



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

July 16 , 2024



Commissioner's Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
July 16, 2024, 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 – MAY 7, 2024 REGULAR MEETING
 - C.2. APPROVAL OF MINUTES – MAY 7, 2024 STUDY SESSION
 - C.3. APPROVAL OF MINUTES – JUNE 4, 2024 STUDY SESSION
 - C.4. WITHDRAWALS BY APPLICANT – NONE
 - C.5. TIME EXTENSIONS – NONE
 - C.6. APPROVALS – NONE
- D. PUBLIC HEARINGS – ONE
 - D.1 **CUP-2024-02** — This is a request by Lynn Niewiadomski, on behalf of Circle-K, for a Conditional Use Permit to allow for a Soil Remediation System and related equipment to be installed. The property is located at 1910 N State Route 89, Chino Valley, Arizona.
- E. ACTION ITEMS - None
- F. INFORMATION ITEMS
 - F.1 Staff - 1. Prior Cases to Town Council:
 - ZC-2024-02 and CUP-2024-01 - C&M's Landscaping Rezone and CUP
 - TA-2024-01 – Update on Metal Storage Containers
 - F.2 Commission
 - F.3 Chairman
 - F.4 Public
- G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: <https://us02web.zoom.us/j/87273067654>, or by phone: 1 888 788-0099 (Toll Free) or 1 877 853-5247 (Toll Free); Webinar ID: 872 7306 7654

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

May 7, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held 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.

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

CALL TO ORDER: **Chair Merritt** called the meeting to order at 6:00 p.m. A quorum was declared. Commission meeting began with the Pledge of Allegiance led by Commissioner **Zamudio**.

CONSENT CALENDAR – A motion was made by Commissioner **Meadors** to accept the consent agenda. The motion was seconded by Commissioner **Pasciak** and passed unanimously by a 7-0 vote.

PUBLIC HEARING #D.1 – Case # ZC-2024-02 and CUP-2024-01 — This is a request by Cristian Ayala, on behalf of C&M's Landscaping LLC, for a Rezone of approximately six (6) acres of land from Industrial (I) to Commercial Light (CL) with a Conditional Use Permit to allow for a contractor's yard and single-family residence with future greenhouses. The property is located at 2745 Arizona Trail, Chino Valley, Arizona (APN 306-17-001C).

Chair Merritt asked if anyone on the commission had a disclosure to declare regarding this project. There were none.

Senior Planner **Jessica Barragan** presented the staff report and stated the applicant was in attendance. The applicant was asking for a rezone of approximately 6 acres from Industrial (I) to Commercial Light (CL) and a Conditional Use Permit to allow for the existing single-family residence to remain in conjunction with the family's future business, a landscape contractor's yard operation. She stated the requested rezone would be in conformance with the General Plan. **Barragan** showed images of surrounding areas and shared that a neighborhood meeting was held on April 4, 2024 at the subject property with 16 neighbors in attendance. The neighbors supported the rezone to the lesser intensity, Commercial Light zoning but had some concerns with potential traffic, noise, water and light pollution. **Barragan** stated the applicant would be submitting a complete technical, landscape and lighting plan for review and approval prior to building permit issuance for Phase 2. Staff recommended approval.

Chair Merritt asked if anyone had questions for staff. There were none.

Mario Ayala, one of the owners, stated they intended to use the property for storage, equipment and trucks mainly pulling in and out during morning and evenings.

Chair Merritt asked if the Commission had any questions for the applicant.

Zamudio asked if their business landscaped residential or commercial properties.

Ayala stated they mainly did residential properties.

Zamudio asked what they planned on planting in the future greenhouses.

Ayala stated decorative plants commonly seen around residential houses.

Chair Merritt opened the meeting for public comments.

Sharon Riley stated she lived across the street and came to learn more about what was happening. She

had concerns with light pollution, water usage and the road conditions with trucks going in and out. She stated she is not against businesses coming in but wanted to see the neighborhood protected.

Nancy Diffendaffer, 1485 New York Place, stated she had lived in the area for 47 years and was not opposed to the rezone. She saw the benefit to the neighborhood but would like to see a stipulation that they were not able to change the type of plants they are growing to marijuana down the road. She stated she had concerns with water and believed all greenhouses in Town should be on the Chino Valley water system to protect the private wells. She stated she had concerns about lighting and wanted to see a stipulation that there were no lights on in the greenhouses from dusk to dawn. She asked if there were more than one residence on the property.

Chair Merritt closed the public hearing.

Merritt stated that the Town of Chino Valley, the Planning and Zoning Commission and the Town Council did not have control of the water, it was all handled through ADEQ, the State of Arizona regulates all the water. He confirmed that no Town water was in the subject area, that all properties were on private wells and water was not in the Town's jurisdiction.

Barragan confirmed the applicant had already been in touch with ADEQ for any water concerns. She stated that before entering into Phase 2, the applicant would be required to submit a professional lighting plan to be in accordance with the new Dark Sky Ordinance which would be in place by that time. **Barragan** stated that the roads were addressed at the neighborhood meeting and not much could be done at this point. However, prior to Phase 2, the applicant would be required to submit a traffic impact statement and/or study and potentially have to improve the adjacent roadway. She confirmed that the second existing building was to be used as an office and garage, in compliance with the Conditional Use Permit.

Merritt stated that the greenhouses that have lighting issues are the marijuana facilities and they have screening they are required to use and Code Enforcement was working on facilitating implementation of the screening.

Assistant Director, **Will Dingee** confirmed marijuana, recreational and medical, can only be cultivated in the Industrial zoning district, so this rezoning request actually eliminates that possibility from this property. He stated that Town Code prohibits cultivation of marijuana within 500 feet of a residence, so no medical or recreational cultivation or dispensary would be allowed along Arizona Trail.

Merritt reiterated that if the property were to remain Industrial zoning, a marijuana grow facility could be brought in and by changing the zoning to Commercial Light it would eliminate that possibility.

Zamudio asked what was the timeframe between Phase 1 and Phase 2.

Barragan stated the applicant gave a 3 to 5-year timespan for commencement of Phase 2.

Zamudio stated the roads would continue to deteriorate in 3 to 5 years.

Merritt stated the road use was already there by right because it was zoned Industrial, it was an existing condition. During Phase 2 the applicant could be required to improve the roads.

Barragan confirmed that there were not development plans currently, but during Phase 2, if more than 50% development is planned, the applicant would be required to make road improvements. **Barragan** let the Commission know that the Town Council hearing date for this case had been changed to June 11, 2024.

Switzer asked what the parcel was being used for currently, was there an Industrial business there now.

Barragan stated that it was a single-family residence, the previous business had moved and that the applicant had cleaned up the property and lived there.

Merritt stated he believed the property used to be a junkyard and was an eyesore for the community.

Ayala stated that the plants they are planning to grow do not require any night time lighting. He shared the

water irrigation system they planned on installing would be that each plant would be compensated for gallons per minute so no excessive water would be used. He explained that they would have no vehicles over 10 thousand pounds and would be using ½ ton or ¾ ton trucks for their trailers to carry about 3 tons of materials maximum. He stated he believed the road conditions should not change too much as they would not have heavy equipment going in and out.

Merritt asked if it was their intent to be operating dump trucks or hand dumps etc.

Ayala replied they would not be operating heavy vehicles or machinery.

Switzer stated that a greenhouse for those kinds of plants used less water than an outdoor nursery.

Merritt asked if they would be using a drip system instead of spraying the plants.

Ayala confirmed they planned on emitter lines which would be controlled with no excessive water used.

Merritt closed the public hearing portion of the meeting.

Motion was made by Pasciak, seconded by Meadors to approve ZC-2024-02 and CUP-2024-01, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A.

Merritt asked if a sunset clause on the project would be applicable if the applicant did not move to Phase 2.

Lineberry stated there could be a time limit by which the applicant would have to do Phase 2, perhaps 5 years to add the greenhouses. She stated that if a sunset clause were added, the Conditional Use Permit would expire.

Merritt stated he would like to see the applicant come before the Commission in 5 years, to update the Commission on how the business was going which could affect the outcome of his Conditional Use Permit. He added that stipulation as a condition. The Commission agreed.

A roll-call vote was taken and the motion passed with a 7-0 vote.

ACTION ITEMS: There were no action items for this meeting.

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASE: **Dingee** updated the Commission about prior cases heard by Town Council on March 26, 2024. ZC-2024-01 – Travis Bates Rezone, was approved by Town Council; FP-2021-06-R – Modified Request – Del Sol South Lot Line Adjustment, was approved by Town Council; TA-2024-01 Metal Storage Containers was tabled until September.

