Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
Tuesday, September 25, 2012
6:00 P.M.

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

AGENDA

1) CALL TO ORDER, INVOCATION; 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 concerning a subject 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 speaker remarks.

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) Recognition of the Chino Valley Recreation Foundation for contributions to summer aquatics and recreation programs. (Cecilia Watts, General 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 accept resignation of Candy Blakeslee from the Board of Adjustment effective September 11, 2012. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

a) Consideration and possible action to repeal Ordinance No. 11-754, revoking the Conditional Use Permit for the Windmill House, located at 1460 W. Road 4 North and identified as Assessor's Parcel Number 306-05-030W and a portion of 306-05-030X. Owner: Joe Cordovana, Trustee of the LaVacara Family LLC. (David Nicolella, Associate Planner)

Recommended Action: Repeal Ordinance No. 11-754, revoking the Conditional Use Permit for the Windmill House, due to non-compliance with the condition of approval related to right-of-way dedication along the property's Road 4 North frontage.

b) Consideration and possible action to adopt Personnel Policy No. 755, "Supplemental Benefit Plan (SBP) for Public Safety Employees," effective August 2, 2012. (Cecilia Watts, General Services Director)

Recommended Action: Adopt Personnel Policy No. 755, "Supplemental Benefit Plan (SBP) for Public Safety Employees," effective 8/2/2012.

c) Report and possible discussion regarding an Open Meeting Law violation and guidelines for Council communications with regard to the Open Meeting Law. (Tom Kack, Town Attorney)

Recommended Action: To be determined per Council discussion.

d) Consideration and possible action to approve the August 2, 2012 joint study session minutes. (Absent: Councilmembers Echols and Turner) (Jami Lewis, Town Clerk)

Recommended Action: Approve the August 2, 2012 joint study session minutes.

8) EXECUTIVE SESSION

Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).

a) Council may vote to hold an executive session pursuant to Arizona Revised Statutes § 38-431.01(A)(3), discussion or consultation for legal advice with the attorney or attorneys of the public body, and/or § 38-431.01(A)(4), discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding a pre-annexation development agreement that is the subject of pending litigation,*Cortez Enterprises v. Town of Chino Valley* , CV 2006-1407, Yavapai County Superior Court. (Mark Drutz, Town Attorney)

9) ADJOURNMENT

Dated this 20th day of September, 2012.

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 636-1787 (TDD) 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/clerk/townagenda.shtml, 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 Town Hall, Chino Valley Post Office, and Chino Valley Aquatic Center 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 **Item No. 6. a.**

Meeting Date:	09/25/2012
Contact Person/Dept:	Jami Lewis, Town Clerk
	Phone: 928-636-2646 x-1208
Item Type:	Consent
Estimated length of staff presentation:	None
Physical location of item:	n/a

AGENDA ITEM TITLE:

Consideration and possible action to accept resignation of Candy Blakeslee from the Board of Adjustment effective September 11, 2012.

RECOMMENDED ACTION:

Accept resignation of Candy Blakeslee from the Board of Adjustment effective September 11, 2012.

SITUATION AND ANALYSIS:

Candy Blakeslee submitted her resignation from the Board of Adjustment on September 11, 2012 due to relocation. Council recently appointed Lillian Morales as an alternate to this Board, so she will now fill this position.

Fiscal Impact

Fiscal Impact?: no

If Yes, Budget Code:

Available:

Funding Source:

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. a.**

Meeting Date:	09/25/2012
Contact Person/Dept:	David Nicolella, Development Services
	Phone: 928-636-2646 x-1217
Item Type:	Action-Presentation
Estimated length of staff presentation:	5 minutes
Physical location of item:	1460 W. Road 4 North

AGENDA ITEM TITLE:

Consideration and possible action to repeal Ordinance No. 11-754, revoking the Conditional Use Permit for the Windmill House, located at 1460 W. Road 4 North and identified as Assessor's Parcel Number 306-05-030W and a portion of 306-05-030X. Owner: Joe Cordovana, Trustee of the LaVacara Family LLC.

RECOMMENDED ACTION:

Repeal Ordinance No. 11-754, revoking the Conditional Use Permit for the Windmill House, due to non-compliance with the condition of approval related to right-of-way dedication along the property's Road 4 North frontage.

SITUATION AND ANALYSIS:

At the September 4, 2012, Planning Commission public hearing, the Commisson was informed that the owner of the Windmill House, Joseph Cordovana, Trustee of the LaVacara Family LLC, is unwilling to dedicated right-of-way along the property's Road 4 North frontage. This right-of-way dedication was required ten months ago with the approval of the Conditional Use Permit (CUP) for the Windmill House (Ordinance No. 11-754). Town staff, on many occations, has tried to work with Mr. Cordovana to get him to dedication the right-of-way. These effort's were unsuccessful.

The conclusion to the right-of-way dedication situation occurred on Thursday, August 16, 2012, when Mr. Cordovana attended a meeting with Mayor Marley, the Town Manager, Robert Smith, and Associate Planner, David Nicolella, to discuss his obligation to dedicate right-of-way to the Town. In the August 16th meeting, Mr. Cordovana stated that he would not fulfill the CUP's existing requirement to dedicate right-of-way, unless the Town processed a new rezoning application for him and the rezoning action was successful. Mr. Cordovana also provided a document stating that the Town should waive all fees for the rezoning application process and that once the rezoning was approved, only then would he dedicate the

right-of-way to the Town. Unfortunately, the Town cannot fulfill Mr. Cordovana's request.

As a “condition of approval” Ordinance No. 11-754 requires the dedication of right-of-way and that dedication should have occurred prior to active use of the CUP. Based on Mr. Cordovana’s unwillingness to dedicate right-of-way, he is in non-compliance with a stated condition in this Ordinance No. 11-754.

At the September 4, 2012, Planning Commission public hearing, the Commission heard the matter and recommend to the Town Council that the CUP be revoked due to non-compliance with a stated condition in this Ordinance No. 11-754.

Fiscal Impact

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

Attachments

Commission's September 4, 2012 item packet

ITEM 7A

Memorandum

To: The Planning and Zoning Commission
From: David Nicolella, Associate Planner

Date: 8/29/2012

Re: **Agenda Item 7A:** For consideration, discussion, and possible recommendation to the Town Council regarding the violations, sanctions, and enforcement of the Conditional Use Permit (CUP) for the Windmill House.

AGENDA ITEM: 7A

AUGUST 7, 2012, COMMISSION PUBLIC HEARING RECOMMENDATION TO STAFF:

At the August 7, 2012, hearing the Commission continued the item until September 4, 2012, and stated that the CUP approved through Ordinance No. 11-754, needs to be amended to include "Site Performance Standards" which are enforceable by the Town of Chino Valley's Municipal Court. Staff was directed to work with the property owner, the potential tenant, and the neighbors to develop new criteria for the CUP.

The Commission stated that "Site Performance Standards", are the best way to protect the neighborhood from disturbances caused by activities at the Windmill House and will also allow Mr. Cordovana to operate as needed.

