



Commissioner's Agenda
Planning and Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
November 1, 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 – OCTOBER 4, 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 – ONE
- D.1 **TA-2022-09** –A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, Section 3.4 “OS” – Open Space/Resource Conservation District, to allow for the Conditional Use of large acre Solar and Wind Farms, along with their associated development standards.
- E. MINI-TRAINING: DUE PROCESS – HOW TO BE FAIR
- F. ACTION ITEMS – ONE
- F.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.
- G. INFORMATION ITEMS
- G.1 Staff
- Council Action on prior P&Z Cases
 - General Plan Update
- G.2 Commission
- G.3 Public
- H. ADJOURN

Planning and Zoning Commission Meeting Minutes October 4, 2022

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, October 4, 2022, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were; Vice-Chair Gary Pasciak, Commissioner Teena Meadors; Commissioner Ron Penn; Commissioner David Somerville; Commissioner Robert Switzer, and Alternate Commissioner Richard Zamudio. Chair Chuck Merritt and Commissioner William Welker were absent.

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

CALL TO ORDER: Acting Chair Pasciak 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 Zamudio to approve the minutes with the revisions to page two which included the Commissioners discussion. This motion passed unanimously by a 6-0 vote.

CASE# 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.

Bethan Heng, Planner, presented the staff report and shared that the Applicant was in attendance for this meeting. The applicant did outreach to the neighbors regarding the proposed rezone and was met with approval. However there was one neighbor in opposition, and after the applicant talked with that neighbor, the neighbor retracted her opposition. Staff is recommending **APPROVAL**

Switzer mentioned that the Commercial Heavy zoning is not an isolated parcel. **Somerville** stated that Ace Hardware, to the south, is also zoned Commercial Heavy. **Switzer** did have concerns that some Commercial Heavy uses may not be compatible with the surrounding neighborhood. **Lineberry** shared that this property is right up to the highway where most of the road noise in the community is generated. **Switzer** shared concerns that there may be some uses within the Commercial Heavy Zoning that may need to be moved to a different zoning classification. **Somerville** asked if the applicant planned to build a wall along the rear property line and how he intended to dispose of paints and associated compounds. **Heng** stated that the applicant could address those questions.

Jason Nance, Owner B&M Painting and Raw Customs, explained that his product is a powder coat. There are no flammable materials. The product is sprayed on and then placed in an oven. He added that there will be fire extinguishers and an air filtration system that is cleaned out each Friday. He added that their varnishing and painting work is performed off-site at the clients' location, not on this property.

Acting Chair Pasciak opened the meeting for public comments.

Matthew Fish, Realtor, shared that he was the listing agent for the property. He felt that the rezone was appropriate for this property. He added that he believed there was not enough commercial heavy property

opportunities on the highway and that there is a demand for property to build businesses, which will help with the tax revenue for the Town. He added that B&M Painting is a very clean business and this would continue to be a good business to have in Chino Valley.

Acting Chair Pasciak closed the public comments portion of the meeting for this case.

Jason Nance returned to the podium and stated that he has been at his current location on S State Route 89 for 5 years. He added he is very conscientious about running a clean business both inside and outside with landscaping maintenance.

A motion was made by Commissioner Meadors and seconded by Commissioner Somerville to approve ZC-2022-06, as presented by staff and subject to the conditions of approval. This motion passed with a 6-0 vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

place. **Dingee** answered that that is how the zoning code has always been written and **Lineberry** added that it is a missing piece in the code.

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

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

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

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

ACTION ITEMS: There were no Action Items

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION ON PRIOR P&Z CASES: **Dingee** shared that he would have updates available at the next Planning and Zoning Meeting.

INFORMATION ITEMS – FROM THE COMMISSIONERS: Pasciak had a couple of comments because of this CUP. First, he wanted staff to look into the Town's noise regulation which is only allowing a 5-hour window of quiet. He felt this allotment of time should be 8-hours. Secondly, he requested staff research the number

of animals per acre allowed in the current code. **Somerville** asked if there was a maximum fence height allowed. **Dingee** stated the height can be six-feet, however the fence cannot restrict water flow.

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

ADJOURN – A motion was made by **Switzer** and seconded by **Meadors** to adjourn the meeting at 7:54 p.m.

Gary Pasciak
Acting Chair

Dee Dee Moore
Prepared By

DRAFT



TOWN OF CHINO VALLEY
Planning Commission Staff Report
November 1, 2022
File Number TA-2022-09
Text Amendment

PROJECT DESCRIPTION: A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, Section 3.4 “OS” – Open Space Resource Conservation District, to allow for the Conditional Use of large-acre Solar and Wind Farms, along with their associated development standards.

