

1. Planning & Zoning Commission Regular Meeting Agenda 05/05/2015

Documents: [2015MAY05_PZ_RG_AG.PDF](#)

2. Planning & Zoning Commission Regular Meeting Packet 05/05/2015

Documents: [2015MAY05_PZ_RG_PK.PDF](#)

3. May 5, 2015 - Planning & Zoning - Action Taken

Documents: [2015MAY05_PZ_RG_AT.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
May 5, 2015
6:00 P.M.

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

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES**
 - A. Consideration and possible action to approve the April 7, 2015 regular meeting minutes.
 - B. Consideration and possible action to approve the April 7, 2015 study session minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - A. Request by property owner to rezone subject parcel 306-29-050A, comprised of approximately 7.39 acres, from Agricultural/Residential (5 acre minimum) (AR-5) to Single Family Residential (2 acre minimum) (SR-2) for the purpose of splitting the property into two parcels.
- 7. NON-PUBLIC HEARING ACTION ITEMS**
 - A. Consideration and possible action to initiate and conduct public review of text amendments to Chapter 1, Administrations, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process and to recommend to Council that the proposed amendments be approved.
 - B. Consideration and possible action to initiate and conduct a public review of amendments to the text of UDO Section 1.9.2 (E) Protests and to set a public hearing date for the amendment at the next regular meeting of the Planning and Zoning Commission.
- 8. DISCUSSION ITEMS**
- 9. PUBLIC COMMENTS**
- 10. ADJOURN**

Dated this 29th day of April, 2015.

By: **Ruth Mayday, Development Services Director**

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) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.



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P&Z Planning Commission Regular

4. A.

Meeting Date: 05/05/2015

April 7, 2015 regular meeting minutes.

CASE DESCRIPTION:

Consideration and possible action to approve the April 7, 2015 regular meeting minutes.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Attachments

April 7, 2015 Regular meeting minutes

DRAFT

MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

**April 7, 2015
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on April 7, 2015.

1) CALL TO ORDER

Chair Rowitsch called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Commissioner Mendoza led the Pledge of Allegiance.

3) ROLL CALL

Present: Gwen Rowitsch, Chair; Gary Pasciak, Commissioner; Chuck Merritt, Commissioner;
Florence Sloan, Commissioner; Corey Mendoza, Commissioner

Staff Present: Ruth Mayday, Development Services Director; Elyse DiMartino, Assistant Planner; Liz Hart
(recorder), Deputy Town Clerk

4) MINUTES

A) Approve minutes from the September 16, 2014, regular meeting.

MOVED by Commissioner Chuck Merritt, seconded by Commissioner Corey Mendoza to approve minutes from September 16, 2014 with corrections included. The minutes will be corrected state that it was a Special Meeting not a Regular Meeting and to correct the statement that the people did not know what they were signing.

Vote: 4 - 0 PASSED

B) Approve minutes from the February 03, 2015, regular meeting

MOVED by Commissioner Chuck Merritt, seconded by Commissioner Florence Sloan to approve minutes from the regular meeting as written from February 3, 2015.

Vote: 5 - 0 PASSED - Unanimously

C) Approve minutes from the February 03, 2015, work study session.

MOVED by Commissioner Florence Sloan, seconded by Commissioner Corey Mendoza to approve minutes as written from February 3, 2015 work study session.

Vote: 5 - 0 PASSED - Unanimously

5) STAFF REPORTS

No staff reports given.

6) PUBLIC HEARING

- A)** Rezone approximately 40 acres generally located at 855 Auction Drive from its current zoning district Agricultural/Residential 4 Acre Minimum (AR-4) to Commercial Heavy (CH)

Director Mayday reported:

- Smyer Livestock Auction, LLC, was five miles from State Route 89 and had been in operation for 10 years with no complaints of use, smell or noise.
- The CUP will expire in 2016. The CUP should have been commercial heavy zoning to begin with.
- The livestock auction created spot zoning. Due to the scale and intensity of the operation, staff supports rezoning to commercial heavy.

Director Mayday addressed the following questions:

- Conditions on CUP.
- None. However, banks may require re-zoning in order for applicant to qualify for loans.
- General Plan Designation.
- The auction is located off Perkinsville Road where there is very little residential development. The area is remote enough to have no impact on surrounding neighbors. Three (3) surrounding property owners provided letters of support.
- Future Uses.
- Director Mayday confirmed that once land becomes commercial heavy zoning the use could change.
- Other requirements for signage or road dedication.
- Signage is already in place and in compliance. Because the road is so remote a road dedication is not required. The auction is already dust-free compliant. A building permit would be required to pave a portion of Auction Drive leading to parking lot. The parking lot is already paved.

Chair Rowitsch opened and closed the public hearing. No one from the public spoke.

MOVED by Commissioner Chuck Merritt, seconded by Commissioner Florence Sloan to forward to council ordinance 15-794 for the rezoning of 40 acres generally located at 855 Auction Drive, currently zoned for AR-4 agriculture-residential 4-acre minimum to commercial heavy with recommendation for approval.

Vote: 5 - 0 PASSED - Unanimously

B) Amendments to Unified Development Ordinance Section 1 Administration, Subsections 1.1 Short Title, Subsection 1.4 Planning and Zoning Commission, Subsection 1.5 Board of Adjustment

Director Mayday stated that:

- The changes are about the same as what the Commission discussed at the last meeting.
- For Planning and Zoning the changes memorialized compliance with Town Code, Chapter 35 Ethics Code, which clarifies the conditions under which Commissioners must recuse themselves, and changed the number of absences by commissioner before removal could be considered and establishes the alternate member.
- For the Board of Adjustment the changes were similar.
- A section was added prohibiting ex-parte communication by Board members. Because the Board is a quasi-judicial entity, members could not have ex parte communication with the public regarding cases before them.
- The Board of Adjustment members will be made aware of the changes.

Chair Rowitsch opened the public hearing and closed the hearing. No one from the public spoke.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Corey Mendoza to forward ordinance 15-795 for amendments to the Uniform Development Ordinance, Chapter 1, with recommendation for approval.