OTHER ISSUES FOR THE COMMISSIONERS' CONSIDERATION:

In the August 7th Commission Staff Report, Under Section J, the Commission was asked to consider the fact that, the property owner, Joseph Cordovana, Trustee of the LaVacara Family LLC, has not dedicated right-of-way (ROW) along the property's Road 4 North frontage. The ROW dedication was a condition of approval for the Windmill House CUP, which was approved on November 8, 2011.

In the report, staff stated that a new business license for the Windmill House cannot be issued until the Planning Department receives ROW dedication paperwork which satisfies the CUP's condition of approval relative to ROW dedication.

The Commission requested that the property owner submit ROW dedication paperwork for the September 4, 2012, hearing or the Commission will continue it again.

NEW INFORMATION FOR THE COMMISSIONERS' CONSIDERATION:

Since the August 7, 2012, Commission meeting, new facts have surfaced that affects staff's recommendation in regard to violations, sanctions, and enforcement of the CUP for the Windmill House. The facts are as follows:

On Thursday, August 16, 2012, Mr. Cordovana attended a meeting with Mayor Marley, the Town Manager, Robert Smith, and Associate Planner, David Nicolella, to discuss his obligation to dedicate ROW to the Town.

At the August 16th meeting, Mr. Cordovana stated that he would ***not*** fulfill the CUP's existing requirement to dedicate ROW, unless the Town processed a new rezoning application for him and the rezoning action was successful. Mr. Cordovana also provided a document stating that the Town should waive all fees for the rezoning application process and that once the rezoning was approved, only then would he dedicate the right-of-way to the Town.

On August 22, 2012, Town staff wrote a letter to Mr. Cordovana regarding the August 16th meeting and asked Mr. Cordovana to sign the letter which stated, ***"If you are unwilling to dedicate right-of-way, as you stated in the August 16th meeting, please sign this document indicating such. Once you sign this document the Town will begin the process of revoking Ordinance No. 11-754, and will cease Planning & Zoning Commission and Council activity related to the revision of the CUP."*** (Letter attached)

Mr. Cordovana was unwilling to sign the letter and requested Town staff to send it to him, via certified mail. Staff sent a certified letter and several days' later asked Mr. Cordovana if he signed the letter. Mr. Cordovana stated that he through the letter in the garbage.

Based on Mr. Cordovana's unwillingness to dedicate ROW, he is in non-compliance with the condition of approval relative to ROW dedication which was required through Ordinance No. 11-754.

Town staff is requesting that the Commission hear the matter and recommend to the Town Council that the CUP approved through Ordinance No. 11-754 be revoked. The Town Council shall thereafter determine whether to take action to revoke the CUP.

Attachments:

1. August 7, 2012, Commission Staff Report (Pages 1-5)
2. August 22, 2012, letter send to Mr. Cordovana via certified mail
3. Ordinance No. 11-754

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PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
AUGUST 7, 2012

LEGAL AD

NOTICE IS HEREBY GIVEN that the Town of Chino Valley's Zoning Administrator (ZA) is requesting a Planning and Zoning Commission Public Hearing regarding the Conditional Use Permit (CUP) for the Windmill House (Assessor's Parcel Numbers 306-05-030W and a portion of 306-05-030X). The Windmill House is located at 1460 W. Road 4 North and the CUP was approved on November 8, 2011, with Ordinance No. 11-754.

The Planning and Zoning Commission ("Commission") Public Hearing is requested because the ZA determined that an event that occurred at the Windmill House on May 19, 2012, the "Springfest" event, was in violation of the CUP approved with Ordinance No. 11-754. The Commission hearing will be held on Tuesday, August 7, 2012, at the Chino Valley Council Chambers–South Campus, located at 202 N. State Route 89, Chino Valley, Arizona, 86323, at 6:00 p.m. Location Maps. (Exhibit A)

The Commission shall make a recommendation regarding the violation, sanctions, and enforcement of the CUP to the Town Council. The Town Council (date to be determined) shall conclude whether to take action including to alter, amend, or revoke the CUP for the Windmill House.

A. FACTS:

1. Owner: ..... Joseph Cordovana, Trustee of the LaVacara Family LLC
2. Occupant: ..... Dean Echols, who was the party utilizing the Windmill House at the time of the violation. On June 29, 2012, Mr. Echols closed the doors to his operation at the Windmill House.
3. Site Area: .....The CUP approved with Ordinance No. 11-754 (Exhibit B) was for approximately 28 acres
4. Adjacent Zoning and Use:
   a. North .....AR-5, Vacant
   b. West.....SR-2.5, Single Family Dwellings
   c. South.....SR-1, An undeveloped subdivision
   d. East.....AR-5, Vacant

B. SITUATION:

On April 9, 2012, Town staff learned that the party utilizing the Windmill House (Dean Echols, Council Member for the Town of Chino Valley) was advertising the "Springfest" event, to occur at the Windmill House on May 19, 2012. Town staff learned of the event through a complaint filed by Michael Edmonds (Planning Commissioner with the Town of Chino Valley) and Ronald Maines (See section "H" of this report, "OTHER COMPLAINTS FILED BY EDMONDS AND MAINES".

After learning of the event, Town staff met with Mr. Echols and Mr. Cordovana (the owner of the property) to inform them that the "Springfest" event was outside of the scope allowed by the CUP and suggested the event be held elsewhere. The CUP provides a list of performance standards and a list of activities that can occur at the facility and the

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"Springfest" event is not allowed. After the meeting, Town staff concluded that Mr. Echols was going to hold the event regardless. Mr. Echols indicated that the event was good for the community and he believed that the CUP allowed an event of this type.

On May 3, 2012, Town staff wrote a letter to Mr. Echols and Mr. Cordovana stating: "After receiving this notification, the violation should be corrected promptly, meaning that the "Springfest" event should be held elsewhere. Failure to do so shall subject the party utilizing the property (Dean Echols) and the owner of the property (Joseph Cordovana, Trustee of the LaVacara Family LLC) to enforcement and sanctions under the Unified Development Ordinance (UDO) and the terms of the CUP. The ZA (if there are multiple violations) shall request a hearing before the Planning Commission. In this event, the Planning Commission shall make a recommendation regarding the violation, sanctions and enforcement of the CUP to the Town Council and the Town Council shall determine "whether to take action including whether to alter, amend, or revoke the CUP" (Exhibit C).

Town staff is not aware of whether or not Mr. Cordovana had the authority to stop Mr. Echols from holding the event. That would depend on how the lease was written.

After being informed by Town staff that the Springfest event would be considered a violation of the standing CUP, on May 19, 2012, Dean Echols held the "Springfest" event at the Windmill House.

Because the "Springfest" event occurred, the Town is in the process of taking the following actions:

1. On May 21, 2012, the Town's Code Enforcement Department issued a citation for the violation of the CUP:
    a. On June 19, 2012, Judge Hamm dismissed the citation until the CUP violation goes through the P&Z and Council process.
2. The Town's Planning Division is in the process of conducting a three phase review of the CUP, which should create clarity in the administration and enforcement of the CUP:
    a. On June 27th a neighborhood meeting occurred; followed by
    b. A Planning Commission public hearing; and finally
    c. A Town Council Meeting

On June 29, 2012, Mr. Echols closed the doors to his operation at the Windmill House.

