



Commissioner's Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
October 4, 2022, 6:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. CONSENT CALENDAR – All items listed under the Consent Calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item. In which case, the Chair will pull the item from the Consent Calendar to be heard.
 - C.1 APPROVAL OF MINUTES – SEPTEMBER 6, 2022 REGULAR MEETING
 - C.2 WITHDRAWALS BY APPLICANT – NONE
 - C.3 TIME EXTENSIONS – NONE
 - C.4 CONTINUANCES – NONE
 - C.5 APPROVALS – NONE
- D. PUBLIC HEARINGS – TWO
 - D.1 **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.
 - D.2 **ZC-2022-06** - This is a request by Jason Nance to rezone approximately 2.09 acres of land from Commercial Light (CL) to Commercial Heavy (CH) for relocation of B&M Painting Inc, a business that specializes in painting, concrete coating, and powderblasting, and Raw Customs LLC, a business that specializes in motorcycle, vehicle, and ATV repairs, to a property located at 1383 South State Route 89, Chino Valley, Arizona
- E. ACTION ITEMS – NONE
- F. INFORMATION ITEMS
 - F.1 Staff
 - F.2 Commission
 - F.3 Public
- G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: <https://us02web.zoom.us/j/83054705626>, or by phone: 1 877 853 5247 (Toll Free) or 1 888 788 0099 (Toll Free); Webinar ID: 830 5470 5626

A copy of the agenda packet is available for viewing 12 days prior to the Planning Commission Public Hearing date, at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request accommodation to participate in this meeting.

Planning and Zoning Commission Meeting Minutes September 6, 2022

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, September 6, 2022, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were; Chair Chuck Merritt; Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner David Somerville, Commissioner Robert Switzer, Commissioner William Welker. Alternate Commissioner Richard Zamudio was present but did not participate in the proceedings.

STAFF MEMBERS present were Will Dingee, Senior Planner; Bethan Heng, Planner; Dee Dee Moore, Process Coordinator; Lawrence Digges, Audio/Video Technician.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. Commission began with the Pledge of Allegiance

CONSENT CALENDAR – A motion was made by **Meadors** and seconded by **Pasciak** to approve the items on the Consent Calendar with the following change as noted to the August 9, 2022 Special Meeting approved minutes:

To add in Laurie Lineberry, Development Services Director, to the Staff Members present. This motion passed unanimously by a 7-0 vote.

CASE# TA-2022-05 – *This is a request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, Chapter 2 related to the meaning of words and terms, certain provisions of Chapter 4 related to lot size, certain provisions of Chapter 5 related to subdivisions, subdivision processes, land splits, water design and sewer design, providing for repeal of conflicting ordinances; and providing for severability, for consistency with recent Chapter 50 and 51 amendments.*

Will Dinger, Senior Planner, presented the staff report and shared that Staff was recommending **APPROVAL**. He added that these administrative changes were related to the recent amendments to Chapters 50 and 51, and to add Subdivision definitions, refine the Final Plat process and to make modifications to plat time limits.

Switzer questioned the water and sewer connection changes, and **Dingee** shared that Town Council had added that provision in 2020 that will expire in 2025.

Merritt opened the meeting for public comment. There were no comments from the Public.

MOTION - A motion was made by Commissioner Meadors and seconded by Vice-Chair Pasciak to approve TA-2022-05, as presented by staff. This motion passed with a 7-0 vote.

ACTION ITEMS: THERE WERE NO ACTION ITEMS

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION ON PRIOR P&Z CASES: **Dingee** shared that the ZC-2022-04 for Jacob Rokey was approved at the Town Council Meeting. **Dingee** added that the Text Amendment regarding the Guest Houses has been indefinitely postponed. There was no direction for staff or the commission moving forward at that meeting.

The second information item was an update on the General Plan. **Dingee** stated committees will be formed to help guide the General Plan. There will be a Steering Committee, which will be appointed by the Town Council, and Stakeholder Groups identified for input. **Meadors** asked about updates to the building code. **Dingee** stated that there would be a Building Advisory Board created to help with that process but it would not take place at the same time as the general plan. **Somerville** asked about the timing of that committee and **Dingee** stated within a year. **Switzer** asked if the Steering Committee members were at the Town Councils' own recommendation, **Dingee** confirmed that comment.

INFORMATION ITEMS – FROM THE COMMISSIONERS: There were no items from the Commissioners

INFORMATION ITEMS – FROM THE PUBLIC: There were no comments from the public.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 6:12 p.m.

Charles Merritt
Chair

Dee Dee Moore
Prepared By

DRAFT



TOWN OF CHINO VALLEY
Planning Commission Staff Report
October 4th, 2022
File Number ZC-2022-06
Rezone

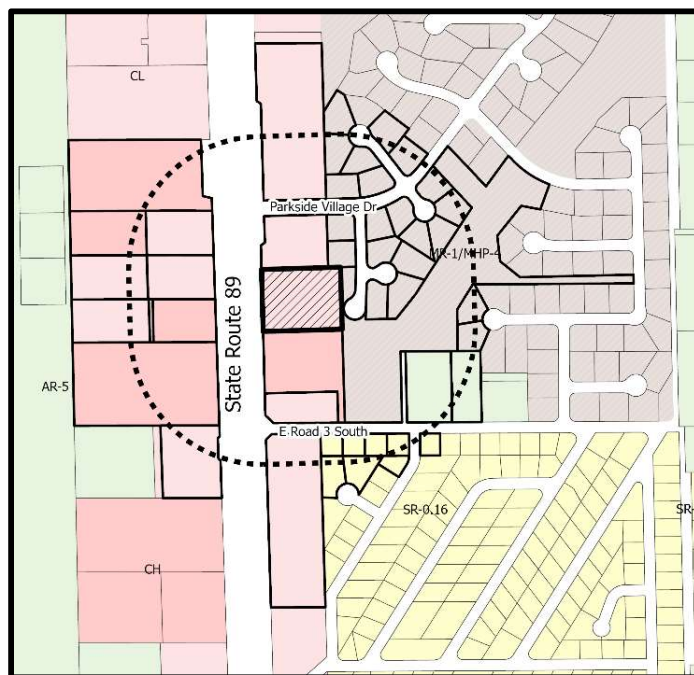
PROJECT DESCRIPTION

This is a request by Jason Nance to rezone approximately 2.09 acres of land from Commercial Light (CL) to Commercial Heavy (CH) for relocation of B&M Painting Inc, a business that specializes in painting, concrete coating, and powderblasting, and Raw Customs LLC, a business that specializes in motorcycle, vehicle, and ATV repairs, to 1383 South State Route 89, Chino Valley, Arizona.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Commercial Light (CL)	Vacant	Commercial/Multi-Family Residential
North	Commercial Light (CL)	Vacant	Commercial/Multi-Family Residential
South	Commercial Heavy (CH)	Commercial (Arizona General Ace Hardware)	Commercial/Multi-Family Residential
East	MR-1/MHP-4	Residential (Parkside Village)	Medium Density Residential (2 acres or less)
West	Commercial Light (CL)/ Commercial Heavy (CH)	Commercial (Mountain Valley Performance) & Vacant	Commercial/Multi-Family Residential

