAL INJURY TO OR DEATH OF THE ANIMAL IS LIKELY TO RESULT.

(8) INTENTIONALLY OR KNOWINGLY SUBJECTS ANY DOG OR CAT UNDER THE PERSON'S CUSTODY OR CONTROL TO CRUEL NEGLECT OR ABANDONMENT WHICH RESULTS IN SERIOUS PHYSICAL INJURY TO THE ANIMAL.

(9) INTENTIONALLY OR KNOWINGLY SUBJECTS ANY ANIMAL TO CRUEL MISTREATMENT.

(10) INTENTIONALLY OR KNOWINGLY INTERFERES WITH, KILLS OR HARMS A WORKING OR SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

(11) INTENTIONALLY OR KNOWINGLY ALLOWS ANY DOG THAT IS UNDER THE PERSON'S CUSTODY OR CONTROL TO INTERFERE WITH, KILL OR CAUSE PHYSICAL INJURY TO A SERVICE ANIMAL.

(12) RECKLESSLY ALLOWS ANY DOG THAT IS UNDER THE PERSON'S CUSTODY OR CONTROL TO INTERFERE WITH, KILL OR CAUSE PHYSICAL INJURY TO A SERVICE ANIMAL.

(13) INTENTIONALLY OR KNOWINGLY OBTAINS OR EXERTS UNAUTHORIZED CONTROL OVER A SERVICE ANIMAL WITH THE INTENT TO DEPRIVE THE SERVICE ANIMAL HANDLER OF THE SERVICE ANIMAL.

(B) IT IS A DEFENSE TO SUBSECTION A OF THIS SECTION IF:

(1) ANY PERSON EXPOSES POISON TO BE TAKEN BY A DOG THAT HAS KILLED OR WOUNDED LIVESTOCK OR POISON TO BE TAKEN BY PREDATORY ANIMALS ON PREMISES OWNED, LEASED OR CONTROLLED BY THE PERSON FOR THE PURPOSE OF PROTECTING THE PERSON OR THE PERSON'S LIVESTOCK OR POULTRY, THE TREATED PROPERTY IS KEPT POSTED BY THE PERSON WHO AUTHORIZED OR PERFORMED THE TREATMENT UNTIL THE POISON HAS BEEN REMOVED AND THE POISON IS REMOVED BY THE PERSON EXPOSING THE POISON AFTER THE THREAT TO THE PERSON OR THE PERSON'S LIVESTOCK OR POULTRY HAS CEASED TO EXIST. THE POSTING REQUIRED SHALL PROVIDE ADEQUATE WARNING TO PERSONS WHO ENTER THE PROPERTY BY THE POINT OR POINTS OF NORMAL ENTRY. THE WARNING NOTICE THAT IS POSTED SHALL BE READABLE AT A DISTANCE OF FIFTY FEET, SHALL CONTAIN A POISON STATEMENT AND SYMBOL, AND SHALL STATE THE WORD "DANGER" OR "WARNING".

(2) ANY PERSON USES POISON IN AND IMMEDIATELY AROUND BUILDINGS OWNED, LEASED OR CONTROLLED BY THE PERSON FOR THE PURPOSE OF CONTROLLING WILD AND DOMESTIC RODENTS AS OTHERWISE ALLOWED BY THE LAWS OF THE STATE, EXCLUDING ANY FUR-BEARING ANIMALS AS DEFINED IN SECTION 17-101 OF THE ARIZONA REVISED STATUTES.

(C) THIS SECTION DOES NOT PROHIBIT OR RESTRICT:

(1) THE TAKING OF WILDLIFE OR OTHER ACTIVITIES PERMITTED BY OR PURSUANT TO ARIZONA REVISED STATUTES, TITLE 17.

(2) ACTIVITIES PERMITTED BY OR PURSUANT TO ARIZONA REVISED STATUTES, TITLE 3.

(3) ACTIVITIES REGULATED BY THE ARIZONA GAME AND FISH DEPARTMENT OR THE ARIZONA DEPARTMENT OF AGRICULTURE.

(D) A PEACE OFFICER, ANIMAL CONTROL OFFICER OR ANIMAL CONTROL DEPUTY MAY USE REASONABLE FORCE TO OPEN A VEHICLE TO RESCUE AN ANIMAL IF THE ANIMAL IS LEFT IN THE VEHICLE AS PRESCRIBED IN SUBSECTION (A), PARAGRAPH (7) OF THIS SECTION.

§ 90.99 VIOLATION; PENALTY.

(A) Any person CONVICTED OF violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor, PUNISHABLE AS SET FORTH IN § 10.99 OF THIS CODE.

(B) Any person CONVICTED OF violating any provisions of sections 90.03, 90.04, ~~90.05~~, 90.08, 90.10, 90.12(B), 90.13, or 90.15 of this Chapter shall be guilty of a Class 3 misdemeanor, PUNISHABLE BY A FINE NOT TO EXCEED \$500, IMPRISONMENT FOR A PERIOD NOT TO EXCEED 30 DAYS, OR BY ANY COMBINATION OF SUCH FINE AND IMPRISONMENT.

(C) ANY PERSON CONVICTED OF VIOLATING ANY PROVISION OF SECTION 90.12(A) OR § 90.05 THAT DOES NOT INVOLVE BITING OR ATTACKING SHALL BE GUILTY OF A CIVIL OFFENSE PUNISHABLE AS SET FORTH IN § 10.99 OF THIS CODE AND SUBJECT TO THE HABITUAL OFFENDER PROVISIONS SET FORTH IN SECTION 10.99(D).

(D) ANY PERSON CONVICTED OF VIOLATING ANY PROVISION OF § 90.05 THAT INVOLVES BITING OR ATTACKING SHALL BE GUILTY OF A CLASS 3 MISDEMEANOR, PUNISHABLE AS SET FORTH IN SUBSECTION (B) OF THIS SECTION.

(E) ANY FINE, FEE OR MONETARY RESTITUTION AMOUNT ASSESSED FOR LOSS OF PROPERTY DUE TO THE UNLAWFUL ACTIONS OF A DOG MAY BE ORDERED BY THE COURT AT THE TIME OF SENTENCING IF PAYMENT WAS NOT RECEIVED PRIOR TO SENTENCING.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.b.

Meeting Date: 09/12/2017
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Action Item - Presentation
Estimated length 10 minutes
of staff presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 17-833 amending Town Code Title VII Traffic Code, Chapter 72 Parking Rules by (1) deleting Sections 72.02 Blocking Traffic, 72.03 Parking Adjacent to Schools, 72.05 Parking Vehicles on sidewalks, and 72.07 Restricted Parking Areas for the Handicapped; (2) amending Sections 72.01 Method of Parking, 72.04 Authority to Erect Signs, and 72.06 Abandoned Vehicles, and (3) adding new Sections 72.2 Presumption in Reference to Illegal Parking, 72.03 Parking, Standing, Stopping Prohibitions, 72.05 Removal of vehicles in Violation of Parking Restrictions, all as set forth in "Chapter 72 Parking Rules Amendments, dated September 12, 2017", which is being adopted by reference. (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Motion to approve Ordinance No. 17-833 amending the Town Code, Title VII Traffic Code, Chapter 72 Parking Rules, as set forth in "Chapter 72 Parking Rules Amendments, dated September 12, 2017", which is adopted by reference.

SITUATION AND ANALYSIS:

Issue Statement

Currently there is no Town ordinance enforceable by law enforcement that authorizes the Police Department to enforce Fire Zone restrictions and parking related issues with two exceptions: Handicapped parking and Parking adjacent to schools. In preparing a Code Amendment to provide this authority, staff discovered conflicting, confusing, and duplicative provisions in Chapter 72.

Applicable "Policy"

N/A

Satisfaction of "Policy"

N/A

Summary of Issues and Staff Rationale

Currently the Town's Police department is not authorized to enforce parking in fire zones and no parking zones on public (government) property. This ordinance would allow us to enforce fire zones in the Town of Chino Valley, as well as no parking postings on public (government) property. In order to address the duplicative, conflicting, and ambiguous provisions of the Town's parking rules, the Town Attorney, working with Lieutenant Schaan, prepared the new ordinance reorganizing and simplifying this Chapter of the Town Code. We added a presumption in Section 72.02 that in a prosecution charging a parking violation, where there is proof that a violation of the chapter occurred and proof that the vehicle in violation was owned by a particular owner, it is prima facie presumption in evidence that the owner was the person who parked the vehicle in violation of the code. This will make prosecution easier for the Town. For the defendant, the presumption is rebuttable.

Section 72.01 Method of Parking was amended to combine the provisions allowing the Town Council, upon recommendation of the Police Chief to approve angle parking and parking on the left-hand curb on a one-way street.

Section 72.03 clearly and concisely sets forth parking that is prohibited in the Town instead of the prior version that had separate sections for each violation and did not include some of the violations that were included in State law, like parking in a crosswalk. They were violations that were citable by the Town, but required officers to cite to State law. With this Amendment, the officers can cite directly to the Town Code and Town penalties may be applied.

Section 72.04 authorizes the Town to erect signs and paint curbs to indicate parking restrictions.

Section 72.05 authorizes the Police Department to move any vehicles parked in violation of the Chapter to a place where parking is permitted, at the expense of the vehicle owner.

Section 72.06 is amended for clarity.

Findings of Fact

Examples of fire zone parking violations: Safeway, schools and other commercial locations. We also deal with improper/illegal parking on Town property such a parks and Town facilities.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 17-833

Ordinance 17-833 - Exhibit being adopted

ORDINANCE NO. 17-833

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "CHAPTER 72 PARKING RULES AMENDMENTS, DATED SEPTEMBER 12, 2017," TO BE A PUBLIC RECORD; ADOPTING "CHAPTER 72 PARKING RULES AMENDMENTS, DATED SEPTEMBER 12, 2107," BY REFERENCE; AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE VII TRAFFIC CODE, CHAPTER 72 PARKING RULES AS FOLLOWS: DELETING §§ 72.02 BLOCKING TRAFFIC, 72.03 PARKING ADJACENT TO SCHOOLS, 72.05 PARKING VEHICLES ON SIDEWALKS, AND 72.07 RESTRICTED PARKING AREAS FOR THE HANDICAPPED; AMENDING §§ 72.01 METHOD OF PARKING; 72.04 AUTHORITY TO ERECT SIGNS; AND 72.06 ABANDONED VEHICLES; AND ADDING NEW §§ 72.02 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING, 72.03 PARKING, STANDING, STOPPING PROHIBITIONS, 72.05 REMOVAL OF VEHICLES IN VIOLATION OF PARKING RESTRICTIONS, ALL RELATED TO CLARIFYING THE TOWN'S PARKING RESTRICTIONS, ADDING A PRESUMPTION THAT THE OWNER OF THE VEHICLE IS RESPONSIBLE FOR PARKING VIOLATIONS, PROVIDING FOR DESIGNATION AND ENFORCEMENT OF FIRE ZONE RESTRICTIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

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

Section 1. In General.

1. That certain document entitled "Chapter 72 Parking Rules Amendments, dated September 12, 2017" is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy maintained in compliance with Arizona Revised Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection.

2. The Town Code of Chino Valley, Arizona, Title VII Traffic Code, Chapter 72 Parking Rules is hereby amended as follows: (1) Deleting Sections 72.02 Blocking Traffic, 72.03 Parking Adjacent to Schools, 72.05 Parking Vehicles on Sidewalks, and 72.07 Restricted Parking Areas for the Handicapped; (2) Amending Sections 72.01 Method of Parking; 72.04 Authority to Erect Signs, and 72.06 Abandoned Vehicles; and (3) Adding new Sections 72.02 Presumption in Reference to Illegal Parking, 72.03 Parking, Standing, Stopping Prohibitions, 72.05 Removal of Vehicles in Violation of Parking Restrictions, all as set forth in that document entitled "Chapter 72 Parking Rules Amendments, dated September 12, 2017", which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Providing for Severability.

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

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(B) of the Town Code of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of September, 2017 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this ____ day of September, 2017.

Darryl Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney
Gust Rosenfeld, PLC

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2017.

Jami C. Lewis, Town Clerk

Chapter 72 Parking Rules Amendments

September 12, 2017

The Town Code of the Town of Chino Valley, Arizona, Title VII Traffic Code, Chapter 72 Parking Rules, is amended by deleting Sections 72.02 Blocking Traffic, 72.03 Parking Adjacent to Schools, 72.05 Parking Vehicles on Sidewalks, and 72.07 Restricted Parking Areas for the Handicapped in their entirety.

The Town Code of the Town of Chino Valley, Arizona, Title VII Traffic Code, Chapter 72 Parking Rules, is amended by amending Sections 72.01 Method of Parking, 72.04 Authority to Erect Signs, and 72.06 Abandoned Vehicles; and adding new Sections 72.02 Presumption in Reference to Illegal Parking, 72.03 Parking, Standing, Stopping Prohibitions, 72.05 Removal of Vehicles in Violation of Parking Restrictions to read as follows (additions shown in ALL CAPS, deletions shown in ~~strikethrough~~):

§ 72.01 Method of Parking.

