



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL AGENDA

**REGULAR MEETING
TUESDAY, DECEMBER 13, 2022
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

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
2. **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a. **Pg.4** Recognition of elected officials for the following years of service:
 - Lon Turner--11.5 years as Councilmember, 2 years as Vice-Mayor;
 - Cloyce Kelly--4.5 years as Councilmember.
 - Annie Perkins--July 2021-Dec 2022 as Vice-Mayor. (Jack Miller, Mayor, and Cindy Blackmore, Town Manager)
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 at the discretion of the Council and not required by law. Individuals are limited to speak for three (3) minutes, yielding of time will not be permitted. 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. Disrespectful behavior will not be tolerated; this includes loud outbursts, profanity and disruptive discussions among our audience.
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.
- b. Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

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.

- a. **Pg.5** Consideration and possible action to adopt the 2023 Base Council Meeting Schedule. (Erin Deskins, Town Clerk)
- b. **Pg.7** Consideration and possible action to approve the October 25, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)
- c. **Pg.12** Consideration and possible action to approve the November 3, 2022, joint meeting minutes. (Erin N. Deskins, Town Clerk)
- d. **Pg.20** Consideration and possible action to approve the November 8, 2022, study session and regular meeting minutes. (Erin N. Deskins, Town Clerk)

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. **Pg.28** Administer Oaths of Office to Mayor-Elect Jack Miller and Councilmembers-Elect John McCafferty, Sherri Phillips, and Robert Schacherer. (Erin N. Deskins, Town Clerk)
- b. **Pg.29** Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor. (Jack Miller, Mayor)

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

- c. **Pg.30** Public hearing and consideration, and possible action to approve a conditional use permit for applicants Derek and Luiz Pereira to operate an equine rescue center on residential property located at 680 S. Firesky Lane. (Will Dingee, Senior Planner)

Recommended Action:

- i. Hold public hearing
- ii. Approve Conditional Use Permit CUP-2022-01 as presented, subject to the staff report, the information

provided during this hearing, and the Conditions of Approval in Attachment 1.

- d. **Pg.91** Consideration and possible action to authorize the Public Works Director to waive sewer connection requirements for 1775 Pinto Lane. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Authorize the Public Works Director to waive sewer connection requirements for 1775 Pinto Lane (Parcel 306-18-008E) pending County approval of a septic system.

7. **ADJOURNMENT**

Dated this 8th day of December, 2022.

By: *Erin N. Deskins, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

Council meetings are live-streamed on Town of Chino Valley Facebook page, and Zoom.

Click to join webinar: <https://us02web.zoom.us/j/82819522800>
 One tap mobile : US: +12532158782,83455013925# or +13462487799,83455013925#
 Telephone: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)
 Webinar ID: 828 1952 2800

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
 Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2. a.

Meeting Date: 12/13/2022
Contact Person: Cindy Blackmore, Town Manager
Department: Town Manager
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Recognition of elected officials for the following years of service:

- Lon Turner--11.5 years as Councilmember, 2 years as Vice-Mayor;
- Cloyce Kelly--4.5 years as Councilmember.
- Annie Perkins--July 2021-Dec 2022 as Vice-Mayor. (Jack Miller, Mayor, and Cindy Blackmore, Town Manager)

SITUATION & ANALYSIS:

Council and staff will recognize Lon Turner, Cloyce Kelly, and Annie Perkins, and present them with the Mayor's Recognition and Appreciation Award.

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. a.

Meeting Date: 12/13/2022
Contact Person: Erin Deskins, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt the 2023 Base Council Meeting Schedule. (Erin Deskins, Town Clerk)

RECOMMENDED ACTION:

Adopt the 2023 Base Council Meeting Schedule.

SITUATION AND ANALYSIS:

Staff proposes the attached meeting calendar/schedule for 2023. The calendar includes regular meetings, the dates for agenda packet distribution, as well as holidays on which Town offices are closed.

Town Code Sec. 30.065 Meetings provides that (A) regular meetings are held on the second and fourth Tuesdays; and meetings may be canceled, except that at least one regular meeting per month must be held; (B) and (C) special meetings and study sessions may be called at any time. Traditionally, the Council cancels the second meeting in July and the first meeting in August for the summer break, the second meeting in November and December for the holiday breaks, as well as meetings conflicting with the League of Arizona Cities and Towns annual conference (August-September timeframe).

Fiscal Impact

Attachments

2023 Council schedule

2023

Base Council Meetings/
Packet Distribution
Schedule

January

01: New Year's Day (Sun)
(observed 01/02/23)

16: M L King Day (Mon)

February

20: Presidents' Day (Mon)

May

29: Memorial Day (Mon)

July

04: Independence Day (Tue)

September

04: Labor Day (Mon)

November

23: Thanksgiving Day (Thu)

December

25: Christmas Day (Mon)

Legend

Town Offices Closed (M-Th)

Regular Meeting (RM)

RM Packet Distributed

Meeting Cancelled

March

S	M	T	W	T	F	S
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June

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September

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December

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February

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May

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August

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November

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January

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April

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July

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October

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22	23	24	25	26	27	28
29	30	31				



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. b.

Meeting Date: 12/13/2022

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the October 25, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the October 25, 2022, regular meeting minutes.

Attachments

October 25, 2022 Regular Meeting Minutes

DRAFT

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

TUESDAY, OCTOBER 25, 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 Cloyce Kelly; Councilmember John McCafferty; Councilmember Lon Turner

Absent: Councilmember Eric Granillo

Staff Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Town Attorney Michael Goodman (remotely); Administrative Services Director Joe Duffy; Community Services Director Cyndi Thomas; Development Services Director Laurie Lineberry; Chief Building Official Dan Trout; Planner Bethan Heng; Sergeant Deana Winn; Officer Hector Torres; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill

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

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.

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

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.

- a) Consideration and possible action to approve the Inspection Services Agreement with the Arizona Department of Housing, Office of Manufactured Housing effective October 25, 2022, outlining the terms of inspection and reporting. (Laurie Lineberry, Development Services Director)

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to approve Consent Agenda item a.

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

6 - 0 PASSED - Unanimously

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 Financial Report for the three-month period ending September 30, 2022. (Joe Duffy, Administrative Services Director)

Recommended Action: Approve Financial Report for the three-month period ending September 30, 2022.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to approve item 6a Financial Report for the three-month period ending September 30, 2022.

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

6 - 0 PASSED - Unanimously

- b) Public hearing, consideration, and possible action to approve Ordinance 2022-924, to rezone approximately 2.09 acres of real property located at 1383 South State Route 89, Chino Valley, Arizona, APN 306-33-002B, from Commercial Light to Commercial Heavy by applicant Jason Nance. (Will Dingee, Development Services)

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance 2022-924.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong

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

6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve Ordinance 2022-925, for the creation of the Town of Chino Valley Building Advisory Board. (Laurie Lineberry, Development Services Director)

Recommended Action: Approve the Town Code Text Amendment for the Creation of the Chino Valley Building Advisory Board.

*Approved with direction to amend subsection F to ensure proper timeframe and delivery of staff reports.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong

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

6 - 0 PASSED - Unanimously

7) **ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:46 p.m.

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

6 - 0 PASSED - Unanimously

Jack W. Miller, Mayor

ATTEST:

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 _____ day of _____, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2022.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. c.

Meeting Date: 12/13/2022

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the November 3, 2022, joint meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the November 3, 2022, joint meeting minutes.

Attachments

November 3, 2022 Joint Meeting Minutes

DRAFT

MINUTES OF THE JOINT MEETING OF THE TOWN COUNCIL AND PLANNING AND ZONING COMMISSION OF THE TOWN OF CHINO VALLEY

**TUESDAY, NOVEMBER 3, 2022
5:30 P.M.**

**LIBRARY COMMUNITY ROOM
1020 W PALOMINO RD, CHINO VALLEY, AZ**

Town Manager Cindy Blackmore welcomed the Town Council, Planning and Zoning Commission (P&Z), and the Matrix Group to the joint General Plan Workshop. A quick overview of the meeting was provided.

1) CALL TO ORDER; ROLL CALL

Present: Mayor Jack Miller; Vice-Mayor Annie Perkins; Councilmember Tom Armstrong; Councilmember John McCafferty; Councilmember Lon Turner; Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Teena Meadors; Commissioner Ronald Penn; Commissioner David Somerville; Commissioner Robert Switzer; Alternate Richard Zamudio

Absent: Councilmember Eric Granillo; Councilmember Cloyce Kelly; Commissioner William Welker

Staff Present: Town Manager Cindy Blackmore; Development Services Director Laurie Lineberry; Senior Planner Will Dingee; Town Clerk Erin N. Deskins

Attendees: Celeste Werner, Project Director, Ed Boik, Deputy Project Manager, Heather Garbarino, Lead Planner, Bren Cox, Project Manager

Mayor Miller called the meeting to order at 5:30 p.m.

2) Presentation and discussion by Matrix Design Group, regarding general information about the General Plan Update; planning process and schedule; and discussion on existing conditions, challenges and opportunities facing the community. (Laurie Lineberry, Development Services Director)

Bren Cox, Matrix Design Group Project Manager, presented the following:

- The Matrix Design team was introduced: Celeste Werner – Project Director; Ed Boik – Deputy Project Manager; Heather Garbarino – Lead Planner. There were several other people that would be working in the background on graphics, website, etc.
- At the meeting they would cover: What is a General Plan (GP), State requirements for updating a GP, Town and Community process for GP update now and into the future,

Stakeholder and community activity results; Preliminary Draft Vision Statement, public involvement activities, and an overview of the next steps.

Ed Boik, Deputy Project Manager, and Bren Cox presented the following:

What is a General Plan

- A GP was a long-term comprehensive document that was a blueprint for how the Town moved forward in the next 20 years.
- It sets the general concepts for development, city operations, and services through the year 2040.
- It conveyed the Town's future vision, including land uses, policies, goals, and implementation of programs.
- The document strengthened the community through planned growth by addressing challenges and opportunities.
- The GP was required by Arizona State Statute, which required all communities to revise, update, rewrite or write a GP every ten years.
- The Town was seeking to rewrite its entire plan.
- The current plan had several elements that would be used again and would include land use and circulation, which were required by statute. New elements would be added to include public facilities and services, natural resources, open space, environment, water, growth areas, and cost of development. Some of the new elements were required for communities with a population over 10,000.
- The GP was the foundation for planning a community. It was a broad policy and guidance document. It held the vision statement for the future and was the basis for more refined policies.
- The zoning and development codes were more refined and more specific and implemented the policies and visions of the GP. It included site development plans, setbacks, height restrictions, parking, and landscaping requirements.
- The GP helped get building and safety plans established, ensuring development was compliant with land uses, community quality standards, and construction standards.
- The GP foundation ultimately led to the certificate of occupancy, which meant the development site met all policies, standards, visions, and codes established by the Town.
- The existing GP was completed in 2014, with the ten-year mark at 2024. It gave the Town through the end of 2023 to review the current plan, go through the public process, refine, and rewrite the GP. A voter ratification, required by AZ Statute for populations over 10,000, would take place in November 2023.
- The future land use map showed the desired land use pattern and mix for the Town. It could be customized, with categories in anything the Town wanted that would fit their own character, needs, and vision. It would help the Town make better decisions on zoning and development.

Project Schedule

- Matrix would be involved in the process for approximately 12 months, from the start of the GP update through the Council adoption process. They would be available for support during the voter ratification process, but the written document would be complete.
- They were currently halfway through the process, having completed stakeholder interviews, assessment of the current GP and related documents, and they were currently in the vision and public involvement phase.
- The first community meeting would be November 21, 2022, which would begin the extensive public involvement component for the document. After the community input, they would begin the task of writing the GP elements and documents. The Town's Steering

Committee (SC) would help to guide the elements and policies for the GP. The SC ensured the constituents and community were being heard.

- The 60-day draft would be released in April 2023, at which time Matrix would meet with the Steering Committee, Council, and community.
- In June, Matrix would come back for the P&Z and Council hearing for the document approval, which would then send the document through to the voter ratification phase in November 2023.

Public Involvement

- The first public involvement had been to develop the specific Town GP branding, that turned out to be a simple and elegant representation of the Town.
- The website would be the key resource for public information about the GP, upcoming meetings, and for the 60-day GP draft review.
- A community questionnaire would be posted on the website. The ID Places was a tool they used to get community feedback on issues and opportunities.
- The project website was www.MakeItChinoGeneralPlan.com. They also developed a QR Code that could be scanned to take a person directly to that website.
- The eblasts, postcards, and press releases would be released for all the Town workshops and the steering committee meetings, and would be specifically tailored to each meeting and phase.
- There would be two specific community meetings. The first would cover vision, strengths, and challenges, so they could find what was important, what was liked, and what was disliked amongst the community.
- They would go through alternative scenarios and land use mapping at the second community meeting. They had already conducted several stakeholder interviews, and they had received good input on the development of the GP elements. They would continue to talk to stakeholders throughout the community.
- The ID Places app was linked on the website and could be accessed from a computer or phone. It allowed people in the community to select from 40 different element icons that could be placed on the map with their comments, to address important areas in Town they wanted considered for the GP. Anything added could be publicly seen by everyone.

Matrix, PZ, Council, and staff discussed the following:

- Matrix had been working with the Town's Public Information Office, the Planning Department, and the stakeholders to find different avenues to get the information out, including through their own resources and connections. These people would be community ambassadors. They would also be sending postcards through the mail to get the information out to the community.
- Stakeholders were everyone in the community, and everyone was invited to public meetings (residents and business owners). Key stakeholders belonged to focus group areas. It gave Matrix the opportunity to meet with technical experts who had expertise in specific areas, such as water, real estate, and education. A list of stakeholders could be added to the project website, so the community was aware of who Matrix had met with.
- The current meeting was not advertised as a meeting that would include public comment. The Council and P&Z would address public comments at the November 21, 2022, meeting.
- The ID Places could be accessed from the Project website, www.MakeItChinoGeneralPlan.com, and a QR code. The "It" in the web address was a tagline that meant making it unique to Town. They would distinguish themselves from other areas through community input.
- Matrix was a national firm of 200 people, with 11 offices across the US. The Town's

Matrix group was from Phoenix. They were a full-service, multi-disciplinary consultant firm. They had planning, engineering, transportation, environmental, construction management, survey, GIS, and military, and a broad portfolio of technical expertise. They also had graphic design and website expertise. They worked on general plans across the US, which were highlighted for the group. With their experience, they brought a lot of best practices and lessons learned.

Vision Exercise

- The vision would define what the Town would be like in 2040. The vision statement did not describe the Town today, it described what it was in 2040, as if 2040 was the present.
- Matrix had meetings with the Town's department heads and the SC and went through the same exercises they would be doing at the current meeting, except they would be presenting the results of their earlier meetings for collective group feedback. They would be doing the exact same exercise at the upcoming public meeting. With the gathered information, Matrix would comprise and summarize the information to develop the final vision statement.
- The vision statement needed to be one that people recognized as the Town's. It would define the Town so that people who did not live in the community would know what the Town was about.
- They would do an exercise called Rapid Response, which was one word (from each person) that currently described Town.

Rapid Responses - Now: Open Land; small; quiet; peaceful; farmland; dog shows; people; rural; abundant outdoor activity; wind; friendly; water.

Rapid Responses – 2040: Unknown; small; sports mecca; rural; abundant outdoor activity; horses; housing developments; country; well-planned; beautiful; open; clean;

Your Vision for Town: A good place for family to be settled, stable, and productive; quiet small town; safe; affordable place to live and build a home; rural suburban; secure water.