Vote: 5 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

No Non-Public Hearing Action items.

8) DISCUSSION ITEMS

No discussion items were heard.

9) PUBLIC COMMENTS

No public comments were heard.

10) ADJOURN

MOVED by Commissioner Florence Sloan, seconded by Commissioner Corey Mendoza to adjourn at 6:22 p.m.

Vote: 5 - 0 PASSED - Unanimously

Chair Gwen Rowitsch

Date

P&Z Planning Commission Regular

4. B.

Meeting Date: 05/05/2015

April 7, 2015 study session meeting minutes.

CASE DESCRIPTION:

Consideration and possible action to approve the April 7, 2015 study session minutes.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Attachments

April 7, 2015 Study Session meeting minutes

DRAFT

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

**April 7, 2015
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on April 7, 2015.

1) CALL TO ORDER

Chair Rowitsch called the meeting to order at 6:30 p.m.

2) ROLL CALL

Present: Gwen Rowitsch, Chair; Gary Pasciak, Commissioner; Chuck Merritt, Commissioner; Florence Sloan, Commissioner; Corey Mendoza, Commissioner

Staff Present: Ruth Mayday, Development Services Director; Elyse DiMartino, Assistant Planner; Liz Hart (recorder), Deputy Town Clerk

Attendees: Virgilene Hall

3) DISCUSSION ITEMS

A) Continued discussion of proposed amendments to Chapter 4.21 Sign Regulations

Director Mayday presented an outline of proposed changes and revisions to Chapter 4.21 Sign Regulations. She reviewed the current regulations and indicated the proposed changes for each category of signs, including:

- Permitted Permanent Signs, Wall Signage, Freestanding Monument Signs, Directional and Directory Signs, Reader Panel Signs (electronic message signs), Window and Awning Signs, Parapet Signs, Temporary Signs, Real Estate Signs, Construction and Development Signs, as well as Flags, Banner and Pennants.
- Director Mayday advised that her staff has been cleaning up redundant and unnecessary language in the regulations without changing the content.
- This review is the initial strike through, which shows the stricken language and suggested changes for the regulations. Once complete these changes will be reviewed by the local business owners/stakeholders committee for feedback and input as well as to identify other signage issues.
- Once the commission has completed their review and approval of the signage regulation changes, the packet will be submitted to the Council for approval as part of the final plan.

4) PUBLIC COMMENTS

Virgilene Hall is the property manager at 1164 S. State Route 89, Chino Valley, Arizona. Some of the tenants were concerned whether they could have banners on the fence and also question where A-frame signs can but placed. Director Mayday stated that some of the sign regulations that tenants were going by may have been stricken or changed.

5) ADJOURN

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Florence Sloan to adjourn at 7:15 p.m.

Vote: 5 - 0 PASSED - Unanimously

Chair Gwen Rowitsch

Date

Meeting Date: 05/05/2015

Staff Report

CASE DESCRIPTION:

Request by property owner to rezone subject parcel 306-29-050A, comprised of approximately 7.39 acres, from Agricultural/Residential (5 acre minimum) (AR-5) to Single Family Residential (2 acre minimum) (SR-2) for the purpose of splitting the property into two parcels.

LOCATION:

The subject parcel is located in Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. The property is located at approximately 743 S. Road 1 West. Surrounding uses include AR-5 and SR-2.

FACTS:

1. Applicant:.....Todd & Lisa Corbell
2. Owner:.....Todd & Lisa Corbell
3. Parcel Number:.....306-29-050A
4. Site Area:.....Approximately 7.39 acres
5. Existing zoning:.....Agricultural/ Residential (5 acre minimum) (AR-5)
6. Intended Use:.....Rezone to Single Family Residential (2 acre minimum) (SR-2)

ANALYSIS:

Summary

The purpose of this request is to rezone approximately 7.39 acres of subject parcel 306-29-050A. The subject parcel is located in Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. The property is located at approximately 743 S. Road 1 West. Surrounding uses include AR-5 and SR-2.

The property is zoned Agricultural/Residential (5 acre minimum) (AR-5) and the applicant would like to rezone to Single Family Residential (2 acre minimum) (SR-2). The applicant is interested in rezoning the property to SR-2 so they can split the property into two separate parcels. The applicant would like to build a single family residence on one parcel and sell the other.

History

The applicant purchased the home in May of 2003. The property has an existing home, attached garage, and horse stall.

A neighborhood meeting was held on March 19, 2015, at the site located at 743 S. Road 1 West. The applicant described the proposal and was available to answer questions from interested parties. The citizens who attended the neighborhood meeting were in full support of the proposed rezoning.

Findings of Fact

The purpose of the applicants request is to change the zoning of the parcel from Agricultural Residential (AR-5) to Single Family Residential (2 acre minimum) (SR-2). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in conformance with the zoning classifications in the immediate area. Surrounding uses include: AR-5 and SR-2.