C. VIOLATIONS OF CUP ORDINANCE NO. 11-754:

Town staff has determined that the "Springfest" event violated three "Zoning Conditions" of the standing CUP:

1. The conditions of the standing CUP limits the land uses on the property by allowing "Weddings and other private events" but limiting "public" events. The "Springfest" event was a non-private event designed to bring the entire community together by offering a multitude of activities such as:
    a. A 5K race
    b. An Antique Car Show

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c. Music and food venders
d. Face painting
e. Door prizes
f. Kiddy rides; and
g. Gifts and giveaways

2. The conditions of the standing CUP requires a dust mitigation plan if parking required for an event involves parking on non-paved surfaces. The CUP states, "That a dust mitigation plan shall be established for all special events that demand parking requirements beyond the paved parking areas. Such special events shall not occur without first submitting a dust mitigation plan to the Development Services Department for review and approval prior to the start of said events".
    a. All the paved parking on site was utilized by the Antique Car Show vehicles requiring the general public to park and drive on the dirt.
3. The CUP requires that events with amplification equipment shall be limited to an indoor use only. Outdoor amplification occurred at the "Springfest" event.

D. THE TOWN'S RESPONSE TO VIOLATIONS OF CUP ORDINANCE NO. 11-754:
"Zoning Conditions #4" in Ordinance No. 11-754" provides guidance on how to respond in the event of non-compliance or violation of the conditions of approval in the CUP and this section states:

> 4. "That the Conditional Use Permit (CUP) is granted for a period of 15 years. However, in the event of non-compliance with any of the stated conditions in this Ordinance then the Owner of the property and the party then utilizing the property (occupant) shall be subject to sanctions and enforcement under the UDO. In addition, the Zoning Administrator (ZA) shall request a hearing before the Planning Commission in the event there are repeated material violations, a material violation which is not corrected promptly after notice to the Owner, or if the material violation(s) is/are such that they are not able to be promptly cured. In event of referral, the Commission shall hear the matter and may recommend no action be taken or that the CUP be altered, amended or revoked. The Town Council shall thereafter determine whether to take action including whether to alter, amend or revoke the CUP."
>
> A careful analysis of "Zoning Conditions #4" reveals the following:
>
> a. Sanctions and enforcement under the UDO refers to Section 1.11.11 Civil Penalties- which states: *Any person who violates any Section of this Ordinance (In this case, Ord. No. 11-754) is subject to a civil sanction or penalty and shall be punished by imposition of a civil sanction not to exceed a base of five hundred dollars ($500.00) plus all applicable surcharges and fees, unless another penalty is specified; and*
> b. The Commission, after hearing this matter, may recommend no action be taken or that the CUP be altered, amended or revoked. The Town Council shall thereafter determine whether to take action including whether to alter, amend or revoke the CUP."

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E. NEIGHBORHOOD MEETING: On June 27, 2012, a noticed, public, neighborhood meeting was held by the Town of Chino Valley's Zoning Administrator (ZA). The meeting was held at 202 N. SR 89, at the Chino Valley Council Chambers–South Campus, and allowed adjacent landowners or other affected citizens, an opportunity to discuss or express their views concerning the Windmill House. Approximately fourteen (14) people attended the meeting and the following is an outline of the major concerns that were expressed at the meeting:

1. The owner and person utilizing the property are not complying with the conditions of the CUP.
2. Since the original approval of the CUP (2003) the Town has done a poor job enforcing the CUP.
3. The CUP is poorly written and needs to be written in a way that clearly defines what events can and cannot be held at the Windmill House.
4. The CUP is well written it just needs to be enforced by the Town.
5. The CUP allows "private events"; if the event is advertised it is not a private event. A kindergartener can tell the difference between a private and public event.
6. The "Clubhouse" was built for the private use of the Cordovana development and also allows some quasi-public use.
7. The owner knows the difference between private and public events. He puts a sign on the gate stating, "Private Event" when a private event occurs.
8. Provide a clear definition of "private events" to eliminate any gray area.
9. With the proper condition and enforcement mechanisms the Windmill House can be compatible with the neighborhood.
10. You cannot stop progress. Everyone complains about new development. We need a place to have public events so why can't the Windmill House be that place?
11. The "Springfest" event could have occurred at the Community Center. It did not have to occur at the Windmill House.

F. Material Submitted by Mr. Cordovana:

1. List of proposed uses for the Windmill House (Exhibit D)

G. Material Submitted by Mr. Maines:

1. List of proposed uses for the Windmill House (Exhibit E)

H. Material Submitted by Mr. Edmonds:

1. List of proposed uses for the Windmill House (Exhibit F)

I. Other Complaints filed by Mr. Edmonds and Mr. Maines:

1. The All Star Banquet event. The complaint stated that The All Star Banquet event, which occurred at the Windmill House on January 10, 2012, was in violation of the CUP.
    a. Mr. Edmonds and Mr. Maines appealed the Board of Adjustments ruling on the All Star Banquet to the Superior Court. In the near future, the Superior Court should be dismissing the appeal.

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2. The Jehovah Witness Church Service. The complaint stated that the Jehovah Witness Church Service, which occurred at the Windmill House on April 5, 2012, was in violation of the CUP

J. OTHER ISSUES FOR THE COMMISSIONERS' CONSIDERATION:

1. The property owner, Joseph Cordovana, Trustee of the LaVacara Family LLC, has not dedicated right-of-way along the properties Road 4 North frontage. As part of the Nov. 8, 2011 approval of the Windmill House CUP (Ordinance No. 11-754), Mr. Cordovana was required to dedicate right of way, as a condition of approval. His refusal to do so constitutes a violation of the approved CUP.
   a. Town staff cannot allow a new business license for the Windmill House until the Planning Department receives right of way dedication paperwork which satisfies the CUP's condition of approval relative to ROW dedication.
2. The Town's Code Enforcement Department issued a citation for the violations of the CUP. On June 19, 2012, Judge Hamm dismissed the citation until the CUP violations go through the P&Z and Council process.
   a. Staff is recommending the Town proceed with the citation for the violations under the UDO which refers to Section 1.11.11 Civil Penalties.
3. The property owner is requesting that outdoor amplification be allowed for certain non-private events, as defined in the amended CUP, with 65 decibels (65db) limit as measured at the property lines (65db has about a sound intensity of a normal conversation, and is below the standard threshold typically used in residential zones).
4. The Windmill House Corral Area: In September of 2010, the Town's Building Department authorized the use of some "concession stands" that were constructed on the Windmill House property. The concession stands consist of several western facades, and the Town's letter authorizing the use states: "With the removal of the concession stand roofs, the buildings do not require a building permit."
   a. This area was added without any over-site or involvement by the Commission or Council and there is no mention of this area in the CUP. Staff is recommending that the CUP be amended to provide clarification that states, "The Corral/Concession stand area is not separate from the Windmill House and is subject to all of the conditions of the CUP."
5. The current CUP refers to the Windmill House as an "Event Center". The original CUP (Ord. No. 561) refers to the Windmill House as a "Privately owned and operated park and recreation facility and commercial agricultural sales in the "AR-5" Agricultural/Residential (5 Acre Minimum)" (Exhibit G).
   a. Staff recommends that through this CUP amendment process, the terminology be clarified by Planning Commission and Council action, to reference only "Privately owned and operated park and recreation facility" , instead of "Event Center".
6. Lastly, after the approval of the Windmill House CUP (Ordinance No. 11-754), Mr. Cordovana split the property into two parcels. The Town, on several occasions, has requested a site plan from Mr. Cordovana showing the location of the new property lines, the building footprint, septic tank and leach field as depicted in the new lot split. Although staff has requested it, Mr. Cordovana has not provided this information. The Planning Department needs this information to assure that setback requirements are

