

1. Agenda

Documents: [AGENDA AUGUST 20.PDF](#)

2. Packet

Documents: [PACKET AUGUST 20.PDF](#)



NOTICE OF WORKSTUDY SESSION OF THE PLANNING AND ZONING COMMISSION

**August 20, 2013
6:00 P.M.**

Pursuant to ARS 38-431-02, notice is hereby given to the members of the Chino Valley Planning and Zoning Commission and the general public that the Chino Valley Planning and Zoning Commission will hold a work-study session open to the public on Tuesday, August 20, 2013 at 6:00 p.m. in the Chino Valley South Campus building, located at 202 N. State Route 89, Chino Valley, Arizona 86323.

The Agenda for the meeting is as follows:

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES** - None
4. **RESERVATIONS FOR AGENDA ITEMS**
 - 4A. Planning and Zoning Boot Camp PowerPoint
 - 4B. Text Amendments:
 - 1) 4.8 Walls and Fences.
 - 2) 5.5 Modifications, Appeals and Enforcement.
 - 4C. Rules of Order.
5. **PUBLIC HEARING**
6. **PETITIONS AND COMMUNICATIONS**
7. **OLD BUSINESS**
8. **NEW BUSINESS**
 - 8A. Joint Session with Town Council regarding Open Meetings Act, September 17, 2013.
9. **STAFF REPORTS**
10. **TOWN COUNCIL LIAISON REPORT**
11. **PUBLIC COMMENTS**



12. ADJOURN

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.



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4A

Planning and Zoning Commission

ROOT CAMP

WHAT IS THE “PLANNING AND ZONING COMMISSION” EXACTLY?

1. Arizona Revised Statutes set forth the laws governing City and Town planning.
2. There shall be a minimum of five (5) members; the rest is left to the governing board of the municipality, except those responsibilities assigned to the Board of Adjustments
3. Planning Agency vs. Planning and Zoning Commission

WHAT DOES THE UNIFIED DEVELOPMENT ORDINANCE SAY?

- Section 1.4 defines the Planning and Zoning Commission for Chino Valley
 - 1.4.1: Establishment; Composition; Terms of Members; Vacancies; Compensation of Members
 - » - Imparts legal standing to the P & Z
 - » - Dictates size of commission and residency requirement
 - » - Length of term of members, vacancies, and compensation

WHAT ARE WE DOING HERE?

- Ensuring a fair and open public hearing process congruent with state law
- Providing citizens the opportunity to comment on matters of zoning and land use that affect them and the community
- Advising Town Council on matters of planning and zoning



WHAT ARE OUR RESPONSIBILITIES?

- Conduct public hearings for changes in zoning classification, land use designation, conditional use permits, amendments to the text of the Unified Development Ordinance (UDO)
- Be fair and impartial.
- Avoid even the appearance of impropriety or conflict of interest.
- Follow the standards set forth in the UDO and state statutes

CONDUCT PUBLIC HEARINGS

- Notification procedures as dictated by state law (Staff)
- Provide opportunity for comment
- Can not consider issues that are not germane to the application
- Stick to the UDO – P & Z cannot vary from standards set forth in UDO.

CONDITIONAL USE VS. VARIANCE

- Conditional Use Permit: ensures compatibility of a given use through imposition of additional conditions that must be met
- Variance: deviating from standards set forth in code (e.g., 10' fence height vs. 6' in UDO)

WHAT IS A VARIANCE?

- Deviation from the terms of the zoning ordinance
 - Setback
 - Landscaping
 - Sign Code
 - Hard Surfacing/Dust Control
- Purview of the Board of Adjustments

BOARD OF ADJUSTMENTS

- A board of adjustment shall:
 - Hear and decide appeals of decisions by the Zoning Administrator
 - Hear and decide appeals for variances from the zoning ordinance
 - Special circumstances related to shape, size, topography would deprive owner of use under strict application of UDO
 - Cannot be a grant of special privileges
 - Revise, affirm, or modify decision of Zoning Administrator

BOARD OF ADJUSTMENTS

- A board of Adjustment may not:
 - Make any changes in the uses permitted in any zoning classification or district
 - Make any changes in the terms of the zoning ordinance
 - Grant a variance if the circumstances are self-imposed

