



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY, SEPTEMBER 28, 2021
6:00 P.M.**

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

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

AGENDA

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

2. **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a. Presentation, and update regarding Yavapai College, presented by Rodney Jenkins, Vice-President of Community Relations and Student Development, and Chris Kukyno, District Governing Board Member. (Erin Deskins, Town Clerk)

 - b. Presentation and update from Jeff Frohock as "Mark Twain" regarding the Chino Valley Repertory community theater group. (Jeff Frohock)

 - c. **p.5** Presentation and update on the status of the Dog Park and future Disc Golf Course at Community Center Park. (Scott Bruner, Community Services Director)

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. Individuals who wish to speak, please state your first and last name and if you reside in Chino Valley Town Limits.

4. CURRENT EVENT SUMMARIES AND REPORTS

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

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

5. CONSENT AGENDA

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

- a. **p.9** Consideration and possible action to approve Resolution No. 2021-1192 to convert 50' of existing Town owned Peavine Trail property to dedicated right-of-way between Gavin Ct and Granite Creek Ln. (Frank Marbury, Public Works Director/Town Engineer)
- b. **p.23** Consideration and possible action to approve the September 14, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)

6. ACTION ITEMS

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

- a. **p.29** PUBLIC HEARING and consideration and possible action to approve Ordinance No. 2021-906 to rezone approximately 12.78 acres of real property from SR-1 (Single Family Residential 1-Acre Minimum) to SR-0.16 with a PAD (Planned Area Development) to develop 20 half-acre lots, parcel 306-21-011E, Applicant Rosie Soto. (Will Dingee, Planner)

Recommended Action: (1) Hold Public Hearing (2) Approve Ordinance No. 2021-906 to rezone approximately 12.78 acres of real property from SR-1 (Single Family Residential 1-Acre Minimum) to SR-0.16 with a PAD (Planned Area Development) to develop 20 half-acre lots with the stipulations as stated in the staff report.

- b. **p.71** PUBLIC HEARING and consideration and possible action to approve Resolution No. 2021-1190 regarding a home detention program. (Joan Dwyer, Presiding Magistrate)

Recommended Action: (1) Hold public hearing; and (2) Approve Resolution No. 2021-1190 regarding a home detention program.

- c. **p.79** Consideration, discussion and possible action to approve Council Entity appointments and Council Subcommittee appointments. (Erin N. Deskins, Town Clerk)

Recommended Action: Approve the Council Entity and the Council Subcommittee appointments as discussed.

7. **ADJOURNMENT**

**EXECUTIVE SESSION
TUESDAY, SEPTEMBER 28, 2021
6:30 P.M.**

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

AGENDA

1. **CALL TO ORDER; ROLL CALL**

2. An executive session pursuant to (i) A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town's attorneys regarding a pending lawsuit (Levie v. Chino Valley) and (ii) A.R.S. § 38-431.03(A)(3) for legal advice from the Town Attorney regarding recreational marijuana provisions in the Town Code and the UDO. (Andrew McGuire, Town Attorney)

3. **ADJOURNMENT**

Dated this 23rd day of September, 2021.

By: *Erin N. Deskins, 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 reasonable accommodation to participate in this meeting.

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

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

Join Zoom Webinar: <https://us02web.zoom.us/j/81326335529>
Telephone: 877 853 5247 (toll free) or 888 788 0099 (toll free)
iPhone one-tap:US: +13462487799,,81326335529# or +16699009128,,81326335529#
Webinar ID: 813 2633 5529

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: _____
Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2. c.

Meeting Date: 09/28/2021
Contact Person: Scott Bruner, Community Services Director
Phone: 928-636-2687 x-1237
Department: Community Services
Estimated length of Staff Presentation: 5 minutes
Physical location of item: Community Center Park

AGENDA ITEM TITLE:

Presentation and update on the status of the Dog Park and future Disc Golf Course at Community Center Park. (Scott Bruner, Community Services Director)

Attachments

Disc Golf Course
Disc Golf Course
Dog Park



Hole 8

Hole 9



Hole 4

Hole 7

Hole 5

Hole 6

Hole 3

Hole 2

Hole 1





Chino Valley, AZ

Site Map

Maximum Shell Size: 3" Aerial

Fireworks Productions of Arizona

480-948-0090

info@fireworksaz.com





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. a.

Meeting Date: 09/28/2021
Contact Person: Frank Marbury, Public Works Director/Town Engineer
 Phone: 928-636-7140 x-1226
Department: Public Works
Estimated length of staff presentation: None
Physical location of item: Tree Farm Ln between Gavin Ct and Granite Creek Ln

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution No. 2021-1192 to convert 50' of existing Town-owned Peavine Trail property to dedicated right-of-way between Gavin Ct and Granite Creek Ln. (Frank Marbury, Public Works Director/Town Engineer)

RECOMMENDED ACTION:

Approve Resolution No. 2021-1192 to convert 50' of existing Town-owned Peavine Trail property to dedicated right-of-way between Gavin Ct and Granite Creek Ln.

SITUATION AND ANALYSIS:

The existing Tree Farm Ln resides on the West side of the Town-owned Peavine Trail property between Gavin Ct and Granite Creek Ln. This 50' right-of-way dedication will provide legal access to parcels located on the West side of Tree Farm Ln.

Fiscal Impact

Fiscal Impact?: 0

If Yes, Budget Code:

Available:

Funding Source:

Attachments

RES - 2021-1192 Approving Easement Declaration (Long Riders)
 Declaration of Easement (Long Riders)

RESOLUTION NO. 2021-1192

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING A CERTAIN ACCESS AND PUBLIC UTILITY EASEMENT OVER A PORTION OF THE PEAVINE TRAIL (OLD JEROME JUNCTION ROAD) BETWEEN GAVIN COURT AND GRANITE CREEK LANE.

WHEREAS, the Town of Chino Valley (the "Town") owns certain real property, such real property being a fifty foot (50') wide strip of land between Gavin Court and Granite Creek Road, which is a portion of an area that is commonly known as the Peavine Trail (Old Jerome Junction Road) (the "Property"). The Property was granted to the Town by quitclaim deed on June 26, 2002, as reflected in the records of the Yavapai County Recorder at Book 3940, Page 274, Fee #3476212; and

WHEREAS, the Town wishes to declare a certain easement for ingress, egress and public utilities over the Property (the "Easement"); and

WHEREAS, the Easement is intended to provide access to adjacent real property, for the purposes of ingress, egress, and the installation or maintenance of public utilities; and

WHEREAS, pursuant to a Land Exchange Agreement between the Town and Long Riders LLC, which was executed on June 13, 2002, and is reflected in the records of the Yavapai County Recorder at Book 3937, Page 53, Fee #347404, the Town has previously agreed to provide the Easement, and consideration for that agreement included the aforementioned quitclaim deed granting the Property to the Town; and

WHEREAS, the Mayor and Common Council of the Town (the "Town Council") has determined that the Easement may be of benefit to the owners and authorized occupants of all adjacent properties, in addition to the adjacent property owned by Long Riders LLC and its successors.

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

SECTION 1. The Recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town Council hereby approves the Declaration of an Access and Public Utilities Easement (the "Declaration"), specifically with respect to the area described on Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Declaration and to take all steps necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 28th day of September, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Resolution No. 2021-1192 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 28, 2021, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2021-1192

[Legal Description]

See following pages

EXHIBIT 'A'
LAND DESCRIPTION

THAT PORTION OF THE LAND DESCRIBED IN DEED TO THE TOWN OF CHINO VALLEY, RECORDED IN BOOK 3927, PAGE 137, OFFICIAL RECORDS, LOCATED IN TRACT 41, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, TOWN OF CHINO VALLEY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.....

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 41,

THENCE ALONG THE EASTERLY LINE OF SAID TRACT 41 NORTH 00° 10' 02" EAST A DISTANCE OF 961.27 FEET TO THE WESTERLY LINE OF SAID LAND (200.00 FEET WIDE);

THENCE ALONG SAID WESTERLY LINE NORTH 14° 05' 47" WEST AS DISTANCE OF 221.07 FEET TO A POINT OF INTERSECTION OF SAID WESTERLY LINE AND THE NORTHWESTERLY LINE OF JEROME JUNCTION (50.00 FEET WIDE) DESCRIBED IN DOCUMENT 2014-0020282, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 14° 05' 47" WEST A DISTANCE OF 2348.83 FEET TO THE INTERSECTION OF SAID WESTERLY LINE AND THE NORTHERLY LINE OF GRANITE CREEK LANE (40.00 FEET WIDE) RECORDED IN BOOK 3940, PAGE 272, OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG THE EASTERLY PROLONGATION OF SAID NORTHERLY LINE SOUTH 89° 38' 45" EAST A DISTANCE OF 51.63 FEET TO A LINE THAT IS PARALLEL WITH AND DISTANT 50.00 FEET (MEASURED AT RIGHT ANGLES) EASTERLY OF SAID WESTERLY LINE;

THENCE ALONG SAID PARALLEL LINE SOUTH 14° 05' 47" EAST A DISTANCE OF 2267.94 FEET TO SAID NORTHWESTERLY LINE OF JEROME JUNCTION;

THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 22° 13' 33" WEST A DISTANCE OF 84.41 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 115,420 S.F., OR 2.650 ACRES, MORE OR LESS.



SCALE: 1" = 300'

N'LY LINE GRANITE CREEK LANE PER
BOOK 3940, PAGE 272, O.R., Y.C.R.O.

GRANITE CREEK LANE

TR. 41
SEC. 11
T 16 N
R 2 W

N14° 05' 47"W
2348.83'

S89° 38' 45"E 51.63'

S14° 05' 47"E
2267.94'

W'LY LINE PEAVINE
TRAIL PER BK. 3927,
PG. 137, O.R., Y.C.R.O.

JEROME JUNCTION PER DOC.
2014-0020282, O.R., Y.C.R.O.

GAVIN COURT

50' GAVIN CT. I&E AND UTIL EASE.
PER PCL. 2, BK. 4596, PG. 967, O.R.,
Y.C.R.O.

P.O.B.

S22° 13' 33"W
84.41'

N14° 05' 47"W
221.07'

TRAIL

N0° 10' 02"E 961.27'

S.E. COR. TRACT 41

P.O.C.

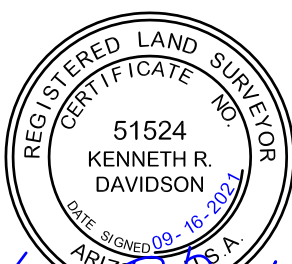
CONTAINING 115,420 SQUARE
FEET, OR 2.650 ACRES, MORE OR
LESS.

LEGEND



LAND DESCRIBED
PER THIS DOCUMENT

EXHIBIT 'B'



Kenneth R. Davidson



Civil, Water, Wastewater, Drainage,
and Transportation Engineering
Construction Management • Surveying
California • Arizona

TOWN OF CHINO VALLEY, ARIZONA

LAND DESCRIPTION

DE: KRD CH: BT DR: KRD JN: 2021705.00 SHEET 1 OF 1

When Recorded Return to:

Chino Valley Town Clerk
202 N. State Route 89
Chino Valley, AZ 86323

Exempt under A.R.S. § 11-1134(A)(2)

DECLARATION OF ESTABLISHMENT OF ACCESS AND PUBLIC UTILITY EASEMENT

THIS DECLARATION OF ESTABLISHMENT OF AN ACCESS AND PUBLIC UTILITY EASEMENT ("Declaration") is made as of _____, 2021 (the "Effective Date") by the Town of Chino Valley, an Arizona municipal corporation (the "Declarant").

A. Declarant is the owner of that certain real property located in the Town of Chino Valley described in Exhibit A attached hereto and incorporated herein by reference ("Easement Area").

B. The real property described in Exhibit A was granted to the Declarant with the agreement that the Declarant would provide an easement for ingress and egress to adjoining properties, and for the installation and maintenance of public utilities. Declarant therefore desires to declare and establish an easement ("Easement") in, on, over, under, across, above and through the real property described in Exhibit A (the "Easement Area") for the benefit of persons desiring to access nearby properties or installing or maintaining public utilities ("Permitted Users"). The Easement Area is also depicted on Exhibit B attached hereto and incorporated herein by reference.

NOW, THEREFORE, Declarant hereby declares as follows:

1. Recitals and Exhibits Incorporated. The Recitals set forth above and all Exhibits attached hereto and referred to herein are by this reference incorporated herein.
2. Declaration of Easement; Purpose. Declarant hereby declares and establishes an Easement for access purposes in, on, over, under, across, above and through the Easement Area. The Easement Area shall be used only for the purposes accessing adjoining real property, or for installing or maintaining public utilities.
3. Declarant Use of Easement Area. Declarant shall have full use of the Easement Area, and Declarant's use of the Easement Area shall have absolute priority. In the case of any conflicting use, Permitted Users shall vacate the Easement Area, at their own expense, and make way for the Declarant.
4. Compliance with Codes. All construction within the Easement Area shall comply with applicable codes, ordinances and other requirements of Declarant. The Permitted Users shall be and remain responsible for the construction, operation, maintenance and repair of their facilities, and Declarant shall have no responsibility or liability in such construction, operation,

maintenance or repair. Permitted Users shall prepare a plan and obtain a permit from Declarant prior to erecting, constructing, installing, replacing, or removing public utility facilities or telecommunications equipment within the Easement Area. Permitted Users shall return the Easement Area to its prior condition after completing the construction, maintenance or other uses permitted under this Easement.

5. Indemnification. Permitted users shall indemnify and hold Declarant harmless from all injuries and damages arising from their use of the Easement Area.

6. Invalidity. If any provision of this Declaration or the application thereof to any party hereto, or to any person or circumstance, shall be held to be invalid, void or illegal by a court or governmental authority having jurisdiction thereover, the remaining portions of this Declaration and the application of such provision, other than those which are held to be invalid, void or illegal, shall nevertheless remain in full force and effect and not be affected thereby.

7. Effective on Recording. This Declaration shall take effect upon its recording in the Official Records of Yavapai County, Arizona.

8. Governing Law. This Declaration and the rights and obligations created hereby shall be governed by and construed and enforced in accordance with the laws of the State of Arizona.

9. Duration of Easement. The term of this Easement shall be perpetual. This Easement constitutes a perpetual covenant running with the land.

CAUTION: The above described easement may contain underground facilities the location of which must be verified as required by Arizona Revised Statutes, Section 40-360.21 *et seq.* (Arizona Blue Stake Law) *prior to* excavation.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Declarant has executed this Declaration as of the date first set forth above.

TOWN OF CHINO VALLEY

By Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

EXHIBIT A
TO
DECLARATION OF ESTABLISHMENT OF ACCESS AND PUBLIC UTILITY EASEMENT

[Legal Description]

EXHIBIT 'A'
LAND DESCRIPTION

THAT PORTION OF THE LAND DESCRIBED IN DEED TO THE TOWN OF CHINO VALLEY, RECORDED IN BOOK 3927, PAGE 137, OFFICIAL RECORDS, LOCATED IN TRACT 41, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, TOWN OF CHINO VALLEY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.....

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 41,

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CONTAINING 115,420 S.F., OR 2.650 ACRES, MORE OR LESS.