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August 22, 2012

Joe Cordovana – Trustee of the LaVacara Family LLC
Address: PO Box 3150
Chino Valley AZ 86323

Regarding: The standing Conditional Use Permit (CUP) for the Windmill House

Dear Mr. Cordovana,

On Thursday, August 16, 2012, you attended a meeting with Mayor Marley; the Town Manager, Robert Smith; and Associate Planner, David Nicolella, to discuss your obligation to dedicate right-of-way to the Town. The dedication was required through the standing CUP for the Windmill House (Ordinance No. 11-754, approved on November 8, 2011).

In the August 16th meeting, you stated that you would ***not*** fulfill the CUP's existing requirement to dedicate right-of-way, unless the Town processed a new rezoning application for you and the rezoning action was successful. You also provided a document stating that the Town should waive all fees for the rezoning application process and that once the rezoning was approved, only then would you dedicate the right-of-way to the Town.

Unfortunately, the Town cannot fulfill your request. As a "condition of approval" Ordinance No. 11-754 requires the dedication of right-of-way and that dedication should have occurred prior to active use of the CUP. If you are unwilling to dedicate right-of-way, as you stated in the August 16th meeting, please sign this document indicating such. Once you sign this document the Town will begin the process of revoking Ordinance No. 11-754, and will cease Planning & Zoning Commission and Council activity related to the revision of the CUP.

Thank you,

David Nicolella
Associate Planner/Zoning Administrator
Phone: (928) 636-4427
email- dnicolella@chinoaz.net

I certify by my signature below that I will not dedicate the right-of-way that was required as a "condition of approval" in Ordinance No. 11-754. I also understand that failure to fulfill this condition of approval will invalidate the CUP and revoke Ordinance No. 11-754.

_____
Joe Cordovana

ATTACHMENT

ORDINANCE NO. 11-754

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 28-ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 306-05-030V TO ALLOW THE CONTINUED OPERATION OF THE WINDMILL HOUSE EVENTS FACILITY AND ITS PRESENT USES IN THE "AR-5" AGRICULTURAL RESIDENTIAL 5 ACRE MINIMUM

WHEREAS, at a public Hearing before the Town Council on November 8, 2011, the Council adopted Ordinance No. 11-752 which caused the zoning for the subject 28-acre portion of APN 306-05-030V to revert from "CL" Commercial Light zoning to "AR-5" Agricultural Residential 5 acre minimum; and

WHEREAS, the property owner, La Vacara Trust/Joe Cordovana, Trustee, has filed an application with the Town of Chino Valley ("Town") requesting a Conditional Use Permit for the real property legally described on Exhibit "A" as attached to this Ordinance; and

WHEREAS, the requested Conditional Use Permit was noticed in conformance with the applicable State and Local Statutes and Local Ordinance; and

WHEREAS, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on September 6, 2011, during which testimony was presented by Town staff, the property owner's agent, and members of the general public; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 6-0 vote (Commissioner Sparzynski absent) to forward the application to the Town Council with the recommendation for approval with certain Findings and Conditions; and

WHEREAS, at their regular meeting of November 8, 2011, the Town Council confirmed the recommendation of the Commission by voting to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Conditions cited in Section 1 of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the issuance of a Conditional Use Permit is hereby issued for real property legally described on Exhibit "A" located at 1460 W. Road 4 North with the following Findings and Conditions:

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the Conditional Use Permit for the existing uses will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare: and
2. That the existing uses are reasonably compatible with uses permitted in the surrounding area.

ZONING CONDITIONS:

1. Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the AR-5 Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That a dust mitigation plan shall be established for all special events that demand parking requirements beyond the paved parking areas. Such special events shall not occur without first submitting a dust mitigation plan to the Development Services Department for review and approval prior to the start of said events.
4. That the Conditional Use Permit (CUP) is granted for a period of 15 years. However, in the event of non-compliance with any of the stated conditions in this Ordinance then the Owner of the property and the party then utilizing the property (occupant) shall be subject to sanctions and enforcement under the UDO. In addition, the Zoning Administrator (ZA) shall request a hearing before the Planning Commission in the event there are repeated material violations, a material violation which is not corrected promptly after notice to the Owner, or if the material violation(s) is/are such that they are not able to be promptly cured. In event of referral, the Commission shall hear the matter and may recommend no action be taken or that the CUP be altered, amended or revoked. The Town Council shall thereafter determine whether to take action including whether to alter, amend or revoke the CUP.
5. That the Conditional Use Permit shall limit the subject property to the following land uses:
    a. Weddings and other private events
        i. See "Recreational Facilities" definition in the UDO
        ii. Use of the one existing on-site guest casita/ cottage (no others to be permitted)
    b. Buffet/open dinners may be served a maximum of two nights per week (in a seven day period)
    c. Catering services
    d. Pumpkin festival

e. Indoor & outdoor sales of nursery stock and a greenhouse for indoor plants

6. That events with amplification equipment shall be limited to an indoor use only.
7. That there shall be no loud, excessive or unusual noise associated with the uses on the property. Noise shall be considered loud, excessive or unusual if it does not comply with Section 131.02 "Prohibition of Loud or Unusual Noise" in the Town Code.

ENGINEERING CONDITIONS:

The dedication of right-of-way consistent with section 4.23 and 4.28 of the UDO shall occur along the full frontage of Road 4 North.

Section 2. Should the use approved herein not be established as proposed within one (1) year, the Conditional Use Permit approval shall become null and void.

Section 3. This Ordinance repeals any prior enactment by the Town, which is inconsistent herewith.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 8th day of November, 2011.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Musgrove Drutz & Kack, P.C.
Town Attorney

ATTACHMENT

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. b.**

Meeting Date:	09/25/2012
Contact Person/Dept:	Cecilia Watts, General Services
	Phone: 928-636-2646 x-1202
Item Type:	Action-Presentation
Estimated length of staff presentation:	10 minutes
Physical location of item:	N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Personnel Policy No. 755, "Supplemental Benefit Plan (SBP) for Public Safety Employees," effective August 2, 2012.

RECOMMENDED ACTION:

Adopt Personnel Policy No. 755, "Supplemental Benefit Plan (SBP) for Public Safety Employees," effective 8/2/2012.

SITUATION AND ANALYSIS:

The Legislature enacted A.R.S. § 38-961 effective on 8/2/2012 which requires any political subdivision or state agency that employs a public safety employee on a full-time basis and meeting certain criteria to have in place a supplemental benefits plan for public safety employees. This statute took effect 8/2/2012 and is set for repeal September 30, 2014.