(A) ~~Except as otherwise provided by resolution of the Council,~~ Every vehicle stopped or parked upon a ~~roadway~~ PUBLIC STREET where there are adjacent curbs shall be so stopped or parked ~~with~~ SUCH THAT the right hand wheels of the vehicle ARE parallel to and within 18 inches of the right hand curb.

Penalty, see §10.99

(B) UPON RECOMMENDATION OF THE POLICE CHIEF AND APPROVAL BY TOWN COUNCIL, THE FOLLOWING ALTERNATIVE METHODS OF PARKING MAY BE PERMITTED:

(1) ON THE LEFT HAND SIDE OF A ONE-WAY STREET. IF PERMITTED, ANY VEHICLE PARKED ALONG THE LEFT HAND SIDE OF THE STREET SHALL BE PARKED SO THAT THE LEFT HAND WHEELS ARE PARALLEL TO AND WITHIN 18 INCHES OF THE LEFT HAND CURB.

(2) PARKING AT AN ANGLE TO THE CURB.

§ 72.02 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

IN ANY PROSECUTION CHARGING A VIOLATION OF THIS CHAPTER, PROOF THAT THE PARTICULAR VEHICLE DESCRIBED IN THE COMPLAINT WAS PARKED IN VIOLATION OF THIS CHAPTER, TOGETHER WITH PROOF THAT THE DEFENDANT NAMED IN THE COMPLAINT WAS THE REGISTERED OWNER OF THE VEHICLE AT THE TIME OF SUCH PARKING, SHALL CONSTITUTE IN EVIDENCE A PRIMA FACIE PRESUMPTION THAT THE REGISTERED OWNER OF SUCH VEHICLE WAS THE PERSON WHO PARKED OR PLACED THE VEHICLE AT THE POINT WHERE, AND FOR THE TIME DURING WHICH, SUCH VIOLATION OCCURRED.

§ 72.03 PARKING, STANDING, STOPPING PROHIBITIONS.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO PARK, STOP, STAND, OR UNLOAD A VEHICLE IN VIOLATION OF ANY SIGN, CURB MARKING, OR OTHER NOTICE ERECTED ON GOVERNMENT OWNED PROPERTY THAT INDICATES NO PARKING, STOPPING, STANDING, OR UNLOADING, OR ANY COMBINATION THEREOF, EXCEPT WHEN NECESSARY TO AVOID CONFLICT WITH OTHER TRAFFIC.

(B) IN ADDITION TO THE RESTRICTIONS ON PARKING SET FORTH IN A.R.S. § 28-873, IT SHALL BE UNLAWFUL FOR ANY PERSON TO STOP, STAND, OR PARK ANY VEHICLE IN ANY OF THE FOLLOWING MANNERS OR PLACES:

(1) SO AS TO LEAVE AVAILABLE LESS THAN 20 FEET OF THE WIDTH OF THE ROADWAY FOR THE FREE MOVEMENT OF VEHICULAR TRAFFIC.

(2) SO AS TO BLOCK OR OBSTRUCT ANY ALLEYWAY.

(3) UPON OR IN FRONT OF ANOTHER PERSON'S PRIVATE ROAD OR DRIVEWAY.

(4) ON THE SIDE OF THE STREET ADJACENT TO ANY SCHOOL PROPERTY WHERE MARKED FOR NO PARKING, STANDING OR STOPPING.

(5) ON A SIDEWALK.

(6) UPON ANY AREA, PARKING LOT, ROADWAY, OR PORTION THEREOF, WHETHER PUBLIC OR PRIVATE PROPERTY, DESIGNATED BY SIGNS OR CURB PAINTING AS A FIRE ZONE.

(7) WITHIN AN INTERSECTION.

(8) WITHIN 15 FEET OF A FIRE HYDRANT.

(9) ON A CROSSWALK.

(10) WITHIN 20 FEET OF A CROSSWALK AT AN INTERSECTION.

(11) WITHIN 30 FEET ON THE APPROACH TO ANY FLASHING BEACON, STOP SIGN, YIELD SIGN OR TRAFFIC CONTROL SIGNAL LOCATED AT THE SIDE OF A STREET.

(12) BETWEEN A SAFETY ZONE AND THE ADJACENT CURB OR WITHIN 30 FEET OF POINTS ON THE CURB IMMEDIATELY OPPOSITE THE ENDS OF A SAFETY ZONE.

(13) WITHIN 50 FEET OF THE NEAREST RAIL OR RAILROAD CROSSING OR WITHIN EIGHT FEET SIX INCHES OF THE CENTER OF ANY RAILROAD TRACK, EXCEPT WHILE A MOTOR VEHICLE WITH A MOTIVE POWER ATTACHED IS LOADING OR UNLOADING RAILROAD CARS.

(14) WITHIN 20 FEET OF THE DRIVEWAY ENTRANCE TO A FIRE STATION AND ON THE SIDE OF A STREET OPPOSITE THE ENTRANCE TO ANY FIRE STATION WITHIN 75 FEET OF THE ENTRANCE WHEN PROPERLY POSTED.

(15) ALONGSIDE OR OPPOSITE A STREET EXCAVATION OR OBSTRUCTION WHEN STOPPING, STANDING OR PARKING WOULD OBSTRUCT TRAFFIC.

(16) ON THE ROADWAY SIDE OF A VEHICLE STOPPED OR PARKED AT THE EDGE OR CURB OF A STREET.

(17) ON A BRIDGE OR OTHER ELEVATED STRUCTURE ON A HIGHWAY OR WITHIN A HIGHWAY TUNNEL.

(18) IN A PARKING SPACE DESIGNATED AND MARKED FOR USE BY PERSONS WITH PHYSICAL DISABILITIES, UNLESS THE VEHICLE IS TRANSPORTING A PERSON WHO HAS BEEN ISSUED A VALID PLACARD OR INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES AND EITHER (1) THE VEHICLE DISPLAYS THE VALID PERMANENT DISABILITY OR TEMPORARY DISABILITY REMOVABLE WINDSHIELD PLACARD; OR (2) THE VEHICLE DISPLAYS INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES CURRENTLY REGISTERED TO THE VEHICLE, AS PROVIDED IN A.R.S. § 28-884.

(C) THE STOPPING, STANDING, AND PARKING RESTRICTIONS PROVIDED IN THIS CHAPTER DO NOT APPLY TO A POLICE OR PEACE OFFICER OR EMERGENCY VEHICLES WHEN SUCH ACTION IS FOR THE PURPOSE OF THE PERFORMANCE OF A LAW ENFORCEMENT DUTY OR PUBLIC SAFETY EMERGENCY ACTIVITY.

§ 72.04 Authority To Erect Signs AND PROVIDE OTHER MARKINGS TO INDICATE ~~Restricting~~ Parking RESTRICTIONS.

The Public Works Department AFTER CONSULTATION with ~~input from~~ the Police Chief, ~~upon approval by the Council~~, may erect signs, PAINT CURBS, AND PROVIDE SUCH OTHER NOTICE AS MAY BE APPROPRIATE AND EXPEDIENT TO INDICATE RESTRICTIONS, LIMITATIONS, AND PROHIBITIONS ON THE PARKING, STANDING, STOPPING, LOADING AND UNLOADING OF VEHICLES ON STREETS WITHIN THE TOWN. ~~requiring parking at an angle to the curb, allowing parking on the left hand curb on 1-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary. Parking restrictions shall not become effective until such restricted parking area is specifically designated by resolution of the Council and signs have been erected as~~

~~authorized by this section. No person shall stop or stand a vehicle in disobedience to such parking restrictions.~~

§ 72.05 REMOVAL OF VEHICLES IN VIOLATION OF PARKING RESTRICTIONS.

ANY VEHICLE PARKED IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER MAY BE MOVED BY AND UNDER THE DIRECTION OF AN OFFICER AND AT THE EXPENSE OF THE OWNER INTO A PLACE WHERE PARKING IS PERMITTED.

§ 72.06 Abandoned Vehicles.

Any vehicle left unattended for more than 48 hours within the right-of-way of a ~~highway, road, street or other~~ public STREET thoroughfare or on any sidewalk is declared to be an abandoned vehicle and the police ~~shall forthwith~~ MAY remove THE VEHICLE OR CAUSE IT TO BE REMOVED ~~the same from the sidewalks or streets of the town~~ at the expense of the owner of the vehicle.
~~Penalty, see § 10.99~~



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.c.

Meeting Date: 09/12/2017

Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Action Item

Estimated length 5 minutes

of staff presentation:

Physical location of item: Located approximately .25 miles southwest of North Road 1 West and West Road 2 North intersection at 1395 W Road 2 North

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 17-835, approving a zone change from AR-5 (Agricultural Residential-5 Acre Minimum) to SR-2.5 (Single Family Residential-2.5 Acre Minimum) for approximately 5 acres of real property generally located approximately .25 miles southwest on North Road 1 West and West Road 2 North intersection, addressed as 1395 W Road 2 North, and identified as Yavapai County Assessor's Parcel Number 306-21-165. (Owner/Applicant Jay Parnell)(Alex Lerma, Associate Planner)

RECOMMENDED ACTION:

Adopt Ordinance No. 17-835, approving a zone change from AR-5 to SR-2.5 for approximately 5 acres of real property located at 1395 W. Road 2 North (Assessor's Parcel Number 306-21-165).

SITUATION AND ANALYSIS:

Issue Statement

Applicable "Policy"

See attached Staff Report

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Parnell Staff Report

Parnell Ordinance No. 17-835



STAFF REPORT

APPLICATION SUMMARY

File Number: ZC17-000008

Assessor's Parcel Number: 306-21-165

Site Location: Located approximately .25 mile southwest of North Road 1 West and West Road 2 North intersection at 1395 W Road 2 North.

Applicant: Jay Parnell

Property Owner: Jay Parnell

Request: Request for zone change from AR-5 (Agricultural Residential- 5 acres minimum) to SR-2.5 (Single Family Residential 2.5 acre minimum).

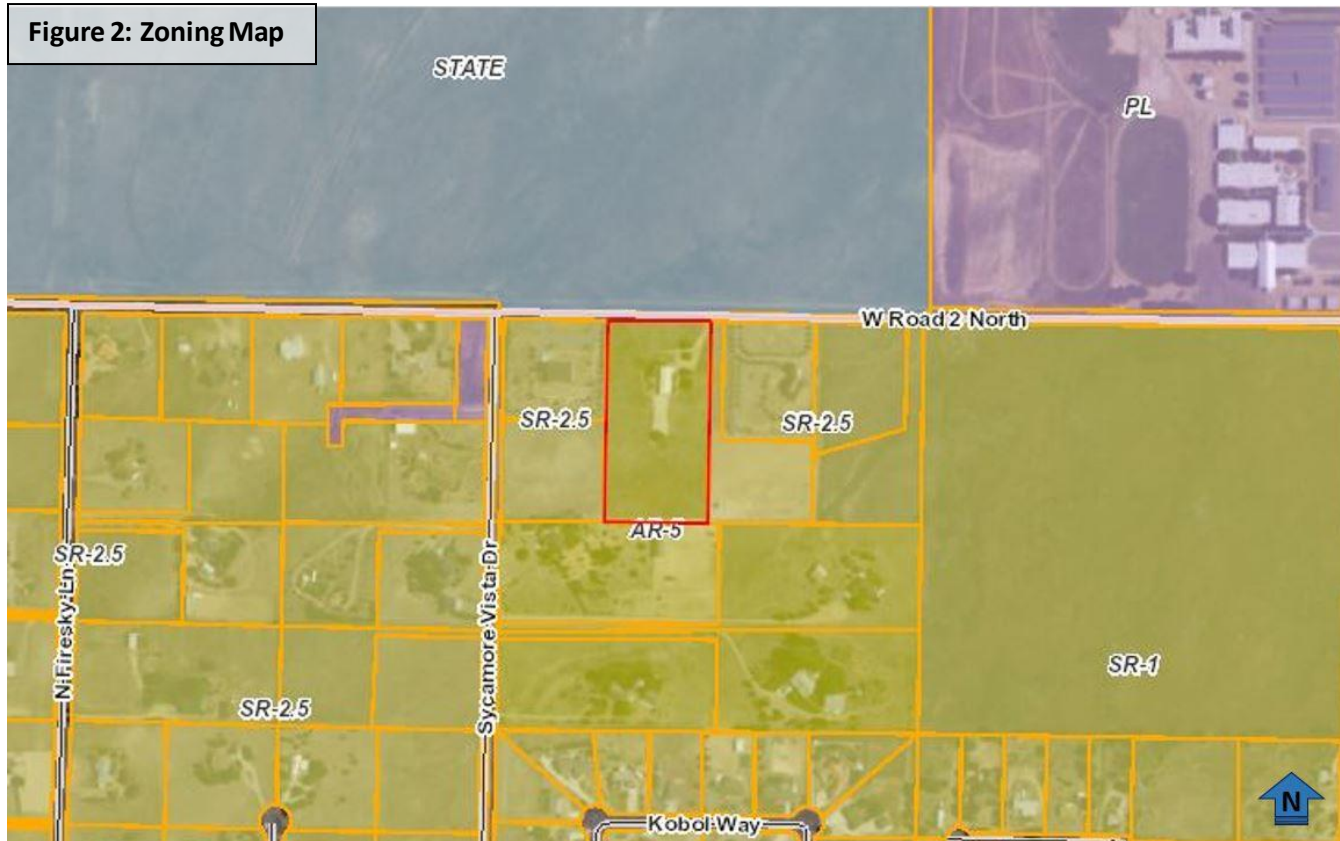
SITE DATA

Existing Zoning	AR-5 (Agricultural Residential 5 acres minimum)
Lot Size	5 acres
General Plan Land Use Designation	Medium Density Residential
Existing Land Use	Residence