LOCATION MAP



PRIOR SITE ACTIONS: June 10, 1996 - Split from APN 306-33-002 (Sibling Parcel APN 306-33-002A)
August 22, 1996 – Rezone from AR/C-1 to CM-1.
October 26, 2010 – Technical Review Meeting for proposed Funeral Services on property, such as sales, visitation, and viewing. Did not appear to proceed to requested use.
November 18, 2019 – Demolition of Residential Structure on CL Property.
July 13, 2022 – Pre-Application Meeting for proposed relocation of B&M Painting Inc to subject property. Proposed new structure.

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of **APPROVAL** for the rezoning of approximately 2.09 acres of land from Commercial Light (CL) to Commercial Heavy (CH) for relocation of B&M Painting Inc and Raw Customs LLC to 1383 South State Route 89, Chino Valley, Arizona, with Conditions of Approval found in Attachment A.

SUGGESTED MOTION: Move to **APPROVE** Rezone ZC-2022-05 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 Rezone, the Planning and Zoning Commission is recommending approval to Town Council to approve the rezoning of approximately 2.09 acres of land from Commercial Light (CL) to Commercial Heavy (CH) for relocation of B&M Painting Inc, a business that specializes in painting, concrete coating, and powderblasting, and Raw Customs LLC, a business that specializes in motorcycle, vehicle, and ATV repairs, to 1383 South State Route 89, Chino Valley, Arizona, subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the previously approved zoning.

Site Background:

On June 10, 1996, Parcel # 306-33-002 split into sibling parcels # 306-33-002A (Ace Hardware) and # 306-33-002B (subject property). The Residential structure previously located on the property was demolished November of 2019.

Staff Analysis:

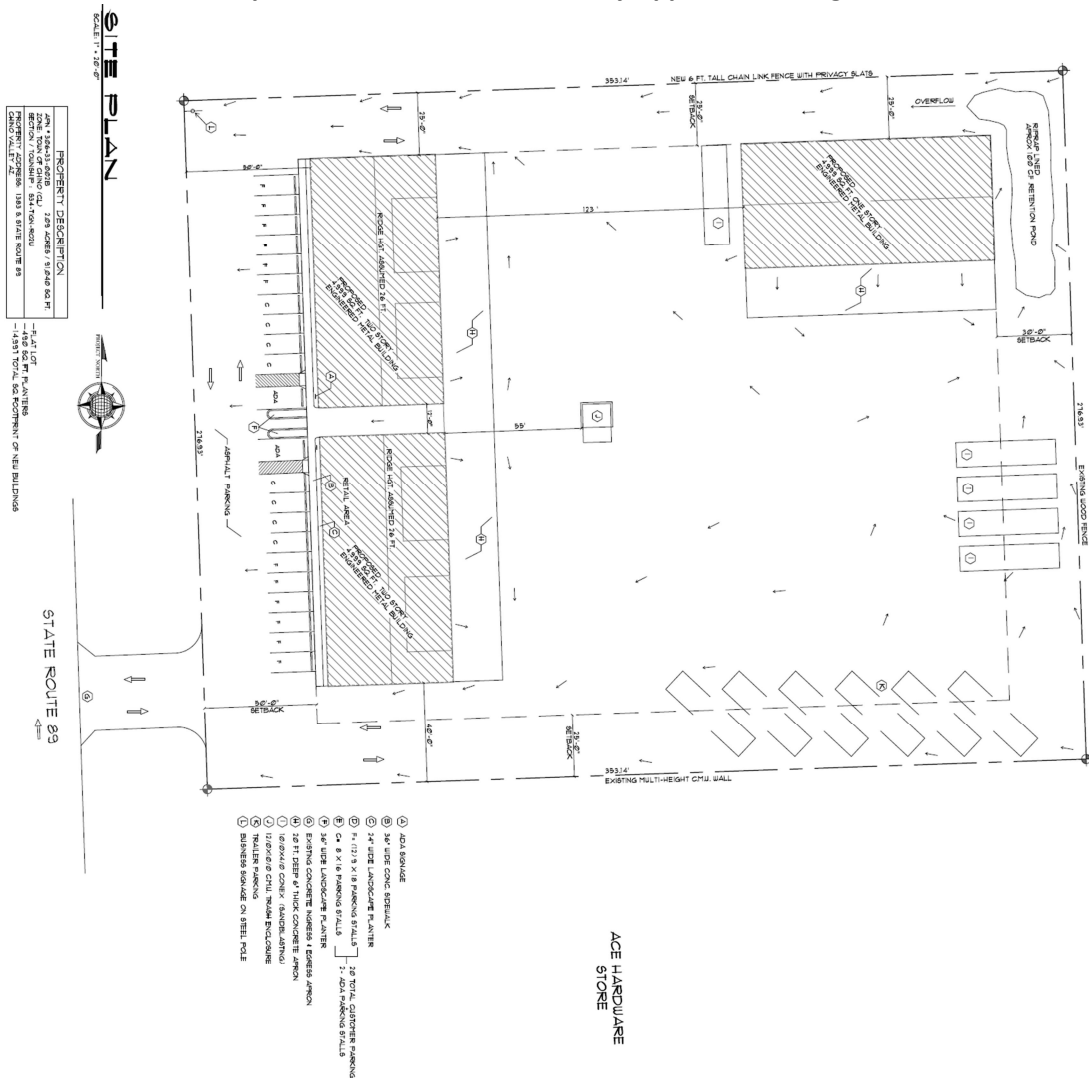
This is a request by Jason Nance to rezone approximately 2.09 acres of land from Commercial Light (CL) to Commercial Heavy (CH) for relocation of B&M Painting Inc, a business that specializes in painting, concrete coating, and powderblasting, and Raw Customs LLC, a business that specializes in motorcycle, vehicle, and ATV repairs, to 1383 South State Route 89, Chino Valley, Arizona.

The applicant intends to relocate his businesses, B&M Painting Inc. and Raw Customs LLC to the subject property. The applicant explains that B&M Painting Inc and Raw Customs LLC are in need of more space, as it is outgrowing its current location at 1610 South State Route 89.

The two businesses will operate on Monday to Friday, 8am to 6pm, and closed on the weekends. The applicant explains that the rezone will match the zoning of the property to the South (CH) where Ace Hardware is located, and will operate at the same hours as the business. B&M Paintings anticipates most of their work to be off-site, with Raw Customs having 10-15 clients per day.