Lineberry handed out a prior Town Council agenda item to show the Commissioners what Town Council received from the Commission. She explained Development Services Department included minutes from the Planning Commission meeting. If the Town Council did not watch the Planning Commission meeting, they could read the minutes and understand what transpired. The Town Clerk produced the Council agenda packet with their own formatting and Development Services provided the minutes and staff report to include in the packet.

INFORMATION ITEMS – FROM THE COMMISSIONERS:

Pasciak wanted to remind the public that in 2019 a property tax was proposed to develop road conditions and it was voted down 2:1 ratio. The roads don't get fixed for free, there is only so much money. He shared that tomorrow's edition of Chino Valley Review had an article on voting for home rule to exceed the allocation for the budget. The Town of Chino Valley cannot run a deficit.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** shared the Commission was going into a study session on non-domestic animals following the meeting. He stated he believed it was important for the public to participate, and encouraged people to come to the meetings and speak out.

INFORMATION ITEMS – FROM THE PUBLIC:

Al Gibbons stated he would like to speak at the study session.

ADJOURN – A motion was made by **Pasciak** and seconded by **Meadors** to adjourn the meeting at 6:35 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg

DRAFT

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

Planning and Zoning Commission Study Session Minutes

Study Session – June 4, 2024

A study session of the Town of Chino Valley Planning and Zoning Commission was held at 6:00 p.m. on Tuesday, June 4, 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.

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

Public Attendance – 96 people in the Chambers (26 people over the maximum occupancy load for the Chambers), 12 people in the lobby and hallway.

CALL TO ORDER: Chair Merritt called the study session meeting to order at 6:03 p.m. A quorum was declared. Commission meeting began with the Pledge of Allegiance led by Commissioner Switzer.

The following topics were discussed at the June 4, 2024 Study Session:

Discussion: TA-2024-02 - Keeping of non-domestic animals – This was the fourth discussion on this topic, the Planning and Zoning Commission discussed this at the February 6, 2024, April 2, 2024 and May 7, 2024 Study Sessions.

Will Dingee, Assistant Director, recapped for the public a case that happened two years ago for a Conditional Use Permit for an Equine rescue. The original request was for roughly 70 horses and 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, the applicant needed a Conditional Use Permit. Through the public hearing process, the owner agreed to reduce his animal count to approximately 20 horses and remove the cattle. The process involved five public hearings with multiple neighborhood meetings, and an ultimate appeal which went back to the Planning and Zoning Commission and was approved. As a result, the Town Council directed the staff to look into this further, to research adjacent communities and come to the Town Council with a recommendation on what the Town could do better to help avoid a similar situation in the future. Last year staff brought to Town Council suggestions for cattle and horses. Town Council directed staff to look at regulations for all non-domestic animals.

Laurie Lineberry, Director, shared that in the last Study Session, discussion was held by Commissioners, staff and a couple of Town residents who came and spoke about a number of items. It included an original proposal that was used to dialog with, and after that meeting staff revised the proposal based on comments from the neighbors. **Lineberry** handed out sheets to the Commission with the new proposal and **Dingee** projected it onto the screen for the public to view. **Lineberry** explained that chickens were no longer to be counted unless they were for commercial purposes.

(See Attachment 1)

Dingee explained that 4H and self-sustaining farmsteads were an important part of the community and although they may exceed the proposed regulations, the Commission and staff concluded that the Town would allow for an exemption for these situations. Also discussed was a Waiver for existing animals that exceeded the proposed regulations for the lifespan of that animal, as well as a process would be put in place if someone wanted more animals per acre than the proposed regulations. Staff recommended that fowl be excluded from the animal quantities with the exception of roosters, backed by a bill signed by

Governor Hobbs on May 21, 2024 – House Bill 2325 Backyard Fowl, which allowed for 6 hens on a ½ acre or less lot. Based on prior discussions, the proposed regulations were adjusted.

Merritt asked if anyone on the Commission has questions for the staff. There were none. **Merritt** read into the record an email sent to staff from a citizen who was unable to attend the meeting (see Attachment 2). He then explained to the public the ground rules for speaking to the Commission. The citizens who had filled out the speaker request cards would have 3 minutes to speak, they were to be respectful and there would be no applauding. The Commission appreciated the citizens' enthusiasm and thanked them for coming to give their input. The Commission was not here to regulate something that worked, but to regulate something that did not work and wanted to do the minimum needed to prevent that situation from happening again. He reiterated that many avenues were available if someone wanted to exceed the number of animals proposed per acre, i.e. a Waiver, exception, or Conditional Use Permit. The Town needed to have some basis to enforce violations and that grandfathering and ease of exemptions were all on the table for discussion. The Commission were trying to collect as much data and opinions as possible.

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

Willie Lass - 981 W Center Street, stated he owned Lazy L Ranch and his ranch was clean and neat, his animals were healthy and well taken care of. He sold meat in packages and sides of beef. He had been in business since 2015 and his son made his living off of the ranch. He felt this proposal would affect 4H, FFA, rescues, pets and people's livelihoods. He asked the Commission to consider how regulating limits could take away someone's ability to make a living.

Merritt asked the public to please not applaud.

Ed Bloomfield – 2780 Elrod Road, stated his kids raised animals in 4H and FFA. He felt that if you did not like potholes or animals, you should not move to Chino Valley.

Beverly Wilson – 1777 W Road 2 North, stated she moved here 4 years ago and owned horses, a burrow and goats. Her neighbors had cattle, burrows and chickens. She moved here because she loved a rural lifestyle and did not want it to change. She felt that when you start to limit the number of animals on a property, it would become too bureaucratic, that the limits would be based on one incident and the Commission should not make laws on exceptions. She agreed that if you don't like animals, don't move here.

Regina Pecoraro – 3392 Wendigo Trail, stated Wendigo Trail was annexed into the Town and directly behind her property was County. She was concerned about what transpired between neighbors. She agreed one bad apple should not spoil the bushel. She stated it was not possible to determine the sex of chickens right away, and saw this as a problem.

Gary Warren – 2295 S State Route 89, stated he agreed with most of the others who spoke, he lived in Chino Valley since 1982 and the Town had always been rural and that was why people move here, they have choices (Prescott and Prescott Valley). He felt the County had good guidelines for animals per acre, that this proposal was way too restrictive for the community, and hoped the Commission would look at the County guidelines and model something similar.

Ashley Lee – 2845 W Mountain Meadow Road, stated she was a member of FFA and raised livestock. She felt the regulations would not help kids, that kids were the future of this Town, and it was important for them to have the ability to continue what they were doing. She knew people who were affected by this, neighbors who didn't like what the kids were doing, even though they had a yard where the animals were well cared for and not bothersome. She shared that for show kids, roosters were the way to go, that hens did not grow as fast, were harder to raise, and roosters sold better at the fair. She wanted the Commission to remember that these kids were going to be running the Town in 20 years, and if they were prevented from continuing what they were doing now, then "they would be screwed".

Merritt reiterated the Commission was not trying to restrict FFA or 4H, or restrict people from enjoying their chickens, that roosters were still up for discussion. He stated that the chart was still up for discussion at this point, and public input would help change it and was valuable.

Melissa Lee – 2845 W Mountain Meadow Road, stated she had been on the Yavapai County Fair board and had resigned for other reasons. She wanted the Commission to be aware that kids had already been restricted through regulations. There were so many kids that wanted to show animals, and asked the Commission to not take that away from them. If one person were to call and complain, it would be a problem. She felt one swine per acre was ridiculous, that at least two animals were needed for fair so you had a backup animal. She said kids go to college because of the FFA program and they were our future. She asked the Commission to not take it from them, and to make sure kids had all that we could give them.

Karen Freund – 1960 W Road 4 North, commented she thought that this “circus” was because of one problem, and instead of dealing with that one problem and letting it drop, the Town was going to penalize and punish everyone in the room. She stated she moved to Chino specifically for no restrictions on livestock, knowing she would need to manage her own herd. She stated her problem was the Town was going to start with how many animals per acre, then roosters, peacocks, and guinea fowl and keep going down that slope until nothing would be allowed because everything makes noise. She felt that if people didn’t want to live with the noise, dust, and smell, they should move someplace else.

Merritt reminded the public to not applaud.

Payten Darby – P.O. Box 313, Paulden, stated she was with the Yavapai County Fair and felt the proposed regulations may not affect kids now, but kids would get into trouble without things to keep them out of trouble and that animals do that. The kids are the next generation and if the Town changed the regulations, where would the kids go next. If the Town wanted the kids to grow, have responsibility, go to college, get good jobs and be productive members of society, then the kids needed their horses, lambs, hogs, goats and everything else. She asked that the Commission please consider the next generation because eventually it would affect everybody else.

