

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

**TUESDAY, MAY 24, 2022
6:00 P.M.**

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

Present: Mayor Jack Miller; Vice-Mayor Annie Perkins; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember John McCafferty; Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Administrative Services Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Lieutenant Josh McIntire; Community Services Manager Cyndi Thomas; Recreation Coordinator Hailey Byrd; Public Works Director/Town Engineer Frank Marbury; Engineering Project Manager Scott Balck; Senior Planner Will Dingee; Planner Bethan Heng; Officer Austin McAvoy (Sgt at Arms); Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation by Regina Pecoraro with Compass Training Center regarding quarterly update and report. (Chuck Wynn, Police Chief)

John Stankewicz, founder and CEO of Compass Training, presented the following:

- Introduced new board members: Lynn Beck, Wayne Holly, and Regina Pecoraro.
- There had been 10,383 check-ins at the shooting range in the last year.
- August 1st would be their third anniversary of running the range.
- They had 1,000 subscription members.
- They had 3,000 students from Compass and other training facilities taking training classes.
- A review of the training classes was provided.
- A review of the non-profit entities that used the facility were reviewed.
- As a non-profit they received grants and donations from many people, including the donation of the building, which was not yet open because it needed significant renovations. A list of donors and volunteers was provided. They were working on several big projects and did not have a clear date as to when the building would be open. They had over 600 hours of volunteer service time.

- Upcoming upgrades: Two designated single action cowboy shooter bays and archery bays.
 - He thanked the people who volunteered and/or worked at the range, and Town staff that had worked with them.
- b) Presentation by Cooper Anderson, Chino Valley Equestrian Association Board President on the value to the Town of Chino Valley to renew the Equestrian Association's lease of the Equestrian Park located at Old Home Manor Property. (Terri Denemy, Assistant to the Town Manager)

Terri Denemy, Assistant to the Town Manager, presented the following:

- The original lease between the Town and Chino Valley Equestrian Association (CVEA) was entered in September 2016. An amendment in 2017 allowed CVEA to move and use equipment from the Cameron Range property.
- The agreement expired in September 2021 and had since operated on a month-by-month basis under the original lease terms while a new lease was being negotiated between staff, town attorney, and CVEA.
- It would be an action item at the next meeting. There would also be annual reporting requirements in the new lease to ensure the goals of Council were being met. The lease would be in five-year increments, for a total possible lease term of 25 years.

Cooper Anderson, CVEA President, presented the following:

- The original mission statement was fairly loose because they mainly wanted to be a horse park, but that had changed, and they were more dialed in on their focus.
- The board was made of nine members with one alternate member.
- They were implementing a new strategic plan which they had not had before.
- Over the last year, they had reconsidered their mission, vision statement, strategy, goals, and objectives for the park and what they wanted for the future.
- The new mission statement was reviewed, and their objective was to promote and preserve the equestrian lifestyle by hosting activities and educational events that supported all disciplines of horsemanship and community events.
- CVEA was currently in talks with a kennel club to bring in some of their annual events.
- CVEA rewrote their mission statement so that it tied in with the goals of the Town. This included bringing more people into Town and promoting the features of the Town.
- Vision Statement: To be the premier equestrian facility in northern Arizona. CVEA had developed a plan to realize their vision statement.
- Intended uses were equestrian driven. They were ensuring everyone running their events was certified by the organizations overseeing the events, which would take their events to the next level. To do this, they had to provide training and support to their volunteers.
- They were partnering with the Extreme Cowboy Association (EXCA) and developing a new Chapter. They recently had their first event, an extreme obstacle race.
- CVEA was working hard to develop relationships and to have Chapters at the park (home base). This allowed them to bring more people in throughout the State and region.
- They were getting ready to develop some cow activity. They were working with LASER, who used part of the facility for emergency shelter. They were helping CVEA develop cattle pens.
- They now had lighting, enabling them to run events into the evening hours.
- CVEA was in discussion with stock contractors about bringing in rough stock events.
- The CVEA clinics were multi-day events and brought in many people throughout the State who dry camped for the events.
- They were open to other events in the park.