CONDITIONAL USE PERMITS

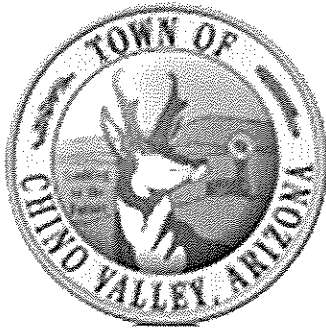
(I JUST DROPPED IN TO SEE WHAT CONDITION MY CONDITION WAS IN)

- Must not be detrimental to the public or adjacent property owners
- Conditions set forth in a Conditional Use Permit (CUP) cannot be variances
- A CUP cannot be used to circumvent the variance process
- Can be for a finite or indefinite period of time.

WHY IS THIS IMPORTANT?

- UDO revisions
 - Reorganize document in its entirety
 - Resolve conflicting codes
 - Remove portions that contradict state law
- Basis for legal challenge if UDO is not in compliance with ARS
- Basis for legal challenge if P & Z Commission or Board of Adjustment acts outside of its statutory purview

4B



Town of Chino Valley
Development Services Department
1982 N. Voss Drive #203
Chino Valley, AZ 86323
928-636-4427
www.chinoaz.net

Planning and Zoning Commission Staff Brief

Date: August 20, 2013

- | | |
|--|--|
| ☐ Discussion Only | ☐ Discuss and Possible Action |
| ☐ No Action | ☐ Postpone to Time Certain |

Proposed Amendments to the Unified Development Ordinance (UDO) 4.8: Walls and Fences

Paragraph A of the existing UDO limits heights in all zoning classification to 6 feet in height, but allows for the height standard to be exceeded with a Conditional Use Permit (CUP). The use of a CUP in this context clearly circumvents the duties and responsibilities of the Board of Adjustments as set forth in ARS 9-462.06 (G) (2) et. seq.

Staff recommends a maximum fence height of six (6) feet in residential districts, except in required front yards, where the maximum fence height shall not exceed four (4) feet. Further, in no case shall any fence interfere with visibility for traffic safety. For commercial and industrial zoning classifications, the fence height shall not exceed eight (8) feet in height.

Any request to exceed the maximum fence height would require a public hearing before the Board of Adjustments, in compliance with the public hearing requirements set forth in ARS 9-462.04. Staff has prepared a concurrent amendment to Section 1.5.3 to include the reference to ARS.

Paragraph B of this portion of the UDO currently permits issuance of a CUP to allow use of materials other than those set forth in the first sentence (wood, woven wire, masonry, iron, or steel) or for fences that are "other than conventional design". As with the language in Paragraph A, the use of a CUP in this context is in circumvention of the duties and responsibilities of the Board of Adjustments set forth in ARS 9-462.06 (G)(2)et. seq.

Staff recommends striking the second sentence in its entirety.

Paragraph E states that no fee shall be charged for CUP's concerning fences. As previously discussed, the CUP cannot be used to circumvent state statute. The recommended text amendments in Paragraph A and B eliminate the need for a reference to a CUP for fences.

Staff recommends striking Paragraph E in its entirety.

Paragraph E replacement language

Staff also recommends that language be included that would subject non-conforming fences to the regulations set forth in Section 4.2: Non-Conforming Uses and Structures.

The suggested language is as follows:

E. Any fence not in conformance with this ordinance as of the date of amendment shall be considered a non-conforming fence and shall be subject to the regulations set forth in Section 4.2 Non-Conforming Uses and Structures. The burden of proof shall be on the property owner.

4.8 Walls and Fences

A. ~~Height. No wall or fence shall be more than six (6) feet in height provided that fences exceeding the above heights may be allowed when a Conditional Use Permit has been secured for such purposes. When deciding on a Conditional Use Permit request, the Commission shall ensure that fences shall not cause a visibility hazard or nuisance~~

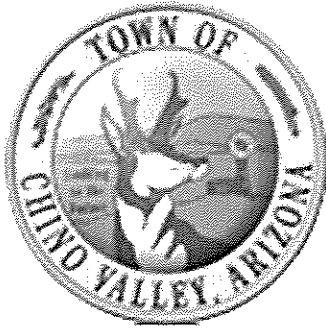
1. No wall or fence in a residential zoning classification shall exceed 6' in height, except that fences in required front yards shall not exceed 4'.
2. No wall or fence in a commercial or industrial zoning classification shall exceed 8' in height. When such fences abut a residential zoning classification, they shall be set back ten (10') from the property boundary and landscaped in accordance with the requirements set forth in UDO Section 4.26 Landscape Requirements. The finished side of the fence and the required landscaping shall face the residentially zoned property.
3. In no case shall a fence be designed or constructed so as to interfere with visibility for traffic safety.