STAFF ANALYSIS:

The Unified Development Ordinance (UDO) states that it “may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.” This current text amendment, is deemed necessary to best serve the public interest. The proposal is to amend the Open Space Zoning District, to allow for the Conditional Use of large-acre Solar and Wind Farms.

Over the course of the last year, Town Staff has received numerous inquiries and held several pre-application meetings for potential large acreage, privately operated solar farms, where the proposals have ranged from as small as 700 acres to as large as 2,200 acres. Currently Town Code restricts solar facilities to publicly operated ventures like the current APS Solar Farm on West Road 4 South. Town Staff brought this to the attention of the Town Council during a study session on May 10, 2022, discussing the idea of placing these types of developments within the Open Space Zoning District. Council agreed with that concept and supported staff moving forward with a text amendment for their consideration.

The language proposed adds both public and private Solar and Wind Farms as a Conditional Use within the Open Space Zoning District. Staff is suggesting that both uses require a minimum of 640 contiguous acres for the use to be considered for a Conditional Use Permit. Allowing these uses within the Open Space District stems from the life span of a wind turbine and solar panel which is approximately 20 and 25 years respectively. Allowing renewable energy farms at this large scale reserves large tracts of land within Town limits to have the potential to be developed differently or to remain as open space, when the life span of the equipment is up. The property owner would not be required to cease the use at this point however, it presents the opportunity for redevelopment which may not have been feasible when the project was first proposed.

In addition to allowing these renewable energy farms as a Conditional Uses, staff is also proposing the following Development Standards that are associated with these **renewable energy farms**:

- No mass grading of the project site.
- Sites with topographic features such as hills or valleys shall remain undeveloped in those specific areas.
- Equipment and structures must be setback at least 50 feet from the property line or 110% of the fall zone, whichever is larger.
- Maximum lot coverage of 90%
- When the use ceases, remediation of the site to a pre-development standards is required.

An important item to note is that there is currently no OS zoned property within Town limits currently. In the event of a green energy project being pursued in Chino Valley, the project will need to rezone to this district and receive approval for a Conditional Use Permit.

The proposed text amendment language can be found in Attachment A.

Staff Recommendation:

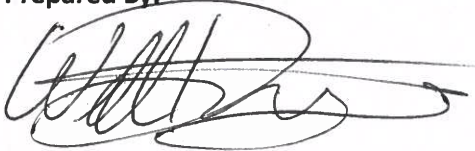
Staff recommends discussion of the proposed text amendment between staff, the public and the Commission. Staff will update the text amendment and bring it back before the commission at their meeting.

Attachments

A
Text Amendment Language

Prepared By:

Date: October 18, 2022



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Approved By:

Date: October 18, 2022



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Attachment A

Text Amendment Language

Current Language:

3.4 "OS" - OPEN SPACE RESOURCE CONSERVATION

A. PURPOSE

The purpose of the (OS) Open Space Resource Conservation designation is to preserve lands as open space and to promote resource conservation. Lands so designated shall be limited to exclusive use as trail and path systems and other strictly prescribed recreational uses and for the preservation of historical sites, historic agricultural uses and natural plant and animal habitats.

B. APPLICABILITY

The (OS) Open Space Resource Conservation Designation may be applied where the Town wishes to strictly limit the uses of the land for the preservation of open space and resource conservation.

C. PERMITTED USES

Permitted uses in the OS zone shall be limited strictly to open space uses such as public parks and play areas, trails and paths for non-motorized use, and other recreational or commercial uses which do not adversely impact the preservation of open space and resource conservation, such as:

1. Agriculture, cultivation and ranching.
2. Historical sites.
3. Public parks and play areas.
4. Horse trails, bike paths, walking trails and other similar non-motorized recreational trails or paths.

D. DEVELOPMENT STANDARDS

No structures, either permanent or temporary, shall be permitted except for accessory buildings that relate directly to the designated open space/resource conservation use (such as restrooms, ramadas, historical buildings). Such accessory buildings are permitted only subject to plan review by Commission and approval by Council.

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 or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustment.

Proposed Amendment:

3.4 "OS"- OPEN SPACE/RESOURCE CONSERVATION

A. PURPOSE

~~The purpose of the (OS) Open Space Resource Conservation designation is to preserve lands as open space and to promote resource conservation. Lands so designated shall be limited to exclusive use as trail and path systems and other strictly prescribed recreational uses and for the preservation of historical sites, historic agricultural uses and natural plant and animal habitats.~~

The purpose of the (OS) Open Space/Resource Conservation District is to conserve and protect open areas characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would maintain or enhance the conservation of natural or scenic resources, wildlife migration, the production of food and fiber, or under certain conditions, provide a platform for green energy generation.