Group Comments

- The future vision was difficult because the Town was rapidly changing already, and the old generation wanted a different future than the new generation. Sometimes the old generation wanted to sell their large lots, but a new generation of community members were moving to Town for the rural aspects.
- The GP was coming at a good time and would give the community the opportunity to preserve what the community loved: small, rural, safe, family community.
- In ten and twenty years, the Town was going to change. There would be development, which was their only way to keep people in the community, so they did not become a bedroom community of Prescott and Prescott Valley. They needed a business development plan. They needed the population before they had the businesses.
- Town needed a town center or town square similar to Prescott, instead of being a strip mall town off Highway 89. A major component of the GP was the future land use map, and that was something they could discuss. The highway was a key component of the town's image.

Current Vision Statement: The Town of Chino Valley is a community looking to its future that envisions diverse business and employment expansion, varieties in housing, and options in transportation; all while maintaining its valued farming heritage, recreation and environmental assets, and its small-town image.

- One issue was “looking to the future”. When writing a vision statement, it should read as if the year 2040 was now. The Group explained that “Looking to the Future” was the

tagline for the Town.

- The department heads and SC did an exercise to fill in the blanks on different versions of a vision statement. The most common words from participants were:

Adjectives: rural; family oriented; peaceful.

Values: friendliness; unity; safety; sense of heritage and tradition.

Assets: open space; quality neighborhoods; recreational amenities; historic resources.

Group Comments:

- To ensure open space was a GP priority, it could be included as a category. State law required one dwelling unit per acre, so that private property rights were not being taken away. Some rural communities did not call it open space, but instead were implementing zoning that only allowed one dwelling unit per ten or twenty acres. This preserved the rural feel and vistas.
- The Group discussed that zoning was not a right, but was granted, so the Town could keep large plots of land, regardless of whether people wanted to split and sell smaller lot sizes. The GP was more than a future land use plan, it also provided goals and policies. These could be developed to support the wide-open vistas and other qualities that were important to the community. Zoning requests asking for higher density were up to P&Z and Council to determine if applications met the GP's future land use plan, policies, and goals. If it did not, they had the right to deny the application.
- If open space was part of the GP, large land purchasers would know that it could not be split and sold into smaller parcel sizes.
- Although there were many goals, not every goal could be put in the vision statement, because it needed to be short. Wish list items, such as affordable housing, would be focused on in the GP policies. The policies would ensure the Town provided the opportunity for diverse housing, including affordable housing, and then define what that would be and how much would be in the community. The policies were as important as the future Land Use Plan. If a GP did not fulfill a town's vision, it made the job of P&Z and Council more difficult, and it should be updated.
- Part of the heritage and tradition in Arizona was the value in property rights. It could be a concern if the Town became overly aggressive with what people could do with their property. Arizona statutes did not allow for properties to be devalued to nothing, which was why the State required that open space had one dwelling per acre of land.

A preliminary draft version that implemented the main ideas from over 60 submitted vision statements was presented for the Group to discuss.

Preliminary Vision Statement: Chino Valley is a peaceful, rural community, proud of our agricultural and equestrian tradition. Our shared commitment to preserving our community's expansive vistas, endless grasslands and starry night skies makes Chino Valley a desirable place to thrive.

- The Group discussed whether the statement contradicted itself by saying open space and a rural community while thriving. The Matrix team thought the Town was already thriving yet rural. Thriving was a balanced life, which would be defined through the GP policies and goals. The GP would define how much services and retail were needed to have the level of Town the community wanted.
- The Town could be a place where people came to visit for agritourism, restaurants or entertainment, and then left. They would be importing revenue.
- The Town had been doing a push for recreational tourism, which was part of the equestrian and sports activities the community wanted in the Town.
- The Group debated the importance of the visions statement to the GP.

- There was no mention of business in the vision statement.
- The draft vision statement reflected the Town currently. People fought against any development and did not want growth or change, but if they wanted businesses to come to Town, roads maintained, and another grocery store, it would not happen by maintaining the status quo.
- The Group thought the best way to keep the Town small but bring in revenue was through tourism. If they wanted people to come, they needed to build attractions like a soccer center.
- The Matrix Team suggested the language “a desirable destination, and a place to thrive,” instead of outright saying Tourism. They wanted to be sure to guide the Town about issues they could be thinking about. Destinations would bring in more lodging establishments along the highway.
- The Town had previously tried to have a racetrack, an RV park, and other things, but it seemed like anything that took away the peace and quiet was not popular with the citizens of Town. The location of destinations could make a difference with the community.
- Old Home Manor (OHM) was a business park, and the east side was recreation. It would have the equestrian center and a new RV park, and the shooting range. The idea was to build the area up to make it a destination for people to come, stay, play, and go. That was an area that could generate revenue.
- The Town also had a fourplex ballpark, but the Town did not have a place for people to stay when they got there. OHM was a great development, and it could also be a great place for off-road activities. The Town had so many outdoor activities, and with a place to camp, they would not have to go into Prescott to stay. Hotels would be important for soccer activities.
- The Matrix team summarized what the Group wanted to add: outdoor recreation and a destination place. A place for businesses was recommended. The Team would draft several new vision statements and revise the current one.
- The Group discussed if agriculture was still a viable option in Town. Agriculture was too expensive because of the water situation. The only growing business that was doing well was the marijuana business. The Group discussed if agriculture was appropriate in the vision statement. It was part of their heritage, but it was not part of the Town any longer, and did not belong in the first sentence of the vision statement.

Preliminary Strengths and Challenges

- They asked the Department heads and the SC the strengths and challenges for different topics, including land use, transportation, recreation, economic development, parks, and public facilities.

Strengths:

Public Services and Facilities – Library and senior center services; Engaged and caring staff
Open Space and Recreation – Trails and outdoor recreation; natural areas; recreation facilities; aquatic center; and dark skies.

Land Use/Economic Development – OHM; Yavapai College – Chino Campus; lots of available land for development; horse/ag residential properties.

Challenges:

Public Services and Facilities – Struggles with maintenance costs and lack of funding; trash and recycling services.

Land Use – Lack of community gathering space, no town center; “I’m here, close the gate; Manufactured housing; storage units; poop image.

Economic Development – Lack of workforce; Lack of water/wastewater infrastructure; More retail/shopping needed.

Strength and Challenge Exercise

- The Group would write additional strengths and challenges they wanted to add to the list. Water was brought up as a challenge, which would fall under Land Use. Due to time challenges, the group submitted their cards without reviewing.

Next Steps

- The next meeting would be the Community Meeting on November 21, 2022, 6:00 p.m., at the Territorial Elementary School. The group was encouraged to be ambassadors to get people to attend the meeting. The Town would be advertising the meeting through social media, the radio, and other outlets. It was suggested that people use Nextdoor to advertise.
- The GP Town website had a place to sign up for their e-mail list, so that people would get emails about meetings and other things.
- The Team would be working on the document with the information gathered.
- In February there would be a second SC meeting with their findings. Matrix would also be reaching out to the Group with the information they had gathered.

3) ADJOURNMENT

The meeting was adjourned at 7:01 p.m.

Jack W. Miller, Mayor

ATTEST:

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 _____ day of _____, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2022.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. d.

Meeting Date: 12/13/2022

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the November 8, 2022, study session and regular meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the November 8, 2022, study session and regular meeting minutes.

Attachments

November 8, 2022 Study Session and Regular Meeting Minutes

DRAFT

MINUTES OF THE STUDY SESSION AND REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, NOVEMBER 8, 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; Assistant to the Town Manager Terri Denemy; Town Attorney Andrew McGuire; Development Services Director Laurie Lineberry; Administrative Services Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Civilian Operations Supervisor Marrilee Easton; Senior Planner Will Dingee; Public Works Director/Town Engineer Frank Marbury; Officer Andrea Mixon; Officer Jon Szymanski; Public Information Officer Tricia Lewis; Community Services Director Cyndi Thomas; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

**STUDY SESSION
TUESDAY, NOVEMBER 8, 2022
5:30 P.M.**

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

1) CALL TO ORDER; ROLL CALL

Mayor Miller called the meeting to order at 5:30 p.m.

2) Discussion regarding submitting a ballot item to the voters whether to change the term of Mayor from 2-year to 4-year. (Erin N. Deskins, Town Clerk)

Town Clerk, Erin Deskins, presented the following:

- Staff and the Mayor wanted to discuss changing the term of Mayor from two to four years.
- The Town had been using the two-year term since 1984 through Ordinance No. 48. Town Code 30.001(b) stated that the term of office for the Mayor was two years.
- To amend the term, the item would need to go before qualified voters in the Town.
- The Town would already be holding a special election in November 2023 for the General Plan update and the sale of Old Home Manor land. This item could be added to that election.

Council and staff discussed the following:

- The Mayor brought up the issue because the learning curve for the office took nearly two years and then the term was up. He thought four years would be better, so that the person would be better able to complete what they had started.
- The term would not begin until after the next election in 2024.
- Members discussed that the longer term was important so that the position had more time to work on projects and get the job done properly.
- Council terms were four years. It would be up to the people to decide if the Mayor should also be there for four years.
- The Town's previous Mayor had thought a four-year term would be good for the position.
- Members agreed that the two-year term was too short, and it should be put on the ballot.

- 3) Presentation and discussion on housing factors impacting recruitment and retention and how those items might be addressed through a town sponsored workforce housing initiative. (Laura Kyriakakis, Human Resource Director / Charles Wynn, Chief of Police)

Human Resources Director, Laura Kyriakakis, presented the following:

- There had been challenges in recruiting staff in recent years and in some cases retaining staff, which was attributed to three primary reasons: pay, labor force, and housing.
- The 2020 US census gave an overview of the median household income for the area of Town. The Town was the 6th lowest for the areas listed. The average weekly US wage was \$1,298, Maricopa County was \$1,178, Yavapai County was \$1,025, and the Town's average weekly wage was \$948. To address the issue, staff were going through a compensation and classification study to ensure they matched the region in pay. Once wages were matched to the area, pay could be taken off the table, and it was everything else that the employer did that made people want to stay.
- The population of Town was 13,020, with 56% of the population age range between 18 and 64 years old, but not all those people were in the workforce. Only 41% of the tri-city population made up the workforce. The US total workforce was 62% of the total population. The US median age was 38.3, the Arizona median age was 37.9, and the tri-city median age was 51.7. Retirees made up the largest demographic in the region, leaving the Town a smaller candidate pool. Because of this, they had to recruit externally and internally to improve the candidate pool.
- Available housing for the workforce had become a growing concern in the region, which indirectly affected the Town's ability to recruit and keep staff. The average home prices in the area were high. The maximum buying power for someone making \$65,500 was a maximum of \$275,000 through an FHA loan with 3.5% down. The average median yearly wage in Town was \$46,000. Staff shared the available housing inventory in Town, broken down for houses under \$300,000 and houses between \$300,000 and \$500,000. The outlining housing stock was also reviewed. The prices of homes were not coming

down, even though the availability was going up. Interest rates were also high. With every percent increase in the interest rate, a buyer's purchase power was decreased by 10%.

- Staff was addressing the pay issue, and hiring externally, but they needed to address the housing issue.
- It was expensive to have a high turnover. The government turnover average for 2021 was 18%, the City of Prescott had a 16% turnover rate, the Town's turnover rate had been 5.7% last fiscal year, but had increased by July 1, 2022, to 10.9%. All the people that had left were non-exempt or frontline staff. In exit interviews, 66% of those leaving mentioned better pay or career opportunities as all or part of their decision to resign.
- Their highest turnovers were in the police department, public works-facilities, parks, and roads department, administration, animal control, development services, courts, and utilities.
- Turnover costs included expenses such as recruitment, orientation, training, lost knowledge, burnout, depleted morale, and loss of productivity. As an example, for a benefited employee making \$45,000 annually that left, it took 90 days to replace the position. The cost to replace the individual could be up to \$24,000. For the total number of people lost since July 1, it was approximately \$288,000. The turnover cost in the police department was substantially higher.
- It was different to replace officers because of State requirements for training and certification. They were currently putting two people in the academy that started January 9th. The advertisement for the positions started in August. The academy was 21 weeks long, and then they had a 16-week field training and other training. They would not be solo on the job until October 2023. The costs would be reduced if they could hire a lateral officer instead of a new officer, but the pool of people was running low in the area. They were having to recruit staff out of the area, but they did not have affordable housing.
- Staff had been researching the issue of transitional housing for new hires from outside the Town's area. If they could advertise that the housing was available, it would take away one of the biggest hiring barriers.
- Staff wanted to discuss options and costs with the Council.

Council and staff discussed the following;

- The housing would be something the Town owned as temporary employee, transitional housing. It would be rented to them at market rate.
- Other cities and towns were already providing this type of housing. There were several different models and different ways of handling the housing.
- Staff was waiting for Council to give the go ahead to further research the issue before getting detailed information.
- Council discussed the issue that every service industry had the same issues.
- The Yavapai College was exploring the 3D housing option, but it was not moving as fast as they anticipated. It could be something the Town piggybacked on.
- There was concern about where new employees would move to if they could not afford a local house. Multi-family housing was needed within the Town.
- Council was open to staff doing further research.
- The school district was looking at places where housing could be built and available for future teachers.

4) **ADJOURNMENT**

Mayor Miller adjourned the meeting at 5:53 p.m.

**REGULAR MEETING
TUESDAY, NOVEMBER 8, 2022
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

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

Mayor Miller called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

All members of Council and Staff previously mentioned were present for the duration of the Regular Meeting.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Graduation presentation for the 2022 Citizens Academy. (Terri Denemy, Assistant to the Town Manager)

Terri Denemy presented the following:

- The six-week Citizens Academy was completed, and 21 people had attended to learn more about Town government operations.
- Two Councilmember elects also participated in the Academy.
- Because the group was so engaged, they extended the sessions from five to six. Through the six academy sessions, each department had the opportunity to make a presentation.
- The group was able to do facility tours.
- The group was officially graduating from the citizens academy and received pins and certificates.
- Cathy Middlested – attended the Academy. She thanked everyone for their efforts, presentations, and tours during the Academy. The group had learned more than expected. She thought the program should be eight weeks, because of all the information that was presented. She was pleased with how the Town functioned and the camaraderie within the Town.

- b)** Introduction and presentation of Town of Chino Valley new employee hires. (Laura Kyriakakis, Human Resources Director)

Human Resources Director Laura Kyriakakis presented the following:

An introduction and/or list of seven new employees in the Police, Public Works, and Development Services departments was reviewed.

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.

- Cathy Middlested – A citizen had posted on the NextDoor website to come to the meeting to ask the Council to remove Ordinance No. 4.9.1, which stated that no travel trailer, motorhome, recreational vehicle, or boat stored on residentially zoned parcels shall be made suitable for onsite occupancy unless permitted in the specific zoning regulation. Evidence of onsite residency consisted of three of the five or six conditions that were listed in the ordinance. She was not for removal of the ordinance. They had regulations for a reason, including nice neighborhoods. She did not think recreational vehicles, travel trailers, and motorhomes were for full-time residency.
- Mark Bonaquista – He wanted the Council to decide on what they were going to do with travel trailers on properties. Development Services and Code Enforcement were issuing citations to some people, but not to others. He had filed several things, including one filed July 15, 2020, regarding a person with five travel trailers on their property, which was also a million-dollar business property. There were live-in residents that were illegal aliens that were there for a place to live and work. The paperwork that was submitted was marked "no violation," which he did not understand, since there were five [RVs] on the property. He had approximately 150 other code violations sent into the Development Services Department, and they all had "no violation" marked on the form. He thought there was a derelict of duty, and they were not doing their job in code enforcement, or there was discrimination. He thought Council needed to investigate and figure out what they were going to do. There were many people who did not have a place to live, and the problem needed to be addressed. He wanted to know why there were no violations in regard to it.
- Luke Cilano – He had spoken last week at the meeting, and it came to his attention that he owed an apology. Anyone that worked with children knew that you don't act out when the children act out. He owed the Council an apology because he did not know who or what they were. The Council made it clear who and what they were by getting up and walking out of the room, which was what children do when they don't like what was being said. He owed them an apology because he did not treat them properly. He owed the Town an apology because he normally did not let things get under his skin. He was also there on UDO 4.9.1. They lived in a downturned economy. He had been told comments to the Council were on deaf ears, but he thought they could move past that. When he moved to Town in 2019, the code said he could have up to six RVs on his property if zoned correctly. The zoning was changed. He thought they needed to change the code; he did not want the section removed. He thought they should be able to have RVs on a property if they were maintained and tidy. The code needed to be worded in a way that it was not used as a weapon. He found out that Vice-Mayor Perkins had made a complaint about his property, and he did not even know her. He did not know why she would complain, because he kept his stuff and property clean. They were trying to help people by lifting them up, by giving them a place to stay, and live. He was not getting

rich or running slums, he was helping people, which is what a community was supposed to do.