- They had completed several updates over the last two years, which included a state-of-the-art LED lighting system (most of which was donated).
- Future projects: bleachers for the main area, rebuilding the out-of-date arena, cattle pens, gates into the park, automated entry into the park, an obstacle course that would be several miles long, trail course expansion, driving court (carriages), water truck, moving the dry camping area, and new caged area for the equipment.
- Long term goals: representing the Town, being the location of choice for clinicians, be a fiscally sound organization, and continue developing the organization with the appropriate board members and committees that were fully staffed.
- They wanted to renegotiate the lease because they wanted the ability to apply for large sums of money. They had hired a grant writer to apply for USDA Grants with funding in the millions. To do this, they needed firm language in the lease for the grant process. The old lease had language that allowed it to be terminated for no reason, and that needed to be removed in order to apply for the grants.
- All CVEA's digital media was cobranded with the Town and had a direct link to the Town's website.
- Everyone was welcome and encouraged to participate at the park.

3) CALL TO THE PUBLIC- Individuals requesting to speak, please complete a Speaker Comment Card and return to the Clerk.

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.

- Susie Jarvis – She was there representing Chino Valley Pickleball. Pickleball was a cross between ping pong and tennis. It was mostly played outside, but the old Sears building in Prescott would have indoor pickleball courts. They did not want to leave Town. A history of pickleball in the State was shared. Pickleball had originally been the fastest growing sport among seniors, but now was the fastest growing sport in all age groups all over the world. The CV pickleball group started in 2019 with a handful of players and now had over 60 players. They played on four courts behind the Senior Center on converted courts that were the old tennis and basketball courts. They welcomed all new players of all ages. CV pickleball kept them in the Town and they participated in the local stores and restaurants, which was important for the community. It also helped the quality of life. She did not want the Council to forget about CV pickleball during the upcoming budget talks.
- Jesse Hubble – He was there representing Chino Valley Youth Football and Cheer (CVYFC). He questioned if there were plans to improve the basketball courts that were being used for pickleball. The courts needed resurfacing and improved rims and goals. CVYFC in conjunction with the Lions Club, was putting on a youth tournament in August. The courts were okay to play on, but there were some safety issues that needed to be addressed. He had been in Town for 8 years and had not seen anything done to the courts. He questioned if there was a plan to do anything or if anything could be done. Mayor Miller explained the Town Manager would reach out to discuss the issue.

4) CURRENT EVENT SUMMARIES AND REPORTS

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

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

Mayor Miller asked that people keep Texas in their prayers after a school mass shooting event where 19 children lost their lives.

Vice-Mayor Perkins congratulated the class of 2022 who would be graduating the next day.

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

Town Manager Blackmore reported the following:

- The Town was actively recruiting volunteers to serve on municipal committees and boards.
- They had a volunteer recognition event for 86 volunteers that gave time and energy to make Town a better place. She encouraged others to volunteer.
- The big UTV event would be happening the upcoming weekend.

5) CONSENT AGENDA

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

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to approve Items 5 (a), (b), and (c) as written.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Resolution No. 2022-1212 regarding an Intergovernmental Agreement with Yavapai County, in the amount of \$17,920.72, for law enforcement records management and maintenance. (Chuck Wynn, Police Chief)
- b) Consideration and possible action to adopt Resolution No. 2022-1201, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2022/2023. (Joe Duffy, Administrative Services Director)

- c) Consideration and possible action to continue the amendment to the Town of Chino Valley Unified Development Ordinance Section 2.1 by revising the definition of guest house and replacement of existing section 4.1 in the UDO with general regulations for guest house development of a date certain of Tuesday, July 12, 2022. (Will Dingee, Senior Planner)

6) **ACTION ITEMS**

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

- a) Consideration and possible action to approve the Accountability Contract with Yavapai Regional Transit, Inc., contributing \$2,000.00 to support transporting children from the Paulden area to the Chino Valley Aquatics Center for the 2022 swim season. (Cyndi Thomas, Assistant Community Services Director)

Recommended Action: Approve the Accountability Contract with Yavapai Regional Transit, contributing \$2,000.00 to support transporting children from the Paulden area to the Chino Valley Aquatics Center for the 2022 swim season.

Cyndi Thomas, Assistant Community Services Director presented the following:

- The Paulden Plunge started back in 2017, but there had not been one since 2019 due to Covid.
- The program was financially supported from different donations from different organizations, including the Town.
- The Transit Company and the Paulden Foundation handled the administrative part of the program.
- In 2019 over 375 kids were served.
- The event was held in Paulden because the Paulden kids were unable to get to Town, but local kids could ride the transit and the fare was free. A large majority of the kids they serviced rode their bikes there and lived in the neighborhoods surrounding the aquatics area.

