1. Town Council - Agenda
   Documents:
   
   2019_01_08_CC_RG_AG.PDF

2. Town Council - Packet
   Documents:
   
   2019_01_08_CC_RG_PK.PDF
AGENDA

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

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3. CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council 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.

4. RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

   a. Request for an update on the shooting facility.

   b. Question regarding the Town's pursuit of a second supermarket.

5. CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.
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b. Status report by Town Manager Cecilia Grittman and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

6. CONSENT AGENDA

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

a. Consideration and possible action to adopt Ordinance No. 2019-863 amending the Town of Chino Valley Town Code by repealing Chapter 152 Flood Damage Prevention and adopting new Chapter 152 Flood Damage Prevention. (Frank Marbury, Public Works Director/Town Engineer)

b. Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District (CVUSD) and the Town of Chino Valley to complete design and construction improvements to transportation conveyance systems related to Del Rio School and Heritage Middle School. Funds to come from Adjacent Ways funding with no cost to the Town other than staff's time to perform engineering and project management. (Frank Marbury, Public Works Director/Town Engineer)

c. Consideration and possible action to accept the November 27, 2018 study session minutes. (Jami Lewis, Town Clerk)

d. Consideration and possible action to accept the December 11, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)

7. 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 accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2018, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)

b. Consideration and possible action to terminate the Concessionaire Agreement between the Prescott Sportsmen's Club (PSC) and the Town of Chino Valley, dated May 31, 2011, effective immediately. (Cecilia Grittman, Town Manager)

   Recommended Action: Terminate the Concessionaire Agreement between the Prescott Sportsmen's Club and the Town of Chino Valley, dated May 31, 2011, effective immediately.

c. Consideration and possible action to adopt Resolution No. 2019-1133 ordering and calling an election to be held in and for the Town of Chino Valley, Arizona on May 21, 2019, to submit to the qualified electors thereof the questions of (1) the proposed amount to be raised by an initial primary (ad valorem) property tax to fund a road construction and maintenance program, and (2) voter authorization for purchase of certain water companies to expand the Town’s water utility system. Funds to come from General Fund, Town Clerk Elections expenditure line. (Jami Lewis, Town Clerk)

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d. Consideration and possible action to approve a Conditional Use Permit (CUP18-007) for 14.46 acres (approx. 629,877 sq. ft.) of real property, Assessor's Parcel No. 306-18-010K, located approximately 0.25 miles south of the southeast corner of East Perkinsville Road and North Road 1 East at 1525 North Road 1 East to rehabilitate the existing well site within the PL (Public Land) zoning district. (Owner of Record: City of Prescott) (Alex Lerma, Planner)

   Recommended Action: Approve Conditional Use Permit (CUP18-007) to allow the rehabilitation of the existing well site including removal of the existing building and construction of a new facility within the PL (Public Land) zoning district.

e. Consideration and possible action to adopt Ordinance 2019-858 to rezone 2.71 acres of real property, Assessor's Parcel No. 306-04-010U, located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

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   a. An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding a current zoning case. (Martin Scribner, Interim Development Services Director)
9. **ACTION ITEMS RESUMED**

*After the Executive Session, Council will reconvene the Regular Meeting.*

10. **ADJOURNMENT**

Dated this 3rd day of January, 2019.

*By: Jami C. Lewis, Town Clerk*

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Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
Tuesday January 8, 2019
6:00 P.M.
Council Chambers
202 N. State Route 89
Chino Valley, Arizona

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

AGENDA

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AGENDA ITEM TITLE:
Consideration and possible action to adopt Ordinance No. 2019-863 amending the Town of Chino Valley Town Code by repealing Chapter 152 Flood Damage Prevention and adopting new Chapter 152 Flood Damage Prevention.

RECOMMENDED ACTION:

SITUATION AND ANALYSIS:
The Federal Emergency Management Agency (FEMA) is requiring local agencies, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of flood plain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations by February 15, 2019. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Flood Disaster Protection Act as amended.

This is a minor update which mainly makes changes to legal definitions.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code: Available
Funding Source:
Attachments
ORD 2019-863 - Flood Damage Prevention
ORD 2019-863 - Text Amdts
ORDINANCE NO. 2019-863

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, RELATED TO REGULATION OF SPECIAL FLOOD HAZARD AREAS WITHIN THE TOWN AND LANDS DETERMINED BY THE TOWN ENGINEER TO BE LOCATED IN FLOOD-PRONE AREAS; DECLARING THE DOCUMENT ENTITLED “TOWN OF CHINO VALLEY CHAPTER 152 FLOOD DAMAGE PREVENTION ORDINANCE DATED JANUARY 8, 2019” AS A PUBLIC RECORD; ADOPTING THE “TOWN OF CHINO VALLEY CHAPTER 152 FLOOD DAMAGE PREVENTION ORDINANCE DATED JANUARY 8, 2019” BY REFERENCE; AMENDING THE TOWN OF CHINO VALLEY TOWN CODE BY REPEALING CHAPTER 152 (FLOOD DAMAGE PREVENTION) AND REPLACING IT WITH A NEW CHAPTER 152 (FLOOD DAMAGE PREVENTION) CONSISTING OF THE “TOWN OF CHINO VALLEY CHAPTER 152 FLOOD DAMAGE PREVENTION ORDINANCE DATED JANUARY 8, 2019”; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, pursuant to ARIZ. REV. STAT. § 48-3610, the Town of Chino Valley (the “Town”) has assumed the powers and duties for floodplain management within its corporate limits; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley desire to update the Town’s Flood Prevention Ordinance to comply with federal and state law and requirements.

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

Section 1. The document entitled “Town of Chino Valley Chapter 152 Flood Damage Prevention Ordinance dated January 8, 2019” (the “2019 Flood Prevention Ordinance”), of which one paper copy and one electric copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are hereby ordered to remain on file with the Town Clerk.

Section 2. The 2019 Flood Prevention Ordinance is hereby adopted by reference pursuant to ARIZ. REV. STAT. § 9-802.

Section 3. The Town Code of the Town of Chino Valley, Arizona, is hereby amended by repealing existing Chapter 152 (Flood Damage Prevention) in its entirety and by replacing it with the 2019 Flood Prevention Ordinance.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the code amendment adopted herein by reference, are hereby repealed.
Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the 2019 Flood Prevention Ordinance 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 of this Ordinance and the 2019 Flood Prevention Ordinance.

Section 6. 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 10.99(A), (B) and (D) of the Town Code of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 8th day of January, 2019.

Darryl L. Croft, Mayor

ATTEST:

______________________________
Jami Lewis, Town Clerk

APPROVED AS TO FORM:

______________________________
Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-863 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 8, 2019, and that quorum was present, and that the vote thereon was ___ ayes and ___ nays and ___ abstentions. ___ Council members were absent or excused.

______________________________
Jami C. Lewis, Town Clerk
CHAPTER 152: FLOOD DAMAGE PREVENTION ORDINANCE
DATED JANUARY 8, 2019

Section

**General Provisions**

152.001 Statutory authorization
152.002 Findings of fact
152.003 Statement of purpose
152.004 Methods of reducing flood losses
152.005 Definitions
152.006 Lands to which chapter applies
152.007 Basis of establishing areas of special flood hazard

**Administration**

152.030 Development permit
152.031 Floodplain Administrator

**Flood Hazard Reduction**

152.045 Standards of construction
152.046 Standards for storage of materials and equipment
152.047 Standards for utilities
152.048 Standards for subdivisions
152.049 Standards for manufactured homes AND RECREATIONAL VEHICLES
152.050  Floodways

**VARIANCES**

152.065  Appeal Board
152.066  Conditions for variances
152.067  Minor variances

**AMENDMENTS**

152.080  Map amendments
152.081  Ordinance amendments

**GENERAL PROVISIONS**

§ 152.001  STATUTORY AUTHORIZATION.

The legislature of the State of Arizona has, in A.R.S. § 48-3610, enabled the town TOWN OF CHINO VALLEY to adopt regulations in conformance with A.R.S. § 48-3603 designed to promote the public health, safety and general welfare of its citizenry.

§ 152.002  FINDINGS OF FACT.

(A) The flood hazard areas of the town TOWN OF CHINO VALLEY are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are May be caused by the cumulative effect of obstructions in areas of special flood hazards SPECIAL FLOOD HAZARD AREAS, which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 152.003  STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
To minimize prolonged business interruptions;

To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

To help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas;

To insure that potential buyers are notified that property is in an area of special flood hazard;

To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

To PARTICIPATE AND maintain eligibility for state and federal disaster relief.

§ 152.004 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging and other development which may increase flood damage; and

(E) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas.

§ 152.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. A STRUCTURE THAT IS ON THE SAME PARCEL OF PROPERTY AS A PRINCIPAL STRUCTURE, THE USE OF WHICH IS INCIDENTAL TO THE USE OF THE PRINCIPAL STRUCTURE.

ACCESSORY USE. A use that is incidental and subordinate to the principal use of the parcel of land on which it is located.

APPEAL. A request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter or a request for a variance.
**AREA OF SHALLOW FLOODING.** A designated AO OR AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of Water Resources.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE).** The computed elevation to which floodwater is anticipated to rise during the base flood.

**BASEMENT.** Any area of the building having its floor sub-grade (below ground level) on all sides.

**BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building supporting foundation system.

**COMMUNITY.** Any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization that has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, drainage facilities, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials and equipment located within the area of special flood hazard SPECIAL FLOOD HAZARD AREA.

**ELEVATION CERTIFICATE.** An administrative tool of the National Flood Insurance Program (NFIP) that is used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

**ENCROACHMENT.** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

**EROSION.** The process of the gradual wearing away of a land mass LANDMASS. This peril is not, per se, covered by the National Flood Insurance Program.
**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

**FLOOD ELEVATION.** A determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a 1% or greater chance of occurrence in any given year.

**FLOOD ELEVATION STUDY.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**FLOOD HAZARD BOUNDARY MAP or FHBM.** An official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M and/or E.

**FLOOD INSURANCE RATE MAP or FIRM.** The official map OF A COMMUNITY on which the Federal Insurance Administration FEMA has delineated both areas of special flood hazards, SPECIAL FLOOD HAZARD AREAS and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration FEMA that includes flood profiles, the FIRM, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**FLOOD-PROOFED.** Any combination of structural and non-structural additions, changes or adjustments to NONRESIDENTIAL structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents BY MEANS OTHER THAN ELEVATION.

**FLOODPLAIN or FLOOD-PRONE AREA.** ANY LAND AREA SUSCEPTIBLE TO BEING INUNDATED BY WATER FROM ANY SOURCE (SEE DEFINITION OF “FLOODING”). The areas adjoining the channel of a watercourse including areas where drainage is or may be restricted by man-made structures that have been or may be covered partially or wholly by floodwater from the 100-year flood.

**FLOODPLAIN ADMINISTRATOR.** The designated Administrator of the Flood Control Ordinance 466 of the Town of Chino Valley, which Administrator is hereby authorized by the Town Council to administer and implement the provisions of this chapter. THE TOWN MANAGER OR HIS OR HER DESIGNEE, WHO IS THE COMMUNITY
OFFICIAL DESIGNATED TO ADMINISTER AND ENFORCE THE FLOODPLAIN
MANAGEMENT REGULATIONS shall be the administrator.

FLOODPLAIN BOARD. The Town Council at such times as they are engaged in the
enforcement of this chapter.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective
and preventive measures for reducing flood damage, including but not limited to:
emergency preparedness plans, flood control works, and floodplain management
regulations. THE OPERATION OF AN OVERALL PROGRAM OF CORRECTIVE AND
PREVENTIVE MEASURES FOR REDUCING FLOOD DAMAGE AND PRESERVING
AND ENHANCING, WHERE POSSIBLE, NATURAL RESOURCES IN THE
FLOODPLAIN, INCLUDING BUT NOT LIMITED TO EMERGENCY PREPAREDNESS
PLANS, FLOOD CONTROL WORKS, FLOODPLAIN MANAGEMENT REGULATIONS,
AND OPEN SPACE PLANS.

FLOODPLAIN MANAGEMENT REGULATIONS. THE ORDINANCE AND OTHER
ZONING ORDINANCES, SUBDIVISION REGULATIONS, BUILDING CODES, HEALTH
REGULATIONS, SPECIAL PURPOSE ORDINANCES (SUCH AS GRADING AND
EROSION CONTROL), AND OTHER APPLICATION OF POLICE POWER WHICH
CONTROL DEVELOPMENT IN FLOOD PRONE AREAS. THIS TERM DESCRIBES
FEDERAL, STATE, OR LOCAL REGULATIONS IN ANY COMBINATION THEREOF,
WHICH PROVIDE STANDARDS FOR PREVENTING AND REDUCING FLOOD LOSS
AND DAMAGE.

FLOOD PROOFED PROOFING. Any combination of structural and nonstructural
additions, changes, or adjustments to NONRESIDENTIAL structures that WHICH
reduce or eliminate risk of flood damage to real estate or improved real property, water
and sanitary facilities, structures, and their contents BY MEANS OTHER THAN
ELEVATION.

FLOOD-RELATED EROSION. THE COLLAPSE OR SUBSIDENCE OF LAND
ALONG THE SHORE OF A LAKE OR OTHER BODY OF WATER AS A RESULT OF
UNDERMINING CAUSED BY WAVES OR CURRENTS OF WATER EXCEEDING
ANTICIPATED CYCLICAL LEVELS OR SUDDENLY CAUSED BY AN UNUSUALLY
HIGH WATER LEVEL IN A NATURAL BODY OF WATER, ACCOMPANIED BY A
SEVERE STORM, OR BY AN UNANTICIPATED FORCE OF NATURE, SUCH AS A
FLASH FLOOD OR AN ABNORMAL TIDAL SURGE, OR BY SOME SIMILARLY
UNUSUAL AND UNFORESEEABLE EVENT WHICH RESULTS IN FLOODING.

FLOODWAY. The channel of a river or other watercourse and the adjacent land
areas necessary in order to discharge the 100-year flood without cumulatively
increasing the water surface elevation MORE THAN A DESIGNATED HEIGHT. ALSO
REFERRED TO A “REGULATORY FLOODWAY.”

FLOODWAY FRINGE. That area of the floodplain on either side of
the REGULATORY FLOODWAY where encroachment may be permitted.
**FUNCTIONALLY DEPENDENT USE.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

**GOVERNING BODY.** The local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**HARDSHIP.** As related to §§152.065 through 152.068, meaning the exceptional hardship that would result from a failure to grant the requested variance. The council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE.** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (a) By an approved state program as determined by the Secretary of the Interior; or

   (b) Directly by the Secretary of the Interior in states without approved programs.
**LEVEE.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**MANUFACTURED HOME.** A structure, transportable in ONE 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term MANUFACTURED HOME does not include a RECREATIONAL VEHICLE.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into TWO 2 or more manufactured home lots for sale or rent.

**MARKET VALUE.** Determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

**MEAN SEA LEVEL.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

**ONE HUNDRED YEAR FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year (see BASE FLOOD).
OR AFTER THE EFFECTIVE DATE OF AN INITIAL FLOOD INSURANCE RATE MAP OR AFTER DECEMBER 31, 1974, WHICHEVER IS LATER, AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES. FOR FLOODPLAIN MANAGEMENT PURPOSES, “NEW CONSTRUCTION” MEANS STRUCTURES FOR WHICH THE “START OF CONSTRUCTION” COMMENCED ON OR AFTER THE EFFECTIVE DATE OF A FLOODPLAIN MANAGEMENT REGULATION ADOPTED BY A COMMUNITY AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES.

**OBSTRUCTION.** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**ONE HUNDRED YEAR FLOOD.** THE FLOOD HAVING A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR (SEE BASE FLOOD.).

**PERSON.** An individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

**PRINCIPALLY ABOVE GROUND.** At least 51% of the actual cash value of the structure, less land value, is above ground.

**RECREATIONAL VEHICLE.** A vehicle that is:

1. Built on a single chassis;
2. 349 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

**REGULATORY FLOOD ELEVATION.** An elevation 1 foot above the base flood elevation.

**REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood WITHOUT CUMULATIVELY INCREASING THE WATER SURFACE ELEVATION MORE THAN A DESIGNATED HEIGHT.

**REMEDY A VIOLATION.** To bring the structure or other development into compliance with FEDERAL, state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise
deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

**REPETITIVE LOSS STRUCTURE.** A structure, covered by a contract for flood insurance issued pursuant to the National Flood Insurance Act of 1968, being 42 U.S.C. §§ 4001 et seq., that has incurred flood-related damage on 2 occasions during any 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the structure at the time of each flood event.

**RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream or brook, among other similar water channels.

**SHEET FLOW AREA.** See AREA OF SHALLOW FLOODING.

**SPECIAL FLOOD HAZARD AREA.** An area in the floodplain subject to a 1% or greater chance of flooding in any given year, having special flood or flood-related erosion hazards, and shown it is shown on a FIRM as Zone A, AO, A1-30, AE, AH or A99 or AH.

for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** The result of arranging materials and parts together and attached to a lot (such as buildings, tanks and fences), but not including tents or vehicles. A WALLED AND ROOFED BUILDING THAT IS PRINCIPALLY ABOVE GROUND; THIS INCLUDES A GAS OR LIQUID STORAGE TANK OR A MANUFACTURED HOME.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition or other improvement of a structure, the TOTAL cost of which equals or exceeds 50% of the market value of the structure before the **START OF CONSTRUCTION** of the improvement. The value of all improvements made after December 14, 1981, shall be considered. This term includes structures that have incurred **SUBSTANTIAL DAMAGE**, regardless of the actual repair work performed. The term does not, however, include either:

1. (A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. (B) Any alteration of a **HISTORIC STRUCTURE**, provided that the alteration will not preclude the structure’s continued designation as a **HISTORIC STRUCTURE**.

**VARIANCE.** MEANS A GRANT OF RELIEF BY A COMMUNITY FROM THE TERMS OF A FLOODPLAIN MANAGEMENT REGULATION. A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.
**WATERCOURSE.** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**ZONE A.** NO BASE FLOOD ELEVATIONS DETERMINED.

**ZONE AE.** BASE FLOOD ELEVATIONS DETERMINED.

**ZONE AH.** FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.

**ZONE AO.** FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED.

**ZONE A99.** AREA TO BE PROTECTED FROM 1% ANNUAL CHANCE FLOOD BY A FEDERAL FLOOD PROTECTION SYSTEM UNDER CONSTRUCTION; NO BASE FLOOD ELEVATIONS DETERMINED.

§ 152.006 LANDS TO WHICH CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazards—SPECIAL FLOOD HAZARD AREAS within the boundaries of the town—TOWN OF CHINO VALLEY AND ALL LANDS DETERMINED BY THE TOWN ENGINEER TO BE LOCATED IN FLOOD-PRONE AREAS.

§ 152.007 BASIS OF ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

(A) The areas of special flood hazard—SPECIAL FLOOD HAZARD AREAS identified by the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled “Flood Insurance Study for YAVAPAI COUNTY, ARIZONA, AND INCORPORATED AREAS,” the Town of Chino Valley, August 19, 1985 SEPTEMBER 3, 2010 with accompanying Flood Insurance Rate Maps DATED SEPTEMBER 3, 2010 and Flood Boundary and Floodway Maps, and all new and subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. These Flood Insurance Studies are on file at the town’s community development department and public library. The Flood Insurance Study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the floodplain board by the Floodplain Administrator.

(B) THE FLOODPLAIN BOARD, WITHIN ITS AREA OF JURISDICTION, SHALL DELINEATE (OR MAY, BY RULE, REQUIRE DEVELOPERS OF LAND TO DELINEATE) FOR AREAS WHERE DEVELOPMENT IS ONGOING OR IMMINENT, AND THEREAFTER AS DEVELOPMENT BECOMES IMMINENT, FLOODPLAINS CONSISTENT WITH THE CRITERIA DEVELOPED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE DIRECTOR OF THE ARIZONA DEPARTMENT
THE FIS AND FIRM PANELS ARE ON FILE AT 1942 VOSS DRIVE, CHINO VALLEY, ARIZONA 86323.

The town, within its area of jurisdiction shall delineate, or may by rule, require developers of land to delineate floodplains for areas where development is ongoing or imminent and thereafter as development becomes imminent, consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources.

§ 152.008 COMPLIANCE.

All development of land, construction of residential, commercial or industrial structures or future development within delineated floodplain areas is subject to the terms of this chapter and other applicable regulations.

§ 152.009 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 152.010 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 152.011 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards, SPECIAL FLOOD HAZARD AREAS or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town TOWN OF CHINO VALLEY, any officer or employee thereof, THE STATE OF ARIZONA or the Federal Emergency Management Agency, for any flood damages that result from reliance on the chapter or any administrative decision lawfully made thereunder.

§ 152.012 STATUTORY EXEMPTIONS.

(A) In accordance with A.R.S. § 48-3609(I-H), unless expressly provided, this and any regulation adopted pursuant to this chapter do not affect:
(1) EXISTING legal uses of property existing prior to December 14, 1981 or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for 6-12 months or destroyed to the extent of 50% of its MARKET value, as determined by a competent appraiser, any further use shall comply with this article and regulations of the Flood Control District TOWN OF CHINO VALLEY.

(2) Reasonable repair or alteration of property for the purposes for which the property was legally used on December 14, 1981 AUGUST 3, 1984, or any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50% or more shall be either flood-proofed or elevated to or above the regulatory flood elevation.

(3) Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613.

(4) Facilities constructed or installed pursuant to a Ceertificate of Evironmental Compatibility issued pursuant to A.R.S. § A.R.S. 40-360 et seq. (Title 40, Chapter 2, Article 6.2) AND

(B) In accordance with A.R.S. § 48-3613, written authorization shall not be required, nor shall the Floodplain Administrator prohibit:

(1) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse.

(2) The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. § TITLE 45, CHAPTER 6.

(3) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Board pursuant to regulations adopted by the Board under this chapter.

(4) Other construction if it is determined by the Administrator that written authorization is unnecessary.

(5) Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under this chapter A.R.S. ARIZONA REVISED STATUTES, TITLE 48, CHAPTER 21, ARTICLE 1.

(6) The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision.
(7) The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

(C) Before any construction authorized by division A.R.S. § 48-3613(B) above may begin, the responsible person must submit plans for the construction to the Administrator for review and comment PURSUANT TO A.R.S. § 48-3613(C)

(D) IN ACCORDANCE WITH A.R.S. § 48-3613(D), in addition to other penalties or remedies otherwise provided by law, the THIS state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this chapter A.R.S. § TITLE 48, CHAPTER 21, ARTICLE 1. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

§ 152.013 DECLARATION OF PUBLIC NUISANCE.

Every new structure, building, fill, excavation or ALL development located or maintained within any area of special flood hazard SPECIAL FLOOD HAZARD AREA AFTER AUGUST 8, 1973 in violation of this chapter is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

§ 152.014 ABATEMENT OF VIOLATIONS.

(A) After discovery of a violation of this chapter, the Floodplain Administrator shall take such steps as he or she deems necessary to abate the violation as provided by this chapter and state law. The Floodplain Administrator shall give first priority to those violations which he or she deems pose the greatest potential for loss of life and property, or as directed by the Town Manager upon consultation with the Town Engineer.

(B) In the event the Floodplain Administrator is unable to promptly cure a violation, a declaration for denial for insurance shall be submitted to the Administrator of Federal Insurance Administrator pursuant to § 1316 of the National Flood Insurance Act of 1968, being 42 U.S.C. § 4023, as amended.

§ 152.015 UNLAWFUL ACTS.

(A) It is unlawful for any person to ENGAGE IN ANY DEVELOPMENT OR TO divert, retard or obstruct the flow of waters in any watercourse whenever such diversion, retardation or obstruction IF IT creates a hazard to life or property WITHOUT SECURING THE WRITTEN AUTHORIZATION REQUIRED BY A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to ENGAGE IN ANY
DEVELOPMENT excavate or build any structure affecting the flow of waters without securing written authorization of the Floodplain Administrator.

(B) Any person FOUND GUILTY OF violating the provisions of this CHAPTER section shall be guilty of a Class 2 Misdemeanor.

§ 152.016 SEVERABILITY.

(A) THIS ORDINANCE AND THE VARIOUS PARTS THEREOF ARE HEREBY DECLARED TO BE SEVERABLE, SHOULD ANY SECTION OF THIS CHAPTER BE DECLARED BY THE COURTS TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE CHAPTER AS A WHOLE, OR ANY PORTION THEREOF OTHER THAN THE SECTION SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.

ADMINISTRATION

§ 152.030 DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before construction or development, including placement of manufactured homes, begins within any area of special flood hazard—SPECIAL FLOOD HAZARD AREA. Each application for a development permit or extension of a development permit shall be made on forms furnished by the Floodplain Administrator.

(B) The Floodplain Administrator may require at a minimum, the applicant to submit:

(1) Engineered plans, in duplicate, drawn to scale, showing the nature and location of the area, regulatory flood elevations, dimensions and contours or key elevations, watercourses, and the locations of existing and proposed structures, fill, storage of materials, and drainage facilities. All elevations or vertical distances must reference an established datum or base elevation.

(2) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and cumulative development.

(3) When structures are involved:

(a) Structures shall be designed and constructed so as to offer the minimum obstruction to the flow of flood waters. Foundation systems shall be designed and certified by a registered professional engineer.

(b) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, plus elevation of existing grade, in relation to mean sea level, all elevations shall be certified by a registered civil engineer or a registered land surveyor, registered in the State of Arizona.
(c) Proposed elevation in relation to mean sea level to which each NON-RESIDENTIAL structure shall be flood-proofed.

(d) Certification by a registered professional engineer or architect that the flood-proofing methods for each NON-RESIDENTIAL structure meet the flood-proofing criteria in § 152.045(C)(3).

(e) BASE FLOOD ELEVATION DATA FOR SUBDIVISION PROPOSALS OR OTHER DEVELOPMENT GREATER THAN 50 LOTS OR 5 ACRES, WHICHEVER IS THE LESSER; AND

(f) DESCRIPTION OF THE EXTENT TO WHICH ANY WATERCOURSE WILL BE ALTERED OR RELOCATED AS A RESULT OF PROPOSED DEVELOPMENT.

(4) More extensive submissions if the proposed development is in a designated floodway or in an area that will act as a floodway during a major flood. Developers in these areas, including gravel and sand excavators, shall submit a plan, a time schedule and a report, all signed by a registered civil engineer. The plan, in duplicate, shall be to a scale of 1 inch equals 100 feet or greater and shall contain contours with a contour interval of 2 feet or less.

(C) In the case of gravel and sand excavation, the plan shall indicate the locations and depths of excavations, and the locations of trees and banks and how they will be protected or disposed of, and the time schedule shall indicate approximate volumes to be removed on a quarterly basis up to the end of the operation. The report shall deal with the hydrology, hydraulics and sediment aspects of the development, shall demonstrate that no increase in flood levels during the occurrence of the base flood discharge would occur, shall address concerns over loss of life and property damage, shall treat bank erosion and channel aggradation and degradation, and shall contain water surface profile studies and quantitative or semi-quantitative sediment analyses if required to support the conclusions in the report. A registered civil engineer may make a written request to waive certain of the items, accompanied by explanations. It is stressed that encroachments in floodways are prohibited, as per § 152.050, and that only in rare cases would exceptions be made.

§ 152.031 FLOODPLAIN ADMINISTRATOR. Duties of the Floodplain Administrator shall include, but not be limited to:

(A) Review all development permits to determine that:

(1) The permit requirements of this chapter have been satisfied.

(2) ALL REQUIRED STATE AND FEDERAL PERMITS HAVE BEEN OBTAINED.

(23) The site is reasonably safe from flooding.

(4) In areas where a floodway has not been designated, the proposed development does not adversely affect the carrying capacity of areas where Base Flood Elevations have been determined.
The proposed development does not adversely affect the water and sediment carrying capacity of the floodway. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development, and all other existing and anticipated developments shall not increase the water surface elevation of the base flood more than 1 foot at any point, and shall not risk aggravating bed and bank scour which could directly or indirectly endanger human life or cause property damage.

(B) REVIEW ALL DEVELOPMENT PERMITS FOR IMPROVEMENTS AND/OR DAMAGES TO EXISTING STRUCTURES TO DETERMINE IF THE APPLICATION OF THE SUBSTANTIAL IMPROVEMENT RULES APPLY, INCLUDING ESTABLISHING A DEFINITION OF MARKET VALUE DETERMINATION AND VERIFYING THAT THE ESTIMATED IMPROVEMENT AND/OR REPAIR COSTS ARE LESS THAN 50% OF THE MARKET VALUE OF THE STRUCTURE.

(BC) When base flood elevation data has not been provided in accordance with § 152.007, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer §§ 152.045 et seq. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Water Resources AND MAY BE SUBMITTED TO THE BOARD FOR ADOPTION.

(CD) Obtain and maintain for public inspection and make available as needed for flood insurance policies:

1. The CERTIFICATION OF certified elevation required in § 152.045(C)(1) AND 152.049(A)(1),(2);

2. The certification required in § 152.045(C)(2);

3. The CERTIFICATION OF flood-proofing certification required in § 152.045(C)(3);

4. The CERTIFICATION OF elevation required in § 152.048 (A)(2); and

5. Permit records for repair of flood-related damage to structures on a cumulative basis FOR REPETITIVE LOSS STRUCTURE PURPOSES over the life of the structure.

6. CERTIFICATION OF ELEVATION REQUIRED BY SUBSECTION SECTION 152.031 (DE)(1).

7. CERTIFICATION REQUIRED BY SECTION 153.045(B)(4)

7. RECORDS OF ALL VARIANCE ACTIONS, INCLUDING JUSTIFICATION FOR THEIR ISSUANCE.

(DE) NOTIFICATION REQUIREMENTS

1. Whenever a watercourse is to be altered or relocated:

   (4a) Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence
of the notification to the Federal Insurance Administration FEMA through appropriate notification means;

(2b) Require ASSURE that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

(2) BASE FLOOD ELEVATION AND RATE OF FLOW DUE TO PHYSICAL ALTERATIONS:

(a) BASE FLOOD ELEVATIONS MAY INCREASE OR DECREASE RESULTING FROM PHYSICAL CHANGES AFFECTING FLOODING CONDITIONS. AS SOON AS PRACTICABLE, BUT NOT LATER THAN SIX MONTHS AFTER THE DATE SUCH INFORMATION BECOMES AVAILABLE, THE FLOODPLAIN ADMINISTRATOR SHALL NOTIFY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OF THE CHANGES BY SUBMITTING TECHNICAL OR SCIENTIFIC DATA IN ACCORDANCE WITH VOLUME 44 CODE OF FEDERAL REGULATIONS SECTION 65.3. SUCH A SUBMISSION IS NECESSARY SO THAT UPON CONFIRMATION OF THOSE PHYSICAL CHANGES AFFECTING FLOODING CONDITIONS, RISK PREMIUM RATES AND FLOODPLAIN MANAGEMENT REQUIREMENTS WILL BE BASED UPON CURRENT DATA.

( Eb) Within 120 days after completion of construction of any flood control protective works which changes the rate of flow during the BASE flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources.

(3) THE FEDERAL EMERGENCY MANAGEMENT AGENCY OF ACQUISITION BY MEANS OF ANNEXATION, INCORPORATION OR OTHERWISE, OF ADDITIONAL AREAS OF JURISDICTION.

(F) Advise in writing and provide a copy of any development plan, to any neighboring city, town or county Floodplain Administrator having assumed jurisdiction over its floodplains in accordance with A.R.S. § 48-3610, of any application for a floodplain use permit (development permit) or variance to develop land in a floodplain or floodway within 1 mile of the corporate limits of such city or town or unincorporated village or urbanized area. The town Floodplain Administrator shall also advise such city or town and county Floodplain Administrator in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways, or watercourses within such county, city or town area of jurisdiction. Written notice and a copy of the plan of development shall be sent to such county, city or town no later than 3 working days after having been received by the town Floodplain Administrator.

(G) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards. SPECIAL FLOOD HAZARD AREAS (for example,
where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §§ 152.065 et seq.

(H) Take actions on violations of this chapter as required in § 152.014.

(I) Establish a reasonable fee schedule, including higher fees for late compliance, all fee structures to be approved by the Town Council.

FLOOD HAZARD REDUCTION

§ 152.045 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards, SPECIAL FLOOD HAZARD AREAS the following standards are required:

(A) Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure RESULTING FROM HYDRODYNAMIC LOADS AND HYDROSTATIC LOADS INCLUDING THE EFFECTS OF BUOYANCY. A foundation design and certification by a registered professional engineer may be required to ensure the standards of this division.

