

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

**TUESDAY, DECEMBER 13, 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 John McCafferty; Councilmember Lon Turner; Councilmember Sherri Phillips; Councilmember Robert Schacherer; Councilmember Annie Perkins; Vice-Mayor Eric Granillo

Absent: Councilmember Cloyce Kelly

Staff Town Manager Cindy Blackmore; Town Attorney John Gaylord; Administrative Services Director

Present: Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Economic Development Project Manager Maggie Tidaback; Public Works Director/Town Engineer Frank Marbury; Development Services Director Laurie Lineberry; Senior Planner Will Dingee; Planner Bethan Heng; IT Manager Spencer Guest; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) 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)

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to move item 6(a) to be heard first.

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

6 - 0 PASSED - Unanimously

*See Item discussion and action under Item 6(a).

ROLL CALL

Mayor Miller requested a roll call of the new Councilmembers.

Present: Mayor Jack Miller; Vice-Mayor Annie Perkins; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember John McCafferty; Councilmember Sherri Phillips; Councilmember Robert Schacherer

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to hear item 6b next.

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

7 - 0 PASSED - Unanimously

*See Item discussion and action under Item 6(b).

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.

- Mike Covell – He was there to speak about the 9/11 Memorial. He was a 34-year employee for United Airlines. He thought it was a well-designed memorial, except that the memorial plaque for United Flight 93 had an error. There were two people that had signed the certification process for Flight 93's 757 aircraft, but they had not signed off on engines three and four systems and structures, because the 757 only had two engines. The memorial plaque showed four engines. The two men that prevented the plane from reaching the Pentagon graduated from the same high school as he did. Flight 93 was a special aircraft, and the Pentagon and the World Trade Center were special buildings. He thought the memorial plaque for Flight 93 needed to be corrected showing an aircraft with only two engines. He wondered how many people had looked at the plaque and noticed the error.
- Rachelle Fernow – She wanted to address public information she had seen regarding the General Plan Steering Committee (GPSC). After seeing the names on the list, she thought the amount of nepotism was flagrantly obvious. She had a problem with family members and close friends of the Council being on the GPSC. She did not think the Council should

appoint people, because she thought the GPSC represented the community, not the Council. She liked the people on the committee, but she thought the steps taken were not in the best interest of representing the Town as a whole. She hoped going forward they would make better decisions and choose better representation for the community.

- Randy Stuflick – More than 30 days had passed since his attorney sent a letter to each Councilmember asking for a response within that 30-day timeframe. They had received a certified return receipt on November 9th. He asked the Councilmembers if they received the letter. Mayor Miller explained that the Council was not able to respond. Mr. Stuflick understood, and asked if they had not received the letter, to request it.
- Staff was directed to meet with Mr. Covell, line out Ms. Fernow on the GPSC process, and to have the attorney respond to Mr. Stuflick.

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.

Councilmember Perkins reported on the December to Remember event from the past weekend.

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

Town Manager Blackmore reported on the following:

- Reminded people that the current meeting was the only Council meeting for December due to the holidays.
- The Town Clerk was still accepting applications for the Planning and Zoning (P&Z) Commission and the Building Advisory Board.

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 Eric Granillo, seconded by Councilmember Tom Armstrong to approve Consent items a-d as written.

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

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt the 2023 Base Council Meeting Schedule. (Erin Deskins, Town Clerk)
- b) Consideration and possible action to approve the October 25, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)
- c) Consideration and possible action to approve the November 3, 2022, joint meeting minutes. (Erin N. Deskins, Town Clerk)
- d) 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) Administer Oaths of Office to Mayor-Elect Jack Miller and Councilmembers-Elect John McCafferty, Sherri Phillips, and Robert Schacherer. (Erin N. Deskins, Town Clerk)

*This Item was moved to the top of the agenda and heard after Item 2(a).

Town Clerk Deskins administered the Oath of Office to Mayor-Elect Jack Miller and Councilmembers Elect John McCafferty, Sherri Phillips, and Robert Schacherer.

- b) 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.

*This Item was moved to the top of the agenda and heard after Item 6(a) and roll call of the new Council.

MOVED by Mayor Jack Miller, seconded by Councilmember Tom Armstrong to nominate Councilmember Granillo as Vice-Mayor.

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

7 - 0 PASSED - Unanimously

- c) 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.

Councilmember McCafferty explained that he had discussions with the Pereria's early in the process. His only role had been to facilitate communications with Town staff and the Pereira's after discussions had broken down. He had done minor business with the Pereira's, but they were not friends. He thought he could be unbiased when deciding on the topic. Town Attorney John Gaylord explained that the individual Councilmember would need to decide if it was a conflict of interest. The Council could not weigh in on the issue, and the decision to make a statement for the sake of transparency was the choice of the Councilmember. If he was concerned that there was a conflict, it was a decision he had to make. Councilmember McCafferty thought he was unbiased and would not have any issues making a fair decision.

