

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

**TUESDAY, OCTOBER 27, 2020
6:00 P.M.**

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

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

Absent: Councilmember Annie Perkins; Councilmember Lon Turner

Staff Town Manager Cecilia Gritman; Town Attorney Andrew McGuire (remotely); Public Works

Present: Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Senior Planner Kristina Tranel; Assistant Planner Will Dingee; Administrative Technician Kathy Frohock (videographer); Officer Fernando Silva(Sgt. at Arms); Officer Austin McAvoy (Sgt. at Arms; Deputy Town Clerk Erin Deskins (recorder); Deputy Town Clerk Traci Lavelle (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation by Drew Nelson, event organizer, regarding the first annual "Chino Valley Community Fast," scheduled for November 9-15, 2020, sponsored by various faith-based and other organizations.

Drew Nelson presented the following:

- The first annual community fast was asking community members to skip two meals and donate the money from the skipped meals to help members of the community in Chino Valley and Paulden.
- The focus was on seniors and veterans through program support of Meals on Wheels, the Senior Center, food banks, VFW and Yavapai Regional Transit.
- This would be an annual event.
- A proclamation was written, and he was hoping to have the support of the Council for the event and cause.
- A review of how and where to donate to the event was provided.

They were not a 501C3 yet, but they were working on becoming one for future years.

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.

- Ryan Roberts – The Council was warned that the new UDO language passed on the consent agenda would hurt families trying to split land for their family members. They would now have sell as a subdivision, which was significantly more expensive. He already had a call from a person that had to put in a 50 foot road and a 60 foot cul-de-sac, which was the largest in the State, and was ¼ of an acre. He felt the UDO was passed and had accounted for no one in Town. Anyone with high acreage could no longer split their property, and the idea of a 10 year limit to re-set the parent parcel didn't pass and a parcel was now a parent parcel forever. The owners who didn't have water credits could not ever go over five splits and people would not get any money for their land. The UDO devalued everyone's land that owned more than the minimum acreage. He was at a loss because he could not get the Town to care or listen to him. He questioned where to go, so he could go above the Town's heads, so he can get someone to listen and care. His opinion was that the Town didn't have jurisdiction over 2.5 acres, and it was clearly stated in the State's statutes. He emailed the entire Council and got zero responses. He couldn't afford to sue the Town and the problem was people would be forced to do a subdivision instead.
- Mayor Croft directed Staff to respond to Mr. Roberts concerns.

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.

The Mayor reported that the Town Manager would be retiring in March, and the Town was conducting a nationwide search for her replacement and requested the Manger provided further detail on the process.

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

Town Manager Grittmann reported on the following:

- This was the first time the Town had used a national search for the recruitment process for the Town Manager position, and they were happy with the initial results. There were 114 submittals, which the recruiter narrowed down to the best qualified 15 people. This was followed by initial interviews and a questionnaire that had eight questions and was seven pages long, and then a Zoom interview. It was then narrowed down to nine people for the Council consideration. The Council narrowed the list to four candidates, who would be

visiting Town November 5th for in person interviews, followed by Council discussion and selection of the next Town Manger.

- Elections would be Tuesday, November 3. A review of the voting centers areas, voting times and location of ballot drop boxes was provided. Early ballots should be dropped off to the ballot drop box or in person on election day. Information on the utility franchise ballot measure could be found on the Town's website.

5) **CONSENT AGENDA**

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

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to accept the Consent Agenda Items 5 (a) and (b) as written.