Tom Stultz from Yavapai Regional Transit, Inc. (YRT) presented the following:

- The Paulden Plunge was scheduled for June 6th-July 29th.
- They transported kids on Monday, Tuesday, Thursday, and Friday at no charge for transportation or for the pool use.
- YRT felt dedicated to the program due to how it served Paulden and Chino Valley.
- Most Paulden residents used community services.
- They were looking for Town support and any other donations they could get.
- The cost of gas was up 96% in the last six months.
- They were now required to pay their drivers because of their insurance, which was an added expense.
- The children were very grateful.
- To sponsor a child, the cost breakdown equaled \$5 per child, per day, per trip, for those who wanted to donate.

Council, staff, and Mr. Stultz discussed the following:

- The Town had made a \$1,700 donation in 2019. There was no program in 2020 or 2021.

- There was no fee to get into the pool.
- Staff shared pictures of children receiving towels and swimsuits because they did not have their own. It was part of the services provided by the program.
- The funds were restricted and could only be used for the Paulden Plunge.
- Members discussed a Town donation of \$3,000.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to approve the Accountability Contract with Yavapai Regional Transit, contributing \$3,000.00 to support transporting children from the Paulden area to the Chino Valley Aquatics Center for the 2022 swim season.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- b) Consideration and possible action to adopt Resolution No. 2022-1200, approving a Tentative Budget for the fiscal year 2022-2023 and proposed expenditure limitation for the same year, in the amount of \$46,544,100 and setting a public hearing date of June 28, 2022, on the tentative budget and adoption of the final budget. (Joe Duffy, Administrative Services Director)

Recommended Action: Adopt Resolution No. 2022-1200, approving a Tentative Budget and proposed expenditure limitation for FY 2022-2023, in the amount of \$46,544,100, and setting June 28, 2022, as the date for the public hearing on the tentative budget and for adoption of the final budget for FY 2022-2023.

Joe Duffy, Administrative Services Director presented the following:

- This was the next step in the months long budget process.
- The only changes made from the last Council budget session included:
 - Reduced the new [communications] position to half-time.
 - Moved the pool cover to the upcoming budget since it would not be completed during the current budget year.
- The adopted tentative budget would be posted on the Town's website the following morning.
- It would be published for two weeks and would include a notice of the public hearing on the budget.
- The final budget would be adopted June 28, 2022, which would be posted on the Town website after adoption.
- State law required that Towns adopt a tentative budget that would set the Town's maximum budget. After adoption, the Town could not spend more than that amount. The amount could be reduced before final adoption.
- The budget was 12% higher than the previous fiscal year, with the tentative amount of \$46,544,100.
- The budget aligned with Council priorities.
- Many of the Council goals would be accomplished in the upcoming fiscal year. Those goals were reviewed.
- Staff ensured that they had a structurally balanced budget. The key was to ensure that the ongoing expenses did not exceed the ongoing revenue.
- The Town consistently underestimated their revenues and overestimated their

expenditures. Due to this, the Town did not spend as much as they budgeted, allowing them to build their reserves.

- The Capital Improvement Fund (CIP) included a new Town Hall within five years. The Town could start planning for it now.
- The water enterprise fund was healthy, and the sewer enterprise fund was balanced. Upcoming projects were reviewed.
- The CIP funds would finish the Police Department construction, police furniture and equipment, Rhodes Yard asbestos removal, General Plan rewrite, pool replaster and deck resurfacing, CBDG Grant match for senior center kitchen remodel, Covid recovery funds and EPA grant for Perkinsville water and sewer expansion and Peavine water line extension loop, and road construction.
- Staff recommended adoption of Resolution No. 2022-1200.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to adopt Resolution No. 2022-1200, approving a Tentative Budget and proposed expenditure limitation for FY 2022-2023, in the amount of \$46,544,100, and setting June 28, 2022, as the date for the public hearing on the tentative budget and for adoption of the final budget for FY 2022-2023.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the First Amendment to the CVPD New Police Facility Construction Contract, in the additional amount of \$659,104, and authorize the Town Manager, or her designee, to execute. (Frank Marbury, Public Work Director/Town Engineer)

Recommended Action: Approve the First Amendment to the CVPD New Police Facility Construction Contract, in the additional amount of \$659,104, and authorize the Town Manager, or her designee, to execute.