RECOMMENDATION

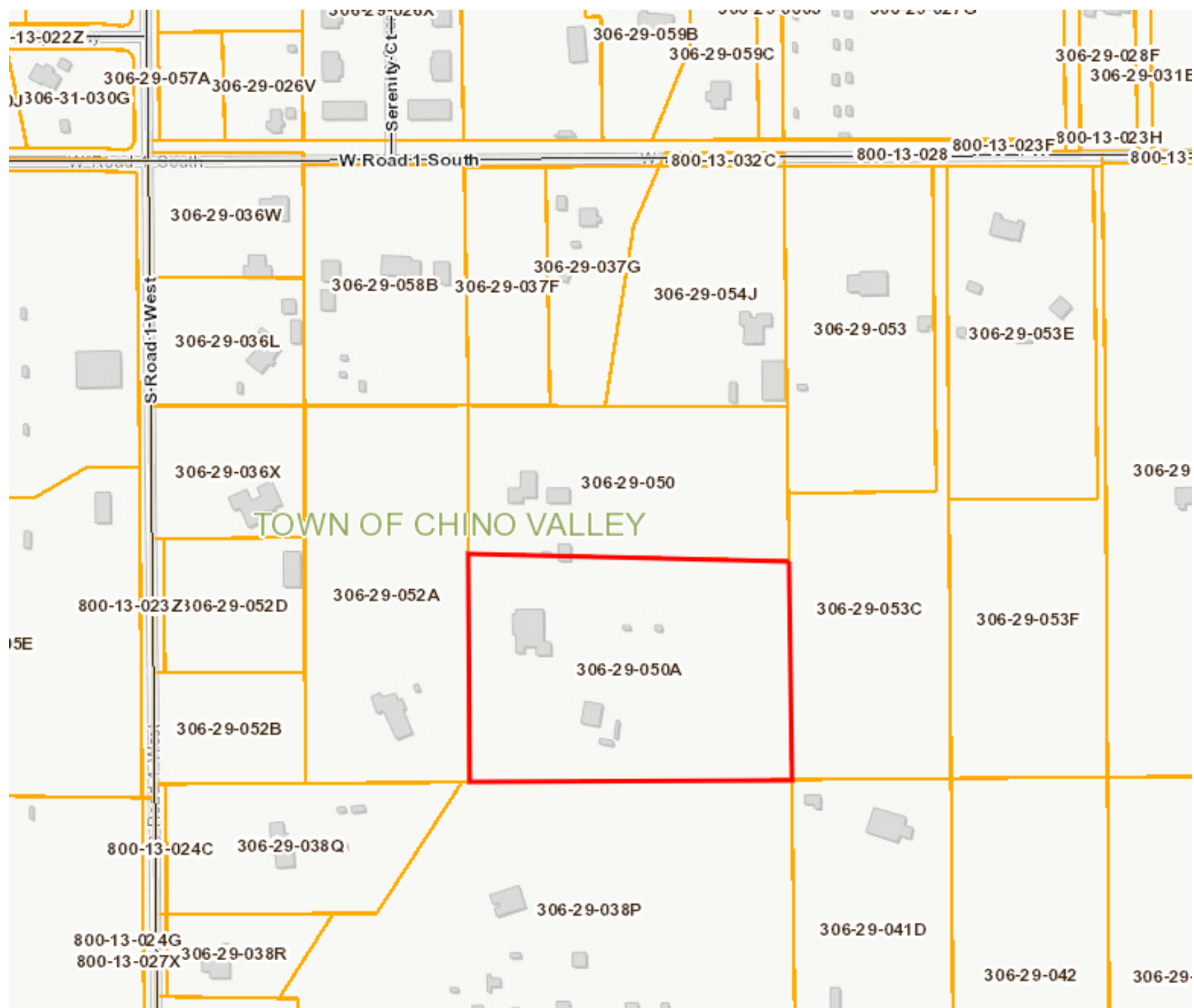
Staff recommends forwarding the application on to Town Council with the recommendation of approval.

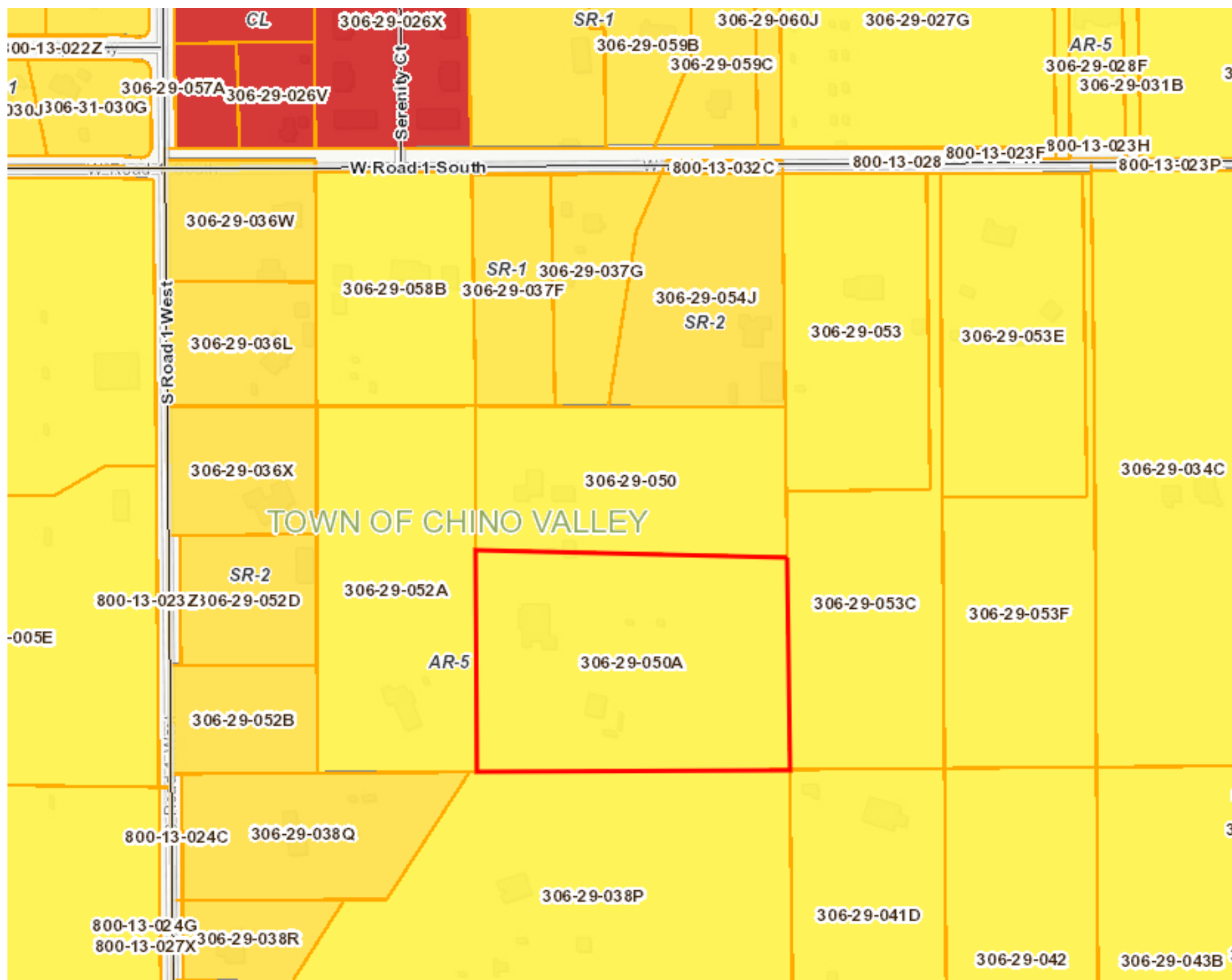
MOTION: Motion to forward ZC15-003 to Town Council with a recommendation of approval.

