



A G E N D A

Town of Chino Valley
Planning & Zoning Commission
General Work Session

June 4, 2024



**Town of Chino Valley
General Work Session
PLANNING & ZONING COMMISSION**
Chino Valley Town Hall
202 N. State Route 89
June 4, 2024, 6:00 p.m.

The General Work Session of the Planning and Zoning Commission will meet to:

- Discuss the following items:
 - TA-2024-02 – Continued discussion regarding potential changes for the regulation of non-domestic animals

Dated this 28th day of May, 2024.

By: Laurie Lineberry, Development Services Director

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. 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.

CERTIFICATION OF POSTING

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

Date & Time: _____

By: _____

B.1 - TA-2024-02 – Continued discussion regarding potential changes for the regulation of non-domestic animals

Commission to discuss the following standards for units of animals per usable acre:

Equivalent Animal Unit

For each acre and/or portion of an acre you can have one Equivalent Animal Unit (EAU).

1 EAU	½ EAU	¼ EAU	⅛ EAU	1/32 EAU
1 Swine	1 Donkey	1 Goat	1 Turkey	1 Hen
1 Cow	1 Horse	1 Sheep	1 Goose	1 Chicken
1 Rooster, not silenced and contained		1 Alpaca	1 Peacock (silenced)	1 caged Rabbit
		1 Llama	1 Guinea Hen	1 Duck
		1 Ostrich		1 silenced Rooster
		1 Emu		

Draft Minutes from the prior Study Session held on May 7, 2024

Planning and Zoning Commission Study Session Minutes Study Session – May 7, 2024

A study session of the Town of Chino Valley Planning and Zoning Commission was held at 6:46 p.m. on Tuesday, May 7, 2024, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner Robert Switzer, Commissioner William Welker and Commissioner Richard Zamudio. A quorum was declared.

STAFF MEMBERS present: Laurie Lineberry, Development Services Director; Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Gerreann Froberg, Senior Processing Coordinator, and Lawrence Digges, Audio/Video.

CALL TO ORDER: Chair Merritt called the study session meeting to order at 6:46 p.m.

The following topics were discussed at the May 7, 2024 Study Session:

Discussion: TA-2024-02 - Keeping of non-domestic animals – This was the third discussion on this topic, the Planning and Zoning Commission discussed this at the February 6, 2024 and April 2, 2024 Study Sessions. **Will Dingee**, Assistant Director, shared the conclusion of the last meeting, where Commission discussed the below table of equivalent animal units per acre. He reiterated for the audience that current Town Code does not restrict any non-domestic animals with the exception of one swine per acre. The idea was to create a Code that met the needs of Chino Valley citizens, was appropriate and fitting, but was also enforceable by Town staff.

Equivalent Animal Unit

For each acre and/or portion of an acre you can have one Equivalent Animal Unit (EAU).

1 EAU	½ EAU	¼ EAU	⅛ EAU	1/32 EAU
1 Swine	1 Donkey	1 Goat	1 Turkey	1 Hen
1 Cow	1 Horse	1 Sheep	1 Goose	1 Chicken
1 Rooster, not silenced and contained		1 Alpaca	1 Peacock (silenced)	1 caged Rabbit
		1 Llama	1 Guinea Hen	1 Duck
		1 Ostrich		1 silenced Rooster
		1 Emu		

Laurie Lineberry, Director, stated there has been prior dialog that if someone wanted to or already had more animals and were doing a good job keeping up their property, that there would be an administrative approval process (maybe an Administrative C.U.P) through which staff could approve additional animals.

Dingee stated owners had the ability to exceed these numbers if they were maintaining their property and the upkeep of the animals, with administrative approval. If the property owner violated the approval or disagreed with the staff decision, those property owners could appeal the situations to the Commission.

Merritt asked staff to explain how the Commission ended up here.

Dingee shared an example of a prior case, a Conditional Use Permit for an Equine rescue on Firesky Lane. The original request was for roughly 50 horses and 50 cattle on a 5-acre parcel and the Town had no rules in place to deny the request. Because the applicant wanted to sell hay on the property, staff determined that the use needed a Conditional Use Permit. Through the public hearing process, the owner agreed to reduce his animal count to approximately 17 horses. The process took 1-1/2 years, with multiple Planning and Zoning Commission, Town Council and appeal hearings, all because Town Code was not strong enough, and had no limits.

Merritt reiterated that the only leverage the Town had was that the owner wanted to sell hay, which required a Conditional Use Permit, which ultimately resulted in the owner agreeing to reduce the number of animals. Currently the Commission wanted as fair and reasonable a manner as possible in creating new animal keeping rules.

Discussion was held by Commission members and staff which included:

- Striking the word "usable" to simply state "acre"
- Grandfathering homeowners' rights and speaking with Town attorney on process
- CUP's provided when necessary

Merritt shared with the audience that the staff had researched State, County and college information. The Commission's goal was to ensure the public had input in the discussion.