- Vice-Mayor Perkins responded, as allowed by State law. She explained he was correct. She made the complaint after seeing multiple RVs and vans come onto his property across from the elementary school and in violation of the code. She was the one that made the complaint.

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 reported on an upcoming Veteran Pancake Breakfast held at the Senior Center.
 - Councilmember Perkins presented and congratulated the Chino Valley 2022 Boys State Champions. They were two-time State champions.
 - Councilmember Kelly reported that November 10th would be the US Marine's 247th birthday. The region had the largest destination of disabled and retired check-ins for the Marine Corps in the world.
- b) Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

The Clerk's Office would be accepting applications to fulfill vacancies on the Planning and Zoning Commission from November 16th through December 15th.

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 Tom Armstrong to approve items 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 a proposal from Willdan Financial Service to perform a Comprehensive User Fee Study. (Joe Duffy, Administrative Services Director)

- b) Consideration and possible action to approve the Town Manager Employment Agreement with Cindy Blackmore. (Laura Kyriakakis, Human Resources Director)
- c) Consideration and possible action to approve the October 11, 2022, study session and regular meeting minutes. (Erin N. Deskins, Town Clerk)

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.

7) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Tom Armstrong to adjourn the meeting at 6:33 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, 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 _____ day of _____, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2022.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 12/13/2022
Contact Person: Erin Deskins, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Administer Oaths of Office to Mayor-Elect Jack Miller and Councilmembers-Elect John McCafferty, Sherri Phillips, and Robert Schacherer. (Erin N. Deskins, Town Clerk)

SITUATION & ANALYSIS:

On August 17, 2022, Council adopted Resolution No. 2022-1219, adopting the results of the August 2, 2022, Primary Election. Per Town Code § 30-003, "The Mayor and Councilmembers shall assume the duties of office at the first regularly scheduled meeting in December following an election at which the Mayor or Council members were elected." Arizona Revised Statutes § 38-232 provides that "...the oath of office shall be taken and subscribed as follows:...If elected, at any time after receiving the officer's certificate of election, and at or before commencement of the term of office."

As Certificates of Election were sent to the candidates elected at the Primary Election in August, Jack Miller, John McCafferty, Sherri Phillips, and Robert Schacherer, will all take their Oath of Office, after which they will assume the duties of office for the new terms.

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. b.

Meeting Date: 12/13/2022
Contact Person: Erin Deskins, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor. (Jack Miller, Mayor)

RECOMMENDED ACTION:

The new Mayor shall nominate, and the new Council shall elect, a Councilmember to serve as Vice-Mayor.

SITUATION AND ANALYSIS:

The Chino Valley Town Code Section § 30.021 provides that: "At the first regular meeting in December following an election, the newly elected Mayor shall nominate one of the Councilmembers as Vice-Mayor, and upon approval by the majority of the Council including the Mayor, the Vice-Mayor shall be so elected and shall serve at the pleasure of the Council."

Fiscal Impact

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. c.

Meeting Date: 12/13/2022
Contact Person: Will Dingee, Senior Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: 5 minutes
Physical location of item: 680 South Firesky Lane

AGENDA ITEM TITLE:

Public hearing, consideration, and possible action to approve a conditional use permit for applicants Derek and Luiz Pereira to operate Equine Rescue on residential property located at 680 S. Firesky Lane. (Will Dingee, Senior Planner)

RECOMMENDED ACTION:

- i. Hold public hearing
- ii. Approve Conditional Use Permit CUP-2022-01 as presented, subject to the staff report, the information provided during this hearing, and the Conditions of Approval in Attachment 1.

SITUATION AND ANALYSIS:

Staff Analysis

The applicant is requesting a CUP to continue the use of an Equine Rescue on his residential property. The Equine Rescue is not allowed by right within the SR-2.5 zoning district, but has been in operation un-permitted. The activity on this property was discovered through a series of code enforcement complaints from neighbors regarding: odor, flies, livestock that had escaped from the equine rescue and trespassed on neighboring properties, and increased traffic and noise from donations and fundraising sales. The original CUP application was submitted to the Town at the end of May 2022. From that original submittal date, staff has had multiple conversations with the applicant, surrounding neighbors and local equine experts in an effort to help craft the conditions of this CUP with the guidance of Town Code.

Zoning

The subject property, and all surrounding properties, are zoned Single Family Residential 2.5-Acre Minimum (SR-2.5), which permits the keeping of livestock on site. Section 3.8.B.6 of the Unified Development Ordinance (UDO) lists “the keeping of cattle, horses, swine [limited to one (1) per acre], sheep, goats, fowl, but not feed lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter” as a Permitted Use. However, while the UDO permits the unrestricted keeping of livestock, “Equine Rescue” is not listed as a permitted use or conditional use. The UDO states:

“Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a conditional use...”

Livestock Limits of other Communities

While the Town of Chino Valley does not limit the quantities of hooved animals, with the exception of swine at one per acre, staff felt that it was pertinent to inform the Commission of restrictions on livestock in similar communities in Arizona. It is important to note, that through staff's research, the Town of Chino Valley is the only community that does not have capacity restrictions on large-hooved animals. An overview of the animal restrictions in similar Arizona communities is below:

Bullhead, AZ	Two (2) hooved animals per acre.
Florence, AZ	Three (3) hooved animals per acre on ranchette properties, two hooved animals per acre on residential lots of 42,000 square feet or greater. All livestock keeping shall be limited to the side and rear yards.
Holbrook, AZ	Requires a 600 square foot containment area per animal. Animals are not to be kept closer than 40 feet from any property line.
Clarkdale, AZ	Two (2) animals per acre on no less than one (1) acre. Required to have a yearly Animal Permit.
Coolidge, AZ	One (1) animal per 10,000 square feet, all animals must be kept 50 feet away from all property lines.
Camp Verde, AZ	Two (2) cattle/horses for the first acre, then one additional cow/horse for every half-acre after that.
Winslow, AZ	One (1) livestock per 22,000 square feet. All structures or fences containing livestock has a minimum property line setback of 25 to 100 feet.
Yavapai County, AZ	Farm animals on lots 1.6 acres or larger, limited to two (2) full-sized hooved animals per acre or fraction thereof. Utilizes a point system.
Coconino County	Three (3) hooved animals for the first (1) acre and one animal for every half (1/2) acre thereafter.

Case History

This item was intended to be heard by the Planning and Zoning Commission on August 2nd. However, the staff and applicant were not able to reach an agreement on the conditions of approval in time for the item to be included in the August 2nd Planning and Zoning packet. Therefore, staff continued the item to the October 4th Planning and Zoning Meeting.

The item was presented before the Planning and Zoning Commission on October 4th. The item was continued by the Commission to the November 1st Planning and Zoning meeting so staff could revise the Conditions of Approval based on feedback from the Planning Commission. Minutes of that meeting can be found in Attachment 2.

On November 1st, staff presented the revised conditions to the Commission. The Commission had several questions for the applicant, however, the applicant did not attend the meeting. The Commission modified the Conditions of Approval with a reduction in the amount of live stock on site to 20 maximum and forwarded a recommendation of approval to the Town Council with a 5-1 vote. Minutes of that meeting can be found in Attachment 2.

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Attachment 1 - Conditions of Approval

Attachment 2 - P&Z Minutes

Attachment 3 - P&Z Memo Nov 1

Attachment 4 - P&Z Staff Report Oct 4

**Attachment 1
Conditions of Approval
CUP 2022-01
Town Council
December 13, 2022**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate "Waiver of Claims" document.

Development Services Comments: Will Dingee, Senior Planner, 928 636-4427- x1233

3. The Conditional Use Permit (CUP) shall be valid for an initial 12-month period in order to allow the applicant to complete required physical improvements to the site. The CUP shall be reconsidered by the Planning and Zoning Commission at 12 months after the Town Council's approval date. The Planning and Zoning Commission may extend the Use on the property for an additional five (5) years if all physical improvements have been made and all conditions of approval have been met.
4. The applicant shall limit the total number of horses and cows on site to 20. In a state, county or town declared natural disaster or emergency, the total number of horses and cows may be increased to a maximum of 50 animals, for a maximum of three (3) weeks from the date of the initial declared disaster or emergency. After that 3-week period, the number of horses and cows must be reduced to the maximum number of 20 total animals on site.
5. Hours of operations:
 - a. Hay fundraising sales and bulk deliveries of hay to and from the subject property – Monday through Saturday, 7:00 a.m. to 7:00 p.m.
 - b. All associated Equine Rescue activities as identified in condition #6 – Monday through Sunday, 7:00 a.m. to 7:00 p.m.
 - c. Veterinarian emergencies are considered exempt from set hours of operations.
6. The applicant shall maintain the on-site livestock (horses, cows, or other split-hooved animals), swine, and poultry by meeting the following requirements 365 days a year:
 - a. The applicant shall feed and remove animal manure from enclosures daily.
 - b. The applicant shall place animal manure in an enclosed waste area until it is removed off-site each week. Manure cannot be spread on site.
 - c. The applicant shall provide water to livestock on site at all times.
 - d. The applicant shall provide shade for the cattle and horses through shade structures in each grazing area.
 - e. The applicant shall maintain security of livestock enclosures with a wrapped-wire, welded fence or an equivalent, to keep livestock from wandering off the subject property.
 - f. The applicant shall maintain adequate fly control on site through the use of bagged fly traps or other biological methods.
7. The applicant shall provide parking to volunteers of the Equine Rescue.
8. The applicant shall provide bathrooms or a portable toilet on site for volunteers of the Equine Rescue.
9. Any onsite property identification signs will need to follow the residential sign code.
10. The applicant shall maintain the 501C3 status for the Equine Rescue for this CUP to remain valid.
11. The applicant shall obtain a Town Business License for the Equine Rescue.

Public Works/Engineering: Frank Marbury, Director, 928 636-7140 - x1226

12. The applicant shall not block natural overland flows from storm water runoff with obstructions including, but not limited to, material stockpiles / storage.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**Attachment 2
P&Z Minutes – November 1, 2022
&
P&Z Minutes – October 4, 2022
CUP 2022-01
Town Council
December 13, 2022**

Planning and Zoning - November 1, 2022

ACTION ITEMS: **F.1** Discussion only regarding the continued CUP-2022-02, **Chair Merritt** and **Commissioner Welker** stepped down from the dais because they were not present for the Public Hearing at the last meeting. **Alternate Zamudio** took his place on the dais and **Vice-Chair Pasciak** presided over the meeting.

Disclosures made by Commissioners:

Somerville shared that after the meeting he spoke with the applicant who had questions about contacting the college. **Somerville** also shared that he had written down, as a private person, ideas he felt the applicant could use for his proposal. He apologized, he had not realized that was not to be done.

Zamudio stated that he had driven by the location to see what the neighbors had been talking about. He wanted to see the property from both sides of the issues spoken about in the last meeting. He shared that he normally drives that way every day.

Somerville wondered if there was a problem to drive by and look at the property if you report your perception back to the commission.

Switzer provided his overview after speaking with the applicant briefly after the last meeting. He said he was commending him to go back and see if there were different proposals that could be made to staff on how the applicant could make this case work.

CASE DISCUSSION:

Dingee provided a brief recap of the project. He added that condition #9 was removed resulting in the other conditions moving up and being renumbered. There was additional thought given to the time period of 6-months, which was changed to a year. He stated that if approved in December 2022, the next 6-months would all be wintertime weather and felt it would be a benefit to the applicant to have a longer period of time to meet conditions of approval. There was also a change made to the maximum number of animals, from 60, to 30, with the exception of a declared disaster to a maximum of 50 for 3 weeks. The other conditions were in regards to the hours of sales, days and times, manure control, cleanliness and feeding of the animals. The applicant must provide any employees a restroom, meet on-site signage requirements, maintain the 501c3 status, have a Town business license and on-site inspection would be every two weeks. Staff is recommending approval of the Conditional Use Permit as outlined in the staff report.

Meadors questioned the run-off of the manure during rainy weather. **Dingee** stated that with the removal of the manure, that should no longer be a concern.

Somerville asked if there was any type of requirement for state registration for equine rescue type businesses. **Dingee** said that he wasn't aware of any.

Switzer pointed out that if the commission does not recommend approval of this Condition Use Permit, then there is no limit to the number of livestock they may keep on the property and they can continue to do as they are doing now. **Dingee** agreed, stating that there is currently no limit that controls the number of animals. However, the hay sales would need to stop. **Switzer** shared that the applicant is not in violation of town code except for the hay sales, and that this CUP is needed to get this situation under control. He also asked what portion of the property is actually being used for the animals. **Dingee** shared an overhead picture of the property with areas identified by use. Approximately 3.5 acres are being used for the animals, however, that also included various pens and storage areas within those areas.

Switzer stated he would like to see that maximum number of animals drop to 20 and in the case of a disaster 10 more could be added for a maximum of 30 for three weeks. He felt that 10 animals per acre was quite a lot and fewer animals would help with the neighbors.

Pasciak asked if there were any current violations on this property. **Dingee** stated that the only outstanding violation is how the outdoor storage items are being stored. **Zamudio** asked about spreading out the manure on the property. **Dingee** shared that the code can allow for the spreading of manure, however the conditions within the CUP will limit that from occurring. **Somerville** asked about the town reviewing the property every two weeks before approval is completed. **Dingee** stated that this is not a normal occurrence and that had to be a condition of the CUP in order to take place.

Pasciak had a question about the swine and chickens. **Dingee** stated swine are limited to one per acre, but they have no swine, and that some chickens are still there for eggs.

Lineberry stated that Code Enforcement was looking at the sale of hay, however the town can't do anything about the number of animals. **Meadors** felt that the place looked like a bigger operation with the semi-trucks and big equipment and that it shouldn't be in a residential area. **Dingee** shared that the code allows larger equipment – 1 per acre.

Switzer reinforced his concern that without this CUP there will be no restriction on the number of animals and the owner could say the hay is just for his animals. The CUP will allow for a cap of the number of animals on the property and provide relief for the neighbors.

Penn also felt that if the CUP is not approved, that there is not a limit on the number of animals they can be kept on this property. **Zamudio** felt that it was important to maintain staffing to help take care of the horses, which is not in place currently. The applicant has not shown him that he has a plan, or a backup plan in place and added that 20 animals maximum is what he is proposing too. **Penn** also stated that sometimes there will be no volunteers and the applicant will need to meet all the rules and regulations without outside help. He felt this applicant had not thought this whole rescue business process through and that it should not be at this location.

Switzer shared that the commission is doing the most they can do by agreeing to these stipulations and putting the CUP in place on this property. He added that even if the code was changed in relationship to the issues facing the commission, they would be retroactive and apply only to new businesses. Right now the applicant could have 70 animals.

Switzer also felt that this should be looked at as an amendment to the code in regards to maximum numbers for livestock per acre. **Lineberry** stated she would talk with the town manager.