BACKGROUND

SITE DESCRIPTION

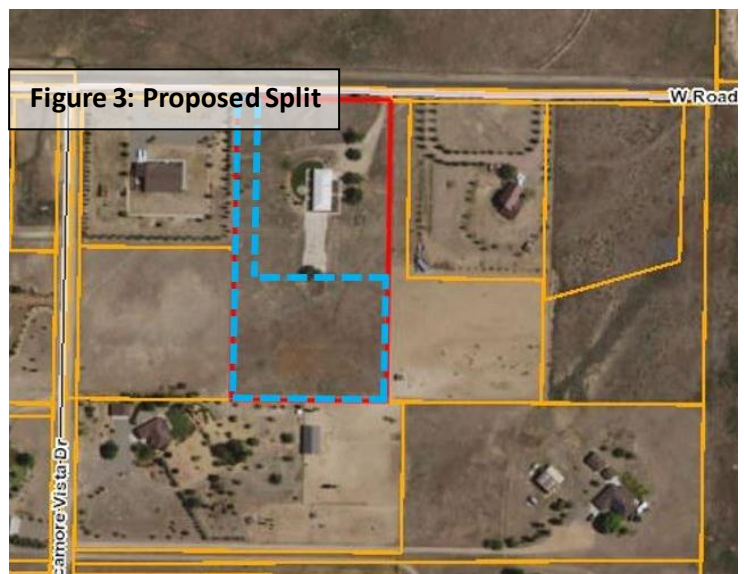
The subject parcel is generally located approximately .25 miles northwest of North Road 1 West and West Road 2 North intersection at 1395 W Road 2 North. The property is currently zoned AR-5 (Agricultural Residential- 5 acres minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel has a Land Use Designation of Medium Density Residential under the Town of Chino Valley General Plan Potential Land Use Map. The site currently has a residence. **See Figure 1**

Figure 2: Zoning Map

PROJECT DESCRIPTION

The applicant is requesting approval of a zoning change for the current AR-5 (Agricultural Residential-5 acre minimum) to SR-2.5 (Single Family Residential-2.5 acre minimum) in order split the current parcel into two (2) 2.5 acre parcels. The applicant's proposal of the split will create a flag lot in the rear. **See Figure 3**

Staff has discussed the limitations of a lot split with the applicant and directed him to the UDO (Unified Development Ordinance) for the provision of creating a flag shaped or panhandle lot by a lot split. Section 4.5.10.b. states "the entire flagpole/panhandle portion of the lot shall be at least fifty (50) feet in with," furthermore Section 4.5.10.d. states "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



STAFF ANALYSIS AND RECOMMENDATION**PUBLIC REVIEW & HEARING PROCESS**

The applicant notified all property owners within a 300’ radius by letter and signage was placed on the property notifying the general public of a neighborhood meeting in order to discuss the applicant’s intentions to rezone. The neighborhood meeting was held on July 5, 2017. At said meeting both neighbors directly east and west of the property attended. Both neighbors were curious to know in what way the applicant was intending to split the parcel if the requested zoning was approved. A sketch plane was presented to both neighbors indicating the proposed lot split. The neighbor to the east of the property had concerns about dust control since access to the proposed back lot would be fronting on his property. The neighbor suggested that gravel or some alternative be applied to the access road in order to control the dust. On August 11 the items went before the Planning and Zoning Commission, at said meeting the Commission discussed the issue of dust control and that they would not have it as a requirement or a standard for property owners creating flag lots.

STAFF ANALYSIS

The applicant’s request for a zone change is better suited with SR-2.5 residential district. The Single Family Residential-2.5 Acre Minimum district will reflect the same zoning as its surrounding to the east and west. The requested zoning change will have minimal impact on the surrounding properties and will keep the land use of a single family residences.

STAFF RECOMMENDATION

Staff recommends approval of a zone change of parcels 306-21-165 from the current zoning of AR-5 (Agricultural Residential- 5 acres minimum) to the proposed SR-2.5 (Single Family Residential- 2.5 acres minimum).

ORDINANCE NO. 17-835

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 5 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1395 WEST ROAD 2 NORTH, APPROXIMATELY ¼ MILE SOUTHWEST OF THE INTERSECTION OF NORTH ROAD 1 WEST AND WEST ROAD 2 NORTH (ALSO KNOWN AS YAVAPAI COUNTY ASSESSOR'S PARCEL NO. 306-21-165), FROM AR-5 (AGRICULTURAL RESIDENTIAL - 5 ACRE MINIMUM) ZONING DISTRICT TO SR-2.5 (SINGLE FAMILY RESIDENTIAL - 2.5 ACRE MINIMUM) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

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

WHEREAS, the Planning and Zoning Commission, by a unanimous vote of 7 ayes and 0 nays recommended approval of the rezoning; 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. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 5 acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, from AR-5 (Agricultural Residential – 5 acre Minimum) Zoning District to SR-2.5 (Single Family Residential – 2.5 acre Minimum) Zoning District.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

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, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 12th day of September, 2017 by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this 12th day of September, 2017.

Darryl Croft, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Phyllis L. N. Smiley, Town Attorney
Gust Rosenfeld, PLC

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-835 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 12th DAY OF SEPTEMBER, 2017, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 20__.

Jami C. Lewis, Town Clerk

EXHIBIT 1

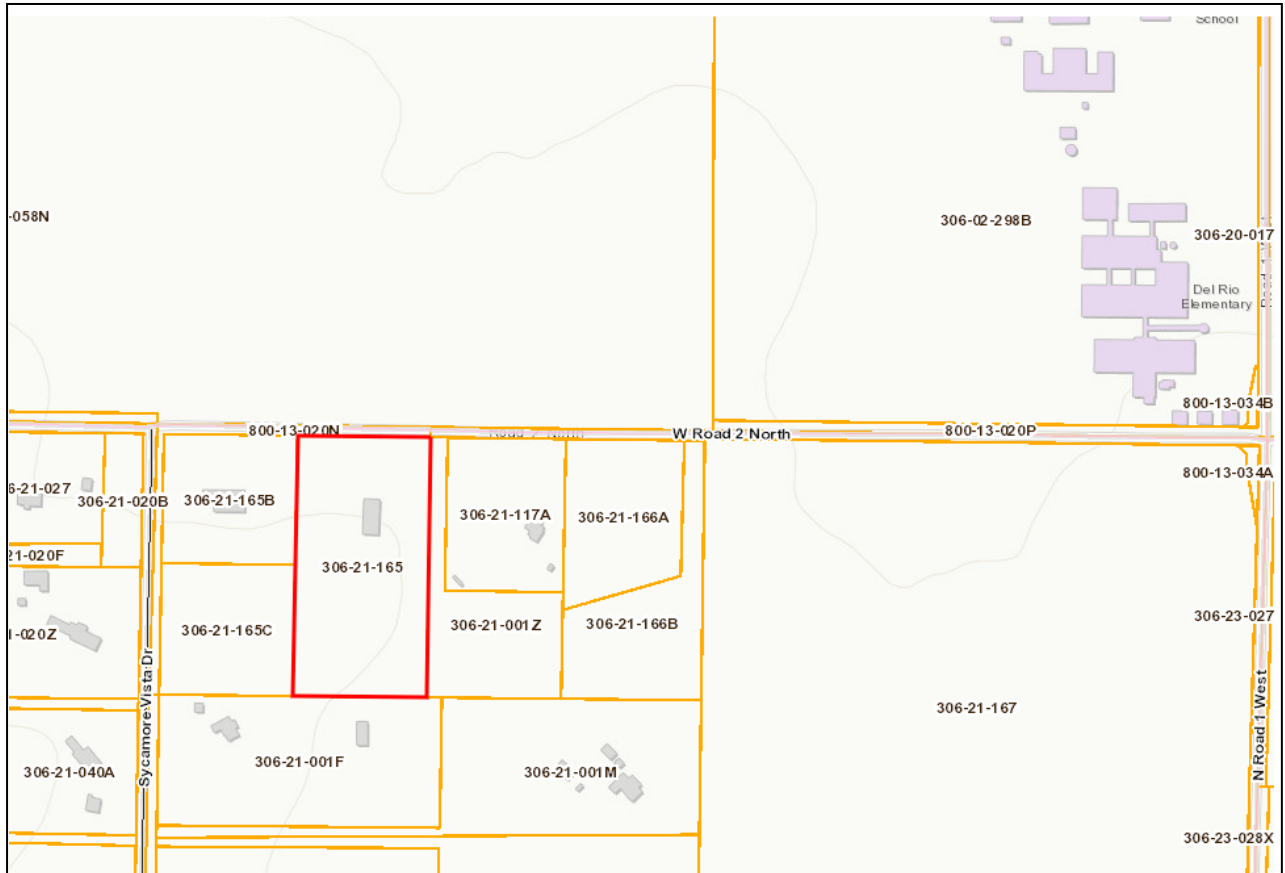
LEGAL DESCRIPTION

The East Half of the West Half of the North Half of the Northwest Quarter of the Northeast Quarter of Section 21, Township 16 North, Range 2 west of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXCEPT the North 25 feet as dedicated to the Town of Chino Valley for roadway purposes.

EXHIBIT 2

MAP



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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.d.

Meeting Date: 09/12/2017

Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Action Item

Estimated length 5 minutes

of staff presentation:

Physical location of item: Located approximately 353 feet northwest of East Center Street and North Road 1 East intersection.

AGENDA ITEM TITLE:

Consideration and possible action to approve:

- (1) Resolution No. 17-1113, a minor General Plan Amendment to change the land use classification for approximately 2 acres of real property generally located approximately 353 feet northwest of the intersection of East Center Street and North Road 1 East from Commercial/Multi-Family Residential to Medium Density Residential (2 Acres or Less); and
- (2) Ordinance No. 17-836, approving a zone change from CL (Commercial Light) to SR-1 (Single Family Residential-1 Acre Minimum) for approximately 2 acres of real property generally located approximately 353 feet northwest of the intersection of East Center Street and North Road 1 East intersection, also known as Yavapai County Assessor's Parcel Nos. 306-23-063R and 306-23-063S. (Alex Lerma, Associate Planner)

RECOMMENDED ACTION:

- (1) Approve Resolution No. 17-1113 for a Minor General Plan Amendment to change the land use designation from Commercial/Multi-Family Residential to Medium Density Residential (2 acres or less) for approximately 2 acres of real property identified as APN 306-23-063R and 306-23-063S.
- (2) Approve Ordinance No. 17-836, approving a zone change from CL to SR-1 for the same approximately 2 acres of real property.

SITUATION AND ANALYSIS:

Issue Statement

See Attached Staff Report

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

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

Attachments

DeWitt Staff Report

Resolution 17-1113

Ordinance 17-836



STAFF REPORT

APPLICATION SUMMARY

File Number: ZC17-00005/6

Assessor's Parcel Number: 306-23-063R and 306-23-063S

Site Location: Located approximately 353 feet northwest of East Center Street and North Road 1 East intersection. With APN 306-23-063S with a physical address of 90 North 1 East and APN: 306-23-063R with no physical address.

Applicant: Mary DeWitt

Property Owner: Mary DeWitt

Request: Request for zone change from CL (Commercial Light) to SR-1 (Single Family Residential 1 acre minimum) and Minor General Plan Map Amendment to amend the land use designation from Commercial/ Multi- Family Residential to Medium density Residential (2 acres or less).