Rosalee Darby – P.O. Box 216, Paulden, stated she represented the Yavapai County Fair, worked in youth livestock for the last 15 years, and 90% of the parents in attendance had kids with animals, but this was not just about those kids. She believed Governor Hobbs looked at a general statute for municipalities within cities and neighborhoods, Chino Valley was rural and needed to remain rural. Yavapai County had regulations that comply and had exemptions for 4H, FFA and youth livestock programs. If a family with two kids wanted to get started in a program, they would only be allowed one swine and how would they pick which kid? Chino Valley had the largest horse club in 4H in the state for years, which had declined but was being built back up. Youth livestock gave kids opportunities to travel, learn, make decisions, and get scholarships and careers. The Commission was trying to take that away. Chino Valley had the biggest farm for FFA in the state. Bacon and eggs come from farmers, not Safeway.

Merritt reiterated once again that the Commission was not going to take away or limit 4H or FFA or anyone else that wanted to exceed the limits set by the Planning and Zoning Commission and the Town Council’s decision. He restated that there would be plenty of opportunities easily available to add animals to the property if someone wanted to go through the effort of belonging to the FFA or 4H and currently the Town had an exemption for that. The Town was not taking away from the kids, nor the good things the community offers.

Levi Darby – P.O. Box 216, Paulden, stated he was chairman of the Yavapai County fair and 51,000 people came to the Fair last year with 120 kids in fair. He stated that the animals were what the kids were all about, many on livestock scholarships. He understood that some people got out of control with their animals and junk and there needed to be regulations. They were teaching kids how to raise animals and spend their money to get that animal to show. He stated that some people get out of control and one problem was not the whole Town of Chino Valley and did not speak for everyone. He thought that the

regulations may not affect the kids this year, but would affect next year. If you keep the kids on animals and off of drugs, they may stay out of jail.

Switzer asked if Mr. Darby understood that FFA was exempt.

Darby responded that not everyone was in FFA.

Switzer stated that the ones that were in FFA could get an exemption, that any regulation just like any law was meant for the people who violated it, not the people who abided by it.

Darby stated the Town should go after the people who violated it, and questioned why they were at this meeting if the Town already had ground rules.

Switzer stated the Town currently had no ground rules and that was the problem.

Darby stated the Town had Yavapai County ground rules.

Switzer stated he believed the County regulations were stiffer than the regulations proposed by staff and the Commission would look into it for comparison.

Merritt reiterated the Commission understood the value in kids, and this was not about the kids and FFA, that assumptions had been made that next year something was going to change to take that away.

Darby stated that the swine regulation had been removed in Yavapai County, and kids could raise pigs and breed them. Kids needed this to show animals.

Merritt stated the Commission respected everything Mr. Darby's family were doing and FFA and 4H were a valuable part of the community. The Commission was trying to set some limits for the people who don't follow the rules and don't care for their animals to enforce minimum standards of care so manure would not wash into a neighbor's yard. This was not to restrict kids, little league, or FFA.

Darby stated Yavapai County and the Town do not like him because he pushed things through, but kids were our future.

Merritt asked Mr. Darby if the Commission could have further conversation with him and could they get his contact information.

Darby stated yes.

Mitzi Conn – 2303 N Road 1 East stated she was with Now That I'm Safe Equine rescue, and had seen animals starving, that people had adopted animals from them. She saw one of the biggest problems was she received weekly calls, messages and emails about animals starving and not being taken care of. Livestock inspectors were needed to take care of it. She encouraged anyone who saw an animal not being taken care of to call the authorities. But unfortunately, if an animal could get up on its own, the livestock inspector would say it was ok. She wanted to let everyone know not to feed an animal that looked like it was starving, but to call the authorities instead.

Sarah Novak – 800 Sharon Drive, stated she does not own horses, cows or sheep but moved to the area so they could do that in the future. She currently owned chickens, ducks and three roosters and stated the roosters get a bad rap, her roosters crow appropriately in the morning and you would not know they were there the rest of the day, and do protect her chickens from hawks. She understood the need for regulations but thought one rooster per acre was hard to comprehend.

Cara Hamer – 210 S Cottontail Drive, stated she worked in law enforcement in Prescott as an animal control officer, she was very familiar with animals and understood a lot of the problems the Town was dealing with. She stated kids needed a rooster to go with the hen to make more animals for the kids to

show, same with cattle. She felt the Commission needed to speak to the people who had their boots on the ground. She shared that she breeds horses for income and moved to Chino Valley for the opportunities this awesome community gave her. She understood roosters could be a problem in the wrong hands and that regulations were a tough path as people loved their animals and livestock. She also thought the Veterans place in Chino Valley would be hurt if it were to get regulated.

Switzer asked Ms. Hamer if animal control officers from surrounding areas would be willing to come to a meeting.

Hammer stated absolutely, they used to do them quarterly, even from as far as Sedona and Williams.

Nathan Burger – 210 S Cottontail Drive, stated he lived in Chino Valley for 6 months and had only been a part of the cowboy and farming life for three years. The amount of support this way of life brought had been amazing. He shared that he grew up in Bull Head City and as a kid did not have 4H, that it was all about drugs, sex and alcohol. He would hate for Chino Valley to turn into that and felt if you start limiting animals it would also affect the Veterans who do not own much land but enjoyed horses and riding. He thought this was all based on one bad apple who was not respected in the community and that law enforcement and animal control officers should be paid a little more money to seek out the people who were not taking care of their animal, not the people in the room who care for their animals and whose animals were their lives.

Merritt reiterated it was the Commission's goal to regulate the folks not doing it right, not the people in the room who were taking care of their animals. The Commission appreciated the folks participating in the process.

Linda Steiger – 3605 N Yo He Wah Drive, yielded her time.

Susan Rikerd – 3993 Yo He Wah Drive, stated she backed everyone in the room, they were all passionate animal lovers and that the animals come first. She wanted the Commission to know that and thinks the Town should punish the people not taking care of their animals and not take away what they do for their animals. She bred her mare and loved being with other people that loved their animals and take awesome care of them.

Marsha Moyer – 1525 Bumblebee Drive, thanked the Commission for having the meeting, and wanted to know if minutes were available from past sessions and where were they found.

Merritt replied minutes could be found on the Town website or by stopping in at Town hall and asking for a copy of them.

Moyer asked how the number of animals were calculated per acre.

Dingee explained the chart brought up on the screen for acceptable animal units per acre, based on the amount of manure each animal produced.

Moyer asked if she had two horses, one burrow, one swine and some chickens on a 2-acre lot, at what point would it become a health hazard because of all the manure produced by the animals. Would code enforcement come after her.

Dingee explained the animal count.

Moyer asked if it would be calculated as total acreage of bare land.

Merritt replied Commission had discussed this and agreed to total acres not including buildings. He reiterated the chart on the screen was a discussion point as stated earlier.

Moyer stated she appreciated the waivers and exemptions for FFA and 4H for the kids in Chino Valley. She questioned if the guidelines were to be put in place, why someone would need to get a waiver. She could come in and waiver herself to death, as long as she wanted to pay the fee.

Merritt replied that the waivers would be free, that it would not be about the Town making money on frivolous permits. The Commission was trying to find a balance so the Town had the ability to enforce minimum standards on people who were not taking care of their animals. This process was about setting minimum standards so the Town had enforcement ability. Currently the Town did not have any regulations in place, (except one pig per acre) and additional rules would provide some leverage.

Wayne Moyer – 1525 Bumblebee Drive, stated he had been raised on a farm in Pennsylvania and liked the sound of roosters in the morning.

Cindy Lee Davies – 154 Heidi Lane, stated she had lived in Chino Valley for 12 years, and all of her neighbors have farm animals. She sells real estate and stated people moved here because Chino Valley was rural, although she agreed that the kids were important, it was all about the people. She agreed with what everyone else said, one person should not ruin our great community that we love. She stated there would not have been this turnout if it was not such a big issue. She thought it should be about code enforcement, and taking care of our community.

Merritt commented that since the Town had no code and no rules, there was no code enforcement – again the Commission was trying to strike a balance of minimal enforcement to keep the folks that don't do things the right way, from messing up the community.

Billie James – 2311 Horseshoe Trail, stated she grew up here and wanted to talk about emotional support, a lot of the animals for kids and adults were for emotional support. She enjoyed her chickens and roosters and did not see any issues with that. She stated it was a Federal crime to have any kind of animal abuse, and wanted to know why it was not a police issue, that it should not come back to anyone else in this Town. She reiterated that animals provided emotional support and kept the kids going, she saw it with her son, he loved his chickens - they were his pets.