A motion was made by Switzer to recommend approval of CUP-2022-05, with a change in condition item number four regarding the onsite maximum number of animals to be reduced to 20 with an additional 10 during a disaster situation, with the rest as written. Meadors seconded the motion. The motion passed with a vote of 5-1 with Zamudio voting no.

Zamudio explained his nay vote stating that the applicant does not have a solid plan in place for the rescue facility and felt it is not a good fit at this time.

Planning and Zoning - October 4, 2022

CASE# CUP-2022-01 –*This is a request by Derek and Luiz Pereira for a Conditional Use Permit for an Equine Rescue Center on a 5-acre parcel zoned SR-2.5, located at 680 S. Firesky Lane, Chino Valley, Arizona.*

Will Dingee, Senior Planner, presented the staff report and shared that the Applicant was in attendance for this meeting. This case originated as a series of code enforcement complaints. Since Hay Sales & Horse Rescue centers are not allowed uses in the SR 2.5 zoning district, the use request is coming to Planning and Zoning and Town Council through the C.U.P. Process. Dingee described the location and the site, along with activities and animal types and numbers on-site.

Dingee described what a CUP is and how it works in the zoning district. Dingee went into detail about the original CUP application and how it evolved from that original submittal, to what the Commission received in their packet.

The neighborhood meeting was noticed within 600' of the property. The meeting was held on-site and 13 people were in attendance. Their complaints included: excessive flies; inadequate property maintenance.; the quantity of horses, cows, and swine on subject property; proper keeping of livestock; traffic activity and related noise in the evening with deliveries; and animals trespassing onto neighboring properties. Discussion between staff and the applicant reached the compromises and conditions that have become part of this case. The applicant has made improvements since the beginning of this process. The only large animal limitation in Town Code is a restriction of one swine per acre. **Dingee** shared limits from other rural jurisdictions, and Chino Valley is the only one that does not have a capacity restriction on large hooved animals.

After the Neighborhood Meeting, staff and the applicants met numerous times to try and find compromise site conditions acceptable to the applicant, and that would address the concerns of the neighbors. An equine expert from Yavapai College helped staff with the conditions. This property is within the Angus Acres Subdivision which was platted in 1978, ad a CC&R provision to limit large animals to 2 per acre. That provision expired in 2008.

Dingee stated six letters of opposition were received from the surrounding properties. Staff is recommending **APPROVAL** of CUP-2022-01 with the conditions as stated in Attachment A.

Switzer asked (not counting the driveways, home and other structures) what portion of the site was being used by the animals. **Dingee** stated he did not have that calculation, but it was not the whole five acres. **Zamudio** asked if there was a fixed schedule for county probation workers, since the clean-up was needed daily, and, if manure disposal was happening now. **Dingee** stated that the clean-up and disposal, if not happening currently, is a requirement of conditions of approval. Staff will be monitoring the site monthly to make sure all physical conditions are met by the end of the first six months.

Switzer asked how long the monthly inspections would occur. Dingee replied affirmatively for the first 5 years. The commission discussed the inspection in more detail and inquired about whether the well was private and which direction the on-site water flowed. **Dingee** stated that the water is from a private well and the natural water flows to the north and then into the culverts along Firesky.

Derek Pereira, Owner, shared with the Commission their compromises since this process has begun. They have reduced the number of animals on-site (removed steers, pigs and chickens). He added that the weather has played a part in hindering the completion of some work, including the break-down of his tractor. He stated that he and a volunteer loaded two full loads of wet manure that day. He said the work is hard and constant. His tractor gets stuck in the mud a lot, with all the rain. There is a lot of work. He stated that

with the out-buildings and their home, he felt that the animals were using about three and one-half acres of the five-acre parcel.

Zamudio asked the applicant if he felt he would be able to continue the maintenance requirements for the property and the animals with the help he currently has. **Mr. Pereira** shared that before the pandemic there were a lot more volunteers to help. Currently, it is just him and his Dad, and any community workers when they are available. He also shared that when the weather is dry the upkeep is much easier. He added that he is waiting on parts for the tractor and hopes to have them in the next couple of weeks. In the meantime they have to use shovels to move the manure. With all the rain and fewer workers, he said it was very challenging to keep the site clean.

Mr. Pereira also shared that the cost to feed the animals has doubled over the last year, and all workers time is volunteered. He did state that if there were less animals the tasks would be more manageable. He added that some manure spread back into the ground will help bring it back to life, but the excess needs to be moved out. He pointed out that the 70 animals they were asking for was for emergency situations. They currently have adoptable horses. With fewer horses it is easier to manage. Pereira stated he understood about an excessive amount of manure and moving it from the site.

Switzer spoke up commending them for the service they provide and what they are trying to do, stating he felt it is a worthy cause. He had several questions for the applicant regarding: approximately how many acres he thought were being used for the animals, if they were opposed to lowering the limit from 70 to 30, if the animals were rehomed or long-term stay, and added that he felt an additional condition for emergency situations. **Mr. Pereira** answered that he felt it was about three to three and one-half acres being used for the animals, stated that 70 was a number they chose because of emergencies, five horses are available to be rehomed and then there are some horses that are family horses, and some sanctuary horses. **Lineberry** stated that there could be something stating that for a natural disaster then the limit can be increased for two to three weeks, or a reasonable time frame that it takes to get the horses back to where they belong.

Somerville asked the applicant if this was a non-profit organization, about fund raising and veterinarian care, and felt that he would like to see them work with the Yavapai College Agricultural school here in town. **Mr. Pereira** stated that both himself and his father were on the board for the 501C3, the sale of hay and other donated items help fund the effort. Dr. Kelstom was identified as the veterinarian. He uses a local Farrier. He was not aware of the Yavapai College resource. **Somerville** felt having the school information would help them become more efficient. The operation is an honorable cause and could be a real boost for this town. **Somerville** stated he would like to see this effort better funded and better organized. **Mr. Pereira** said he was not opposed to a reasonable amount of animals on the property, and understood fewer animals were easier to manage and take care of.

Switzer brought up the question of changing the hours of operation to 7am to 7pm. **Mr. Pereira** agreed with the hour limitations, and felt the Sunday restriction could also be something they could work with. **Pasciak** expressed concern over the number of animals and the ensuing manure; 70 horses is 2 tons of manure each day.

Penn felt strongly that perhaps this was the wrong property for this type of project and perhaps a different location would be better suite. **Mr. Pereira** shared that they are using this property as best they can and do not have the funds to purchase another property.

Zamudio asked about the photos in the staff reports showing stacks of pallets. **Mr. Pereira** stated he was given direction by David Jaime, Code Enforcement Officer, to reorganize the stacks and to remove part of them, which is what they did during the Paulden Dump Days.

There were no further questions from the Commissioners. **Acting Chair Pasciak** opened the meeting up for public comment with a 3-minute time limit per speaker.

Uziel Sotalo spoke about when it rains, the manure runs onto his property and shared that there were excessive flies because of the animals. He commented about the number of animals and apparent lack of

care for the animals saying they moan and groan at night because they are hungry. He felt that the areas that are fenced and used for the animals were closer to two acres in size, not three and one-half acres as the applicant estimated. **Sotalo** shared about the machinery noise in the night, disturbing neighbors sleep and the piles of manure. He was concerned that they don't have enough help to keep up the property and to care for the animals. He stated that they are advertising a business to sell hay but didn't have a business license to do so. **Sotalo** told the commission he had photos and videos of these issues on-site. He feels this location is not the right place for this business.

Ana Sotalo stated she lives next door and has lived at this location for 21 years and never had any problems with the neighbors until this neighbor moved in. Her fence was destroyed by his animals and so they removed the fence. There is trash that blows into her yard from the neighbors' yard. She stated that Luiz promised to take care of it, but never did. They used to have about 300 chickens and 17 pigs. She is concerned about the lack of help on-site. She shared that it is hard to enjoy her yard because of the flies. She has no peace. She also had concerns about them selling hay and the trucks that deliver it.

Nathan Moses stated he agrees with prior speakers. He feels the neighbors are forced to bear the brunt of his inability to manage the horse rescue adequately. The stench is awful and disrupts enjoyment of their property. He is concerned that there is too much work for the people to keep up. He likes the idea of helping the animals but doesn't like the way they are doing it. He thinks that they should wait until they are capable of maintaining the site, maybe 6 months, maybe next year.

Anahi Sotalo stated that she is concerned about all the hay stacked up and the fire hazard. She stated that when the winds blow the hay blows over into their yard and should be covered. She thinks that if they can't take care of the animals now, she didn't know how they were going to take care of them later. The care of the animals required water, food and regular vet care.

Martha Anderson spoke on behalf of the CUP, sharing that she wanted to address the current state of the property. She added that perhaps they could contact the boy scouts as they use different projects to earn badges. She added that she has seen progress on site showing that the applicant has addressed a lot of the issues being presented. There are a lot of personal issues between neighbors, but this case is about what is required for a CUP and those are the facts we need to stick to. She shared that the rain has been awful and with all that moisture the flies are worse. In closing she added that this case needs to move forward using the conditions indicated, and if the applicant can meet and achieve those conditions, this should be approved.

Christian Tanner stated that he lives two houses over from this property. It is a touchy situation between neighbors and that he gets along with all of them so he isn't going to comment on neighbor issues. He stated that he has seen horses abandoned at the front gate. The applicant and his father provide a service to the public. They work very hard on this property. He added that he buys hay from them and keeps goats and sheep on his property. He commended them for their work in the community.

James Anderson shared he was not going to talk about flies and mud. He wanted to stress that this is a service to the community. Regarding the applicant not having a business license, that is not a planning and zoning commission issue. If the neighbors have a complaint about the trucks or property damage, that is a civil issue that needs to go through the court, so they need to take the issue to the police. He personally knows Derek and his dad and there are some issues. He feels that by lowering the number of horses and cattle, that an agreement can be reached to satisfy everything. Bottom line is they are doing good things and these issues can be resolved through compromise. He added that he uses the same Farrier as the Pereira's.

Mr. Pereira responded to the public comments stating that there were other things going on that had nothing to do with this request. He added that there have been various issues regarding the fences and who they belong to. He stated that all the animals that are rehomed have health checkups before leaving their property. He added that he is always on the property, watching and caring for the animals, and added that right now there is a manpower issue, but to make the situation manageable there could be compromises that will make this a more agreeable situation.

There were no further comments from the public and **Acting Chair Pasciak** closed the public comments period.

Switzer stated he would hate to deny this application if a compromise regarding the hours, number of animals, etc., could be made. He suggested staff meet with the applicant to try and work through those issues. **Lineberry** shared that staff has met a number of times and those meetings did not resolve the current issues on-site. **Lineberry** added that there could be alternate conditions added to this case if the commission was not yet ready to make that decision tonight. **Switzer** added that it was the commissions' job to make sure this is a compatible use and not adversely impact the neighbors. He felt the amount of property contributing to horses and their care is 2.5 to 3 maximum, and should result in a maximum of 30 animals on-site, nowhere close to 70 animals. He applauded his efforts, but the Commission was tasked with making this use compatible with the neighbors, even with the CUP that is not happening. **Penn** felt that this was not a good place for this business. He added that all the neighbors knew the zoning when they purchased their home and that he should not be able to disrupt the neighborhood so much that the other property owners can't enjoy their homes. **Zamudio** asked staff if the property upkeep has improved since the photos in the staff report. **Dingee** stated that the property looks much better and added that there is a current Code Enforcement case on this property.

Before making a motion, **Lineberry** asked if the commission would like to hear alternate conditions based on what the discussion had been. Condition 4, if reworded to state: "the applicant shall limit the number of horses and cows on site to 30, in a declared national disaster or declared state or county emergency, the number of animals can be increased for a maximum of 3-weeks post declared disaster emergency, after the 3-week period the combined number of horses and cows must be reduced back to a maximum of 30. Condition 5, instead of dawn to dusk, the time changes to 7:00am to 7:00pm, for both a and b. **Switzer** asked about the days of work being Monday through Saturday. **Lineberry** answered that in 5a the workdays are defined, however, a horse rescue may take place on Sunday.

Somerville asked if the number of cows would decrease if the number of horses increased. **Dingee** stated that the maximum number of animals could be any combination of horses and cows. **Pasciak** asked if there would be a cap of the maximum animals during a disaster. **Lineberry** mentioned that if you looked at Florida, that number of rescues could vary. **Somerville** asked about a time limit and **Lineberry** felt that generally it is within 3 weeks, the animals are either back at home or at an alternate location. **Switzer** shared that he would like to see a cap on the emergency rescue at an additional 20 animals. **Zamudio** agreed to a maximum of 50 animals, because of the limited number of staff and manpower to care for the animals. **Somerville** shared he would like for the community, college and neighbors to get involved and reiterated that this is a good thing for the community. **Penn** asked about statistics in the report about other agencies limiting the number of animals and why Chino Valley doesn't have those types of restrictions in place. **Dingee** answered that that is how the zoning code has always been written and **Lineberry** added that it is a missing piece in the code.

Zamudio express concern about the existing fencing, stating that it wasn't proper for the type of animals being kept. **Switzer** asked how often during the first 6-month period staff was going to check on this facility. **Dingee** stated that the current condition review is set up for once a month, but if the commission wanted something more frequent, like every two weeks, that condition could be changed. **Switzer** wanted clarification on whether the CUP was issued during the first 6 months or only after all the conditions were met. **Dingee** stated the CUP only takes effect after all the conditions are met within the first 6 months. **Meadors** shared that conditions change and would like to see an additional 6 months added to the review after council approval to see if they are still in compliance and if there are any complaints, then it could come back to planning and zoning. She has seen a horse in extremely bad condition and they are now healthy, but it takes time to heal and the neighbors may not be aware of how long that animal has been in the Pereira's care. She would like to see regular checkups by a vet and medical records on each animal. Some may not recover and may need to be put down. She also stated, regarding the fencing, it needs to be cattle panels or welded fencing, and put it on his property, then there is no question as to who it belongs to or who needs to maintain it. **Penn** asked if the Vet donated his time, **Dingee** did not have an answer, however, **Meadors** stated that that was not relevant to the commission.

Switzer asked how they address the smell regarding the manure removal. **Dingee** stated that it would be by removing the manure weekly. **Meadors** shared that she was aware that tractor parts are backordered at this time and thought there might have someone local to donate equipment at this time. **Switzer** asked what their best step might be at this time regarding this case. **Lineberry** stated there were two ways the commission could take this case. The first, to take the wording that she provided earlier, or second, to continue to the next commission meeting for discussion by the commission only, no public comments would be heard at that time. Conditions could be reworded and addressed at the next meeting. **Dingee** added that the next date would November 1, 2022, continuing the commissions' discussion and decision. **Lineberry** recapped changes for Condition 3, it would be valid for an initial 1-year period for completion of physical improvements of the site, the CUP would be reconsidered by the Planning and Zoning Commission at that point. The Planning and Zoning Commission may extend the CUP for 5 years if all physical and conditional improvements have been met. **Switzer** felt that all physical improvements needed to be met before the CUP is issued. **Lineberry** shared that the condition could state that the CUP was under a 1-year review. **Meadors** felt there should be a temporary approval for the first 6-months and only if all physical improvements are met and then an addition 6-months for upkeep to make sure this will work out.

Lineberry shared that the commission will be provided a set of draft conditions of approval to review each conditions line by line and approve or deny those conditions, looking at the impact and the compatibility with the neighbors. **Dingee** stated that staffs' recommendation is for approval as long as all the conditions are met and the project is compatible with surrounding properties. **Switzer** added that this list of conditions is going to be a challenge to maintain.

Meadors made a motion to continue the decision of CUP-2022-01 to the Regular Meeting of the Planning & Zoning Commission on November 1, 2022 for commission discussion and decision, the motion was seconded by **Zamudio**. Motion passed 6-0.