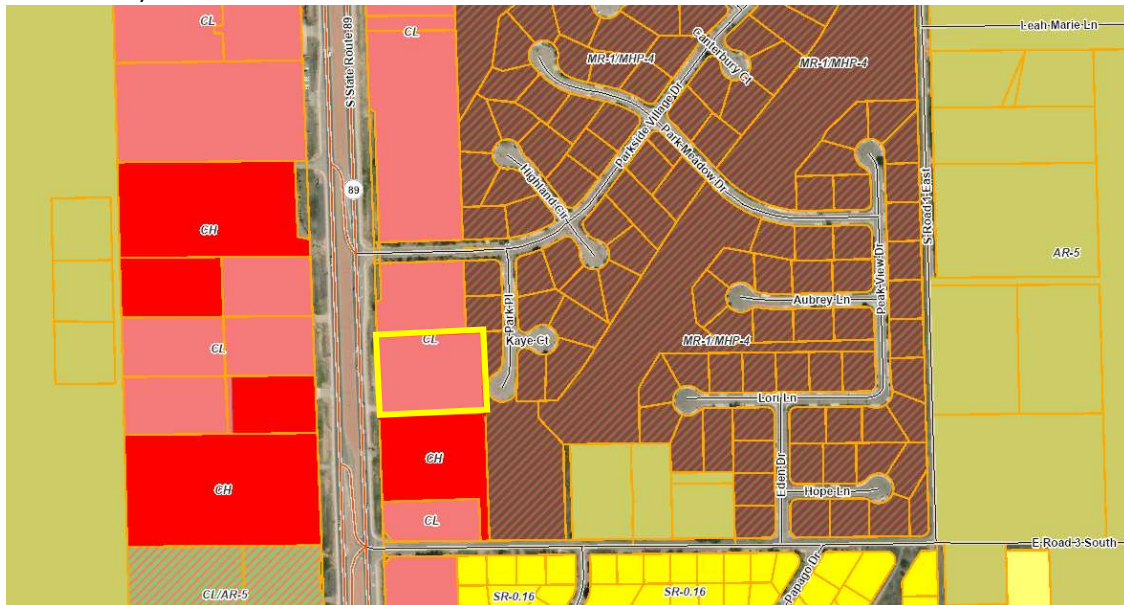
The applicant conducted outreach to the surrounding neighbors prior to submitting for the Rezone Request, informing the community of his intentions to rezone the property and relocate B&M Paintings and Raw Customs to the site. The applicant presented a petition to surrounding neighbors and received 6 signatures in favor of the rezone. See Attachment F.

Proposed Site Plan – Submitted by Applicant on August 1st, 2022



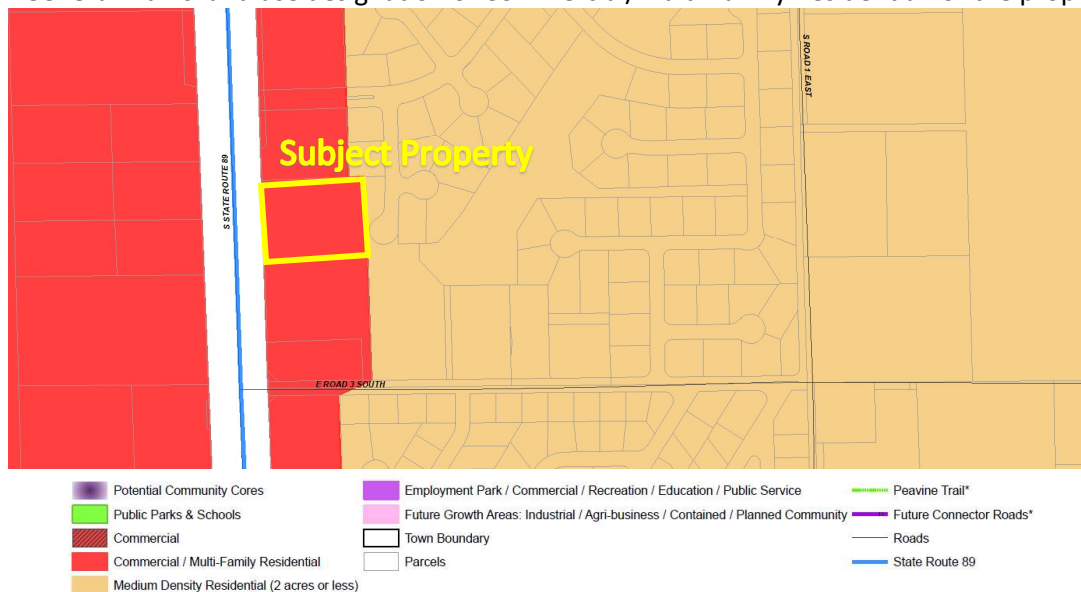
Zoning

The proposal of relocating B&M Painting Inc and Raw Customs LLC entails painting, concrete coating, powderblasting, and motorcycle, vehicle, and ATV repairs on site. The applicant is required to have Commercial Heavy (CH) Zoning District entitlements. Although the Commercial Heavy (CH) Zoning District in the Unified Development Ordinance does not explicitly mention the applicant's proposed use as permitted in Section 3.16, the proposed uses possesses the same level of intensive use and impact as "the sale and storage of products such as firewood, stone products, and agricultural commodities" (Section 3.16.D.6) and "welding shops" (Section 3.16.B.7).



General Plan

The zoning request of Commercial Heavy (CH) Zoning District will be in conformance with General Plan's land use designation of Commercial/Multi-Family Residential for the property.



EXTERNAL AGENCY COMMENTS: See Attachment B

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 August 10th, 2022.
See Attachment C

PROPOSED CONDITIONS DELIVERED TO APPLICANT ON: August 31st, 2022

☒	Applicant agreed with all of the conditions of approval on (September 9 th , 2022)
☐	Applicant did not agree with the following conditions of approval: (list #'s)
☐	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	Neighborhood Meeting Comments	External Agency Comments	Site Plan & Exhibits	Staff Research	Applicant Submittals

PREPARED BY:



BETHAN HENG, PLANNER
(BHENG@CHINOAZ.NET)
928 636-4427 - x1295

DATE:

SEPTEMBER 12TH, 2022

APPROVED BY:



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.

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
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: AUGUST 29TH, 2022

LOCATION: ON SITE – 1383 S. STATE ROUTE 89

ATTENDEES:

AGENT/DEVELOPER: JASON NANCE

TOWN STAFF: WILL DINGEE, SENIOR PLANNER

NEIGHBORS IN ATTENDANCE (1, CARL SPINTI)

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

1 NEIGHBOR WAS IN ATTENDANCE.

- NEIGHBOR INQUIRED ABOUT PROPOSED SCREENING OF PROPERTY TO ADJACENT RESIDENTIAL USE.
- NEIGHBOR WAS IN SUPPORT OF THE REZONE.