B. ~~Materials and design. Fences and walls in all Zoning districts shall be constructed of wood, woven wire, masonry, iron or steel of conventional design. Fences or walls of other than specified material, or other than conventional design shall be allowed only by Conditional Use Permit.~~

C. ~~Electrical fences. Electrical fences shall be allowed only in those zone districts where the keeping of livestock is allowed and shall be clearly posted on all property corners and no more than 200 feet apart on all lot lines where such fences are erected.~~

D. ~~Swimming pools. All swimming pools shall be enclosed by a solid wall, wood, or chain link fence not less than five (5) feet and no more than six (6) feet in height so as to prevent uninvited access.~~

E. ~~Fees. No fee shall be charged for Conditional Use Permits concerning fences.~~ Any fence not in conformance with this ordinance as of the date of amendment shall be considered a non-conforming fence and shall be subject to the regulations set forth in Section 4.2 Non-Conforming Uses and Structures.



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Proposed amendments of the Unified Development Ordinance (UDO) 5.5 Modifications; Appeals, and Enforcement of Subdivision and Land Division Ordinance.

1: 5.5 Modifications

Paragraph A: Modification of Standards is unclear in its current form. . While the intent may have been to grant Town Council flexibility to make adjustments to subdivision plats/plans that may or may not be in substantial conformance to the UDO, it references "this Ordinance", which could be incorrectly assumed to be the UDO in its entirety rather than Section 5.5: Subdivision.

Staff recommends striking "required by this Ordinance" and replacing it with "set forth in Section 5.5 Subdivision Regulations".

The language in 5.5.2 of the UDO contravenes the authority set forth in ARS 9-462.06 (G), and the appeal process set forth in ARS9-462.06 (K). Section 9.462.06 (G) sets forth the standards for the Board of Adjustments, in whom the authority to deviate from adopted zoning codes has been vested.

Statutorily, the only appeal to the standards dictated in the UDO is to the Board of Appeals; any appeal to a decision of the Board of Appeals is to Superior Court. Staff recommends striking Section 5.5.2 Appeals as it contradicts ARS§9-462.06.

Section 5.5.3 delineates enforcement actions that may be taken when the Ordinance is violated.

Paragraph A appears to refer to violations in general, while Paragraph B refers to division of property.

At the present time, Staff recommends inserting the word "real" in in the first sentence as follows: "Any

division of real property". When the Enforcement portion of the UDO is rewritten, these sections should be relocated appropriately.

5.5 Modifications of Final Plat; Appeals, and Enforcement Of Subdivision and Land Division Ordinance

5.5.1 Modifications of Final Plat

A. Modification of Standards

Council may modify standards required by this Ordinance set forth in Section 5.5 Subdivision Regulations as they apply to a particular property when there exist unusual conditions of topography, land ownership, adjacent development or other circumstances which would not be able to be addressed to best serve the interests of the citizens of the Town if the requirements of this Ordinance were strictly applied.

B. Modification of Final Plat

The Community Development Director may approve, or refer to Council, the following minor modifications to the Final Plat:

1. Lot line adjustments that do not create new lots or reduce the size of any lot below the minimum for that district.
2. Minor changes related to public safety, infrastructure alterations, adjustments and , or conflicts, or a documented change in conditions.
3. Minor changes of a technical or typographical nature.

No other change, erasure, modification, or revision shall be made on or of any final plat after approval by the Council unless the Council first approves any proposed alteration; and any alteration shall be void unless approval thereof is endorsed upon the final plat by council.