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

5 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt Resolution 2020-1176 approving the Intergovernmental Agreement (IGA) for Regional Emergency Operations Management and Disaster Services with Yavapai County for fiscal years July 1, 2020 through June 30, 2025 and authorize payment of the annual dues in the amount of \$4,651.00. (Frank Marbury, Public Works Director/Town Engineer)
- b) Consideration and possible action to approve the Financial Report for the three months ending September 30, 2020. (Joe Duffy, Administrative Services Director)

6) **ACTION ITEMS**

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

- a) *Consideration and possible action TO ADOPT ORDINANCE NO. 2020-888, to rezone approximately 9.62 acres from SR-2.5 (Single Family Residential 2.5-acre minimum) zoning classification to AR-5 (Agricultural Residential 5-acre minimum) zoning classification in order to resume the operation of a commercial greenhouse. (Will Dingee, Assistant Planner)

Recommended Action: ADOPT ORDINANCE NO. 2020-888, TO approve rezone of approximately 9.62 acres from SR-2.5 (Single Family Residential 2.5-acre minimum) zoning classification to AR-5 (Agricultural Residential 5-acre minimum) zoning classification in order to resume the operation of a commercial greenhouse to resume with the following recommendations:

1. The additional right-of-way dedication of 20 feet be made along West Center Street to ensure compliance with Town Code Right-of-Way requirements.
2. Any new construction will need to hook up to Town Utilities and will need to come through site plan review.

Will Dingee presented the following:

- This item was a requested zone change from SR-2.5 to AR-5 to allow for the resumed use of a commercial greenhouse.
- The subject's property location and surrounding zoning and properties were detailed for the Council.
- The subject property was 9.62 acres with a width of 670 feet and a length of 620 feet and was currently zoned for 2.5 acres minimum.
- The property had historically been used as a commercial greenhouse since the early 1980's until the early 2010's when the use was discontinued. During the time period, the Town had adopted new zoning districts that led to the use becoming nonconforming. Following the cease of operation on the property, it lost its nonconforming status.
- The property was currently used as a single-family residence, but the empty greenhouse facilities were still onsite.
- The General Plan designated the parcel and surrounding area as medium density residential, which conformed to the requested zone change. The surrounding properties were medium density residential and commercial multifamily designation.
- The item was heard by Planning and Zoning on October 6, 2020, with the following questions discussed:
 - Future Property Subdivision: Based on the requested zoning and the current acreage of the property, it could not be subdivided rezoned without going through the process again. The property was 9.62 acres and would be zoned AR-5 acre minimum.
 - Right of Way Dedication: The right of way dedication number had not been confirmed at the time of the Planning and Zoning meeting because new subdivision regulations were being adopted that reduced the required dedications on Center Street. It had since been determined that an additional 20 feet of dedication would be required.
 - Medical Marijuana: Medical Marijuana could not be cultivated on this site. The only zoning that allowed cultivation of medical marijuana was the Industrial Zone.
- Planning and Zoning approved the item with a 7-0 vote and there was no public comment on the item.
- The zone change request met the intent and was in conformance with the General Plan.
- Staff and the Planning and Zoning Commission recommended approval of the rezone request with the following stipulations:
 - An additional 20 feet of right-of-way dedication to be made along West Center Street to ensure compliance with Town Code.
 - Any new construction will need to hook up to Town utilities located in West Center Street and any new construction would need to come through site plan review.

Council and staff discussed the following:

- Light pollution or similar items would be reviewed under the site plan review process.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve rezone of approximately 9.62 acres from SR-2.5 (Single Family Residential 2.5-acre minimum) zoning classification to AR-5 (Agricultural Residential 5-acre minimum) zoning classification in order to resume the operation of a commercial greenhouse to resume with the following recommendations:

1. The additional right-of-way dedication of 20 feet be made along West Center Street to ensure compliance with Town Code Right-of-Way requirements.
2. Any new construction will need to hook up to Town Utilities and will need to come through site plan review.

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

5 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Perkinsville 40 Preliminary Plat to subdivide approximately 44.3 acres into 161 lots, with an average lot size of approximately 7,000 square feet developed over multiple phases, located at the northeast corner of East Perkinsville Road and North Road 1 East. (Will Dingee, Assistant Planner)

Recommended Action: Approve the Perkinsville 40 Preliminary Plat to subdivide approximately 44.3 acres into 161 lots with an average lot size of approximately 7,000 square feet developed over multiple phases with the following stipulations:

1. Align the proposed extension of Valentine Road with the existing Valentine Road.
2. Make a dedication of 25' along the northern property line for East Road 3 North.
3. The proposed pathway along East Perkinsville Road will need to be paved and will need to meander.