SITE DATA

Existing Zoning	CL (Commercial Light)
Lot Size	2 acres combined
General Plan Land Use Designation	Commercial/ Multi-Family Residential
Existing Land Use	Vacant

BACKGROUND

SITE DESCRIPTION

The subject properties are generally located approximately 353 feet northwest of East Center Street and North Road 1 East intersection. The properties are currently zoned CL (Commercial Light) under the Town of Chino Valley Unified Development Ordinance. They have a Land Use Designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. The site is currently vacant. **See Figure 1**



SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject parcels are located directly east of Chino Valley High School. The area is predominantly zoned residential. The property directly north is zoned SR-1 (Single Family Residential), further north properties are zoned CL/AR-5 (Commercial Light/Agricultural Residential-5 acres minimum) and AR-5 (Agricultural Residential-5 acres minimum). To the west properties are zoned CL/AR-5 (Commercial Light/Agricultural Residential-5 acres minimum), PL (Public Land) and CL (Commercial Light). Directly south, properties are zoned SR-1 (Single Family Residential- 1 acre minimum) and further south AR-5 (Agricultural Residential- 5 acres minimum) and SR-2.5 (Single Family Residential- 2.5 acres minimum). East of the subject parcels, properties are zoned AR-5 (Agricultural Residential- 5 Acre minimum). **See Figure 2**

AREA	ZONING	LAND USE
North	SR-1, CL/AR-5	Single Family Residence, Town of Prescott Land
West	CL/AR-5, PL	Chino Valley High School
South	SR-1, AR-5, SR-2.5	Single Family Residence, Vacant Land
East	AR-5	Single Family Residence, Agricultural Land



PROJECT DESCRIPTION

The applicant is requesting approval of a zoning change from CL (Commercial Light) to SR-1 (Single Family Residential 1 acre minimum) in order to have the proper underlying zoning to build a residence on each lot. Although the UDO (Unified Development Ordinance) allows for single-family residence as a conditional use within the CL (Commercial Light) District, the applicant desires to have the proper zoning to reflect that of future residential development. Section 3.11.1 of the Town of Chino Valley (UDO) Unified Development Ordinance states that a SR-1 (Single Family Residential 1 acre minimum) “is intended to promote and preserve medium-density single-family residential development” and that “regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities.” The SR-1 (Single Family Residential) district will be in conformance and reflect that of the surrounding land uses to the north, east and south of the subject parcels.

The applicant is also applying for a minor General Plan Amendment. The subject property currently has a land use designation of Commercial/ Multi- Family Residential. The applicant is requesting that the property designation be changed to Medium Density Residential (2 acres or less) to support the rezoning request to SR-1. The requested change in land use designation is deemed as a minor change to the map, has no major impact on the balance of the land uses in the immediate area, and is more compatible with existing adjacent residential uses.

STAFF ANALYSIS AND RECOMMENDATION

PUBLIC REVIEW & HEARING PROCESS

Arizona Revised Statutes (ARS) requires that the rezoning of land and other activities that change the manner in which a property is used undergo a public review and hearing process by the Planning Commission and approval by Town Council.

The applicant either met or will meet the following requirements:

- A. Applicant completed and submitted Zone Change Application and a Minor General Plan Amendment Application with required documentation.
- B. Neighbors within a 300' radius received letter notifying them of and upcoming Neighborhood Meeting to discuss the applicant's intentions to rezone properties and change land use designation. .
- C. Neighborhood Meeting was conducted on June 26, 2017 in Town Hall. There were no attendees at said meeting.
- D. Public was notified about upcoming Planning and Zoning public hearing on August 1, 2017.
- E. The item went before the Planning and Zoning Commission on August 1, 2017. Commissioners agreed with staff analysis that the properties were better suited for a residential use.

STAFF ANALYSIS

The applicant request for a zone change to parcels 306-23-063R and 306-23-063S are better suited with a residential district. The Single Family Residential- 1 Acre Minimum district will better identify the character of the parcels. The zoning will better support the land use of the area which is that of a residential district. The request zoning change will have a small to no impact to the surrounding properties and will regulate future development based on the district intentions.

The current zoning of CL (Light Commercial) could have a greater potential negative impact on surrounding residential properties if commercial activities were to develop. The CL district is intended to provide general commercial uses such as retail and service businesses, offices and apartments. These types of uses are better suited adjacent to other non-residential uses along major intersections and not immediately adjacent to large lot residential properties.

A companion minor General Plan amendment is needed to ensure conformance of the proposed zoning district with the land use designation. The General Plan states on page 7 of the introduction that minor amendments are "...corrections or minor changes to the text or map having no major impact on the balance of land uses. Although the general plan designation for the properties are identified as commercial/ multi-family residential, the reality is that the current surrounding land uses to the north and south of the subject properties do not reflect that of commercial or multi-family residential. These land uses are single family residential lots of 2.5 acres or less.

One of the goals of the General Plan is to focus on development of Community Cores and on Lifestyle Choices in Land Use. In order to reach this goal Target Strategy 2 encourages the protection of existing residences in large-lot neighborhoods as new lifestyle choices develop. Although most of the area has a Land Use designation of Commercial/ Multi- Family Residential, the reality is that the area has a medium density land use and will maintain that for the foreseeable future. Furthermore, Target Strategy 3 suggests the idea of avoiding proximity of incompatible land uses. The two subject parcels with the CL (Commercial Light) zoning districts might become an incompatible land use if future commercial were to be developed on said parcels. The High School also separates the property from any other commercially developed parcels.

STAFF RECOMMENDATION

Staff recommends approval of a zone change of parcels 306-23-063R and 306-23-063S from the current zoning of CL (Commercial Light) to the proposed SR-1 (Single Family Residential 1 acre minimum) and a minor General Plan map amendment from the land use designation of Commercial/ Multi- Family Residential to Medium Density Residential (2 acres or less).

RESOLUTION NO. 17-1113

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY GENERAL PLAN 2014 LAND USE MAP FOR APPROXIMATELY 2 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 353 FEET NORTHWEST OF THE INTERSECTION OF EAST CENTER STREET AND NORTH ROAD 1 EAST (ALSO KNOWN AS YAVAPAI COUNTY ASSESSOR'S PARCELS NUMBER 306-23-063R AND 306-23-063S) BY CHANGING THE LAND USE CLASSIFICATION FROM COMMERCIAL /MULTI-FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL (2 ACRES OR LESS); AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS.

WHEREAS, The Town of Chino Valley has solicited and received public input regarding the proposed amendment to the Town of Chino Valley General Plan 2014 through notice and public hearings as required by law; and

WHEREAS, the Common Council of the Town of Chino Valley has received a recommendation from the Town of Chino Valley Planning and Zoning Commission regarding the proposed land use map change;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the Town of Chino Valley, Arizona, that the Land Use Map of the Town of Chino Valley General Plan 2014 is hereby amended for approximately 2 acres of real property generally located approximately 353 feet northwest of the intersection of East Center Street and North Road 1 East (also known as Yavapai County Assessors Parcels Number 306-23-063R and 306-23-063S), as described in the legal description, Exhibit 1, changing the land use classification from Commercial/ Multi-Family Residential to Medium Density Residential (2 acres or less), as shown on the General Plan (map), Exhibit 2, both of which are attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

PASSED AND ADOPTED by the Common Council of the Town of Chino Valley, Arizona, this 12th day of September, 2017.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L. N. Smiley, Town Attorney
Gust Rosenfeld, PLC

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. General Plan Exhibit (map)

I hereby certify the above foregoing Resolution No. 17-1113 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on September 12, 2017, and that quorum was present thereat and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

EXHIBIT 1
LEGAL DESCRIPTION

Parcel: 306-23-063R

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 22 marked with a one and one half inch iron pipe;

THENCE North $01^{\circ}11'53''$ East for a distance of 659.90 feet along the section line to a point;

THENCE South $89^{\circ}31'37''$ West for a distance of 25.00 feet to a point on the Westerly Right of Way line of Road 1 East;

THENCE North $01^{\circ}11'53''$ East along said Westerly Right of Way line for a distance of 148.20 feet to the TRUE POINT OF BEGINNING and Southeast corner of this parcel;

THENCE continuing North $01^{\circ}11'53''$ East for a distance of 148.20 feet to the Northeast corner of this parcel;

THENCE South $89^{\circ}31'37''$ West for a distance of 294.00 feet to the Northwest corner of this parcel;

THENCE South $01^{\circ}11'53''$ West for a distance of 148.20 feet to the Southwest corner of this parcel;

THENCE North $89^{\circ}31'37''$ East for a distance of 294.00 feet to the POINT OF BEGINNING.

This parcel contains 1.00 acres more or less.

Parcel: 306-23-063S

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 22 marked with a one and one half inch iron pipe;

THENCE North $01^{\circ}11'53''$ East for a distance of 659.90 feet along the section line to a point;

THENCE South $89^{\circ}31'37''$ West for a distance of 25.00 feet to a one half inch rebar and the TRUE POINT OF BEGINNING and Southeast corner of this parcel;

THENCE South $89^{\circ}31'37''$ West for a distance of 294.00 feet to the Southwest corner of this parcel;

THENCE North $01^{\circ}11'53''$ East for a distance of 148.20 feet to the Northwest corner of this parcel;

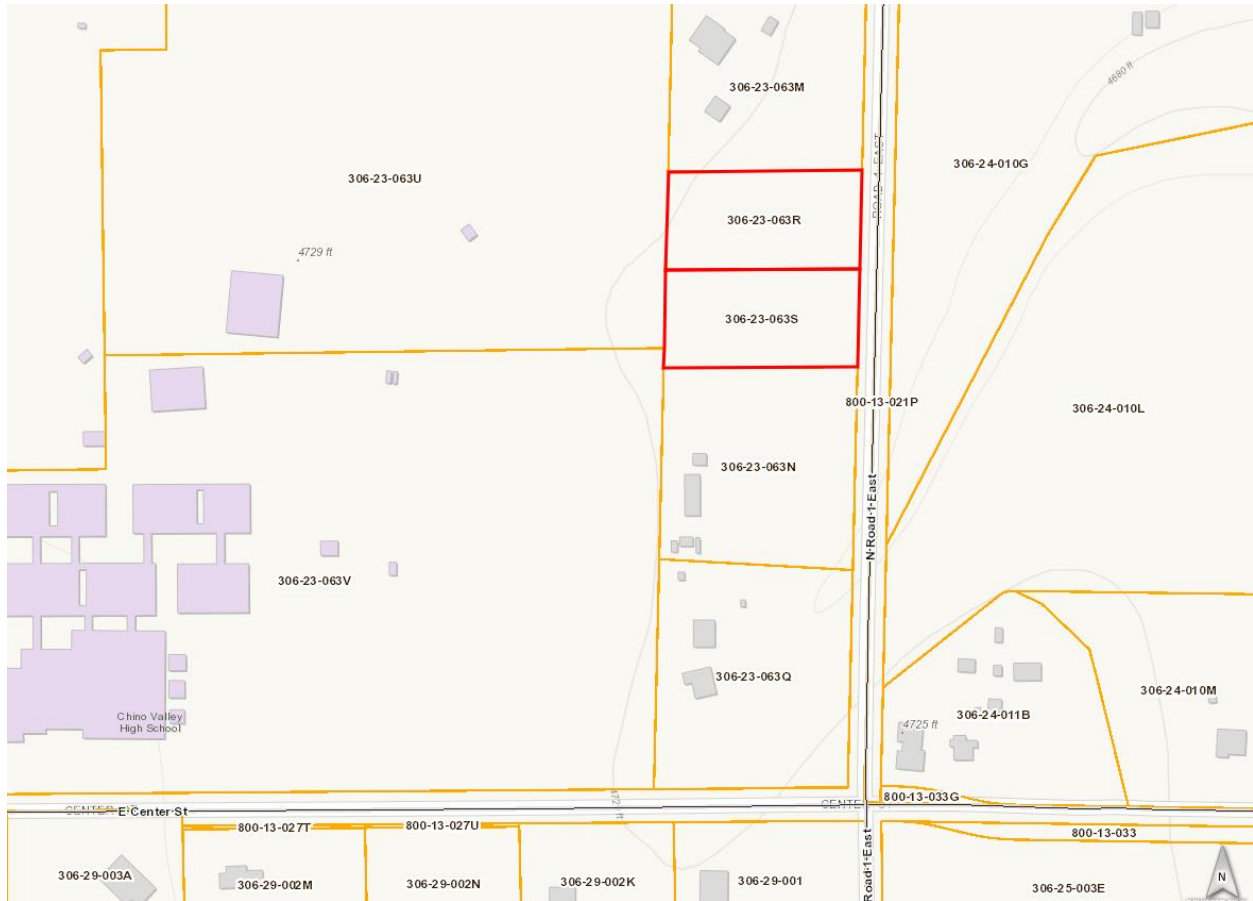
THENCE North $89^{\circ}31'37''$ East for a distance of 294.00 feet to the Northeast corner of this parcel and a point on the Westerly Right of Way line of Road 1 East;

THENCE South $01^{\circ}11'53''$ West along said Westerly Right of Way line for a distance of 148.20 feet to the POINT OF BEGINNING.

This parcel contains 1.00 acres more or less.