B. APPLICABILITY

The (OS) Open Space/Resource Conservation Designation may be applied where the Town wishes to strictly limit the uses of the land for the preservation of open space, resource conservation and green energy farms.

C. PERMITTED USES

Permitted uses in the OS zone shall be limited strictly to open space uses such as public parks and play areas, trails and paths for non-motorized use, and other recreational or commercial uses which do not adversely impact the preservation of open space and resource conservation, such as:

1. Agriculture, cultivation and ranching.
2. Historical sites.
3. Public parks and play areas.
4. Horse trails, bike paths, walking trails and other similar non-motorized recreational trails or paths.

D. CONDITIONAL USES (Conditional Use Permit Required)

1. Private or Publicly owned and operated Solar and Wind Farms developments of 640 contiguous acres or more.

✶ E. DEVELOPMENT STANDARDS FOR SOLAR AND WIND FARMS

1. No mass grading of the project site.
2. Sites with topographic features such as hills or valleys shall remain undeveloped in those specific areas.
3. Equipment and structures must be setback at least 50 feet from the property line or 110% of the fall zone, whichever is larger.
4. Maximum lot coverage of 90%
5. If the use ceases, remediation of the site to a pre-development standards is required.

F. DEVELOPMENT STANDARDS FOR ALL OTHER USES

No structures, either permanent or temporary, shall be permitted except for accessory buildings that relate directly to the designated open space/resource conservation use (such as restrooms, ramadas, historical buildings). Such accessory buildings are permitted only subject to plan review by Commission and approval by Council.

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 or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustment.



TOWN OF CHINO VALLEY
Planning Commission Staff Report
November 1, 2022
File Number CUP-2022-02
Amendment

PROJECT DESCRIPTION: 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.

RECAP

On October 4, 2022, the request for a conditional use permit (CUP) for an equine rescue within Town limits was heard by the Planning Commission (please reference your packets from that meeting for the associated staff report). After hearing from the public and having dialog with staff and the applicant, which resulted in changes the staff's suggested Conditions of approval, the Planning Commission voted to continue this item to the November 1, 2022 Planning Commission meeting in order for staff to accurately recap and present changes to the Commission for their vote. This continuation however, does not include a public hearing. This item is simply before the Commission to review and discuss the attached conditions of approval presented during the October 4th meeting and for the Commission to make a recommendation to Council.

The revised conditions are attached on the following page.

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 attached.

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.

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 the October 4th hearing, and that the conditions of approval will make the proposed use compatible with surrounding uses.

CONDITIONS OF APPROVAL FOR P&Z DISCUSSION
CUP – 2022-01 EQUINE RESCUE CENTER

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 one(1)-year period in order to allow the applicant to complete the required physical improvements to the site and ensure compliance with the conditions of approval. The CUP shall be reconsidered by the Planning and Zoning Commission at one year after Town Council approval date. The Planning and Zoning Commission may extend the Use on the property for an additional five (5) years if all physical improvements have been made and all conditions of approval have been met.
4. The applicant shall limit the total number of horses and cows on-site to 30. In a state, county or town declared natural disaster or emergency, the total number of horses and cows may be increased to a maximum of 50 animals, for a maximum of three (3) weeks from the date of the initial declared disaster or emergency. After that 3-week period, the number of horses and cows must be reduced to the maximum number of 30 total animals on site.
5. Hours of operations:
 - a. Hay fundraising sales and bulk deliveries of hay to and from the subject property – Monday through Saturday, 7:00 a.m. to 7:00 p.m.
 - b. All associated Equine Rescue activities as identified in condition #6 – Monday through Sunday, 7:00 a.m. to 7:00 p.m.
 - c. Veterinarian emergencies are considered exempt from set hours of operations.
6. The applicant shall maintain the on-site livestock (horses, cows, or other split-hooved animals), swine, and poultry by meeting the following requirements 365 days a year:
 - a. The applicant shall feed and remove animal manure from enclosures daily.
 - b. The applicant shall place animal manure in an enclosed waste area until it is removed off-site each week. Manure cannot be spread on site.
 - c. The applicant shall provide water to livestock on site at all times.
 - d. The applicant shall provide shade for the cattle and horses through shade structures in each grazing area.
 - e. The applicant shall maintain security of livestock enclosures with a wrapped-wire, welded fence or an equivalent, to keep livestock from wandering off the subject property.

- f. The applicant shall maintain adequate fly control on site through the use of bagged fly traps or other biological methods.
- 7. The applicant shall provide parking to volunteers of the Equine Rescue.
- 8. The applicant shall provide bathrooms or a portable toilet on site for volunteers of the Equine Rescue.
- 9. 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.
- 13. The Town shall inspect the site every two weeks for the first year of operation, to ensure compliance with Conditions of Approval.

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

- 14. 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.