ATTACHMENT C
EXTERNAL AGENCY COMMENTS

PLEASE SEE FOLLOWING PAGES.

ARIZONA DEPARTMENT OF TRANSPORTATION
NORTHWEST DISTRICT PERMITS

To: Bethan Heng
Town of Chino Valley Development Services
1982 Voss Dr.
Chino Valley, AZ. 86323

From: Richard Perez
Northwest District Permits Supervisor
1109 E. Commerce Drive
Prescott, AZ 86305

Review Comments Summary:

Comments on Pre-Application for new business location for B&M Painting / Raw Customs

SUBMITTAL:	1	PROJECT NAME:	B&M Painting / Raw Customs
REVIEWED BY:	ADOT Northwest Permits Review Team	APPLICANT/TENANT:	Jason Nance
DISCIPLINE /OFFICE	Northwest Prescott Permits Office	SITE ADDRESS:	1383 S. State Route 89 Chino Valley, AZ.
		PARCEL #:	#306-33-002B
		CURRENT ZONED:	
RETURN DATE:	7/14/2022	DESIGNER / CONSULTANT	Rick Goodman
		PROPERTY OWNER	H&E Properties
ADOT PROJECT MANAGER:	Richard Perez	RETURN TO:	Northwestpermit@azdot.gov

ACTION CODES A= WILL COMPLY *B= CONSULTANT/DESIGNER TO EVALUATE

C= ADOT TEAM TO EVALUATE D= DISREGARD COMMENT

* REQUIRES A WRITTEN EXPLANATION BY CONSULTANT/DESIGNER

**FINAL DISPOSITION REQUIRES ADOT APPROVAL IF ANY COMMENT IS DISREGARDED

COMMENT NO.	DWG/SPEC. PAGE NO.	REVIEWER COMMENT	CONSULTANT/DESIGNER EXPLANATION/INITIALS*
1	General	Provide a more detailed site plan that shows and calls out the ADOT Right of Way from Construction Centerline (C/L) to the property line. Call out the distance from the curb, back of sidewalk to the ADOT Right of Way. Show width of existing driveway, distance of driveway from the adjacent property etc. Include the north arrow and all features within the Right of Way.	
2	General	A drainage report/study would be required for review to determine impacts to the ADOT drainage system along SR89 from this proposed development as well as a site survey, grading plan and details for project to evaluate for the permit. Grade within ADOT right-of-way cannot be more than 5%.	
3	General	Currently the existing access appears to be a 20' foot existing access driveway. Due to the change of use, the current access driveway to Parcel #306-33-002B off of SR-89 will need to be upgraded and widen to an ADA compliant driveway with a commercial access width of 25' to 40' foot from the back of sidewalk to the ADOT Right of way according to ADOT Standard C-6.10. The width will be based on the type of vehicles that would be expected to access these businesses. Provide turning templates for the largest service vehicle used at this site. WB44 or 50 minimum and up to WB67. Show internal and external circulation with left and right turn movements. We need to confirm there will be no conflicts with SR-89.	
4	General	The minimum structural section for the access within ADOT property is 4" asphalt over 8" aggregate base. Both aggregate base and asphalt must meet ADOT specifications. Concrete may be used for driveway access that meets ADOT's standards and specifications. Minimum 6-inch Class B (2500psi) concrete may also be used. Concrete shall be in accordance with ADOT Standard Specification for Road and Bridge Construction Section 908 and Section 1006-1 through 1006-5.	
5	General	Any and all work within the ADOT Right of Way shall be constructed according to ADOT Standards and Specifications. The current owner shall submit an encroachment permit with all supporting documentation to ADOT Northwest District Prescott Permits to Northwestpermit@azdot.gov for processing, review and approval. All construction plans shall be signed, sealed and dated by a professional engineer. Be prepared to provide on and off site plans and include the topography for the drainage for review.	
6	General	An encroachment permit would also be required for the change of ownership to bring the existing access into the current owner's name according to Arizona Administrative Code R17-3-502(D). If B & M Painting and Raw Customs does not move forward and they are not current owner of the existing access then an encroachment permit would still be required for the change of ownership of the existing access from the current owner.	

COMMENT NO.	DWG/SPEC. PAGE NO.	REVIEWER COMMENT	CONSULTANT/DESIGNER EXPLANATION/INITIALS*
7	General	No advertising of any kind is permitted in the ADOT Right of Way. Signs, banners, sandwich boards etc. are prohibited in the ADOT Right of Way. Advertising within the ADOT Right of Way will be immediately removed by ADOT forces.	
8	General	ADOT respectfully request that the Town of Chino Valley not issue a building permit until an encroachment permit has been submitted to ADOT and approved for the improvements of the driveway as well as other work within the ADOT Right of Way and to bring the access into current ADOT standards and specifications for the intended use. An additional encroachment permit will also be required for the change of ownership that shows legal egress and ingress to State Route 89.	
9	General	If the developer has concerns with the comments ADOT will set up a meeting with the Assistant Engineer to discuss the development.	
10	General	This list may not be all inclusive. ADOT reserves the right to comment further as this development moves forward and upon receipt of the encroachment permit application with all supporting documents. Contact the Northwest District Prescott Permits department at Northwestpermit@azdot.gov if you have any questions or would like to discuss.	
11	General	Suggest a virtual meeting to discuss the permit application process and potential options to proceed. Main contact will be Richard Perez Northwest Prescott Permits Supervisor who can be reached at Northwestpermit@azdot.gov . This email is monitored by the Permits Team within the Northwest District of ADOT and provides redundancy to ensure appropriate processing of all permits.	
12			
13			
14			

*Consultant/Designer must provide where plans/specifications have changed and detail on how Reviewer Comment has been incorporated. This description must provide enough detail to be clear. If the Consultant/Designer does not agree with the comment, an explanation of why must be provided and further reviews may be needed.

ATTACHMENT D
SITE PLAN AND EXHIBITS

APN# 306-33-002B

ADDRESS: 1383 S. STATE ROUTE 89



ATTACHMENT E
STAFF RESEARCH

PLEASE SEE FOLLOWING PAGES.