EXHIBIT 2

MAP



ORDINANCE NO. 17-836

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 2 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 353 FEET NORTHWEST OF THE INTERSECTION OF EAST CENTER STREET AND NORTH ROAD 1 EAST AT 90 NORTH ROAD 1 EAST (ALSO KNOWN AS YAVAPAI COUNTY ASSESSORS PARCELS NUMBERS 306-23-063R AND 306-23-063S), FROM CL (COMMERCIAL LIGHT) ZONING DISTRICT TO SR-1 (SINGLE FAMILY RESIDENTIAL – 1 ACRE MINIMUM) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan as amended and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

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

WHEREAS, the Planning and Zoning Commission, by a unanimous vote of 7 ayes and 0 nays recommended approval of the rezoning; 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. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 2 acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, from CL (Commercial Light) Zoning District to SR-1 (Single Family Residential – 1 Acre Minimum) Zoning District.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

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, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 12th day of September, 2017 by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this 12th day of September, 2017.

Darryl Croft, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Phyllis L. N. Smiley, Town Attorney
Gust Rosenfeld, PLC

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-836 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 12th DAY OF SEPTEMBER, 2017, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 20__.

Jami C. Lewis, Town Clerk

EXHIBIT 1
LEGAL DESCRIPTION

Parcel: 306-23-063R

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 22 marked with a one and one half inch iron pipe;

THENCE North $01^{\circ}11'53''$ East for a distance of 659.90 feet along the section line to a point;

THENCE South $89^{\circ}31'37''$ West for a distance of 25.00 feet to a point on the Westerly Right of Way line of Road 1 East;

THENCE North $01^{\circ}11'53''$ East along said Westerly Right of Way line for a distance of 148.20 feet to the TRUE POINT OF BEGINNING and Southeast corner of this parcel;

THENCE continuing North $01^{\circ}11'53''$ East for a distance of 148.20 feet to the Northeast corner of this parcel;

THENCE South $89^{\circ}31'37''$ West for a distance of 294.00 feet to the Northwest corner of this parcel;

THENCE South $01^{\circ}11'53''$ West for a distance of 148.20 feet to the Southwest corner of this parcel;

THENCE North $89^{\circ}31'37''$ East for a distance of 294.00 feet to the POINT OF BEGINNING.

This parcel contains 1.00 acres more or less.

Parcel: 306-23-063S

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 22 marked with a one and one half inch iron pipe;

THENCE North $01^{\circ}11'53''$ East for a distance of 659.90 feet along the section line to a point;

THENCE South $89^{\circ}31'37''$ West for a distance of 25.00 feet to a one half inch rebar and the TRUE POINT OF BEGINNING and Southeast corner of this parcel;

THENCE South $89^{\circ}31'37''$ West for a distance of 294.00 feet to the Southwest corner of this parcel;

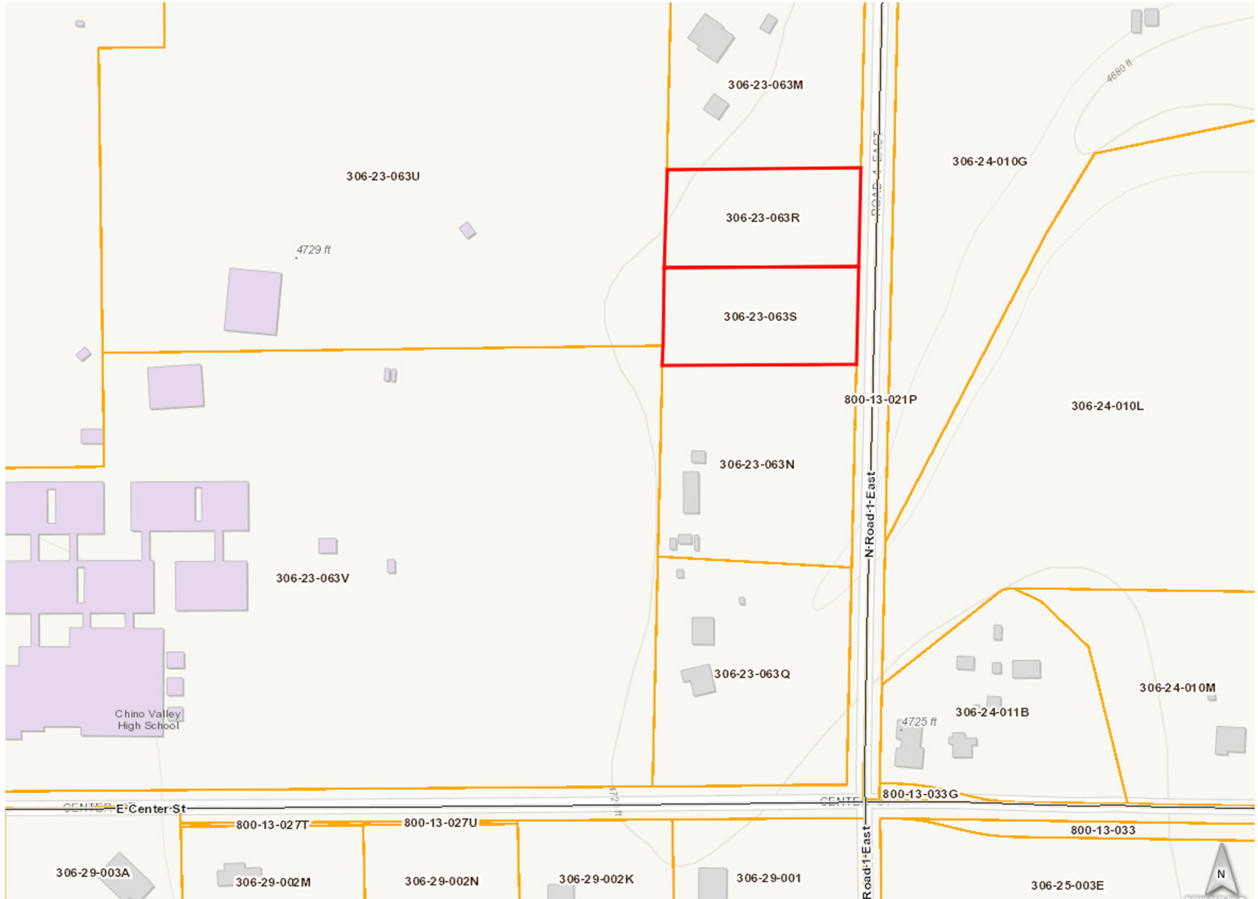
THENCE North $01^{\circ}11'53''$ East for a distance of 148.20 feet to the Northwest corner of this parcel;

THENCE North $89^{\circ}31'37''$ East for a distance of 294.00 feet to the Northeast corner of this parcel and a point on the Westerly Right of Way line of Road 1 East;

THENCE South $01^{\circ}11'53''$ West along said Westerly Right of Way line for a distance of 148.20 feet to the POINT OF BEGINNING.

This parcel contains 1.00 acres more or less.

EXHIBIT 2
MAP





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.e.

Meeting Date: 09/12/2017

Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Action Item

Estimated length 5 minutes

of staff presentation:

Physical location of item: Located east of North Road 1 West and half a mile north of West Road 4 North.

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 17-837, amending Ordinance No. 07-690 pertaining to the West Meadows Planned Area Development (PAD) by amending the development plan and changing the conditions of development for approximately 46 acres of real property generally located east of Road 1 West and approximately one half mile north of Road 4 North within the 133 acre West Meadows Planned Area Development within the SR-0.16 (Single Family Residential- 7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development overlay zoning district (PAD) to provide for an age restricted development of up to 276 park model units with required community amenities and open spaces as shown on the Development Plan. (Owner/Applicant Jim Fletcher/Granite Basin Engineering) (Jason Sanks, Acting Development Services Director)

RECOMMENDED ACTION:

Approve Ordinance No. 17-837, amending Ordinance No. 07-690 pertaining to the West Meadows Planned Area Development by amending and approving the Development Plan for approximately 46 acres of real property within the West Meadows PAD, generally located east of Road 1 West and one-half mile north of Road 4 North.

SITUATION AND ANALYSIS:

Issue Statement

See attached Staff Report.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

West Meadows Staff Report

West Meadows Revised Development Plan

Ordinance 17-837



PLANNING AND ZONING COMMISSION STAFF REPORT

APPLICATION SUMMARY

File Number: 17-000359

Assessor's Parcel Number: 306-04-008J; 306-04-006H; and portions of 306-04-005X and 306-04-005Y

Site Location: Located east of North Road 1 West and half a mile north of West Road 4 North.

Applicant: Granite Basin Engineering, Inc.

Request: Abandon Preliminary Plat and amendment of a portion of the West Meadows Planned Area Development with its associated new Development Plan.

SITE DATA

Existing Zoning	SR-0.16 PAD (Single Family Residential- 7,000 Square Foot Minimum Lot Area) with a PAD (Planned Area Development) Overlay District
Lot Size	Approximately 46 acres of the 133 acres
Designated General Plan Land Use	Medium Density Residential (2 acres or less)
Existing Land Use	Residential, Vacant

a

BACKGROUND & HISTORY

SITE DESCRIPTION

The subject property is generally located approximately .33 miles north of the northeast corner of West Road 4 North and North Road 1 West, **see Figure 1**. The property is currently zoned SR-0.16 (Single Family Residential-7,000sq. ft. Minimum Lot Area) with a PAD Overlay under the Town of Chino Valley Unified Development Ordinance. The property has a Land Use designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. Currently two of the parcels have residences and the other is vacant.

HISTORY

On May 24, 2007, the Town Council (TC) adopted a modified version of the Planning and Zoning Commission (PZ) recommendation by adopting Ordinance 07-690, thereby rezoning parcels 306-04-005X, 306-04-005Y, 306-04-006H, and 008J, consisting of 132.8 Acres, from AR-5 (Agricultural/ Residential- 5 Acres Minimum) to SR-0.16 PAD (Single Family Residential, but with a 9,000 square foot minimum lot area requirement through the use of the Planned Area Development overlay). The Council at that time cited concerns with the 7,000 SF lot size being too small and Mr. Fletcher subsequently agreed to "oversize" the lots above the minimum size of the base zoning district.

On June 6, 2017, PZ reviewed this request to amend a portion of the original West Meadows PAD (54.5 of the 132.8 acres). At that time, PZ was presented with a somewhat modified version of the Development Plan from the one

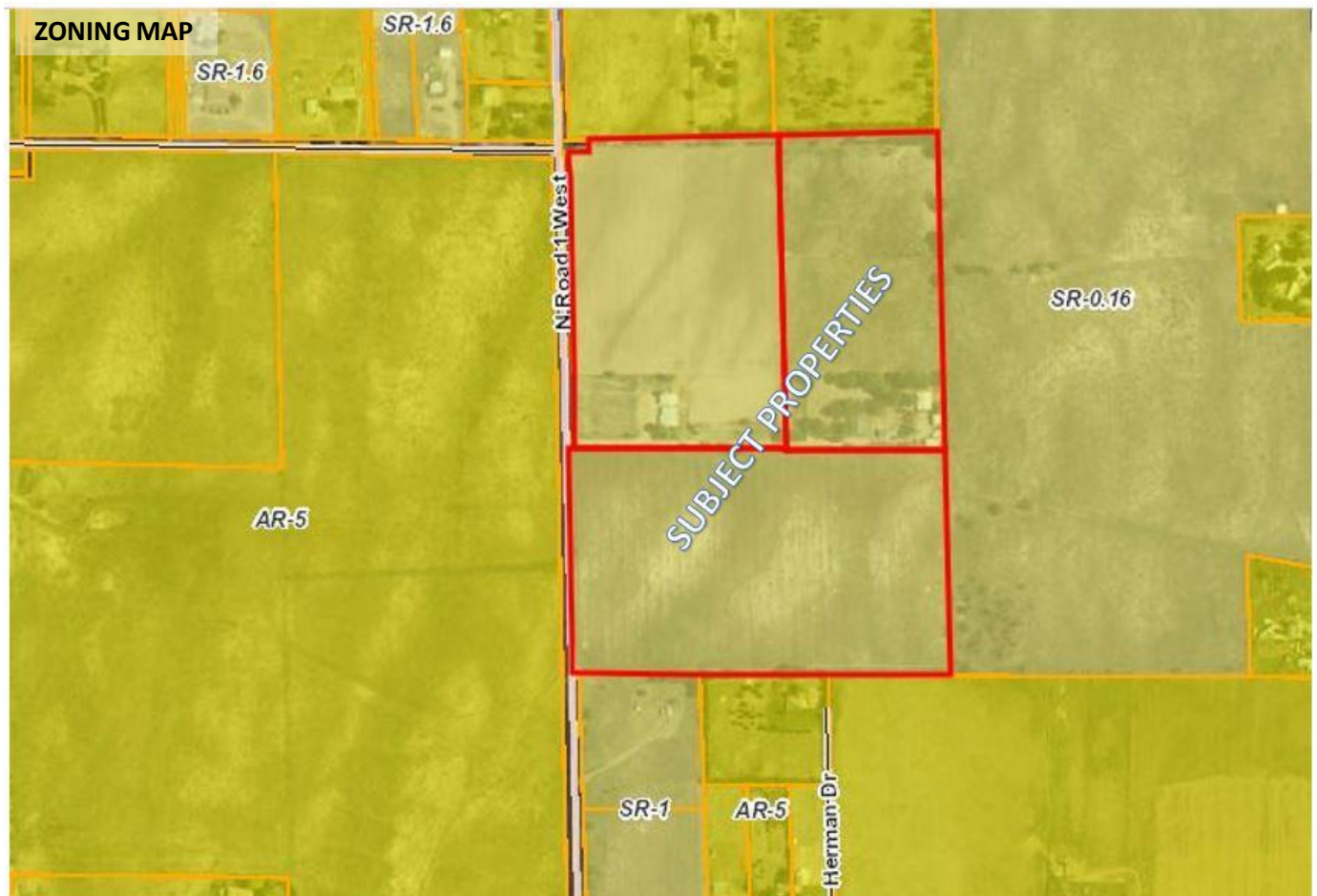
presented with this report and recommended approval at that time following significant discussion about the project that included concerns about project quality and ensuring amenities would be provided to residents. Page 102 of 124

Following this prior PZ recommendation for approval, the Town's legal counsel recognized that the notice of public hearing that was advertised was not written correctly. The notice needed to include language referring to the age restricted nature of the community as well as to specify that the new Development Plan represented an amendment to a portion of the originally approved Development Plan. This triggered the need for a re-hearing of this item by PZ before being forwarded on to TC for final decision.