Attachment 3
Planning and Zoning Staff Report Memo– November 1, 2022
CUP 2022-01
Town Council
December 13, 2022

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate "Waiver of Claims" document.

Development Services Comments: Will Dingee, Senior Planner, 928 636-4427- x1233

3. The Conditional Use Permit (CUP) shall be valid for an initial 12-month period in order to allow the applicant to complete required physical improvements to the site. The CUP shall be reconsidered by the Planning and Zoning Commission at 12 months after the Town Council's approval date. The Planning and Zoning Commission may extend the Use on the property for an additional five (5) years if all physical improvements have been made and all conditions of approval have been met.
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 - a. Hay fundraising sales and bulk deliveries of hay to and from the subject property – Monday through Saturday, 7:00 a.m. to 7:00 p.m.
 - b. All associated Equine Rescue activities as identified in condition #6 – Monday through Sunday, 7:00 a.m. to 7:00 p.m.
 - c. Veterinarian emergencies are considered exempt from set hours of operations.
6. The applicant shall maintain the on-site livestock (horses, cows, or other split-hooved animals), swine, and poultry by meeting the following requirements 365 days a year:
 - a. The applicant shall feed and remove animal manure from enclosures daily.
 - b. The applicant shall place animal manure in an enclosed waste area until it is removed off-site each week. Manure cannot be spread on site.
 - c. The applicant shall provide water to livestock on site at all times.
 - d. The applicant shall provide shade for the cattle and horses through shade structures in each grazing area.
 - e. The applicant shall maintain security of livestock enclosures with a wrapped-wire, welded fence or an equivalent, to keep livestock from wandering off the subject property.
 - f. The applicant shall maintain adequate fly control on site through the use of bagged fly traps or other biological methods.
7. The applicant shall provide parking to volunteers of the Equine Rescue.
8. The applicant shall provide bathrooms or a portable toilet on site for volunteers of the Equine Rescue.
9. Any onsite property identification signs will need to follow the residential sign code.
10. The applicant shall maintain the 501C3 status for the Equine Rescue for this CUP to remain valid.
11. The applicant shall obtain a Town Business License for the Equine Rescue.

Public Works/Engineering: Frank Marbury, Director, 928 636-7140 - x1226

12. The applicant shall not block natural overland flows from storm water runoff with obstructions including, but not limited to, material stockpiles / storage.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**Attachment 4
Staff Report – P&Z October 4, 2022
CUP 2022-01
Town Council
December 13, 2022**



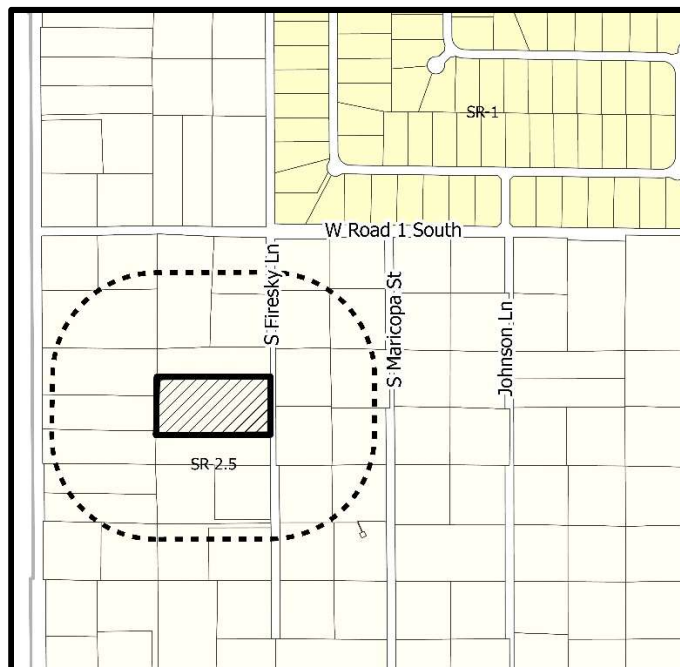
TOWN OF CHINO VALLEY
Planning Commission Staff Report
October 4, 2022
File Number CUP-2022-01
Conditional Use Permit

PROJECT DESCRIPTION

This is a request by Derek and Luiz Pereira for a Conditional Use Permit for an Equine Rescue Center on a 5-acre parcel zoned SR-2.5, located at 680 S. Firesky Lane, Chino Valley, Arizona.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential & Equine Rescue	Medium Density Residential (2 acres or less)
North	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)
South	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)
East	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)
West	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)

LOCATION MAP

PRIOR SITE ACTIONS:	Code Enforcement Cases: 2/10/2022 – Excessive animal manure and trash/debris 7/08/2021 – Piles of manure, piles of tree branches and selling hay
STAFF RECOMMENDATION:	Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of APPROVAL for the Pereira Conditional Use Permit for an Equine Rescue on a Residential Property with Conditions of Approval found in Attachment A.
SUGGESTED MOTION:	Move to APPROVE Conditional Use Permit CUP-2022-01 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A
EFFECT OF THE APPROVAL:	By approving this Conditional Use Permits, the Planning and Zoning Commission is recommending Town Council to approve the Pereira Conditional Use Permit for an Equine Rescue on a Residential Property, subject to the staff report and information provided during this hearing, and that the conditions of approval will make the proposed use compatible with surrounding uses.

Conditional Use Permit

A Conditional Use Permit (CUP) is a use that because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and Council, granting of conditional use approval by imposing such conditions as necessary to make the use compatible with other uses permitted in the same zoning district or vicinity. Conditional uses are issued for uses of land and may be transferable from one owner of the land to another.

The subject property is located in an area with large acre, single-family residential zoning to the north, south, east and west. All residential zoning in the immediate area has agriculture and livestock entitlements which have no limits on the amount of horses or cattle that can be kept. The conditions associated with this CUP can be found in Attachment A.

Proposal

The applicant's initial proposal was for a equine rescue that functions 24 hours a day, seven days a week with a livestock capacity of 50 (combination of rescue and personal livestock. At the time the application was submitted, there were 42 cattle/horses on site) and fundraising through the sales of hay, manure, straw, railroad ties and other similar assets. As part of the original narrative, the applicant provided a manure and visual impact mitigation plan that consisted of the following:

"... we will create a compost pile with a cover and will provide a method to dispose of manure as well as providing it in our fundraising. We will also keep areas maintained. We will also keep areas maintained along fence lines, plus use animal manure on this ranch to fertilize front pasture. For such purpose that are compatible with customary methods of good husbandry."

The neighborhood meeting was held on site June 29th, 2022 in which 13 neighbors were in attendance. The consensus from the neighbors was split, those that were immediately adjacent to the property were in opposition of the CUP and those that had one or two parcel of separation from the subject property had no opposition. The issues that were brought up during the meeting were:

- Animals trespassing onto neighboring properties.
- Maintenance of the site.
- Quantity of horses, cows, swine on the subject property.
- Proper keeping and care of livestock.
- Traffic Activity in the evenings and mornings with deliveries from farm activity.
- Flies being generated from the site.

After the neighborhood meeting, and several meetings and phone conversations with staff, the applicant did modify their proposal in the hopes of addressing the concerns of the neighbors. The proposal now further restricts and defines hours of operation, manure removal schedule, fly control schedule, feeding and watering schedules for the animals, maintenance and security of the livestock enclosures, and site accommodations for any volunteers working on site. However, the applicant did request that the self-imposed livestock capacity for the property be increased from 50 to 70 which equates to 14 cattle/horses per acre.

Staff Analysis:

The applicant is requesting a CUP to continue the use of an Equine Rescue on his residential property. The Equine Rescue is not allowed by right within the SR-2.5 zoning district, but has been in operation unpermitted. The activity on this property was discovered through a series of code enforcement complaints from neighbors regarding: the odor; flies; livestock that had escaped from the equine rescue and trespassed on neighboring properties; and increased traffic from donations and fundraising sales. The original CUP application was submitted to the Town at the end of May of this year. From that original submittal date, staff has had multiple conversations with the applicant, surrounding neighbors and local equine experts in an effort to help craft the conditions of this CUP with the guidance of Town Code.

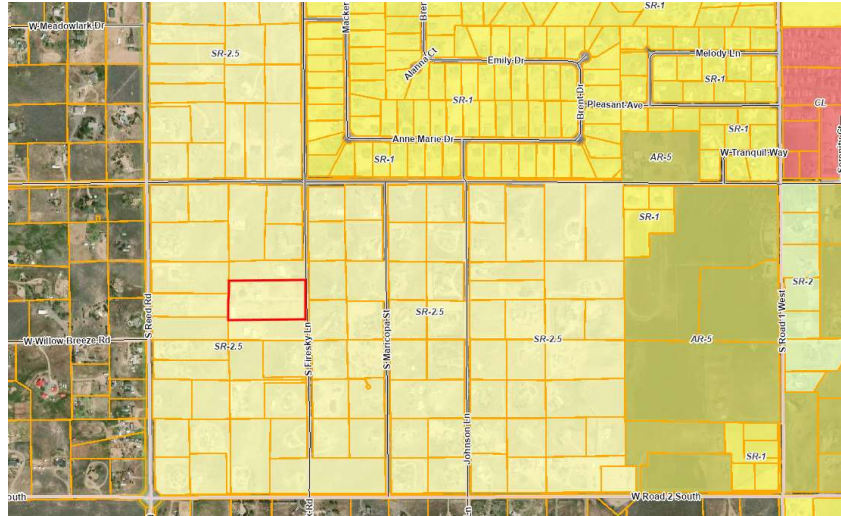
Zoning

The subject property's zoning of Single Family Residential 2.5-Acre Minimum (SR-2.5) permits the keeping of livestock on site. Section 3.8.B.6 of the Unified Development Ordinance (UDO) lists "the keeping of cattle, horses, swine (limited to one (1) per acre), sheep, goats, fowl, but not feed lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter" as a Permitted Use. However, while the UDO permits the unrestricted keeping of livestock, "Equine Rescue" is not listed as a permitted use or conditional use. The UDO states:

"Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a conditional use..."

As a result, the request for the Equine Rescue is being proposed as a CUP. The following map shows the subject property, outlined in red, and the surrounding zoning districts are all SR-2.5.

Parcels without a zoning classification shown are outside of Town limits and are regulated by Yavapai County.



Angus Acres CC&Rs and No Existing HOA

The subject property is part of the Angus Acres subdivision, which was recorded by the Yavapai County's Assessor Office in 1978. Lots within this subdivision have been further divided into smaller parcels. While the subdivision does have Declaration of Restrictions that accompanied the plat recorded in 1978, there is currently no active Home Owners Association to enforce them. During the staff research process, staff received a letter of concern from a neighbor which included a copy of the Angus Acres Declaration of Restrictions. The neighbor referred to Section 6 of the Declaration of Restrictions, which addressed Garbage and Trash. Section 6 of the subdivision's Declaration of Restrictions states, "All garbage and trash is to be placed in properly covered containers. At no time shall there be piles of refuse and garbage on any lot or tract." The sender also referred to Section 9 addressing General and Miscellaneous, particularly the keeping of livestock, however this section expired December 31st, 2008.

Livestock Limits of other Communities

While the Town of Chino Valley does not limit the quantities of hooved animals, with the exception of swine at one per acre, staff felt that it was pertinent to inform the Commission of restrictions on livestock in similar communities in Arizona. It is important to note, that through staffs research the Town of Chino Valley is the only community that does not have capacity restrictions on large hooved animals.

Bullhead, AZ	Two (2) hooved animals per acre.
Florence, AZ	Three (3) hooved animals per acre on ranchette properties, two hooved animals per acre on residential lots of 42,000 square feet or greater. All livestock keeping shall be limited to the side and rear yards.
Holbrook, AZ	Requires a 600 square foot containment area per animal. Animals are not to be kept closer than 40 feet from any property line.
Clarkdale, AZ	Two (2) animals per acre on no less than one (1) acre. Required to have a yearly Animal Permit.
Coolidge, AZ	One (1) animal per 10,000 square feet, all animals must be kept 50 feet away from all property lines.

Camp Verde, AZ	Two (2) cattle/horses for the first acre then one additional cow/horse for every half-acre after that.
Winslow, AZ	One (1) livestock per 22,000 square feet. All structures or fences containing livestock has a minimum property line setback of 25 to 100 feet.
Yavapai County, AZ	Farm animals on lots 1.6 acres or larger, limited to two (2) full sized hooved animals per acre or fraction thereof. Utilizes a point system.
Coconino County	Three (3) hooved animals for the first (1) acre and one animal for every half (1/2) acre thereafter.

Case History

This item was intended to be heard by the Planning and Zoning Commission on August 2nd. However, the staff and applicant were not able to reach an agreement on the conditions of approval in time for the item to be included in the August 2nd Planning and Zoning packet. Therefore staff continued the item to the October 4th Planning and Zoning Meeting.

Planning Commission

The Planning and Zoning Commission needs to hear from the applicant regarding the current use and function on the subject property and the surrounding neighbors regarding the impact to their property from this use. The Commission needs to determine if this conditional use, in conjunction with the proposed conditions, are appropriate to make this proposed use compatible with surrounding uses and not create a negative impact on the neighbors.

The following images are photos that show the conditions of the subject property at time of submittal



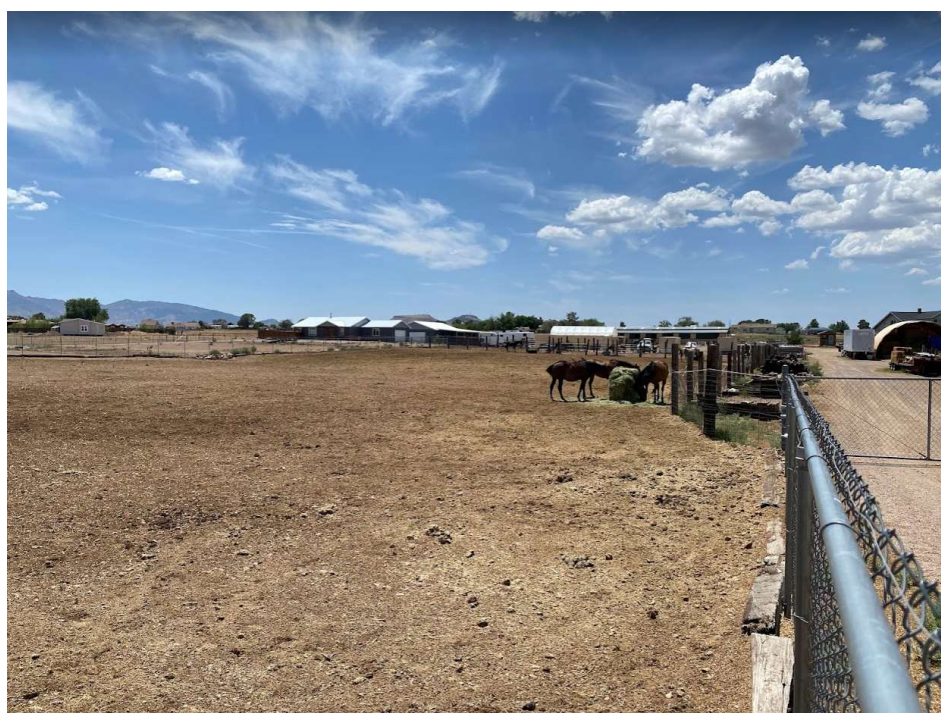
Manure spread on site for husbandry.