5.5.2 Appeals

~~A. Appeals: Any decision, or interpretation, of this Ordinance may be appealed to the Town Manager; decisions of the Town Manager may be appealed to the Board of Adjustments. The agency to which a decision has been appealed may either:~~

- ~~1. Uphold,~~
- ~~2. Reverse,~~
- ~~3. Modify, or~~
- ~~4. Refer the decision back to its author for reconsideration.~~

- ~~B. Appeals will only be considered if they are filed within ten (10) working days of a decision. If Decisions are final after the ten (10) day appeal period has passed, if no appeal has been filed.~~
- ~~C. An appeal suspends the action taken and stays all proceedings in the matter, unless the Town certifies that a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by a restraining order issued as injunctive relief granted by a court of record on notice and application to the Town. Proceedings shall not be stayed if the appeal requests relief that has been previously denied except pursuant to a special action in superior court.~~

5.5.3 2 Enforcement

- A. ~~Fines/Imprisonment:~~ Any person, as principal, owner, agent, tenant, employee, or otherwise found violating this Ordinance, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in this Ordinance. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is committed, continued, or permitted. All remedies provided herein shall be cumulative and exclusive. A finding of guilty or responsible and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of this Ordinance may institute any action in law or equity to prevent or abate such violation.
- B. ~~Enforcement Action:~~ Any division of real property contrary to this Ordinance is hereby declared to be a public nuisance and the Town Attorney may, upon order of Council, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinder, and removal thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating this Ordinance.

4C



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Planning and Zoning Commission Staff Brief

Date: August 20, 2013

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Proposed Amendments to the Rules of Order of the Chino Valley Planning and Zoning Commission

Staff has reviewed the existing Rules of Order and proposes the following changes:

- 1) Section 1: Reference to the Code of Ethics needs to be changed to Chapter 35 of the Town of Chino Valley Code of Ordinances as this is where it is currently located.
- 2) Section 10 (B): This section sets forth the format of the agenda for P & Z meetings. At some point, the Commission has migrated away from this format; staff suggests either returning to the format set forth here or revising it.
- 3) Section 11 (A): Sets the time of the meeting for 7:00 pm. This was changed in practice at some point to 6:00 pm, but these Rules were never amended to reflect the change. Also, the word "convent" seems to be a typographical error and should be corrected to read "convene".
- 4) Section 13: Subsection A references the Zoning Code, when in fact a Unified Development Ordinance (UDO) has been adopted. Staff suggests changing the wording here and Subsection D. Subsection C(6) contains a typographical error; staff suggests changing "were" in the last sentence to "where".

RULES OF ORDER
OF THE
CHINO VALLEY PLANNING AND ZONING COMMISSION

SECTION 1: CODE OF ETHICS

Commission members occupy positions of public trust and shall strictly adhere to both the spirit and the letter of the laws of the State of Arizona pertaining to conflict of interest.

In addition to matters of pecuniary interest, Commission members shall refrain from making use of special knowledge or information before it is made available to the general public and shall abide by the Code of Ethics set forth in the Town of Chino Valley Resolution No. 250.

Code Of Ordinances, Chapter 35.

SECTION 2: RULES OF ORDER

The rules of Order for the Planning and Zoning Commission shall be in writing and available to all interested citizens.

The rules of parliamentary procedure contained in Roberts Rules of Order, Newly Revised. (Current edition), shall govern the Commission in all cases to which they are applicable, provided they are not in conflict with these Rules of Order, the Chino Valley Town Code, the Chino Valley Zoning Code or the Arizona Revised Statutes.

SECTION 3: COMMISSION MEETINGS.

- A. Regular and Special Meetings: The Commission shall hold regular and special meetings according to the provisions of the Town Code and the laws of the state of Arizona. Commission meetings shall be conducted in accordance with the procedures set forth in these Rules of Order unless a motion to suspend the rules is first passed by majority vote of the Commission.
- B. Regular meetings: Regular meetings shall be held on the first and third Tuesday of each month unless there is a majority vote of the members attending to change a meeting date.
- C. Special meetings: Special meetings may be held as required by the business of the Commission, on the request of the Council, at the request of three Commission members or on the call of the Chairman.

RULES OF PROCEDURE
PAGE 2

SECTION 4: AMENDMENT OF RULES

The Rules of Order may be amended by a two thirds (2/3) vote of the members of the Commission. Standing rules and Special Rules may be amended by a majority vote of the members of the Commission.

SECTION 5: PRESIDING OFFICER

The Chairman of the Commission shall preside over all meetings of the Commission, or in his absence the Vice-Chairman, and shall serve as Parliamentarian. In the absence of the Chairman and Vice-Chairman and a quorum is present, any member may call the meeting to order and then request a member be elected, by majority vote, to chair the meeting.