Attachments

Corbell Maps

Corbell Rezoning 15-799





ORDINANCE NO. 15-799

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 40 ACRE(S) OF REAL PROPERTY GENERALLY LOCATED AT 743 SOUTH ROAD 1 WEST, FROM AR-5 (AGRICULTURAL/RESIDENTIAL 5 ACRE MINIMUM) ZONING DISTRICT TO SR-2 (SINGLE FAMILY RESIDENTIAL 2 ACRE MINIMUM) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

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

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

WHEREAS, the Planning and Zoning Commission, by a vote of [ADD VOTE OF MEMBERS PRESENT] recommends approval of the rezoning;

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

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 7.39 acre(s), generally located at 743 SOUTH ROAD 1 WEST, and legally described in Exhibit A and shown on the Zoning Exhibit (map) in Exhibit B, both of which are attached hereto and incorporated herein by this reference, from **AR-5 (AGRICULTURAL/RESIDENTIAL 5 ACRE MINIMUM)** Zoning District to **ZONING DISTRICT TO SR-2 (SINGLE FAMILY RESIDENTIAL 2 ACRE MINIMUM)** Zoning District.

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

Section 2. Providing for Repeal of Conflicting Ordinances.

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

Section 3. Providing for Non-Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

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

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this ____ day of _____, 20__ by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this ____ day of _____, 201__.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall &
Schwab, PLC, Town Attorney

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

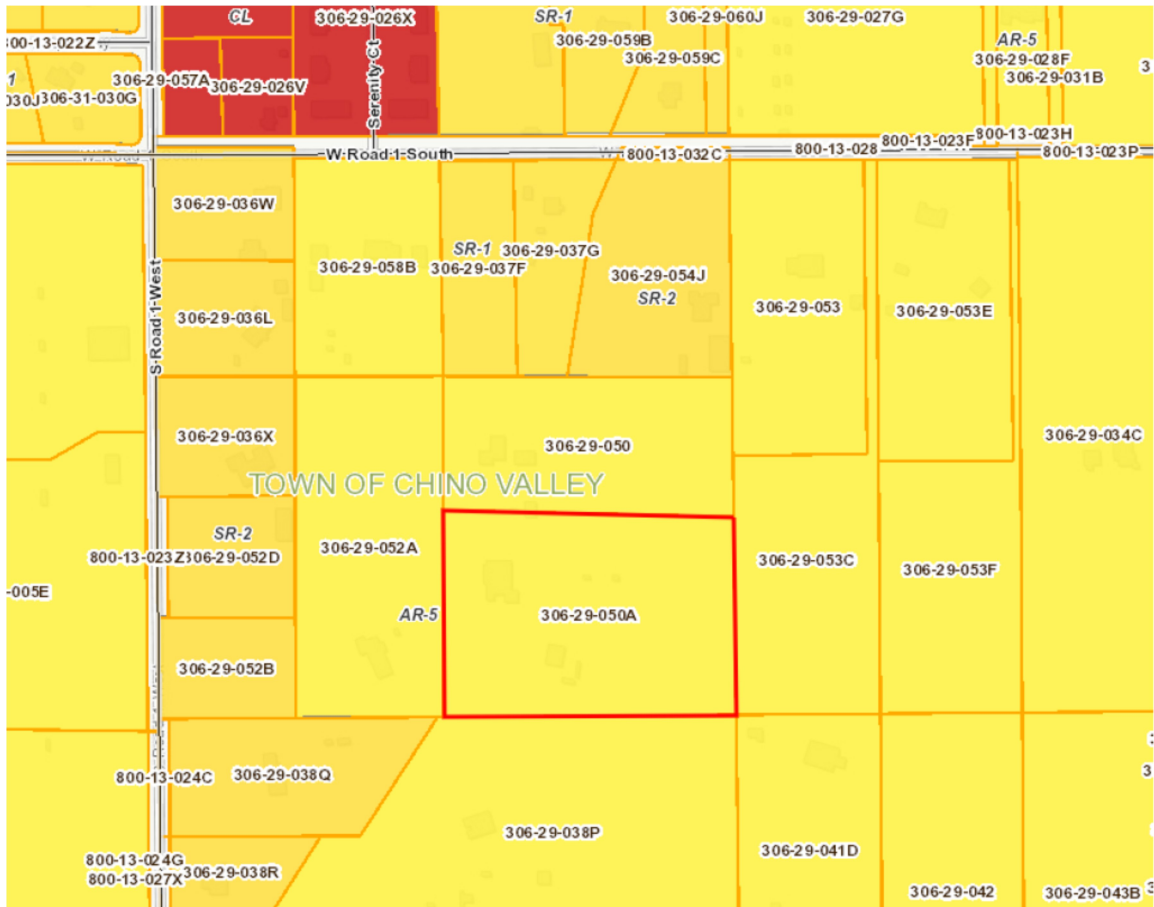
Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

EXHIBIT A

EXHIBIT B



Meeting Date: 05/05/2015

Initiate Public Hearing for Text Amendments to Chapter 1 Administration, Subsections 1.7 Site Plan Review, 1.8 Enforcement, 1.9 Review and Approval

CASE DESCRIPTION:

Consideration and possible action to initiate and conduct public review of text amendments to Chapter 1, Administrations, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process and to recommend to Council that the proposed amendments be approved.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

Sections 1.7, 1.8, and portions of 1.9 set forth the regulations governing review of site plans for all zoning districts except single family residential. While these regulations are justified by "...promoting the public health, safety, and general welfare..." there is nothing in these regulations that is not addressed by other review processes already in place.