Will Dingee presented the following:

- This item was for the approval of the preliminary plat at the conceptual level and not to address the properties entitlements.
- The subject's property location and surrounding zoning and properties were detailed for the Council.
- In 2018, the Town approved the rezoning of the property from AR-5 to SR-0.16 with a Planned Area Development (PAD). The PAD allowed for modifications to the development standards within the SR-.016 zoning district for items such as setbacks, building height and lot coverage. A conceptual plan had also accompanied the PAD.
- The preliminary plat included 161 lots with an average lot size of 56 feet by 125 feet, with an average lot size of 7,000 square feet.
- There would be sidewalks within the subdivision as well as an internal trail system in the open space areas.
- The development would be hooked to Town water and sewer.
- The Planning and Zoning considered the item on October 6, 2020, and discussed the following issues:
 - Valentine Road: The extension of Valentine Road did not line up with the existing road, and staff recommended as a stipulation that it would either align with Valentine or Adams road to ensure there would be a four way intersection for safety concerns.
 - Preliminary Plat Conformance to the Conceptual Plan: Staff determined that the plat conformed substantially with the conceptual plan as approved in the rezoning.
 - Crosswalks and Bus Pullouts: Implementing crosswalks and bus pullouts throughout the subdivision would create larger safety concerns and were not recommended by the Town Engineer.
 - Applicant Requested Waiver for Right-Of-Way Dedication: Per code and per stipulation on the zoning ordinance required a 25 foot dedication for the future extension of Road 3 North.
- The Item was approved by the Planning Commission with a 5-2 vote. The two no votes were due to safety concerns. There was no public comment during the meeting.
- Following the Planning and Zoning Commission meeting, the applicant submitted a revised conceptual plan that addressed safety concerns.
 - The western access along North Road 1 East was shifted from Valentine to align with Adams Drive to create a nice entry into the subdivision.

- The 25 foot dedication on East Road 3 North was addressed.
- The proposed changes were still in substantial conformance with the prior approved conceptual plat approved during zone change.
- The preliminary plat met all the requirements set by Section 5.2.3 of the UDO, with access on both East Perkinsville Road and North Road 1 East and the development would connect to Town water and sewer.
- The Development Service and Public Works Departments had completed an initial overview of the plat. After approval of the preliminary plat, the project would go through the technical review process and come back through the public hearing process for the final plat review.
- Staff and the Planning and Zoning Commission recommended approval of the preliminary plat with the following stipulations:
 - Align the proposed North Road 1 East entrance with either Valentine Road or Adams Drive
 - Make a dedication of 25' along the northern property line for East Road 3 North.
 - The proposed pathway along East Perkinsville Road will need to be paved and will need to meander.

Council and Staff discussed the following:

- Sidewalks along Road 1 East and Perkinsville Road would be part of the development.
- The intention would to eventually connect Road 1 East with Road 3 North.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve the Perkinsville 40 Preliminary Plat to subdivide approximately 44.3 acres into 161 lots with an average lot size of approximately 7,000 square feet developed over multiple phases with the following stipulations:

1. Modified to state: Align the proposed extension of Valentine Road with the existing Adams Drive.
2. Make a dedication of 25' along the northern property line for East Road 3 North.
3. The proposed pathway along East Perkinsville Road will need to be paved and will need to meander.