Eligibility for this benefit requires that the public safety employee must have been injured in the line of official duty to the extent h/she cannot perform the functions of the position and must be receiving worker's compensation benefits pursuant to A.R.S. § 23-1041.

Essentially, the plan must be structured to provide wage reimbursement and other benefits from the employer to approximate the public safety employee's pre-injury base salary, minus taxes, for up to a six-month period.

The employer can establish injury standards for plan eligibility and can exclude eligibility in cases where the injury is the result of gross negligence or other standards determined by the employer. Currently, staff recommends that our Worker's Compensation carrier, State Compensation Fund (SCF) perform the gate-keeper role in determining worker's comp eligibility and therefore eligibility for the Supplemental Benefit Plan.

The plan must include certain provisions:

- A Public Safety employee is an individual who is a member of the Public Safety Personnel Retirement System;
- Benefits available under this plan must be offered to eligible public safety employees for an initial six month time period;
- Accrual of Leave: Public Safety employees accepted into a SBP Plan do not accrue any additional sick or vacation leave during the time they are in the plan, nor may the employee's sick or vacation time be decreased during the time they are in the plan.
- The Town must pay all employer and employee retirement plan contributions to the Public Safety Personnel Retirement System. The employee will continue to accrue credited service for purposes of retirement during the time they are on the plan.
- The Town will continue to pay employer-funded portions of any employer-sponsored health care plan. The employee will still be responsible for for the employee's portion of a health care benefit and/or any elective health care option or additional insurance premiums normally paid by the employee.
- Employees in the plan may be disciplined, including termination of employment, subject to Town policies and agreements.
- Employees accepted into the plan must comply with all risk management requirements, such as evaluation for transitional return to work or light duty assignment, or rehabilitation services and programs. Failure by the employee to comply can result in termination of supplemental plan benefits.

The requirement for the Town to pay the employee's share of his/her retirement contribution obligates municipal funds to the benefit plan. The amount that this may be is difficult to estimate. However, using the last two years' data, the police department only experienced 10 missed work days. A Public Safety employee contributes 9.55 % of gross wages to his/her public safety retirement fund, and the salary range for Police Officers, excluding Detectives, FTOs, and other certified staff, is Range 22, $42,012 - $55,124.

Staff had considered asking Council if they could make this additional benefit available for all employees, as this statute does not disallow this provision; however, based on the history of claims for the last two years we are reluctant to recommend this benefit without an assured funding source. Since we are mandated by statute to provide this to Public Safety employees, staff recommends adoption of this benefit as written, with the understanding that a modification of this benefit may be before this Council next fiscal year if a funding source can be identified.

Funds for Supplemental Benefit Plan, Policy #755, will come from Contingency Funds.

Fiscal Impact

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

In the event a public safety employee were to qualify for the plan and be paid benefits for the full six months, the total amount of additional Town funds required would be between $2,000 and $2,600, depending on the salary range of the employee. The Police Department budget would likely be able to absord the additional expense; otherwise Contengency Funds would be used.

Attachments

Personnel Policy 755
Work Injuries, 2010-2012
ARS 38-961

SUPPLEMENTAL BENEFITS PLAN (SBP) FOR PUBLIC SAFETY EMPLOYEES

I. PURPOSE

To comply with the requirements of A.R.S. §38-961 and provide additional economic benefits to the Chino Valley Public Safety employees who are injured in the line of official duty and eligible for workers' compensation benefits.

II. SCOPE

This policy applies to full-time Public Safety employees employed by the Town of Chino Valley.

III. POLICY

All benefits under this plan will be provided while the employee meets all eligibility criteria, for a period up to six months from the date the employee receives first payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041.

Benefits under this plan include:

a. Payment by the Town of Chino Valley will be the difference in salary between the employee's base pre-injury salary, less taxes, and the worker's compensation benefit paid to the employee under A.R.S. §38-961, and any other voluntary deductions on the part of the employee.
b. The Town of Chino Valley will continue to pay the employer's portion of premium for health care benefits as was paid pre-injury and as is paid for other similarly enrolled employees. The employee remains responsible for paying the same portion of h/her health care benefits as was paid pre-injury and as is paid for similarly enrolled employees.
c. The Town will pay both the employer and employee contributions to the Public Safety Personnel Retirement System as based on the employee's pre-injury salary.
d. Credit for service in the Public Safety Personnel Retirement System will be at the same accrual rate as pre-injury.
e. Accrued leave balances will remain at pre-injury level, including sick, vacation, comp time, and holiday leave banks. Leave accounts will be frozen as of date of injury until conclusion of participation in the plan.

IV. PROCEDURE

a. The employee will make a request for plan benefits to the Human Resources Department, in writing, within 30 days of the employee's receipt of h/her first lost-time wage replacement benefit paid under Worker's Compensation. The Human Resources Department will function as the Supplemental Benefit Plan Administrator for purposes of this benefit. Failure to make a request within the timeframe established herein shall be construed as a waiver of any rights under A.R.S. §38-961.

b. The Town's SBP Administrator will review the written request, the circumstances surrounding the injury, employee eligibility for worker's compensation, and any other relevant factors. Within 30 days of receipt of written request from employee the SBP Administrator shall provide the employee with written determination of benefits eligibility under the plan.
c. Supplemental benefits under the plan will be provided from the date of an employee's injury for a period not to exceed six months, as long as the employee continues to meet all eligibility criteria.
d. Employees granted benefits under this plan will cooperate fully with the Town, the SBP Administrator, Human Resources, and others working to coordinate benefits.
e. Employees in this plan may be disciplined, including termination of employment, subject to the Town of Chino Valley's disciplinary procedures and processes.
f. Appeal Process. If an employee is denied participation in the plan for any reason, s/he has a right to appeal such denial. The process for doing so is, exclusively, the following:
    1. Within ten (10) working days from receipt of denial letter the employee may file a written appeal with the Town Manager stating the reason for the appeal and facts that the employee wishes to have considered;
    2. Within five (5) working days the Town Manager will render a written opinion affirming or denying eligibility based upon the information provided. Such opinion will be given to both the appealing party and the SBP Administrator.

Work-Related Injuries and Illnesses

Department	Type of injury	# of Days Away	On Job Transfer/ Light Duty	
Police	Shoulder		10 Days	
Police	Abraison -Cut	0		
Vehicle	Strain -Muscle Bk		10 Days	
Police	Strain	0		
HR	Knee	5 Days		
Senior Center	Cut	0		
Park	Shoulder		15 Days	
Court	Strain-Wrist	0		
GIS	Shoulder	9 Days		
Police	Strain	0		
Senior Center	Knee Abraison	0		
Police	Strain	1 Day		
Police	Bite	0		
Police	Abraison	0		
GIS	Strain -Wrist	33 Days	21 Days	
Development Srv	Knee	0		
Senior Center	Fall	54 Days		
GIS	Fall	50 Days		
Police	Knee	9 Days		
Senior Center	Abraison	0		
Police	Strain	0		
Police	Strain	0		
Police	Strain	0		

Reviewed 2010 & 2011 (calendar year)

Total of 4 on the Job Transfers
161 days way from work
Police Department - 10 days away from work over a 2-year period due to work-related injury

38-961. Public safety officer; duty-related injury; supplemental benefits plan; definition
(Rpld. 10/1/14)

A. This state or a political subdivision of this state that employs a public safety employee on a full-time basis shall establish a supplemental benefits plan for a public safety employee who is injured while on duty to the extent that the public safety employee cannot perform the functions of the position. To become eligible for the supplemental benefits plan, the public safety employee must be receiving workers' compensation benefits pursuant to title 23, chapter 6. This state or a political subdivision of this state shall design the supplemental benefits plan so that with the addition of other benefits being paid by the worker's compensation fund to the public safety employee the public safety employee will receive approximately the identical base salary less the amount of taxes the public safety employee was paying.