EXHIBIT B
TO
DECLARATION OF ESTABLISHMENT OF ACCESS AND PUBLIC UTILITY EASEMENT

[Depiction of Easement Area]

SCALE: 1" = 300'

N'LY LINE GRANITE CREEK LANE PER
BOOK 3940, PAGE 272, O.R., Y.C.R.O.

GRANITE CREEK LANE

TR. 41
SEC. 11
T 16 N
R 2 W

N14° 05' 47"W
2348.83'

W'LY LINE PEAVINE
TRAIL PER BK. 3927,
PG. 137, O.R., Y.C.R.O.

GAVIN COURT

50' GAVIN CT. I&E AND UTIL EASE.
PER PCL. 2, BK. 4596, PG. 967, O.R.,
Y.C.R.O.

P.O.B.

N14° 05' 47"W
221.07'

S89° 38' 45"E 51.63'

S14° 05' 47"E
2267.94'

JEROME JUNCTION PER DOC.
2014-0020282, O.R., Y.C.R.O.

S22° 13' 33"W
84.41'

TRAIL

N0° 10' 02"E 961.27'

S.E. COR. TRACT 41

P.O.C.

CONTAINING 115,420 SQUARE
FEET, OR 2.650 ACRES, MORE OR
LESS.

LEGEND



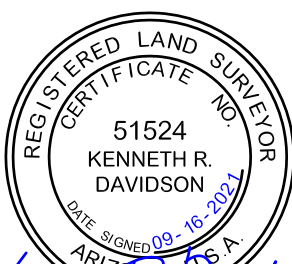
LAND DESCRIBED
PER THIS DOCUMENT

EXHIBIT 'B'

TOWN OF CHINO VALLEY, ARIZONA

LAND DESCRIPTION

DE: KRD CH: BT DR: KRD JN: 2021705.00 SHEET 1 OF 1



Civil, Water, Wastewater, Drainage,
and Transportation Engineering
Construction Management • Surveying
California • Arizona

Kenneth R. Davidson

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. b.

Meeting Date: 09/28/2021

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the September 14, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the September 14, 2021, regular meeting minutes.

Attachments

9-14-21 draft mins

DRAFT

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

**TUESDAY, SEPTEMBER 14, 2021
6:00 P.M.**

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

Present: Vice-Mayor Annie Perkins; Councilmember Tom Armstrong (remotely); Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember John McCafferty

Absent: Mayor Jack Miller; Councilmember Lon Turner

Staff Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Development

Present: Services Director Laurie Lineberry; Public Works Director/Town Engineer Frank Marbury; Human Resources Director Laura Kyriakakis; Economic Development Project Manager Maggie Tidaback; IT Manager Spencer Guest; Lieutenant Randy Chapman; Officer Roger Brown (Sergeant at Arms); Audio Visual Technician Lawrence Digges; Town Clerk Erin N. Deskins (recorder)

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

Vice-Mayor Perkins called the meeting to order at 6:00 p.m, and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation and recognition to Dave, Paula, Nathaniel, and Wyatt Pizinger for their volunteer hours at the 9/11 memorial site. (Mayor Miller and Vice-Mayor Perkins)

Vice-Mayor Perkins shared the written history and accomplishments for Nathaniel and Wyatt Pizinger in recognition for their volunteer service hours at the 9/11 Memorial site. Their parents, Paula and Dave Pizinger, were also recognized for their volunteer services and support. They were each presented a certificate of award for their volunteer services.

- b)** Presentation by Corey Christian with the County Library Network regarding their annual contributions, and how the County and Municipalities work together. (Cindy Blackmore, Town Manager)

Corey Christian presented the following:

- The history of the Library District, which began in 1987.
- Introduction of Chairman Brown for the Board of Directors/Board of Supervisors for the Library District.
- Taxpayers in Yavapai County paid for the Library District through property taxes.
- Core Values: service, professionalism, responsibility, and leadership.
- Missions: To provide library materials and services to meet the informational, cultural, and recreational needs of all residents of the County.
- The Yavapai Library Network was the largest library consortium in the State, with 56 County libraries participating and 25 governing authorities participating.
- They had an online catalog in which patrons could search and hold library material and have that material delivered from one library to any other participating library in the County. Books could also be dropped off at any library.
- They used RFID (Radio Frequency Identification) in books. It provided security and automated material handling.
- Between the 56 libraries, they shared over 300,000 items annually.
- They provided direct library services through 15 rural branches and 2 incorporated town libraries.
- They also provided e-books through the overdrive program, notaries, programming, online learning, and computer usage.
- They gave more than \$1.8 million in funding to municipal libraries, with \$104,000 of those funds going to Town. The funding amount was determined by fixed amounts and percentages of local populations, home valuations, circulation, patron numbers, and items and material.
- Approximately \$10,000 of the Town's funding was withheld to pay for the cost of automation RFID services. The remaining funds had to be used for offsetting the library costs.
- The Town's annual check was presented.

- c) Presentation of business of the quarter to Chino Rentals by the Chino Valley Chamber of Commerce. (Lorraine Brashear, Chamber Director)

Lorraine Brashear presented the following:

- Chino Rentals had been chosen as business of the quarter.
- She thanked them for the community, Town, and Chamber contributions.
- The award was presented to Chino Rentals.

- d) Introduction and presentation of Town of Chino Valley new employee hires. (Laura Kyriakakis, Human Resources Director)

Laura Kyriakakis presented 11 new Town employees through a Power Point presentation.

Town Manager Blackmore introduced Laurie Lineberry, who had been hired as the full time Development Service Director after serving as the Interim Director. Her education and career history were overviewed.

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. Individuals who wish to speak, please state your first and last name and if you reside in Chino Valley Town Limits.

- Todd League – Was speaking on behalf of the Parks and Recreation Advisory Board. One of the bylaws of the Board allowed for staff members to have a voice, but no vote. At their last meeting, the Board had been notified that the Mud Run had been cancelled. A decision made unilaterally by staff without any board, citizen, or Council input. This was his issue because it had become a pattern over the last three years that staff was making more decisions that, according to the Board bylaws, were things the Board was supposed to do. Every year the Board was supposed to make a Council presentation regarding short and long term priorities, budgets, and successes and failures that happened throughout the year. This had not happened over the last three years because it had been taken on by staff. After Covid, the Board was handed a schedule of events and the budget. He had issue that they were not following the Town's policy and procedure. The Mud Run had been created, built, and run by the Board and the citizens of the Town. None of the organizations, businesses, or individuals involved in the Mud Run had been contacted for input before canceling the event. He had a meeting the previous year with the previous Town Manager and then Councilmember Miller to discuss the Town's wish to shrink the size of the Board and take away their advisory role. He met again with Manager Blackmore and Mayor Miller to discuss issues he had with how things were being handled. He was asking the Council to find out why they were not following their own policy and procedures and why this was allowed to happen.
- Floyd Dugan – He was there in opposition of rezoning 12 acres from 1 acre lots to 0.16 acre lots near his Center Street home. He understood growth, but to put that sort of residential area in an area that had been a farming area in the past was not right. He thought they needed to reconsider it.
- Alex Harris – She also opposed the proposed change in zoning. She thought the Planning and Zoning Commission had lost direction. She had researched their directives, and it appeared to her that their recommendations violated their directives. She asked the Council to investigate it.

4) CURRENT EVENT SUMMARIES AND REPORTS

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

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

Councilmember Granillo reported the youth football had a great turnout. They also had a fundraiser for Kevin Garcia who was suffering from cancer, and there was a Facebook page listed as Cowboy Kevin, to help him as well.

Vice-Mayor Perkins reported the tribute from football teams and cheerleaders for the 9/11 Memorial tribute was beautiful. She reported the 9/11 Memorial service had been incredible. There was video of the event on the Town website.

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

Cindy Blackmore reported the following:

- Territorial Days had a great turnout and had a real sense of community.
- The 9/11 Ceremony was well attended, and was a wonderful tribute. She thanked the staff, volunteers, and community members for the hard work and time put into the event.

5) **CONSENT AGENDA**

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

MOVED by Councilmember John McCafferty, seconded by Councilmember Cloyce Kelly to approve Consent Items 5(a), (b), (c), (d), and (e) as written and proposed.

AYE: Vice-Mayor Annie Perkins, Councilmember Tom Armstrong (remotely),
Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty

5 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the Bolt Internet - Shooting Range Land Lease Agreement. (Spencer Guest, IT Manager)
- b) Consideration and possible action to approve an expenditure of Government of Highway Safety (GOHS) Grant Funds in the amount of \$30,455.00 for Selective Traffic Enforcement Program (STEP) overtime, related materials, and supplies. (Chuck Wynn, Police Chief)
- c) Consideration and possible action to approve Resolution No. 2021-1188, Intergovernmental Agreement with the Arizona Department of Public Safety, Gang & Immigration Intelligence Team Enforcement Mission (GIITEM), and Chino Valley Police Department. (Chuck Wynn, Police Chief)

- d) Consideration and possible action to approve Resolution No. 2021-1191 to accept 0.262 acres of property, with Yavapai County Parcel number 306-20-031S as Right of Way and reimburse John de Jong \$2,287.83 for expenses incurred. (Will Dingee, Senior Planner)
- e) Consideration and possible action to approve the August 24, 2021, regular meeting minutes.

6) ACTION ITEMS

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

7) ADJOURNMENT

MOVED by Councilmember Cloyce Kelly, seconded by Councilmember Eric Granillo to adjourn the meeting at 6:35 p.m.

AYE: Vice-Mayor Annie Perkins, Councilmember Tom Armstrong (remotely),
Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty

5 - 0 PASSED - Unanimously

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the _____ day of _____, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 09/28/2021

Contact Person: Will Dingee, Senior Planner
Phone: 928-636-4427 x-1233

Department: Development Services

Estimated length 5 minutes

of staff presentation:

Physical location of item: Located approximately 500 feet west of the intersection of West Center Street and North Road 1 West on the north side of West Center Street

AGENDA ITEM TITLE:

PUBLIC HEARING and consideration and possible action to approve Ordinance No. 2021-906 to rezone approximately 12.78 acres of real property from SR-1 (Single Family Residential 1-Acre Minimum) to SR-0.16 with a PAD (Planned Area Development) to develop 20 half-acre lots, parcel 306-21-011E, Applicant Rosie Soto. (Will Dingee, Planner)

RECOMMENDED ACTION:

(1) Hold Public Hearing; (2) Approve ORD 2021-906 to rezone approximately 12.78 acres of real property from SR-1 (Single Family Residential 1-Acre Minimum) to SR-0.16 with a PAD (Planned Area Development) to develop 20 half-acre lots with the following stipulations:

1. Per UDO § 5.3.2, Table 5-1 roadway right-of-way dedications and improvements are as follows:
 1. Center St. (Rural Arterial)
 1. 40' right-of-way dedication north of the section line on Center St.
 2. Internal Streets (Urban Local)
 1. 24' minimum roadway width w/o on-street parking. Roadways to consist of minimum 3" AC over 6" aggregate base or per a Geotechnical Report.
 2. Rolled curb
 3. 5' minimum sidewalk on one side
2. The development is considered served by the Town sewer main located in Center St. Per UDO § 5.4, a gravity sewer system is the preferred method of collecting and conveying wastewater. However, low-pressure sewer systems may be installed if a homeowners' association is established during the platting process to oversee the operation and maintenance of the individual grinder pump stations. If low-pressure sewer systems are utilized within a subdivision, a hybrid of gravity and low-pressure sewer should be contemplated with line lengths for low-pressure sewer systems kept to minimum lengths in an attempt to minimize odors.
3. Drainage design shall be consistent with UDO § 5.3.5.
4. UDO § 5.3.8 (A) Generally, a Public Utility Easement (PUE) shall be twenty (20) feet in width. The location of the PUE shall be approved by the Public Works Director.
5. UDO § 5.3.8 (B) The subdivider must provide a one (1)-foot easement prohibiting vehicular access to and from arterials and collectors from rear yards of double frontage lots.
6. UDO § 5.4(G)(6) Fire hydrants shall be spaced at a distance no greater than five hundred (500) feet apart in residential areas and five hundred (500) feet apart in commercial and industrial areas. The

measurement between fire hydrants shall be linear and the measurement will be effected along the centerline of the streets. The Chino Valley Fire District may adjust the distances between fire hydrants when circumstances dictate.

7. UDO § 5.4(G)(7) The water system for the subdivision must be capable of supplying and sustaining the required flows for fire protection throughout all subdivided properties as approved by the Town. For residential areas, the minimum required fire flow capability is one thousand (1,000) gallons per minute for a duration of two (2) hours with a minimum system pressure of twenty (20) pounds per square inch while the required fire hydrant flow rate is being met.
8. A Traffic Impact Statement incorporating plans for the entire development area will be required during the technical review process.
9. UDO § 150.081 Except as exempted in § [150.082](#), all existing and new utility and telephone lines, electric utility distribution lines, cable television lines and all other communication and utility lines adjacent to or within new residential, commercial or industrial subdivisions or other areas to be developed within the town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

ADDENDUM

Since the Planning and Zoning Commission meeting held on September 7, staff met with the Applicant to discuss the draft half-acre zoning district being developed by staff. Once the new district is adopted by Council, the applicant has agreed to apply for a rezone to her property, eliminating the SR-0.16/PAD zoning. Staff is recommending an additional stipulation that was not presented before the Planning and Zoning Commission. This stipulation is being added as an effort to address the public concerns about the SR-0.16 zoning district. The following stipulation can be added at the discretion of the Town Council:

10. Once the Town has established a half-acre zoning district, the applicant will apply for a rezoning to this new district.

SITUATION AND ANALYSIS:

The applicant is requesting to rezone approximately 12.78 acres of real property from SR-1 (Single Family Residential 1-acre Minimum) to SR-0.16 with a Planned Area Development (PAD) and an accompanying conceptual development plan (attached). The proposal is to develop a subdivision consisting of 20 half-acre lots served by City of Prescott Water and Town of Chino Valley Sewer. The requested SR-0.16 zoning district with a PAD acts as a half-acre zoning district which the Town currently does not have in place. Since this is a Planned Area Development, any deviation in the associated conceptual plan, lot size or quantity of lots will require this project to come back through the public hearing process.

The applicant was originally scheduled to come before Council in July. However, due to comments received during the neighborhood meeting, the applicant decided to revise the conceptual development plan with the hopes of addressing the surrounding neighbors' concerns.

The applicant's new conceptual plan is redesigned with a U-shaped private street that encompasses the proposed lots. The northern-most portion of the site is still reserved for open space with the same previously listed amenities. However, the open space lot has increased in size to almost 1¾ acres. The project will still be served by City of Prescott water, which will be looped within the newly created "U" shaped street. The Town of Chino Valley sewer is proposed to run within an easement located at the rear of the proposed lots (where the original center cul-de-sac was proposed).

Public Comments - Excerpt from Planning and Zoning Commission Meeting Minutes- Held September 7, 2021

"PUBLIC HEARING

CASE # Z21-014: This is a request by Rosie Soto, to Rezone approximately 12.78 acres of land from SR-1 (Single Family Residential 1 acre) to SR-0.16 with a PAD (Planned Area Development) Overlay, to develop 20 half-acre lots, for property located approximately 500 feet west of the intersection of West Center Street and North Road 1 West, on the north side of Center Street, Chino Valley, AZ.