Instead, these rules require a public hearing process for permitted uses (uses-by-right) that allow Town Council and P & Z to impose additional non-uniform stipulations that are not justified by claiming the reviews promote protection of the public. This is in direct conflict with the language set forth in ARS §9-462.01 (C):

"All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulations in one type of zone may differ from those in other types of zones as follows: (emphasis added)

1) Within individual zones, there may be uses permitted on a conditional basis under which additional requirements must be met, including requiring site plan review and approval by the planning agency. The conditional uses are generally characterized by any of the following:

- (a) infrequency of use
- (b) high degree of traffic generation
- (c) requirement of large land area

2) Within residential zones, the regulations may permit modifications to minimum yard lot area and height requirements. "

Elected and appointed officials may not be subject matter experts in architecture, engineering, and land use (among other things) and should not modify or add stipulations to site plans for entitled uses that have already been approved by qualified staff members and agency officials. Setting forth the number of staff and agency representatives and specifying which staff and agency representatives can be present limit the ability of staff to carry out an effective review. The process should be set forth in policy rather than by ordinance. As written, these regulations serve no purpose other than to add unnecessary reviews and politicize the development process.

Section 1.7: Site Plan Review Committee: Strike in its entirety; save number for future use

Section 1.8: Enforcement: Redundant; Strike in its entirety. The zoning administrator has been vested with enforcement authority under ARS§ 9-462 and Subsection 1.6 Zoning Administrator and Assistant Zoning Administrator. Renumber PAD regulations using Section 1.8.

Section 1.9 Review and Approval Process: Strike out and modify as proposed in the redline; the town neither has nor defines "Use Permit" ; PAD process can now be separated from the site plan review and renumbered using either 1.8 or 1.9.

1.9.1.1 Application: The design of forms is an administrative task rather than one dictated by a committee. Requiring review of form revisions only slows the process. Required information is included in Section 1.9.1.2 Contents.

1.9.1.2 Contents: strike and replace with specific references to applicable UDO; repeating here is redundant.

1.9.1.3 Review: This section has been amended to shift review from committee to staff and eliminate extra or confusing verbiage. *Subsection D* has been stricken in its entirety as those requirements are also included in UDO Sections 4.22 Off-street Parking and Loading, 4.23 Public Street System and Public Use Access System, and 5.3 Design Principals and Development Standards. *Subsection F* has been stricken as there is no remedy for protests to an entitled structure, and the 30-day requirement would conflict with the timelines established for compliance with the recently enacted Municipal Bill of Rights as found in ARS §9-831 et. seq.

Section 2: Definitions: Strike “Committee shall mean the Site Plan Review Committee”.

Section 4.21 Sign Regulations: Strike all references to “Site Plan Review” and “Site Plan Review Committee”. Strike 4.21.12 (B) in its entirety; the Town cannot force someone to alter a legal, non-conforming use.

Section 4.22.8: Off Street Parking and Loading: Determination of Required Spaces: strike last sentence; redundant.

Section 4.26.5 Landscaping: Alternative Compliance: allows for alternatives in landscaping; plan to be approved by Zoning Administrator rather than Site Plan Review Committee.

Section 4.29 Design Concepts: Modify language under Applicability; offices are by definition commercial uses; requires compliance with Design Concepts if redevelopment or remodeling will modify more than 50% of the exterior structure.

Section 5: Subdivision Regulations: Strikes references to Site Plan Review and Committee; eliminates unnecessary or redundant language.

RECOMMENDATION

The proposed text amendments eliminate a redundant and non-effective review process. It creates legal exposure by enabling the Commission and Council to impose additional requirements on entitled uses that are not otherwise set forth in the UDO, and enshrines a process that should be a matter of policy into the UDO, limiting staff's ability to include only those specified in Section 1.7.1 rather than those whose expertise may be required in evaluating proposals for development. For these reasons, staff recommends forwarding the text amendment to Town Council with a recommendation of approval.

MOTION: I MAKE A MOTION TO INITIATE A PUBLIC HEARING TO CONSIDER THE PROPOSED TEXT AMENDMENTS TO SECTIONS 1.7, 1.8, AND 1.9 AND MAKE A RECOMMENDATION TO TOWN COUNCIL.

Attachments

Draft Ordinance 15-798

ORDINANCE NO. 15-798

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA AS FOLLOWS: SECTION 1: ADMINISTRATION AND PROCEDURES SUBSECTION 1.7 SITE PLAN REVIEW COMMITTEE, SUBSECTION 1.8 ENFORCEMENT, SUBSECTION 1.9 REVIEW AND APPEAL PROCESS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, On November 9, 2006, the Town of Chino Valley Town Council adopted Resolution NO. 06-812 declaring the Unified Development Ordinance (“**UDO**”) a public record, and adopted Ordinance No. 06-678 adopting the Unified Development Ordinance; and

WHEREAS, the stated purpose of the UDO include (1) providing for the social, physical, and economic advantages resulting from the comprehensive and orderly planned use of resources and (2) promoting the health, safety, convenience, and general welfare of the citizens of the Town of Chino Valley, Arizona (“**TOWN**”); and

WHEREAS, to provide for the effective provision of the stated purpose, amendments to the adopted ordinance are justified in order to incorporate best practices and eliminate redundant processes; and

WHEREAS, the public interest is served by clarifying language, consistent procedures, and streamlining processes as required in Arizona Revised Statute 9-832 Regulatory Bill of Rights; and

WHEREAS, the Town Council has determined that the proposed text amendments preserve the interest of the public health, safety and general welfare of the Town, and it is in the best interest of the Town to adopt the proposed amendments; 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.