SECTION 6: CONDUCT OF MEETINGS

The Chairman shall preserve order and decorum and decide all questions of order, subject to appeal by the Commission.

- A. Members of the audience may speak only when addressed by the Chair or a member of the Commission.
- B. All remarks by the audience shall be directed to the Chair, to the Commission as a whole, or to a Commissioner in response to a question.
- C. No member of the staff, audience or Commission shall enter into any discussion either directly or indirectly, without having first obtained the floor by permission of the Chair.
- D. The Chair shall have the authority to preserve decorum in meetings and all members of the Commission, staff and audience are expected to conduct themselves with courtesy and consideration for others. Any person making personal, impertinent, slanderous or unauthorized remarks, or who becomes boisterous shall be removed by properly authorized persons at the request of the Chair.

RULES OF PROCEDURE
PAGE 3

SECTION 7: CONSIDERATION OF PETITIONS

All petitions submitted to the Commission or the Zoning Administrator in the regular course of business shall be considered in accordance with the laws of the State of Arizona and the Town Code of the Town of Chino Valley.

Unsigned communications or petitions, including newspaper articles or clippings, shall not be introduced in the minutes of the Commissions meetings.

SECTION 8: AGENDA REQUEST

- A. Prior to Wednesday noon of the week preceding a regular Commission meeting, a written request to appear on the agenda must be submitted to the Zoning Administrator. The request must state the topic to be presented, possible Commission action being requested, estimated length of time of presentation, and the name and phone number of the individual (s) making the request and presentation. Only agenda items that can be legally acted upon by the Commission will be considered for presentation to the Commission.
- B. Written support material for agenda items must be submitted to the Zoning Administrator no later than 12:00 noon the Thursday before the Tuesday meeting at which the agenda item will be heard.

SECTION 9: COMMISSION PACKETS

- A. Commission packets will be available to the Commission members no later than the close of business on the Thursday prior to any Commission meeting. A public packet will be available for review at the Chino Valley Public Library no later than twenty-four (24) hours prior to Commission meetings. In an emergency situation, staff support material and/or an amended agenda will be available to the Commission members and public no later than twenty-four (24) hours prior to a meeting.

SECTION 10: AGENDA FORMAT AND POSTING

- A. The Zoning Administrator shall prepare the Commission agenda according to the adopted format and shall cause the agenda to be posted no less than twenty-four (24) hours prior to a Commission meeting in no less than

RULES OF ORDER

RULES OF PROCEDURE

PAGE 4

three (3) public places within the Town, as designated by the town Council.

- B. The agenda format will be as follows unless a motion is made to change the order:

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
4. RESERVATIONS FOR AGENDA ITEMS
5. PUBLIC HEARING
6. PETITIONS AND COMMUNICATIONS
7. OLD BUSINESS
8. NEW BUSINESS
9. STAFF REPORTS
10. TOWN COUNCIL LIAISON REPORT
11. PUBLIC COMMENTS
12. ADJOURN

- C. In conjunction with each agenda item a suggested action be taken will appear. For example:

Discussion only
Discuss and Possible Action
No Action
Postpone to a time Certain

SECTION 11: STANDING RULES OR ORDER

- A. Regular and Special Meetings shall be scheduled to Convene at 6:00 p.m. ~~convent at 7:00 p.m.~~ on the date specified unless otherwise dictated by a majority vote of the members present. In the event of an emergency due to lack of quorum, meetings may be delayed up to one hour.
- B. The Chairman shall vote on all issues or which he does not have a conflict of interest.
- C. The Chair may move and second motions.
- D. The member making the motion may move to amend the motion or any member may move to amend the motion (Subsidiary Motion).
- E. All main motions and subsidiary motions shall require a second.
- F. Open discussion, without members first obtaining the floor, may be held upon a majority vote of the members present, or at the discretion of the Chair.

RULES OF PROCEDURE
PAGE 5

- G. Members shall extend the common courtesies of conversation to each other during open discussion and shall refrain from redundancy.
- H. Members shall conduct themselves with the utmost courtesy toward the public, staff and each other.