Senior Planner Will Dingee presented the following:

- The applicant was requesting a conditional use permit (CUP) for an equine rescue center.
- Staff provided a brief background and explanation of CUP's.
- A brief description of the five-acre property's location was provided. It was part of a defunct subdivision called Mingus Acres Subdivision.
- The existing permitted land use was a single-family residence and the keeping of livestock. The existing unpermitted land use was the current equine rescue center and the sale of hay, manure, straw, railroad ties, and other donated assets both from the property and delivered from the property.
- The zoning for the parcel and the surrounding properties was Single Family Residential (SR) 2.5 acre minimum.
- The area of Town had properties that were one acre or more of land. Properties of this size had the allowance to keep livestock and have agricultural uses on the property. The Town was the only community that did not have a maximum quantity limit on horses or cattle keeping. There was a limit on swine.
- The case had been active since early 2022. It started with several code enforcement complaints from surrounding neighbors regarding animals onsite, property well-being, and the number of flies generated from the onsite activities. Staff contacted the property owner in May 2022 for a pre-application meeting, with the goal of pursuing the path of either a CUP, a rezone, or a way to shape the property activity into something that was compatible with the surrounding neighbors. The property owner opted to move forward with a CUP.
- A neighborhood meeting was held in June 2022. Following the meeting, staff issued a substantial list of conditions for the proposed CUP. Reviewing and getting applicant approval of the list of conditions took a significant amount of time. Because of this, the timeline exceeded the Town's regular case schedule, and the case was continued. Once the parties came to an agreement, the application went to P&Z in October.
- The P&Z recommended several modifications to the proposed conditions after considerable dialogue between the applicant, the Town, and community members. P&Z decided to continue the application until staff could address the changes. It was presented

again in November for a final discussion. With the changes addressed, the P&Z forwarded a recommendation of approval with a 5-1 vote, with further restrictions that limited the self-imposed capacity of the livestock onsite.

- Staff had received six letters from neighboring properties in opposition to the application.
- There were 12 conditions, four of which were discussed by staff, which were the main talking points brought up by neighbors. The conditions were crafted to mitigate the issues brought up.

3. *The conditional use permit was valid for an initial 12-month period.* Staff had considered a 6-month period, but it put the project into winter and would be difficult to get the required sitework completed. After the 12-month period, it would go back to P&Z to ensure the owners were meeting the conditions. If conditions were met, the CUP could be extended for five years.

4. *Livestock maximum capacity.* The maximum capacity had been set at 50 during a natural disaster, but P&Z cut it down to 30. The applicant had originally wanted a maximum of 70 to be split between cattle and horses. At the last November meeting, P&Z cut the number down to 20 for daily activities and 30 during an emergency. The applicant did not agree with those numbers and wanted to request an increase from the Council.

5. *Hours of operation:* The original request was from dawn to dusk, but that was changed to 7:00 a.m. to 7:00 p.m., Monday through Saturday for fund-raising activities, and all equine activities Monday - Sunday, 7:00 a.m. to 7:00 p.m. Veterinarian emergencies were considered exempt.

6. *Property maintenance:*

- The applicant shall feed and remove animal manure from enclosures daily.
- 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. This was important because of the size of the property and spreading it had created a nuisance to the surrounding neighbors. The applicant had contracted with Prescott Dirt to accept weekly donations of the manure.
- The applicant shall provide water to livestock on site at all times.
- The applicant shall provide shade for the cattle and horses through shade structures in each grazing area. The applicant was constructing the structures.
- 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.
- The applicant shall maintain adequate fly control on site through the use of bagged fly traps or other biological methods. It was expected that the manure mitigation would help substantially with the issue.
- Staff recommended Council open the public hearing, and the P&Z forwarded a recommendation of approval with the corrected conditions presented.

Council and staff discussed the following:

- Staff would perform periodic inspections to ensure that the property was brought up to code, per the conditions of the CUP. They did not have a set schedule yet. They had 12 months to bring the property into compliance with the conditions. If it was not adhered to in that timeline, the CUP would be revoked. It could be revoked earlier if conditions worsened on the property during the 12-month period. It was the hope that the conditions mitigated some of the neighborhood issues over that 12-month period.
- The letters were received following the neighborhood meeting, but staff thought there were many still opposed to the activity even with the conditions.
- This originally was an animal code enforcement issue that would be resolved through a

CUP and substantial reductions in the number of livestock allowed on the property (there was no Town cap). The applicant wanted to increase the 20-animal limit condition that had been imposed.