STAFF RESEARCH – REZONE

CASE #: ZC-2022-06

CASE PLANNER: BETHAN HENG

I. PROJECT DATA

Project Location:	1383 S State Route 89
Parcel Number(s):	#306-33-002B
Parcel Size(s):	2.09 Acres
Total Acreage:	2.09 Acres
Proposed Dwelling Units:	N/A
Address:	1383 S State Route 89
Applicant:	Jason Nance
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	Commercial Light (CL)	Vacant		Commercial/Multi-Family Residential
North	Commercial Light (CL)	Vacant		Commercial/Multi-Family Residential
South	Commercial Heavy (CH)	Commercial (Arizona General Ace Hardware)		Commercial/Multi-Family Residential
East	MR-1/MHP-4	Residential (Parkside Village)		Medium Density Residential (2 acres or less)
West	Commercial Light (CL)/ Commercial Heavy (CH)	Commercial (Mountain Valley Performance)		Commercial/Multi-Family Residential

Prior Cases or Related Actions:					
Type	Conforms				Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	X	
Annexation	Yes	X	No		November 13, 1970 - 1st Annexation
General Plan Amendment	Yes		No	X	
Development Agreement	Yes		No	X	
Rezone	Yes	X	No		August 22, 1996 – Rezone from AR/C-1 to CM-1.
Subdivision	Yes		No	X	
Conditional Use Permit	Yes		No	X	
Pre-Application Meeting	Yes	X	No		July 13, 2022 – (PA-2022-49) Request to relocate B&M Painting Inc to subject property.
Enforcement Actions	Yes		No	X	
Land Division Status:	Yes	X	No		June 10, 1996 - Split from APN 306-33-002 (Sibling Parcel APN 306-33-002A)
Irrigation District:			N/A		

Detailed Narrative	This is a request by Jason Nance to rezone approximately 2.09 acres of land from Commercial Light (CL) to Commercial Heavy (CH) for relocation of B&M Painting Inc, a business that specializes in painting, concrete coating, and powderblasting, and Raw Customs LLC, a business that specializes in motorcycle, vehicle, and ATV repairs, to a property located at 1383 South State Route 89, Chino Valley, Arizona.
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	The applicant intends to relocate his businesses, B&M Painting Inc. and Raw Customs LLC to the subject property. The applicant explains that B&M Painting Inc is in need of more space for its painting, concrete coating, and powdercoating services. Raw Customs LLC specializes in motorcycle, vehicle, and ATV repairs, as well as fabrication and welding. The two businesses will operate on Monday to Friday, 8am to 6pm, and closed on the weekends. The applicant explains that the rezone will match the zoning of the property to the South (CH) where Ace Hardware is located, and will operate at the same hours as the business. B&M Paintings anticipates most of their work to be off-site, with Raw Customs having 10-15 clients per day.
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II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:		
Land Use Designation:	Commercial/Multi-Family Residential	
Issues:	N/A	
Public Services Element:		
Water Facility Plan:	Source:	City of Prescott <18" Water Main along SR89 City of Prescott 8" or 6" Water Main at Parkside Village Subdivision
Sewer Facility Plan:	Treatment:	Closest line is about 4,000ft away on East Road 4 South 8" Existing Gravity Main
Issues:	N/A	
Safety Element:		
Flood Plain Designation:	N/A	
Issues:	N/A	
Transportation Element:		
Road Classification	State Route 89	
Issues:	Coordinate with ADOT on driveway improvements.	
Parks and Rec Element:		
Closest Park:	Peavine Trailhead about 2.41 Miles from subject property.	
Within 1 mile of the Peavine Trail?	No.	

NOTIFICATION

- **Legal Ad Published:** (08/11/22)
- **600' Vicinity Mailing:** (08/10/22)
- **21 Commenting/Reviewing Agencies noticed:** (08/11/22)

- **Neighborhood Meeting:** (08/29/22)
- **Hearing Dates:** (10/04/22)
- **Comments Due:** (08/29/22)

<i>External List (Comments)</i>	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Chuck Dowdy – CAFMA	N/A				
Matt Meierbachtol – APS	N/A				
Richard Perez - A.D.O.T.	Y	8/11/2022		Y	Y
Ralph Baker – C.V.I.D.	N/A				
Suzann E. – YC ENV	N/A				
Jose Galvez – YC Health	N/A				
SparkLite Cable	N/A				
LUMEN	N/A				
Unisource Gas	N/A				
CVUSD	N/A				
United States Postal Service	N/A				
<i>Town of Chino Valley Internal List (Conditions)</i>	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Bethan Heng – Planner (DS)	N/A				
Will Dingee – Senior Planner (DS)	N/A				
Laurie Lineberry – DS Director	Y	8/31/2022		Y	Y
Frank Marbury – PW Director	N/A				
Steve Sullivan – Assistant Engineer (PW)	Y	8/24/2022	Y		
Dan Trout – CBO (DS)	N/A				
Damon Stanley – Code Enforcement	N/A				
Chuck Winn – Chief of Police (Police)	N/A				

ATTACHMENT F
APPLICANT SUBMITTALS

THE FOLLOWING PAGES WERE SUBMITTED BY THE APPLICANT.

THE FIRST PAGE IS A DETAILED PROJECT NARRATIVE.

THE SECOND PAGE IS THE PETITION IN SUPPORT OF THE REZONE, WHICH RECEIVED SIX (6) SIGNATURES.

July 31, 2022

Town of Chino Valley,

My name is Jason Nance, owner of B&M Painting Inc. I am coming to you with this project to allow B&M Painting Inc to grow as a company to better provide for our communities expectations. With the rapid need from our residents, B&M Painting Inc requires a larger property size than its current location which is 1610 S AZ 89 Unit C & D in Chino Valley, AZ 86323. I am looking to expand B&M Painting Inc not only for more space for product and our powdercoating division, but most importantly to allow our community a space in our business to have a visual show room for our paint, concrete coating and powdercoating samples.

Not only will this provide for B&M painting, being a successful and trusted business for twenty plus years, but this build will also assist a location for my other growing businesses. Raw customs LLC is a shop located currently in Unit D, next to B&M Painting Inc, for the last five years. Raw Customs LLC specilizes in motorcycle, vehicle and ATV repairs as well as fabrication and welding. B&M painting Inc and Raw Customs LLC current location is heavy commercial while operating Monday to Friday, 8am to 6pm, closed Saturday and Sunday. I am also a parter in B&M Remodeling which does contracting services for job sites in the quad-city.

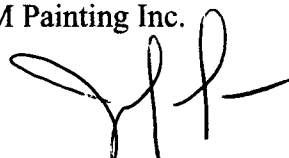
I want nothing more than to keep my companies in our beautiful town of Chino Valley, but in order to do this B&M Painting Inc requires the new property at 1383 S. AZ 89 in Chino Valley to preform the same business as is currently does. In order to make this reality, we need the land to be heavy comercial. This location is next to Ace Hardware who preforms as heavy comercial and has for numerous years. Also, B&M Painting and Raw customs will share the same hours as Ace Hardware, so there will be no change or alert to our community. B&M Painting Inc will have its service vehicles off the location each morning and back safely each night as well as having most services out on job sites. Raw Customs has 10 - 15 clients per day.