Frank Marbury, Public Works Director/Town Engineer, presented the following:

- The construction of the Police building was a little over halfway completed.
- During that time, they had accumulated numbers and changes. Staff hoped that it would be the only one.
- The first major item was utility connections to the building at a total cost of \$160,000. It was an expense that staff knew would be coming because the contract terms stated that they would be paid by the owner (Town), and it was not part of the bid because of lack of quotes. The cost breakdown was provided:
 - Electric connections - \$44,000
 - Telephones - \$15,000
 - Internet - \$3,500
 - Gas Connection - \$95,000
- Staff was recommending that contractor tear out the existing pavement and repave the existing parking lot to match the new parking lot. It was also recommended that the parking lot lighting be replaced, which was currently inadequate. These were options Council could consider. The parking lot option was \$173,000 at current prices.
- Building changes:

- Roofing changes due to supplier issues - \$40,000
- Elevator Code changes now required visual and audio communications - \$15,000
- Natural gas supplies were limited, so they would be switching to diesel generators and upsizing the power output of the generator. It was cheaper than the other, but would have to be filled with diesel fuel from time to time - \$10,000)
- Plumbing miscellaneous changes - \$14,000
- Electrical changes - \$11,000
- Flooring changed to grind and polish concrete instead of using vinyl because concrete was more durable - \$20,000
- Driveway repairs at low spot that collected water (needed to be done) – Price included in repaving of parking lot.
- Buffer for asphalt prices - \$5,000
- Potential project contingencies - \$200,000
- The total change order amount was \$659,104, which would raise the contract to approximately \$7.6 million or 10%.
- The Town had let go of the contract construction managers to save money, and the project engineer was doing a good job.

Council and staff discussed the following:

- An overlay on the existing parking lot would be less expensive, but because of the size and the type of cracks, it was almost too far gone for an overlay. There was less than two inches of base, which meant it was like having pavement on dirt. If they repaved, they would put structural gravel underneath to help support it.
- Staff thought that the contractor would hold the price for the parking lot re-pavement. Staff thought the contractor would hold all the prices that were being presented to Council.
- The payment for utilities would go directly to the utility companies and to the general contractor for providing conduit for the utilities or for the extension from the utility company's location to the building.
- Members discussed the reasons why the requested change orders were not part of the original bid.
- For the contractor to meet the construction schedule, they had to seek different roofing suppliers other than those used for the original bid, which had raised the cost.
- The rules for the elevator had changed right after the bids were opened.
- The diesel generator tank would hold a little over a day's worth of fuel. The local fuel supplier could easily supply the fuel, but it would be expensive. Staff suggested a contract with the fuel supplier to ensure they were a priority for delivery purposes. There were no more natural gas connections being allowed in the Town or Dewey-Humboldt. The natural gas companies were working to meet federal regulations so that it could be supplied to the building, but it would take six months. They could not guarantee they could supply enough natural gas to run the generator. The Town had transfer tanks that could supply the diesel for the generator if need be.
- The plumbing and electrical changes were due to supply issues and inaccurate design or specification issues.
- Staff explained that the parking lot repaving was originally left out to save money, and if Council did not want to do it, they could live with it, and patch and repair as necessary. The project engineer had done a good job looking at all their options and working with the contractor. The contractor had also been working hard to keep the costs down. It had been a good team between the contractor, project engineer, and the architect to work through issues.
- The concrete would last longer than the vinyl, but it was more expensive. It was a

labor-intensive process and took longer to do, but it would have longevity. Regardless of the flooring, it would wear and dull through time. The concrete could be repolished easily. It was not a slippery surface and would mostly be on the first floor.

- In staff's experience, vertical projects like the police facility typically had a five to 12% contingency fund. This project only had a one percent contingency or approximately \$40,000 for a \$7 million project. Staff did not think they would need to spend much of the contingency fund, but it would ensure the project could be completed the way it was designed.
- There were only two more items that would be brought to Council for the facility. The first was audio/visual equipment at \$50,000 and the other was \$25,000 for IT equipment.
- Staff thought they would have approximately \$200,000 left in the budget if the change order was approved.
- The additional money would come from the Town's General Fund.
- Members discussed their preference for an overlay to the existing parking lot or resurfacing. The lighting was also discussed. Staff thought that if they did not resurface the lot, they should put a sealcoat over the area and use thick crack filler. It would crack again and would have to be continually addressed. The low spot would need to be addressed and would cost \$25,000.
- Members discussed waiting on the parking lot and using the contingency money if it were not spent. Staff explained the parking lot could be completed at any time, but more towards the end of the project.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember John McCafferty to approve the First Amendment to the CVPD New Police Facility Construction Contract, in the additional amount of \$659,104 less \$169,096 for the Townhall paving, to be used for paving out of contingency funds if available, and authorize the Town Manager, or her designee, to execute.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