- The hay sales were already happening and had been for five years. The Town had not required any traffic study for the CUP. There had been concerns about the traffic from the hay delivery, but staff hoped to prevent issues by implementing the hours of operation. It was a paved road.
- The livestock would be on 3.4 acres of the property's five acres.
- The property owner was not issued a citation. Staff hoped to resolve the issue before it came to that.
- A precedent could be set for other similar properties in that they would have to follow the same conditions set for the subject property.
- There was no set number for the type of animal (horse or cattle), as long as the 20-animal total was not exceeded.
- An equine rescue was not a permitted use, nor was it listed as a conditional use, but any uses that could be considered by the zoning administrator as a compatible use with the conditions, could be considered. AR4 and AR5 allowed for commercial agriculture and livestock keeping, and staff thought that was a potential option for the property owners.
- There were five equine rescue places within the Town that staff knew about. The number of animals kept onsite for those operations varied. It had not been a code enforcement issue with the other businesses, because the properties were well kept. Staff thought the number of animals was not set by code, because it was up to the property owner to ensure that whatever quantity was onsite was adequately maintained. This was an issue with the current property owner because they were unable to maintain the quantity of animals when the case was initiated. Most of the other rescue places were five acres, with a couple that were larger.

Council and applicant, Derek Pereira, discussed the following:

- A complaint had been made that delivery trucks blocked the street until the property gates were unlocked. The applicant explained that they kept the gate locked to keep people off the property. He was typically the person driving the truck and he was the person that unlocked the gate. When other delivery vehicles came, the driver gave them notice they were on the way, and they could park in the throat of the driveway until it was unlocked.
- The applicant had recently rehomed three horses, which left them with 16 horses and 13 cattle, some goats, chickens, and dogs. He thought it was interesting that P&Z did not think barbed wire kept cattle contained, but there were cattle around Town on barbed wire land. He had waited months until the livestock inspector checked out some of his cattle before they could go to auction.
- The applicant overviewed the structures that housed the animals. The cattle were kept on 0.9 acres, and the horses were kept on 1.1 acres. There was also a smaller, fenced 1.4-acre area as well. They had covers that were donated and they planned to build covered areas in the animal spaces for shade.
- The Equine Rescue was the business name, and it was a 501(c)(3) non-profit entity. They had been in business since 2018.
- He gave the animals as much space as he could give them, while other rescue places kept the animals in 20' x 12' stalls.
- The applicant had been getting as much done per the conditions as possible, but they had initially talked about having 30 animals with P&Z. He thought the 30-animal limit was more doable than the 20-animal limit in the conditions. There were certain animals on the property that were sanctuary horses, and they were hoping some of the cows as well.
- The applicant and his father lived on the property.

- The County had stricter policies for animals. Farm animals on lots 1.6 acres or larger were limited to two full-sized hooved animals per acre or fraction thereof. Any additional acreage over 1.6 was given a point system for goats and llamas.

Mayor Miller opened the Public Hearing.