Merritt reiterated the Commission agreed that children, pets, pigs, chickens and cows were important.

Jessie Pearson – 1630 Bottle Brush Drive, stated she was a single mother with two boys and because of child custody issues the boys were limited on what they were allowed to do, they had no sports, afterschool or weekend activities, showing livestock was all they had to get them out of the house, off their computers and tablets, to learn and be a part of the community. She felt the animal chart was too strict but understood a waiver would be possible. She had a Youth Livestock sign on her property and had been through six signs because neighbors decided they did not like the animals and broke it down. She stated all code and law would be subject to interpretation. She worked at Tuff Shed and agreed there needed to be codes and regulations in place because there were animals out there needed help. There were people out there that could not deal with the animals they had. She asked the Commission to regulate the issue, not limit the number of animals, but to have codes for cleanliness and noise, not regulate numbers of animals. Her son had chickens and sold eggs every day and she asked what happened to animals that already exist.

Merritt commented that regulations work both ways for minimum standards. If you had animals by right and regulation, your neighbors would have no say about that because you were following the rules. He added that existing animals would be grandfathered in, with ample opportunities for exemptions based on particular circumstances.

Pearson asked if her son bred goats and sheep, how many waivers and/or exemptions would she need and how often.

Merritt replied he would make a note for discussion later by the Commission. He shared there would be another study session on this topic in August and stated Commission wanted to hear more from the public.

Monty Lira – 695 W Road 1 South, was called and was not present.

Anabe Schoon – 1498 W Road 4 North, agreed with what had already been said.

Joseph Johnson – 1414 State Route 89, stated he understood the Commission was just doing their job and thought they were good people. He had two major concerns - laws don't stop, they just go forward and make things worse and worse. He stated animals and cattle made America. If they were to be limited, that would be food for Americans, which was horrifying as cattle numbers were already low. Young ranchers were not coming into the profession and food costs were at a record high right now. The animals on the chart that were being limited the most, were all food and people's livelihoods. Anything that went forward in politics would only limit rights, as seen in gun rights and freedom of religion. If it were to be done with animals, we would fail as a society.

Heather Wherley felt this was being done to regulate the bad apples but that is not what regulations do. Regulations were put in place and people who followed the rules followed the regulations, not the people who violated the regulations. She understood the Commission was tasked with trying to find a way to stop what happened from occurring again, but thought the Commission should define managing a herd or flock instead of regulating a herd or flock. She felt the managing of animals should be regulated, not the amount of animals. She stated she had not bought meat from a grocery store since 2009. Regarding exemptions, she questioned whether the next people in office would offer them and felt it would be a downhill spiral. Then the whole Town would change because the Commission would be trying to regulate a bad apple. She asked the Commission not to regulate this way, but define managing of animals and stated the people there take good care of their animals. She stated she knew people who moved here because Chino Valley was so logical and wanted to see the Commission give managing a herd a definition, instead of managing it for them.

Luke DeWitt – 2493 Home Lane asked what the defining moment was, a vote from the Commission or a ballot vote.

Lineberry replied that after the Commission was finished with all the dialog, the Development Services Department staff would prepare a draft Ordinance that would be presented to the Planning and Zoning Commission at a public hearing, and the Commission would make a recommendation to the Town Counsel. It would then be presented at a public hearing to the Town Counsel who would listen to any members of the public who attended and the Town Counsel would decide what would become law.

DeWitt stated he felt there were other options for the bad apple, there were two concerns for someone who mismanaged their livestock i.e. not feeding them appropriately, not enough space and run-off issues. He suggested making people put in retention basins, brow ditches, and/or direct the water for run-off, calling in a vet to check body mass index on animals who might be underweight and penalize people for cruelty to animals or jail time for cruelty to animals. He felt the Commission pushed that they do not have any teeth to enforce the current status quo for people managing their livestock. He felt it was not up to the Commission to enforce, it was up to the individual, but there were other ways to deal with bad apples other than an arbitrary set of rules to dictate.

Merritt addressed that the Town had no codes and no standards in place for animals, and it was not political but a fact. The Town of Chino Valley was not under Yavapai County jurisdiction and rules. The Commission may look to adopt some of the Codes that Yavapai County had in place.

Erica Smith – spoke from the audience and the Chair called her up to the podium microphone.

Erica Smith – 923 Peppertree Place, stated that when the Commission squished everything down, they take away the public's ability to protect, maintain and provide for their families and neighbors. Smith

pointed her finger at each Commission member and said *"Every one of you sits next to and lives next to somebody and what happens when you lose your home or you lose your cost for your eggs, when you have no sugar for your bread. You have to go to a neighbor when you have no more stores and this, this squishes it all down to nothing. You've already taken everything out of our Federal government, we have nothing."*

Merritt interjected that the Commission did not do anything like what she was saying. He declared that she was off track from the purpose of the meeting. He shared that the Commission was not taking away anything from anyone, but was talking about creating minimal standards for anyone to keep animals so that they would not be creating a problem.

Smith responded the Commission was trying to take away everything that people had already done.

Merritt responded that the Commission had not taken away anything.

Smith interjected that they had.

Merritt stated that the Commission was not doing that and he disagreed completely with her statement.

Smith declared that she was sorry the Chairman disagree with her but that was her opinion and she had the right to state her opinion. She concluded by saying *"That doesn't mean that I am wrong nor does it mean that you are right. You asked for my opinion as a part of this community and this is my opinion. I'm not having a debate, I'm stating my opinion."*

Tabby Higgins stated she was speaking out for working cattleman and cowboys that grew this area and on a cowboy's wage, they could not afford a lot of acreage. However, their horses were their tools, they needed 3-4 strings or more and needed a place to keep them while they were out working all day. The horses needed to be rotated. She shared that once horses were retired, they still needed a good home and asked if an exemption would be required for a retired horse because it would still need to be replaced. She felt the numbers did not make sense and cowboys are a dying breed because they are being pushed away. Cowboys were needed to work cattle and were only paid \$100 a day. The Commission needed to take that into consideration, as cowboys built this Town and area.

Andy Apolar – 220 Heidi Lane, yielded his time and agreed with everything that was said.

Melody (no last name given), stated the following: *"I come from a place, I am born and raised on Hawaii. I moved from there because of the rules and regulations that have clapped us down. Basically, we get priced out of paradise. Now where I'm from we don't have any predators so I'm used to chickens and roosters, anybody been to Hawaii before? That's all you hear is chickens and roosters. Tourists come over and they complain, we don't make rules and regulations because of that. Now if you know anything about like chicken poop or cow poop or swine poop, it's some of the best fertilizer there is and you're basing your studies off of Minnesota. You're in Arizona, are these guys no all born and raised here, are you guys not all cow folk? This is their way of life, this is everybody's way of life. People feed themselves from the chickens, the cows and everything. You're taking that away, you're trying to take it away with rules and regulations. I learned one thing being from an island, you put these rules and regulations on, they never change. I watched that island, you could go anywhere you want, do whatever you want. Before you know it, everything was blockaded. You couldn't go anywhere. You couldn't do anything. There is no reversal on that at all. Nothing gets reversed and every single one of you guys knows that. I know that these guys have kids, generations and generations to come and that's what you're changing. You are not changing this for them, and if you guys represent the people, you got the people behind you, they're speaking to you in what they want. But you don't represent the people or otherwise you would not be having this and trying to compare us with Minnesota. We're not Minnesota, this is Arizona. I moved to Chino Valley to have that lifestyle again because I saw what it does and it never changes. Nothing ever goes in reverse. You name one thing that ever goes in reverse. You don't never ever will you let that happen to cows, to swines, nothing. This is their way of life, this is Arizona. Stop changing stuff because what you said, more people, more problems. You're a Planning Commission. What is going on in this County? It is expanding, you're making money off of it, there is not going to be any stopping to building."*

So you put these rules and regulations for the people that are coming after us, not for the people that are here. You don't care about the people that are here. If you did, you would listen to every single person in this room and you wouldn't change anything. Because the next Town hall, then you listen to it, because all I'm hearing in the back of that room is you telling people I know FFA, you got to apply for these waivers. So who makes the decisions on waivers and why do we have to change it, it doesn't need to be changed. Everything is like the officer over here, you know if he has an issue, he goes and addresses it. I have nothing else to say."