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, (Chapter and Section(s) to be revised) is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

1.7 DELETED IN ITS ENTIRETY

1.7.1 DELETED IN ITS ENTIRETY

1.7.2 DELETED IN ITS ENTIRETY

1.7.3 DELETED IN ITS ENTIRETY

1.7.4 DELETED IN ITS ENTIRETY

1.7.5 DELETED IN ITS ENTIRETY

1.8 DELETED IN ITS ENTIRETY

1.9 SITE PLAN Review and Approval Processes

A. PURPOSE. Site Plan Review IS intended to PROVIDE the Town AND THE APPLICANT the OPPORTUNITY to review NEW DEVELOPMENT projects TO ENSURE COMPLIANCE WITH ADOPTED CODES AND ORDINANCES AND HARMONIZE NEW DEVELOPMENT WITH EXISTING STRUCTURES AND MINIMIZE INCOMPATIBLE USES.

B. WHEN REQUIRED. SITE PLAN REVIEW IS REQUIRED FOR ALL NEW CONSTRUCTION, EXTERIOR SITE AND STRUCTURE ALTERATIONS, SIGNS AND SUBDIVISION PLATS PRIOR TO ISSUANCE OF A BUILDING PERMIT, INCLUDING TOWN FACILITIES, WITH THE FOLLOWING EXCEPTIONS:

1. ACCESSORY STRUCTURES WITHIN SINGLE FAMILY ZONING DISTRICTS;

2. SINGLE FAMILY RESIDENCES ON SEPARATE LOTS WITHIN AN APPROVED AND PLATTED SUBDIVISION;

3. MINOR EXTERIOR SITE AND STRUCTURE ALTERATIONS THAT DO NOT MATERIALLY AFFECT THE DESIGN CONCEPT OR FUNCTION OF THE SITE OR STRUCTURE;

4. REPAIRS THAT DO NOT ALTER EXTERIOR DESIGN OF A STRUCTURE;

5. APPROVED TEMPORARY CONSTRUCTION OFFICES;

6. CHANGES TO THE FACE OF AN EXISTING APPROVED SIGN.

1.9.1 Site Plan Application, Content and Review

1.9.1.1 Application

A. AN Application FOR SITE PLAN REVIEW shall be filed with the Zoning Administrator or his/her designee ON A FORM APPROVED BY THE ZONING ADMINISTRATOR.

- B. Applications shall be made by the owner of the property or an agent authorized ~~by a letter~~ IN WRITING BY ~~from~~ all owners of the property.

1.9.1.2 Contents

A Site Plan APPLICATION shall include, AT A MINIMUM, the following information:

- A. An accurate Site Plan drawn at an appropriate scale showing the boundaries and dimensions of the site; acreage of the site; AND a north arrow;
- B. PROPOSED AND EXISTING STRUCTURES WITH DIMENSIONS BETWEEN STRUCTURES AND FROM PROPERTY BOUNDARIES TO NEW AND EXISTING STRUCTURES;
- C. LOCATION AND NAME(S) OF ADJACENT AND ABUTTING STREETS, ALLEYS, RIGHTS-OF-WAY AND ANY REQUIRED DEDICATIONS THEREOF
- D. OFF-STREET PARKING, IN COMPLIANCE WITH SECTION 4.22 OFF-STREET PARKING AND LOADING;
- E. LANDSCAPING, IN COMPLIANCE WITH SECTION 4.26 LANDSCAPE REQUIREMENTS;
- F. SCREENING, IN COMPLIANCE WITH SECTION 4.8 WALLS AND FENCES;
- G. OUTDOOR LIGHTING, IN COMPLIANCE WITH SECTION 4.24 OUTDOOR LIGHTING;
- H. LOCATIONS OF ALL SIGNAGE IN COMPLIANCE WITH SECTION 4.21 SIGN REGULATIONS
- I. OUTDOOR STORAGE AND RELATED ACTIVITIES, IN COMPLIANCE WITH SECTION 4.9 OUTDOOR STORAGE
- J. PEDESTRIAN, VEHICLE, AND SERVICE VEHICLE ACCESS; ONSITE CIRCULATION PLANS;
- K. LOCATION OF WATER LINES, SEWER LINES, FIRE HYDRANTS AND OTHER UTILITIES;
- L. COMPLIANCE WITH SECTION 4.29 DESIGN CONCEPTS;
- M. OTHER DATA AS DEEMED NECESSARY BY THE ZONING ADMINISTRATOR OR HIS/HER DESIGNEE.

1.9.1.3 Review

After submittal, THE SITE ~~development~~ plan SHALL BE REVIEWED for compliance with the Town's ~~development goals~~ REGULATIONS. The review procedure ~~is intended to~~ MAY be applied in a flexible manner to allow for creative designs, varying development concepts, locations and innovative response to requirements. ~~In the review, the Committee~~ IN ADDITION TO COMPLIANCE WITH THE TOWN'S REGULATIONS, THE ZONING ADMINISTRATOR ~~shall~~ MAY be guided by CONSIDER the following ~~review~~ criteria and principles of development:

- A. The proposed development complies with all provisions of this Ordinance and all other Ordinances, master plans, General Plans, goals, objectives and standards of the Town.
- ~~B. The proposed development does not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood, and shall not be detrimental or injurious to the neighborhood. HOW DO WE DEFINE THOSE?~~
- B. The proposed ~~development~~ SITE PLAN promotes a desirable relationship of structures to one another, to open spaces, and to topography both on the site and in the surrounding neighborhood.
- C. ~~Mechanical equipment, appurtenances and utility lines are concealed from view or are otherwise integral to the building and site design~~

1.9.1.4 APPROVAL

- A. UPON DETERMINATION THAT THE SITE PLAN IS IN COMPLIANCE WITH ALL DEVELOPMENT STANDARDS AND ANY CONDITIONS OF DEVELOPMENT SET FORTH IN THE ZONING ORDINANCE PERTAINING TO THE PROPERTY, THE SITE PLAN SHALL BE APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR OR HIS/HER DESIGNEE.
- B. PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT, ALL SITE DEVELOPMENT STANDARDS SET FORTH IN SECTION 1.9.2 SHALL BE CONSTRUCTED OR INSTALLED IN COMPLIANCE WITH THE APPROVED SITE PLAN. IN LIEU OF SUCH INSTALLATION, WHERE WEATHER CONDITIONS NECESSITATE A DELAY, A CASH DEPOSIT, BOND, OR LETTER OF CREDIT IN AN AMOUNT THAT GUARANTEES COMPLETE INSTALLATION OF SITE PLAN REQUIREMENTS, NAMING THE TOWN OF CHINO VALLEY AS BENEFICIARY, SHALL BE FILED WITH THE TOWN.