I have personally gone to each homeowner located near my desired property on behalf of B&M Painting Inc. I expressed to them our services, hours of operation and intent for our new location. Each and every home owner has responded with a positive look and a signature stating how they would love for B&M Paining Inc to operate on this location. I argue that this property should be rezoned to heavy commercial not only because Ace Hardware has for numerous years, with no issues, but also because our community is excited for this change for my businesses to better assist Chino Valley's residents. Chino valley is growing quickly and needs the services provided through these small businesses to fulfil their desires.

I have been apart of the Chino Valley community since the early 2000s and own multiple homes in Chino Valley. The design of the new location will replicate our current property for the most part and will stay cleaned, maintained and fenced, just as it currently does. B&M Painting Inc is only looking to better our community and fulfil the needs and desires of our residents.

Best Regards,

Jason Nance, owner of B&M Painting Inc.

A handwritten signature in black ink, appearing to read 'J. Nance', with a stylized flourish at the end.

I'AM IN AGGREANCE WITH B & M PAINTING INC. I'AM
PURCHASING PROPERTY NEXT TO ACE HARDWARE &
CHANGING ZONING TO HEAVY COMMERCIAL

NAME & ADDRESS PARKSIDE VILLAGE HOMEOWNER SIGNATURE & DATE

- ① Ruben A. PARRA SR 615 PARK PL Ruben A. Parra
- ② HARLEN BANCROFT 612 PARK PL C.V., AZ H. Bancroft
- ③ NANCY BONINI 1323 PARKSIDE VILLAGE C.V., AZ N. Bonini
- ④ Jaime Sid Coffin 645 Park Pl, CV, AZ J. Coffin
- ⑤ Zachary Pulling 605 Park Place, Chandler Valley, AZ Zachary Pulling
- ⑥ Angela ERCEZ 635 Kaye Ct CV AZ 860323 Angela Ercez



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

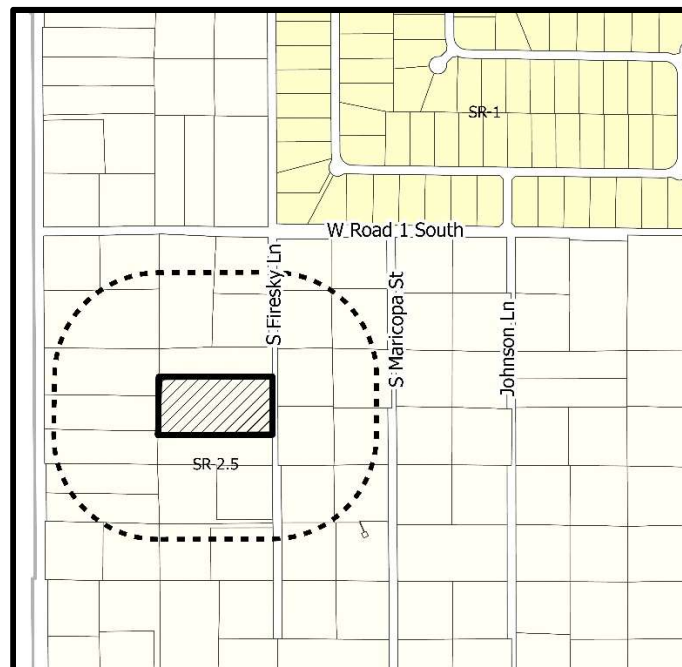
PROJECT DESCRIPTION

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.

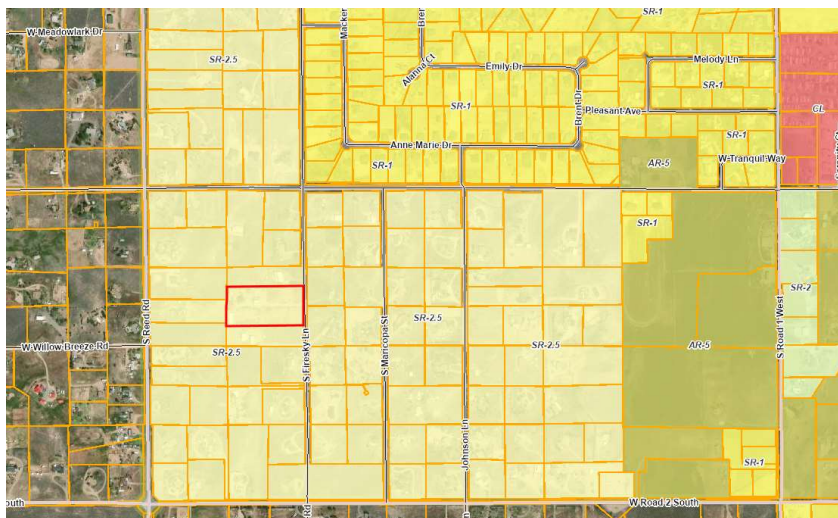
Zoning

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



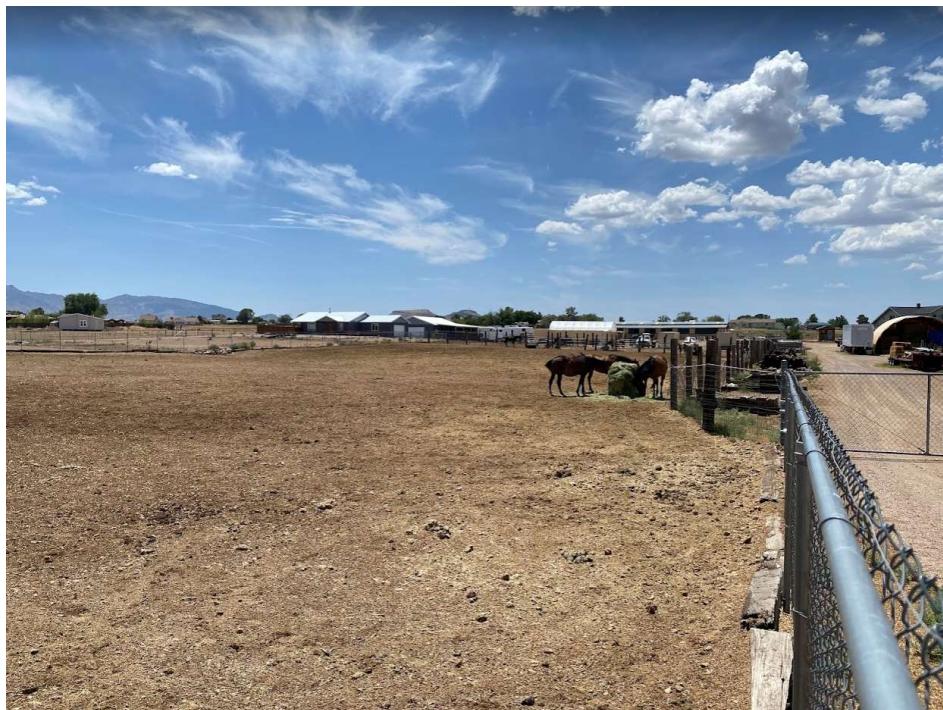
Manure spread on site for husbandry.