Teri Baier stated she moved to Chino Valley five years ago but had been coming to the area for 32 years. She did not have opportunity in the City where she grew up, for 4H, FFA, or livestock and only had a garden and a dog, though she did attend County Fairs. She stated she watched dairy farms disappear where she grew up, replaced with houses. She stated Chino Valley afforded her the opportunity to own land, but was not planning on having livestock or chickens. She just wanted 2-1/2 acres around her so she would not have to have a barking dog and a neighbor who did not speak English and played mariachi music all day long and she did not know what State or Country she woke up to every morning. She expressed it was a fantastic place to grow up but was not a fantastic place now. Growing up she watched Orange County go from farmland to nothing but houses and tons of people and regulations. She shared that her grandkids moved here and she watched them flourish in 4H and was currently a community leader in 4H in Prescott. Her granddaughter was into horses and although she did not own a horse, she did not want to be limited on that. Once regulations start, they would not stop. Maybe not now but it would continue to change. She questioned what was going to happen to livestock when the 4H kids grow up or go to college, what would the parents do with the animals.

Merritt stated that would be a question for the FFA and 4H people in the audience.

Jenny Rose – 1098 Couling Road, stated she moved to Chino Valley one year ago from the Portland area, she owned an art studio, and had a passion for animals. In Portland, she raised cattle and bred sheep and owned a horse boarding facility and a Llama. She moved here to be close to her parents who needed help and looked for a place which would accept her animals, she found Chino Valley. She ran a sanctuary for animals, kids working thru trauma and domestic violence victims. She felt that by regulating animals it would take away the opportunities and some capacities. She shared she couldn't have children so her pets became her "kids" and her therapy.

Missy Nelissen – 1096 El Rancho Road, stated she moved with her husband to Chino Valley 3-1/2 years ago from small town in Massachusetts for the climate and because there were no limits on animals. She loved Chino Valley and had purchased three properties next to each other, built a business and had put over one million dollars into her property. She raised performance horses, boarded and trained horses. If the Commission put regulations in place, it would take away from her livelihood. She stated she paid for a dumpster to remove her manure every week, her place was spotless and she should not have to be penalized because of one bad apple. She shared that peacocks came with her property and offered if anyone wanted them, they could come and get them. The peacocks were not owned: the peacocks just existed and silencing them was not going to happen. She felt that businesses had not been addressed. She had used local builders, landscapers, a fence guy, a welder and a cowboy. She was putting money in the local economy and would not have done that if there were regulations. She does not think Chino Valley should limit people coming here by setting limits on livestock.

Cathy Middlested – 380 Lauren Lane stated a lot of people had been talking about this "bad apple". She had attended two or three meetings for the CUP for that case and stated he was not a bad apple. He was motivated to rescue horses and he did have quite a few horse and cows for his five acres. His issues were the management. Neighbors complained about the flies and sewage run off and it got resolved through his CUP to sell hay to help support the animals. She wanted to make clear he was not a bad apple. She felt that people do not research before buying here. They come here and want to change things. She agreed with other people - if you do not like the smell of animals and flies, you should not move here. Just like people moved to Prescott and were not aware of the low flying planes and then complained. She wanted to see more than limiting numbers (as she was a horse person and animal lover). She suggested instead of regulating how many animals people could have, we should regulate

the management of the property and hold people accountable. Since Chino Valley does not have enough code enforcement staff to go to every single ranch, they needed to rely on complaints. She felt if someone had seven horses on one acre and were taking care of them by removing the manure and the property was clean, there should be no problem for them to have seven horses as long as the horses were getting the proper exercise and were taken care of. The man with the CUP did not have animals that were abused, all of the animals were sold to other people and she wanted to put it to rest, he was not a bad apple, she was going to be the one person who stood up for him.

Merritt stated he appreciated her comments and to be aware no one on the Commission made any reference to the gentleman with the CUP as a “bad apple”. The Commission was aware of the difficulties he had and how hard he worked with the Town to get his place straightened out. That was one of the reasons the Commission was trying to get something in place to not have a similar situation in the future.

Merritt stated he appreciated everyone who spoke. He felt the discussion got a little heated but that it was the American process. He wanted to let the public know that at the next study session in August they would have an opportunity to speak. He stated he documented the comments and they would be in the minutes of the meeting and on the video which could be watched on the Town website. He thanked the public for attending and participating in the process.

Merritt closed the public portion of the meeting and asked for a Motion to adjourn.

ADJOURN – Motion was made by **Pasciak** and seconded by **Zamudio** to adjourn the study session meeting at 7:57 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg

From: Camin Whittaker <caminkidd@gmail.com>
Sent: Tuesday, June 4, 2024 9:25 AM
To: Will Dingee <wdingee@chinoaz.net>
Subject: Regulation of Non-Domestic Animals

Dear Mr. Dingee,

Below is a statement that I have been told that you will be gracious enough to present for me during the study session on June 4, 2024, regarding the regulation of non-domestic animals. I greatly appreciate you doing this as I am unable to attend the study-session.

Honorable Planning and Zoning Commissioners,

It appears that you are in search of a solution for a non-existent problem. For over fifty years the Town of Chino Valley has not regulated the keeping of non-domestic animals. If there was a problem with animals it was addressed as a Code Enforcement Issue (unsanitary conditions) or Animal Control (animal neglect or cruelty). Suddenly, the Town wants to change what has worked for over half of a century.

Existing properties will need to be grandfathered in. Most new properties are tract housing or sub-divisions with CC&Rs that limit or prohibit the keeping of non-domestic animals. The very few new future homes that will not be in a development are the only properties that the new regulations will apply to. Is the Town so lacking in things to do that it will spend time and money on something that only pertains to a few homes?

For twenty-five years I lived in a nice site-built house on just under an acre of land. In addition to other amenities, I had a four-stall breezeway barn. Each stall was twelve feet by twelve feet (equine industry standard) with attached 24 feet by 40 feet corrals. I also had a small riding arena that doubled as an additional turnout. No one ever complained that my four horses were a nuisance or that they did not receive the best of care. It is not how many animals per acre but how they are kept on that acre.

Non-domestic animals are an important part of life here in Chino Valley. Our high school has a Future Farmers of America (FFA) program. The teens in FFA raise farm animals as a project. FFA teaches very important life skills in addition to how to raise animals. Each year at the county fair the animals are sold at auction to raise money for future livestock purchases and college scholarships. If a family lives on two acres and has three children, one of those children will not be able to participate in FFA.

Many families residing within the Town of Chino Valley participate in equine activities. Often these activities do not lend themselves to everyone in the family sharing one horse. A family of five may well have five horses. If that family lives on two and a half acres then the children would not be allowed to participate in FFA because they would already be at their limit for animals. The family would also be precluded from keeping chickens so as to have fresh eggs and none of the children could have a pet rabbit.

We need to stick with what has been working for our community for over half of a century. Just because some former condominium-dwelling new resident from another state does not like non-domestic animals, the responsible families of Chino Valley should not have to alter their lifestyles. Please do not create regulations that ruin the traditional rural life in Chino Valley.

Thank you.

Camin Whittaker-Kidd
Chino Valley, AZ

ATTACHMENT 2

**UPDATED PROPOSED EQUIVALENT ANIMAL UNITS (EAU) TABLE
JUNE 4, 2024**

<i>1 EAU = 1 animal per acre (choose only 1 animal from the list below)</i>	<i>¼ EAU = 4 animals per acre (any combination of 4 animals from the list below)</i>	<i>⅛ EAU = 8 animals per acre (any combination of 8 animals from the list below)</i>
A Swine	Horses	Turkeys
A Cow	Sheep	Geese
A Rooster, contained but not silenced	Goats	Peacocks, silenced
	Donkeys	Guinea Hens
	Alpacas	Silenced Rooster
	Llamas	
	Ostriches	
	Emus	

**PREVIOUSLY PROPOSED ANIMAL UNITS (EAU) TABLE
MAY 7, 2024**

1 EAU	½ EAU	¼ EAU	⅛ EAU	1/32 EAU
1 Swine	1 Donkey	1 Sheep	1 Turkey	1 Hen
1 Cow	1 Horse	1 Goat	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		



TOWN OF CHINO VALLEY
Planning Commission Staff Report
July 16, 2024
File Number: CUP-2024-02
Conditional Use Permit