Donation Drop Off and Collection Area



Pen for Cattle



Pen for Horses in the Equine Rescue Center

PUBLIC COMMENTS RECEIVED:

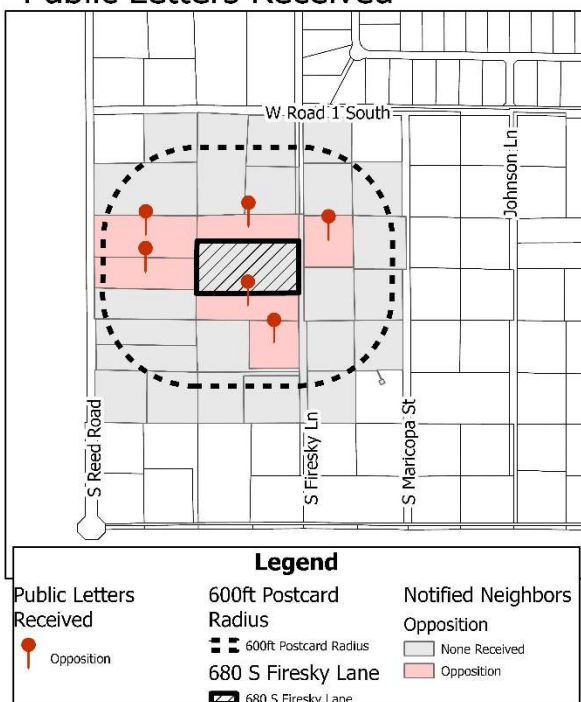
Staff received 6 letters of opposition from the neighbors. Please see Attachment D.

EXTERNAL AGENCY COMMENTS: No external agency comments

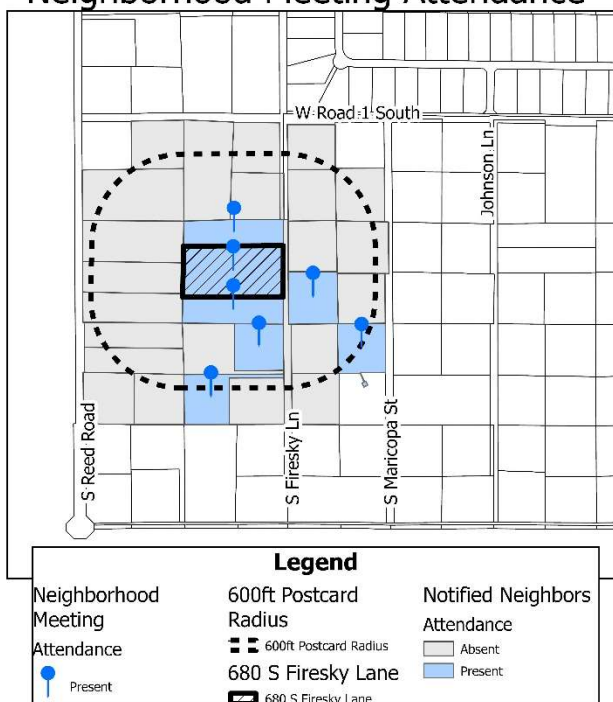
NEIGHBORHOOD MEETING COMMENTS:

Staff notified the surrounding property owners of the date and location of the Planning and Zoning Commission Meeting and Town Council Meeting by postcard on June 16th, 2022. See Attachment C

Public Letters Received



Neighborhood Meeting Attendance



PROPOSED CONDITIONS DELIVERED September 6th, 2022**TO APPLICANT ON:**

☒	Applicant agreed with all of the conditions of approval on 9/20/2022
☐	Applicant did not agree with the following conditions of approval.
☐	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Site Plan & Exhibits	Staff Research	Public Comment

PREPARED BY:



DATE:

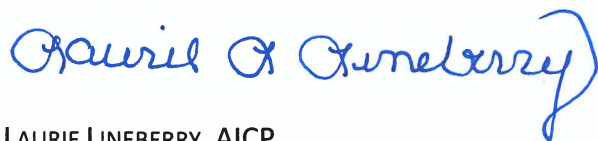
9/22/2022

WILL DINGEE

(WDINGEE@CHINOAZ.NET)

928 636-4427 - x1233

APPROVED BY:



9/22/2022

LAURIE LINEBERRY, AICP

DEVELOPMENT SERVICES DIRECTOR

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate "Waiver of Claims" document.

Development Services Comments: Will Dingee, Senior Planner, 928 636-4427- x1233

3. The Conditional Use Permit (CUP) shall be valid for an initial 6-month period in order to allow the applicant to complete required physical improvements to the site. If all required conditions for physical improvements are met within the 6-month period, the CUP shall extend to 5 years from the date of original approval by Town Council.
4. The applicant has agreed to a self-imposed maximum limit of 70 livestock (horses, cows, or other split-hooved animals) on-site.
5. Hours of operations:
 - a. Hay fundraising sales and bulk deliveries of hay to and from the subject property – Monday through Saturday, dawn to dusk.
 - b. All associated Equine Rescue activities as identified in condition #6 – Monday through Sunday, dawn to dusk
 - c. Veterinarian emergencies are considered exempt from set hours of operations.
6. The applicant shall maintain the on-site livestock (horses, cows, or other split-hooved animals), swine, and poultry by meeting the following requirements 365 days a year:
 - a. The applicant shall feed and remove animal manure from enclosures daily.
 - b. The applicant shall place animal manure in an enclosed waste area until it is removed off-site each week. Manure cannot be spread on site.
 - c. The applicant shall provide water to livestock on site at all times.
 - d. The applicant shall provide shade for the cattle and horses through shade structures in each grazing area.
 - e. The applicant shall maintain security of livestock enclosures with a wrapped-wire, welded fence or an equivalent, to keep livestock from wandering off the subject property.
 - f. The applicant shall maintain adequate fly control on site through the use of bagged fly traps or other biological methods.
7. The applicant shall provide parking to volunteers of the Equine Rescue.
8. The applicant shall provide bathrooms or a portable toilet on site for volunteers of the Equine Rescue.
9. The site shall be inspected once a month by the Town to ensure required conditions are being met.
10. Any onsite property identification signs will need to follow the residential sign code.
11. The applicant shall maintain the 501C3 status for the Equine Rescue for this CUP to remain valid.
12. The applicant shall obtain a Town Business License for the Equine Rescue.

ATTACHMENT A
CONDITIONS OF APPROVAL

Public Works/Engineering: Frank Marbury, Director, 928 636-7140 - x1226

13. The applicant shall not block natural overland flows from storm water runoff with obstructions including, but not limited to, material stockpiles / storage.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
EXTERNAL AGENCY COMMENTS

NO EXTERNAL AGENCY COMMENTS RECEIVED.

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: JUNE 29TH, 2022 – 4PM

LOCATION: 680 S FIRESKY LANE

ATTENDEES:

AGENT/DEVELOPER: LUIZ AND DEREK PEREIRA, OWNER.

TOWN STAFF: WILL DINGEE, SENIOR PLANNER; BETHAN HENG, PLANNER.

NEIGHBORS IN ATTENDANCE (13)

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

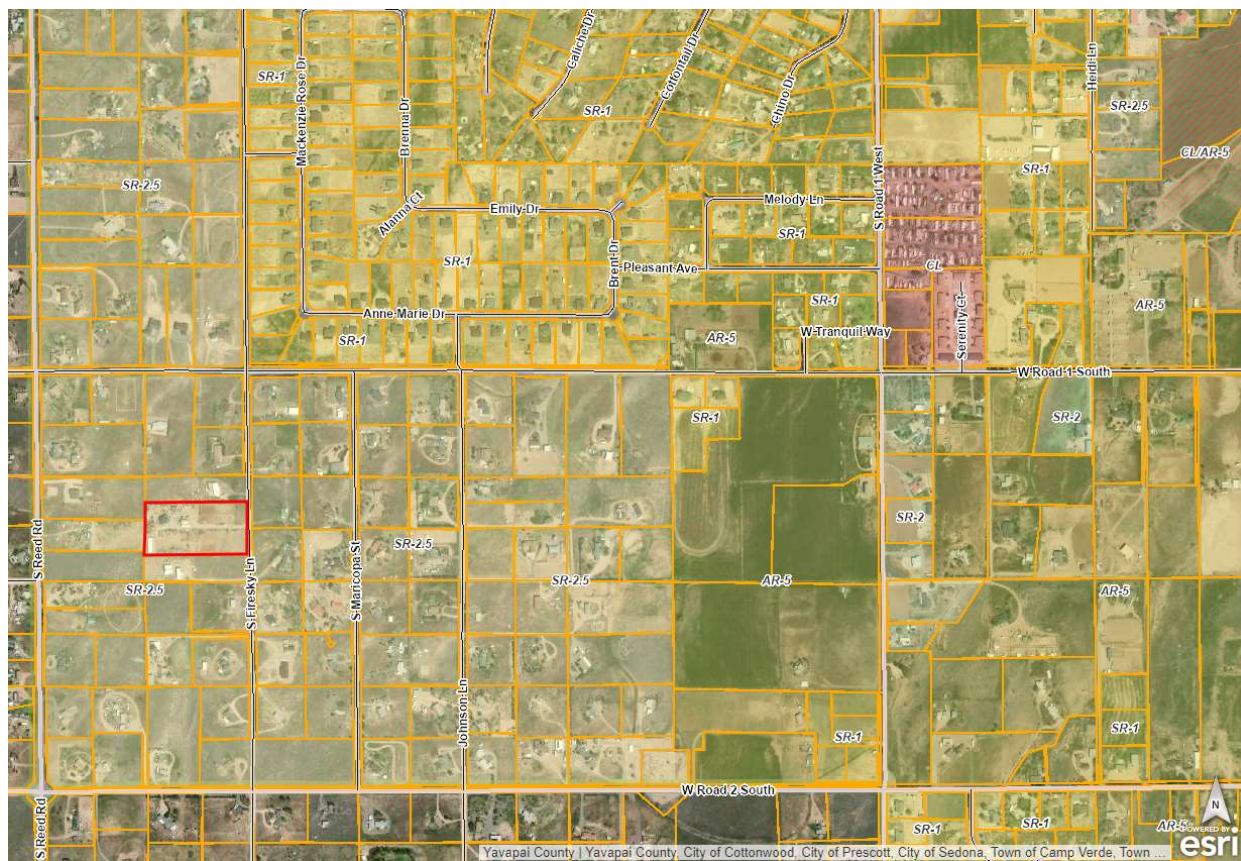
- ANIMALS TRESPASSING ONTO NEIGHBORING PROPERTIES.
- SUBJECT PROPERTY MAINTENANCE.
- QUANTITY OF HORSES, COWS, AND SWINE ON SUBJECT PROPERTY.
- PROPER KEEPING OF LIVESTOCK.
- TRAFFIC ACTIVITY IN THE EVENING WITH DELIVERIES FOR FARM ACTIVITY.
- FLIES.

ATTACHMENT D

SITE PLAN AND APPLICANT PROVIDED EXHIBITS

APN# 306-31-039H

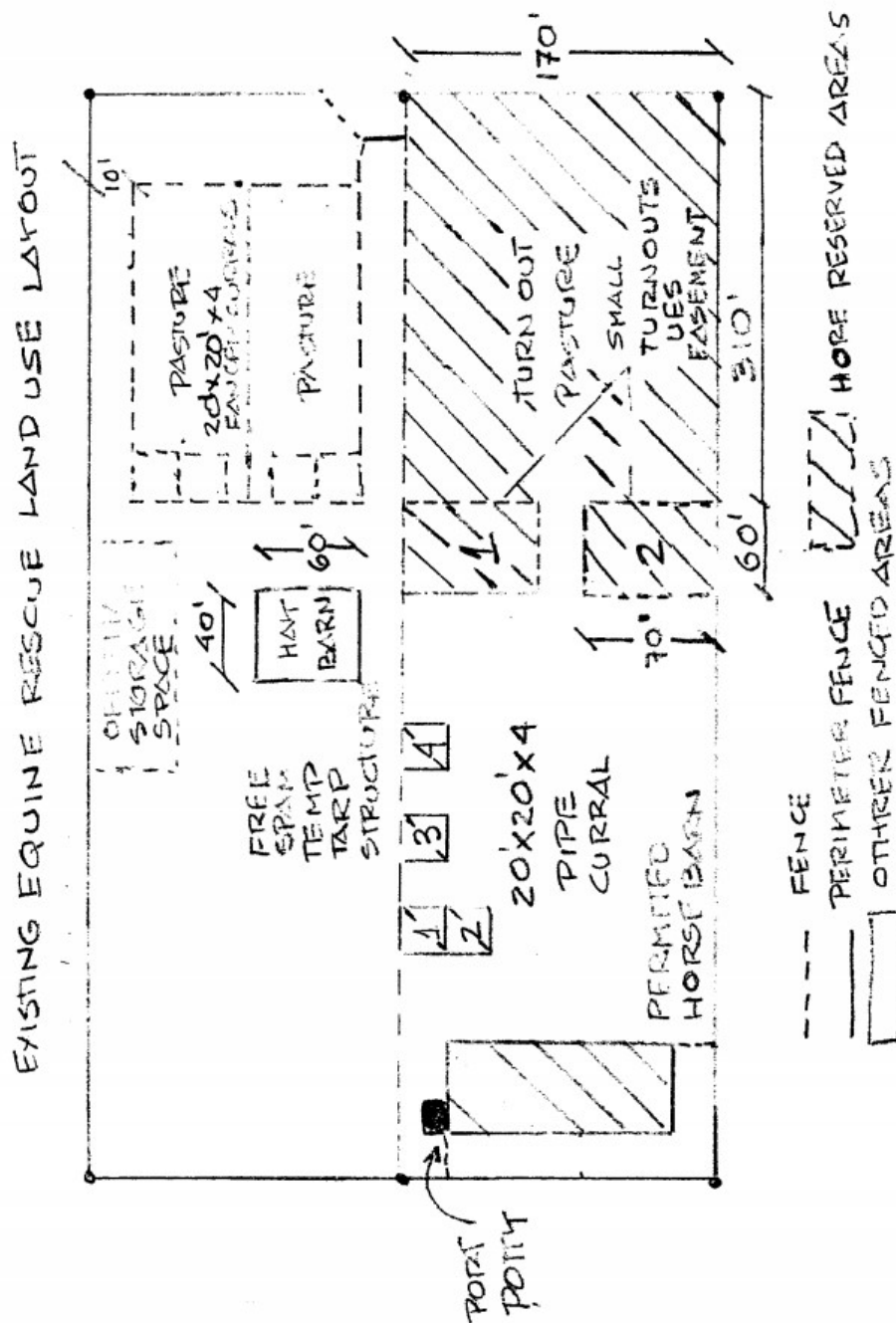
ADDRESS: 680 S FIRESKY LANE



ATTACHMENT D
SITE PLAN AND APPLICANT PROVIDED EXHIBITS



ATTACHMENT D
SITE PLAN AND APPLICANT PROVIDED EXHIBITS



ATTACHMENT D
SITE PLAN AND APPLICANT PROVIDED EXHIBITS

Summary for Conditional Use Permit

Derek J. Pereira
Property Owner housing Equine Rescue
680 S Firesky Lane, Chino Valley, AZ 86323-7219

The Equine Rescue is a 501(C)3 which operates 24 hours, seven days per week. As a non-profit organization we depend on donations and fundraising to be able to continue operation with an estimated four vehicles per day. Our fundraising is available from dusk to dawn Monday through Saturday. Current available items for fundraising are: hay, manure, straw, railroad ties, and other assets as donated.

Our schedule to replenish our fundraising items will be approximately three times per week during operating hours.

As an Equine Rescue in order to avoid odors, address manure mitigation and the impact to our neighbor's, and any visual impact; we will create a compost pile with a cover and will provide a method to dispose of manure as well as providing it in our fundraising. We will also keep areas maintained along fence lines, plus use animal manure on this ranch to fertilise front pasture, for such purpose that are compatible with customary methods of good husbandry.