"Will Dingee, Senior Planner, presented the staff report and identified that the plan is a revision to the original layout. It is still for 20-one-half acre lots, but the roadway has been modified to circle the subdivision and provide more open space. The applicant is requesting no sidewalks. Additionally, Town sewer is available and is recommended. The City of Prescott will be providing water services. It has been identified that there are a couple of lots that may have sewer connection difficulties due to slope. Staff is recommending APPROVAL.

"Commissioner Meadors asked about the last 2-4 lots and how those lots could be connected to town sewer. Code states that all should connect to sewer. Commissioner Somerville asked if we were minimizing those stipulations. Dingee deferred that question to Frank Marbury, Public Works Director.

"Marbury shared that in Chino Valley, the water flows from south to north and that the main sewer line is at the south, so the last couple of lots will be fighting the lay of the land. Marbury identified that there are a couple of mechanical systems that could be put in place to meet the sewer connection requirement. Public Works staff is also requiring 24' of pavement and recommending sidewalks.

"Chair Merritt continued the discussion regarding alternative sewer systems, pumps, etc., in regards to the northern-most lots. Marbury mentioned that alternate systems generally have back-flow preventer valves, and maintenance would fall on the property owner. Commissioner Switzer asked what Public Works staff recommendation is. Marbury stated that it is to have a connection to Town sewer. Commissioner Meadors was concerned about the fire protection. Marbury added that the City of Prescott water company would need to state that they have adequate fire flow and that there are minimum fire codes that would be enforced by Central Arizona Fire and Medical Authority (CAFMA).

"Chair Merritt asked the applicant to speak. Rosie Soto stated that concerns during the 1st group of meetings had been addressed, and she has tried to incorporate those into this plan. She has restructured the roadway, increased the open space, and is planning to set up a limited HOA for maintenance of the road and the park. The commission had no further questions for the applicant.

"Toby Butterworth, the applicant's Contractor for building and excavation, discussed the slope of the land issues. He felt that the topo maps were old and outdated and that they may be able to get all properties on sewer. He said it would depend on the slope percent and where the main line depth on Center Street is actually located. He added that raising the pad elevation could help out with the slope.

"PUBLIC COMMENTS

"Cathy Middlested, 380 Lauren Lane provided a handout emphasizing wording in the General Plan, the UDO Codes. She identified that zoning SR-0.16 purpose was "not the intention of the Town ...". She shared that this project is not in compliance with the UDO or the General Plan since this whole area is identified as medium density. She questioned how this zoning, or anything less than 1 acre, could be identified at medium density, not high density. She does not believe that this development fits these descriptions.

"Floyd & Celia Dugan, 1250 W Center Street stated that they agreed with what Ms. Middlested said and also added that there is a lot of water that flows through that area. They felt that this development belongs on the other side of Highway 89, and they don't want to be seeing this here, in this area. They like having a little bit of space around their property.

"Alex Harris of 1350 W Center Street shared that he had to drill a new well because the water levels are dropping, which would be made worse with these new lots and new homes. He also had concerns about increased traffic on Center and added that weeds are not maintained. Harris stated that new houses will create a strain on water, increased traffic, increase for schools. Chino is growing too fast. His concerns included not getting a new grocery store and that the street and roads are in terrible shape. He stated the town needs to look forward to sustaining growth and he is opposed to this project.

"Sandra Tuttobene, 490 Lauren Lane had concerns of water. She shared that she lives on Laurel Lane, and there is no water pressure. She does not want to see another 20 homes placed in this area. Any zoning should be R-2 Medium Density.

"Carolyn Strickroth, 518 Grove Lane added that she drives by this location and that the town needs wise development. She stated that she agreed with all the previous speakers said.

"Larry Holt, 525 Homestead Mesa stated that this is an area where people ride their horses, and we need to buffer for those people on horseback. People need to look at the property they are buying, and developers need to look at the zoning on a parcel before they buy it. Holt stated that the mission statement for the Town and the General Plan echo that desire. Holt continued, saying that five years ago, you could see wild pronghorn grazing in the area, now only skunks are left because of all the building. The opportunity for smaller lots exists in Brightstar. Holt continued, this area is one acre for a reason, deny this request.

"Tonya Hebel 1335 McKay Way stated that she agreed with everything that has been said and that the roads are terrible.

"Brenda Warnock, 3845 Cole Lee Court started by sharing that she doesn't live near the development but that developers are buying up properties and not maintaining the grounds. She stated that these "outsiders" don't care about our community.

"Public comment period was closed.

"Chair Merritt had concerns about the Unified Development Ordinance not being met for this project. Dingee stated that there is a Site Built Home overlay on this property. He added that the General Plan identifies this area as medium density and added that 75% of Chino Valley is medium density (at 2 acres or less). There has been conversation about a zoning designation of SR-22000 (approximately ½ acre) in size, but that has not been finalized.

"Chair Merritt asked about the infrastructure and CAFMAs' concerns. Dingee stated that the water will be served by City of Prescott water. Because a water company meters their customers, generally, people tend to be more aware of water usage. Sewer customers then use that water, and through the sewer process, that water goes back into the aquifer. Questions were also asked about the sewer design, yard lines, low, etc. Marbury said a sewer system construction needs to meet standards and have the velocity to flush the solid waste out. Water drainage is to stay within the property and civil engineering drawing will identify those areas.

"Commissioner Somerville asked if the attached RV Garages are included in the size of the house on the lots. Dingee stated they were included.

"Chair Merritt asked about the parcel size and the easement along each parcel and how much land is left after the easement is identified. Dingee shared that road easements are counted towards the total property acreage. Marbury added that there is a 50 foot road easement with 24 feet being paved.

"Commissioner Switzer mentioned the sidewalk and location required. Marbury stated that a 24-foot road is for 2-way traffic and requires sidewalks. All subdivisions are built to the same standards, even if the roads are private.

"Commissioner Somerville and Chair Merritt talked with Ms. Soto regarding meeting town setbacks and using hardscape landscaping for minimal water usage. She stated that she is able to meet these recommendations.

"A motion was made by Commissioner Switzer and seconded by Commissioner Pasciak to approve the staff recommendation of approval with conditions as stated to satisfy #6 or homes must be sprinklered, and Chair Merritt added that the northern lots also have to be on sewer, gravity or pump-fed.

"Motion carried with a 4-2 vote.

"REASONS FOR DISSENTING VOTES:

Commissioner Meador shared that the UDO does not intend SR0.16 development west of Highway 89. Commissioner Somerville agreed with Commissioner Meadors statement, and they both felt the zoning was too dense and that traffic would be an issue."

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

ORD - 2021-906 - Soto SR-1 to SR-0.16 with PAD - with legal description

Z21-014 P&Z Staff Report

Z21-014 Current Conceptual Plan

Z21-014 Public Comments Post P&Z

ORDINANCE NO. 2021-906

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 12.78 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 500 FEET WEST OF THE INTERSECTION OF WEST CENTER STREET AND NORTH ROAD 1 WEST ON THE NORTH SIDE OF WEST CENTER STREET, FROM SR-1 (SINGLE FAMILY RESIDENTIAL – 1-ACRE MINIMUM) TO SR-0.16 (SINGLE FAMILY RESIDENTIAL – 7,000 SQUARE FOOT MINIMUM LOT AREA) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY AND AN ACCOMPANYING CONCEPTUAL DEVELOPMENT PLAN.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley (the “Town”) Official Zoning Map for approximately 12.78 acres of real property generally located approximately 500 feet West of the intersection of West Center Street and North Road 1 West on the North side of West Center Street, from SR-1 (Single Family Residential – 1-Acre Minimum) to SR-0.16 (Single Family Residential – 7,000 Square Foot Minimum Lot Area) with a Planned Area Development (PAD) overlay and an accompanying Conceptual Development Plan (the “Zoning Map Amendment”); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); and

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

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

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

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

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

Section 2: The Official Zoning Map is hereby amended for property consisting of approximately 12.78 acres, as described in Exhibit 1 and shown on the Zoning Exhibit

(map) in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone the property from SR-1 (Single Family Residential – 1-Acre Minimum) to SR-0.16 (Single Family Residential – 7,000 Square Foot Minimum Lot Area) with a Planned Area Development (PAD) overlay and an accompanying Conceptual Development Plan, attached hereto as Exhibit 3 and incorporated herein by reference, to develop 20 half-acre lots, subject to the following stipulations:

1. Pursuant to UDO § 5.3.2, Table 5-1, roadway right-of-way dedications and improvements are as follows:
 - a. Center St. (Rural Arterial)
 - i. 40' right-of-way dedication north of the section line on Center St.
 - b. Internal Streets (Urban Local)
 - i. 24' minimum roadway width w/o on-street parking. Roadways to consist of minimum 3" AC over 6" aggregate base or per a Geotechnical Report.
 - ii. Rolled curb.
 - iii. 5' minimum sidewalk on one side.
2. The development is considered served by the Town sewer main located in Center St. Pursuant to UDO § 5.4, a gravity sewer system is the preferred method of collecting and conveying wastewater. However, low-pressure sewer systems may be installed if a homeowners' association is established during the platting process to oversee the operation and maintenance of the individual grinder pump stations. If low-pressure sewer systems are utilized within a subdivision, a hybrid of gravity and low-pressure sewer should be contemplated with line lengths for low-pressure sewer systems kept to minimum lengths in an attempt to minimize odors.
3. Drainage design shall be consistent with UDO § 5.3.5.
4. Pursuant to UDO § 5.3.8(A), generally, a Public Utility Easement (PUE) shall be twenty (20) feet in width. The location of the PUE shall be approved by the Public Works Director.
5. Pursuant to UDO § 5.3.8(B), the subdivider must provide a one (1)-foot easement prohibiting vehicular access to and from arterials and collectors from rear yards of double frontage lots.
6. Pursuant to UDO § 5.4(G)(6), fire hydrants shall be spaced at a distance no greater than 500 feet apart in residential areas and 500 feet apart in commercial and industrial areas. The measurement between fire hydrants

shall be linear, and the measurement will be effected along the centerline of the streets. The Chino Valley Fire District may adjust the distances between fire hydrants when circumstances dictate.

7. Pursuant to UDO § 5.4(G)(7), the water system for the subdivision must be capable of supplying and sustaining the required flows for fire protection throughout all subdivided properties as approved by the Town. For residential areas, the minimum required fire flow capability is 1,000 gallons per minute for a duration of two (2) hours with a minimum system pressure of 20 pounds per square inch while the required fire hydrant flow rate is being met.
8. A Traffic Impact Statement incorporating plans for the entire development area will be required during the technical review process.
9. Pursuant to Town Code § 150.081, except as exempted in § 150.082, all existing and new utility and telephone lines, electric utility distribution lines, cable television lines, and all other communication and utility lines adjacent to or within new residential, commercial, or industrial subdivisions or other areas to be developed within the Town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.
10. Not later than 60 days following the Town establishing a half-acre zoning district, the Applicant will apply to rezone her property to the new half-acre zoning district.

Section 3: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

Section 4: If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5: The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 28th day of September, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2021-906 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 28, 2021, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2021-906

[Legal Description]

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF YAVAPAI, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

All that portion of the Southeast quarter of the Southeast quarter of Section 21, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 21, a Town of Chino Valley Brass Cap, from which the Northeast corner of Said Section 21 a brass stud broken off, bears North 01° 58' 20" West, 5299.87 feet;

Thence along the South Section line of said Section 21, North 89° 15' 46" West, 495.92;

Thence North 1° 58' 20" East, 25.01 feet to the POINT OF BEGINNING, a 1/2 inch rebar with cap LS 53890;

Thence North 89° 15' 46" West, 427.94 feet to 1/2 inch rebar with cap LS 53890;

Thence, North 01° 58' 20" East, 1302.18 feet to a 1/2 inch rebar with cap LS 53890;

Thence, South 89° 07' 04" East, 427.91 feet to a 1/2 inch rebar with cap LS 53890;

Thence, South 01° 58' 20" West, 1301.09 feet the POINT OF BEGINNING.

PARCEL NO. 2:

An easement for ingress, egress and public utilities 25 feet in width.

All that portion of the Southeast quarter of the Southeast quarter of Section 21, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona being more particularly described as follows:

Said easement is 25 feet in width lying Northerly, adjacent to and parallel with the following described line;

COMMENCING at the Southeast corner of said Section 21, a Town of Chino Valley Brass Cap, from which the Northeast corner of Said Section 21 a brass stud broken off, bears North 01° 58' 20" West, 5299.87 feet.

Thence along the South line of said Section 21, North 89° 15' 46" West, 270.61 feet to the POINT OF BEGINNING;

Thence along the South line of said Section 21, North 89° 15' 46" West, 1079.60 feet to the END OF SAID EASEMENT.

PARCEL NO. 3:

An easement for ingress, egress and public utilities 20 feet in width.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions: Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

EXHIBIT A

(Continued)

All that portion of the Southeast quarter of the Southeast quarter of Section 21, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona being more particularly described as follows:

Said easement is 20 feet in width lying Southerly, adjacent to and parallel with the following described line;

COMMENCING at the Southeast corner of said Section 21, a Town of Chino Valley Brass Cap, from which the Northeast corner of Said Section 21 a brass stud broken off, bears North 01° 58' 20" West, 5299.87 feet;

Thence along the East line of said Section 21, North 01° 58' 20" West, 1325.07 feet to THE POINT OF BEGINNING;

Thence North 89° 07' 41" West, 1352.34 feet to the END OF SAID EASEMENT.

PARCEL NO. 4:

An easement for ingress, egress and public utilities 50 feet in width, 25 feet on each side lying adjacent and parallel to the following centerline:

All that portion of the Southeast quarter of the Southeast quarter of Section 21, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 21, a Town of Chino Valley Brass Cap, from which the Northeast corner of Said Section 21 a brass stud broken off, bears North 01° 58' 20" West, 5299.87 feet;

Thence along the South line of said Section 21, North 89° 15' 46" West, 495.92 feet to the POINT OF BEGINNING;

Thence, North 01° 58' 20" East, 1326.10 feet to the END OF SAID EASEMENT.

PARCEL NO. 5:

An easement for ingress, egress and public utilities 50 feet in width, 25 feet on each side lying adjacent and parallel to the following centerline:

All that portion of the Southeast quarter of the Southeast quarter of Section 21, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 21, a Town of Chino Valley Brass Cap, from which the Northeast corner of Said Section 21 a brass stud broken off, bears North 01° 58' 20" West, 5299.87 feet;

Thence along the South line of said Section 21, North 89° 15' 46" West, 923.86 feet to the POINT OF BEGINNING;

Thence, North 01° 58' 20" West, 1327.19 feet to the END OF SAID EASEMENT.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Order No. 55210348-055-GW-LGS

EXHIBIT A
(Continued)

APN: 306-21-011E

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

81C165 Commitment for Title Insurance Adopted 08-01-2016 Revised 04-02-2018

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Page 5



EXHIBIT 2
TO
ORDINANCE 2021-906

[Zoning Exhibit]

See the following page.