- Cathy Middlested – She supported the project but had a couple of issues. A P&Z motion was made to reduce the animals to 20 with an additional 10 animals during a natural disaster. She wondered if animals referred to horses, cattle, a combination of the two, or if it included other animals like dogs and goats. In P&Z discussions, they had always used the term “combination of horses and cows,” so she wanted it clarified. During a disaster, the applicant was only given three weeks to get the extra 10 animals off the land, and she wondered how someone could do that during a disaster. 30 horses on 1.1 acres gave each horse 1,597 square feet, the size of a three-bedroom house. 20 horses would have 2,396 square feet. During the GPSC meetings most people said they wanted to keep the Town rural. She thought the equine rescue was an admirable thing, and there was an obvious need, but she wanted to ensure the horses were cared for. The underlying zone in the UDO did not limit the number of animals he could have.
- Larry Holt – He was at a loss for words because staff said they did not have an ordinance that restricted the number of animals, but now they wanted to restrict the number of animals. Whenever the Town did lot splits, they talked about personal property rights in Arizona, but they did not take into consideration how it affected neighbors but now they were talking about how horses affected the neighbors. It was a rural property, and he did not think it was a mess. Flies came around with animals but were around in the summer normally. If the owner maintained the property and animals, he did not think the Town should restrict the number of animals unless the ordinance was changed for everyone. A person down the street with barely an acre had five horses with no room to work the animals. He thought the animals looked cared for, and he agreed they were doing something admirable. He thought it would be difficult to get rid of animals after a disaster. The whole area was agricultural, and he thought they should let him do it.
- Jim Boyd – He described his work and veteran background. Animal rescue was a not-for-profit organization that was duly incorporated in the state, that accepted unwanted animals from an animal shelter or other places, and attempted to find homes for them and promoted adoption of the animals. An animal sanctuary was a place where animals were brought to live and to be protected for the rest of their lives. Both of those were found on the subject property. The applicant sold hay, and he bought hay from him. He knew the money was going back into the property and to the animals. He urged the Council to visit the property. He worked on the property as a volunteer because he believed in animals. New fences had been installed, manure removed to help grow plants, and shade structures were to be installed in the spring. In the future, the members of the Yavapai County probation system would be able to help with the continued maintenance of the animals and facilities. There would be help moving the manure. It was a winning situation, because the probation members would learn something new and would have the chance to heal within themselves. Veterans had a high rate of suicide, and they were looking at getting a grant to further enhance the healing activities that the horses provided. He had also adopted two of the horses from the applicant.
- Marsi George – She lived two houses down from the subject property and said that most of what had been said at the meeting was untrue. There were no new fences, and they had only hauled off four or five tons of manure. The manure was at least four feet deep, and it was rancid. Her recent guest was astounded by the smell. When painting her house in August, the flies were so bad, they had to stop painting as the flies were sticking to the paint. It had to be repainted. The times he came and went with his truck were off the charts. He also had goats, that he was setting up a whole pad, and over 300 chickens and

turkeys, and a lot of dogs. There was manure from all the animals. There was another woman that wanted to speak at the meeting, but she was afraid the applicant would retaliate against her if she spoke against him. The gate was locked a lot, and they marched around the property with guns, and she did not think that was welcoming as a rescue. No one ever worked with the animals. She did not understand how it could work with all the other animals on the property. She was familiar with horses and knew there were ways to manage flies.

- Uziel Sotelo – Lived next door and said that the 0.9 acres was inaccurate. They had a small bull pen that they used chicken wire and barbed wire to hold the bull, which had crossed onto his property several times. The manure was five feet underground and the gas could be seen. It went onto his property when it rained. The feathers from the chickens went on his property. He had videos and pictures of how the animals were mistreated. He had never seen the animals cared for by anyone. The animals could get sick from the amount of manure on the property. They had hay stacked over seventeen feet tall, and could have fallen and hit someone on his property, but the applicant wouldn't do anything about it. It was a dangerous place for the animals. He had heard the animals screaming during the night because they were starving. He thought they had been doing the business for at least seven years, and they were only getting the CUP as a business aspect. The number of flies in the area was ridiculous. He did not think it was a suitable business for a residential area. He hoped that the Council did not approve it.

- James Anderson - He could pull his truck and trailer into the driveway without being on the street. The applicant was not in the road for more than three minutes. He discussed the area where the animal feeders and water were located. He pointed out the area with the horse pens and where the hay was stored. The animals were cared for, and when an animal needed attention, they got it. The applicant was outside and walked the property a lot. There were people there to help with the maintenance, sales, and that supported him. He was doing a good thing. He purchased hay from the applicant every other week. Sometimes the truck did come back late because things happened on the road. There was never a problem with traffic on the road.

- Ana Sotelo – She lived next door to the applicant. She did not know what kind of people would put their animals with the applicant. It was a business, not a rescue. He never fixed anything, and she had feathers and garbage on her property from his property. Her fence had been destroyed several times. She wondered why he had to have so many animals and thought he needed bigger property. She had friends with animals who had clean and maintained properties. She heard noises in the night, and they were fighting each other because they did not want to do the job. They needed to respect their neighbors.

- Kevin Pereira – He had a dog and did not abuse him. He was Derek Pereira's twin brother. He was astonished at what had been said and the lies. He had come to show support for his brother's business. He helped his brother. Their bull had gotten out of their property, but the neighbor's fence was not built properly, with no top row or tension wire. They had been working on mitigating the flies. He thought that if they had to come into compliance, the neighbors should be required to do the same, and everyone should be held to the same standards. The manure was being removed and dealt with. The people in opposition were lying. The animals were being taken care of.

Mayor Miller closed the public hearing.

Council, Town attorney, the applicant, and staff discussed the following:

- The regulations and conditions were only for the cows and horses. The only animals regulated by Town code was large-hooved animals and swine. Smaller animals had not been part of the discussions. Although there was not a quantity limit on large hooved animals in Town Code, they were recommending implementing a quantity limit on the

applicant.