B. If a public safety employee is accepted into the supplemental benefits plan, the public safety employee's employer shall continue to pay the employer portion of the health care benefits that were being paid to the public safety employee on the date of the employee's injury.

C. If a public safety employee is accepted into the supplemental benefits plan, the public safety employee's employer shall pay the employee contribution to the public safety personnel retirement system or corrections officer retirement plan, as applicable, and shall continue to pay the employer contribution to the respective retirement system or plan. The public safety employee is entitled to accrue credited service for the period of time enrolled in the supplemental benefits plan.

D. A public safety employee who is eligible for the supplemental benefits plan shall apply for benefits to this state or a political subdivision of this state. This state or a political subdivision of this state, on an individual basis, shall determine if the public safety employee is entitled to the benefits in the plan. This state or a political subdivision of this state may establish injury standards for eligibility into the plan that may include the exclusion of a public safety employee whose injury is a result of the public safety employee's gross negligence, or any other condition that this state or the political subdivision chooses to consider within the plan.

E. A public safety employee who is accepted into the plan shall comply with all risk management requirements, including evaluation for light duty options and rehabilitation programs. If a public safety employee fails to comply with risk management decisions, the public safety employee's participation in the supplemental benefits plan will be terminated. The public safety employee who is accepted into the plan is responsible for the public safety employee's portion of the health care benefit costs the public safety employee was paying on the date of the injury. The public safety employee remains responsible for any elective health care plan deductions, health related optional deductions or optional life insurance deductions.

F. If a public safety employee is accepted into the supplemental benefits plan, the public safety employee shall not accrue any additional sick or annual leave and any sick or annual leave amount on the public safety employee's account shall not be decreased while the public safety employee is participating in the plan.

G. A public safety employee who is accepted into the supplemental benefits plan is not precluded from disciplinary action, including termination of employment, pursuant to chapter 8 of this title or any agreements that supplant, revise or otherwise alter the provisions of this title, including preexisting agreements between the employer and the public safety employee's lawful representative association.

H. This section shall not supersede any plan or policy that provides a greater benefit being offered by this state or a political subdivision of this state to a public safety employee who is injured while on duty. This state or a political subdivision of this state shall offer the supplemental benefits plan for an initial six-month period. This state or the political subdivision may determine if the plan shall be extended, on an

individual basis, an additional six months, for a maximum of one year.
I. For the purposes of this section, "public safety employee" means:
1. An individual who is a member of the public safety personnel retirement system or the corrections officer retirement plan.
2. A probation officer, surveillance officer or juvenile detention officer who is employed by this state or a political subdivision of this state.

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TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. c.**

Meeting Date:	09/25/2012
Contact Person/Dept:	Tom Kack, Town Attorney
Item Type:	Action-Presentation
Estimated length of staff presentation:	10 minutes
Physical location of item:	N/A

AGENDA ITEM TITLE:

Report and possible discussion regarding an Open Meeting Law violation and guidelines for Council communications with regard to the Open Meeting Law.

RECOMMENDED ACTION:

To be determined per Council discussion.

SITUATION AND ANALYSIS:

The Attorney General's office has requested the Town have two presentations on the Open Meeting Law to educate the Council and the Public. This is in response to an investigation by the Attorney General's Office that commenced in or before March 2012, based upon a complaint of a former employee. The Attorney General found an open meeting violation occurred on May 19, 2009, because the Executive Session held to discuss whether to reduce employees' pay and hours versus a reduction in force should not have been held as an Executive Session because it did not involve an individual employee or employees. Because the session was not for individual employees, no written notice was sent for individual employees as required by A.R.S. § 38?431.03(A)(1). Finally, contrary to law, no meeting minutes were taken. This occurred because the Town Clerk was not present and the former employee designated to take the minutes required by law failed to produce them.

The investigation spanned years and the Attorney General found that while an April 22, 2010, Executive Session was properly held and noticed as an Executive Session under A.R.S. §38?431.03(A)(3) and (A)(4), the notice should not have also cited the "employee section" of the Executive Session Law, A.R.S. § 38-431.03(A)(1). The foregoing may be hyper-technical; however, there were also no minutes taken of this Executive Session as required by State Law. Again, the Town Clerk was not present and the former employee designated to take minutes failed to produce them.

Staff has drafted guidelines for Council communications as they relate to the Open Meeting

Law. As these are still under review by the Town Attorney, they may or may not be presented at this meeting. If they are not ready for this meeting, they will be presented at the October 9, 2012 meeting.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. d.**

Meeting Date: 09/25/2012
Contact Person/Dept: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Item Type: Action

AGENDA ITEM TITLE:
Consideration and possible action to approve the August 2, 2012 joint study session minutes.

RECOMMENDED ACTION:
Approve the August 2, 2012 joint study session minutes.

Attachments

8-2-12 minutes

D R A F T

MINUTES OF THE JOINT STUDY SESSION OF THE TOWN COUNCIL AND PLANNING AND ZONING COMMISSION OF THE TOWN OF CHINO VALLEY

Thursday, August 2, 2012
6:00 P.M.

The Town Council and the Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Joint Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Thursday, August 2, 2012.

Present:	Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Linda Hatch
Absent:	Councilmember Dean Echols; Councilmember Lon Turner
Staff Present:	Interim Town Manager Robert Smith; General Services Director Cecilia Watts; Town Engineer/Public Works Director Ron Grittman; Utilities Supervisor Chris Bartels; Associate Planner David Nicolella; Town Clerk Jami Lewis (recorder)
Attendees:	Garland Miner, Planning and Zoning Vice-Chair; Michael Edmonds, Planning and Zoning Commissioner; Charles Merritt, Planning and Zoning Commissioner; Jack Owen, Planning and Zoning Commissioner; Gwen Rowitsch, Planning and Zoning Commissioner; Dava Hoffman, General Plan Consultant

1) CALL TO ORDER; ROLL CALL

Mayor Marley called the meeting to order at 6:06 p.m.

2) Summary of General Plan Committee activities over the past five months by Dava Hoffman of Dava & Associates. (General Plan Committee)

Acronyms used in this item:
GPC (General Plan Committee)
OHM (Old Home Manor)

Ms. Hoffman reported that this meeting was to brief Council and the Planning and Zoning Commission on GPC activities over the last five months, provide and opportunity to exchange ideas, and for the Council and Commission to provide direction to the GPC.