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

5 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve a Conditional Use Permit to allow a model home complex and temporary placement of a sales trailer located approximately 1,700 feet west of the southwest corner of West Road 4 North and North Road 1 West. (Will Dingee, Assistant Planner)

Recommended Action: Approve a Conditional Use Permit to allow a model home complex and temporary placement of a sales trailer with the following stipulations:

1. Construction of the Model Home Complex cannot begin until approval of the Heritage Pointe Final Plat is recorded.
2. The sales trailer cannot be placed on site until approval of the Heritage Pointe Final Plat is recorded.
3. The sales trailer and accompanying site improvements (i.e. parking lots, walkways, port-a-johns, etc.) will be removed within two months of the final lot's start of construction.
4. If Final Plat approval for Heritage Pointe is not received within one (1) year of this

- Conditional Use Permit's approval, the Conditional Use Permit will expire.
5. The Conditional Use Permit will be reviewed at five years from the date of approval.

Will Dingee presented the following:

- The Conditional Use Permit (CUP) was for a model home complex and sales trailer for the anticipated Heritage Pointe subdivision.
- The subject's property location and surrounding zoning and properties were detailed for the Council.
- All subject properties were zoned SR-1. Under the UDO, a CUP was required for the construction of the model home complex as well as a sales trailer onsite.
- The applicant was asking for approval in anticipation of the final plat for Heritage Pointe being approved within the next month.
- Town staff reviewed the site plan and found it in conformance with all requirements.
- The Planning and Zoning Commission met October 6, 2020, and discussed the following:
 - The utilities for the model home complex and sales trailer would be handled through well and septic on the home parcels. The completion date for the subdivision was three to five years, and the Planning and Zoning Commission recommended an additional stipulation of a five-year review period upon approval of the CUP.
- The Commission and staff recommended approval of the CUP with the following stipulations:
 1. Construction of the Model Home Complex cannot begin until approval of the Heritage Pointe Final Plat is recorded.
 2. The sales trailer cannot be placed on site until approval of the Heritage Pointe Final Plat is recorded.
 3. The sales trailer and accompanying site improvements (i.e. parking lots, walkways, port-a-johns, etc.) will be removed within two months of the final lot's start of construction.
 4. If Final Plat approval for Heritage Pointe is not received within one (1) year of this Conditional Use Permit's approval, the Conditional Use Permit will expire.
 5. The Conditional Use Permit will be reviewed at five years from the date of approval.

Council, Timothy Morris of Brown Homes and Staff discussed the following:

- This application had not been considered before and any signs at the location were advertising in anticipation of the development of the subdivision.
- There was no required landscaping for the sales trailer, but the applicant was providing landscaping.
- The applicant had stated at the Planning Commission meeting that the sales trailer would be removed as soon as the model home was complete.
- The shaded area near lots eight and nine were the required leach field areas for onsite drainage.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve a Conditional Use Permit to allow a model home complex and temporary placement of a sales trailer with the following stipulations:

1. Construction of the Model Home Complex cannot begin until approval of the Heritage Pointe Final Plat is recorded.
2. The sales trailer cannot be placed on site until approval of the Heritage Pointe Final Plat is recorded.
3. The sales trailer and accompanying site improvements (i.e. parking lots, walkways, port-a-johns, etc.) will be removed within two months of the final lot's start of construction.

4. If Final Plat approval for Heritage Pointe is not received within one (1) year of this Conditional Use Permit's approval, the Conditional Use Permit will expire.
5. The Conditional Use Permit will be reviewed at five years from the date of approval.

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

5 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve a Conditional Use Permit to allow the temporary placement of a construction trailer for Brown Homes to be located approximately 1,900 feet north of the northeast corner of the intersection for Road 2 North and North State Route 89. (Will Dingee, Assistant Planner)

Recommended Action: Approve a Conditional Use Permit to allow the temporary placement of a construction trailer for Brown Homes with the following stipulations:

1. The construction trailer and accompanying site improvements (i.e. parking lots, walkways, port-a-johns, etc.) will be removed upon reaching 90% completion of both subdivisions of the applicant's subdivisions.
2. Any signage that is placed in relation to the construction trailer be in conformance with Town Code.
3. Landscaping and screening shall be required to help mitigate the view of the trailer off Highway 89. Site plan review and accompanying landscape plan shall be required.
4. The construction trailer be located 50 feet behind the State Route 89 property line in accordance with Town Code.