ADD TO SECTION 2 DEFINITIONS SUBSECTION 2.1 MEANINGS OF WORDS AND TERMS:

SITE PLAN: A PLAN PREPARED TO SCALE SHOWING THE BOUNDARIES OF A SITE AND THE PROPOSED LOCATON OF ALL BUILDINGS AND STRUCTURES, CIRCULATION, LANDSCAPING, IMPROVEMENTS AND OPEN SPACE AREAS, ALL IN COMPLIANCE WITH THE PROVISIONS OF THIS CODE.

Section 4.21 Sign Regulations

F. The source of the sign's illumination, except neon illumination, shall not be visible from any street, sidewalk, or adjacent property and the face of the sign (with the exception of lettering and logos) shall be opaque. This shall not preclude the use of neon sign elements within the commercial zoning districts, which are subject to staff review and approval ~~through the Site Plan Review process.~~

4.21.6 Permitted Permanent Signs

A. "Agricultural and Residential Districts":

3. Directional Signs: Such signs are permitted for Multiple Residence Uses and Non-Residential Uses and shall not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They shall not be located within the sight visibility triangle as described in Section 4.6, of any driveway. ~~The use, number and location of such signs must be approved through the Site Plan Review process and comply with the requirements of this Ordinance.~~

4. Directory signs:

~~Freestanding directory signs may be permitted through the Site Plan Review process.~~

B. "Non-Agricultural and Residential":

3. Directional Signs:

Such signs shall not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They

shall not be located within the sight visibility triangle as described in Section 4.7, of any driveway. ~~The use, number and location of such signs must be approved through the Site Plan Review process and comply with all other Ordinance requirements.~~

4.21.12 Non-conforming and Unsafe Signs

~~B. Signs Rendered Non-conforming~~

- ~~1. If a non-conforming sign is located on a parcel that is experiencing development for which Site Plan Review is required, the height and area of the sign shall not be increased to exceed the height and area limitations of the site. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of fifty percent (50%). Two such reductions shall be permitted; after the third structural change, the sign shall conform to current standards. Nothing in this subsection shall require a non-conforming sign to be reduced to a height or area less than that allowed on the site.~~

4.22 Off-Street Parking and Loading

4.22.8 Determination of Required Spaces

E. Large parking lots shall be divided into a series of smaller lots of approximately one hundred-fifty (150) spaces each, using raised landscape island(s) at least ten (10) feet in width, and at least 500 square feet in total area, located along the sides of the parking areas to separate large parking areas. Walkways should be considered as part of these landscape areas. Raised landscape strips at least five (5) feet wide and at least ninety-five (95) square feet in total area, should be located on the ends of parking rows, extending the full length of parking spaces. Additional landscape islands should be considered in the interior of the individual parking areas to provide shade and break up large expanses of parking area. ~~As part of Site Plan review, the Site Plan Review Committee shall review parking lot and landscape layouts to determine if they are in keeping with the requirements of this Ordinance.~~

4.26 Landscape Requirements

- ~~4.26.5 Alternative Compliance~~ LANDSCAPE PLAN Provisions. The alternative ~~compliance~~ provisions are intended to give flexibility where unique situations complicate the provision of required landscaping.

- A. ~~Alternative compliance established.~~ APPLICANTS ~~Petitioners~~ may choose to follow the requirements described herein or submit An ALTERNATIVE landscape plan to the Zoning Administrator THAT ILLUSTRATES HOW THE INTENT OF UDO SECTON 4.26 WILL BE FULFILLED ~~under the alternative compliance provisions of this subsection. The alternative compliance provisions are intended to give flexibility where unique situations complicate the provision of required landscaping.~~
- B.. ~~Appeal of Zoning Administrator's Decision.~~ If An APPLICANT developer chooses to ~~submitS~~ An ALTERNATIVE landscape plan through ~~the alternative compliance process, and the~~ WHICH IS NOT APPROVED BY THE Zoning Administrator ~~does not approve the landscape plan,~~ the APPLICANT Developer may appeal the Zoning Administrator's decision to the ~~Site Plan Review Committee.~~ BOARD OF ADJUSTMENT.
- C. & D. **Deleted in their entirety.**

4.29 Design Concepts

Development goals: protect investment in the community by encouraging consistently high quality development and promote projects that are suitable in the context of a southwest environment.

Applicability: to achieve these goals, the design concepts apply to all new commercial and office developments ~~as well as all developments requiring site plan review.~~ AND REDEVELOPMENT OR REMODELING OF EXISTING COMMERCIAL DEVELOPMENTS WHERE MORE THAN 50% OF THE EXTERIOR OF THE STRUCTURE WILL BE SUBSTANTIALLY MODIFIED.

5. Subdivision Regulations

5.2 Subdivision Application Procedures

5.2.2 ~~Pre-application Conference~~

~~Pre-application Conference:~~ The pre-application conference ~~stage of the subdivision planning process is an investigatory period that precedes preparation of platting and improvement plans by the subdivider. During this time,~~ CONFERENCE, subdividers make their intentions known informally to the Town, are advised of specific public objectives related to the subject tract, and are given detailed information regarding platting procedures and requirements.