History

- January 2 – Council appointed the General Plan Committee and approved a contract with Dava & Associates for the new General Plan.
- Current GPC Members – Michael Edmonds, Dan McGuire, Frank Perkins, Nancy Best, Tom Payne, Ron Romley, Edward Steinback, Marti Klein, Cheri Romley, Norm Freeman, John Morgan, Trisha Lamb, Celia Vander Molen, and Vanessa Herb.
- February 14 – Council adopted the Community Participation Plan Resolution for public involvement, including Public GPC Meetings, Council/Commission briefings, public workshops, Town website, media, and others.

GPC meetings, topics, and activities

- February 13 – Orientation, rules of procedure, history and background Arizona General Plan and Open Meeting statutes. Members were asked to select and photograph their favorite places in Town.
- March 5 – Reviewed selected Town Assets: Aquatic/Community Center, Senior Center, Old Home Manor, Chino Valley Cemetery, solar energy project, Memory Park, library, post office, grocery store, Windmill House, restaurants, Chino Valley Transit, roads, and wildlife viewing.
- April 2 and April 23 – Hosted a public workshop and polled the public on the following subjects, then subsequently reviewed the results:
    - Three greatest current assets – small town lifestyle; scenery and open space; air and water quality.
    - Three greatest current concerns – lack of employment and business opportunities; water resource management; neighborhood upkeep and road improvements.
    - Additional opportunities needed – business expansion, job variety, industrial-park employment, neighborhood shops, cafes, major retail stores, developed "community core," central business and/or public places; parks and trails; health and medical care facilities.
    - Top important qualities for vision – small town image; rural, farm, ranches and historic; well-maintained and attractive; family-oriented, community spirited, balanced and friendly, inclusive; recreational variety, open space and outdoor living; employment opportunities.
    - Top future recognized attributes – small town character, well-maintained and visually attractive; rural, farming character; large amounts of open space; employment opportunities; historic and heritage preservation.
- April, May, June – GPC members divided into groups to collect data on existing conditions for General Plan elements of transportation; parks, trails, and open space; economic development; and land uses.
- May 14 – informational meeting on economic development from regional authorities—Mike Fann, Fann Contracting; Ab Jackson, Chino Valley Chamber of Commerce; Greg Fister, Prescott Valley Economic Development Manager; and Wendy Bridges, Prescott Assistant Economic Development Director, who presented business information needs, tools, strengths, weaknesses, methods, and directions.
- June 11 – informational meeting on water and transportation from regional authorities John Munderloh, Prescott Valley Water Resources Manager, who presented Arizona Groundwater Management Act, Active Management Area, safe yield, and water conservation and augmentation; and Chris Bridges, Director, Central Yavapai Metropolitan Planning Organization, who presented regional short and long range transportation regarding roads, transit, bike, and walking paths.
- July 9 and 16 – focused on recent population, demographics, and building data; suggested next 10 years land use assumptions in brief, including minimal population

growth; residential infill in existing subdivisions; business infill along SR 89; potential business development at OHM; possible agri-business areas along Road 1 East; and potential trails implementation.

3) Review of Land Use Assumptions as drafted by the General Plan Committee, presented by Dava Hoffman of Dava & Associates. (General Plan Committee)

Acronyms used in this item:
GPC (General Plan Committee)
UDO (Unified Development Ordinance)
OHM (Old Home Manor)

Ms. Hoffman continued her presentation:

Land use assumptions and GPC suggestions

- SB 1525 – The Governor approved this in April 2011, amending ARS 9-463.05 relating to development fees, providing that municipal development fees be in compliance with the General Plan and Land Use Assumptions. "Land use assumptions" meant projections of changes in land uses, densities, intensities, and population for a specified service area over a period of at least ten years and pursuant to the General Plan of the municipality.
- Recent population changes, 1970-2010 – In the tri-city area, birth rates had declined, while population had increased, with Prescott and Chino Valley having a steady growth rate, and Prescott Valley experiencing rapid growth.
- Recent population changes, 2000-2010 – The median age was rising due to an increase in retirees, and household sizes were decreasing due to declining birth rate in all tri-cities.
- Recent population age grouping – 55% of the Town's population was working age 20-64, showing a strong labor force. Chino Valley had a younger population than the tri-cities.
- Recent land use changes – Building permits rose dramatically in 2002-2005, declined dramatically in 2006-2009, and remained level since. 2005 peaked with 350 permits issued, while there were less than 25 in 2009-2011 each year.
- Land use assumptions were based on population growth projections, residential land use density projections, and business and commercial land use intensity projections.
- The GPC suggested that over the next 10 years:
    - Population changes will be flat to minimal, in the range of 0.5-1.0% annual growth, resulting in a 2020 population of approximately 11,500-12,000.
    - Land use residential density changes will be mostly infill of new homes built on vacant lots within existing subdivisions, after existing vacant homes become occupied.
    - Land use commercial intensity changes will be mostly new small business infilling vacant properties along SR 89 where access to water and sewer existed, and will include some commercial and industrial development on OHM properties, along with some agri-business development along the Road 1 East areas between Road 3 South and Road 4 North.
    - Land use changes include some portions of the Town's Master Trails Plan being implemented.
- GPC suggested the following needs and methods:
- Avoid the continuance of random "strip commercial" development on SR 89.
- Encourage, enhance, and market business development of small and large business,

realizing that there was a market service area of +/-30,000 population.
- Adhere to the General Plan in order to provide stability for future investments in the community.
- Create a "community vision" that was accepted and understood by residents, business people, and community leaders.
- Generate and promote a specific "town identity" with consistent guidelines for improvement.
- Identify and enhance and/or expand existing and future "community core and special places," people-gathering places, downtown, recreation places, civic places, and higher education centers.

Beyond 10 years

- The regional connector was decades out but will stimulate eastern area development; planning is necessary to avoid unmanaged sprawl.
- OHM needs marketing and enhancement for development based on a realistic plan, or sell some or all of the property.
- Future population growth was largely dependent on state and national economies.

A Councilmember commented that since the GPC's public forum was open to the community at large and there were attendees from the county, the comments received at the forum might not reflect the same sentiments as if they had been limited to residents or business owners within the Town limits.

Council, Commission, and GPC then discussed the following topics:

Cluster Developments

GPC recommendations/comments

- Move toward cluster developments to avoid continuance of random "strip commercial" development on SR 89, and develop community "cores" to give a sense of community areas, downtown, and/or hometown feel.
- A reason to make this change was the difficulty in shopping due to having to drive from place to place to shop, and due to the increasing average age, there was a need to consider ease of access for seniors.
- One example of a cluster development was Safeway as the anchor store, with several adjacent businesses. Moving from the strip model to the cluster model gave Prescott Valley and Wickenburg a better look and feel.

Council/Commission concerns/comments

- Property owners should be able to develop as they pleased within proper zoning.
- Regulations should be as loose as possible to allow business in and avoid driving them away.
- Demographics might not support the concept; the Town should welcome any small business in and it may not be able to get anchor stores.
- The Town did not have a "center." If it had one, it should be someplace within bicycling distance.
- Such "cores" should start in areas that already had water and sewer there or nearby, then expand out.
- The Town's current land use map needed to be changed, as it was so general and allowed spot zoning.
- The Town had to be careful not to devalue land or force businesses to change their

zoning.