(2) All manufactured homes shall meet the anchoring standards of § 152.049(B).

(B) Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Require within Zones AH or AO that adequate drainage paths around structures on slopes guide floodwaters around and away from proposed or existing structures.

(C) Elevation and flood-proofing.

(1) New construction and substantial improvement of any RESIDENTIAL structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in § 152.045(C)(3). Upon the completion of the structure, the elevation of the lowest floor
including basement shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(2) New construction and substantial improvement of any RESIDENTIAL structure in Zone AO shall have the lowest floor, including basement, higher than the highest adjacent grade at least 1 foot higher than the depth number on the FIRM, or at least 2 feet if no depth number is specified. Nonresidential structures may meet the standards in § 152.045. Upon THE completion of the structure, THE ELEVATION OF THE LOWEST FLOOR INCLUDING BASEMENT SHALL BE CERTIFIED BY a registered professional engineer OR SURVEYOR AND PROVIDED TO the Floodplain Administrator that the elevation of the structure meets this standard.

(3) Nonresidential construction AND NEW AND SUBSTANTIAL IMPROVEMENT shall either be elevated in conformance with § 152.045(C)(1) or (2) or together with attendant utility and sanitary facilities:

(a) Be flood-proofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water; NONRESIDENTIAL STRUCTURES MAY MEET THE STANDARDS IN § 152.045(C)(3).

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

(4) Require for all new construction and substantial improvements of non-residential structures, OR that fully enclosed areas below the lowest floor, that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be DESIGNED OR certified by a registered professional engineer or architect OR to meet or exceed the following minimum criteria.

(a) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, AS CERTIFIED BY THE OWNER’S ENGINEER.

(5) Manufactured homes shall meet the above standards and also the standards in § 152.049.

(6) Fill, if used to elevate structures, must meet all of the following standards.
(a) The top of such fill shall be at no point lower than the Regulatory Flood Elevation.

(b) The fill shall extend at least 15 feet beyond the walls or supporting frame of the structure.

(c) Fill must be placed and compacted in accordance with the Uniform Building Code INTERNATIONAL BUILDING CODE, 2012 EDITION.

(d) Fill shall not interfere with local drainage or tributary flow to the channel of any watercourse.

(e) Fill proposed in excess of the volume and extent required herein must be shown to have no detrimental effect and the amount of fill cannot be greater than is necessary to achieve the purpose for which it is intended as demonstrated by a plan submitted by the applicant indicating the uses to which the filled land will be put and the final dimensions and extent of the proposed fill. Fill shall not include junk, trash, wood or other buoyant or hazardous material and shall be protected as needed against scour and erosion by riprap or other protective measures as approved by the Floodplain Administrator.

§ 152.046 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT.

(A) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life IF RELEASED DUE TO DAMAGE FROM FLOODING is prohibited IN SPECIAL FLOOD HAZARD AREAS.

(B) Storage of other material or equipment may be allowed if not subject to major damage by floods, and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

§ 152.047 STANDARDS FOR UTILITIES FOR WATER SUPPLY AND WASTE DISPOSAL SYSTEMS.

(A) All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

(B) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(C) Waste disposal systems shall not be installed WHOLLY OR PARTIALLY in a regulatory floodway.

§ 152.048 STANDARDS FOR SUBDIVISIONS.

(A) All preliminary NEW subdivision proposals AND OTHER PROPOSED DEVELOPMENT (INCLUDING PROPOSALS FOR MOBILE HOME PARKS OR SUBDIVISIONS) GREATER THAN FIFTY LOTS OR FIVE ACRES, WHICHEVER IS THE LESSER, shall
(1) identify the flood hazard area and the elevation of the base flood.

(B2) If flood hazard areas exist, FOR all final subdivision plans and plats, will provide the elevation(s) of proposed structure(s) and pads. If the site is filled above the base flood, the final lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(CB) All subdivision proposals AND OTHER PROPOSED DEVELOPMENT shall be consistent with the need to minimize flood damage.

(D) All subdivision proposals AND OTHER PROPOSED DEVELOPMENT shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(E) All subdivisions AND OTHER PROPOSED DEVELOPMENT shall provide adequate drainage to reduce exposure to flood hazards, including easements dimensioned to facilitate construction and maintenance of drainage facilities, and shall not concentrate or increase flows without providing remedial works.

(F) All subdivision plan AND OTHER PROPOSED DEVELOPMENT submittals shall include the information, and shall be in the form required by the Floodplain Administrator.

§ 152.049 STANDARDS FOR MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

(A) All new and replacement manufactured homes, AND additions to manufactured homes and recreational vehicles which are left on site for more than 180 days or are not licensed and ready for highway use shall:

(A1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and

(B2) Be securely anchored to an adequately anchored foundation system designed by a registered professional engineer, to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and LOCAL ANCHORING REQUIREMENTS FOR RESISTING WIND FORCES.

(B) ALL RECREATIONAL VEHICLES PLACED ON SITE SHALL:

(1) BE ON SITE FOR FEWER THAN 180 CONSECUTIVE DAYS,

(2) BE FULLY LICENSED AND READY FOR HIGHWAY USE. A RECREATIONAL VEHICLE IS READY FOR HIGHWAY USE IF IT IS ON ITS WHEELS OR JACKING SYSTEM, IS ATTACHED TO THE SITE ONLY BY QUICK DISCONNECT TYPE UTILITIES AND SECURITY DEVICES, AND HAS NO PERMANENTLY ATTACHED ADDITIONS; OR
MEET THE PERMIT REQUIREMENTS OF SECTION 152.030 AND THE ELEVATION AND ANCHORING REQUIREMENTS FOR MANUFACTURED HOMES IN PARAGRAPH (A)(2) OF THIS SECTION.

§ 152.050 FLOODWAYS.

(A) Located within SPECIAL FLOOD HAZARD AREAS established in § 152.007 are areas designated as floodways.

(B) Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

   (1) (a) Encroachments in floodways are prohibited, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels and that the structural integrity of the development is not susceptible to the base flood velocities, bed scour and other physical mechanisms during the occurrence of the base flood discharge.

       (b) The certified demonstration must meet the procedures as set forth in § 152.030, and if approved by the Floodplain Administrator a development permit may be obtained.

   (2) (a) The minimum setback from the edge of a floodway, or from the edge of a bank of a watercourse if no floodway is to be defined, shall be 20 feet.

       (b) Along reaches of streams or watercourses where hazards from eroding banks and/or channel meandering are considered by the district administrator to be severe, special engineering studies shall be made by the property owner or developer and requirements for setbacks from banks of streams or watercourses and/or other protection measures shall be established in accordance with findings that are concurred with by the Floodplain Administrator.

   (3) No activity is permitted within a floodway that might cause lateral migration of waters at high or low stages or channel bed degradation or aggradation without a development permit.

   (4) If § 152.050 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of §§ 152.045 et seq.

VARIANCE PROCEDURE

§ 152.065 NATURE OF VARIANCES

(A) THE VARIANCE CRITERIA SET FORTH IN §§152.0656 THROUGH 152.068 ARE BASED ON THE GENERAL PRINCIPLE OF ZONING LAW THAT VARIANCES...
PERTAIN TO A PIECE OF PROPERTY AND ARE NOT PERSONAL IN NATURE. A VARIANCE MAY BE GRANTED FOR A PARCEL OF PROPERTY WITH PHYSICAL CHARACTERISTICS SO UNUSUAL THAT COMPLYING WITH THE REQUIREMENTS OF THIS ORDINANCE CHAPTER WOULD CREATE AN EXCEPTIONAL HARDSHIP TO THE APPLICANT OR THE SURROUNDING PROPERTY OWNERS. THE CHARACTERISTICS MUST BE UNIQUE TO THE PROPERTY AND NOT BE SHARED BY ADJACENT PARCELS. THE UNIQUE CHARACTERISTIC MUST PERTAIN TO THE LAND ITSELF, NOT TO THE STRUCTURE, ITS INHABITANTS OR THE PROPERTY OWNERS.

(B) IT IS THE DUTY OF THE TOWN COUNCIL TO HELP PROTECT ITS CITIZENS FROM FLOODING. THIS NEED IS SO COMPELLING AND THE IMPLICATIONS OF THE COST OF INSURING A STRUCTURE BUILT BELOW THE REGULATORY FLOOD ELEVATION ARE SO SERIOUS THAT VARIANCES FROM THE FLOOD ELEVATION OR FROM OTHER REQUIREMENTS IN THE FLOOD ORDINANCE ARE QUITE RARE. THE LONG-TERM GOAL OF PREVENTING AND REDUCING FLOOD LOSS AND DAMAGE CAN ONLY BE MET IF VARIANCES ARE STRICTLY LIMITED. THEREFORE, THE VARIANCE GUIDELINES PROVIDED IN THIS ORDINANCE ARE MORE DETAILED AND CONTAIN MULTIPLE PROVISIONS THAT MUST BE MET BEFORE A VARIANCE CAN BE PROPERLY GRANTED. THE CRITERIA ARE DESIGNED TO SCREEN OUT THOSE SITUATIONS IN WHICH ALTERNATIVES OTHER THAN A VARIANCE ARE MORE APPROPRIATE.

§ 152.065 152.066 APPEAL BOARD.

(A) The Board of Adjustment (Floodplain Board) of the town shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(C) In passing upon the CONSIDERING SUCH applications, the Floodplain Board shall consider all technical evaluations, including an opinion of the Town Engineer, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger of life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;
(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in time of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

(D) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items § 152.065(C)(1) through (11) 152.030 AND § 152.045 OF THIS CHAPTER have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.

(E) Upon consideration of the factors of §§ 152.065 et seq. and the purposes of this chapter, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(F) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

§ 152.066 152.067 CONDITIONS FOR VARIANCES.

(A) Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(B) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result in a high risk of loss of life or property damage.

(C) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(D) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;
(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public or conflict with existing local laws or ordinances.

(E) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(2) The construction below the base regulatory flood level elevation increases risks to life and property.

(F) The notification shall be maintained with a record of all variance actions as required in § 152.065(E). The notice will also state that the land upon which the variance is granted shall be ineligible for exchange of land pursuant to any flood relocation and land exchange program. A copy of the notice shall be recorded by the Floodplain Board in the office of the Yavapai County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

§ 152.067-152.068 MINOR VARIANCES.

The Floodplain Board may identify uses which are not allowed by this chapter but which are minor in nature. The Floodplain Board may adopt written policies detailing specific conditions in addition to the conditions listed in § 152.066 under which minor variances may be granted. The Floodplain Administrator may grant minor variances if all necessary conditions have been satisfied. The denial of a minor variance may be appealed to the Floodplain Board.

AMENDMENTS

§ 152.080 MAP AMENDMENTS.

(A) The Town Council may direct the Floodplain Administrator to study areas of special flood hazard that may be in error either because of changed conditions or engineering error. Any person may submit engineering reports consistent with criteria developed by the Director of the Arizona Department of Water Resources to demonstrate error. The Floodplain Administrator may submit any proposed changes to the Arizona Department of Water Resources and the Federal Insurance Administration, including supporting engineering.

(B) Where areas of special flood hazard have not been delineated and development is ongoing or imminent, the planning and zoning commission shall direct the Floodplain Administrator or developers of land to prepare and submit reports to the Floodplain
Administrator. If it appears that the report(s) are consistent with the criteria developed by the Director of the Arizona Department of Water Resources, they shall be adopted and submitted to the Arizona Department of Water Resources and the Federal Insurance Administration.

§ 152.081 ORDINANCE AMENDMENTS.

Amendments to this chapter may be adopted after a public hearing at which any person has an opportunity to be heard. At least 30 days before the hearing, a notice of the time and place of hearing shall be published in a newspaper of general circulation within the county. A notice of the hearing and the proposed ordinance changes shall be submitted to the Director of the Arizona Division of Emergency Management (DEM) at least 30 days prior to the hearing. A copy of any adopted ordinance change shall be filed within 5 days from adoption with the Director of the Arizona Division of Emergency Management (DEM) and with each neighboring political subdivision, County Floodplain Administrator and municipal corporation within 1 mile of the boundary of the town.
TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting 6.b.
Meeting Date: 01/08/2019
Contact Person: Frank Marbury, Public Works Director/Town Engineer
              Phone: 928-636-7140 x-1226
Department: Public Works
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: Road 2 North & Road 1 West

AGENDA ITEM TITLE:
Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District (CVUSD) and the Town of Chino Valley for the completion of improvements to transportation conveyance systems related to Del Rio School and Heritage Middle School using Adjacent Ways funding.

RECOMMENDED ACTION:
Approve the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District (CVUSD) and the Town of Chino Valley for design and construction management of improvements to transportation conveyance systems related to Del Rio School and Heritage Middle School at no cost to the Town but staff's time to perform engineering and project management.

SITUATION AND ANALYSIS:
On March 14, 2017, the Town entered into an agreement with CVUSD to design and construct the Intersection of West Road 2 North and North Road 1 West along with a driveway and bus lanes along West Road 2 North. The agreement expired June 30, 2018, but CVUSD desires to complete the project by constructing the driveway and bus lane improvements.

The Town controls and maintains public rights-of-way immediately adjacent to the frontage of the Del Rio School and the Heritage Middle School along with other on-site roadways, parking lots, and other transportation conveyance systems and have experienced that these systems do not currently adequately serve the needs of the Del Rio School and the Heritage Middle School. The District is authorized, subject to approval by the Arizona School Facilities Board (“SFB”), to expend Adjacent Ways funds under A.R.S. Section 15-995 for improvements to public streets, rights-of-way, and school properties adjacent to same, including sidewalks, sewers, utility lines, fence relocation, parking lot adjustments, roadway transportation systems, reconstruction of parking lots used for ingress and egress of buses and fire equipment, curb gutter and sidewalk additional roadway travel lanes, and bus bays.

The purpose of this Agreement is for the completion of the improvements of adjacent ways to the Del Rio School and Heritage Middle School, including but not limited to roadway improvements to on-site roadways, parking lots, and other transportation conveyance systems, construction paving roadways,
parking lot adjustments, reconstruction of parking lots used for ingress and egress of buses and fire equipment, additional roadway travel lanes, bus bays, utility relocation. The initial term of this Agreement is for a period of two (2) years, commencing on January 14, 2019 and ending on January 14, 2021, subject to prior termination as set forth herein.

The Town shall procure and pay for all materials required for the Project and furnish labor at no cost to the District. The District shall reimburse the Town for costs of the materials used in the Project, not to exceed One Hundred Thousand Dollars and No/Cents ($100,000.00) for fiscal year 2018-2019 and not to exceed One Hundred Thousand Dollars and no/Cents ($100,000.00) for fiscal year 2019-2020 & 2020-2021.

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**Fiscal Impact**

**Fiscal Impact?**: Yes  
**If Yes, Budget Code**: 07-70-5428  
**Available**: $200,000  
**Funding Source**: Funds to come from the Chino Valley School District Adjacent Ways Program

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**Attachments**

RES 2019-1134 - IGA
RESOLUTION NO. 2019-1134

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CHINO VALLEY UNIFIED SCHOOL DISTRICT FOR ADJACENT WAYS IMPROVEMENTS.

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

SECTION 1. The Intergovernmental Agreement with the Chino Valley Unified School District for Adjacent Ways improvements (the “Agreement”) is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 8th day of January, 2019.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2019-1134 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 8, 2019, and that quorum was present thereat and that the vote thereon was ___ ayes and ___ nays and ___ abstentions. ___ Council members were absent or excused.

Jami C. Lewis, Town Clerk
EXHIBIT A
TO
RESOLUTION NO. 2019-1134

[Agreement]

See following pages.
INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is made January 8, 2019, by and between the CHINO VALLEY UNIFIED SCHOOL DISTRICT, a public school district and a political subdivision of the State of Arizona (“District”) and the TOWN OF CHINO VALLEY, an Arizona municipal corporation (“Town”).

RECITALS

A. The District and the Town have the authority to enter into this Agreement pursuant to ARIZ. REV. STAT. §§ 11-952 and 9-240(3).

B. The District is located within the corporate limits of the Town.

C. Property owners within the corporate limits of the Town pay school district and Adjacent Ways taxes to support the District.

D. The Town controls and maintains public rights-of-way immediately adjacent to the frontage of the Del Rio School and the Heritage Middle School, along with other on-site roadways, parking lots, and other transportation conveyance systems necessary for bus and fire equipment access. The Town has determined these systems do not currently adequately serve the needs of the Del Rio School and the Heritage Middle School.