Over the last thirty days, staff has worked closely with Mr. Fletcher and his engineer to improve the Development Plan by including a more developed amenity area that features a clubhouse, pool, and sport courts at the primary entry to the development where they can be most visible and enjoyed. Furthermore, staff ensured that the amenities would be provided in Phase I of the development in the event Phase 2 were to never materialize. Future Phase 2 residents will have some of their own amenities while also being able to enjoy the clubhouse complex in Phase I. The project may eventually relocate these amenities to the eastern portion of these phases if Phase 3 and beyond are developed on the eastern remainder of the West Meadows PAD that is not currently a part of this application. The relocation of these amenities can be addressed through a future PAD amendment that would be required to allow development of the east half of the West Meadows PAD with the same park model concept proposed on this western portion.

Figure 1





EXISTING SURROUNDING CONDITIONS & ZONING

The properties are located within residential and vacant land, north of the subject parcels, properties are zoned AR-5 (Agricultural/Residential- 5 Acre Minimum), to the northwest properties are zoned AR-5 (Agriculture/Residential- 5 Acre Minimum) and SR-1.6 (Single Family Residential- 1.6 Acres Minimum). Exactly east of the sites, the property is zoned SR-0.16 (Single Family Residential- 7,000 sq. ft. Minimum Lot Area). Directly west, properties are zoned AR-5 (Agricultural/Residential – 5 Acre Minimum) and SR-1.6 (Single Family Residential- 1.6 Acre Minimum). South of the subject properties, Lots are zoned AR-5 (Agricultural/Residential- 5 Acre Minimum) and SR-1 (Single Family Residential- 1 Acre Minimum). **See Figure 2.**

AREA	ZONING	LAND USE
North	AR-5, SR-1.6	Single Family Residence, Vacant
West	AR-5	Vacant
South	AR-5, SR-1	Single Family Residence, Vacant
East	SR-1, AR-5	Vacant

PROJECT DESCRIPTION

The applicant, Jim Fletcher, is requesting approval of a new development plan in order to build an active adult community (55+) with park model units located on designated spaces throughout the site. Rather than subdivide the property into individual lots like a typical neighborhood, Mr. Fletcher intends to retain ownership of the entire parcel and site design the property which includes “typical space” details on the Development Plan that illustrate how the park model units with optional carports and storage areas would be placed. Various affordable park models will be available for purchase based on specific needs and requests. Spaces will be available to rent for a duration of no more than 12

months. The project will be constructed in 2 phases, with Phase one which include 141 Units on 23.22 acres. Phase 2 include 135 units on 22.15 acres. Street improvements for the initial phase include private loop roads with two (2) access points to Road 1 West. The number of dwelling units (park models) matches the approved density for this portion of the project as approved under the old Development Plan.

Water supply will include a centralized water distribution system. The onsite water distribution system will be developed in a looped configuration for redundancy and to enhance water quality. The minimum diameter of the line extension is 8-inches, as required for the 1,000-gpm fire flow mandated by CAFMA. Water meters will be set at the maximum interval with the most economical meter size to adequately serve the project based on projected water use.

The developer is prepared to install onsite sewer collection and treatment systems in order to start construction on the project as soon as practicable. Drainage design generally includes perimeter collector channels, curbed streets sections and regional detention provisions near the northeast property corner and primary outfall from each phase. The collector channels along the south property lines will intercept offsite runoff, and combined flows will be conveyed to the primary outfalls. **See Figure 3**

STAFF ANALYSIS AND RECOMMENDATION

PUBLIC REVIEW & HEARING PROCESS

Arizona Revised Statutes (ARS) requires that the rezoning of land and other activities that change the manner in which a property is used undergo a public review and hearing process by the Planning Commission and approval by Town Council.

The applicant either met or will meet the following requirements:

- A. Applicant submitted a Rezone Change Permit Application with the required documentation. Applicant also submitted a site plan showing the current characteristics and layout of the site including dimensions and setbacks of property.
- B. Neighbors within a 300' radius were notified of Neighborhood Meeting scheduled for May 5, 2017 at the senior center. The notification was also placed in front of the subject properties and publishing in the newspaper on April 27, 2017.
- C. A Neighborhood Meeting was held at the Senior Center on June 12, 2017. Two property owners directly west of the subject project attended. One resident was not pleased with the density of the project.
- D. The notification of public hearing were placed in front of the subject properties and publishing in the newspaper on April 21, 2017.
- E. Staff presented applicant's proposal to Planning and Zoning Commission on June 6, 2017.

During PZ Commission meeting there were two property owners to the east of the subject properties who opposed the proposed development. Both property owners stating that they didn't want the type of density in the area and preferred more of an agricultural use. The Planning and Zoning Commission suggested that the project have adequate amenities:

- Community center, small meeting rooms and craft shops (now in Phase I)
- At least one noninvasive tree for each unit
- Connect between two developments so that both units may use community center
- Outdoor picnic and seating areas
- One or other or both tennis courts and swimming pool
- Age restriction 55 plus

- F. The item went before the Planning and Zoning Commission again on August 1 with recommendation for approval. Commissioners had no further issues or question regarding the proposed development. All prior issues in regards to amenities had been resolved by applicant. Commissioners liked the improvements made to the development plan by changing some amenities to phase one of development.
- G. On August 15th, Staff present the item to the Council during a special study session. At said meeting Council had question regarding the lot size. Staff clarified that the development would be using the density possible of 7,000 feet minimum and providing number of unit equivalents to that. Staff also clarified that all development would primarily be park models, oppose to stick built. The issue about ADA compliance was raised by Council. Staff assured them that all amenities would have to be ADA compliant.

STAFF ANALYSIS

The applicant already has the underlining zoning of SR-0.16 (Single Family Residential- 7,000 Square Foot Minimum) which will allow close to the density proposed. The request complies with the 2014 General Plan Target Strategy 4 which states "Strive for development that fulfill the Community Vision while allowing flexibility and encouraging innovation." The community envisions varieties in housing while maintain its valued farming heritage, recreation and environmental assets and its small town image. The development will cater to the demand of many within the community of retirement age that are looking to downgrade their homes and surround themselves with people of the same age group. According to the U.S. Census approximately 31% of the population in Chino Valley are within the population of 65 years and older. This type of development will be targeting that percent age of who are looking for alterative housing offered within the town limits.

STAFF RECOMMENDATION

Staff recommends approval for an amendment of a portion of the West Meadows Planned Area Development with its associated new Development Plan.
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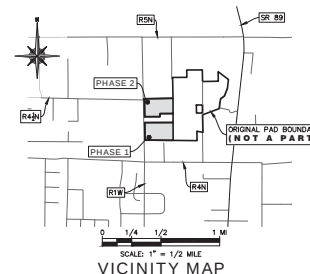


WEST MEADOWS

ACTIVE ADULT COMMUNITY

PLANNED AREA DEVELOPMENT (PAD) OVERLAY

PARCEL 306-04-008J AND PORTIONS OF PARCELS 306-04-005X & 306-04-005Y
 PHASE 1 - 141 PARK MODEL SPACES ON 23.42 ACRES
 PHASE 2 - 135 PARK MODEL SPACES ON 22.55 ACRES
 TOTAL PROJECT - 276 PARK MODEL SPACES ON 45.98 ACRES



PROJECT INFORMATION									
PROJECT NAME	WEST REDWOODS ACTIVE ADULT COMMUNITY								
PROJECT TYPE	PLANNED AREA DEVELOPMENT (PAD) OVERLAY								
PROPOSED USE	ACTIVE ADULT COMMUNITY								
PROPERTY DATA									
	APN	ACRES	OWNER						
PARCELS DATA	06-08-005	0.90	JAMES & KIMBERLY FLETCHER						
	06-08-006	0.86	JAMES & KIMBERLY FLETCHER						
	06-08-008	2.84	CAROL FLETCHER						
	TOTAL	45.98	ACRES						
CURRENT USE	SINGLE FAMILY HOMES (38-095-005 & 050 & 051)								
CURRENT ZONING	UNIFIED FAMILIES (LAND DEVELOPED)								
	0.31 (SINGLE FAMILY RESIDENTIAL), 0.13 (ACRE)								
LAND USE COMPARISON									
VARIABLE	LAND USED	PLANNED	EXISTING	UNIT	NOTES				
MAX UNITS	276	276	UNITS	CALCULATED					
MAX DENSITY	6	6	UNITS/ACRE	FOR UNDERLYING ZONING					
OCCUPANCY	1.5	2.5	PERCENT	FOR MAXIMUM HOUSING / SINGLE FAMILY					
POPULATION	434	690	CAPTA	CALCULATED					
MAX LOT COVERAGE	56%	60%	PERCENT	PER LOT					
	20	20	FEET	FEET					
BACK SET	10	10	FT	FEET					
MAX BLOCK	30	30	FT	SIDES					
LOT	40	50	FEET	FEET					
OPEN SPACE	15%	0%	PERCENT	CALCULATED					
DESIGN PARAMETERS									
VARIABLE	UNIT	HOUR			NOTES				
FEW FLOW	1,000	GPAD	MIN FLOW RATE (GPM/AC)						
	60,000	GPAL	MIN DURATION (CAHRS)						
	57	GPAD	REQUIRED STORAGE VOLUME (ACRES)						
WATER	93	GPAD	INTERNAL DEMAND FACTOR - INTERIOR (ADJW)						
	1,339	GPAD	IRRIGATION DEMAND FACTOR (ADJW)						
SEWER GENERATION	50	GPAD	SEWER ADOPTED DRAINAGE FACTOR (BRIER OF WATER DEMAND)						
	50	GPAD	SINGLE FAMILY RESIDENTIAL GENERATION FACTOR (75% OF WATER DEMAND)						
	3.71	TRIP/UNIT	TRIP FACTOR (TRC CODE 251 - SENIOR ADULT HOUSING - DETACHED)						
	0.57	TRIP/UNIT	TRIP FACTOR (TRC CODE 253 - SENIOR ADULT HOUSING - DETACHED)						
TRIP GENERATION	9.57	TRIP/UNIT	TRIP FACTOR (TRC CODE 202 - SINGLE FAMILY HOMES)						
	1.021	TRIP/UNIT	TRIP FACTOR (TRC CODE 210 - SINGLE FAMILY HOMES)						
DESIGN CONDITIONS									
	CURRENT PHASES		ULTIMATE CONDITIONS						
	1	2	TOTAL	PLANNED	EXISTING	UNIT	NOTES		
VARIABLE	23.42	23.53	46.95	46.95	UNITS	ACRES	TOTAL PROJECT		
NO. OF UNITS	141	135	276	276	276	276	TOTAL PROJECT		
DENSITY	6	6	6	6	6	UNITS/ACRE	CALCULATED		
POPULATION	211	203	414	414	414	CAPTA	CALCULATED		
OPEN SPACE	13.88	13.41	740	6.96	0.00	ACRES	CALCULATED		
	38%	35%	17%	15%	0%	PERCENT	CALCULATED		
	12,617	13,545	33,586	15,856	51,730	GPAD	RESIDENTIAL		
	13.55	13.10	26.4	6.84	58.0	GPAD	RESIDENTIAL		
WATER DEMAND	3,959	4,572	10,171	9,300	0	MGD	NON-RESIDENTIAL		
	6.3	7.2	16.4	15.0	0.0	MGD	NON-RESIDENTIAL		
	17,616	18,140	33,756	32,918	51,730	GPAD	TOTAL WATER		
	18.01	18.11	37.8	36.9	58.0	MGD	TOTAL WATER		
SEWER GENERATION	10,375	10,388	30,278	29,764	58,843	GPAD	TOTAL SEWER		
	11.8	11.4	23.2	23.3	43.5	MGD	TOTAL SEWER		
TRIP GENERATION	532	502	1,024	1,024	2,642	TRIPS	WEEKLY ADT		
	8	7	15	15	42	TRIPS/HOUR	ADT PER HOUR		

Call at least two full working days
before you begin excavation.