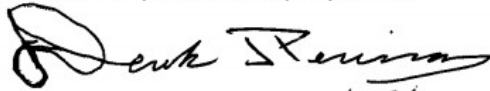
Presently we have set a maximum capacity of 50 ourselves. At this time we are housing 21 horses and 21 cattle. Also, we do accept emergency shelter as needed.

The Equine Rescue has an agreement with Yavapai County Probation Department and several community service organizations to assist with property maintenance, and animal care.

We will also be meeting the specifications for signage as is determined through this process.

Thank you,

Derek J. Pereira
Director of Operations/Property Owner



5/25/22

ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – CUP

CASE #: CUP-2022-01

CASE PLANNER: BETHAN HENG

I. PROJECT DATA

Project Location:		680 S Firesky Lane						
Parcel Number(s):		#306-31-039H						
Parcel Size(s):		5 Acres						
Total Acreage:		5 Acres						
Proposed Dwelling Units:		N/A						
Address:		680 S Firesky Lane						
Applicant:		Derek Pereira						
Applicant's Agent:		N/A						
Land Use Conformity Matrix:		Conforms:	Yes	X	No			
Zoning Overlay	PAD			N/A				

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential & Equine Rescue	Medium Density Residential (2 acres or less)
North	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)
South	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)
East	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)
West	Single Family Residential 2.5 Acre Minimum (SR-2.5)	Residential	Medium Density Residential (2 acres or less)

Prior Cases or Related Actions:

Type	Conforms				Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	X	
Annexation	Yes	X	No		1 st Town Annexation – November 13 th , 1970
General Plan Amendment	Yes		No	X	
Development Agreement	Yes		No	X	
Rezone	Yes		No	X	
Subdivision	Yes	X	No		Angus Acres
Conditional Use Permit	Yes		No	X	
Pre-Application Meeting	Yes	X	No		May 25 th , 2022

**ATTACHMENT E
STAFF RESEARCH**

Enforcement Actions	Yes	X	No		July 8 th , 2021 – “Piles of manure, piles of tree branches, selling hay, lots of horses and cattle on property.” February 10 th , 2022 – “Excessive animals, manure, and trash/debris.”
Land Division Status:				X	
Irrigation District:				N/A	
Detailed Narrative					- The Equine Rescue is a 501(C)3 which operates 24 hours, seven days per week. The non-profit organization operation includes an estimated four vehicles per day and fundraising from dusk to dawn Monday through Saturday. Fundraising includes hay, manure, straw, railroad ties, and other assets as donated. - The Equine Rescue has a maximum capacity of 50. “As an Equine Rescue, in order to avoid odors, address manure mitigation and the impact to our neighbors, and any visual impact; we will create a compost pile with a cover and will provide a method to dispose of manure as well as providing it in our fundraising. We will also keep areas maintained along fence lines, plus use animal maneuver on this ranch to fertilize front pasture. For such purpose that are compatible with customary methods of good husbandry.”

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:			
Land Use Designation:		Medium Density Residential (2 acres or less)	
Issues:		Functioning as an Equine Rescue on a Residential property.	
Public Services Element:			
Water Facility Plan:	Source:	N/A	
Sewer Facility Plan:	Treatment:	N/A	
Issues:		N/A	
Safety Element:			
Flood Plain Designation:		N/A	
Issues:		N/A	
Transportation Element:			
Road Classification		N/A	
Issues:		N/A	

ATTACHMENT E
STAFF RESEARCH

Parks and Rec Element:

Closest Park:	LIST
Within 1 mile of the Peavine Trail?	No.

NOTIFICATION

- **Legal Ad Published: The Sun** (07/12/22)
- **600' Vicinity Mailing:** (06/20/22)
- **21 Commenting/Reviewing Agencies noticed:** (06/16/22)
- **Neighborhood Meeting:** (06/29/22)
- **Hearing Dates:** (08/02/22)
- **Comments Due:** (07/04/22)

<i>External List (Comments)</i>	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Chuck Dowdy – CAFMA					
Monique Holiday – APS					
Richard Perez - A.D.O.T.					
Ralph Baker – C.V.I.D.					
Suzann E. – YC ENV					
Jon Groulx – YC Health					
SparkLite Cable					
Century Link Cable	NR				
Unisource Gas	NR				
CVUSD	NR				
United States Postal Service	NR				
<i>Town of Chino Valley Internal List (Conditions)</i>	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Bethan Heng – Planner (DS)					
Will Dingee – Senior Planner (DS)					
Laurie Lineberry – DS Director					
Frank Marbury – PW Director					
Steve Sullivan – Assistant Engineer (PW)	Y	6/20/2022		Y	Y
Jim Shinost – Plans Examiner (DS)					
Dan Trout – CBO (DS)					
David Jamie – Code Enforcement					
Damon Stanley – Code Enforcement					
Chuck Winn – Chief of Police (Police)					

ATTACHMENT F
LETTERS OF OPPOSITION

Clinton & Allena Donati
5550 Pembroke Avenue
Santa Barbara, CA 93111-1442

June 26, 2022

Bethan Heng, Planner
Development Service
Planning Division
1982 Voss Drive
Chino Valley, AZ 86233

RE: Concerns regarding Conditional Use Permit for Equine Rescue Center a 680 S. Firesky Lane

Dear Ms. Heng,

We have various concerns regarding the proposed Equine Rescue Center at 680 S. Firesky Lane, Chino Valley. We live uphill from the proposed Equine Rescue Center and our concerns are as follows:

- a) That the proposed equine rescue center has been operating for years without the benefit of the required permit.
- b) The number of animals currently on the property is excessive and should be limited. Our understanding is that the number of horses at a permitted Equine Rescue cannot be limited. On this five acre parcel we have often noted there are 12-13 horses, plus 12-13 cattle, goats, chickens, turkey, dogs, and other animals visible. The total number of animals is excessive for the size of the property, unhealthful, and a drain on the neighboring water wells in the area.
- c) Semi truck loads of alfalfa/hay are delivered frequently, and then large and smaller trucks begin arriving to take away the same. It would appear there may a commercial alfalfa sale business being conducted. Is this permitted usage? Are there other business ventures being run from the same property that is a proposed Equine Rescue Center?
- d) Twice over the years we have noticed there were large debris fires at night near the north west corner of the property, east of where the sheds are located, and north of the home. One fire was so high that the flames were nearly as tall as the two story home on the property. These fires were close to where the alfalfa is stored. If the quantity of alfalfa they store catches fire it could be a real disaster for all of Chino Valley. We monitored the fires for hours in case we had to phone the Fire Department if embers started fires on our or neighboring properties.

Respectfully,




Clinton and Allena Donati
625 S Reed Rd.
Chino Valley, AZ 86323

ATTACHMENT F
LETTERS OF OPPOSITION

From: Jesse Andujo <jesseandujo1984@gmail.com>
Sent: Tuesday, June 28, 2022 11:39 AM
To: Bethan Heng
Subject: concerns

With some of my concerns about the Equine Rescue Center is the amount of livestock currently on the property and with the amount they have comes a tremendous amount of flies. i have to keep all doors closed at all times along with my garage doors. im constantly having to pressure wash the the trims around my windows and doors along with the concrete to clean up the feces from the amount of flies. Along with the flies is the smell of the manure on a daily basis and when they turn up the fields and pile up the manure to sell. The smell can be overwhelming and not being able to enjoy my home and property.

I do feel that they are taking advantage of having the horse sanctuary to be able to run an entire business from the property instead of caring for their animals and their well being.

So with my last concern is the multiple vehicles that come and go from the property that are not leaving with hay, manure, railroad ties or any sort of feed being that these vehicles are small compact cars. Since the beginning of construction in February of last year I've noticed multiple, multiple vehicles coming and going at late hours of the night from 9pm going further into the night. vehicles would not enter the property being that the gate was closed. someone would come to the gate and within a few minutes the vehicles would leave.

ATTACHMENT F
LETTERS OF OPPOSITION

From: Laura Lee H <llhedden@gmail.com>
Sent: Wednesday, June 29, 2022 12:05 PM
To: Bethan Heng
Subject: Case # CUP-2022-01 Regarding 680 S. Firesky LN neighbor

Dear Bethan Heng,

My name is Laura, we spoke a couple weeks ago, my husband, Kim and I live next door to the South of Derek and Luiz Pereira. We are going to try to make it to the On-site meeting that is scheduled for this afternoon, we are getting over having Covid but, retested and are both negative now.

Just wanted to put in writing **our concerns and comments** regarding Derek and His fathers request for a Conditional Use Permit for an Equine Rescue Center.

We are **Very concerned** about the amount of Animals he currently has. It is out of control, they can't seem to care for the ones they currently have. There has to be a maximum limit!! They have TOO MANY - over 20 Cows (not sure why they need that many cows for an equine rescue). The pin in which they have some of the cows, 9 or so of them, which is up against our fence line is too small of an area for the number of cows they have in there. How many cows is considered a feedlot? They have Potbelly pigs, Goats, Turkeys, Chickens, and 20+ Horses (which some of them do not look healthy, hooves are in bad need of trimming. There are some in the barn that don't see the light of day or let out). The horses wander around in the horse and cow manure that Derek and Luiz just move out into the front field and spread out. . . . NOT healthy for animals to walk and eat off the ground that has cow and horse manure on it. There HAS to be a limit of animals per acre! County is 2 hooved animals per acre - which means he cannot have more than 10. They don't remove any manure from the property. One horse produces approximately 55 lbs of manure a day. So, for just 20 horses, which they have more than that - 55x20= 1100 lbs of manure per day, and that isn't counting all the Cow manure daily plus other animals. It has caused and IS continually causing such a nuisance - FLIES are insane. Last summer we weren't even able to be outside and enjoy the summer because the flies were crazy. Putting out fly bags and bait doesn't slow them down. There are fly spikes (poop) that cover everything. . . our windows, doors, vehicles, everything! They are starting to get bad already this summer as well. Not healthy. They need to remove the manure from their property on a regular basis. . . . haul it off!

The use of the Semi's they have is not acceptable! This is a residential neighborhood, not commercial! Last night about 10:30 they started up the Semi and left about 10:45pm to go get a load of Hay. Very loud! He uses his exhaust brakes. Very upsetting when we get woken up from the sound of a semi and brakes. He doesn't just purchase hay for his animals, he sells it on Craigslist. Which makes it a business, not farming! And we have been told he does not have a CDL to drive a semi. How is that allowed?

The Large storage container - boxes on the property - 7 of them. How are they allowed to have any of them? Was under the impression you have to have a permit for them and that they need to be behind a fence. . . 7 of them is out of control.

The use of farm equipment at all times of the day and night is distressing. Again, this is a residential neighborhood, not commercial property. We have purchased and put up fence screens to try to block our view of their property and all the mess.

We have been voicing our thoughts and concerns and complaints since June of 2021 and feel that things have only gotten worse and more out of control. Do not understand why this has been allowed to continue. We have no issue with ones wanting to rescue some animals but this has gone way past that. And the City needs to do something about it. It is bringing down the property values for all us neighbors here on Firesky Ln. and surrounding area. Some have even voiced concern about their wells running dry because of the Pereira's use of water for all their animals. It's one thing to help animals but, they have to

ATTACHMENT F
LETTERS OF OPPOSITION

HAUL OFF the MANURE on a regular schedule. It is NOT acceptable to just move it to another field and spread it out. . . that is unsanitary!

Here are some pictures we have gathered as proof of the issues at hand. . . .



ATTACHMENT F
LETTERS OF OPPOSITION



ATTACHMENT F
LETTERS OF OPPOSITION



ATTACHMENT F
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We appreciate the City of Chino Valley dealing with this issue and hope that Our Thoughts and Concerns will be addressed and handled appropriately. Thank you for your time and assistance with this matter.

- Kim and Laura Hedden
730 S. Firesky Lane
Chino Valley, AZ 86323

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Luis & Ana Fuentes
632 S. Firesky Lane
Chino Valley, AZ 86323

June 29, 2022

Bethan Heng, Planner
Development Service
Planning Division
1982 Voss Drive
Chino Valley, AZ 86323

RE: Concerns regarding conditional use permit for Equine Rescue Center a 680 S. Firesky Lane

Dear Ms. Heng,

We received a letter about the proposed Equine Rescue Center. We live directly next to the supposed rescue.

- Over the years the amount of flies we have had are ridiculous. It is difficult to eat peacefully when there are hundreds of them around.
- The piles of excrement left behind by the animals are next to our fence a majority of the time. In tune this adds to the fly situation.
- Arizona is extremely dry therefore fire restrictions are always tight. However, the dangers the stacks of hay pose are just as bad. One little spark is all it takes for those to go up in flames putting everyone around the area in danger.
- We have made multiple reports over time. The biggest one being when their pigs crossed onto our property. They have a total of 17 pigs and piglets.
- Our fence was destroyed by their animals. They would also tie their pins to our fence. We put the money for that fence and my family helped put it in place. He not once has put a sturdy enough fence to keep his animals on his property.
- They have three fully matured male bulls in the same pin. When mating season comes around these bulls are fighting for dominance.
- Water is scarce in Arizona. We have watched them waste water because they walked away as they were filling the animals water tanks. They do not give those animals enough water at times either.
- The cattle have cried multiple times throughout the day and at night because they are starving. They choose to sell the hay but do not give enough of it to the animals.

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- They get angry when someone is making noise past 10p.m. but they are unloading hay at ungodly hours. Sometimes its at 11pm and sometimes its at 2am. They are always working extremely late into the night causing so much noise that it is difficult to sleep.
- Their negligence to clean up after the animals means that their trash blows onto our property and we are left to clean it up.
- Their chickens are constantly crossing over as well.
- The horses are constantly outside including during monsoon season. This could harm the horses and cause rain rot to their fur.
- The lack cleaning their animales manure here coming monsoon season all of the animales manure comes washing up all our drive way leaving a fowl oder and attracting massive amounts of flies in our property
- Not having a proper fence for this animales putting them at risk when escaping into public roads or hurting someone
- The amount of animales of diffrent species is out of control with a huge lack for care and maintenance it is cruel to this animales to be forced to live in such unhealthy manner and lacking of being mantained

The people at the head of this rescue do not care enough about these animals to take care of them. These animals deserve care and love. It is not only unfair to the people living around the supposed rescue but the animals as well. These animals deserve to have their own space and not be so crammed. There are too many of them on the property to care for all of them properly. They need more land or less animals. I hope these comments help you come to a decision.

Sincerely,

Luis & Ana Fuentes

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Planning and Zoning

Case Number – CUP-2022-01
Conditional Use Permit

September 12, 2022

I, Marsi George, am against a Conditional Use Permit. I was also troubled with the six month given to clean up the mess that the property was in.

I believe the applicant is in this position because he has been allowed to self-impose his own disaster with no oversight from the town, 70 animals on 5 acres is excessive to ensure proper care and treatment of the animals. That is an average of 14 animals per acre. There are several covered areas for farm equipment, hay storage, post storage, living space, office space, container storage, a very large barn, several semi trailers, semi's and stock trailers etc, yet none of the structures are dedicated to just the care of animals. A conservative, estimate of housing, storage, parking, farm equipment, semi trucks, out buildings, and such would take up at least 1.5 acres. Leaving 3.5 acres to the care of animals. If we were to use the 3.5 acre figure it would bring the head count to 20 per acre. If this is truly a Rescue why is there no re-homing? Not so much as any person handling or caring for the animals in a method conducive to re-homing. I personally have been to many rescues that are not only clean but rehabilitate the animal to be placed in a forever home. A very good friend of mine runs one in Washington state. When I described to her the conditions and that no one gets re-homed, she commented that sounded more like hoarding.