Zoning Map

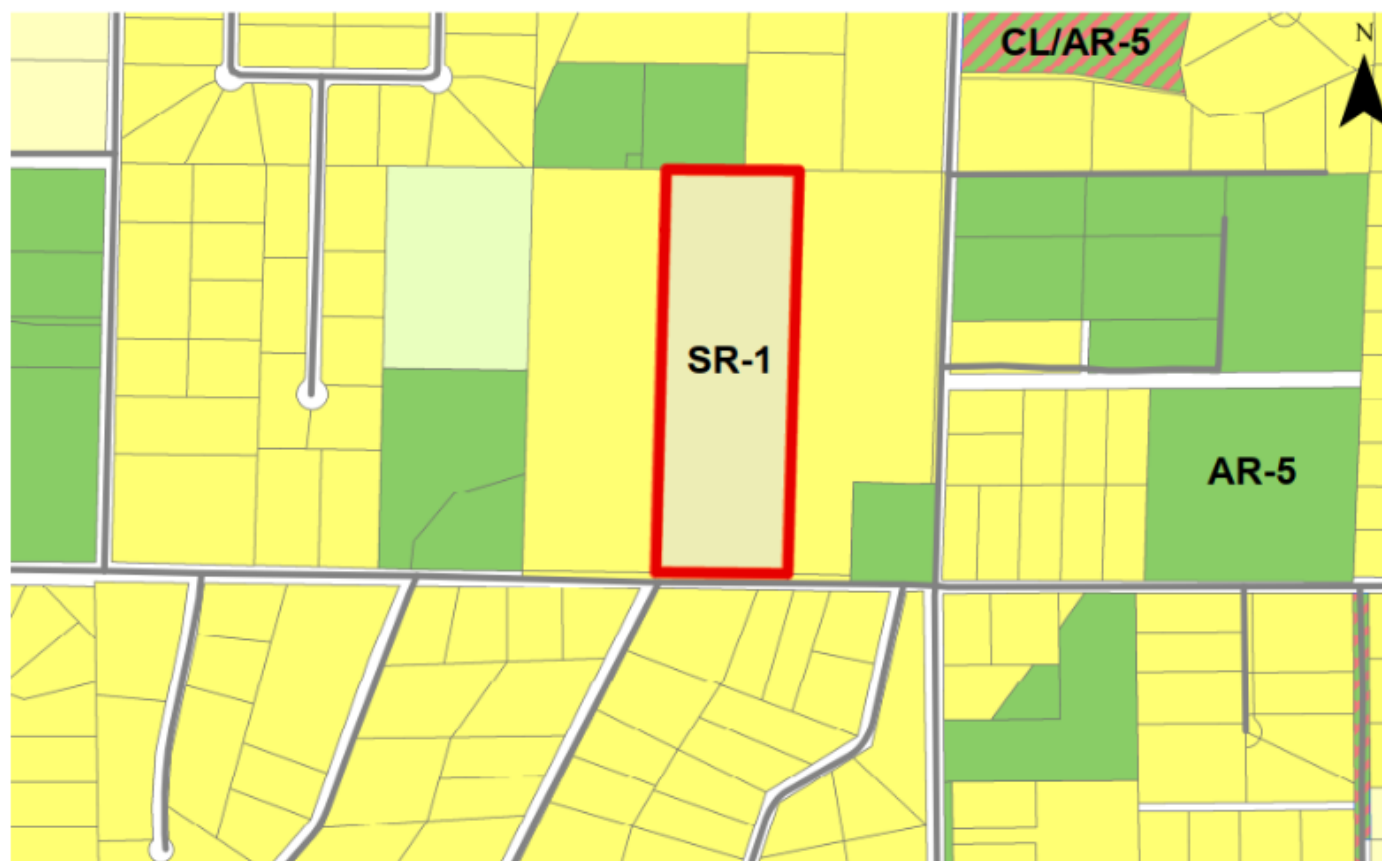


EXHIBIT 3
TO
ORDINANCE 2021-906

[Conceptual Development Plan]

See the following page.

This page is to be replaced with the Conceptual Development Plan.



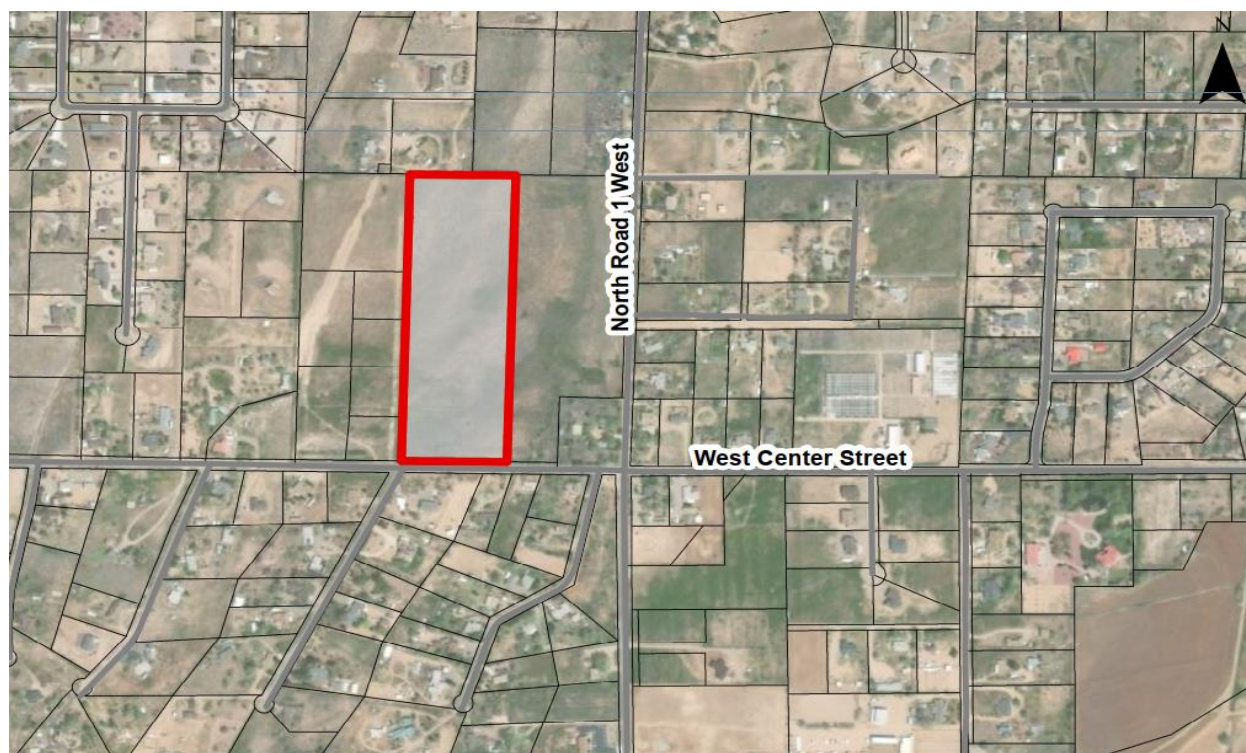
TOWN OF CHINO VALLEY
Planning Commission Staff Report
September 7, 2021
File Number Z-14-21
Planned Area Development - Rezone

PROJECT DESCRIPTION A request by Rosie Soto, on behalf of Prescott Thirty-Eight LLC, to **Rezone** approximately 12.78 acres of real property from **SR-1** (Single Family Residential 1-Acre Minimum) to **SR-0.16 with a PAD** (Planned Area Development) to develop 20 half-acre lots, for property located approximately 500 feet west of the intersection of West Center Street and North Road 1 West on the north side of West Center Street

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	SR-1	Vacant	Medium Density Residential (2 ac or less)
North	AR-5 & SR-1	Agricultural Residential, Single Family Residential & Vacant Land	Medium Density Residential (2 ac or less)
South	SR-1	Single Family Residential (Chino Valley Estates Subdivision)	Medium Density Residential (2 ac or less)
East	SR-1	Vacant land	Medium Density Residential (2 ac or less)
West	SR-1	Single Family Residential (Lot Split Subdivision)	Medium Density Residential (2 ac or less)

LOCATION MAP



Prior site actions:

April 2001, Council adopted Ordinance No. 457 which rezoned the 38 acre parent parcel to this property from agricultural to single-family residential with a site-built only overlay (Attachment C).

Staff Recommendation:

Staff recommends **APPROVAL** of the rezoning from the SR-1 Zoning District to the SR-0.16 Zoning District with a Planned Area Development (PAD), subject to the conditions shown in Attachment A.

Suggested Motion:

Move to **APPROVE** Rezone Z21-14 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval:

By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone approximately 12.78 acres of real property from SR-1 (Single Family Residential 1-Acre Minimum) to SR-0.16 with a PAD (Planned Area Development) to develop 20 half-acre lots for the property located approximately 500 feet west of the intersection of West Center Street and North Road 1 West on the north side of West Center Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the Town of Chino Valley's General Plan.

Staff Analysis:

The applicant is requesting to rezone approximately 12.78 acres of real property from the SR-1 to SR-0.16 with a Planned Area Development and with an associated conceptual development plan. The applicant is proposing to develop 20 single family homes on individual lots with the minimum lot size being a half acre in size resulting in a density of two homes to the acre. Each single family home is to be site built with attached RV garages.

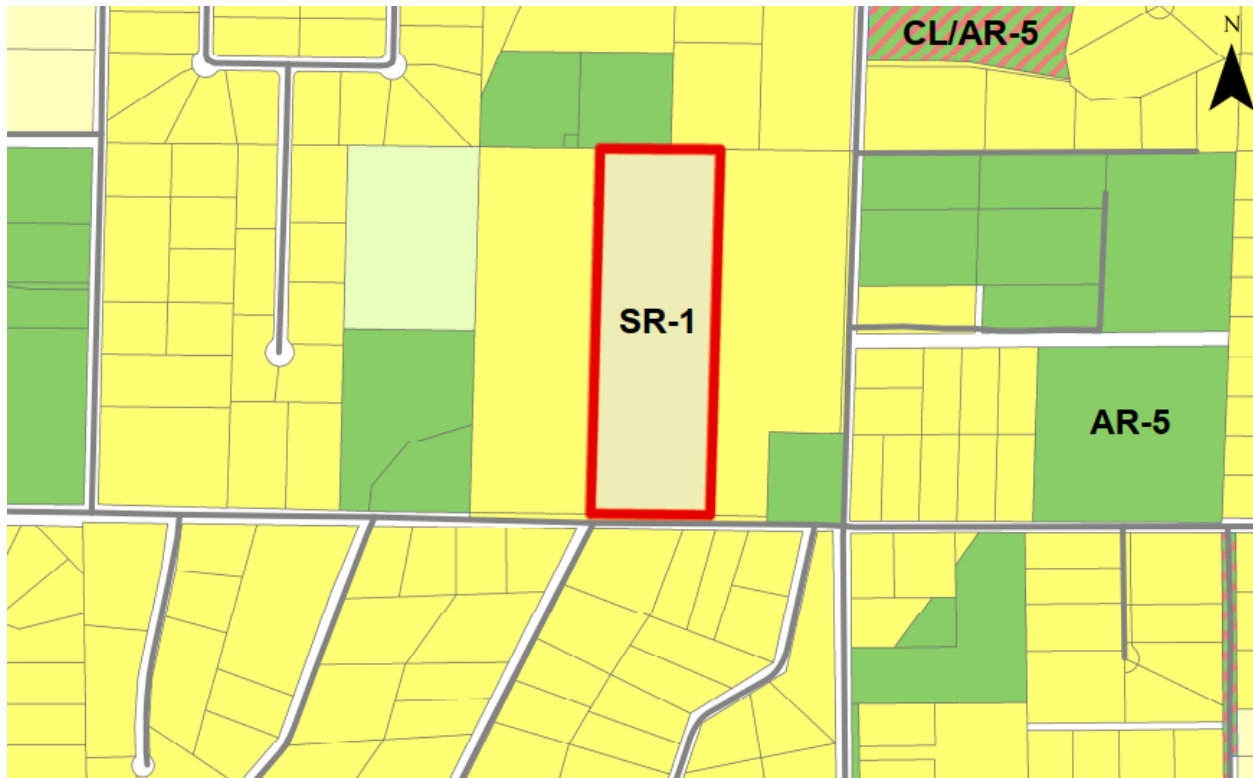
The applicant was originally scheduled to come before the Planning and Zoning Commission on July 6th. However, due to comments received during the neighborhood meeting, the applicant decided to revise the conceptual development plan with the hopes of address the surrounding neighbors' concerns.

The original conceptual plan (Attachment D) focused around a private north-south street that terminated in a cul-de-sac. At the north end of the site there was a proposed open space area totaling almost an acre. Within the open space, the applicant intends to construct community amenities such as barbeque pits, gazebos, horseshoe pits and volleyball courts. The applicant is required to asphalt the newly created street and has proposed no sidewalks, in order to keep with the rural feel of the area. All proposed lots will be served by City of Prescott water and Town of Chino Valley sewer. The applicant is also proposing a 20 foot-wide landscaping buffer between Center Street and their proposed development.

The applicant's new conceptual plan (Attachment E) is redesigned with a U-shaped private street that encompasses the proposed lots. The northern-most portion of the site is still reserved for open space

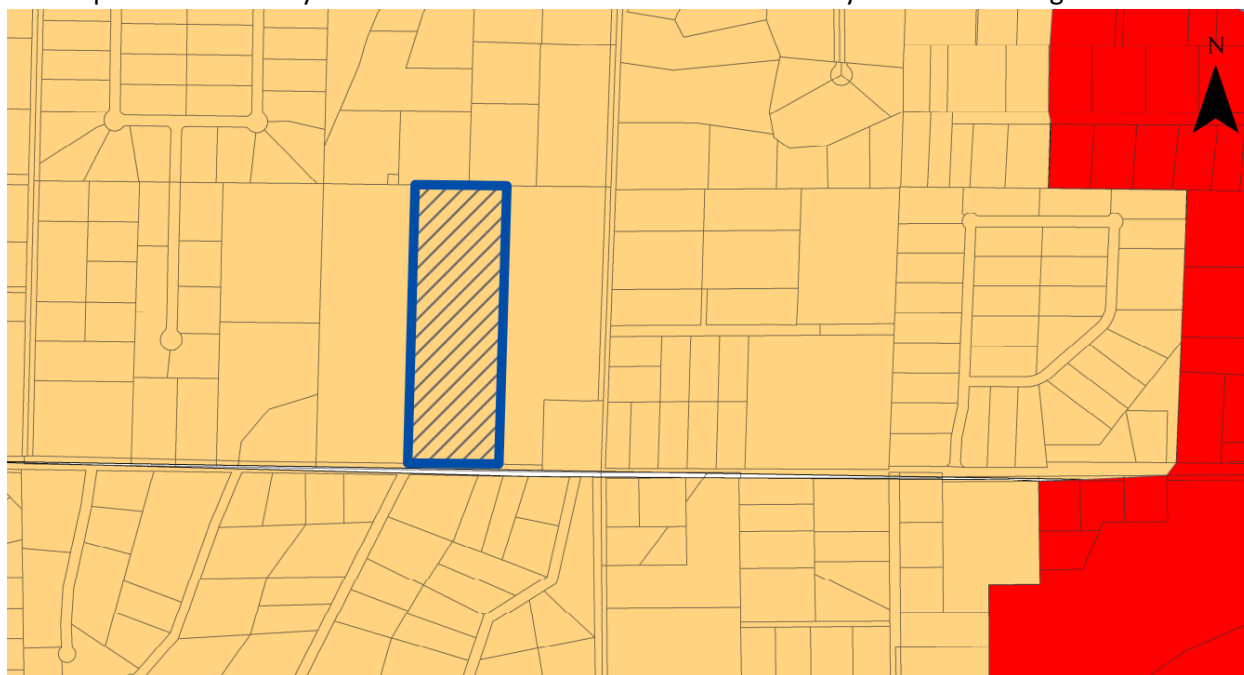
with the same previous listed amenities. However, the open space lot has increased in size to almost $1\frac{1}{4}$ acres in size. The project will still be served by City of Prescott water which will be looped within the newly created "U" shaped street. The Town of Chino Valley sewer is proposed to run within an easement located at the rear of the proposed lots (where the original center cul-de-sac was proposed). Due to grade issues on the site, sewer will likely only be able to serve the 12 southern-most lots. The applicant is proposing that the northern eight (8) lots utilize septic tanks.