Merritt asked if any public in attendance had any comments they wanted to share.

Al Gibbons, 1435 E Road 3 South, stated he appreciated everyone's volunteerism. He thought it was great working this out, the American way. He lived in Chino Valley for 25 years and loved the small town. Roosters were his main concern and he hoped a rule would be put in place that roosters must either be silenced or the owner would need to get a permit with strict rules.

April Frank stated she grew up in Chino Valley and was a Community Club Leader in 4H and a member of FFA. She felt the numbers on the table were excessive. On her property, she raised all the protein she fed her family, including goat, turkeys, chickens, 1 rooster and quail. She thought the numbers were too limiting, that food sources could be limited at times. She stated that in 4H, the breeding programs would be limited without roosters. That 4H taught the children responsibility. She stated she understood why this had become an issue with some bad neighbors in Town, but thought people should first try to work it out among themselves. She disagreed that 1-acre could not have a chicken coop and 2 horses, and thought the numbers were too small for hobby farming.

Dingee confirmed Chino Valley had exemptions for 4H in Town Code.

Switzer suggested a change to the 1-acre parcel to include 2 horses, chickens and 1 rooster.

Frank stated it was not unreasonable for someone who was raising chickens to have a few roosters, as some types are better at laying eggs, for show or for meat. She shared that silenced roosters still made a lot of noise and it was an expensive surgery and she was not aware of anyone in Town who offered it.

Merritt stated the Commission appreciated the input from the public and it illustrated to the Commission the different points of view and asked the two citizens who spoke to submit some comments in writing to the Development Services Department.

Switzer stated a Conditional Use Permit could always be available for special considerations.

Merritt stated public perspective would be valuable to get to a point to submit an Ordinance to Town Council. He stated the General Plan said Chino Valley was a rural and agricultural community.

Merritt asked if anyone had any other comments or concerns.

Lineberry suggested that chickens be an add-on to the table regardless of what other animals the owner had.

Dingee stated there were no cases on the calendar for the June meeting and asked the Commission if they wanted to take a break from meeting or come back for another study session.

Merritt asked for a roll-call vote and all supported another study session on animals, on June 4, 2024.

ADJOURN – Motion was made by **Meadors** and seconded by **Zamudio** to adjourn the study session meeting at 7:45 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg

DRAFT

Comments from Public

I was given this email address to provide information to gfroberg@chinoaz.net concerning what I brought to present at the recent Planning and Zoning Commission meeting (May 7, 2024?). The following is a summary.

I have lived in small towns in Arizona for many decades. I moved to Yavapai County unincorporated land 5 miles outside of Prescott in the early 1970's after my time in the armed forces. I purchased land in Chino Valley (CV) in the 1990's and have live here since then.

Before I purchased my Chino Valley land I went to the Town government and inquired about what AR5 land expectations and requirements were. I spoke to the CV Town employee, Pat Clingman, who I believe was the Building Inspector and Code Enforcement employee at that time. There was a man there present at the conversation that I believe was introduced to me as the CV Mayor. During the discussion I was told that AR5 land was for the purpose of ***"... animals for personal use and consumption of the residents of that property, smells, dust, and animal noise is required to stay within the boundary of the property that created it, and that the Town enforces violations"***. I was assured that I don't have to tolerate any slop over smells, dust or animal noises from other property because that would violate my property use rights and that I would have the same responsibility to not slop over onto any other property owner's property with animals or things I do. I was told that the "A" in AR5 allowed owners to have animals but that it does not provide any rights for owners to negatively impact another property owner at all. What was created on a property was required to stay within that property and not impact other property owners. Hearing this from CV Town officials, and believing it, I purchased my property.

The Federal Government sets the legal standard as to what is "Urban" and what is "Rural". The Town of Chino Valley accepts Federal funds and grants. The Federal standard is the legal definition in governmental and judicial matters. The current Federal (Census) standard states 2,000 homes or 5,000 people as being Urban. Chino Valley is approximately three times bigger than the minimum standard to be legally considered "rural". The word "Rural" was first used in the 15th century as a land, and area size term. Rural to some is a Hallmark card, subjective, everyone has a different vision term. There are thousands of vehicles that come and go through the middle of Chino Valley on the highway each day creating poor air quality near the highway and considerable noise. Sirens are very often heard in Chino Valley due to all the emergency responses. In Chino Valley there are many churches, many housing planned communities, multiple schools, multiple bars, multiple doctors, multiple dentists, a clinic, two hardware stores, a large equipment rental business, a large park with a community swimming pool, a national chain grocery store, two (soon) national chain convenience markets, two fire stations, a large two story police station, many traffic lights, many roundabouts to control the heavy traffic, multiple gas stations and a four lane highway through the middle of town. If Chino was "Rural" by definition what is Paulden and the unincorporated Yavapai County called when Chino Valley provides their services, stores, library, swimming pool, medical, schools and churches?