Donation Drop Off and Collection Area



Pen for Cattle



Pen for Horses in the Equine Rescue Center

PUBLIC COMMENTS RECEIVED:

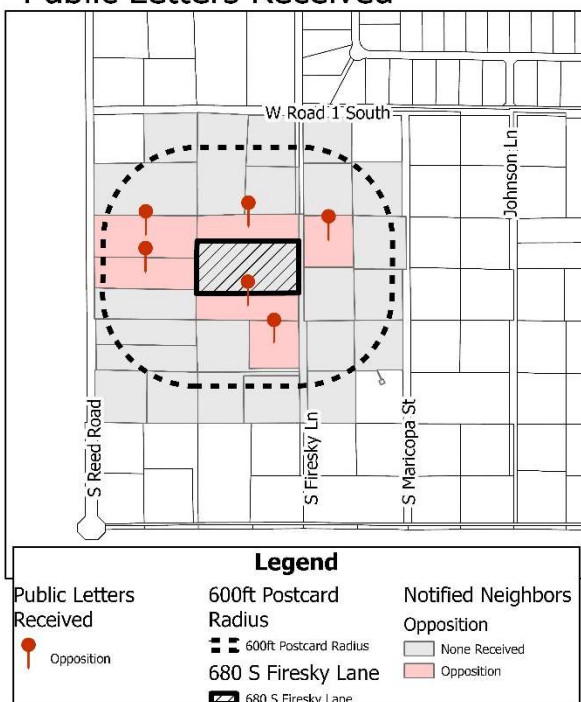
Staff received 6 letters of opposition from the neighbors. Please see Attachment D.

EXTERNAL AGENCY COMMENTS: No external agency comments

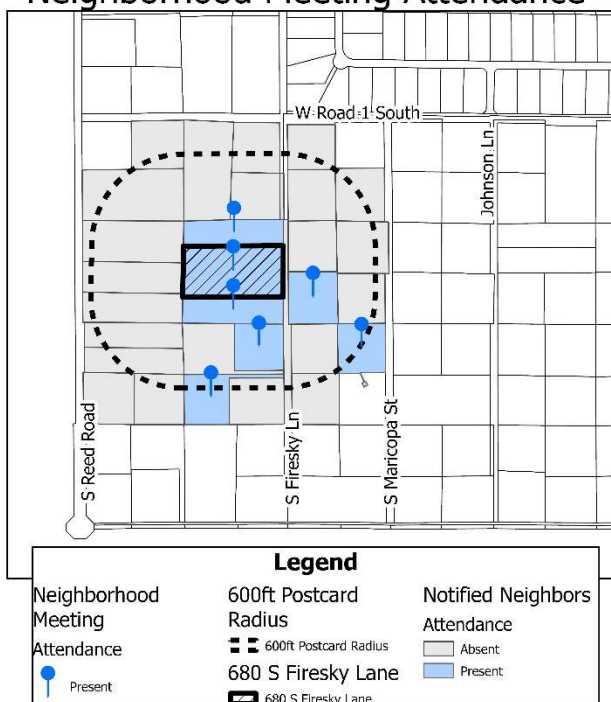
**NEIGHBORHOOD MEETING
COMMENTS:**

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:



WILL DINGEE

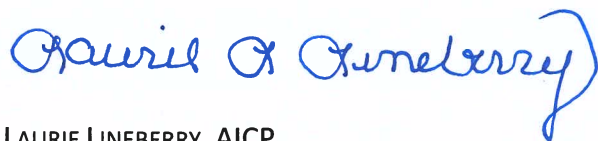
(WDINGEE@CHINOAZ.NET)

928 636-4427 - x1233

DATE:

9/22/2022

APPROVED BY:



LAURIE LINEBERRY, AICP

DEVELOPMENT SERVICES DIRECTOR

9/22/2022

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)

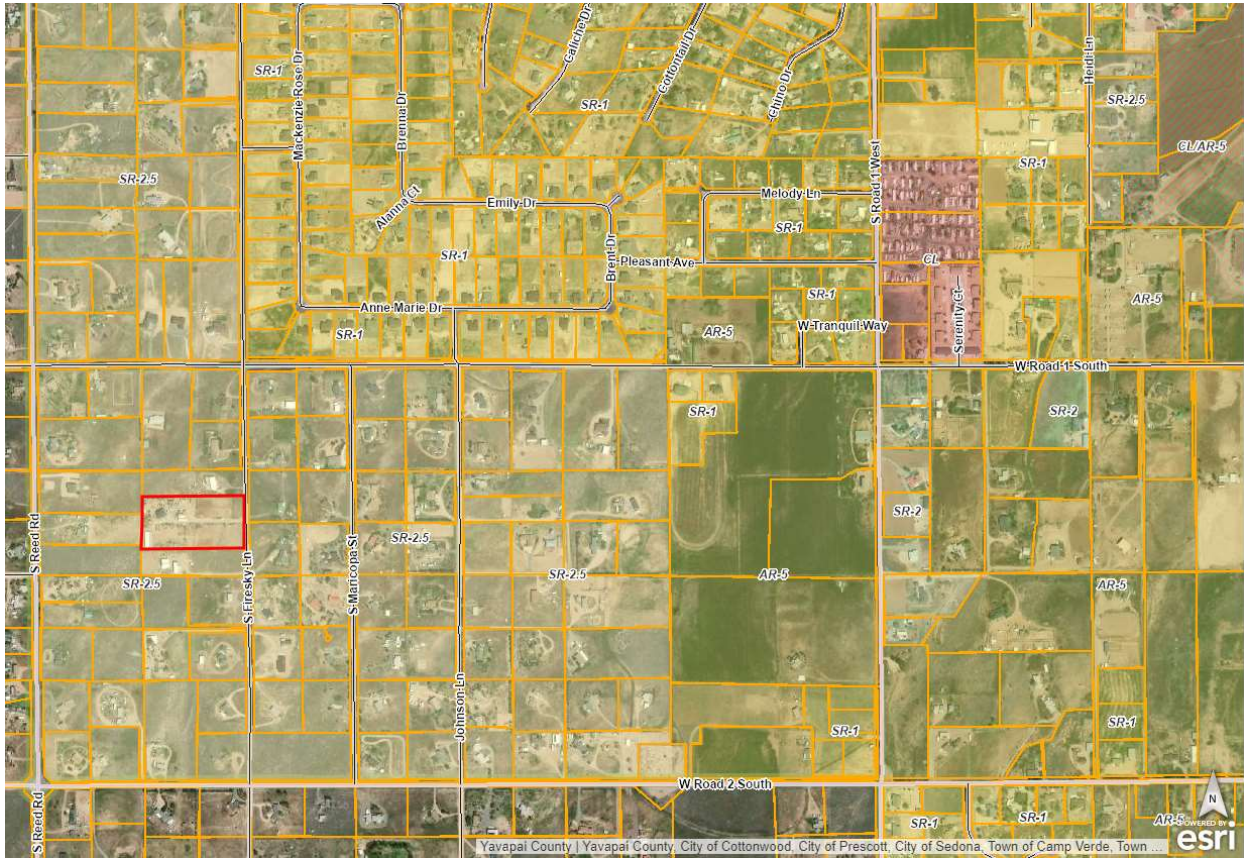
SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- 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