Zoning- The general vicinity contains lots zoned 1-Acre, 2-Acres and 5-Acres. If approved, this will be the first $\frac{1}{2}$ acre lot zoning and development in this area.



1. Does the proposed zoning district conform to the Land Use Element?

The property has a General Plan land use designation of Medium Density Residential - 2 acres or less. The applicant is requesting a zone change from SR-1 to SR-0.16 with a PAD overlay, remaining under the General Plan Medium Density Residential land use designation. The Applicant proposes residential development at a density that meets the intent of the Medium Density Residential designation.



2. Are there any dedications or property easements identified by the Transportation Element?

Yes, dedication along West Center Street is required. The dedication amount needs to ensure that 40 feet north of the West Center Street centerline has been dedicated.

Public Comment Received:

Town Staff has not received any public comment regarding this project, outside of the comments received at the Neighborhood Meeting. See Attachment B.

Attachments

A	B	C	D	E
Conditions of Approval	Neighborhood Meeting Comments	Ordinance No. 457	Applicants Original Conceptual Layout (Not Being Used)	Applicants Current Conceptual Layout

Prepared By:

Will Dingee
Senior Planner
wdingee@chinoaz.net
928-636-4427 ext. 1233

Date:

Approved By:
Laurie L Lineberry, AICP
Development Services Director

ATTACHMENT A

CONDITIONS OF APPROVAL

1. Per UDO § 5.3.2, Table 5-1 roadway right-of-way dedications and improvements are as follows:
 - a. Center St. (Rural Arterial)
 - i. 40' right-of-way dedication north of the section line on Center St.
 - b. Internal Streets (Urban Local)
 - i. 24' minimum roadway width w/o on street parking. Roadways to consist of minimum 3" AC over 6" aggregate base or per a Geotechnical Report.
 - ii. Rolled curb
 - iii. 5' minimum sidewalk on one side
2. The development is considered served by the Town sewer main located in Center St. Per UDO § 5.3.4, a gravity sewer system is the preferred method of collecting and conveying wastewater. However, low-pressure sewer systems may be installed if a homeowners' association is established during the platting process to oversee operation and maintenance of the individual grinder pump stations. If low-pressure sewer systems are utilized within a subdivision, a hybrid of gravity and low-pressure sewer should be contemplated with line lengths for low-pressure sewer system kept to minimum lengths in an attempt to minimize odors.
3. Drainage design shall be consistent with UDO § 5.3.5.
4. UDO § 5.3.8 (A) Generally, a Public Utility Easement (PUE) shall be twenty (20) feet in width. The location of the PUE of shall be approved by the Public Works Director.
5. UDO § 5.3.8 (B) The subdivider must provide a one (1)-foot easement prohibiting vehicular access to and from arterials and collectors from rear yards of double frontage lots.
6. UDO § 5.4(G)(6) Fire hydrants shall be spaced at a distance no greater than five hundred (500) feet apart in residential areas and five hundred (500) feet apart in commercial and industrial areas. The measurement between fire hydrants shall be linear and the measurement will be effected along the centerline of the streets. The Chino Valley Fire District may adjust the distances between fire hydrants when circumstances dictate.
7. UDO § 5.4(G)(7) The water system for the subdivision must be capable of supplying and sustaining the required flows for fire protection throughout all subdivided properties as approved by the Town. For residential areas, the minimum required fire flow capability is one thousand (1,000) gallons per minute for a duration of two (2) hours with a minimum system pressure of twenty (20) pounds per square inch while the required fire hydrant flow rate is being met.
8. A Traffic Impact Statement incorporating plans for the entire development area will be required during the technical review process.

ATTACHMENT A

CONDITIONS OF APPROVAL (CONTINUED)

9. UDO § 150.081 Except as exempted in § [150.082](#), all existing and new utility and telephone lines, electric utility distribution lines, cable television lines and all other communication and utility lines adjacent to or within new residential, commercial or industrial subdivisions or other areas to be developed within the town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

ATTACHMENT B NEIGHBORHOOD MEETING COMMENTS

Date Held: 6/30/2021

Location: Town Hall

Attendees: Rosie Soto – Applicant, Toby Butterworth – Applicants Contractor, Will Dingee – Senior Planner, and at least 18 neighbors were in attendance.

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT: (use tab button to create more rows)

- One property owner was concerned about the density of the project, wanting this area to remain one-acre lot size minimum. The owner did not want to see high density in this area.
- A neighboring property owner was concerned about the increase in traffic.
- Several neighbors asked if the development would be site-built homes or manufactured. The applicant stated that they would all be site-built with attached RV garages.
- A property owner asked about the price point for the homes and the applicant explained that their target was \$500,000 and up.
- Several neighbors to the west of the development did not want to look into the backyards of these new homes. Those same neighbors did not want a block wall or sold fence to look at either.
- A property owner was concerned with how the open space would be utilized and if neighboring properties were able to use it too.
- Several property owners were concerned about utilities for this development. The applicant stated that the development would be served by City of Prescott Water and most of the lots would be served by Town Sewer.
- One property owner brought up that there was a lot of water that moves through this property when it storms

The applicant asked the attendees of the meeting for recommendations on how to improve the project.

- A property owner to the west of the development was open to the idea of rearranging the subdivision to where the fronts of the proposed home were on faced their home opposed to the backyards.
- The applicant brought up the potential of paving the current access easement that served the existing homes to the west of the development. The applicant also stated that she was open to letting the surrounding community utilize her proposed park/open space.
- A property owner asked if the developer was open to developing one -acre lots as opposed to half-acre lots. The applicant said she would like to get the lots as big as they could but they also had to make sure that the utility extensions penciled out.

The meeting concluded with the applicant proposing to rework her conceptual layout in the hopes of satisfying the concerns that were brought up by the public.

ATTACHMENT C
ORDINANCE NO. 457

ORDINANCE NO. 457

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE REZONING OF ASSESSOR'S PARCEL NUMBER 306-21-011A FROM "AR" AGRICULTURAL/RESIDENTIAL TO "R-2" MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL WITH A SITE-BUILT HOMES ONLY OVERLAY.

WHEREAS, a public hearing was held before the Planning and Zoning Commission on April 5, 2001; and

WHEREAS, the Commission voted unanimously to approve the rezoning request; and

WHEREAS, the Town Council finds that the requested rezoning is in compliance with the Chino Valley General Plan and will not be detrimental to the health, safety, convenience and general welfare of the citizens of the Town of Chino Valley; and

WHEREAS, it is in the best interest of the Town to rezone the property to allow for the highest and best use of the property.

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 Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone Assessor's Parcel Number 306-21-011A, legally described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, to "R-2" Medium Density Single Family Residential with a site-built homes overlay.

Section 2: That this rezoning is subject to all easements of record on said parcel.

Section 3: That 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of April, 2001.

ATTACHMENT C (Continued)

ORDINANCE NO. 457

SEAL



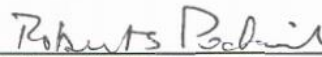
Dan Main, Mayor

ATTEST:



Delores Sliger, Town Clerk

APPROVED AS TO FORM:



Robert S. Pecharich, Esq.
Town Attorney

ATTACHMENT C (Continued)

ORDINANCE NO. 457

BK 3830 PG 669 FEE#3348221

The Southeast Quarter of the Southeast Quarter of Section 21, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona,

TOGETHER with all improvements thereon situate and all appurtenances thereunto belonging, including twenty (20) shares of water in the Chino Valley Irrigation District,

EXCEPTING, nonetheless, a parcel of land consisting of 2.06 acres lying in the Southeast corner of the above described land and being more particularly described as follows:

That portion of the Southeast Quarter of the Southeast Quarter of Section Twenty-one (21), Township Sixteen (16) North, Range Two (2) West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

Beginning at the Southeast corner of said Section 21 (pt.1); then North $89^{\circ} 34' 00''$ West, 270.61 feet to pt. 2; then North $0^{\circ} 29' 00''$ East, 327.05 feet to pt. 3; then South $89^{\circ} 52' 15''$ East, 277.35 feet to pt. 4; then South $1^{\circ} 39' 30''$ West, 328.60 feet to the point of beginning (pt. 1).

Point 1 is a found brass cap per U. S. Government Township Plat, dated November 29, 1915.

Course 1-2 is along the South line and course 4-1 is along the East line of Section 21 between found U. S. G. L. O. brass caps.

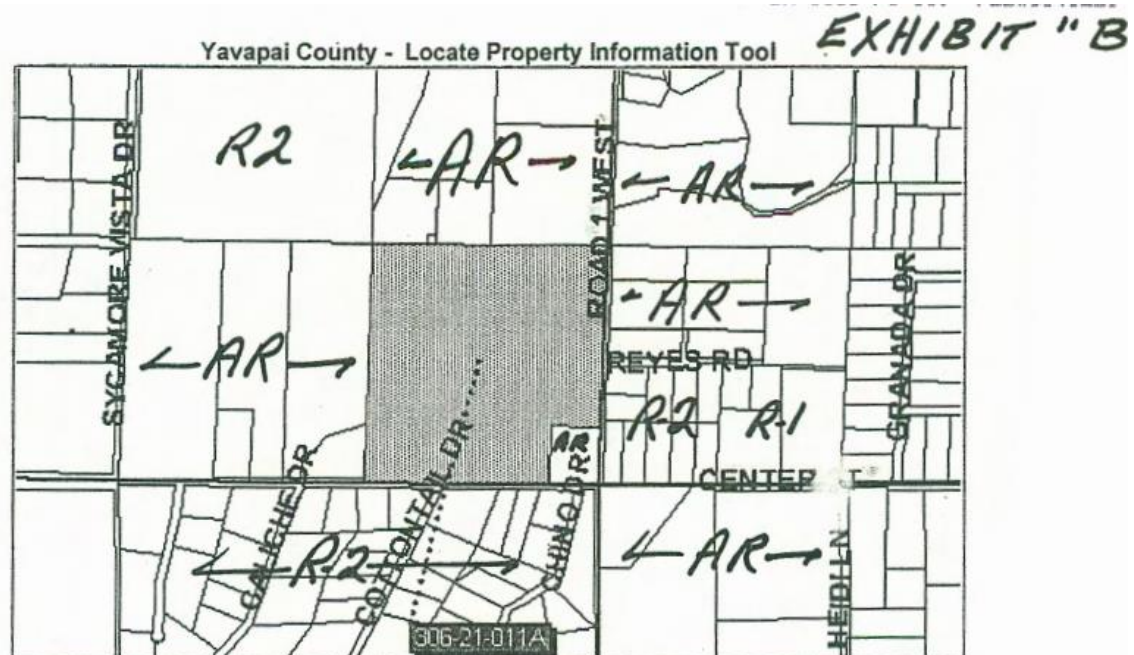
Points 2, 3 and 4 are $5/8''$ rebar, 18" long with yellow plastic cap stamped, COLLINS, L. S. 7335

Basis of Bearing is North $89^{\circ} 34'$ West along the South line of Section 21 per U. S. Government Township Plat, dated November 29, 1915.

The parcel of land embraced by this Quitclaim Deed is further identified by Yavapai County Assessor's Parcel No. 306-21-011A-4.

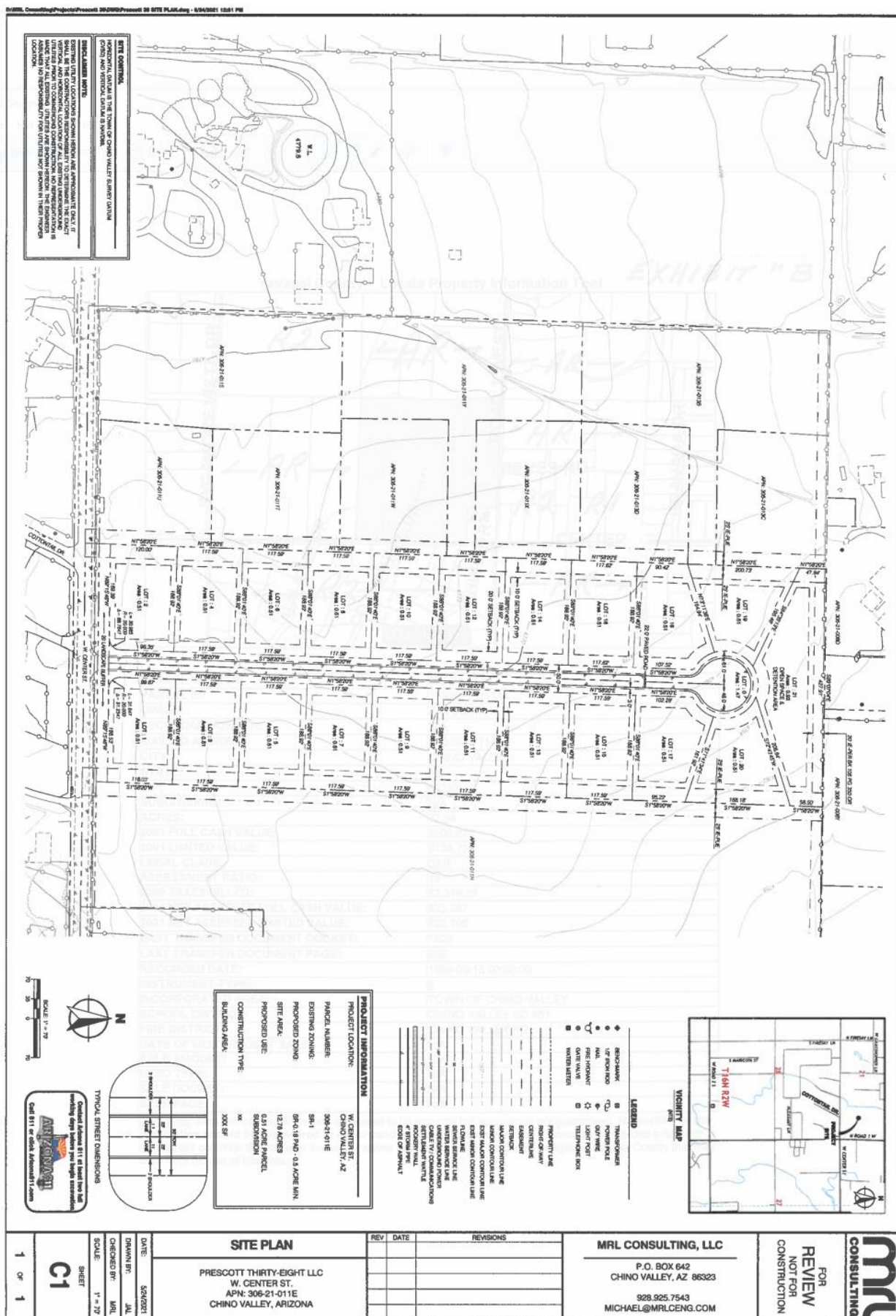
ATTACHMENT C (Continued)