NAY: Councilmember Tom Armstrong

6 - 1 PASSED

- d) Public Hearing, and consideration and possible action to approve Ordinance No. 2022-917 to rezone approximately 6.15 acres from Agricultural Residential 5 Acre Minimum (AR-5) to Single Family Residential 2 Acre Minimum (SR-2) for a property located at 735 S Road 1 West from applicant Thomas Langston. (Will Dingee, Development Services)

Recommended Action: (i) Hold Public Hearing

(ii) Approve Ordinance No. 2022-917 to rezone ZC-2022-03 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

Planner, Bethan Heng presented the following:

- The subject property location and neighboring properties were reviewed.
- The property was currently used as a residential property.
- The request was to rezone the property from AR-5 to SR-2.
- The neighboring property zoning was reviewed.
- The SR-2 zoning was in conformance with the General Land Use Map, which designated the property for medium density residential of two acres or less.
- Staff recommended opening the public hearing and approval of the request.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to open the Public Hearing.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- Julie Tarpley – She owned five acres east of the subject property. They were requesting that the property in question remain agricultural and not residential because the property in the general area was actively being used for livestock and chickens. She had two concerns. She had looked for agricultural property 27 years ago, and it seemed as if the Town was granting more residential than they were leaving agricultural properties. Water was an issue. The property to the east of them had changed to one acre mobile homes and they were drilling and getting more water. They had a water table that was drying up in the area. She wondered where the extra water would come from. She also wondered about the property access. He was currently land locked and his access was to be from Road 1 West. They had a road that came from the west of their property being accessed by four homes. She wondered if the additional subject parcels would be granted access through her road. If that was the case, who would take care of the road? They had taken care of it for 27 years.

Council, applicant Tom Langston, and staff discussed the following:

- The applicant had an easement that fell within the southern part of the property. The easement road fell on Ms. Tarpley's property and one other property. If the rezone subsequently became a lot split, the applicant would need to come to Development Services and Public Works to address the easement issue. The current request was only for a rezone.
- Staff explained that the property owner could split the property in two ways. The first was a minor land division with a flag lot variation that would eliminate the need for the eastern easement access. The other would be to create a minor subdivision and improvements would be based on three lots or less. If the property owner wanted to explore the use of the eastern easement, they would need to have an agreement with the property owner that currently owned the easement for access. The Town could not grant the use without an agreement between all parties using the easement.
- The road would need to be built only if the applicant split the lots. The applicant's intention was two lots because it would be tight for a three-lot split with the required easement.
- Staff explained that the SR-2 still had all the agricultural allowed uses that it currently held except that they could not open a feed store or farm stand.

- For lots one acre or larger that were not subject to subdivision, there were no drainage requirements. If the applicant had to build a road and it became a minor subdivision, there were drainage requirements in the design. If the applicant did a flag lot option and used the existing easements, it was considered a lot split.
- The code offered a special provision for flag lots. Within any zoning district, the required lot frontage was reduced for flag lots. They only needed 50 feet on a roadway. In this case, the easement was a roadway, and it was viewed as an existing road established prior to the Town's subdivision 2020 text amendment. If a new easement was proposed, it would constitute a minor subdivision.
- The applicant did not have any plans on how to divide the property. If the property was divided, it would only be into two lots. Any possible division would be in the future. He currently accessed his property from a south access point.

Town Clerk Deskins explained a motion was not necessary to open and close the public hearing. Mayor Miller closed the public hearing.