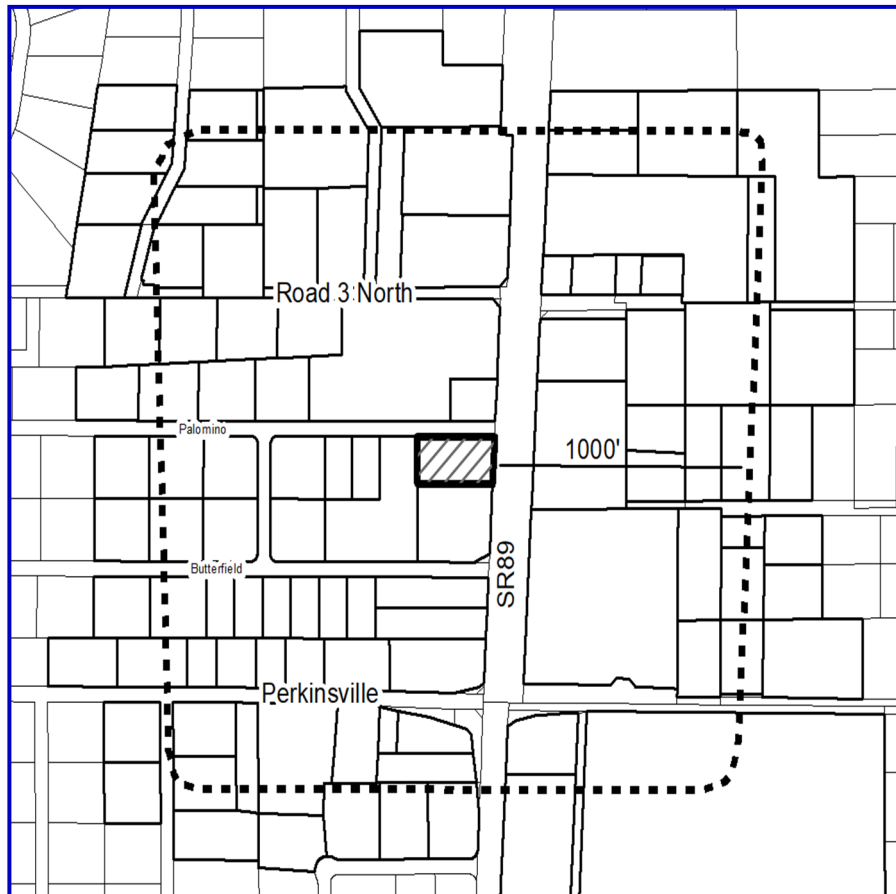
PROJECT DESCRIPTION

This is a request by Lynn Niewiadomski, on behalf of Circle-K, for a Conditional Use Permit to allow for a Soil Remediation System and related equipment to be installed. The property is located at 1910 N State Route 89, Chino Valley, Arizona.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	"CL" – Commercial Light	Circle K/ Butterfield Medical Plaza	HMU – Horizontal Multi-Use
North	"CL" – Commercial Light	Pharmacy/McDonalds	HMU – Horizontal Multi-Use
South	"CL" – Commercial Light	Chase Bank	HMU – Horizontal Multi-Use
East	"CL" – Commercial Light	Real Estate Office	HMU – Horizontal Multi-Use
West	"CL" – Commercial Light	Chino Dental	HMU – Horizontal Multi-Use

LOCATION MAP



PRIOR SITE ACTIONS: None

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of **APPROVAL** of the Conditional Use Permit for the temporary installation of soil remediation equipment.

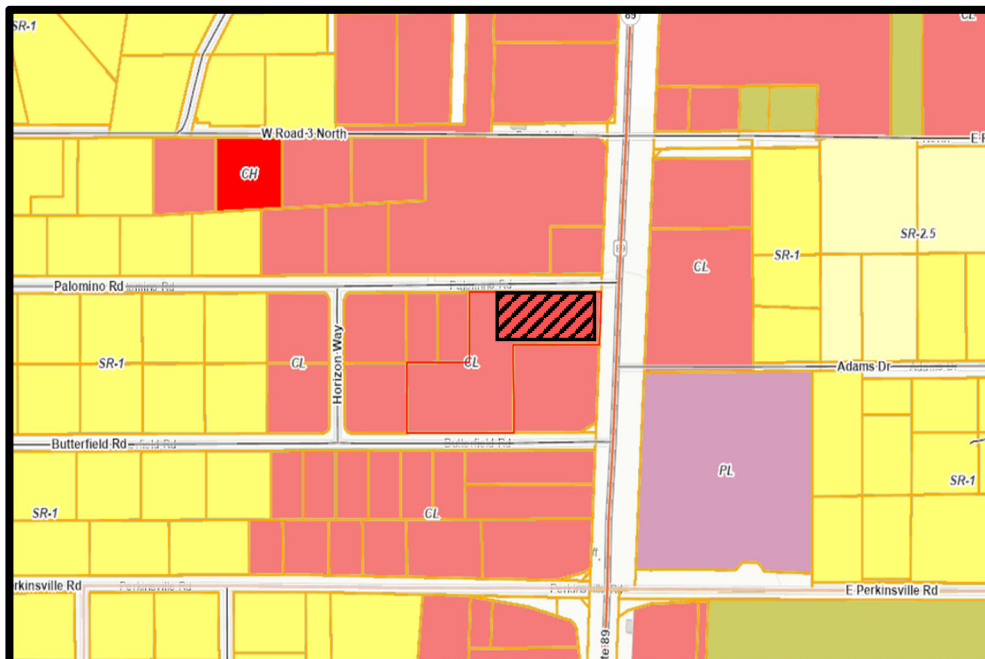
SUGGESTED MOTION: Move to **APPROVE** Conditional Use Permit CUP-2024-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A

EFFECT OF THE APPROVAL: By approving this Conditional Use Permit, the Planning and Zoning Commission is recommending approval to Town Council for the CUP-2024-02 Conditional Use Permit, located at 1910 N State Route 89, subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the zoning and uses on the parcel.

Zoning

The subject property is currently zoned as Commercial Light (CL). The applicant is requesting a Conditional Use Permit to allow for a Soil Remediation System and related equipment to be installed on a portion of the subject property until the soil remediation has been deemed complete.

A Conditional Use Permit 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 approval by Council, with conditions as necessary to make the use compatible with other uses permitted in the same zoning district or vicinity. Conditional uses run with the land.



Staff Analysis:

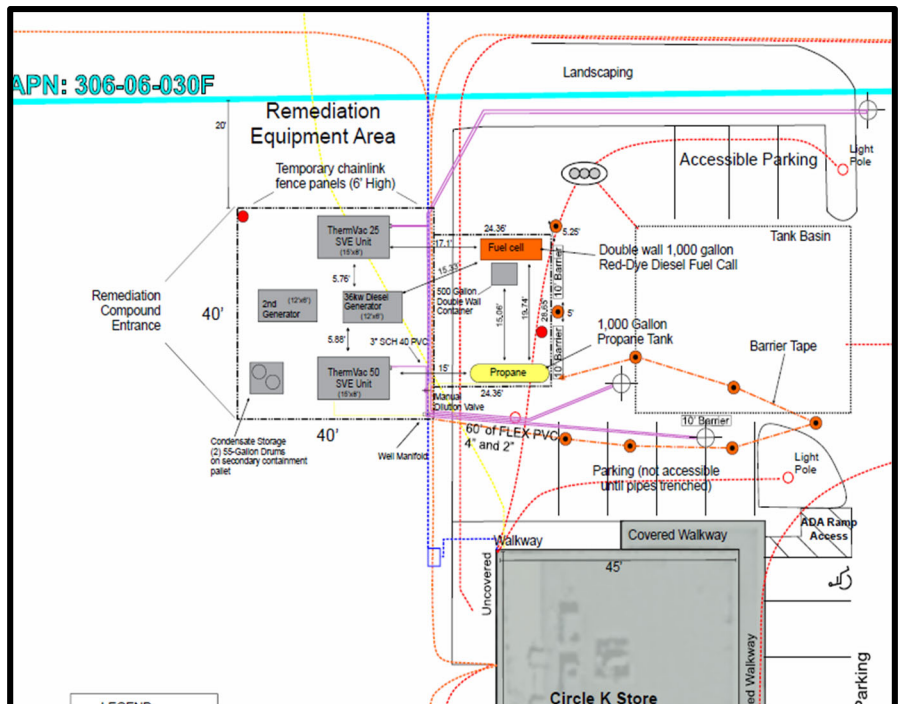
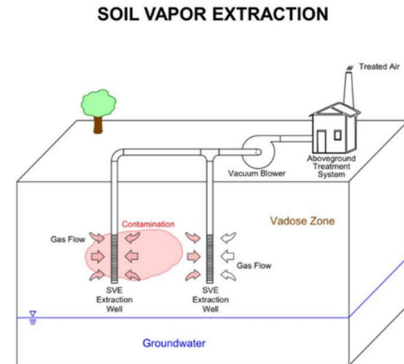
Between December of 2023 and January of 2024, a fuel release was identified at the existing Circle K Store and fueling station located at 1910 N State Route 89 within the Town of Chino Valley. In order to clean up the spill, soil remediation equipment has been moved on-site and clean up has begun.