- It was up to the property owner to get the additional 10 animals off the property within three weeks after a natural disaster.
- To keep livestock animals off private property, a state level ordinance required private property owners to erect a fence around the private property. Members thought it was up to the applicant to keep their animals on their property, and not the neighbor's responsibility.
- The property had substantially improved from the original condition back in May 2022, and it was meeting the intent of the code and the recommended conditions. Staff were comfortable with the current status, or they would not be forwarding a recommendation of approval.
- The other animal rescue facilities were all in the AR district and had different provisions for livestock, and the keeping of commercial animals was allowed. The applicant had the largest single family residential zoning district the Town had that allowed for a level of agricultural livestock keeping, as long as it was primarily non-commercial.
- The hay sale was a type of commercial business but was a fundraising type of sale. The CUP was the best path to try and merge the existing use to make it compatible.
- The property was not yet in compliance with the recommended conditions.
- Members discussed the proposed conditions and accommodation of both the applicant and the neighbors. Discussion included requiring the applicant to bring the facility up to compliance before issuing the CUP. The biggest concerns remaining were the manure and fly control, but conditions five and six would resolve many of the issues.
- Giving the applicant until May of 2023 to resolve the issues would be 12 months from the time the process began in May of 2022.
- Staff would be responsible for ensuring the applicant was meeting the conditions.
- Due to the number of animals and the size of the property, the fly issue could not be fully resolved with any type of mitigation efforts.
- The manure had been difficult to handle during heavy rain, but the applicant was working to get added help, including workers on probation.
- The applicant thought they would have 12 months from the time the CUP was granted to come into compliance but thought that within six months they could be in full compliance.
- Members discussed allowing the applicant to continue with their operations but requiring compliance within six months. After six months, staff could give a status report to Council.
- Tabling the issue until they came into compliance was not the same as issuing the CUP. The applicant was not currently in compliance and tabling the issue would leave it at status quo. It would leave staff in a position of deciding if they needed to enforce the noncompliance issue. The Council had the ability to change the conditions and grant the CUP.
- Complaints had been received for several years, with the bulk of them received in the spring of 2022. They currently did not have a business license. Some of the neighbors that complained had been there before the applicant moved in, while others had recently purchased property in the neighborhood.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember John McCafferty to approve the CUP as presented with the following changes: condition three to six months and condition four to 20 animals maximum, and the conditions of approval in attachment 1.

AYE: Mayor Jack Miller, Vice-Mayor Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: Councilmember Annie Perkins, Councilmember Tom Armstrong

5 - 2 PASSED

- d) 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.

Public Works Director Frank Marbury presented the following:

- The resident on Pinto Lane (location provided), which had been vacant, was building a home, and had paid the sewer connection fees. Staff discovered there was no lateral lines installed on that section.
- The existing lines were 14 feet deep, and they would need to dig 20 feet or more, and staff did not think it was practical to dig that deep for one connection.
- After extensive discussion with the Utility Committee and the Town attorney, they were recommending that the property be approved for a septic system until the Town extended sewer lines down Pinto Lane, at which time the subject property would be required to connect. If the Town extended lines in the future, it would be at a more manageable depth.
- Digging down 20 feet on Perkinsville Road would require special equipment and could be very dangerous. The road would need to be closed for several days.

Council and staff discussed the following:

- The Town was trying to get as many homes connected to the Town's sewer system so the water could be treated and recaptured.
- The lots in Chino Meadows 1 were all on sewer. Staff was not aware of any neighboring properties that were on Town sewer and would need to research the issue further.
- Staff would not recommend installing lines down the side of the road, because it went against engineering practices to have lateral service running in front of other properties. It needed to be a main line. The main line in this location was too deep to safely access.
- There were no other properties being developed on Pinto Lane, and the future of sewer installation would be answered in their Sewer Masterplan, which had not yet been developed. It would most likely be years before a line was put in.
- The process for installing the lines and the necessary road detours was overviewed. There was no engineer's estimate of the cost.
- The development's sewer main line design and County approval were discussed.
- The County would approve the property's septic system.
- Under the current Town rules, the property was required to connect to Town sewer. The Council would be suspending that action until it was more feasible to connect Town sewer.
- The property owner would eventually be paying for both systems.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Annie Perkins to approve the installation of the septic system at 1775 Pinto Lane until the Town's sewer system is extended down Pinto Lane, at which time the property will be required to connect.

AYE: Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: Mayor Jack Miller

6 - 1 PASSED

7) ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Councilmember Tom Armstrong to adjourn the meeting at 7:54 p.m.

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

7 - 0 PASSED - Unanimously

Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 13th day of December, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of January, 2023.

Erin N. Deskins

Erin N. Deskins, Town Clerk