E. The District is authorized, subject to approval by the Arizona School Facilities Board (“SFB”), to expend Adjacent Ways funds under ARIZ. REV. STAT. § 15-995 for improvements to public streets, rights-of-way, and school properties adjacent to same, including sidewalks, sewers, utility lines, fence relocation, parking lot adjustments, roadway transportation systems, reconstruction of parking lots used for ingress and egress of buses and fire equipment, curb gutter and sidewalk additional roadway travel lanes, and bus bays.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Purpose.** This Agreement is for the improvement of adjacent ways to the Del Rio School and Heritage Middle School, including but not limited to roadway improvements to on-site roadways, parking lots, and other transportation conveyance systems, construction paving roadways, parking lot adjustments, reconstruction of parking lots used for ingress and egress of buses and fire equipment, additional roadway travel lanes, bus bays, utility relocation (the “Project”).
2. **Term; Renewal.** The initial term of this Agreement is for a period of two years, commencing on January 14, 2019, and ending on January 14, 2021, subject to prior termination as set forth herein. This Agreement may be extended beyond the initial term by written agreement of both parties if said Project is not completed within the time specified herein. In that event, the Agreement shall terminate upon the expiration of any written extension, which shall not be later than the completion of the Project specified herein.

3. **Financing.** The District funding for this Project is contingent upon securing adjacent ways funding, including SFB approval for fiscal years 2018-2019, 2019-2020 and 2020-2021, and District Governing Board (the “Board”) approval for the 2020-2021 fiscal year. Should the District fail to receive the adjacent ways funding described herein for the above or any other reason, the District shall be excused from making the payments noted in the Agreement and the Agreement shall terminate without further obligation or act of either party.

   3.1 **Labor and Materials Responsibility.** The Town shall procure and pay for all materials required for the Project and furnish labor at no cost to the District. The District shall reimburse the Town for costs of the materials used in the Project, not to exceed $100,000.00 each year for fiscal years 2018-2019, 2019-2020 and 2020-2021.

   3.2 **2018-2019 Funding.** Payment for fiscal year 2018-2019 has been approved by the Board and shall, upon approval by the SFB pursuant to ARIZ. REV. STAT. § 15-995 and receipt of said funds by the District, be paid by the District to the Town in a single Payment based upon the results of bid documents and change orders, within 30 days of receipt by the District of an invoice from the Town.

   3.3 **2019-2021 Funding.** Payment for fiscal years 2019-2020 and 2020-2021 is contingent upon Board approval of the adjacent way levy, approval by the SFB pursuant to ARIZ. REV. STAT. § 15-995 and receipt of said funds by the District. If the Board fails to approve payment of the adjacent way levy, the SFB fails to approve use of the funds for the Project or the District fails to receive the funds, this Agreement shall terminate without further obligation or act of either party. Prior to approval by the Board and the SFB in fiscal years 2019-2020 and 2020-2021, the Town shall not be obligated to pay for materials required for the Project in each respective fiscal year.

   3.4 **Town Use of Funds.** The Town shall use the District Adjacent Ways funds exclusively for payment of costs referenced above.

   3.5 **Contract Administration.** The Town shall be responsible for the contracting and administration necessary to complete the Project and all costs of the same, pending reimbursement from the District. The Town’s budget for the cost of the fiscal year
2018-2019 portion of the Project has already been implemented within the balance of the budget for road improvement expenses and will be maintained in the ordinary course of such roadway improvements.

4. **Disposition of Property upon Termination.** There will be no property in need of disposing upon termination of the Agreement.

5. **Severability.** If any part or parts of this Agreement are held to be void or unenforceable by a court of competent jurisdiction, the remaining parts of the Agreement shall remain in full force and effect.

6. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the subject matters herein, and it may be amended, modified or waived only by an instrument in writing, signed by both parties.

7. **Conflict of Interest.** This Agreement is subject to cancellation by either party pursuant to ARIZ. REV. STAT § 38-511.

8. **Indemnification.** To the extent permitted by law, the Town and the District each agree to hold the other party harmless and indemnify the other for any loss, liability, or damages arising from any action, omission, or negligence of the indemnifying party’s employees, officers, or agents, relating to and arising out of the performance of this Intergovernmental Agreement.

[SIGNATURES ON FOLLOWING PAGE]
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials on the date set forth below.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

________________________________     _______________________
Penny Hubble, President      Date
Chino Valley Unified School District
Governing Board

TOWN OF CHINO VALLEY

________________________________     _______________________
Darryl Croft, Mayor      Date

Jami Lewis, Town Clerk      Date

In accordance with the requirements of ARIZ. REV. STAT. § 11-952, the undersigned attorneys acknowledge that (i) they have reviewed the above Agreement on behalf of their respective clients and that (ii) as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

________________________________     _____________________________
Hufford, Horstman, Mongini,     Andrew J. McGuire,
Parnell & Tucker, P.C.     Gust Rosenfeld, PLC
Attorney for District      Town Attorney
Town Council Regular Meeting

Meeting Date: 01/08/2019

Contact Person: Jami Lewis, Town Clerk
   Phone: 928-636-2646 x-1208

Department: Town Clerk
Item Type: Consent

AGENDA ITEM TITLE:
Consideration and possible action to accept the November 27, 2018 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:
Accept the November 27, 2018 study session minutes.

Attachments

November 27, 2018 Minutes
MINUTES OF THE STUDY SESSION
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

TUESDAY NOVEMBER 27, 2018
6:00 P.M.

The Town Council of the Town of Chino Valley met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, November 27, 2018.

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

Staff: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Economic Development Project Manager John Coomer; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Frank Marbury; Development Services Director Jason Sanks; Planner Alex Lerma; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:02 p.m.

2) Presentation by Dr. Robin Sobotta, Airport Director, regarding the current status and future plans for the Prescott Municipal Airport. (Cecilia Grittman, Town Manager)

Dr. Sobotta spoke about the current and future status of the airport. Key points were:
- The inaugural flight of United Express, operated by Skywest Airlines, was on August 29, 2018.
- The airport’s goal was to reach 10,000 boardings by the end of the year in order to qualify for $1 million annually in entitlement funds for local capital projects.
- The Airport was the 40th busiest in the Country, with five flight schools, and 260,000 annual operations; the air carrier was only one-half of one percent of such operations.
- The Airport’s current strategic initiatives included lengthening a runway, replacing the existing airport terminal, and achieving long term tenancy for the U.S. Forest Service. The second item was underway and the third had been accomplished.

Mayor Croft asked Dr. Sobotta to keep the Council apprised.
3) Presentation and discussion regarding Center Street Duplex, a 2.85-acre site located 0.25 mile east of the southeast corner of West Center Street and South State Route 89 intersection. The applicant is proposing to rezone the property from SR-2.5 (Single Family Residential-2.5 Acre Minimum) to MR-1 (Multi-Family Residential-1 Acre Minimum) to allow development for nine (9) duplex properties or eighteen (18) individual residences. (Owner of Record: Jared Clatterbuck) (Alex Lerma, Planner).

Mr. Lerma presented on this item:
- This item had previously gone before Planning and Zoning and the applicant revised their site plan based on the comments received.
- The applicant was requesting the zone change in order to develop the property into nine duplex properties for a total of 18 individual residences.
- A proposed private drive would be 26-28 feet wide and would have gutter and sidewalk. Guest parking would consist of 12 parking spaces.
- A water distribution system would be onsite, consisting of a well pump and a water storage tank. Sewer would be connected to the Town system.

Mr. Lerma and Council discussed the following:
- **Water:** The area was in Prescott’s water service area, but Prescott would only serve two houses. The Town’s water system was approximately one mile or more away.
- **Parking:** The guest parking was for all 18 residences. Each unit had 4 parking spaces—two in the garage and two in the driveway.
- This item would go to Planning and Zoning as a study session item and still needed to undergo the citizen review process.

Applicant Jared Clatterbuck and Council discussed the following:
- There was a similar development behind Olsen’s on Serenity. Mr. Clatterbuck thought there was a need for this type of development and he might build it himself. The development would become personal rental income with the involvement of a local property manager.
- The well was already installed, and each unit would have a two car garage and a backyard. The development would not be gated but would install gates if necessary.

4) Consideration and possible review and discussion regarding rosters for Council subcommittees and entity appointments. (Jami Lewis, Town Clerk)

Mayor Croft reviewed both updated rosters line by line to obtain input from Council and staff. Suggested changes were:
- Correct Council Economic Development Subcommittee Annie Perkins as Chair.
- Appoint Lon Turner to Upper Verde River Watershed Protection Coalition (UVRWPC), with Corey Mendoza as alternate.
- Direct staff to select an alternate for the UPRWPC Technical Advisory Committee.
- Appoint Jack Miller to Northern Arizona Municipal Water User’s Association (NAMWUA), with Corey Mendoza as alternate.
- Direct Town Manager and Mayor to discuss and recommend representative and alternate for NAMWUA Technical Advisory Committee.
- Appoint Jack Miller as NACOG Regional Council alternate.
- Appoint Jack Miller as Greater Arizona Mayors Association alternate.
- Appoint Cloyce Kelly as YRMC Council of Electors alternate.
● Appoint Annie Perkins as Chamber of Commerce alternate.
● Direct Town Manager and HR Director to discuss and recommend representative and alternate to Arizona Municipal Risk Retention Pool.
● Appoint Cloyce Kelly as Prescott Regional Airport Master Plan Committee-Planning Advisor Committee alternate.

5) Council may vote to recess the study session and hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding non-subdivision land splits. (Andrew McGuire, Town Attorney)

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to go into executive session 6:44 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Lon Turner, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Jack Miller
PASSED - Unanimously

6) Consideration and possible discussion regarding non-subdivision land splits. (Frank Marbury, Public Works Director/Town Engineer; Martin Scribner, Development Services Director)

Mayor Croft reconvened the regular meeting at 7:38 p.m. and stated that the Town Council had not made any decisions.

7) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 7:39 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Lon Turner, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Jack Miller
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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 27th day of November, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of January, 2018.

__________________________________
Jami C. Lewis, Town Clerk
Town Council Regular Meeting 6.d.
Meeting Date: 01/08/2019
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Consent

AGENDA ITEM TITLE:
Consideration and possible action to accept the December 11, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:
Accept the December 11, 2018 regular meeting minutes.

Attachments

December 11, 2018 minutes
The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, December 11, 2018.

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

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

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Human Resources Director Laura Kyriakakis; Economic Development Project Manager John Coomer; Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Planner Alex Lerma; Interim Development Services Director Martin Scribner; Community Services Director Scott Bruner; Police Chief Chuck Wynn; Youth Services/Librarian Manager Darlene Westcott; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper

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

a) Recognition of Lon Turner for his year of service as Vice-Mayor of Chino Valley. (Cecilia Grittman, Town Manager)

Mayor Croft and Town Manager Grittman presented a Mayor’s Recognition Award to Vice-Mayor Lon Turner for his dedication and service to the Town.

b) Administer Oaths of Office to Mayor-Elect Darryl Croft and Councilmembers-Elect Mike Best, Cloyce Kelly, Corey Mendoza, and Lon Turner. (Cecilia Grittman, Town Manager)

Town Manager/Deputy Town Clerk Grittman administered the Oath of Office to Mayor-Elect Darryl Croft and Councilmembers-Elect Mike Best, Cloyce Kelly, Corey Mendoza and Lon Turner.

c) Council will recess for a brief reception to welcome the re-elected Mayor and Councilmembers.

Mayor Croft recessed the meeting at 6:21 p.m. for the reception and reconvened at 6:31 p.m.
d) Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor.

**Recommended Action:** The new Mayor shall nominate, and the new Council shall select, a Councilmember to serve as Vice-Mayor.

MOVED by Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to nominate Jack Miller as Vice Mayor.

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

PASSED - Unanimously

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

a) Annual Report by the Chino Valley Equestrian Association regarding the status of the Chino Valley Equestrian Park located on Town property.

Ruth Mayday presented the Association’s annual report with regard to:
- Equestrian clinics, classes, events, fund raisers, and races held over the past year to support and raise money for the facility;
- Equipment and facility upgrades and improvements;
- Board members, membership, and volunteers; and
- Donations and contributions received from the community.

Councilmembers thanked the Association and encouraged the community to support the Equestrian Park. Councilmember Best invited the Association to appoint a representative to the 50th year anniversary committee.

b) Report by Council-appointed representative Chris Marley regarding the current status of the Northern Arizona Municipal Water Users Association (NAMWUA), Upper Verde River Water Protection Coalition (UVRWPC), and Groundwater Users Advisory Committee (GUAC).

No report was given.

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.*
Larry Gold requested an update on the shooting facility. Mayor Croft invited him to talk with the Town Manager and himself regarding the status.

John Garden asked if the Council was still pursuing a second supermarket for the Town. Mayor Croft explained that he was not able to fully answer the question, but the Town was continuing the pursuit.

James Charbonne started speaking on the proposed property tax. Town Manager Grittman explained that since the item was already on the agenda, he could not address it under Call to the Public. Mayor Croft informed him that a public meeting was being held on the matter tomorrow evening.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

a) Comments regarding storage of garbage cans; garbage collection and the Town's noise ordinance; odor issues from too many cattle on some properties; and fire hazards from lack of property maintenance in some areas. (Joe Duffy, Finance Director)

Mayor Croft reported that:

- The Town Code did not address the issue of trash cans and dumpsters and had no regulations on where those items were to be stored on private property; and garbage containers needed to be large enough to handle livestock refuse.
- Garbage trucks were exempt from operating during the quiet hours of 12:00 a.m. to 5:00 a.m.
- The number of farm animals on residential property was not addressed or restricted in the Unified Development Ordinance and were allowed on AR-5 to SR-1 properties. Any complaints needed to be addressed to the local Code Compliance department.
- The land management code was being updated and would address the amount of private property adjacent or adjoining to the right of ways that would need to be mowed for aesthetic reasons and to provide defensible space between properties.

b) Request that Council do everything possible to keep the Town's public shooting range open to the public.

Mayor Croft reported that the Town Council was interested in keeping the shooting range open to the public. The Town had a concession agreement with the Prescott Sportsman’s Club to operate the range, but the member-driven club had some disputes. The Town’s primary concern was for the safety of the public and the Town was not satisfied that the club had a legitimate range director or manager that would be responsible for safety at the range. The Council will continue working on the issue with the club and were confident the range would be open in the future with some form of management.
5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

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

Mayor Croft acknowledged Santa and Mrs. Claus for their services at the Memory Park Christmas event, Native Air Helicopter for their Santa delivery services, Chino Valley Chamber of Commerce for their work on the event, and Cyndi Thomas and staff for setting it up.

Councilmember Best reported that he wanted to read some of the survey responses from Del Rio Elementary School students regarding the Town’s upcoming 50th birthday party, but due to time constraints, he would post them instead.

Councilmember Perkins also acknowledged all those who planned the Memory Park Christmas.

b) Status report by Town Manager Cecilia Grittman and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Town Manager Grittman reported on:
- The December to Remember event and expressed gratitude to staff and the Chamber for its success.
- The CYMPO grant that the Town had applied for to build out Highway 89 to the north—the Town’s application was not approved, but Yavapai County was the only Arizona entity awarded a grant which will fund the Middle Verde Valley to SR 260 in Verde Valley.

6) CONSENT AGENDA

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

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to accept the consent agenda items.

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

PASSED - Unanimously

a) Consideration and possible action to approve expenditure of $48,000 Governor's Office of Highway Safety grant funds to purchase an unmarked, aggressive driving vehicle for use in traffic details. Also request authorization for expenditure of no more than $10,000 from the general fund which was budgeted in this year's fiscal budget. (Chuck Wynn, Police Chief)
b) Consideration and possible action to continue receiving interim consultant services for the Development Services Director position, through Interim Public Management (IPM).  (Laura Kyriakakis, Human Resources Director)

c) Consideration and possible action to update the appointment of Councilmembers and staff to various regional and state entity committees. (Jami Lewis, Town Clerk)

d) Consideration and possible action to update the Council Subcommittee roster. (Jami Lewis, Town Clerk)

e) Consideration and possible action to adopt the 2019 Base Council Meeting Schedule.  (Jami Lewis, Town Clerk)

f) Consideration and possible action to accept the November 13, 2018 regular meeting minutes.  (Jami Lewis, Town Clerk)

7) 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) Presentation of Mayor's Recognition Award, recognizing Darlene J. Westcott, "Librarian Extraordinaire," for 23 years of dedicated service to Chino Valley's children and families; and for consideration and possible action, to adopt Resolution No. 18-1132 naming certain Town facilities as the Darlene J. Westcott Children's Library.  (Mayor Croft and Scott Bruner, Community Services Director)

Recommended Action: Adopt Resolution No. 18-1132 naming certain Town facilities as the Darlene J. Westcott Children's Library.