ARIZONA 811

State 8-1-1 or 1-800-STATE-811 (742-5344)
In Maricopa County: (602) 254-1100

		REVISIONS			
		NAME	DESCRIPTION	DATE	BY
☒ FOR REVIEW ONLY	☐ FOR BID ONLY	☐	☐	☐	☐
	☐ FOR APPROVAL ONLY	☐	☐	☐	☐
	☐ FOR RECORDING ONLY	☐	☐	☐	☐
	☐ FOR CONSTRUCTION ONLY	☐	☐	☐	☐

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PIPECO, LLC
1105 NORTH STATE ROAD
CHINO VALLEY, ARIZONA

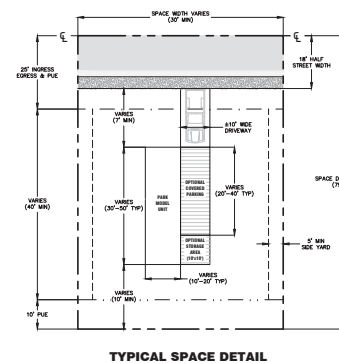
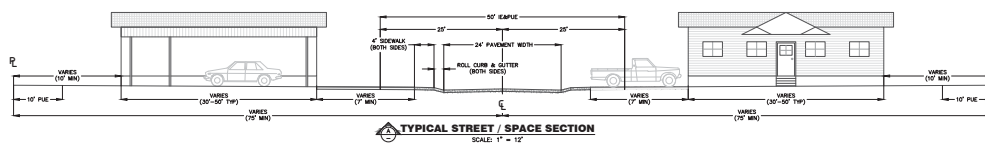
**PRELIMINARY
NOT FOR
CONSTRUCTION**

JOB:	17011
DATE:	7/21/2017
SCALE:	1"=100'
DRAWN:	TS
DESIGNED:	TS

1

SHEET 1 OF 1

HYDROLOGY		
DESIGN POINT	AREA (ACRES)	Q ₅₀₀ (CFS)
A	24	56
B	1	4
C	15	60
D	34	75
E	6	28
F	4	14
G	2	6
H	20	80
I	13	45



TYPICAL SPACE DETAIL

ORDINANCE NO. 17-837

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF CHINO VALLEY BY AMENDING ORDINANCE NO. 07-690 PERTAINING TO THE WEST MEADOWS PLANNED AREA DEVELOPMENT BY AMENDING THE DEVELOPMENT PLAN FOR APPROXIMATELY 46 ACRES OF REAL PROPERTY GENERALLY LOCATED EAST OF ROAD 1 WEST AND ONE HALF MILE NORTH OF ROAD 4 NORTH RELATED TO PROVIDING FOR AN ACTIVE ADULT COMMUNITY CONSISTING OF 276 PARK MODEL UNITS WITH RECREATIONAL AMENITIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, by adoption of this Ordinance, the Town Council desires to provide for the orderly development of land consistent with the Unified Development Ordinance of the Town of Chino Valley to permit flexibility in the design of residential, commercial and/or industrial developments in conformity with the intent and purpose of the General Plan and Unified Development Ordinance and provide opportunities for unique development; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

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

WHEREAS, the Planning and Zoning Commission, by a unanimous vote of 7 for and 0 against recommended approval of the rezoning; and

WHEREAS, the West Meadows PAD was created by Ordinance No. 07-690 pursuant to the provisions of the Town of Chino Valley Unified Development Ordinance; and

WHEREAS, that certain document entitled Exhibit 3: Amended Development Plan of the West Meadows Planned Area Development, dated September 12, 2017 is attached hereto and incorporated by this reference; 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. In General.

1. Ordinance No. 07-690 is hereby amended by amending the Development Plan for approximately 46 acres of real property as described in the legal description, Exhibit 1 and as shown on the map in Exhibit 2, and as shown on the Development Plan for West Meadows Active Adult Community, Exhibit 3, all attached hereto and incorporated herein, and making Exhibit 3 part of the Development Plan for the West Meadows PAD, as set forth in or attached to Ordinance No. 07-690 read as follows:

EXHIBIT 3: Development Plan of the West Meadows Active Adult Community Planned Area Development, dated September 12, 2017 (the "Amended Development Plan").

2. All dedications, development requirements and development conditions set forth in Ordinance No. 07-690 relating to the West Meadows PAD are incorporated herein and shall remain in full force and effect with respect to the 86.81 acres of the West Meadows PAD that are not included in the Amended Development Plan.

3. The 46-acre Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Amended Development Plan and the Town of Chino Valley Unified Development Ordinance (the "UDO"). In addition to conformance with the Development Plan and the UDO, development of the Property shall be subject to the following conditions:

- a. A one-foot (1') vehicular non-access easement shall be provided and recorded in the official records of the Yavapai County Recorder and shall be shown on the final site plan that shall be submitted and approved by the Development Services Director prior to issuance of a building permit or certificate of occupancy for any structure in the West Meadows Active Adult Community.
- b. Dedication to Chino Valley of an additional right-of-way of sufficient width to establish a 40-foot (40') half street right-of-way for North Road 1 West adjacent to the property shall be completed prior to issuance of a building permit or certificate of occupancy, whichever is earlier, or sooner, as required by the Town Engineer. Failure to complete dedication as required by this ordinance may result in reversion of the zoning to the prior zoning classification.
- c. Developer shall construct:
 1. A second north-bound lane to North Road 1 West adjacent to the Property, which shall be completed prior to issuance of a

certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Chino Valley, whichever is earlier; and

2. Curb and gutter with a 5-foot (5') sidewalk along the North Road 1 West frontage.

The above improvements shall be constructed in accordance with plans approved by the Town Engineer and dedicated to the Town upon approval and acceptance of the Town Engineer.

- d. A drainage study shall be provided by Developer to Town prior to beginning construction on any phase of the Project.
- e. The Project shall be developed as age-restricted requiring a head of a household or spouse who must be 55 years of age or older and in which minors are prohibited from living in the dwelling unit. All advertising and rental agreements shall clearly state the age requirements.
- f. At the written request of Chino Valley, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Chino Valley's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- g. Developer shall provide the pool and clubhouse amenities shown on the Amended Development Plan as part of Phase 1 of the Project. No construction on Phase 2 will be permitted by Chino Valley until the pool and clubhouse amenities are completed.
- h. The Project shall include no more than 276 Park Model Units.
- i. Until such time as the Town's sewer line is within 500 feet of the Property, the Project shall be served by an on-site, self-contained sewer system as approved by the Town and Yavapai County. The system shall be designed and installed so that all units can be easily connected to the Town's sewer line when it is extended to within 500 feet of the Property. At that time, all residential units shall be connected to and served by the Town of Chino Valley sewer.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

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, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 12th day of September, 2017 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this 12th day of September, 2017.

Darryl L. Croft, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Phyllis L.N. Smiley, Town Attorney
Gust Rosenfeld, PLC

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-837 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 12th DAY OF SEPTEMBER, 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2017.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Map
3. Development Plan

EXHIBIT 1
LEGAL DESCRIPTION

Parcel 306-04-005Y

All that portion of the West half of the West half of Section 3, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

Beginning at the Southwest corner of said Section 3;

Thence North 01 degrees 35 minutes 00 seconds West, along the West line of said Section 3, a distance of 1759.00 feet;

Thence East, 25.01 feet to the TRUE POINT OF BEGINNING;

Thence North 01 degrees 35 minutes 00 seconds West, parallel with the West line of said Section 3, a distance of 1032.90 feet;

Thence North 88 degrees 25 minutes 00 seconds East, 70.00 feet;

Thence North 01 degrees 35 minutes 00 seconds West, 40.00 feet;

Thence North 88 degrees 55 minutes 00 seconds East, 661.56 feet;

Thence South 01 degrees 03 minutes 20 seconds East, 1087.12 feet;

Thence West, 721.80 feet to the TRUE POINT OF BEGINNING.

Parcel: 306-04-005X**PARCEL I:**

ALL THAT PORTION OF THE WEST HALF OF THE WEST HALF OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3;

THENCE NORTH 01 DEGREES, 35 MINUTES WEST, 1759.00 FEET ALONG THE WEST LINE OF SAID SECTION 3;

THENCE EAST, 746.83 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN BOOK 2333 OF OFFICIAL RECORDS, PAGE 570;

THENCE EAST, 579.55 FEET;

THENCE NORTH 01 DEGREES, 29 MINUTES WEST (NORTH 01 DEGREES, 24 MINUTES WEST OF RECORD), AS DESCRIBED IN BOOK 169 OF DEEDS, PAGE 1, 1098.10 FEET;

THENCE SOUTH 88 DEGREES, 55 MINUTES WEST, 571.26 FEET TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN BOOK 2333 OF OFFICIAL RECORDS, PAGE 570;

THENCE SOUTH 01 DEGREES, 03 MINUTES, 20 SECONDS EAST, 1087.12 FEET ALONG THE EAST LINE OF PARCEL DESCRIBED IN BOOK 2333 OF OFFICIAL RECORDS, PAGE 570, TO THE TRUE POINT OF BEGINNING.

PARCEL II:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES DESCRIBED AS FOLLOWS:

THE SOUTH 25 FEET OF THE FOLLOWING DESCRIBED PROPERTY;

ALL THAT PORTION OF THE WEST HALF OF THE WEST HALF OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3;

THENCE NORTH 01 DEGREES, 35 MINUTES, 00 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 1759.00 FEET;

THENCE EAST, 25.01 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 01 DEGREES, 35 MINUTES, 00 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 1032.90 FEET;

THENCE NORTH 88 DEGREES, 25 MINUTES, 00 SECONDS EAST, 70.00 FEET;

THENCE NORTH 01 DEGREES, 35 MINUTES, 00 SECONDS WEST, 40.00 FEET;

THENCE NORTH 88 DEGREES, 55 MINUTES, 00 SECONDS EAST, 661.56 FEET;

THENCE SOUTH 01 DEGREES, 03 MINUTES, 20 SECONDS EAST, 1087.12 FEET;

THENCE WEST, 721.80 FEET TO THE TRUE POINT OF BEGINNING.

Parcel 306-04-008J

All that portion of Section 3, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona more particularly described as follows:

COMMENCING at the Southwest corner of said Section 3;

Thence North 01° 35' 05" West , 972.03 feet along the West line of Section 3 to the TRUE POINT OF BEGINNING;

Thence continuing North 01° 35' 05" West, 786.97 feet to the Southwest corner of that property described in Book 173 of Deeds, page 285;

Thence East and parallel with the South Section line of said Section 3, along the South line of property conveyed in Book 173 of Deeds, page 285, 1325.59 feet (record 1320 feet) to the West line of that property conveyed in Book 169 of Deeds, page 1;

Thence South 01° 25' 43" East(recorded South parallel to the West line of said Section 3), 784.03 feet (recorded 779 feet);

Thence South 89° 52' 30" West, 1323.37 feet to the TRUE POINT OF BEGINNING.

EXCEPT all gas and oil rights as reserved in Book 159 of Deeds, page 94.