SECTION 12: STUDY SESSIONS

- A. Study sessions of the Commission are for the purpose of studying specific topics or problems which shall be conducted under the following SPECIAL RULES OF ORDER:
 - 1. The Commission shall meet in study session at a time predetermined by a majority vote or consensus of the members.
 - 2. The primary purpose of the study session shall be the exchange of information.
 - 3. Members of the public shall be permitted to speak at study sessions, with the permission of the Chair.

SECTION 13: PUBLIC HEARINGS

- A. BURDEN OF PROOF: Burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal, the greater is the burden of proof that it conforms to the applicable elements of the General Plan and to applicable provisions of the Chino Valley Zoning Code and especially to the specific criteria set forth for the particular type of decision under consideration.

Unified Development
Ordinance

- B. RULES OF PROCEDURE: Formal rules of evidence shall not apply.
 - 1. Written exhibits, visual aids, affidavits, maps and the like, may be submitted as part of the evidence. Any signed writing presented to, or received by, any member of the Commission or by any other Town agency or official outside the public hearing may be received as argument and placed in the record, but will not be considered as part of the information except that signed writing received at the office of the Zoning Administrator prior to the opening of the public hearing shall be included as part of the

- information in that hearing will be considered as argument.
2. All information received by the Commission shall be retained and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with the Chino Valley Zoning Code. True copies of original information may be substituted for original documents.
 3. All evidence and argument shall be as brief as possible, consistent with full presentation.
 4. Redundancy shall be avoided.
 5. Each person presenting information or argument shall be permitted to complete his presentation without interruption, except by the Chair to enforce the rules of procedure.
 6. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.
 7. No person present shall engage in applause, cheers or other vocal or outward expressions of approval or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the Chair, such person may be expelled from the hearing.
 8. The Chair has complete authority to enforce these provisions to assure that a fair hearing is held, including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

C. ORDER OF PROCEEDINGS

1. The Chair will state the case and call the public hearing to order. No PUBLIC Hearing shall be called to order unless the applicant or authorized representative is present, or the Town has written permission to hold the hearing in the applicants absence. The Chair may establish the time allowed for presentation of material, information, individual comment or total time allowed for public portion of hearing.

RULES OF PROCEDURE
PAGE 7

2. Any objections or jurisdictional grounds shall be noted in the record.
3. Any abstentions or disqualifications shall be determined. Members shall announce any conflicts of interest.
4. Any pre-hearing contact with an applicant or agent thereof by a member of the Commission concerning the hearing item by a member of the Commission must be disclosed prior to any public discussion.
5. Presentation of staff report. Staff may also present additional information whenever requested by the Chair of Commission members, or when allowed by the Chair, during the proceedings.
6. The Commissioners may view the area in dispute, or proposed, for purposes of evaluating the proposal but shall state the place, time, manner and circumstances of such viewing for the record. Any such visits must comply with the open meeting law ~~were~~ applicable.
7. Presentation of information by applicant or those persons representing the applicant.
8. Presentation of evidence or inquiries by those persons who support the proposal.
9. Presentation of evidence or inquiries by those persons who oppose the proposal.
10. Presentation of evidence or inquiries by those persons who do not necessarily support or oppose the proposal.
11. Rebuttal may be presented by persons who have supported or opposed the proposal. The scope of material presented during rebuttal shall be limited to matters which were brought up during the course of the hearing. Rebuttal shall be the first presented by the applicant or his representative, by those supporting the proposal and then by those opposed to the proposed change. The Chair shall limit rebuttal to avoid repetition and redundancy.
12. At the close of presentation of information and rebuttal, the Chair shall declare that the public hearing is closed upon the majority vote of the Commission, and no further evidence shall be

where, not were

received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence.

13. Once the public hearing has been closed, it shall be reopened only upon a majority vote of the Commission and only after a reasonable showing that:

- a. There is evidence which was not reasonably available at the time of the hearing that is now available to the person seeking to reopen the hearing, and
- b. The evidence is factual, substantial, and material.

D. CONSIDERATIONS: Following the hearing, the Commission shall take action on the matter under consideration according to the ~~Zoning Code~~ of the Town of Chino Valley.

Unified Development
Ordinance

1. All motions for acceptance or denial shall include specific reasons and/or findings of fact.
2. All votes by Public Hearing item shall be by Roll Call.