Mayor Croft and Community Services Director Bruner presented a Mayor's Recognition Award to Ms. Westcott for her many years of service and dedication to the Town, the local library and the children and families of the community. They announced an upcoming retirement party honoring Ms. Westcott, and Ms. Westcott thanked the Council and the Town.

Mayor Croft recessed the meeting at 6:50 p.m. so folks could congratulate Ms. Westcott and reconvened at 7:05 p.m.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adopt Resolution No. 18-1132 naming certain Town facilities as the Darlene J. Westcott Children's Library.

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

PASSED - Unanimously
b) Consideration and possible action to adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district. The property, Assessor's Parcel No. 306-21-119, is generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street. (Owner of Record: Horst A. Gempe) (Alex Lerma, Planner)

Recommended Action: Approve to adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district.

Alex Lerma presented on this item:
- **Request**: The applicant wanted to subdivide the property and place mobile homes on the new lots. He would extend the current 25-foot easement to a 50-foot easement per the UDO requirement.
- **Current condition**: The property was 138 feet from Center Street Road and did not abut a public street, but was accessed through an easement. The property was adjacent to the Mesa View South, Chino Valley Estates and Mollie Rae Subdivisions. The surrounding properties’ zones were consistent with the rezone request.
- **Public comment**: At two neighborhood meetings and two public hearings before the Planning and Zoning Commission (“Commission”) and by letter, neighbors’ concerns pertained to site design review, easement width, proposed manufactured homes, the risk of seven lots, and the access road along the back of the property allowing headlights to shine into homes. The zoning itself did not appear to be an issue.
- **Legal counsel**: After the first public hearing, legal counsel advised that the Town could not ask the applicant to extend the easement since it involved property that was not affected by the rezone application. Staff could suggest different zoning, but it would be the applicant’s decision. The applicant subsequently amended the application rezone request from SR-1 to SR-2, resulting in only a possible three lots.
- **Recommendation**: Staff believed the request was in conformance with the General Plan’s land use designation of Medium Density Residential 1-acre minimum, and SR-2 was a transitional zoning between AR-5 and SR-1. The Commission forwarded a recommendation of approval by a vote of 5-2.

Council comments:
- Some councilmembers opposed the item, expressing concern about water, access, septic saturation, and drainage run off, as well as the 25-foot easement causing problems in the future.
- Other councilmembers supported the matter, citing the property owner’s rights, as well as the request being legal and in conformance with the General Plan.

MOVED by Councilmember Jack Miller, seconded by Councilmember Corey Mendoza to adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district.

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

PASSED - Unanimously
c) Consideration and possible action to approve Ordinance 18-858 to rezone 2.71 acres of real property, Assessor Parcel No. 306-04-010U, located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

**Recommended Action:** Approve to adopt Ordinance 18-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district for Assessor Parcel No. 306-04-010U.

Councilmember Mendoza requested that this item be rescheduled.

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Mike Best to move Item 7c to the first meeting in January.

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

PASSED - Unanimously

d) Consideration and possible action to approve and authorize Mayor Croft to sign the Fourth Amendment to Lease Agreement and the Memorandum of Fourth Amendment to Lease Agreement with Sun State Towers III, LLC, both related to a revised legal description, access easements and utility easements for the Wireless Communications Tower at Town Hall. (Frank Marbury, Public Works Director/Town Engineer)

**Recommended Action:** Approve and authorize Mayor Croft to sign the Fourth Amendment to Lease Agreement and the Memorandum of Fourth Amendment to Lease Agreement with Sun State Towers III, LLC.

Mr. Marbury reported on the following:
- This was an amendment to the Sun State Lease for the tower outside Town Hall to redraw some utility easement lines.
- The amendment benefited the Town and the Lessee, as the new easement will follow the property line more closely and the ingress easement was realigned to line up with the gates to provide legal access.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to approve and authorize Mayor Croft to sign the Fourth Amendment to Lease Agreement and the Memorandum of Fourth Amendment to Lease Agreement with Sun State Towers III, LLC, both related to a revised legal description, access easements and utility easements for the Wireless Communications Tower at Town Hall.

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

PASSED - Unanimously
Presentation regarding staff performing Community Dialog regarding the proposed Road Maintenance Program and its possible funding by a property tax, as well as communicating the proposed ballot measure to buy water companies. Staff will be offering feedback to the Council about the Community Dialog sessions in preparation for Council's January 8, 2019 Council Meeting where it is anticipated the Council will "Call for an Election." (Cecilia Grittman, Town Manager)

Town Manager Grittman acknowledged staff for developing the informational literature for the public and reported that:
- During various community outreach programs, the consistent community concern had been the roads.
- The Roads and Streets Committee began working on a solution for a road maintenance program and made a recommendation to the Council, which directed staff to get public feedback on the issue.
- Town officials met with over 21 different organizations and groups—over 200 citizens. Overall, the public’s feedback and dialogue had been positive. Concerns expressed pertained primarily to lack of trust that the government would do what it proposed; some folks not being able to afford an additional tax; and confusion about the roads the Town maintained. Of low concern was the proposed 20-year levy being too long and when each road would be done.
- Staff was now recommending that on January 8, Council call a Special Election on May 21, 2019 for the purpose of asking voters to approve a property tax levy of $1.5 million for 20 years for the sole purpose of road maintenance and construction. A 20-year program will allow for three complete cycles of maintenance. This was the same recommendation made by the Roads and Streets Committee.
- Council will have the option on January 8 to choose the levy amount. If approved, the Town will maintain all levied money in a restricted account with controls to ensure it was only used for road maintenance and construction.

Finance Director Duffy provided further details:
- Staff had used tax percentages of 1.5% and 2.0% based on assessed value to determine the two possible levy amounts of $1.2 million and $1.5 million. The voters have to approve an initial levy amount, not a tax percentage, as the Town did not have an option to levy a tax percentage. The recommended $1.5 million would provide an additional $300,000 that would be reserved for large road projects.
- To address inflation, the Town was allowed to add new homes into the levy, and the Council could increase the levy up to 2% per year. However, the Town intended to keep the levy static, and the only increases would be from new growth.
- Mr. Duffy reviewed how the percentage and levy amounts were determined and how the proposed tax levy will be assessed.

Council asked about feedback on the water purchases ballot measure. Ms. Grittman and Mayor Croft reported that:
- All comments had been positive and agreeable. The only confusion was that some people thought the property tax was going to pay for possible water company purchases, so staff created a separate brochure for each ballot measure.
- The public also asked how this item would affect a property owner’s well. The answer was that it would have no effect on wells.
8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract (concessionaire management agreement) with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Facility that is the subject of negotiations. (Cecilia Grittman, Town Manager)

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to go into executive session at 7:35 p.m.

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

PASSED - Unanimously

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

Mayor Croft reconvened the regular meeting at 8:14 p.m. and reported that Council discussed an issue with the Town Attorney but did not make a decision.

10) ADJOURNMENT

MOVED by Councilmember Annie Perkins, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 8:15 p.m.

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

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 11th day of December, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of January, 2019.

__________________________________
Jami C. Lewis, Town Clerk
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AGENDA ITEM TITLE:
Consideration and possible action to accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2018, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:
Accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2018, as prepared by Henry & Horne, LLP, Certified Public Accountants.

SITUATION AND ANALYSIS:
Henry & Horne, LLP was retained by the Town to complete the audit for the fiscal year ended June 30, 2018.

The audit has been completed, and the final reports have been issued.

Other Pertinent Documents Available Upon Request:
A printed copy of the report is being provided to Council and pertinent staff separately. The report is be available on the Town's website at http://www.chinoaz.net/AgendaCenter with the January 8, 2019 Council Meeting documents.

Fiscal Impact
Fiscal Impact?: None
If Yes, Budget Code: Available:
Funding Source:

Attachments
# CONTENTS

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<td>Annual Expenditure Limitation Report - Part I</td>
<td>3</td>
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<tr>
<td>Annual Expenditure Limitation Report - Part II</td>
<td>4</td>
</tr>
<tr>
<td>Annual Expenditure Limitation Report - Reconciliation</td>
<td>5</td>
</tr>
<tr>
<td>Notes to Annual Expenditure Limitation Report</td>
<td>6</td>
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INDEPENDENT ACCOUNTANTS’ REPORT

The Auditor General of the State of Arizona and
The Honorable Mayor and Town Council
of the Town of Chino Valley, Arizona

We have examined the accompanying Annual Expenditure Limitation Report of Town of Chino Valley, Arizona for the year ended June 30, 2018. The Town’s management is responsible for presenting this report in accordance with the uniform expenditure reporting system as described in Note 1. Our responsibility is to express an opinion on this report based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether this report is presented in accordance with the uniform expenditure reporting system in all material respects. An examination involves performing procedures to obtain evidence about the amounts and disclosures in the report. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of the report, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

In our opinion, the Annual Expenditure Limitation Report of Town of Chino Valley, Arizona, referred to above is presented in accordance with the uniform expenditure reporting system as described in Note 1 in all material respects.

Casa Grande, Arizona
November 15, 2018
TOWN OF CHINO VALLEY
ANNUAL EXPENDITURE LIMITATION REPORT - RECONCILIATION
Year Ended June 30, 2018

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>1</td>
<td>Economic Estimates Commission expenditure limitation</td>
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<td>2</td>
<td>Voter-approved alternative expenditure limitation (Approved August 16, 2016)</td>
<td>$23,100,000</td>
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<td>3</td>
<td>Enter applicable amount from line 1 or line 2</td>
<td>$23,100,000</td>
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<tr>
<td>4</td>
<td>Amount subject to the expenditure limitation (total amount from Part II, Line C)</td>
<td>14,645,778</td>
</tr>
<tr>
<td>5</td>
<td>Board-authorized expenditures necessitated by a disaster declared by the Governor (Article IX, Sec. 20(2)(a), Arizona Constitution)</td>
<td>N/A</td>
</tr>
<tr>
<td>6</td>
<td>Board-authorized expenditures necessitated by a disaster not declared by the Governor (Article IX, Sec. 20(2)(b), Arizona Constitution)</td>
<td>N/A</td>
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<td>7</td>
<td>Prior-year voter-approved expenditures to exceed the expenditure limitation for the reporting fiscal year (Article IX, Sec. 20(2)(c), Arizona Constitution)</td>
<td>N/A</td>
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<td>8</td>
<td>Subtotal</td>
<td>14,645,778</td>
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<td>9</td>
<td>Board-authorized excess expenditures for the previous fiscal year necessitated by a disaster not declared by the Governor and not approved by the voters (Article IX, Sec. 20(2)(b), Arizona Constitution)</td>
<td>N/A</td>
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<td>Total adjusted amount subject to the expenditure limitation</td>
<td>14,645,778</td>
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<td>Amount under (in excess of) the expenditure limitation (If excess expenditures are reported, provide an explanation)</td>
<td>$8,454,222</td>
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I hereby certify, to the best of my knowledge and belief, that the information contained in this report is accurate and in accordance with the requirements of the uniform expenditure reporting system.

Signature of Chief Fiscal Officer: [Signature]

Name and Title: Joe Duffy, Finance Director

Telephone Number: (928) 638-2846 Date: November 15, 2018

See accompanying notes.
## TOWN OF CHINO VALLEY
### ANNUAL EXPENDITURE LIMITATION REPORT - RECONCILIATION

Year Ended June 30, 2018

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<thead>
<tr>
<th>Description</th>
<th>Governmental Funds</th>
<th>Enterprise Funds</th>
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<td>$12,289,314</td>
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</tr>
<tr>
<td><strong>B. Less exclusions claimed:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Bond proceeds</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Debt service requirements on bonded indebtedness</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds from other long-term obligations</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Debt service requirements on other long-term obligations</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2 Dividends, interest and gains on the sale or redemption of investment securities</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3 Trustee or custodian</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4 Grants and aid from the Federal government</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5 Grants, aid, contributions, or gifts from a private agency, organization, or individual except amounts received in lieu of taxes</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6 Amounts received from the State of Arizona</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7 Quasi-external interfund transactions</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>8 Amounts accumulated for the purchase of land, and the purchase or construction of buildings or improvements</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9 Highway user revenues in excess of those received in fiscal year 1979-80</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>10 Contracts with other political subdivisions</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>11 Refunds, reimbursements, and other recoveries</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>12 Voter-approved exclusions not identified above (attach resolution)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>13 Prior years carryforward</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>14 Total exclusions claimed</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**C. Amount subject to the expenditure limitation**

(If an individual fund type amount is negative, reduce exclusions claimed to net to zero.)

<table>
<thead>
<tr>
<th>Description</th>
<th>Governmental Funds</th>
<th>Enterprise Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12,289,314</strong></td>
<td>$12,289,314</td>
<td>$2,356,464</td>
<td>$14,645,778</td>
</tr>
</tbody>
</table>

See accompanying notes.
### TOWN OF CHINO VALLEY
#### ANNUAL EXPENDITURE LIMITATION REPORT - RECONCILIATION
**Year Ended June 30, 2018**

<table>
<thead>
<tr>
<th>Description</th>
<th>Government Funds</th>
<th>Enterprise Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Total expenditures/expenses/deductions and applicable other financing uses, special items, and extraordinary items reported within the fund based financial statements</strong></td>
<td>$12,289,314</td>
<td>$2,892,628</td>
<td>$15,181,942</td>
</tr>
<tr>
<td><strong>B. Subtractions</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Items not requiring use of working capital:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>-</td>
<td>1,343,729</td>
<td>1,343,729</td>
</tr>
<tr>
<td>Loss on disposal of capital assets</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bad debt expense</td>
<td>-</td>
<td>49,289</td>
<td>49,289</td>
</tr>
<tr>
<td>Claims incurred but not reported</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Landfill closure and postclosure care costs</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Pension Expense</td>
<td>-</td>
<td>26,825</td>
<td>26,825</td>
</tr>
<tr>
<td>2 Expenditures of separate legal entities established under Arizona Revised Statute</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3 Present value of net minimum capital lease and installment purchase contract payments recorded as expenditures at inception of the agreements</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4 Involuntary court judgments</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>5 Total subtractions</strong></td>
<td>-</td>
<td>1,419,843</td>
<td>1,419,843</td>
</tr>
<tr>
<td><strong>C. Additions:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Principal payments on long-term debt</td>
<td>-</td>
<td>739,580</td>
<td>739,580</td>
</tr>
<tr>
<td>2 Acquisition of capital assets</td>
<td>-</td>
<td>113,537</td>
<td>113,537</td>
</tr>
<tr>
<td>3 Claims paid in current year but reported as expenses incurred but not reported in prior years</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4 Landfill closure and postclosure care costs paid in the current year but reported as expenses in previous years</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5 Pension contributions</td>
<td>-</td>
<td>30,562</td>
<td>30,562</td>
</tr>
<tr>
<td><strong>6 Total additions</strong></td>
<td>-</td>
<td>883,679</td>
<td>883,679</td>
</tr>
<tr>
<td><strong>D. Amounts reported on Part II, Line A</strong></td>
<td>$12,289,314</td>
<td>$2,356,464</td>
<td>$14,645,778</td>
</tr>
</tbody>
</table>

See accompanying notes.
TOWN OF CHINO VALLEY, ARIZONA
NOTES TO ANNUAL EXPENDITURE LIMITATION REPORT
Year Ended June 30, 2018

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Annual Expenditure Limitation Report (AELR) is presented as prescribed by the Uniform Expenditure Reporting System (UERS), as required by Arizona Revised Statutes §41-1279.07, and in accordance with the voter-approved alternative expenditure limitation adopted August 16, 2016, as authorized by the Arizona Constitution, Article IX, §20 (9).

In accordance with the UERS requirements, a note to the AELR is presented below for any exclusion claimed on part II and each subtraction or addition in the Reconciliation that cannot be traced directly to an amount reported in the fund financial statements. All references to financial statement amounts in the following notes refer to the Statement of Revenues, Expenses, and Changes in Fund Balances for the Governmental Funds, Statement of Revenues, Expenses, and Changes in Net Position for the Proprietary Funds, Statement of Cash Flows for the Proprietary Funds and the Statement of Changes in Fiduciary Net Position for the Fiduciary Funds.