Ms. Hoffman, GPC members, and Mr. Smith responded as follows:

- It did not necessarily to take an anchor store to create clusters. The GPC's full recommendation was to "avoid the continuance of random 'strip commercial' development on SR 89 by identifying the types of businesses, existing and future, that are clusters enhancing each other and providing convenience to customers, by encouraging the planning before development of mixtures of compatible uses on properties running east or west from the commercial frontage on SR 89, .and by emphasizing that these mixtures of uses are planned to provide convenience for all residents, pedestrians, bicyclists, and transit users, as well as creating livable, walkable centers, for example residential above, behind, or in close proximity to business, and by addressing appearance of the business and the streetscape." The General Plan could show areas suitable for these types of clustering and the UDO would outline its uses. All this would be encouraged, but not required.
- As business enhanced other business, having them cluster together could create an attraction. A cluster area may not need an anchor tenant; just loosening requirements, having simple design standards, and getting businesses to share space would accomplish it.
- Although the Town could not unwind the current state of SR 89, it could identify ideal locations for such clusters going forward, and the GPC intended to work on that next. They were primarily looking at four hubs on SR 89 due to the location of current infrastructure.
- The land use map was the most important part of the General Plan and would be totally redone. The land use map was not to be confused with the Town's zoning map, however. The General Plan did not change zoning or existing uses; it suggested appropriate uses and then staff worked with property owners to achieve what was in the General Plan's vision.

Economic Development

Council/Commission concerns/comments

- At one GPC meeting, one presenter pointed out that the Town did not use a free tool on its website that listed available commercial buildings. This was the first place businesses went and was something the Town could provide right away if it could get local business owners to participate.
- Prescott Valley grew because it had established plats, roads, and utilities. The Town needed to be prepared with zoning, infrastructure, and a road network. The GPC should consider obstacles to development, such as the lack of zoning classes between one acre and one-sixth acre. Adding these might make it easier to develop.
- The Commission had to consider compliance with the General Plan when reviewing zoning applications. Since the commercial designation was largely along SR 89, the current General Plan promoted spot rezoning.
- Core centers need to be identified, and incentives given, or it will not happen; and business will not come without infrastructure.

Ms. Hoffman and GPC members stated that:

- The economic development panel made some excellent suggestions to the GPC, and there were also other websites they recommended.
- A group of business people who were trying to start a Chino Valley economic development Foundation had looked into the commercial buildings website, but found

it hard to do due to the economic condition.
- Part of the GPC conversation was how to market the Town, which had an image of being an old rural community not looking for new business. Thus, the Town should identify all vacant commercial buildings now.

Community Vision

GPC recommendations/comments

- Overall, they wanted to set higher standards for the Town and create a sense of place by creating a standard look. There were small, inexpensive things that could be done immediately, such as cleaning up the highway.
- In the past, it seemed that businesses were allowed in without any forethought or plan. If the Town wanted to grow well, it needed guidelines in place for everyone.
- SR 89 will probably always have business on it, but there were things that could be done to make it look better and more appealing. For instance, Wickenburg developed a theme, which made it more attractive, and in Prescott, adding an awning to a Walgreens made the building's standard architecture look more unique, proving that small architectural differences could go a long way.
- Before Sedona incorporated, a group called "Keep Sedona Beautiful" met and worked with every new developer to discuss the area's vision before the developer ever got to the hearing stage. Perhaps the Town could develop a group like this to keep it proactive, rather than reactive.
- As the Town will develop to the east in years to come, it needed to lay the groundwork now for that development, create a theme that fit the Town's vision, and impart that into future development. Then existing businesses will want to invest in their own changes. Business owners had indicated that they would do so if the Town had that type of vision.
- They could choose to take SR 89 back to a Route 66 feel in the long term future, once development has moved east.
- Past administrations and Councils had plans, but leadership changes kept stalling the process. It might help to retrieve and review former plans.

Council/Commission concerns/comments

- The Town could not be any more rural than currently, since people could not afford to farm now. However, the Town had something its neighbors did not, since neither Prescott nor Prescott Valley advertised themselves as "rural."
- During the last General Plan update, local businesses did not want to look like Sedona and preferred to be individual.
- Although beautification was agreeable, businesses had complained that they could not compete due to the Town's strict regulations cutting into their profits. They had also complained that Town requirements were not all laid out at the beginning of the development process, causing problems during development.
- Based on the above land use assumptions, growth was not going to move east in the near future, so they needed to focus on beautifying, zoning, infrastructure, and having other entitlements in place. They needed to be cautious and not jump too far ahead.
- It will take time to change the highway's appearance. They needed to move slowly and determine how to develop the theme and get the public's input and buy-in.
- The Town did need a brand and/or theme.

Ms. Hoffman, GPC members, and Mr. Smith responded as follows:

- Semantics, such as 'brands,' 'identity,' 'themes,' or 'community' were easy to get

mixed up. The Committee was going to work on these and bring them to the next workshop.

- The Town had some unusual circumstances, but had developed along normal development patterns. Highway development was not a bad thing and they could use infill to help define the Town's identity. With some flexible ideas and incentives, the Town could grow well. There were a lot of positives to work with and the GPC should focus on those.
- Technically, Chino Valley was not a rural community, since its citizens relied on community assets. 'Rural' meant that citizens were totally self-supporting.
- Realistically, there was no money in traditional agriculture. Many ag businesses were going to greenhouses, and the Town was ranked third in the world for greenhouse use. It was hard to convince people that ag was of a different type here.

Zoning Map

GPC recommendations/comments

- The Town might be able to keep more young people here with mixed uses, such as affordable residential near commercial work places.
- By way of example, Scottsdale developed a mixed use area, Kierland Commons, with a "Main Street" feel, composed mostly of outdoor retail shops with residential units above and an adjoining residential tower.

Council/Commission concerns/comments

- The Town's 1990 General Plan had some Area Specific Plans, but they did not occur. Prescott Valley used them to develop along SR 69; they needed public buy-in, but would be a good thing to have in the toolbox.
- The GPC should address mixed uses, half-acre lots, shared parking, and running the bus in support of agri-tourism.

Ms. Hoffman related that there were a variety of mixed uses, which will be defined in the General Plan, such as clustered residential and commercial, or a residential unit upstairs and a business downstairs. Regarding area specific plans, the General Plan will identify where they are needed.

Council thanked the GPC and Commission for their efforts.

Ms. Hoffman stated that the GPC had a sense of direction with more good issues to address, and she invited Commission and Council members to GPC meetings on second Mondays at 3:30 p.m.

4) ADJOURNMENT

MOVED by Councilmember Linda Hatch, seconded by Councilmember Darryl Croft to adjourn the meeting at 7:45 p.m.

Vote: 5 - 0 PASSED - Unanimously

_____
Chris Marley, 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 2nd day of August, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of September , 2012.

_____
Jami C. Lewis, Town Clerk