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to approve Ordinance No. 2022-917 to rezone ZC-2022-03 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

AYE: Mayor Jack Miller, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

NAY: Vice-Mayor Annie Perkins

6 - 1 PASSED

- e) Public Hearing, and consideration and possible action to approve Ordinance No. 2022-918 to rezone approximately 3.04 Acres from Industrial (I) to Single Family Residential 1 Acre Minimum (SR-1) for a property located approximately 750 feet east of the intersection of Granite Creek Lane and Arizona Trail, APN #306-17-110B, from applicant Gary Zito, on behalf of Arizona Heritage Construction. (Will Dingee, Senior Planner)

Recommended Action: (i) Hold Public Hearing

(ii) Approve Ordinance No. 2022-918 to rezone ZC-2022-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

Senior Planner, Will Dingee, presented the following:

- It was a request to rezone for three acres from Industrial to SR-1 with a one acre minimum.
- The property location and neighboring properties were reviewed.
- The property was currently vacant.
- The zoning of area properties was reviewed and was mixed.
- The General Land Use designation for the area for the property to the north, west, and south was designated as medium density residential two acre minimum or less. The property to the east was designated as a commercial district.
- The SR-1 zoning request was in conformance with the General Plan.
- There were several points of discussion during the May 3rd Planning & Zoning meeting

(P&Z) about the potential impacts of the surrounding industrial zoned properties, specifically the 28-acre piece to the east. The biggest concern was the 500-foot separation requirement from residential property in the industrial zone that was required for medical and recreational marijuana. The current 500-foot separation requirement already existed as it was without the rezoning. There was a FEMA designated floodplain and floodway that separated the properties.

- Staff recommended they hold the public hearing and approve the ordinance as presented.

Mayor Miller opened the public hearing.

Public Hearing

- John Kuzicki – Was a real estate agent for Mr. Wells (28 acres). The impact to his property was significant and it was a substantial piece that was being eliminated and became unusable and worthless. The 500-foot was from the northeast corner of the property. He had been to a meeting objecting to an earlier rezone to the property to the northwest of Mr. Zito's property, which had been industrial zoned as well. He had all three of the lots owned by the Willmore's listed for sale, and when the parcel to the northwest was rezoned, they objected because it hurt the zoning of the property that was listed. The Town was injuring existing industrial property owners by rezoning and devaluing the property. He hesitated to agree that the area in the FEMA floodway and floodplain was non-buildable. It was more expensive to build in the area but was buildable. The rezone impacted what could be built in the area.

Council, Mr. Kuzicki, Town attorney, and staff discussed the following:

- The 500-foot separation requirement was from the property line of a residential use to the property line of an industrial marijuana use.
- The neighboring property owner had been in front of the Council before, and they knew what he wanted to do with the property. If they granted the rezone, it would significantly affect what was already planned for the neighboring property.
- If the rezone request was granted, Mr. Wells' property would only be able to use a small corner of his property as a grow facility. The other side of the Peavine Trail was a separate parcel owned by Mr. Wells but was not part of the consideration and would not be affected by the rezone.
- There was an existing property owner who had private property rights and the right to develop the property as they chose. If the Town continued to rezone to where they were impinging on his private property rights, he may not be able to do anything. A grow facility would be the highest and best use for the property.

Mayor Miller closed the public hearing.

Council, Mr. Zito, Town attorney, and staff discussed the following:

- Gary Zito – He did not think the General Plan was conducive to what needed to be done because the industrial zone should have a buffer zone. They wanted to put up residential lots in an area that already had them, which was all over the area by the subject property. If the only thing the Town was concerned about was whether there was 500 feet that would impact a marijuana plant, he was sure there were plenty of other places on the highway to put the marijuana plants. The highest and best use for the property would be another housing development. He questioned how many marijuana plants they wanted to put in Town. He did not understand it. There was already a road, and they would be put in a cul-de-sac for the fire department. There were other properties in the

area that would be requesting a rezone. He did not understand how the floodway and the requirements that went with it could be used for anything other than cattle. He would be creating a minor subdivision. The drainage already drained naturally.

- P&Z had discussed proposition 207 about private property rights. The question was whether there was a claim for rezoning a property and devaluing another. Prop. 207 was not intended for that. It only dealt with a rezone of a property owner that decreased their value of their own property, not the rezone of neighboring property.
- Property to the north and east were industrial. The property to the south and west were residential SR-1.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember John McCafferty to approve Ordinance No. 2022-918 to rezone ZC-2022-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember John McCafferty

NAY: Councilmember Cloyce Kelly, Councilmember Lon Turner

5 - 2 PASSED

7) **ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 8:17 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously



Jack W. Miller, Mayor



ATTEST:

Erin N. Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 24th day of May, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of June, 2022.

Erin N. Deskins

Erin N. Deskins, Town Clerk