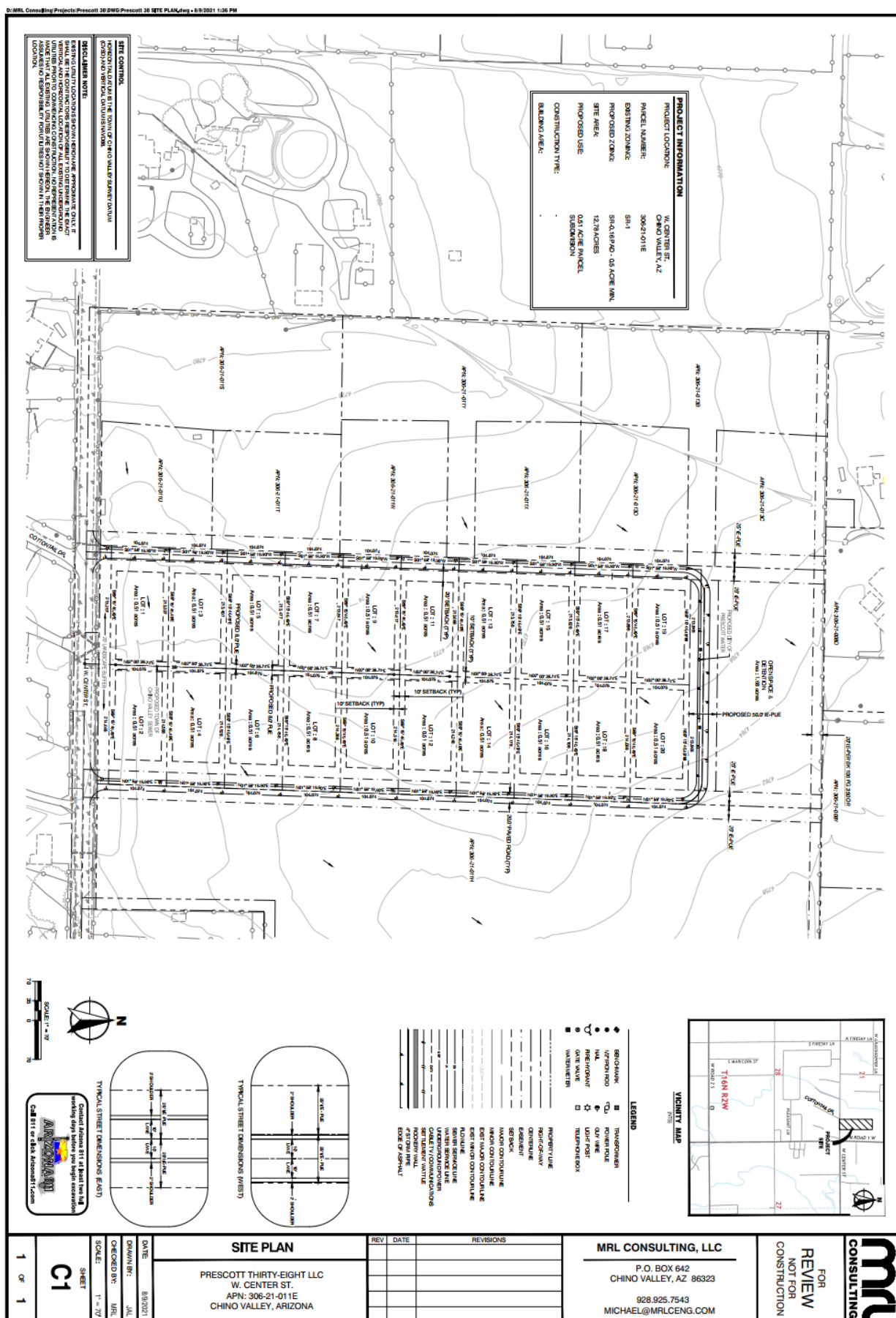
ORDINANCE NO. 457



PARCEL NUMBER:	306-21-011A
PARCEL ID:	1330621011014
OWNER:	FAVOUR A H
SECONDARY OWNER:	N/A
MAILING ADDRESS:	P O BOX 114
CITY:	CHINO VALLEY
STATE:	AZ
ZIP:	86323
SUBDIVISION:	N/A
ACRES:	37.94
2001 FULL CASH VALUE:	\$208,670
2001 LIMITED VALUE:	\$138,726
LEGAL CLASS:	02.R
ASSESSMENT RATIO:	16
2000 TAXES BILLED:	\$2,316.38
2001 NET ASSESSED FULL CASH VALUE:	\$33,387
2001 NET ASSESSED LIMITED VALUE:	\$22,196
LAST TRANSFER DOCUMENT DOCKET:	1629
LAST TRANSFER DOCUMENT PAGE:	968
RECORDED DATE:	1984-05-15 00:00:00
INSTRUMENT TYPE:	6
INCORPORATED AREA:	TOWN OF CHINO VALLEY
SCHOOL DISTRICT:	CHINO VALLEY SD #51
FIRE DISTRICT:	CHINO VALLEY FD
DATE OF MOST RECENT SALE:	N/A
SALE AMOUNT:	N/A
DEED TYPE:	N/A
SALE DOCKET:	N/A
SALE PAGE:	N/A

Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.





D:\MRL Consulting\Projects\Prescott 38\DWG\Prescott 38 SITE PLAN.dwg - 8/9/2021 1:36 PM

SITE CONTROL

HORIZONTAL DATUM IS THE TOWN OF CHINO VALLEY SURVEY DATUM
(CVSD) AND VERTICAL DATUM IS NAVD83.

DISCLAIMER NOTE:

EXISTING UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UNDERGROUND UTILITIES. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS MADE NEARLY ALL EXISTING UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.

PROJECT INFORMATION

PROJECT LOCATION:
W. CENTER ST.
CHINO VALLEY, AZ

PARCEL NUMBER:
306-21-011E

EXISTING ZONING:
SR-1

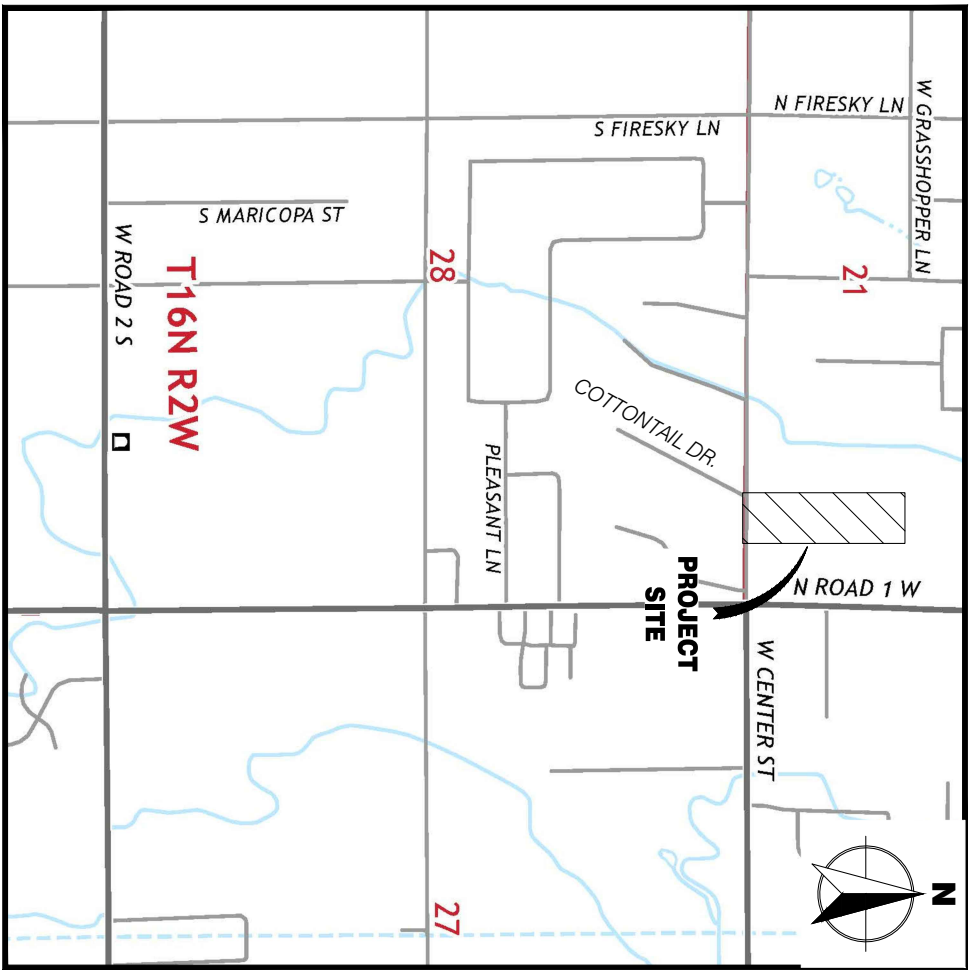
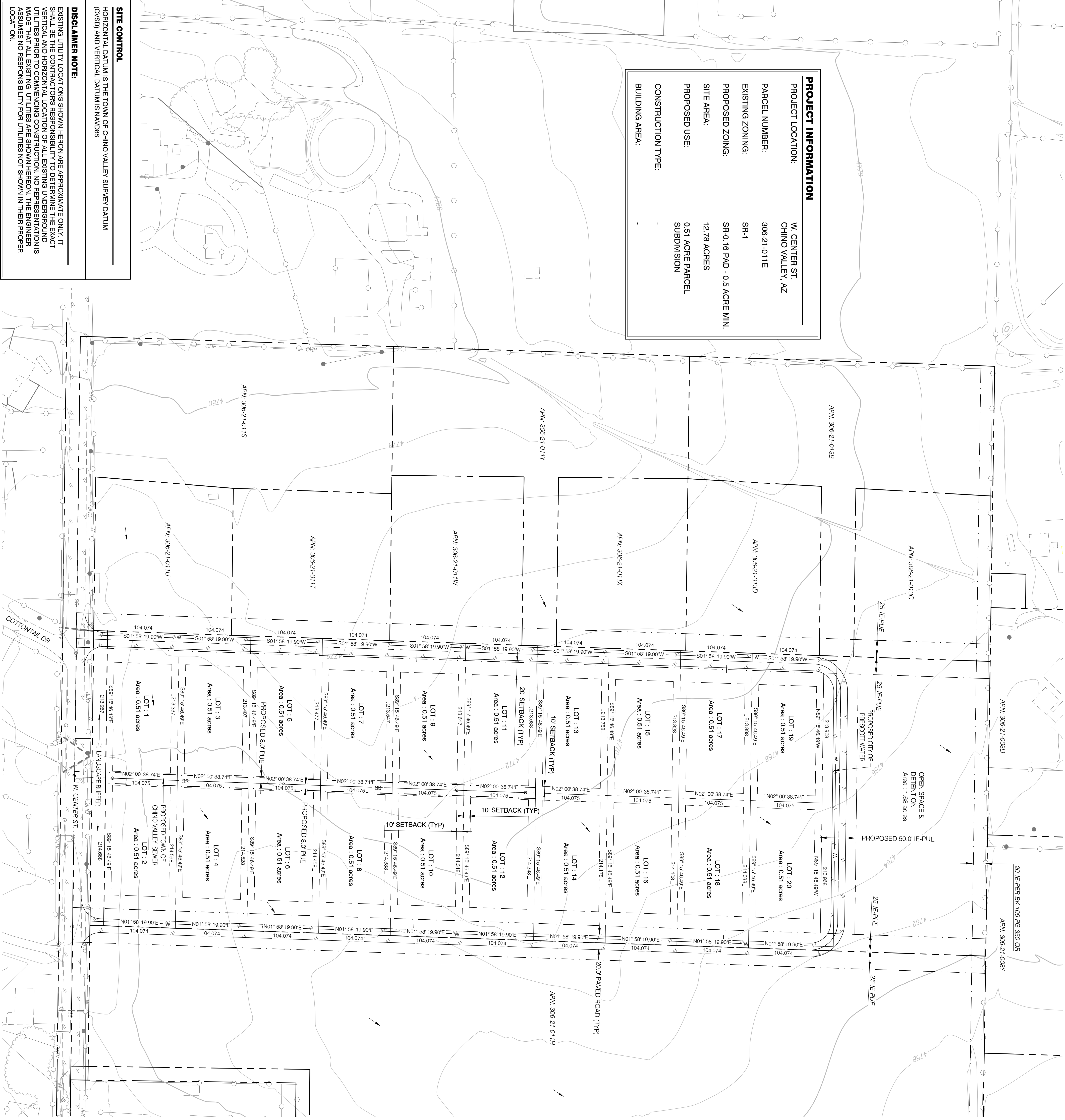
PROPOSED ZONING:
SR-0.16 PAD - 0.5 ACRE MIN.