NOTE 2 RECONCILIATION DEDUCTIONS AND ADDITIONS

The deductions for depreciation, bad debt expense, and pension expense and the additions for principal payments, the acquisition of capital assets, and pension contributions are all provided in the Statement of Revenues, Expenses, and Changes in Fund Net Position for the proprietary funds; the Statement of Cash Flows for the proprietary funds and the financial statement footnotes 4, 5, and 9.

The addition of $739,580 for principal payments on long-term debt in the Enterprise Funds consists of $50,000 paid on bonds payable and $651,314 paid on loans payable, and $38,266 paid on capital lease payable during the current fiscal year. The addition for the acquisition of capital assets consists of $113,537 paid for various capital assets in the Water and Sewer funds.

The subtraction of $26,825 for pension expense consists of the change in the net pension liability recognized in the current year in the Enterprise Funds. The addition of $30,562 for pension contributions paid in the current year consists of the required pension contributions made to the Arizona State Retirement System from the Enterprise Funds.
AGENDA ITEM TITLE:
Consideration and possible action to terminate the Concessionaire Agreement between the Prescott Sportsmen's Club (PSC) and the Town of Chino Valley, dated May 31, 2011, effective immediately.

RECOMMENDED ACTION:
Move to terminate the Concessionaire Agreement between the Prescott Sportsmen's Club and the Town of Chino Valley, dated May 31, 2011, effective immediately.

SITUATION AND ANALYSIS:
The Prescott Sportsmen's Club entered into a Concessionaire Agreement with the Town in May 2011 to run the Chino Valley Shooting Range. The Club has a board and approximately 800 members. In August 2018 the Town was made aware of internal conflict within the Prescott Sportsmen's Club (PSC) membership. The Treasurer of the Club had quit the Board, and the Range Master had declared that he would not work since he could not get paid, so the Town was forced to close the Range for safety purposes.

Subsequent to the above, two groups have emerged claiming to be the legitimate board for the Club. The Town has noticed both parties with breach notifications, and although both parties have attempted to resolve the breach issues, the items have not been resolved to the satisfaction of the Town. Both sides have hired an attorney, have attempted to serve temporary restraining orders against one another, and a Judge has now frozen their assets. The Town has received copious emails from both sides, with resignations and terminations from both boards confusing the issue even further.

The Town and the Club have fielded an enormous amount of phone calls and inquiries about opening the Range. Most requests from members and the public appear to be asking to open the range for public shooting hours, regardless of the operator. The Town will endeavor, upon successful termination of the Agreement, to open the Range for limited hours as soon as practical and possible.

Fiscal Impact

Fiscal Impact?: N0
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.
AGENDA ITEM TITLE:
Consideration and possible action to adopt Resolution No. 2019-1133 ordering and calling an election to be held in and for the Town of Chino Valley, Arizona on May 21, 2019, to submit to the qualified electors thereof the questions of (1) the proposed amount to be raised by an initial primary (ad valorem) property tax to fund a road construction and maintenance program, and (2) voter authorization for purchase of certain water companies to expand the Town’s water utility system. Funds to come from General Fund, Town Clerk Elections expenditure line.

RECOMMENDED ACTION:
Adopt Resolution No. 2019-1133 ordering and calling a special election to be held on May 21, 2019, for the purpose of submitting two questions to the voters related to a property tax levy of $________ to fund a road construction and maintenance program, and utility system acquisitions.

SITUATION AND ANALYSIS:
Two items in the Council's strategic plan over the past few years pertained to (1) road maintenance and (2) acquisition/expansion of utilities.

(1) During various community outreach programs conducted during the past two years, the consistent community concern pertained to the condition of the Town's roads. The Roads and Streets Committee began working on a solution for a road maintenance program and made a recommendation to the Council, who directed Town staff to get public feedback on the issue.

Town officials met with over 200 citizens from 21 different organizations and groups to obtain input on the Committee's recommendation. On December 11, 2018, Town Manager Cecilia Grittman presented the results of these public dialogue sessions to the Council, which overall had been positive. As a result, staff was recommending that Council call a Special Election on May 21, 2019 for the purpose of asking voters to approve the Roads and Streets Committee's recommendation for an initial primary property tax levy of $1.5 million for 20 years for the sole purpose of road maintenance and construction. A 20-year program will allow for three complete cycles of maintenance. Council will have the option on January 8 to choose the levy amount. The two options discussed with the citizens were $1.2 million and $1.5 million. When Council votes on this item, the motion will need to include Council's preferred levy amount.
(2) As part of the Town's efforts to expand municipal utility services, the Town had been looking at purchasing certain water companies or water distribution systems within the Town limits. Acquisition of any utility requires voter approval. Town voters did approve the Town going into the utility business in 2000, but due to subsequent case law requiring utility ballot language to be more specific, staff was recommending that a ballot question listing specific potential water companies/systems go on the May 21, 2019 ballot in order for the Town to be able to act when such an opportunity arises. This item was also presented to the above-mentioned citizens for feedback. All comments were positive and agreeable.

As the election will not be in conjunction with the federal and state elections, this will be a vote-by-mail ballot. Pertinent election dates are as follows:

- January 21, 2019 - Deadline to notify County of election to be held
- February 20, 2019 - Deadline for the public to submit arguments (pros/cons) for the informational pamphlet
- April 16, 2019 - Deadline for Voter Information Pamphlet to be mailed to residences with a registered voter
- April 22, 2019 - Last day to register to vote
- April 24 - May 21, 2019 - On site voting available at Yavapai County Administrative offices during business hours, except election day, on which it will be available until 7:00 p.m.
- April 26, 2019 - Deadline for ballots to be mailed
- May 10, 2019 - Last day to request a ballot be mailed (to an alternate location)
- May 15, 2019 - Last day voters should mail their ballots in U.S. mail (use drop boxes as of May 16)
- May 21, 2019 - Election Day - Ballots due back to Yavapai County Elections or ballot drop boxes at 7:00 p.m.
- June 10, 2019 - Deadline for Council to adopt results of the election

Other Pertinent Documents Available Upon Request:
The Town's website at http://www.chinoaz.net/468/Ballot-Measures-Propositions-Questions has a powerpoint presentation and brochures with further details. More information, including Frequently Asked Questions (FAQs) and the Voter Information Pamphlet, will be also be posted in the weeks and months after the Call of Election is approved.

Fiscal Impact

Attachments

RES 2019-1133 Call of Election
RES 2019-1133 Spanish
RESOLUTION NO. 19-1133

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ORDERING AND CALLING AN ELECTION TO BE HELD IN AND FOR THE TOWN OF CHINO VALLEY, ARIZONA ON MAY 21, 2019, TO SUBMIT TO THE QUALIFIED ELECTORS THEREOF THE QUESTIONS OF (1) THE PROPOSED AMOUNT TO BE RAISED BY AN INITIAL PRIMARY (AD VALOREM) PROPERTY TAX TO FUND A ROAD CONSTRUCTION AND MAINTENANCE PROGRAM, AND (2) VOTER AUTHORIZATION FOR PURCHASE OF CERTAIN WATER COMPANIES TO EXPAND THE TOWN’S WATER UTILITY SYSTEM

WHEREAS, the Town Council has determined that in order to properly fund its needed road projects the Town should levy primary (ad valorem) property taxes in the next and each succeeding tax year; and

WHEREAS, pursuant to ARIZ. REV. STAT. § Section 42-17056, as amended, the Town Council must submit the proposed amount to be raised by the initial primary (ad valorem) property taxes for approval of the qualified electors of the Town; and

WHEREAS, the Town desires to consider acquisition of certain water companies in Chino Valley in order to expand the Town’s water utility system for the benefit of its customers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY as follows:

SECTION 1. Pursuant to ARIZ. REV. STAT. §§ 42-17056, 35-453, 35-454, and 9-514, as amended, an election in the Town is hereby ordered and called to be held on May 21, 2019, at which time there shall be submitted to the qualified electors of the Town the following measures as set forth in the form of ballot attached hereto, marked Exhibit A and hereby made a part of this resolution:

1. QUESTION NO. 1: Shall the Town of Chino Valley, Arizona be authorized to levy an initial property (ad valorem) tax in the amount of $____________ for the purpose of construction and maintenance of the Town’s public road system and acquisition of land or interests necessary for such purposes, with no subsequent annual levies for property (ad valorem) taxes after fiscal year 2038? If such amount is approved, it shall be the base for determining levy limitations for the Town for subsequent fiscal years.

2. QUESTION NO. 2: Shall the Town of Chino Valley, Arizona be authorized to purchase the following water systems: Wilhoit Water Company (Acme Water Company), Appaloosa Water Company, Chino Meadows II Water Company, City of Prescott Water system located within Chino Valley Town limits, and any other water system located within five miles of the Town of Chino Valley corporate boundaries?

SECTION 2. The officers of the Town are hereby authorized to do all things necessary or appropriate to conduct the election, including the preparation and distribution of an informational pamphlet. The Town Clerk is hereby authorized and directed to cause the
informational pamphlet to be prepared and mailed as required by law and in accordance with
the provisions of this resolution and to cause a copy of the informational pamphlet to be
submitted to the Arizona Department of Revenue within thirty (30) days after the election.

SECTION 3. The deadline for the public to submit arguments for the informational
pamphlet shall be February 20, 2019. Voter Information Pamphlet Argument Submittal
Guidelines as set forth in the form are attached hereto, marked Exhibit B.

SECTION 4. Notice of the special election is ordered to be given by causing the
informational pamphlet to be mailed not less than thirty-five (35) days before the date of election
to the residences in which a registered voter of the Town resides as shown on the general
county register.

SECTION 5. The election will be conducted as a vote-by-mail election, and the votes
cast thereat shall be counted and tabulated and the returns thereof will be made in the manner
provided by law and only persons will be allowed to vote at the election who are qualified
electors of the Town. The ballot drop-off box located at Town Hall, 202 N. State Route 89, will
remain open until 7:00 p.m. on election day, May 21, 2019.

SECTION 6. On-site voting will be available at the Yavapai County Administrative
offices, 1015 Fair Street, Prescott, AZ, from April 24, 2019 to May 21, 2019.

SECTION 7. In order to comply with the Voting Rights Act of 1965, as amended, the
following proceedings pertaining to this election will be translated into Spanish and posted,
published and recorded in each instance where posting, publication and recording of such
proceedings are required, to-wit: ballot, voter informational pamphlet, all mail-ballot voting
material and all instructions at the on-site voting location.

SECTION 8. The Town Clerk is hereby directed to cause ballots to be printed and
delivered to the election boards to be furnished to the qualified electors offering to vote at the
election. The election may be conducted using either electromechanical or electronic vote
recording and ballot counting equipment or paper ballots, as shall be determined to be in the
best interests of the Town by the Yavapai County Elections Department. The Mayor and the
Town Clerk or either of them is authorized and directed to enter into a contract with the Yavapai
County Recorder to obtain precinct registers for the election and to enter into an agreement with
the Yavapai County Elections Department or any other qualified vendor to conduct the election
for the Town.

SECTION 9. As soon as the election has closed, the election officials will forward the
votes cast to the Town Council for canvassing. The Town Council will meet at the Council
Chambers on a day that is within twenty (20) days after the election date to canvass the returns
of the election. The Town Council will be governed by the vote of the majority on the questions
submitted.

[SIGNATURES ON FOLLOWING PAGE]
PASSED AND ADOPTED by the Mayor and Council of the Town of Chino Valley, Arizona, on January 8, 2019.

Darryl L. Croft, Mayor

ATTEST:

______________________________
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

______________________________
Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 19-1133 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on January 8, 2019, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. _____ Council members were absent or excused.

______________________________
Jami C. Lewis, Town Clerk
EXHIBIT A

OFFICIAL BALLOT

FOR SPECIAL ELECTION IN AND FOR THE TOWN OF CHINO VALLEY, ARIZONA ON MAY 21, 2019.

QUESTION NO. 1

PURPOSE: INITIAL PRIMARY (AD VALOREM) PROPERTY TAX LEVY

Shall the Town of Chino Valley, Arizona be authorized to levy an initial property (ad valorem) tax in the amount of $____________ for the purpose of construction and maintenance of the Town’s public road system and acquisition of land or interests necessary for such purposes, with no subsequent annual levies for property (ad valorem) taxes after fiscal year 2038? If such amount is approved, it shall be the base for determining levy limitations for the Town for subsequent fiscal years.

A “YES” vote will have the effect of allowing the Town of Chino Valley to levy an initial primary property tax not to exceed one million _____________ ($1,___,___) to be used to fund construction and maintenance of the Town’s public road system, including acquisition of property for such purpose, with no annual levies after fiscal year 2038.

A “NO” vote will have the effect of not allowing the Town of Chino Valley to levy an initial primary property tax to be used to fund construction and maintenance of the Town’s public road system.

| PRIMARY LEVY, YES | □ |
| PRIMARY LEVY, NO | □ |

QUESTION NO. 2

PURPOSE: PURCHASE OF WATER COMPANY

Shall the Town of Chino Valley, Arizona be authorized to purchase the following water systems: Wilhoit Water Company (Acme Water Company), Appaloosa Water Company, Chino Meadows II Water Company, City of Prescott Water system located within Chino Valley Town limits, and any other water system located within five miles of the Town of Chino Valley corporate boundaries?

| PRIMARY LEVY, YES |
| PRIMARY LEVY, NO |
A “YES” vote will have the effect of allowing the Town of Chino Valley to purchase one or more of the aforementioned water utility companies/systems, as the Town deems necessary or advantageous.

A “NO” vote will have the effect of not allowing the Town of Chino Valley to consider purchase of any of the named water companies/systems.

<table>
<thead>
<tr>
<th>PURCHASE, YES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PURCHASE, NO</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT B

GUIDELINES FOR PROPOSITION ARGUMENT SUBMITTAL
VOTER INFORMAITON PAMPHLET
ARGUMENT SUBMITTAL GUIDELINES

- Arguments supporting and opposing propositions appearing on the ballot shall be filed with the office of the Town Clerk by 5:00 p.m. on Wednesday, February 20, 2019.

- Arguments must relate to the proposition that will appear on the ballot.

- Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or opposition to the proposition.

- Arguments must contain an original sworn statement and notarized signature of each person sponsoring it. Arguments submitted by organizations shall be signed by two executive officers of the organization, or if a political committee sponsors the argument, it must be signed by the committee's chairman or treasurer. All persons signing the argument shall indicate their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet.

- A fee of $80.00 shall accompany the argument upon submittal to offset a portion of the cost for printing the argument. Submitters may pay this fee electronically by phone at (928) 636-2646, ext. 1052, in addition to payment with cash or check.

- Arguments are limited to 300 words in length.

- No person or organization shall submit more than one argument for each proposition to be voted upon.

- Arguments must be submitted electronically (on disk or by email) in addition to the hard copy with signatures as described above.

- Arguments will be printed exactly as submitted (typographical errors included). Proofread your text carefully!
RESOLUCIÓN N° 2019-1133

UNA RESOLUCIÓN DEL ALCALDE Y EL CONCEJO MUNICIPAL DEL PUEBLO DE CHINO VALLEY, ARIZONA, PARA ORDENAR Y CONVOCAR UNA ELECCIÓN QUE SE CELEBRARÁ EN Y PARA EL MUNICIPIO DEL PUEBLO DE CHINO VALLEY, ARIZONA, EL 21 DE MAYO DE 2019, PARA PRESENTAR A LOS ELECTORES CALIFICADOS DEL MISMO LAS CUESTIONES DE (1) EL MONTO PROPUESTO PARA LEVANTAR A TRAVÉS DE UN IMPUESTO PREDIAL (AD VALOREM) INICIAL PARA FINANCIAR UN PROGRAMA DE MANTENIMIENTO VIAL Y CONSTRUCCIÓN DE CARRETERAS, Y (2) LA AUTORIZACIÓN POR LOS ELECTORES PARA LA ADQUISICIÓN DE DETERMINADAS EMPRESAS DE AGUA PARA AMPLIAR EL SISTEMA DE SERVICIO PÚBLICO DE AGUA DEL MUNICIPIO.