Rooster/peacock noise can be a very annoying noise that causes intense conflicts between neighbors because one neighbor with a rooster believes he can violate property rights and ruin the peace and quiet of property they do not own nor do they pay taxes on. From the time we are children watching

cartoons we all learn how loud a rooster can be and who it wakes up and when! Anyone that keeps a rooster knows that roosters can be very loud with their sound travelling ¼ to ½ mile away from the source early, all day and into the night. That sound does not respect other people's property right to enjoy their own property free from noise bullying by others that are not keeping what they create confined to their own property. Fowl noises can be controlled by altering the rooster, confining to a building that contains all of the noise, or by wearing devices that physically prevents the rooster from positioning their head to allow making the noise. Rooster owners do not have a legal property right to use or abuse property someone else owns. The Arizona State law concerning "Private Nuisances" is available to control the situation using the State police or County Sheriff if not the local Police.

Many municipalities have banned roosters totally to prevent conflicts between neighbors, reduce the time and expense for law enforcement, reduce code enforcement time and expenses, reduce court appearances, greatly reduce complaints to council members and to uphold everyone's property rights. The nearest communities of Prescott, and Prescott Valley (as well as many others) have banned roosters to prevent all the problems associated with the noise and to avoid all the negative kickback politically at the ballot box and possible recall efforts. Flagstaff didn't ban roosters but instead put into their ordinance that all animals **"... do not create an adverse impact on adjacent properties by reason of dust, fumes, NOISE, odor, insect or vermin infestations, or visual blight..." (Chapter 6-03 Animal Keeping, Purpose)**. I believe the Flagstaff ordinance approach is good public administration, avoids government having to justify the quantity of animals issue, avoids the size of lot issue, is politically brilliant, avoids political concerns of elected officials, and doesn't disrespect HOA residents' CC&R's. I believe Flagstaff's approach resolves the grandfathered animals issue and legally resolves all the property rights issues by placing 100% of the responsibility upon the animal owners, to keep **all and whatever** they create confined upon their property **at all times day or night, in any quantity, any length of time, and any frequency of events** or be cited in violation if a complaint is made. It appears to be as a wise, Biblical like, King Solomn type of decree for the kingdom! The government isn't creating a problem for animal owners at all. All problems are the fault of the animal owner because they haven't kept **everything, at all times**, confined to the property they own. Love your neighbor as yourself. Property rights 101!

From experience I conclude that a considerable amount, if not most, of the negative code enforcement issues concerning livestock, especially cows and horses, are created because the land is being used for commercial profit and isn't zoned for commercial use. The uses are horse hotels, for profit steer roping trainers, feed lots and beef meat finishing prior to market, providing steers to rodeo events, raising beef for consumption by those who do not live on the property, etc. These businesses mostly, if not all, do not have a business license, do not collect sales tax for CV, do not pay State or Federal income tax, create possible water well pollution because of the thousands of gallons of raw urine and many tons of manure upon the ground on or near the actual potable water well, often have many out buildings that do not meet set back or building codes and are not commercially insured for the financial protection of themselves and their neighbors due to liability issues that may arise. This is a growing problem because it has a true or not true appearance of CV Town official's acceptance of for profit livestock related business in non commercial residential areas. This situation really violates so many other property

owners' rights and has the CV Town appearing unconcerned as well as losing thousands of dollars of legal sales tax collection. Businesses in CV that are legit are required to own commercial property and pay business expenses that the land use business violators aren't paying. This seems to be something easily resolved. Either it is an unlicensed, for profit commercial business or it isn't. Either the land is zoned commercial or it isn't.

Please keep in mind that rooster owners can have their noisier animals physically altered to eliminate the noise leaving the owners' property. Society already readily accepts as a norm altered dogs, cats, cows, horses, goats, etc. to meet owner's needs. Unaltered roosters can be kept within a noise confining building and they can wear devices that don't allow them to position their head for crowing. Roosters are not required for hens to produce eggs. An appropriate fence or large, well made enclosure will fend off any coyote, skunk, raccoon, hawk or dog trying to get at the chickens. Roosters are not required and usually not very capable at fending off hungry wild animals especially at night.

The aforementioned was what I brought to the Planning and Zoning meeting to present. I was not invited by anyone and I did not attend to support any commissioners or council person's personal opinions. I came as a long time Chino Valley citizen who has experienced or observed many animal situations that violate citizen property rights within Chino Valley. I support property rights for everyone especially when they keep all they create on their own property without any negative impact to others or to land they do not own.

AL Gibbons, Citizen

Chino Valley, AZ