SITE AREA:
12.78 ACRES

PROPOSED USE:
0.51 ACRE PARCEL
SUBDIVISION

CONSTRUCTION TYPE:
-

BUILDING AREA:
-



LEGEND

BENCHMARK

NAIL

FIRE HYDRANT

GATE VALVE

WATER METER

TRANSFORMER

POWER POLE

GUY WIRE

LIGHT POST

TELEPHONE BOX

PROPERTY LINE

RIGHT-OF-WAY CENTERLINE

EASEMENT

MAJOR CONTOUR LINE

MINOR CONTOUR LINE

EXST MAJOR CONTOUR LINE

EXST MINOR CONTOUR LINE

FLOWLINE

SEWER SERVICE LINE

WATER SERVICE LINE

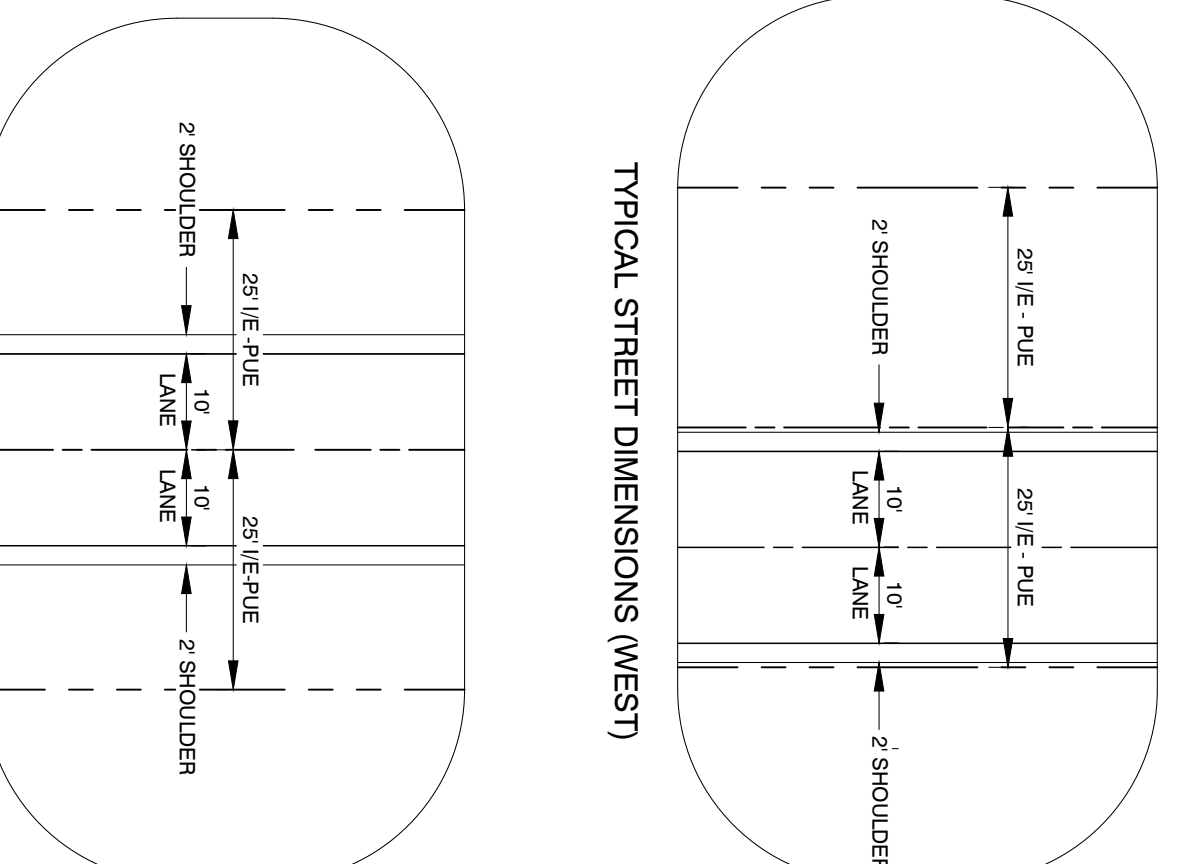
UNDERGROUND POWER

CABLE TV / COMMUNICATIONS

SETTLEMENT WATTLE

ROCKERY WALL

EDGE OF ASPHALT



Call 811 or click Arizona811.com

MRL CONSULTING

FOR REVIEW
NOT FOR CONSTRUCTION

MRL CONSULTING, LLC

P.O. BOX 642
CHINO VALLEY, AZ 86323

928.925.7543
MICHAEL@MRLCENG.COM

SITE PLAN

PRESCOTT THIRTY-EIGHT LLC
W. CENTER ST.
APN: 306-21-011E
CHINO VALLEY, ARIZONA

REV

DATE

REVISIONS

DATE: 8/9/2021

DRAWN BY: JAL

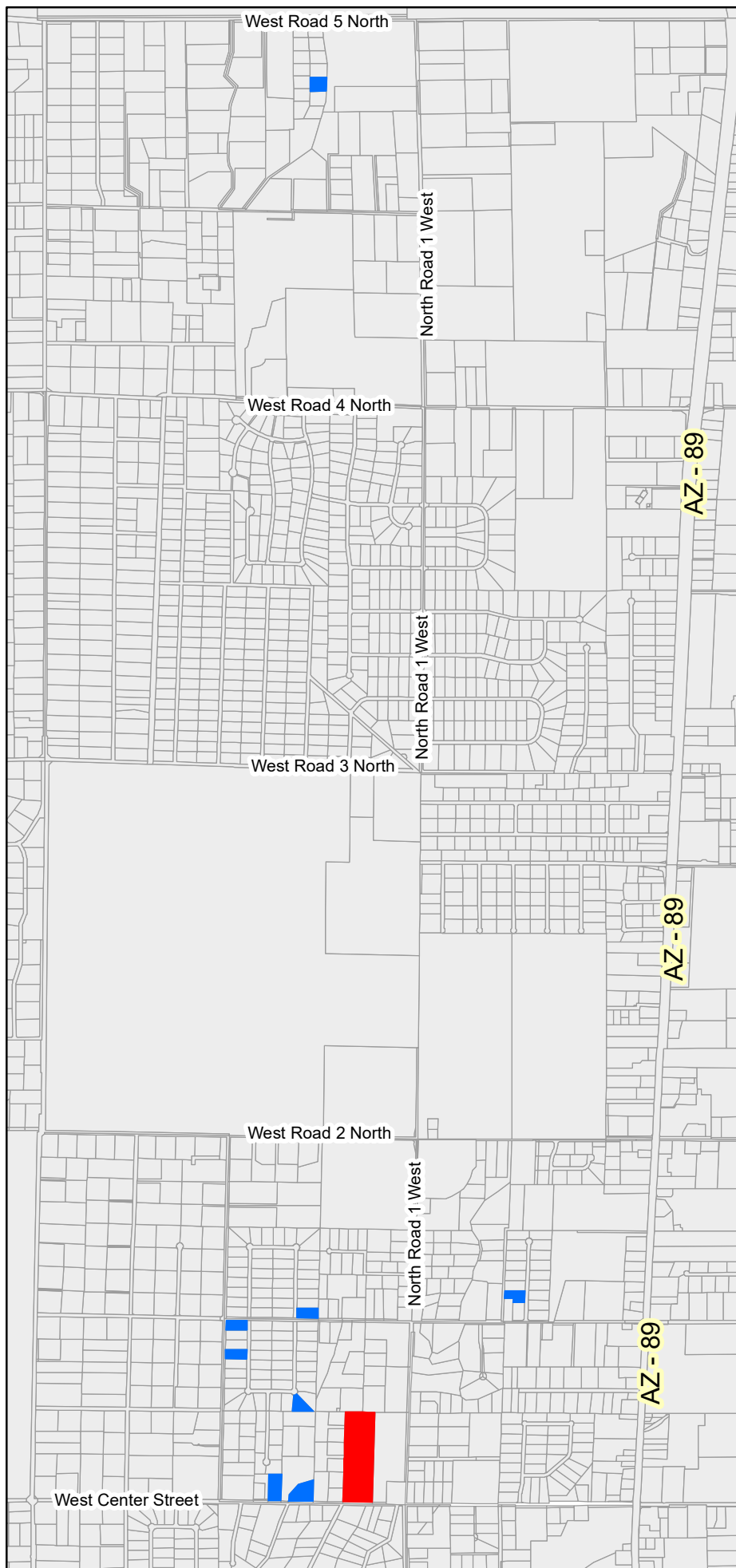
CHECKED BY: MRL

SCALE: 1" = 70'

SHEET

C1

1 OF 1



Speaker Locations 9/7/2021 P&Z Meeting

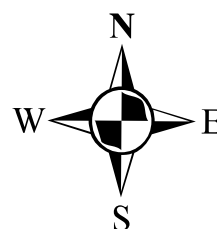
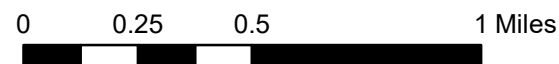
Case: Z21-014

Applicant: Rosie Soto

ZONE CHANGE - PAD

Legend

- Applicant's Parcel
- Speakers' Parcels
- Town of Chino Valley Parcels



Sept 12, 2021

Nicholas and Barbara Melroy
1365 Mc Kay Way
Chino Valley

Chino Valley Town Council
Dear Council Members

Re: Z21-000014, Rezoning from SR1 to SR 0.16

We are adamantly opposed to this zoning change.

We chose to move into this town and this neighborhood precisely because of the low-density zoning. It was, and remains, a major priority for us. We treasure the small town, rural character that is Chino Valley, Az.

This trend towards toward smaller lots is out of character with this town and is unwanted and unwelcome.

Economically, we believe it will have a negative impact on housing values which, for us as retirees could be devastating.

But all that aside, this change is in direct opposition to the expressed intention for development as stated in the existing Chino Valley Unified Ordinance:

3.1 ESTABLISHMENT OF ZONING DISTRICT

3.3 ZONING DESCRIPTIONS AND REQUIREMENT

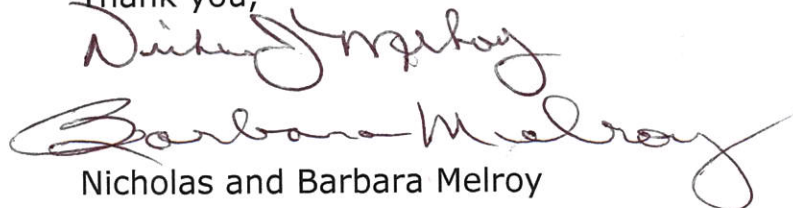
3.12 SR-0.16 - SINGLE FAMILY RESIDENTIAL

A. PURPOSE

"The purpose of this district is to allow for the regulation, development and redevelopment of **existing** 7,000 square foot residential lots. **It is not the intention of the Town to create any new SR-0.16 zoned property.**"

We hope that you give this letter the attention and consideration we deserve and expect as current residents.

Thank you,



Nicholas and Barbara Melroy

Mr. Nicholas J. Melroy
1365 McKay Way
Chino Valley, AZ 86323

Members:
Chino Valley Town Council

September 10, 2021

Chino Valley Town Council
September 13, 2021 meeting

Re: Z21-000014
Rezoning from SR-1 to SR-0.16

Dear Town Council Members:

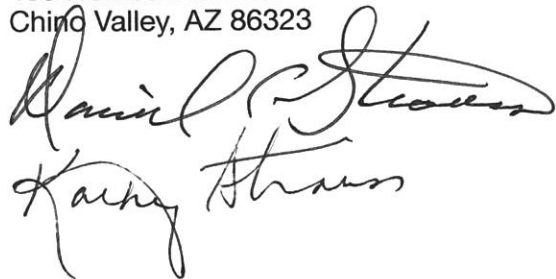
The fact that you are considering this change in zoning is appalling in many ways. That you would consider this is a slap in the face to all of us who did our due diligence before purchasing our homes on the west side of Chino Valley where the lots are one acre minimums.

Before purchasing our home we looked at Chino Valley's General Plan for a small town and rural feel! Building houses on 0.16 acre is not small town or rural feel and it does not seem to comply with your own Unified Development Ordinance! Rezoning 1 acre minimum properties to 0.16 acre lots defies what Chino Valley has always been about, conserving a rural feel.

What is so horrible for us to think about is that our own town would do this to our neighborhoods. The noise, traffic, reduced home values would be devastating not to mention how bad the roads already are and how low our water table is.

We will accept nothing less from you than the conservation of our town's values and that you do not break your own Ordinances!!!

Dan and Kathy Strauss
465 Homestead Mesa Drive
Chino Valley, AZ 86323

The block contains two handwritten signatures in black ink. The top signature is for Dan Strauss, written in a cursive style. The bottom signature is for Kathy Strauss, also in cursive. The signatures are positioned below the typed names and address.

Alan + Kathy Strauss
465 Hornstead Road
Chino Valley, AZ 86323

Chino Valley Town Council
for September 14, 2021 meeting

Tim & Tonya Hebel
1335 McKay Way
Chino Valley, AZ

September 9, 2021

Chino Valley Town Council
For Sept 13th meeting

RE: Z21-000014 Rezone from SR-1 to SR-0.16

There are many reasons for you to NOT approve this zoning change.

One thing that the Planning and Zoning Commission and the Town Council have said many times, "know the area you are buying in before you buy". I have heard this said many times. We bought in this area of all 1 acre or more lots. We understood that this would remain the medium density area. SR-0.16 is NOT medium density. We did the research and knew what we were buying and the zoning in the surrounding areas. So, why now is the town willing to change the zoning when current area zoning is all 1 acre or more? SR-0.16 does not fit with the neighboring areas. There are no high-density zones in the area.

The high density of SR-0.16 does not meet with the "General Plan" for Chino Valley for Small-town image or character / Rural, farm, ranches.

If the zone is changed to SR-0.16, what will stop anyone from changing later and having 2 homes on a parcel?

If the zone is changed on this parcel (306-21-011E), the next item will be to get the attached parcel (306-21-011H) changed to SR-0.16 and they will probably want to do the 5 houses per acre. Again, not compatible with the neighboring zoning.

All of the homes, on 1 acre lots, in the neighborhood that have gone up for sale have generally sold within a week or so for extremely high prices. The developer's statement that it is cost prohibitive to do 1 acre lots is not valid.

Mesa View / Mesa View South / Mollie Rae will all be impacted in property values to sell our homes. Realtors taking comparison values in the neighborhood will impact what we can get for our homes.

But regardless of all the above problems, **IT IS ILLEGAL**. The definition of "Ordinance" is:

A law, statute, or regulation enacted by a Municipal Corporation

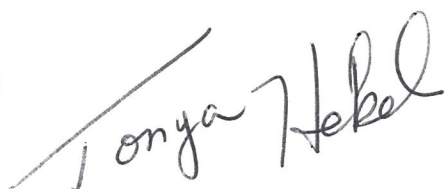
Per the Chino Valley "Unified Development Ordinance", under 3.12 SR-0.16 – SINGLE FAMILY RESIDENCE, subsection A. PURPOSE it states:

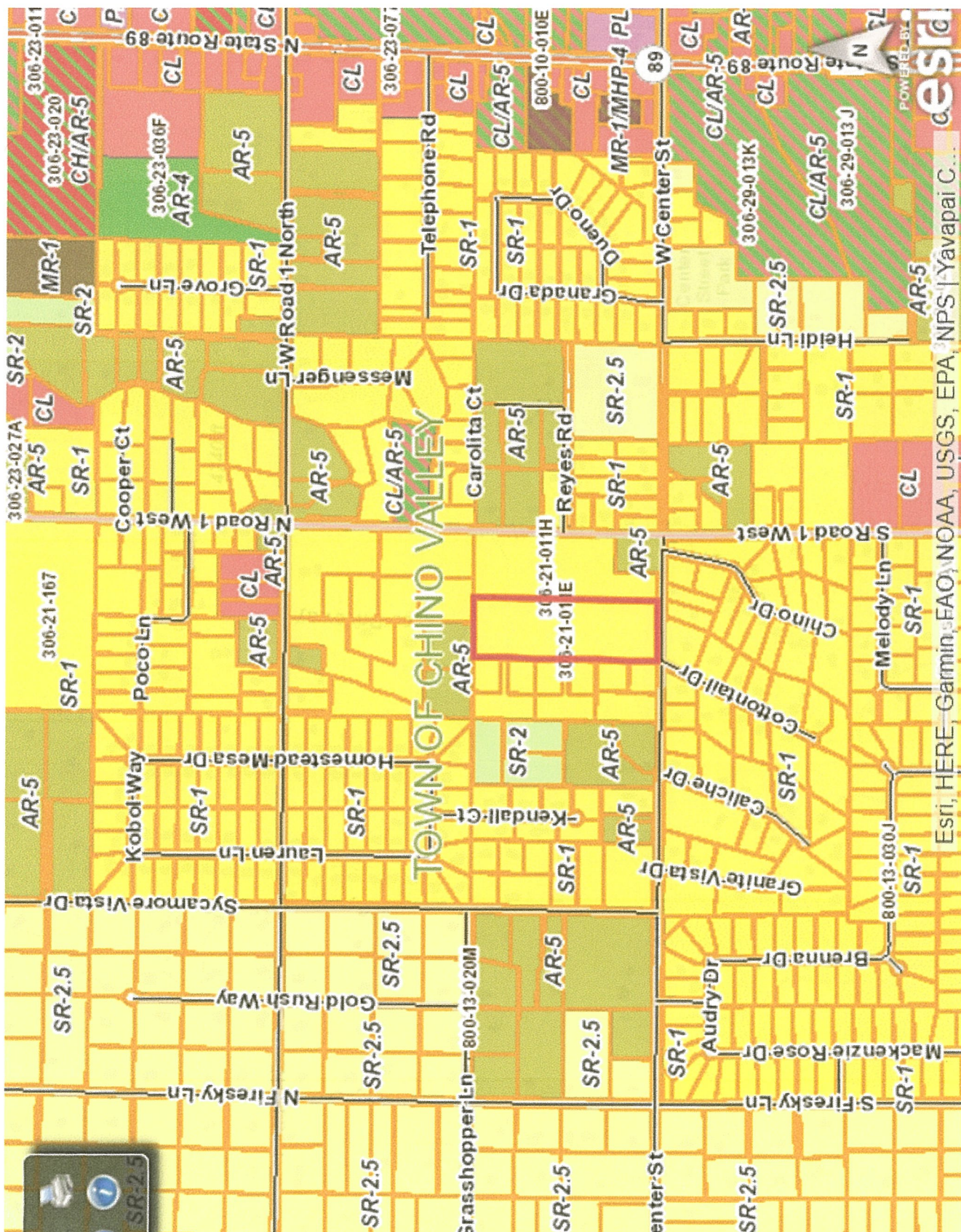
The purpose of this district is to allow for the regulation, development and redevelopment of existing 7,000 square foot residential lots. **It is not the intention of the Town to create any new SR-0.16 zoned property.**

Based on this ordinance/law/statute/regulation, the Town does not intend to create any new SR-0.16 zoned properties. It is illegal for you to do so.