Animal waste is not currently being addressed on a daily basis during the trial period. I suspect it will continue to not be addressed after the 6 month trial. In the two and a half years I have been a neighbor I have never seen a private trash company pick up anything nor have I seen a dump truck make a run to the dump. Not even personal trash. I wonder if the odd smell I get in the mornings is a burning of human trash?. Waste is not contained or covered by anything. Merely left where it was excreted.

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Water and shade are a must for the livestock. It is nearly 3 months into the clean up self-impose monitoring. While some clean up has happened, no shelter or shade has been established. No reduction of animals has visibly happened. Turkeys, Roosters, other birds are heard daily. Goats are still apparent. I have not seen fencing addressed. I have seen 10 large bull/cows put in a pasture with little grass. Certainly not enough grass to feed all cows on a daily basis. I have witnessed the lack of food for horses and cows for up to 3 days in a row several times. Unfortunately, I can not see if they have water but do see them standing by water containers wishfully. The property is not welcoming at all, it is locked and there are armed men working the property and the needs of the animals are being met. There have been break outs, animals do not tend to wander off if their needs are being met; hunger, thirst or mating are the usual reasons.

The fly control is very bad. I can not be outside without being overcome by the extreme population of flies the animal waste attracts. I am forced to deal with this issue in ways I would prefer not to (I control it best I can by putting Pine-sol on cotton pads and putting them on my person. Flies do not like the smell, neither do I).

The flies have drawn blood several times on myself and my dog. I can offer a inexpensive alternative to whatever is the normal on this property. It is called Fly Predators. You can find it on the web. I'll supply you with the web page. I used it when I ran a cow/calf operation. Pretty effective. **Spaulding-labs.com**

I had to giggle with the volunteer section. I do not know if even one exists. So bathrooms are a question as well. Inspections of the site should be random and more often the once a month.

The hours of operation for the hay sales, and other associated rescue should be limited. Dawn currently is at 6 am when most are still asleep. Dusk should be set by 5 pm no later. Neither are being respected:

- 7/21 at 6:20 am off loading of hay with the load squeeze clamp took more than an hour.
- 7/22 at 5:30 am the tractor started dragging with a chain behind the tractor creating dust and noise.
- 7-28 rocks that blocked natural flow of run off still blacked the flow causing runoff to flood neighbors and my acreage.
- 7/29 6:30 am off loaded hay and some pipe with the same loud machine banging pipes together that echoed up the block.

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He claims he goes to Parker for his hay, its about 2 to 2.5 hours away. Roughly 175 miles. It should be easy to schedule trips other than at 3 am. Normal business hours of 8 am to 5 pm are needed. All semi activity should be done during that time frame. Construction workers are not allowed to start before 8:00 am and are usually gone by 5 pm. Business should be the same for them. Speaking of business there are 9 business being run out of this site. This is a residential community, a not commercial zone.

It is my understanding he has no CUP "yet" for that matter no rescue either. Neither should exist if the facility is not at code. Which the facility is far from. The codes are online for all to read and he is in violation of numerous codes.

81.02, 82.03, 82.04, 83.04, 131.01, 13101, 131.02, just a few I have found.

If lighting ever hits the hay storage the fire hazard is extremely serious.

Fun Facts to be considered : Horses leave 50 pounds 4 times a day he has 13.
Cows leave leave 85 pounds per day. Called
Wet Manure
Urine and Feces, he has 10.
Pigs a sow will leave 77 pounds a day Hog is 84
pounds a day.
Goats leave 1 1/12 pounds per day Urine is 1
pound.
Lets not even go to urine and what the build up
is doing to the ground water.

Blocking the natural flow of water run off causes a back up, which floods both my property and the property between us. The water should be properly directed with culverts and other means of land and water management.

I have had horses for most of my life. Ran a cow calf operation and team roped semi professionally. The care the horses are getting is unacceptable. There feet are not attended to. When proper care is not given the feet grow to long break off and cause tendon issues. This will inhibit the ability to walk. No fly mask to help keep the flies out of the eye. It causes infection and if left unattended could cause the lose of some or all the sight in the effected eye. Lamé and blind horses are not usually re-homed. Many are sent to slaughter for meat. Photos will be sent in an e-mail.

Thank you for your attention to this problem.

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Planning and Zoning

June 29, 2022

Case # CUP-2022-01

I, Marsi George do not wish to Continue the Conditional Use Permit for the Equine Rescue Center located at 680 Firesky Lane, Chino Valley, Az 86323.

As follows, the reasons I hold this opinion:

- Over crowded land use.
- Animals are never re-homed from property.
- Horses feet are neglected, split hooves, long toes, not handled on a regular basis, or groomed, fly masks are not used to protect the eyes.
- Waste from the animals is not removed. Just taken from one area and spread in another. This only adds to fly problem.
- Roosters are not to be allowed per CCR's.
- Noise nuisance, odor, vibration from yellow farm equipment, excessive traffic, dust, fumes.
- Drainage, intentional blockage of natural run off of ground water is block which causes back up into my property.
- Fence line is not 15 feet from adjoining property's on either side,
- A fire hazard of large amounts of hay and treated posted that are sold out of this property.
- Businesses are not to be run out of property and employees are not allowed. I have watched workers being dropped off many mornings.
- Fly's are increasingly heavy and are impossible to enjoy my property. I just tried to paint the interior of my garage only to discover flies embedded into the fresh paint. Costing money and time to try to eliminate the issue.
- Lots of traffic comes and goes. There are semi's and trailers coming and going at all hours, usually with hay, sometimes left in the street for a period of time because the gate is locked to the property and someone needs to open it for the driver.
- There are goats/sheep, horses, cows, bulls, turkeys, other fowl (I think they are Rhens), well exceeding the limit of said property per both CCR's and Zoning code. *pigs - for sausage to be sold*

Attached is a copy of the CCR's I found in my paperwork at the time of my purchase of property

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STATE OF ARIZONA, County of Yavapai— **100:52**
I do hereby certify that the within instrument was filed and recorded at the request of **ARIZONA TITLE & TRUST CO.**
on **APR 13 78-800 PM** o'clock **Book 1134** Official Records Page **587-588**
Records of Yavapai County, Arizona. WITNESS my hand and official seal the day and year first above written.

PAUL J. JENNEY, County Recorder

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

ARIZONA TITLE INSURANCE AND TRUST COMPANY, an Arizona corporation, as Trustee, being the owner of the following described property, situated within the County of Yavapai, State of Arizona, to-wit:

Tracts One (1) through Twenty (20), inclusive, **ANGUS ACRES**, according to the plat of record on file in the office of the Yavapai County Recorder in Book **2** of Maps, page **100**. **LAMB Survey 5**

and desiring to establish the nature of the use and enjoyment thereof, does hereby declare said premises subject to the following express covenants, conditions and stipulations as to the use and enjoyment thereof, to-wit:

1. **TRACTS.** All of said Tracts are not to be divided into less than two and one half (2½) acre lots. Further, no more than one dwelling is to be situate on any one lot.
2. **EASEMENTS AND DRAINAGE CHANNELS.** Easement and right of ways, as indicated on the plat chart, are to remain accessible at all times for any necessary servicing of public utilities. Channels are to be kept clean. They are not to be used for dumping or burning of tree trimmings, rubbish, or trash of any kind.
3. **MOBILE HOMES.** Mobile Homes are permitted on all tracts excepting Tracts 1, 2, 3, 4, and 5 which are restricted to conventional housing only. All Mobile Homes where permitted are to be fully skirted and on ground level.
4. **UTILITIES.** All utilities (including electric, telephone wiring, water and gas lines, etc...) shall be placed underground at the recommended depths.
5. **SANITATION.** No trailer or house shall be used for residential purposes prior to the installation of a Septic Tank and Cesspool as approved by the State and County Health Departments and all toilets and other sanitary conveniences properly connected thereto.
6. **GARBAGE & TRASH.** All garbage and trash is to be placed in properly covered containers. At no time shall there be piles of refuse and garbage on any lot or tract. No abandoned or "junk" cars are to be present on any lot at any time.

No commercial establishments of any kind shall ever be erected or permitted upon any of said tracts, or any part thereof, and no business of any kind or character whatsoever shall be conducted in or from any residence on said tracts, or neighborhood.
8. All residences shall contain at least 800 square feet in area. This restriction pertains to both mobile homes and conventional dwellings.

BOOK 1134 PAGE 587

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Stephen and Cindy Scott
695 S. Reed Rd.
Chino Valley, AZ 86323

June 27, 2022

Bertha Hang, Planner
Development Service
Planning Division
Chino Valley Planning Commission
1982 Voss Drive
Chino Valley, AZ 86323

RE: Conditional Use Permit concerns for Equine Rescue Center at 680 S. Firesky Lane

We have received the mail request from the Town of Chino Valley asking for our comments regarding the conditional use permit Case # CUP-2022-01, and the following are our comments and concerns with granting this permit.

Our property is located directly west of the Pereira property, and the excessive number of animals that have consistently been on the property without permitting for the past several years have impacted us in several ways –

- Our well and water availability have been negatively impacted multiple times – twice when they accidentally left the watering hose on and drained their water storage tank. We had to wait until their storage tank finished filling before our well would produce water.
 - Since they have increased the number of animals on their property, we have run out of water multiple times and have had to buy and install a water storage tank of our own.
 - We have needed water delivered multiple times during the heat of the summer over the past 5 years.
- We often see more than 25-40 large animals – including horses, cattle, and goats on their property. This does not count turkeys and chickens that run loose at the back of the property, often into ours and the neighbor's property.
- When walking at the back (east) side of our property, I have encountered swarms of flies and overpoweringly strong smell of manure from piles that are 3-4 feet tall and 20-30 feet long, to the point that I have stopped walking in that area.

They are conducting commercial hay sales – semi-trucks with double flatbeds full of hay arrive frequently, at least once a week and it sometimes more often. They advertise on Craigslist for hay – I

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have attached their Craigslist ads for hay. There is a steady stream of traffic into and out of the property, often trucks with trailers buying hay.

Does the hay sales business have a permit, and are commercial hay sales allowed on residential property?

They are also selling composted and regular manure from the property, also advertised on Craigslist. This ad is also attached.

Do the manure sales have a permit, and is commercial manure/compost sales allowed on residential property?

If this is a conditional use permit for an equine rescue center, why are there so many cows?

In closing, we are strongly against granting a conditional use permit for an equine rescue center due to the excessive number of animals and the negative impacts to the surrounding neighbors on water, flies, traffic, and the smell of piled manure.

They have been conducting multiple businesses from this property for at least the past 5 or 6 years without a conditional use permit and no consideration or concern for the impacts on their neighbors.

Sincerely,

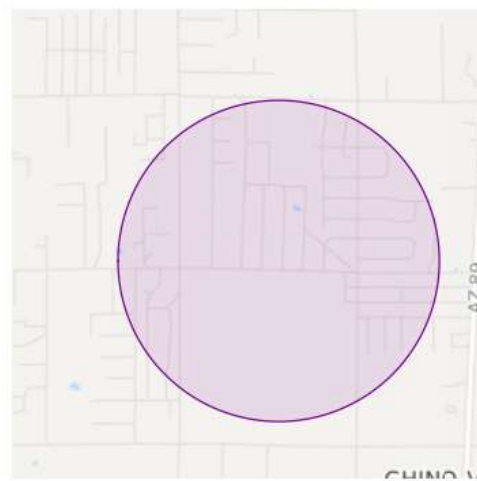
Stephen and Cindy Scott

ENC: Craigslist advertisements

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Alfalfa - \$23 (Chino Valley)

image 1 of 2



more ads by this user

delivery available

Alfalfa hay and delivery available in the area for minimum.

Call/text Nine28-458-5227

Equine Rescue 501.c3 - non-profit fundraiser - tax deductible - all proceeds
benefits our animals

QR Code Link to This Post



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Bermuda hay - \$24 (Chino Valley)



Can deliver for a fee and stack if needed.
Bring the flatbeds to load in the yard with a squeeze.
Call/text Nine28-458-5227
Equine Rescue 501.c3 - non-profit fundraiser - tax deductible - all proceeds
benefits our animals

QR Code Link to This Post

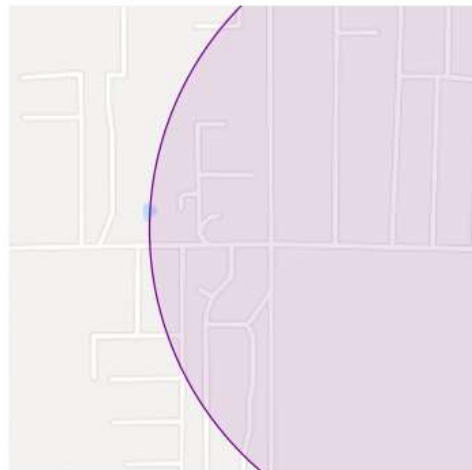


<https://prescott.craigslist.org/grd/d/chino-valley-bermuda-hay/7489064463.html>

2/2

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composted and regular manure - \$10 (Chino Valley)



Have a dump trailer that can haul around 25 tractor buckets full. (Compact tractor)

Price is \$10 per bucket and the haul fee based on distance/time.

Its manure though is what it is most. some hay and such mixed in.

The more aged and worked is \$20. Newer regular manure is \$10.

Nine284585227

QR Code Link to This Post





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. d.

Meeting Date: 12/13/2022
Contact Person: Frank Marbury, Public Works Director/Town Engineer
 Phone: 928-636-7140 x-1226
Department: Public Works
Estimated length of staff presentation: 20 minutes
Physical location of item: East Perkinsville Road

AGENDA ITEM TITLE:

Consideration and possible action to authorize the Public Works Director to waive sewer connection requirements for 1775 Pinto Lane. (Frank Marbury, Public Works Director/Town Engineer)

RECOMMENDED ACTION:

Authorize the Public Works Director to waive sewer connection requirements for 1775 Pinto Lane (Parcel 306-18-008E) pending County approval of a septic system.

SITUATION AND ANALYSIS:

Parcel 306-18-008E is located at 1775 Pinto Lane, on the corner of Pinto Lane and East Perkinsville Road. The owner is constructing a single-family home on the one-acre lot. Section 51.155(B) of the Town Code requires connection to water and sewer as they are both technically available on Perkinsville Road. However, this property does not have any water or sewer taps or stub-outs, which are typically installed at the time of initial construction. It is not known why they weren't. While the water poses no abnormal construction challenges, the sewer main is estimated at 15' or deeper and is located across Perkinsville Road. The sewer main's depth and location pose significant construction challenges.

There have been no formal cost estimates to date, but due to extraordinary circumstances, namely the installation depth and that Perkinsville Road will need to be completely closed for several days to excavate, costs could be extraordinary. Preliminary estimates are \$20,000 or more just for the installation of the single tap.

While section 51.160 gives some authority to the Public Works Director to allow the Town to participate in the cost of the installation of the sewer taps, the code does not allow the Director the authority to waive the connection requirement.

Staff plans to present a written policy letter on guidelines for Town participation in the cost of tap installation. The policy will be presented to Council for questions and comments at a future study session.

When considering the high cost of construction, the detouring of substantial truck traffic through surrounding neighborhoods, and the potential safety issues that arise with detours and deep excavation, staff recommends Council waive the sewer connection requirement for this individual property so long as a

septic system can be approved. The property will still be required to connect to Town Water.

Fiscal Impact

Fiscal Impact?: Y

If Yes, Budget Code:

Available:

Funding Source:

Fiscal Impact depends on Council direction.

Attachments

306-18-008E Site Map

306-18-008E exhibit



NO VALLEY

El Perkinsville Rd

Camino Del Sol

Pinto Ln

306-18-002T

800-13-018Y

800-13-018U

306-18-008D

306-18-002U

800-13-018B

306-18-008E

306-18-007B

306-18-005G

306-18-005

800-13-026N

306-18-039B

306-18-039G

12/1/22

1775 PINTO LN