A. ~~Actions of the Subdivider.~~ The subdivider must ~~meet informally with the Site Plan Review Committee to present~~ PROVIDE a general outline of the proposed development including:

1. Sketch plan(s) and ideas regarding land use, street and lot arrangement, and tentative lot sizes;

2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

~~B. Actions of the Site Plan Review Committee: The Site Plan Review Committee~~ STAFF will discuss the proposal with the subdivider and provide input and suggestions regarding procedural steps, public policy objectives, design and improvement standards, and general platting requirements. Then, depending upon the scope of the proposed development, the ~~Committee~~ STAFF will:

* * *

5.2.4 Subdivision Technical Review

* * *

D. Engineering Plan and Specification Submission Comprehensive Development Plan (CDP) - In conjunction with the other engineering plans prescribed in this Ordinance, the subdivider must provide a CDP that illustrates the physical relationship of all the proposed utility improvements for the proposed subdivision. The intent of this plan is to cumulatively index all proposed utility improvements for easy reference, and to provide for a coordinated development effort. The subdivider, at his option, may choose to submit a preliminary CDP ~~for Site Plan Review Committee~~ STAFF review prior to the preparation and submittal of a final CDP and other improvement plans.

P&Z Planning Commission Regular

7. B.

Meeting Date: 05/05/2015

Initiate Public Hearing to amend Section 1.9.2 (E)

CASE DESCRIPTION:

Consideration and possible action to initiate and conduct a public review of amendments to the text of UDO Section 1.9.2 (E) Protests and to set a public hearing date for the amendment at the next regular meeting of the Planning and Zoning Commission.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

On October 14, 2014 Town Council considered an application from LaVacara Trust to rezone 16.81 acres from AR-5 (Agricultural/Residential 5 Acre Minimum) to CL-PAD (Commercial Light Planned Area Development), and MR-PAD (Multifamily Residential, Planned Area Development). During the Public Hearing, but after the public comment portion of the meeting was closed, the Clerk received at least one (1) written protest to the proposed rezoning.

The Town is now engaged in litigation with the LaVacara Trust, in part because the law and the Unified Development Ordinance are silent on the matter of when the written protests must be received in order to be valid. To avoid future litigation, a text amendment to UDO Chapter 1, Administration and Procedures, Subsection 1.9.2 (E), imposing a three (3) business day deadline for the receipt of written protests by the Town Clerk. The 3 business day deadline is designed to provide Staff sufficient time to verify signatures and ownership of the parcels and to provide Council with notice of a valid protest requiring a super majority vote for approval prior to the item being heard by Council. It will also enable Staff to provide notice to the applicant of the protest and need for super majority vote, giving the applicant an opportunity to work with the neighbors to resolve issues prior to the Council considering the item.

RECOMMENDATION

Attachments

Draft Ordinance 15-797

ORDINANCE NO. 15-797

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA AS FOLLOWS: CHAPTER 1: ADMINISTRATION AND PROCEDURES, SECTION 1.9 REVIEW AND APPROVAL PROCESS, SUBSECTION 1.9.2 AMENDMENT, PARAGRAPH E PROTESTS; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, it is necessary to amend the Unified Development Ordinance to eliminate contradictions, clarify language, and establish certain procedures; and

WHEREAS, said clarifying language and establishment of certain procedures are needed in regards to the protest of amendments to the Ordinance or zoning map set forth in the Unified Development Ordinance; and

WHEREAS, clarifying said language and establishing a procedure for accepting written protests will safeguard the rights of applicants for zoning changes and neighbors alike; and

WHEREAS, the Town Council has determined that the proposed amendments will protect the rights of applicants and surrounding neighbors, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments; 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.

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1: Administration and Procedures, Section 1.9.2 (E) Protests is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

- E. Protests. If the owners of twenty (20) percent or more of the area of the lands included in a proposed Ordinance or zoning map change, or those immediately adjacent in the rear or any side extending one hundred fifty (150) feet therefrom, or those directly opposite extending one hundred fifty (150) feet from the street frontage of opposite lots, file a protest in writing against a proposed Ordinance amendment, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths (3/4) of the remaining Council members (provided that required

number of votes shall not be less than a majority of the full Council).-WRITTEN PROTESTS MUST BE FILED WITH THE TOWN CLERK AND RECEIVED BY THE TOWN CLERK AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING AT WHICH THE ORDINANCE OR ZONING MAP CHANGE WILL BE HEARD BY THE COUNCIL.

Section 2. Providing for Repeal of Conflicting Ordinances.

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

Section 3. Providing for Severability.

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

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 2015 by the following vote:

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

APPROVED this ____ day of _____, 2015.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE _____ DAY OF _____, 2015, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2015.

Jami Lewis, Town Clerk



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
May 5, 2015
6:00 P.M.

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

AGENDA

ACTION TAKEN

- | | | |
|----|--|--------------|
| 1. | CALL TO ORDER | |
| 2. | PLEDGE OF ALLEGIANCE | |
| 3. | ROLL CALL | |
| 4. | MINUTES | |
| A. | Consideration and possible action to approve the April 7, 2015 regular meeting minutes. | APPROVED |
| B. | Consideration and possible action to approve the April 7, 2015 study session minutes. | APPROVED |
| 5. | STAFF REPORTS | NONE
HELD |
| 6. | PUBLIC HEARING | |
| A. | Request by property owner to rezone subject parcel 306-29-050A, comprised of approximately 7.39 acres, from Agricultural/Residential (5 acre minimum) (AR-5) to Single Family Residential (2 acre minimum) (SR-2) for the purpose of splitting the property into two parcels. | HEARD |
| 7. | NON-PUBLIC HEARING ACTION ITEMS | |
| A. | Consideration and possible action to initiate and conduct public review of text amendments to Chapter 1, Administrations, Section 1.7 Site Plan Review Process, 1.8 Enforcement, and 1.9 Review and Approval Process and to recommend to Council that the proposed amendments be approved. | DISCUSSED |
| B. | Consideration and possible action to initiate and conduct a public review of amendments to the text of UDO Section 1.9.2 (E) Protests and to set a public hearing date for the amendment at the next regular meeting of the Planning and Zoning Commission. | DISCUSSED |
| 8. | DISCUSSION ITEMS | NONE
HELD |

9. PUBLIC COMMENTS

**NONE
HELD**

10. ADJOURN

Dated this 29th day of April, 2015.
(*Action Taken May 11, 2015*)

By: Amy Lansa, Town Clerk Assistant

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) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.