Will Dingee presented the following:

- A CUP approval for an offsite construction trailer for Brown Homes Development. It was intended to be a midpoint between the Heritage Pointe Development and the Perkinsville 40 Development. It was intended to be a meeting point for contractors.
- The subject's property location and surrounding zoning and properties were detailed for the Council.
- A CUP was not required outright by Town Code, but Section 3.26.C of the UDO stated it was at the discretion of the Zoning Administrator to require a CUP if the use was not listed in the zoning district itself.
- The temporary construction trailer was offsite from both developments and was intended to be the contractor's hub.
- The trailer was located 50 feet behind State Route 89. There would be three parking stalls, with one designated as an ADA compliant space. There would be a port-a-john screened from public view. The parking area would be a dust free ¼ granite surface.
- The Planning and Zoning Commission met on October 6, 2020, and discussed the following:
 - The trailer would not be open to the general public.
 - The traffic impact would be minimal with only a handful of trips per day.
 - There would be no equipment stored or staged onsite.
 - The applicant had requested a setback reduction of the required 50 feet for visibility, but staff and the Commission did not forward a recommendation for the reduction.
- The Commission and staff forwarded a recommendation of approval of the CUP with the following stipulations:
 1. The construction trailer and accompanying site improvements (i.e. parking lots,

- walkways, port-a-johns, etc.) will be removed upon reaching 90% completion of both subdivisions of the applicant's subdivisions.
2. Any signage that is placed in relation to the construction trailer be in conformance with Town Code.
 3. Landscaping and screening shall be required to help mitigate the view of the trailer off Highway 89. Site plan review and accompanying landscape plan shall be required.
 4. The construction trailer be located 50 feet behind the State Route 89 property line in accordance with Town Code.

Council, staff and the applicant discussed the following:

- The port-a-john would be dry containment.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best To: Approve a Conditional Use Permit to allow the temporary placement of a construction trailer for Brown Homes with the following stipulations:

1. The construction trailer and accompanying site improvements (i.e. parking lots, walkways, port-a-johns, etc.) will be removed upon reaching 90% completion of both subdivisions of the applicant's subdivisions.
2. Any signage that is placed in relation to the construction trailer be in conformance with Town Code.
3. Landscaping and screening shall be required to help mitigate the view of the trailer off Highway 89. Site plan review and accompanying landscape plan shall be required.
4. The construction trailer be located 50 feet behind the State Route 89 property line in accordance with Town Code.

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

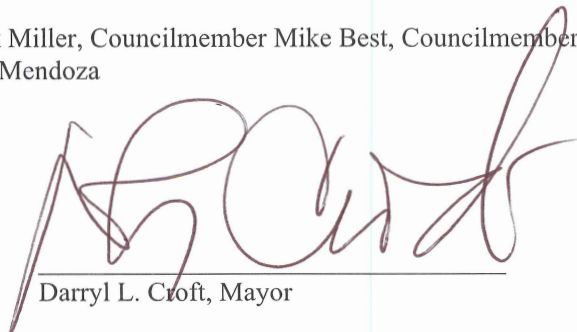
5 - 0 PASSED - Unanimously

7) ADJOURNMENT

MOVED by Councilmember Cloyce Kelly, to adjourn the meeting at 6:43 p.m.

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

5 - 0 PASSED - Unanimously



Darryl L. Croft, Mayor

ATTEST:

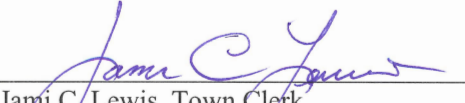


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 27th day of October, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of November, 2020.



Jami C. Lewis, Town Clerk