CONSIDERANDO: que el Concejo Municipal ha determinado que, con el fin de subvencionar los proyectos viales necesarios, el Pueblo [municipio] debe imponer un impuesto predial (ad valorem) sobre la propiedad inmueble en el siguiente y los sucesivos años fiscales; y

CONSIDERANDO: que, conforme la ley estatal, ARIZ. REV. STAT. en la sección 42-17056 como ha sido modificada, el Concejo Municipal debe presentar el monto propuesto para ser levantado por el impuesto predial (ad valorem) inicial para la aprobación de los electores calificados del municipio; y

CONSIDERANDO: que el municipio quiere considerar la adquisición de ciertas empresas de agua en Chino Valley, a fin de expandir el sistema de servicio público de agua del municipio para el beneficio de sus clientes;

POR LO TANTO, SE RESUELVE por EL ALCALDE Y EL CONCEJO MUNICIPAL DEL PUEBLO DE CHINO VALLEY lo siguiente:

SECCIÓN 1. Conforme la ley estatal, ARIZ. REV. STAT. §§ 42-17056, 35-453, 35-454 y 9-514, como se ha modificado, se ordena convocar una elección en la ciudad, la cual se celebrará el 21 de mayo de 2019, momento en el cual se entregará a los electores calificados del municipio las siguientes medidas, tal como se establece en la boleta electoral adjunta en el formulario marcado Anexo A y por medio de la presente resolución:

1. CUESTIÓN Nº 1: ¿Se le autorizará al municipio del Pueblo de Chino Valley, Arizona a realizar la exacción de un impuesto predial (ad valorem) inicial en la cantidad de $___________ dólares para el propósito de la construcción y el mantenimiento del sistema de vías públicas y la adquisición de tierras o intereses necesarios para tales fines, sin gravámenes anuales posteriores de impuestos sobre la propiedad (ad valorem) después del año fiscal 2038? Si dicho importe es aprobado, será la base para determinar las limitaciones de exacción para el municipio para los años fiscales subsiguientes.

2. CUESTIÓN Nº 2: ¿Se le autorizará al municipio del Pueblo de Chino Valley, Arizona a adquirir los siguientes sistemas de agua: Wilhoit Water Company (compañía de Agua Acme), Appaloosa Water Company, Chino Meadows II Water Company, el sistema de servicios de agua para la Ciudad de Prescott situado dentro de los límites
del municipio de Chino Valley, y cualquier otro sistema de agua ubicado a cinco millas de los límites corporativos del municipio de Chino Valley?

SECCIÓN 2. Se les autoriza a los oficiales del municipio para hacer todas las cosas necesarias o adecuadas para llevar a cabo la elección, incluida la preparación y distribución de un folleto publicitario de información. La secretaría municipal queda autorizada y dirigida a causar que el folleto informativo sea preparado y enviado como requerido por la ley y de conformidad con las disposiciones de la presente resolución y a presentar una copia del folleto publicitario al Departamento de Ingresos Públicos de Arizona dentro de los treinta (30) días después de la elección.

SECCIÓN 3. La fecha límite para que el público pueda presentar argumentos para el folleto publicitario será el 20 de febrero de 2019. Se incluye tal como se establece en el formulario adjunto marcado Anexo B, las instrucciones para presentar argumentos para el folleto publicitario de información al votante.

SECCIÓN 4. Se ordena que el anuncio de la elección especial se hará a través del envío del folleto publicitario de información al votante, a ser no menos de treinta y cinco (35) días antes de la fecha de elección para las residencias en el municipio en que reside un elector, como se muestra en el registro general del condado.

SECCIÓN 5. La elección se llevará a cabo como una elección de voto-por-correo, y los votos serán contados y tabulados, y los rendimientos de este se efectuará, en la forma prevista por la ley y sólo las personas podrán votar en las elecciones que son electores calificados del municipio. El buzón para depositar boletas electorales, situado en el edificio del ayuntamiento, Town Hall, 202 N. State Route 89, permanecerá abierto hasta las 7:00 p.m. el día de la elección, 21 de mayo de 2019.


SECCIÓN 7. A fin de cumplir con la ley de derecho de voto de 1965, enmendada, los siguientes procedimientos relativos a esta elección serán traducidos al español y publicados, editados y grabados en cada instancia donde la publicación, edición y grabación de esas actuaciones sean necesarias, a saber: la boleta electoral, el folleto publicitario de información al votante, todos los materiales para la votación por correo y todas las instrucciones en el sitio del centro de votación.

SECCIÓN 8. La secretaría municipal queda dirigida a causar el impreso y entregado de las boletas electorales a las juntas electorales que se suministrarán a los electores calificados ofreciendo a votar en la elección. La elección puede realizarse mediante el uso equipo electrónico o electromecánico para el registro y el tabulación de las boletas de votación, tal como se determinará en los mejores intereses del municipio por el Departamento de Elecciones del Condado de Yavapai. Se le autoriza y se dirige al alcalde y la secretaría municipal, o cualquiera de ellos, a suscribir un contrato con el registrador del condado Yavapai para obtener registros de los recintos electorales para la elección y a concertar un acuerdo con el Departamento de Elecciones del Condado de Yavapai o cualquier otro proveedor cualificado para llevar a cabo la elección del municipio.
SECCIÓN 9. Tan pronto como la elección se haya cerrado, los funcionarios electorales transmitirán los votos emitidos al Municipio para el escrutinio. El concejo municipal se reunirá en la Cámara del Concilio en un día que está dentro de los veinte (20) días después de la fecha de la elección para sondear las devoluciones de la elección. El Concejo Municipal se regirá por el voto de la mayoría en las cuestiones presentadas.

APROBADA Y ADOPTADA por el Alcalde y el Concejo del municipio del Pueblo de Chino Valley, Arizona, el 8 de enero de 2019.

Darryl L. Croft, Alcalde

DOY FE:

______________________________
Jami C. Lewis, Secretaría Municipal

APROBADO EN CUANTO A LA FORMA:

______________________________
Andrew J. McGuire, Abogado para el Municipio
Gust Rosenfeld, PLC

Certifico la mencionada Resolución Nº 2019-1133 anterior fue debidamente aprobada por el Concejo Municipal de Chino Valley, Arizona, en una reunión ordinaria celebrada el 8 de enero de 2019, y que estaba presente el quórum a ella y que la votación al respecto fue ____ a favor y ____ en contra y ____ abstenciones. ______ Miembros del Concejo estaban ausentes o dispensados.

______________________________
Jami C. Lewis, Secretaría Municipal
ANEXO A

BOLETA ELECTORAL OFICIAL

PARA LA ELECCIÓN ESPECIAL EN Y PARA EL MUNICIPIO DEL PUEBLO DE CHINO VALLEY, ARIZONA, EL 21 DE MAYO DE 2019.

CUESTIÓN Nº 1

OBJETIVO: EXACCIÓN DE UN IMPUESTO PREDIAL (AD VALOREM) INICIAL

¿Se le autorizará al municipio del Pueblo de Chino Valley, Arizona a realizar la exacción de un impuesto predial (ad valorem) inicial en la cantidad de $____________ dólares para el propósito de la construcción y el mantenimiento del sistema de vías públicas y la adquisición de tierras o intereses necesarios para tales fines, sin gravámenes anuales posteriores de impuestos sobre la propiedad (ad valorem) después del año fiscal 2038? Si dicho importe es aprobado, será la base para determinar las limitaciones de exacción para el municipio para los años fiscales subsiguientes.

Un voto de "SÍ" tendrá el efecto de permitir que el municipio del Pueblo de Chino Valley realice la exacción de un impuesto predial inicial sobre la propiedad a no superar un millón ______________ de dólares ($1. ___.___) que serán utilizados para financiar la construcción y el mantenimiento del sistema de carreteras públicas del pueblo, incluida la adquisición de bienes para tal fin, sin gravámenes anuales después del año fiscal 2038.

Un voto de "NO" tendrá el efecto de no permitir que el municipio del Pueblo de Chino Valley realice la exacción de un impuesto predial inicial a la propiedad que se utilizará para financiar la construcción y el mantenimiento del sistema de carreteras públicas de la ciudad.

<table>
<thead>
<tr>
<th>Exacción del impuesto predial</th>
<th>SÍ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exacción del impuesto predial</td>
<td>NO</td>
</tr>
</tbody>
</table>

CUESTIÓN Nº 2

OBJETIVO: ADQUISICIÓN DE EMPRESAS DE AGUA

¿Se le autorizará al municipio del Pueblo de Chino Valley, Arizona a adquirir los siguientes sistemas de agua: Wilhoit Water Company (compañía de Agua Acme), Appaloosa Water Company, Chino Meadows II Water Company, Quail Ridge Domestic Water Improvement District, el sistema de servicios de agua para la Ciudad de Prescott situado dentro de los límites del municipio de Chino Valley, y cualquier otro sistema de agua ubicado a cinco millas de los límites corporativos del municipio de Chino Valley?
Un voto de "SÍ" tendrá el efecto de permitir que el pueblo de Chino Valley adquiera uno o más de las mencionadas empresas distribuidoras de sistemas públicos de agua, ya que el municipio estime necesaria o conveniente.

Un voto de "NO" tendrá el efecto de no permitir que el pueblo de Chino Valley considere la compra de ninguna de las empresas / los sistemas públicos de agua.

<table>
<thead>
<tr>
<th>Adquisición, SÍ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adquisición, NO</td>
</tr>
</tbody>
</table>
ANEXO B

INSTRUCCIONES PARA PRESENTAR ARGUMENTOS
RELACIONADOS A LAS PROPOSICIONES
FOLLETO DE INFORMACIÓN AL VOTANTE
INSTRUCCIONES PARA PRESENTAR ARGUMENTOS

- Cualquier declaración de argumento a favor o en contra de las cuestiones que aparecerán en la boleta electoral se deberá entregar en formato impreso a la oficina de la secretaría municipal (City Clerk) antes de las 5:00 p.m. el día miércoles, 20 de febrero de 2019.

- Dichos argumentos deben ser pertinentes a la proposición correspondiente que aparecerá en la boleta electoral.

- Cada declaración de argumento debe identificar la proposición a la que se refiere e indicar si el argumento está a favor o en contra de dicha proposición.

- Cada declaración de argumento debe ser documento original e incluir una declaración jurada y firmada ante notario por cada persona que patrocina dicho argumento. Los argumentos presentados por parte de organizaciones serán firmados por dos oficiales ejecutivos de la organización, o si un comité político patrocina el argumento, la declaración de argumento deberá ser firmada por el presidente o tesorero del comité. Cualquier persona que firma el argumento se identificará por proporcionar su dirección de domicilio o apartado postal y número de teléfono (no se incluye esa información en el folleto publicitario).

- Se debe incluir una cuota de $80.00 cuando se entrega la declaración de argumento para compensar una parte de los costos de impresión del argumento. Además del pago en efectivo o con cheque, los peticionarios pueden pagar esta cuota electrónicamente por teléfono al (928) 636-2646, ext. 1052.

- Cada declaración de argumento no deberá exceder 300 palabras.

- Ninguna persona u organización deberá entregar más de un argumento para cada proposición que será presentada a los electores para votación.

- Además de entregar a mano la declaración de argumento firmada como se ha indicado arriba, se deberá entregar una copia en forma electrónica (en disco o por correo electrónico).

- Los argumentos se imprimirán exactamente como se han recibido, incluyendo cualquier error tipográfico. ¡Revise su texto cuidadosamente!
Town Council Regular Meeting

Meeting Date: 01/08/2019
Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes

Physical location of item: Located approximately .25 miles south of the southeast corner of East Perkinsville Road and North Road 1 East at 1525 North Road 1 East.

AGENDA ITEM TITLE:
Consideration and possible action to approve a Conditional Use Permit (CUP18-007) for 14.46 acres (approx. 629,877 sq. ft.) of real property, Assessor's Parcel No. 306-18-010K, located approximately 0.25 miles south of the southeast corner of East Perkinsville Road and North Road 1 East at 1525 North Road 1 East to rehabilitate the existing well site within the PL (Public Land) zoning district. (Owner of Record: City of Prescott) (Alex Lerma, Planner)

RECOMMENDED ACTION:
Approve Conditional Use Permit (CUP18-007) to allow the rehabilitation of the existing well site including removal of the existing building and construction of a new facility within the PL (Public Land) zoning district.

SITUATION AND ANALYSIS:
See attached staff report.

Fiscal Impact
Fiscal Impact?: None
If Yes, Budget Code:
Available: Funding Source:

Attachments
City of Prescott Staff Report
City of Prescott CUP Draft Letter
City of Prescott Site Plan
City of Prescott Landscape Plan
APPLICATION SUMMARY

File Number: C18-000007

Assessor’s Parcel Number: 306-18-010K

Site Location: Located approximately .25 mile south of the southeast corner of East Perkinsville Road and North Road 1 East at 1525 North Road 1 East.

Property Owner: John Kuebrich

Applicant: City of Prescott

Request: Request for a CUP (Conditional Use Permit) to rehabilitate the existing well site. This will include removing of the existing building and constructing of a new facility.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>PL (PublicLand)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>14.46 acres (approx. 629,877 square feet)</td>
</tr>
<tr>
<td>Subdivision</td>
<td>N/A</td>
</tr>
<tr>
<td>General Plan Land Use</td>
<td>Medium Density Residential (2 acres or less)</td>
</tr>
<tr>
<td>Designation</td>
<td></td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Public Facility</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately .25 mile south of the southeast corner of East Perkinsville Road and North Road 1 East at 1525 North Road 1 East. The property has one main access by North Road 1 East. The site is identified with a PL (Public Land) zoning district under the Town of Chino Valley UDO (Unified Development Ordinance). The parcel has a General Plan Land Use Designation of Medium Density Residential (2 ac or less) under the Town of Chino Valley General Plan Potential Land Use Map. Existing improvements on the property include a well house with enclosed walls. (See Figure 1. Aerial Map)
HISTORY

4/19/2005 Parcel 306-18-010K was split from APN 306-18-010G.

2/14/2008 Town Council adopted Ordinance No. 08-698 approving the issuance of a CUP (Conditional Use Permit) to authorize the installation of arsenic treatment equipment for well sites 3 through 6. The Conditional Use Permit was granted for a period of ten (10) years. One of the conditions of approval stated that the existing well houses and the proposed arsenic mitigation facilities would be screened on all four (4) sides with masonry walls, landscaping, and chain-link fencing with slats as indicated on the respective site plans.

PROJECT DESCRIPTION

The City of Prescott owns and operates the production Well No. 4 on their 15.25 acre site at 1525 North Road 1 within Town of Chino Valley limits. This water well currently produces 3,300 gpm that pumps directly to their newly renovated 10 million gallon Water Production Pumping Facility at 251 AZ-89. The pump station is housed in an older steel building surrounded with a partial concrete block and chain link fence with limited landscaping around its perimeter.

The City of Prescott has proposed to rehabilitate this well. This will entail well casing modifications and installing a new pump and motor with the constructing a new 912sf concrete block building with insulated removable well head enclosure. The new pump and motor will be the same size and horsepower as they are currently operating. (See Exhibit A: Site Plan)

Demolition will include the existing steel pump building, removal of the chain link fencing, and the east and south portions of the existing block wall. Existing landscaping to be removed is that which will be in direct conflict with the new building or trees that are sick or dead.
Site improvements include a 28,270cf retention basin that will be used for the flow to waste. The basin will not be visible from the outer perimeter of the site. The building will have an 8’ concrete block wall along the west and north exposure and an 8’ chain link fence with vertical privacy slates along the east and south exposure. The proposed landscaping selection is based upon the location of the well building compared to the street and neighboring residents. The trees and shrubs when fully mature will have a larger profile and will provide a mix of evergreen and deciduous landscape elements. *(See Exhibit B: Landscaping Plan)*

Site lighting will be limited to lower illumination lighting. The site lighting will be mounted inside the concrete block at the entrance only. All building lighting will be soffit mounted fixtures designed to illuminate around the perimeter of the building and to avoid a halo effect.

These improvements will increase the functionality of their current facility while providing additional safety and noise reduction to the neighboring residents of Chino Valley.

**SURROUNDING PROPERTIES ZONING AND LAND USES**

The area is predominantly made up of a mix of public land and residential area. The property directly north has a zoning district of PL (Public Land), it is currently the Town of Chino Valley Community Center/Park. To the west, properties are zoned SR-2.5 (Single Family Residential-2.5 acre minimum) and AR-5 (Agricultural Residential-5 acre minimum), those properties are either residential use or vacant properties. To the south, the parcel has zoning classification of PL (Public Land), that property is currently Territorial Elementary School. To the east, properties are zoned SR-0.16 (Single Family Residential-7,000 square foot minimum lot area), these parcels are a part of Chino Meadows 1 Subdivision. *(See Figure 2: Zoning Map)*

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>EXISITING LAND USE</th>
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<tr>
<td>North</td>
<td>PL</td>
<td>Public Parks/Schools</td>
<td>Town of Chino Valley Community Center/Park</td>
</tr>
<tr>
<td>West</td>
<td>SR-2.5, AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>South</td>
<td>PL</td>
<td>Public Parks/Schools</td>
<td>Territorial Elementary School</td>
</tr>
<tr>
<td>East</td>
<td>SR-0.16</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Chino Meadows 1 Subdivision</td>
</tr>
</tbody>
</table>
PUBLIC REVIEW PARTICIPATION

The City of Prescott notified property owners within a 300’ radius, resulting in fifty (50) letters to surrounding property owners. Property owners received information regarding the applicant’s request for a Conditional Use Permit to rehabilitate the existing well site. To date, no responses to those letters have been received by the Town.