Thank you,

Tonya Hebel





No SR-O.16 Anywhere Near By

Ordinance

definition

*A law, statute, or regulation enacted by a **Municipal Corporation**.*

An ordinance is a law passed by a municipal government. A municipality, such as a city, town, village, or borough, is a political subdivision of a state within which a municipal corporation has been established to provide local government to a population in a defined area.

Ordinances constitute the subject matter of municipal law. The power of municipal governments to enact ordinances is derived from the state constitution or statutes or through the legislative grant of a municipal charter. The charter in large part dictates how much power elected officials have to regulate actions within the municipality. Municipalities that have been granted "home rule" charters by the legislature have the most authority to act. If, however, a municipality enacts an ordinance that exceeds its charter or is in conflict with state or federal law, the ordinance can be challenged in court and ruled void.

Many ordinances deal with maintaining public safety, health, morals, and **General Welfare**. For example, a municipality may enact housing ordinances that set minimum standards of habitability. Other ordinances deal with fire and safety regulations that residential, commercial, and industrial property owners must follow. Many municipalities have enacted noise ordinances, which prohibit prescribed levels of noise after certain hours of the evening.

Ordinances may also deal with public streets and sidewalks. They typically include regulations regarding parking, snow removal, and littering. Restrictions on pets, including "pooper scooper" and leash laws, are also governed by municipal ordinances.

One of the most significant areas of municipal law is **Zoning**. Zoning ordinances constitute a master plan for land use within the municipality. A municipality is typically divided into residential, commercial, and industrial zoning districts. Zoning attempts to conserve the value of property and to encourage the most appropriate use of land throughout a particular locality.

u.d.o.

3.12 SR-0.16 - SINGLE FAMILY RESIDENTIAL

A. PURPOSE

The purpose of this district is to allow for the regulation, development and redevelopment of existing 7,000 square foot residential **lots**. It is not the intention of the **Town** to create any new SR-0.16 zoned property.

B. PERMITTED USES

1. One (1) single-family dwelling.
2. Customary **accessory building** provided such **uses** are incidental to the principal **use**. Accessory **structures** shall not be permitted prior to the issuance of a **building permit** for the primary residence.
3. **Home occupations**.
4. **Churches** or similar places of worship.

C. **CONDITIONAL USES** (Conditional Use Permit Required)

1. **Public**/governmental facilities.
2. Privately owned and operated parks and recreation areas and centers.
3. Temporary home and land sale **offices**, provided they are located within the same **subdivision** as that land and homes which are offered for sale.
4. **Public utility buildings, structures** or appurtenances thereto for **public service use**. The extension of **public** service lines in **public** or private **right-of-way** is exempt from this requirement.
5. Residential facilities for the developmentally disabled as described in A.R.S. §§ 36-581 and 36-582, which are licensed by the Department of Economic Security.
6. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.
7. Recovery residences.
8. Assisted living homes.

Because no list of **uses** can be complete, the interpretation of whether a **use** not specified is consistent with the intent of this zoning district and may be allowed as a **conditional use** or, where discretion is allowed, a **permitted use** shall be rendered by the **Zoning Administrator** with **appeal** to the **Board of Adjustment**.

D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum **Lot Area**: 7000 sq. ft
- All **lots** less than one (1) **acre** in size must be served by a water and/or sewage disposal system approved by the **Town** of Chino Valley.
2. Minimum **Lot Frontage**: 50 feet
3. Minimum Front **Yard** Set Back: See Section 4.28
4. Minimum Side **Yard** Set Back: 10 feet
5. Minimum **StreetYard** Set Back: See Section 4.28
6. Minimum Rear **Yard** Set Back: 10 feet

7. Maximum **Building** Height: 25 feet

8. **Accessory Building** shall be setback 5 feet from side and rear **property lines** and must conform to the front **yard** and **street** side **yard** setback.

9. Maximum **Lot Coverage**: 50%

(Ord. 06-678, passed 11-9-2006; Ord. 08-707, passed 10-23-2008; Ord. 10-729, passed 7-22-2010; Ord. 14-785, passed 7-8-2014)

Chino Valley Town Council

RE: Z 21-000014 - Rezone SR-1 to SR-O.16
? Sept 13th Meeting



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. b.

Meeting Date: 09/28/2021
Contact Person: Ronda Apolinar, Court Administrator
 Phone: 928-636-2646 x-1289
Department: Municipal Court
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

PUBLIC HEARING and consideration and possible action to approve Ordinance No. 2021-905 regarding a home detention program. (Joan Dwyer, Presiding Magistrate)

RECOMMENDED ACTION:

(1) Hold public hearing; and (2) Approve Ordinance No. 2021-905 regarding a home detention program.

SITUATION AND ANALYSIS:

Arizona Revised Statutes Title 9 Cities and Towns §9-499.07 allows cities or towns to establish home detention programs for eligible sentenced prisoners, which shall be treated the same as confinement in jail.

The home detention coupled with intensive treatment and electronic monitoring is an effective alternative to incarceration for DUI offenders.

The pandemic has created certain restrictions for jail commits including the inability to obtain work release or weekend/partial service of sentence which can affect a Defendant's ability to remain gainfully employed.

The home detention/electronic monitoring programs have been proven to be successful in other jurisdictions within Arizona.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

ORD 2021- 905 - Home Detention

ORDINANCE NO. 2021-905

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN CODE, TITLE III, ADMINISTRATION, CHAPTER 34, COURT, BY ADDING A NEW SECTION 34.05, HOME DETENTION PROGRAM, RELATED TO THE ESTABLISHMENT AND ADMINISTRATION OF A HOME DETENTION PROGRAM BY THE PRESIDING MAGISTRATE OF THE MAGISTRATE COURT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, A.R.S. § 499.07 allows cities or towns to establish prisoner work, community restitution work, continuous alcohol monitoring, and home detention programs for eligible sentenced prisoners; and

WHEREAS, home detention/electronic monitoring programs have been proven to be successful in other jurisdictions within Arizona; and

WHEREAS, home detention, coupled with intensive treatment and electronic monitoring, has been proven to be an effective alternative to incarceration for DUI offenders; and

WHEREAS, the ongoing COVID-19 pandemic has impacted certain aspects of normal jail operations, including the availability of work release or weekend/partial service of sentence, which can affect a prisoner's ability to remain gainfully employed; and

WHEREAS, the Town Council finds the necessity of establishing a home detention program for persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382; and

WHEREAS, the Town Magistrate has submitted the Home Detention Program attached hereto as Exhibit A ("the Program") and has recommended that the Town Council approve the Program; and

WHEREAS, the Town Council finds that detailed provisions related to sentencing, prisoner eligibility, administration, and other matters are best left to the discretion of the judicial branch of government, and therefore approves the Program as submitted.

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

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

Section 2. The Chino Valley Town Code, Title III (Administration), Chapter 34 (Court), is hereby amended by adding a new Section 34.05 (Home Detention Program), to read as follows:

§ 34.05 Home Detention Program

(A) There is hereby established in the town a prisoner work, community restitution work, and home detention program for eligible sentenced prisoners, as authorized by and in compliance with A.R.S. § 9-499.07. This program shall be implemented only after approval by the Presiding Magistrate of the Magistrate Court, and shall operate only

in compliance with A.R.S. § 9-499.07. Home detention shall not be granted in a sentence imposed for an offense involving domestic violence as defined by A.R.S. § 13-3601, in a sentence imposed for an offense involving prostitution as defined by A.R.S. § 13-3214 or solicitation thereof, in a sentence imposed upon a person who constitutes a risk to himself or other members of the community, in a sentence imposed upon a person with a history of violent behavior, or in any situation in which a prisoner is ineligible for home detention pursuant to the terms of A.R.S. § 9-499.07.

- (B) There is hereby established, within the overall structure of the prisoner work, community restitution work, and home detention program for eligible sentenced prisoners, a home detention program for persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382. A person placed under such program shall bear the cost of all testing, monitoring, and enrollment in alcohol or substance abuse programs unless, after determining the inability of the prisoner to pay the cost, the court assesses a lesser amount. A person placed under such program shall not be eligible for home detention until the person has served a minimum of one day in jail or 20% of the initial term of incarceration in jail, as applicable pursuant to A.R.S. § 499.07 (N).
- (C) There is hereby established a continuous alcohol monitoring program for persons who are sentenced to jail confinement pursuant to A.R.S. § 28-1381 or § 28-1382. This program shall be implemented only after approval by the Presiding Magistrate of the Magistrate Court, and shall operate only in compliance with A.R.S. § 9-499.07.
- (D) The Presiding Magistrate of the Magistrate Court shall maintain detailed criteria for the town's prisoner work, community restitution work, home detention, and continuous alcohol monitoring program or programs, including eligibility criteria (the "Program"). The initial Program, as reflected in Exhibit A to Ordinance No. 2021-905, is hereby adopted as if fully set forth herein. The Program shall be subject to amendment, from time to time, by the Presiding Magistrate at her own discretion, provided that it shall comply at all times with the provisions of this Section and with the provisions of A.R.S. § 9-499.07.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. 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 6. Because of the urgent need for implementation of measures to reduce overcrowding in correctional facilities during the ongoing COVID-19 pandemic, the immediate operation of this Ordinance is necessary for the preservation of health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon adoption by the Town Council.

Section 8. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 28th day of September, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2021-905 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 28, 2021, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT A
TO
ORDINANCE NO. 2021-905

[Home Detention Program]

See following pages

TOWN OF CHINO VALLEY
HOME DETENTION PROGRAM
PURSUANT TO ARS 9-499.07

Subject to the approval of the sentencing judge, persons sentenced to a period of incarceration may serve all or a portion of their sentence under home detention in lieu of confinement in jail in accordance with the terms and conditions set forth herein.

1. A person is not eligible for home detention if any of the following apply:
 - a. The person constitutes a risk to himself or other members of the community.
 - b. The person has a past history of violent behavior.
 - c. The conviction for which the person is being sentenced is a domestic violence offense pursuant of ARS 13-3601, as amended.
 - d. The conviction for which the person is being sentenced is an act of prostitution or solicitation pursuant to ARS 13-3214, as amended.
 - e. The person is not eligible pursuant to ARS 9-499.07, as amended.
2. If a person (the "Defendant") is sentenced to jail confinement by the Court in any driving under the influence ("DUI") charge, the Court may substitute home detention for a portion of the jail term as provided in this Section. Any Defendant placed in a home detention program as a term of a DUI sentence must serve an initial 24 consecutive hours in jail, except as provided in section 3 below. The Defendant shall bear the costs of confinement and be responsible for payment thereof.
3. Notwithstanding § 28-1387, subsection C (work release), if the prisoner is sentenced under § 28-1381, subsection K or § 28-1382, subsection I the prisoner must first serves a minimum of twenty per cent of the initial term of incarceration in jail before being placed under home detention or continuous alcohol monitoring. The Defendant shall bear the costs of incarceration and be responsible for payment thereof.
4. A Defendant placed in a home detention program shall be subject to electronic monitoring in the Defendant's home and shall be required to remain at home during the hours specified by the Court. A Defendant sentenced pursuant to ARS 28-1381 or 28-1382, shall be tested at least once daily for the use of alcohol or drugs in a manner approved by the Court.
5. If the Defendant attends educational classes in or is employed within Yavapai County, the Court may permit the Defendant to attend classes or leave home for employment during specified hours. The Court may permit the Defendant to attend religious services or funerals or to seek medical care or other Court-approved counseling, but any such event shall require the Court's prior written permission.
6. During the term of the home detention, Defendant shall not:
 - a. Consume any alcoholic beverages; and

- b. Take any drugs unless pursuant to a health care provider's order; and
 - c. Associate with individuals detrimental to the Defendant's successful participation in the program.
- 7. The Court may require a Defendant placed in a home detention program to participate in community service work or impose other reasonable restrictions the Court deems necessary.
- 8. A Defendant placed in a home detention program shall bear the expense and be responsible for payment of the full costs of the home detention, including electronic monitoring and alcohol and/or drug testing cost, to the program provider. Non-payment of any program costs may result in termination of home detention or the failure to receive credit for the confinement.
- 9. The Court shall terminate a Defendant's participation in a home detention program and require the Defendant to complete the remaining term of any sentence by jail confinement if the Court finds the Defendant
 - a. has not successfully completed Court ordered alcohol or drug screening and treatment pursuant to ARS 28-1381 or 28-1382, or pursuant to any other Court -ordered program, or
 - b. has left the home during home detention without permission of the Judge or supervising authority.
 - c. The Court may terminate a Defendant's participation in the home detention program and require jail confinement for any other violation of the terms of the home detention order.
- 10. Before any person may participate in the home detention and electronic monitoring program, the Town shall have entered into a contract with one (1) or more providers to implement the home detention and electronic monitoring program and the provider is subject to contractual language regarding notification and requirements set forth in the contract.

APPROVED by:

Date

s/JDwyer
Joan Dwyer, Presiding Magistrate

9-2-2021



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. c.

Meeting Date: 09/28/2021
Contact Person: Erin Deskins, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration, discussion and possible action to approve Council Entity appointments and Council Subcommittee appointments. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the Council Entity appointments and the Council Subcommittee appointments.

SITUATION AND ANALYSIS:

Due to the recent resignation of former Vice-Mayor Mendoza, and the appointment of Annie Perkins to fill the Vice-Mayor role, there are many vacancies to Council Subcommittees and Entities. Council will need to review the appointments for corrections and/or updates. Mayor Miller would like to review these rosters during the regular meeting to give Councilmembers an opportunity to request a change in position(s) if so desired.

Fiscal Impact

Attachments

No file(s) attached.