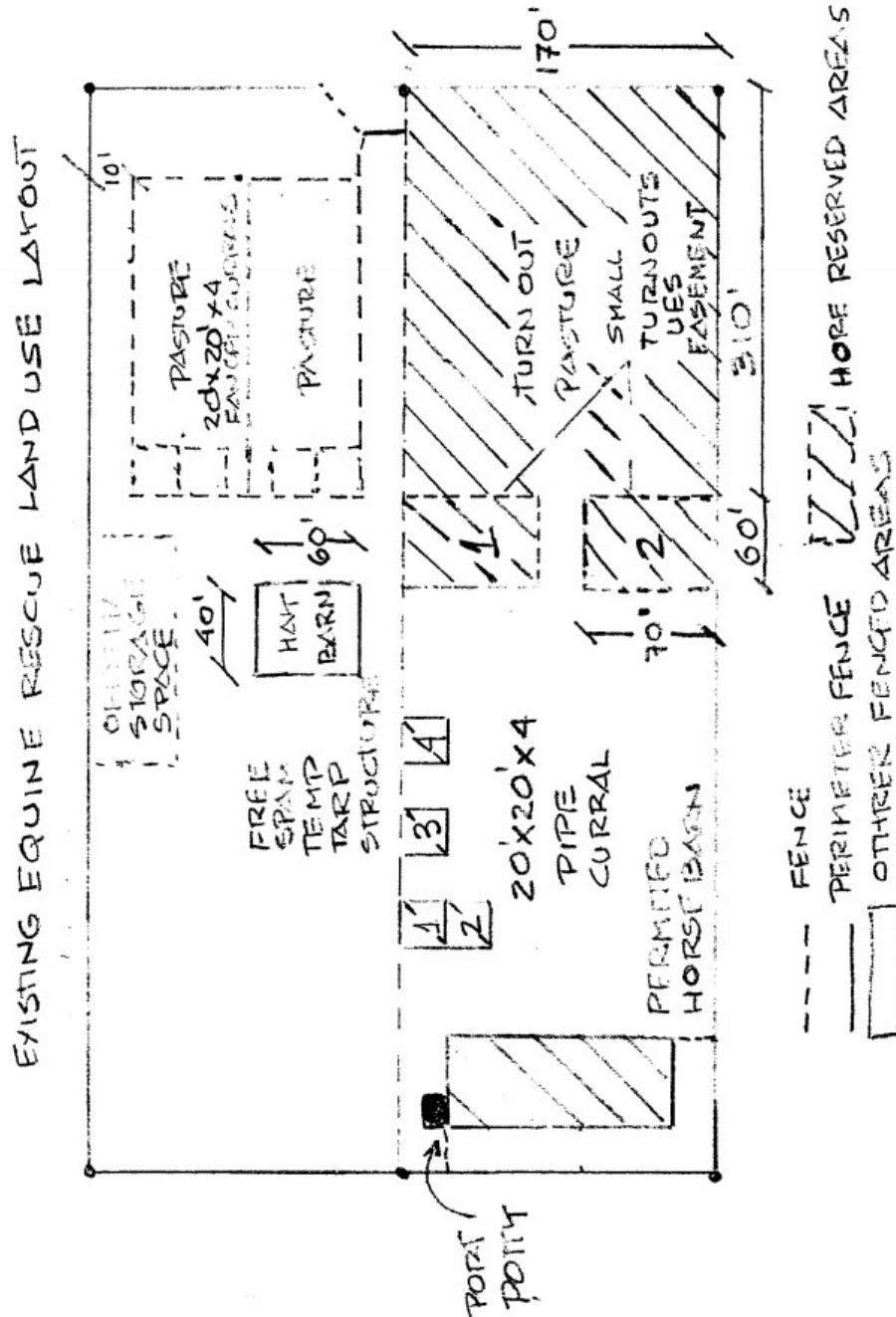
ADDRESS: 680 S FIRESKY LANE



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.

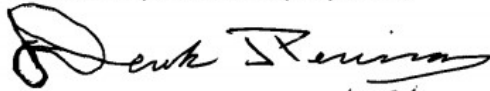
Presently we have set a maximum capacity of 50 ourselves. At this time we are housing 21 horses and 21 cattle. Also, we do accept emergency shelter as needed.

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			
<u>Detailed Narrative</u>					- 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

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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. . . .



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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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LETTERS OF OPPOSITION

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

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 10/13/78-800 PM o'clock Book 1134 Official Records Page 587-588
Records of Yavapai County, Arizona. WITNESS my hand and official seal this 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 (2 1/2) 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

ATTACHMENT F
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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)



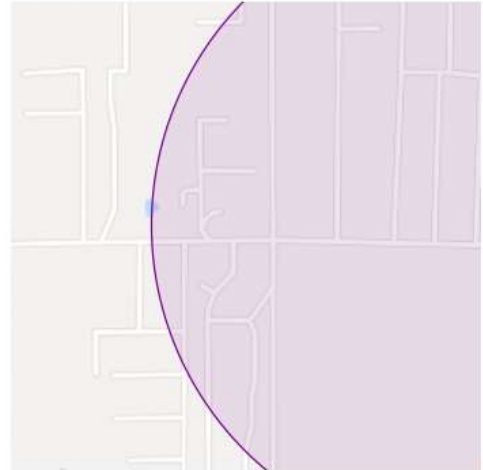
Can deliver for a fee and stack if needed.
Bring the flatbeds to load in the yard with a squeeze.
Call/text Nine28-458-5227
Equine Rescue 501.c3 - non-profit fundraiser - tax deductible - all proceeds
benefits our animals

QR Code Link to This Post



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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