The neighborhood meeting was held on November 1st, 2018. At said meeting, there were no residents who attended.

The item went before the Planning and Zoning Commission on December 4th, 2018. Staff gave a brief overview of the project to the Commission including findings, analysis and recommendation. Mr. Jack Hubert, City of Prescott Project Manager, notified that Commission that the current water capacity of 4,752,000 gallons per day would not be increased. He concluded that the total land was 15.25 acres but that the City of Prescott would be improving 1.13 acres or 7.4% of the total land.

The Commission had questions regarding the retention basin show on the site plan, building height and lighting on the building. Mr. Hubert stated that the retention basin would not be visible from the outside and that it would be within the enclosed walls. He indicated that the building would be 15 feet tall and that the lighting was in the soffits underneath and that the lights would only be operating when staff was onsite or during an emergency.

Planning and Zoning Commission forwarded a recommendation of approval for the requested CUP.

Vote: 7-0 Passed Unanimously
Section 4.14 of the Unified Development Ordinance title Public Service Facilities states as followed:

“A Conditional Use Permit shall be required by all public service companies in order to establish or substantially expand utility buildings, structures, or appurtenances thereto, in any zoning district. Extension of public service lines in public or private right-of-way is exempt from these requirements. (Ord. 06-678, passed 11-9-2006)”

The onsite building was already in operation when Ord. 06-678 passed. The well site with uses dates to 1947. Predating the ordinance has made the building and use legal-nonconforming. The removal and reconstruction of said building and other improvements will mean the site will need to come into conformance. The construction and improvement to the new facility will require a Conditional Use Permit.

The new well facility will be approximately 590 feet away from the closest neighbor’s rear property lines in Chino Meadows 1 subdivision. The distance and the facility enclosed 8’ walls will mitigate any additional impact on the neighboring residents. Once fully matured, the landscaping will serve as an additional buffer between the facility and the subdivision to the west. The new pump and motor will be the same size and horse power as is currently operating on site and will not create an increase in noise pollution. The proposed improvements will provide additional safety and noise reduction to the surrounding area.

Staff and Planning and Zoning Commission forward a recommendation of approval to Town Council for a Conditional Use Permit (CUP18-007) to allow the rehabilitation of the existing well site include removing of the existing building and constructing of a new facility within the PL (Public Land) zoning district.
EXHIBIT B: Landscaping Plan

[Diagram of landscaping plan with marked areas and plant symbols]
January 8, 2019

City of Prescott
433 North Virginia Street
Prescott, AZ 86301

RE: Conditional Use Permit (C18-007)
Rehabilitation of existing well site in the PL (Public Land) zoning district

On January 8, 2019, the Chino Valley Town Council approved a Conditional Use Permit in the above-referenced case for approximately 14.46 acres of property located at 1525 North Road 1 East, as shown on Exhibits 1 (legal description) and 2 (map), which are attached hereto and incorporated herein. The minutes from the Town Council meeting are available from the Town Clerk or online at chinoaz.net.

The Use Permit permits the rehabilitation of the existing well site include removing of the existing building and constructing of a new facility along with other improvements within the PL (Public Land) zoning district. The use and operation permitted by the Use Permit shall substantially conform to the Design Plan, attached hereto and incorporated herein as Exhibit 3.

This Use Permit is subject to all limitations set forth in the Chino Valley Unified Development Ordinance and in this Use Permit, including termination and/or revocation. The effective date of this Use Permit is the date upon which Town Council approved said permit.

Please ensure that all public hearing notice signs installed on the site, if any, are removed immediately.

If you have any questions regarding this Use Permit, please contact Alejandro Lerma at 928-636-2646 Ext. 1295 or by email at alerma@chinoaz.net.

Sincerely,

___________________________________
Alejandro Lerma
Planner
Enclosure (Exhibits): 1. Legal Description
2. Map
3. Site Plan
Exhibit 1 – Legal Description
All that portion of Tract 54, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, according to the plat approved by the General Land Office November 29, 1915, lying East of the following described line:
Beginning at a Corner No. 2 of said Tract 54; thence Southerly along the 2-3 Line of said Tract and a continuation thereof to a point in the South line of said Tract 54.
Exhibit 2 – Map
EXHIBIT 2

C18-000007: CITY OF PRESCOTT

Applicant: John Kuebrich (City of Prescott)
Request: Rehabilitation of the existing well site (Well #4).
Location: 1525 North Road 1 East Chino Valley, Arizona, 86323
APN: 306-18-010K
Exhibit 3 – Design Plan
Exhibit 3 – Design Plan
CHINO VALLEY PRODUCTION WELL#4 REHABILITATION

LANDSCAPING AND PLANTING

**Seed Mix**

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Seed/Lb</th>
<th>Rate/Acre- PL (Pure Live Seed)</th>
</tr>
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<tbody>
<tr>
<td>Aristida purpurea</td>
<td>Purple three-awn</td>
<td>250,000</td>
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<td>Bouteloua gracilis</td>
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<td>Koeleria macrantha</td>
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<td>Mulenbergia wrightii</td>
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<td>Festuca arizonica</td>
<td>Arizona Fescue</td>
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<td>Sitnian hystrix</td>
<td>Squirrel Tail</td>
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<td>220,000</td>
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<td>Sporobolus cryptandrus</td>
<td>Sand Dropseed</td>
<td>5,298,000</td>
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<td>Bouteloua curtipendula</td>
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<td>Elymus elymoides</td>
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<td>Elymus glaucus</td>
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<tr>
<td>Poa fendleriana</td>
<td>Muttongrass</td>
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<tr>
<td>Sporobolus airoides</td>
<td>Showy goldeneye</td>
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<tr>
<td>Heliomeris multiflora</td>
<td>Eaton's penstemon</td>
<td>890,000</td>
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<tr>
<td>Lupinus succulentus</td>
<td>Arroyo lupine</td>
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<td>8 to 16</td>
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<td>Penstemon eatonii</td>
<td>Eaton's penstemon</td>
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<td>2 to 3</td>
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<tr>
<td>Oenothera elata</td>
<td>Yellow evening primrose</td>
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<tr>
<td>Forbs/Herbs (Wildflowers)</td>
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</tbody>
</table>
AGENDA ITEM TITLE:
Consideration and possible action to adopt Ordinance 2019-858 to rezone 2.71 acres of real property, Assessor's Parcel No. 306-04-010U, located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

RECOMMENDED ACTION:
Adopt Ordinance 2019-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district.

SITUATION AND ANALYSIS:
See attached Staff Report.

Fiscal Impact

Fiscal Impact?: None
If Yes, Budget Code: Available:
Funding Source:

Fiscal Impact?: None
If Yes, Budget Code: Available:
Funding Source:
Attachments

Mendoza Road 4 North Staff Report
Mendoza Road 4 North Site Plan
Ordinance 2019-858
APPLICATION SUMMARY

File Number: Z18-000022
Assessor’s Parcel Number: 306-04-010U
Site Location: Located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North.
Property Owner: Corey and Robin Mendoza
Applicant: Corey and Robin Mendoza
Request: Request to rezone approximately 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>CH (Commercial Heavy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>2.71 acres (approx. 118,047 sq. ft.)</td>
</tr>
<tr>
<td>Subdivision</td>
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<tr>
<td>General Plan Land Use Designation</td>
<td>Potential Community Core</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>trucking business, medical marijuana research and development facility</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North. The site is currently accessed through East Road 4 North. The site has a zoning classification of CH (Commercial Heavy) and identified with a Land Use Designation of Potential Community Core. Improvements to the property include an office building and three (3) steel buildings. See Figure 1: Site Map
PROJECT HISTORY

On June 24, 2010 Town Council adopted Ordinance 10-733 to provide for the zone change of Assessor’s Parcel Number 306-04-01J, the property’s parent parcel, from AR-5 (Agricultural/Residential- 5 Acre Minimum) to CH (Commercial Heavy).

On April 25th, 2017 Town Council approved a Conditional Use Permit (CUP17-001) for Assessor’s Parcel Number 306-04-010U to allow a medical marijuana research facility within the (CH) Commercial Heavy zoning district, subject to the following conditions:

1. The CUP shall be in effect for a period of 10 years, unless terminated earlier by the Owner or Town pursuant to the UDO.
2. There shall be no indication of the use of the structure visible from the outside, i.e., no signage.
3. Product shall be transferred to other recognized medical research facilities only. No product produced at the facility shall be offered for sale or distribution to the public or to wholesale outlets.
4. Leaves, stems and all other parts of the plant that are not processed or grown specifically for research purposes shall be destroyed before leaving the facility.
5. Access to the facility is limited to research staff only. No members of the general public shall be admitted.
6. No hazardous materials shall be used or created.
7. Security measures shall be equal to or greater than that which is required by A.R.S. Title 36, Public Health and Safety, Chapter 28.1 Arizona Medical Marijuana Act, and Arizona Administrative Code Title 9 Health Services, Chapter 17 Medical Marijuana Program.
8. All research activities shall take place within an enclosed, locked facility.

9. The owner or operator of the facility shall comply with all federal, state, and local laws and regulations and shall obtain all licensing and certifications required by federal, state and local laws for the research conducted within the facility.

SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly made up of commercial uses and vacant land. The property directly to the north is zoned CL (Commercial Light) and is currently being used for a MMJ growing facility. To the east, properties are zoned CH (Commercial Heavy). These properties are currently used as a fueling station and vacant land. Further east, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum), these properties currently contain residential uses. Directly to the south, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum), CL (Commercial Light) and CH (Commercial Heavy). These properties to the south are being used for frozen good sales/delivery, a Baptist church and vacant land. To the west, properties are zoned CH (Commercial Heavy), and are currently vacant land. See Figure 2: Zoning Map

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CL</td>
<td>Potential Community Core</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Potential Community Core</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>AR-5, CL, CH</td>
<td>Potential Community Core, Commercial/ Multi- Family Residential</td>
<td>Commercial Use, Vacant</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Potential Community Core</td>
<td>Vacant</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION

The applicant has requested to rezone approximately 2.71 acres from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. C&R Trucking, the primary business on the property, will be relocating to another location. The more intense land use of trucking maintenance will no longer be needed on the site. The existing tenant will be using the entire property. The applicant believes that removing the trucking business and down-zoning the property will reduce the impact on the surrounding area based on the less intense uses allowed in the CL (Commercial Light) zoning district. All existing buildings will remain and will be used for future purposes. See Appendix A: Site Plan

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300 foot radius, resulting in nine (9) notices informing them of the scheduled neighborhood meeting and public hearings. To date, Staff has not received any request for this application.

The neighborhood meeting was held on October 24, 2018 at Town Hall. There were no attendees at said meeting.

The item went before the Planning and Zoning Commission on November 6, 2018. The Planning and Zoning Commission forwarded a recommendation of approval to Town Council for this.

Passed- Unanimously

STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

The property has a General Plan Land Use Designation of Commercial and Potential Community Core. Through the General Plan, the Town has identified six Community Cores and the types of Land Uses for each Core. The Cores should be a mixture of land uses that implement important components such as pedestrian, building appearance, colors street trees and other types of vegetation. The Cores should offer alternative lifestyles, should support local businesses and should promote future business expansion.

The subject property is within one of the Cores that has been identified as a Long-Term Core or a Core that will begin development after 10 years. The Future Mixed-Use Hub Road 4 North/ State Route 89 Core identifies two Corridor Potentials. The first is a planned round-about which was completed in 2013-2014. The second is a future north loop to Old Home Manor developments.

Although the 4 North/ State Route 89 Potential Community Core is a long-term core, preparation for the future is essential. Having several different zoning districts within the core will allow different land uses to develop within the core. The use of residential development with a mix of different commercial land uses will conform to the Towns vision of Community Cores. The CL zoning district will allow for less intense land uses within a Core that has more intense uses overall.
ZONING

The property directly to the south is a 30-acre lot subdivision within the AR-5 zoning district, this property has the potential to be developed as a medium density residential subdivision or subdivided into low density residential lots. Having residential zoning districts abutting a Commercial Heavy zoning district becomes a concern to staff based on the intense uses allowed in the CH zoning district and the negative impact they might have on abutting residences. Negative impacts such as noise, dust, lights and smells are factors more commonly attributed to more intense commercial uses. The CL zoning district will reduce the impact the property might produce on the adjacent property by down-zoning to lighter commercial land uses. The adjacent properties to the north and south have a zoning classification of CL and will support the applicants zoning request of the same classification.

CONDITIONAL USE PERMIT (CUP17-001)

The Conditional Use Permit approved by Council on April 25th, 2017 to allow a medical marijuana research facility will not have an effect on the zone change. The Conditional Use Permit is static or separate from the property’s zoning classification. If the applicant’s zoning request is approved, the Conditional Use Permit will remain the same. Since the approval date of April 25, 2017, the applicant has abided by all conditions set forth in CUP17-001 and under the new zoning district.

STAFF RECOMMENDATION

Staff and Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 18-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district for APN 306-04-010U.
APN: 306-04-010U
Site Address: 868 East Road 4 North
Site Area: 2.7 Acres (118,047 sf)
Existing Zoning: Commercial Heavy
General Plan Land Use: Potential Community Core
Site Improvements: Two (3) Commercial Buildings, One (1) Office Building
Proposed Project Description: Request to rezone approximately 2.71 acres from CH zoning district to CL zoning district.

PROJECT DATA

40' x 74' Steel Building
30' x 30' Office Building
50' x 80' Steel Building
50' x 80' Steel Building

Septic Tank
CUP17-001

Asphalt Driveway + Parking
Well House
Landscaped

NOT TO SCALE
ORDINANCE NO. 2019-858

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 2.71 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 375 FEET EAST OF THE NORTHEAST CORNER OF STATE ROUTE 89 AND ROAD 4 NORTH, AT 868 EAST ROAD 4 NORTH, FROM THE CH (COMMERCIAL HEAVY) ZONING DISTRICT TO THE CL (COMMERCIAL LIGHT), ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley Official Zoning Map for a ±2.71 acre parcel zoned CH (Commercial Heavy) to CL (Commercial Light); and

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 plan, 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 recommended approval of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

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

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately 2.71 acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from CH (Commercial Heavy) to CL (Commercial Light). The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance.

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

[SIGNATURES ON FOLLOWING PAGE]
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 8th day of January, 2019.

Darryl L. Croft, Mayor

ATTEST:

______________________________
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

______________________________
Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-858 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 8, 2019, and that quorum was present, and that the vote thereon was ___ ayes and ___ nays and ___ abstentions. ___ Council members were absent or excused.

______________________________
Jami C. Lewis, Town Clerk
EXHIBIT 1
TO
ORDINANCE NO. 2019-858

[Legal Description]

See following pages.
The East 1102 feet of the Southeast quarter of the Southeast quarter of Section 3, Township 16 North. Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, lying East of U.S. Highway 89.

EXCEPTING therefrom the East 600 and the North 1034.1 feet, and EXCEPTING the following described parcel:

Beginning at the Southwest corner of the above described parcel;
Thence East along the South line of the Southeast quarter of said Section 3, 130 feet;
Thence North 375 feet to a point on the North line of the above described parcel;
Thence West 130 feet along said North line;
Thence South 375 feet along the West line of said parcel, to the TRUE POINT OF BEGINNING, as recorded in Book 2381 of Official Records, Page 450, records of Yavapai County, Arizona.

ALSO EXCEPT any portion lying within dedicated roadway known as East Road 4 North.
EXHIBIT 2
TO
ORDINANCE NO. 2019-858

[Zoning Exhibit]

See following pages.
Z18-000022: MENDOZA

Applicant: Corey Mendoza

Request: Rezone 2.71 acres from CH zoning district to CL zoning district.

Location: 864 East Road 4 North Chino Valley, AZ 86323

APN: 306-04-010U