The applicant has enclosed approximately 1600 square feet within the subject property for Remediation Equipment. According to the applicant at the Neighborhood Meeting, the equipment is expected to remain in place for a minimum of two years. The proposed 1600 square foot enclosure will remain open to the sky with access along the western side of the enclosure

The remediation system is currently connected to two subsurface soil vapor extraction wells, located on the south and west sides of the underground storage tank (UST) basin using flex hose. The equipment encroaches into the existing parking spaces and pedestrian access along the northern façade of the existing Circle K building.

The applicant proposes underground trenching to connect wells to the equipment in lieu of the

current use of hoses along the surface. After approval of this conditional use permit, Circle K intends to apply for the building permit for connection to the existing subsurface natural gas line and electric service within the immediate vicinity compound, which will allow the remediation system to operate without the need for diesel fuel, propane and generators, thus further reducing noise and fuel delivery tracking. The scope will not be adding any permanent new usable floor area to the existing retail building.



An acoustical survey was provided by the applicant indicating minimal impacts from the remediation equipment area itself, stating that the vehicular noise along the State Route 89 had a louder impact.

The applicant indicates that the site will be visited by a field technician on a weekly basis for the initial 3 to 6 months of operation, followed by bi-weekly visits thereafter.

Each equipment system includes remote telemetry devices that allow for remote monitoring for maintenance and operational issues. Additionally, there will be monthly sampling to ensure the 98% destruction efficiency is achieved in compliance ADEQ permit.

The existing remediation system is surrounded by a temporary chain-link fence screened with sound absorption panels to block the view of the equipment and to minimize noise from operation of the system. The fence is 6' in height. The tallest piece of equipment is approximately ten (10) feet in height. Due to visibility concerns from the public right-of-way and adjacent business neighbors, staff has added project specific conditions related to visibility buffers, site maintenance and post remediation measures.



Staff is recommending that the following project specific conditions be attached to this Conditional Use Permit:

1. The owner/applicant shall install a 7' CMU Wall enclosure within two months of CUP approval by Town Council, with the exterior to match the primary adjacent building, in order to conceal the equipment from public view and reduce noise impacts to neighbors when there is less traffic on SR89. Live hedges shall be planted along all sides of the enclosure to soften its appearance. A wall and planting plan shall have staff approval prior to installation.
2. The owner/applicant shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing conditions
3. The owner/applicant shall provide copies of all required permits by respective local, county and state agencies.
4. The owner/applicant shall apply for necessary building permits for fencing, underground trenching, utility connections and other permits, as needed.
5. The owner/applicant shall have the property monitored regularly by a qualified technician to verify that the system is operating in an acceptable manner.
6. The owner/applicant shall post a permanent sign on-site, identifying the responsible contact and telephone number, in case of an emergency or complaint with the system.
7. The owner/applicant shall provide evidence of clean up progress as well as monitoring efforts on a semi-annual basis to the Town's Development Services Department, in addition to ADEQ's reporting requirements.

8. The owner/applicant shall agree to re-stripe the parking areas and be responsible for any parking area surface repairs, if the parking area is not maintained in good condition during the time of the remediation activity.
9. The owner/applicant shall remove the remediation system within three (3) years from the date of CUP approval or apply for an extension of the Conditional Use Permit six (6) months prior to its expiration date.

The granting of the Conditional Use Permit, with conditions, is necessary to improve public health, will not be detrimental to the public welfare and will not unreasonably interfere with the primary use, possession and enjoyment of the surrounding and adjacent properties.

PUBLIC COMMENTS RECEIVED:

EXTERNAL AGENCY COMMENTS: See Attachment B

NEIGHBORHOOD MEETING COMMENTS: See Attachment C

PROPOSED CONDITIONS DELIVERED TO APPLICANT ON:

☒	Applicant agreed with all of the conditions of approval on June 19 th 2024
☐	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
Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Site Plan & Exhibits	Staff Research

PREPARED BY:
JESSICA BARRAGAN, SENIOR PLANNER
928 636-3473

DATE:
JUNE 17TH, 2024

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 conditional use for the site:

Development Services Comments: Laurie Lineberry, Director, 928-636-3471

1. The Owner shall comply with all conditions listed below, along with all applicable State, County, and Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder's Office, prior to the public hearing and final decision of this item by the Town Council.

Planning and Zoning: Jessica Barragan, Senior Planner, (928) 636-3473

3. The owner/applicant shall install a 7' CMU Wall enclosure within two months of CUP approval by Town Council, with the exterior to match the primary adjacent building, in order to conceal the equipment from public view and reduce noise impacts to neighbors when there is less traffic on SR89. Live hedges shall be planted along all sides of the enclosure to soften its appearance. A wall and planting plan is required to have staff approval prior to installation.
4. The owner/applicant shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing conditions
5. The owner/applicant shall provide copies of all required permits by respective local, county and state agencies.
6. The owner/applicant shall apply for necessary building permits for fencing, underground trenching, utility connections and other permits, as needed.
7. The owner/applicant shall have the property monitored regularly by a qualified technician to verify that the system is operating in an acceptable manner.
8. The owner/applicant shall post a permanent sign on-site, identifying the responsible contact and telephone number, in case of an emergency or complaint with the system.
9. The owner/applicant shall provide evidence of clean up progress as well as monitoring efforts on a semi-annual basis to the Town's Development Services Department, in addition to ADEQ's reporting requirements.
10. The owner/applicant shall agree to re-stripe the parking areas and shall be responsible for any parking area surface repairs, during the time of the remediation activity.
11. The owner/applicant shall remove the remediation system within three (3) years from the date of CUP approval or apply for an extension of the Conditional Use Permit six (6) months prior to its expiration date.

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

From: [Alvarez, Samantha](#)
To: [Jessica Barragan](#)
Subject: RE: (Request for Conditions & Comments)___ CUP-2024-02 - CIRCLE K - SOIL REMEDIATION - 1910 N STATE ROUTE 89 _ 306-06-030F
Date: Monday, June 3, 2024 2:29:24 PM
Attachments: [image001.png](#)

Hello, sorry again for the confusion and thanks for getting back to me so quickly!

Right where the compound is going to be located, is right on top of the primary line from the pole to the transformer. The main concern would be any excavation that would create conflict or safety concern.

If there will be excavation at that site, please ensure blue stake and potholing is done to avoid the lines. Should we need to relocate anything the project timeline is 12-16 weeks and will be the customers responsibility to pay for.

If this will be set up for multiple years it will be on top of the easement so there could potentially be issues with maintenance.

Site plan indicates above ground propane piping going near the transformer – will need to make sure proper clearances are maintained and nothing is within 10' on the opening side of the transformer.

This is what I have on initial concern and questions. Let me know if you need anything else from me.

Thank you,
Samantha Alvarez

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: JUNE 13, 2024

LOCATION: CHINO VALLEY TOWN HALL COUNCIL CHAMBERS – 202 NORTH STATE ROUTE 89

ATTENDEES:

- Agent/Developer: (Encore Consulting) Lynn Niewiadomski (attended remotely), Collin Schaumburg, Jesus Ibarra
- Property Owner: (Circle K) Anthony Bell (attended remotely) and Allen Cubberly (attended remotely)
- Town Staff: Jessica Barragan, Senior Planner
- Neighbors: 15 neighbors

There were no concerns expressed over the proposed remediation equipment staging area, visual impacts or noise concerns as related to the subject Conditional Use Permit.