EXHIBIT 2

MAP

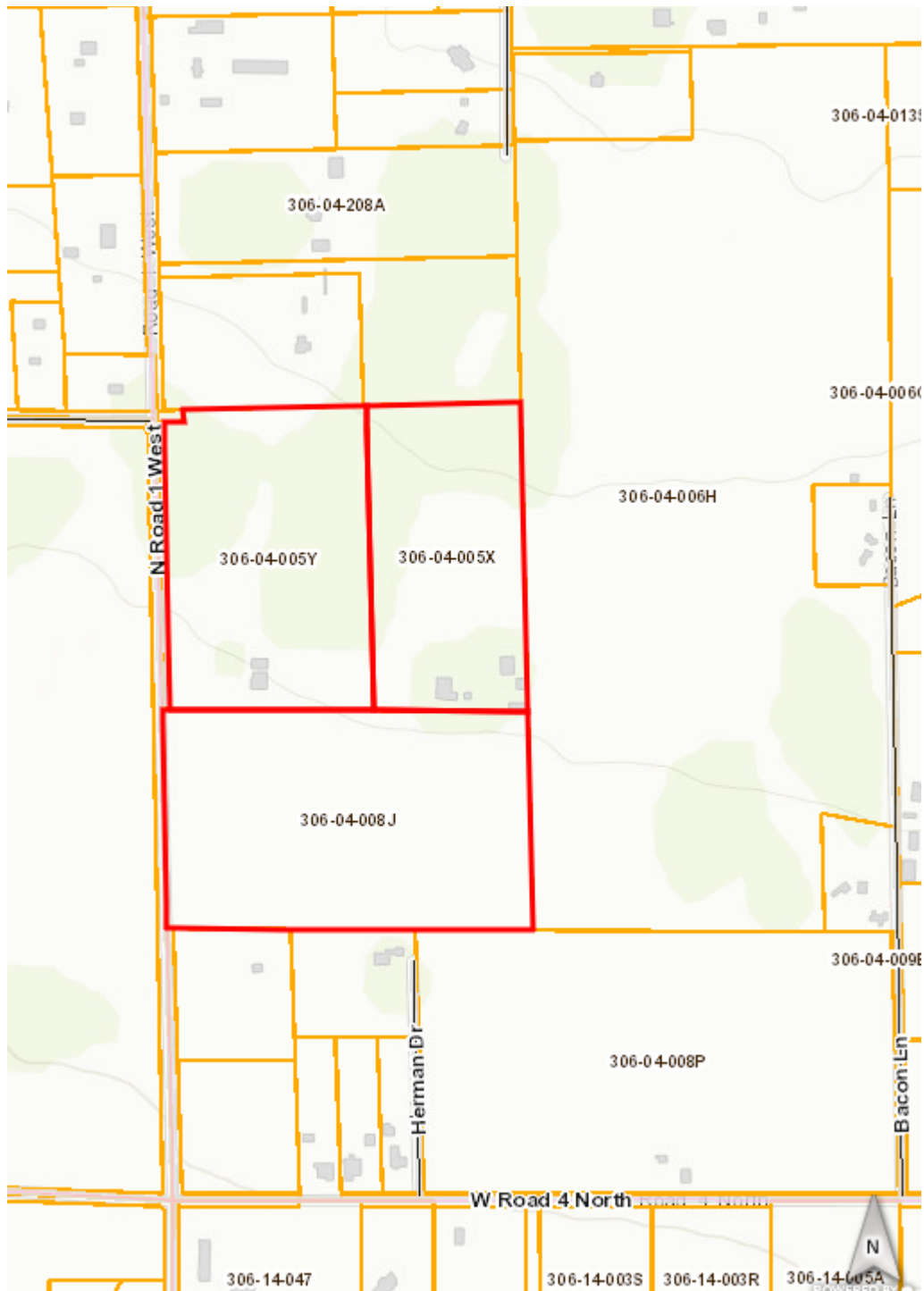


EXHIBIT 3
DEVELOPMENT PLAN



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.f.

Meeting Date: 09/12/2017
Contact Person: Richard Straub, Interim Public Works Director/Town Engineer
 Phone: 928.636.2646 x-1308
Department: Public Works
Item Type: Action Item
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2017-2018 financial contribution from the District to the Town for flood control improvements.

RECOMMENDED ACTION:

Approve the Intergovernmental Agreement between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2017-2018 financial contribution from the District to the Town for flood control improvements.

SITUATION AND ANALYSIS:

Issue Statement

Each year the Town must enter into an IGA with Yavapai County Flood Control District to receive a yearly allocation of funds for approved flood control projects. Our three projects FY 17/18 are Road 2 South & SR 89, the drainage ditch thru Appaloosa Meadows and Road 1 East.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 05-90-5515

Available: 110,000

Funding Source:

Funds will be accounted for in the Capital Improvement Fund.

Attachments

Yavapai Flood Control IGA

INTERGOVERNMENTAL AGREEMENT

BETWEEN THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND THE TOWN OF CHINO VALLEY FOR THE FISCAL YEAR 2017-2018 FINANCIAL CONTRIBUTION FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL IMPROVEMENTS

THIS INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND THE TOWN OF CHINO VALLEY, FOR THE FISCAL YEAR 2017-2018 FINANCIAL CONTRIBUTION TO THE TOWN FOR FLOOD CONTROL IMPROVEMENTS (the "Agreement") is entered into, effective this _____ day of _____, 2017, between the Yavapai County Flood Control District, a political subdivision of the State of Arizona (the "DISTRICT"), and the Town of Chino Valley, Arizona, a municipal corporation of the State of Arizona (the "TOWN"). The District and the Town are sometimes collectively referred to as the "Parties" or individually as the "Party."

RECITALS

WHEREAS:

- A. The DISTRICT is a special taxing district legally created in the State of Arizona and organized by Yavapai County to include and govern its jurisdiction.
- B. The DISTRICT administers the Federal Emergency Management Agency ("FEMA") Regulations under the National Flood Insurance Program.
- C. The Yavapai County Board of Supervisors is the Board of Directors of the DISTRICT.
- D. A portion of the TOWN lies within the legal boundaries of the DISTRICT.
- E. The DISTRICT, the TOWN, and the County are separate and distinct political subdivisions, but each can provide for the benefit of the other(s), for the benefit of public health, safety, and welfare, and other public purposes.
- F. The DISTRICT and the TOWN have authority to enter into Intergovernmental Agreements pursuant to Arizona Revised Statutes ("A.R.S.") §§11-952, 48-3603, and 9-240, and TOWN's Code.
- G. Among other things, the DISTRICT receives tax proceeds as general funding for the planning, construction, and maintenance of flood control improvements.

- H. Under the budgeting process for the DISTRICT, a category of “Contributions” (hereinafter “Funds”) has been established, setting aside monies that may be utilized by the various political subdivisions located within the boundaries of Yavapai County.
- I. The DISTRICT has approved and budgeted Funds to provide funding assistance for flood mitigation work and is authorized to expend such Funds for flood control projects (including storm water control) to political subdivisions for projects so long as the projects are flood or drainage related, cost-effective, a benefit to the County, the DISTRICT, and the political subdivision and are in accordance with FEMA regulations.
- J. The TOWN has experienced storm water control and flooding problems for a number of years in various locations and seeks to mitigate such problems to increase safety and protect public and private property and persons within the TOWN.
- K. The TOWN seeks to improve its storm water control, make drainage improvements, and/or mitigate flooding problems by constructing *all or a portion of* the following 4 improvements: (1) Road 2 South, east of S.R. 89 drainage improvements; (2) Road 3 North and Appaloosa Meadows Drainage Channel Improvements; (3) Juniper Drive near Road 1 East Drainage Improvements; and (4) Road 1 East and Road 4 South vicinity Low Water Crossing Improvements, (hereinafter collectively referred to as the “Project”).
- L. The TOWN desires to receive DISTRICT Funds for the 2017-2018 fiscal year to be used for its Project.
- M. The DISTRICT has budgeted Funds to support the Project in an amount not to exceed One-Hundred Ten Thousand Dollars (\$110,000) for fiscal year 2017-2018 which begins on July 1, 2017.

AGREEMENTS

NOW THEREFORE, for good and valuable consideration, including consideration of the mutual promises, terms, and conditions hereinafter set forth, including the mutual promises and obligations to be performed by the Parties hereto, IT IS AGREED BETWEEN THE TOWN AND THE DISTRICT AS FOLLOWS:

I. PURPOSE

The purpose of this Agreement is to authorize the DISTRICT to pay and contribute to the TOWN Funds in support of the TOWN’s Project. Such funding for fiscal year 2017-2018 shall not exceed One-Hundred Ten Thousand Dollars (\$110,000).

II. COMMENCEMENT, DURATION, AND TERMINATION

The effective date is as set forth on page one (1) of this Agreement. Performance under this Agreement shall commence following the effective date and shall terminate upon the earliest of:

- A. The completion of the Project as determined by the TOWN;
- B. The exhaustion of the Funds allocated to the TOWN for the Project;
- C. The end of the fiscal year 2017-2018; or
- D. The mutual agreement of the Parties.

III. RESPONSIBILITIES OF PARTIES

A. The TOWN shall:

1. Be solely responsible for the design, engineering, bidding, right-of-way acquisition, supervision, construction, inspection, administration, and project management of the Project and for contracting directly for all Project work.
2. If plans are used to bid, provide the DISTRICT a copy of the final Project plans.
3. Use the Funds for the Project in fiscal year 2017-2018.
4. Use the Funds exclusively for costs associated with the Project described above.
5. When requesting Funds from the DISTRICT, provide detailed invoices with supporting documentation for the request(s).
6. Request Funds from the DISTRICT on or before July 31, 2018 (for work completed in fiscal year 2017-2018).
7. Be responsible for the proper disbursement of the Funds provided by the DISTRICT.
8. Be responsible for maintaining the Project and the resulting improvements.

B. The DISTRICT shall:

1. Make Funds available to the TOWN for the Project as approved by the Board of Directors.
2. Provide funding as available and appropriate upon proper request(s) by the TOWN.
3. Pay properly invoiced requests monthly or on an alternate schedule as agreed to by the TOWN and DISTRICT.
4. Pay properly invoiced requests for work completed by the TOWN in fiscal year 2017-2018 so long as TOWN's requests are received by the DISTRICT on or before July 31, 2018.

C. The DISTRICT and TOWN mutually agree:

1. That they recognize the Funds to be used by Parties pursuant to this Agreement are tax funds. The agreements herein for funding are based upon projected tax funds to be received. In the event the projected income is not received, there is the possibility that some or all of the Funds anticipated by this Agreement and set forth herein will not be available. All monetary obligations under this agreement shall be subject to annual budget approval of the respective governing bodies of the parties. A failure of either party's governing body to approve funding for payment of any obligation hereunder shall constitute grounds for termination of this agreement.
2. The Project is the sole responsibility of the TOWN, and not of the DISTRICT or the County. All real property upon which the Project work will occur is within the TOWN limits and not owned or under the control of the DISTRICT or County.

VII. INDEMNIFICATION

The TOWN agrees to defend, indemnify, and hold harmless the DISTRICT, its Board of Directors, the County, its Board of Supervisors, officers, employees, agents, or other representatives from any and all claims for damages or otherwise arising under this Agreement and from any negligent acts of the Town, its officers, employees, agents, or other representatives. This Indemnification provision shall survive the termination of this Agreement.

VIII. OTHER PROVISIONS

- A. NOTICE. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by certified mail, return receipt requested, addressed as follows:

TOWN OF CHINO VALLEY
Mayor
202 N. State Route 89
Chino Valley, AZ 86323

DISTRICT
Yavapai County Flood Control District Director
1120 Commerce Drive
Prescott, AZ 86305

- B. ENTIRE AGREEMENT. This Agreement represents the entire understanding between the parties with respect to the subject matters herein, and may be amended, modified, or waived only by written instrument signed by both Parties.
- C. CONFLICT OF INTEREST. This contract is subject to the cancellation provisions of A.R.S. §38-511.
- D. SEVERABILITY. In case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.
- E. NON-DISCRIMINATION. The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.
- F. EMPLOYMENT VERIFICATION. The Parties are required to comply with A.R.S. §41-4401, and hereby warrants that they will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the employment of their

respective employees, the requirements of A.R.S. §41-4401, and with the e-verification requirements of A.R.S. §23-214(A) (together the “state and federal immigration laws”). The Parties further agree to ensure that each subcontractor that performs any work under this Agreement likewise complies with the state and federal immigration laws. A breach of a warranty regarding compliance with the state and federal immigration laws shall be deemed a material breach of the Agreement and the party who breaches may be subject to penalties up to and including termination of the Agreement. The Parties retain the legal right to inspect the papers of any contractor or subcontract employee working under the terms of the Agreement to ensure that the other party is complying with the warranties regarding compliance with the state and federal immigration laws.

G. LAWS. The Parties shall each be fully responsible for compliance with all statutes ordinances, codes, regulations, rules, court decrees, or other laws (hereinafter “Laws”) applicable to it as part of fully performing the Project with regards to their respective roles. This Agreement shall not relieve either Party of any obligation or responsibility imposed upon it by Laws.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year specified below.

YAVAPAI COUNTY
FLOOD CONTROL DISTRICT

TOWN OF CHINO VALLEY

Thomas Thurman, Chairman Date
Board of Directors
Yavapai County Flood Control District

Darryl Croft, Mayor Date
Town of Chino Valley

ATTEST:

Kim Kapin Date
Clerk of the Board of Directors

Jami Lewis Date
Chino Valley Town Clerk

DETERMINATIONS OF COUNSEL
FOR THE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND
THE TOWN OF CHINO VALLEY

FOR THE FISCAL YEAR 2017-2018 FINANCIAL CONTRIBUTION
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL IMPROVEMENT

Pursuant to A.R.S. §11-952, as amended, the foregoing Agreement has been submitted to the undersigned Attorney Town of Chino Valley. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona and the Town of Chino Valley.

Attorney	Date
Town of Chino Valley	

Pursuant to A.R.S. §11-952, as amended, the foregoing Agreement has been submitted to the undersigned Attorney for the Yavapai County Flood Control District, Prescott, Arizona. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Yavapai County Flood Control District.

Deputy County Attorney	Date
Flood Control District	