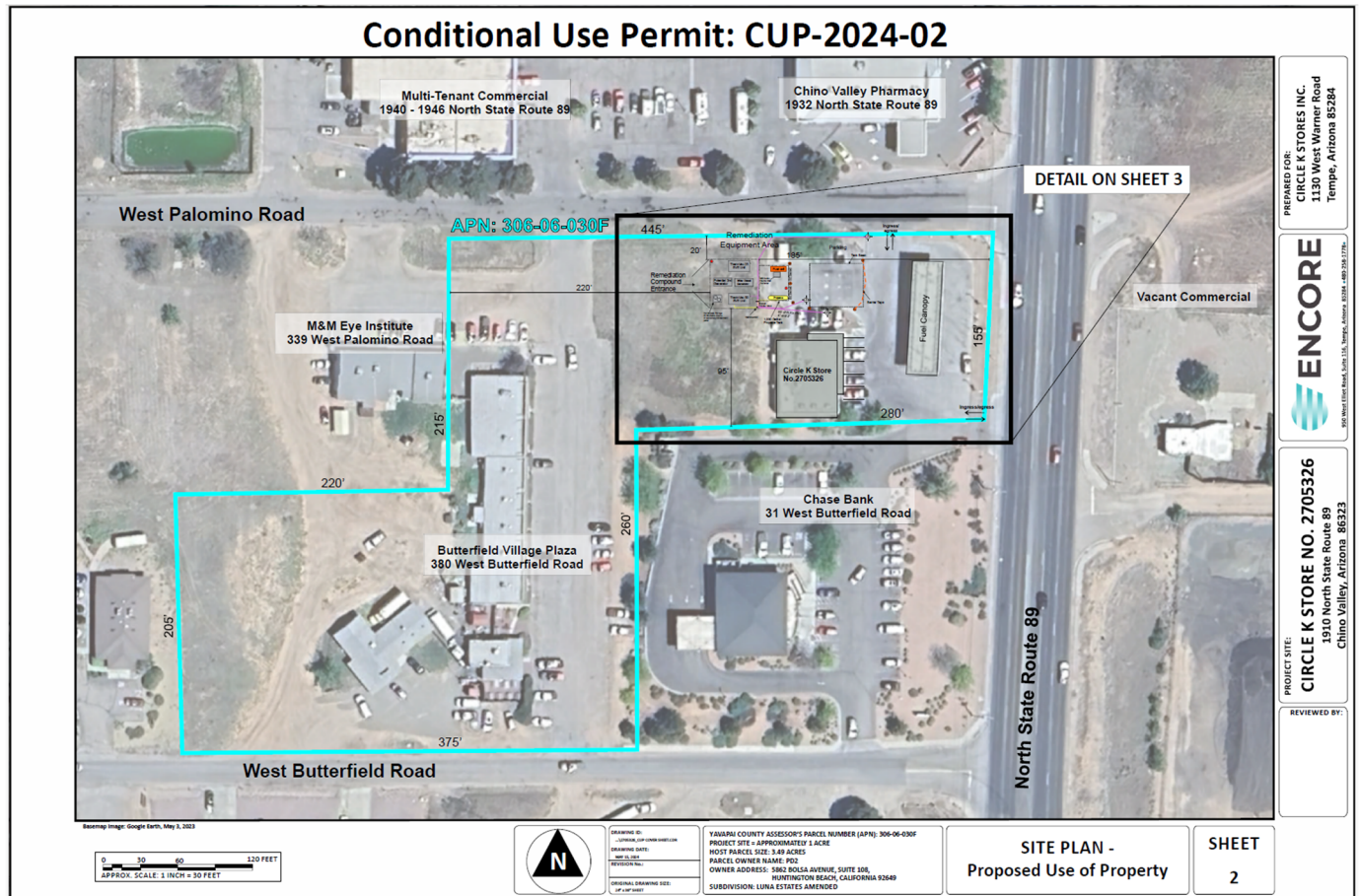
Concerns that were expressed revolved around:

- Circle K and ADEQ's lack of response to public outreach and follow-through when contacted via information provided on the Town's website
- Findings of damage and specifics of impacts to well water
- Lack of testing to other concerns residents/tenant that are outside of their immediate testing area.
- On-going reporting standards
- The neighbors expressed discontent with responses from Circle-K's representatives

ATTACHMENT D
SITE PLAN AND EXHIBITS

APN# 306-06-030F
Address: Property located on the 1910 N STATE ROUTE 89
Chino Valley, Arizona.

Site Plan Submitted by Applicant at Point of Submission
(See additional attachments in addendum)



ATTACHMENT E

STAFF RESEARCH



STAFF RESEARCH – CONDITIONAL USE PERMIT

CASE #: CUP-2024-02 – SOIL REMEDIATION SITE AT CIRCLE K

CASE PLANNER: JESSICA BARRAGAN

PROJECT NARRATIVE: This is a request by Lynn Niewiadomski, on behalf of Circle-K, for a Conditional Use Permit to allow for a Soil Remediation System and related equipment to be installed. The property is located at 1910 N State Route 89, Chino Valley, Arizona.

I. PROJECT DATA

Project Location:	1910 N State Route 89				
Parcel Number(s):	306-06-030F				
PARCEL SIZE(s):	152,024 sf				
Total Acreage:	3.49				
Proposed Dwelling Units:	0				
Address:	1910 N State Route 89				
Applicant:	Circle-K				
Applicant's Agent:	ENCORE Consulting - Lynn Niewiadomski & Collin Schaumburg				
Conforms to G.P. Land Use Conformity Matrix:	Yes	X	No		
Zoning Overlay	PAD	n/a			
Within ½ Mile of SR89?	Yes	X	No		If yes, Property is restricted – site-built only
	Existing Zoning	Use(s) on-site			General Plan Designation
Site	"CL" – Commercial Light	Circle K/ Butterfield Medical Plaza			HMU – Horizontal Multi-Use
North	"CL" – Commercial Light	Pharmacy/McDonalds			HMU – Horizontal Multi-Use
South	"CL" – Commercial Light	Chase Bank			HMU – Horizontal Multi-Use
East	"CL" – Commercial Light	Real Estate Office			HMU – Horizontal Multi-Use
West	"CL" – Commercial Light	Chino Dental			HMU – Horizontal Multi-Use
Prior Cases or Related Actions:					
Type	Cases, Actions or Agreements				
Pre-Annexation Agreement	Yes		No	X	
Annexation	Yes	X	No		Original Town – 9/21/1970
General Plan Amendment	Yes		No	X	
Development Agreement	Yes		No	X	
Rezone	Yes		No	X	
Subdivision	Yes	X	No		Luna Estates Amended
Conditional Use Permit	Yes		No	X	
Pre-Application Meeting	Yes		No	X	
Enforcement Actions	Yes		No	X	
Land Division Status:	Yes		No	X	
Irrigation District - CVID					

ATTACHMENT E

STAFF RESEARCH

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:						
Land Use Designation:	HMU – Horizontal Multi-Use					
Is Project larger than 25 acres or 50 dwelling units?	L.U. Policy 2.1	n/a	PRN Policy 2.8	n/a		
Issues:	None					
Circulation Element:						
Road Classification	Palomino Rd - Local	Existing Row	50'	Required Row	50'	
Issues:	None					
Parks, Recreation, and Natural Resources Element:						
Closest Park:	Community Center Park					
Within 1 mile of the Peavine Trail?	No					
Flooding?	FEMA Flood Plain Designation	n/a	Town Flood Map	n/a		
Issues:	None					
Community Services and Facilities Element:						
Water Source:	Town		Well	X	Prescott	Private System:
Sewer:	Town		Septic	X		
Issues:	None					
Economic Development Element:						
SR-89 Corridor?	Yes	Enhancement: Goal ED-6	Yes			
Old Home Manor?	No	Goal ED-2				
Issues:	None					

NOTIFICATION

- Legal Ad Published: (06/09/2024)
- 1000' Vicinity Mailing: (05/13/2024)
- Reviewing Agencies Noticed: (05/09/2024)
- Site Posted: (06/06/2024)
- Neighborhood Meeting: (05/30/2024)
- Hearing Dates: (07/16/2024 & 08/20/2024)
- Agency Comments Due: (05/27/2024)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Samantha Alvarez – APS	Y	6/3/2024		X	X
Richard Perez - A.D.O.T.	N				
Ralph Baker – C.V.I.D.	N				
Darrell Tirpak - CAFMA	N				
Dawn Capotosi – YC ENV	Y	6/3/2024	X		
Monica Kriner – YC Health	N				
Lauren Hildebrand – ADEQ	Y	6/3/2024	X		
LUMEN (Previously Centurylink)					
Unisource Gas					
CVUSD					
United States Postal Service					
Mark Holmes – Water Advisor	Y	6/3/2024	X		

ATTACHMENT E
STAFF RESEARCH

<i>Town of Chino Valley Internal List (Conditions)</i>	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Jessica Barragan – Senior Planner – Development Services	Y	6/5/2024		Y	Y
Will Dingee – Assistant Director – Development Services					
Laurie Lineberry – Director – Development Services					
Frank Marbury – Engineer/ Public Works Director					
Steve Sullivan – Assistant Engineer – Public Works	Y	6/3/2024	X		
Dan Trout – Chief Building Official – Development Services					
Frank Snowney or Keith Hurtt – Code Enforcement – Development Services					
Chuck Winn – Chief of Police - Police					