

DRAFT

MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

AUGUST 4, 2016
6:00 P.M.

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

1) **CALL TO ORDER**

Chair Merritt called the meeting to order at 6:00 pm.

2) **PLEDGE OF ALLEGIANCE**

Commissioner Van Wuffen led the Pledge of Allegiance.

3) **ROLL CALL**

Present: Chair Chuck Merritt; Commissioner Michael Bacon; Commissioner Claude Baker; Commissioner Annie Lane; Commissioner Florence Sloan; Commissioner Julie Van Wuffen

Absent: Vice-Chair Gary Pasciak

Staff Development Services Director Ruth Mayday; Town Clerk Assistant Amy

Present: Pyeatt-Lansa

Attendees: Robert Smith, Darryl Croft

4) **MINUTES**

- a) Consideration and possible action to approve the June 7, 2016, regular meeting minutes.

MOVED by Commissioner Julie Van Wuffen, seconded by Commissioner Claude Baker to approve the June 7, 2016, regular meeting minutes.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the June 15, 2016, special meeting minutes.

Commissioner Lane wanted to listen to the audio/video tape regarding the June 15, 2016 Special Meeting Minutes and clarification of what is considered a flag. This item was postponed.

- c) Consideration and possible action to approve the July 5, 2016, regular meeting minutes.

MOVED by Commissioner Annie Lane, seconded by Commissioner Julie Van Wuffen to approve the July 5, 2016, regular meeting minutes.

Vote: 6 - 0 PASSED - Unanimously

5) STAFF REPORTS

Development Services Director Ruth Mayday reported that Town Council had reviewed the proposed amendments to the Sign Ordinance and sent it back to staff and the Commission to take another look at and to clarify some of the language. The sign code ordinance will be on the September 2016 Planning & Zoning Commission agenda.

6) PUBLIC HEARING

- 0) Request to amend the Town of Chino Valley Unified Development Ordinance related to Agritainment, including amendments to Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms, Chapter 3 Zoning Districts, Section 3.5 "AR-36" -Agricultural/Residential (36 Acre Minimum), Subsection 3.5.2 Permitted Uses ("AR-36" - Agricultural/Residential (36 Acre Minimum)), Section 3.6 "AR-5" - Agricultural/Residential (5 Acre Minimum)", Subsection 3.6.2 Permitted Uses ("AR-5" - Agricultural/Residential (5 Acre Minimum)), Section 3.7 "AR-4" - Agricultural/Residential (4 Acre Minimum)", Subsection 3.7.2 Permitted Uses ("AR-4" - Agricultural/Residential (4 Acre Minimum)), and amending Chapter 4 General Regulations to add new Section 4.32 Agritainment Development Standards and Regulations, all as set forth in that certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Related to Agritainment Uses, dated September 13, 2016" (the "Proposed Amendments"):

- 1) Hold a public hearing on the Proposed Amendments; and
- 2) Vote to recommend approval of the Proposed Amendments to the Town Council.
(Ruth Mayday, Development Services Director)

Development Services Director presented the following information on the proposed agritainment amendment to the Uniform Development Ordinance:

Purpose

- Agritainment uses preserve the agricultural history of Chino Valley; encourage activities that educate, foster interest in, and provide access to agricultural and agricultural business endeavors in Chino Valley; and promote entrepreneurialism through agricultural tourism, entertainment, and production.

Definition of Agritainment would be added to Chapter 2 along with definitions of agriculture and agriculture business:

- Agritainment is defined as *“An enterprise or activity located at a working farm, ranch, or other agricultural operation or facility, which is conducted for the enjoyment and education of visitors, guests, or clients, and that generates income for the owner/operator of the agricultural operation”*
- Agriculture is defined as *“The tilling of the soil, raising of crops, horticulture, viticulture, silviculture; including uses customarily incidental thereto including the raising of animals”*
- Agriculture business is defined as *“Any business use allowed within the Town limits of Chino Valley, providing the operation of such use has a Chino Valley business license,*

and/or proof of filing IRS Form "F".

The following is a list of what agritainment does not do:

- Agritainment does not replace traditional agriculture or ranching activities.
- Agritainment is not a required use; it is an additional permitted use that requires an affirmative action to enact (e.g., site plan approval).
- Agritainment does not replace existing approvals such as Conditional Use Permits.

The following is the history of the development of the Agritainment Amendment:

- 1/22/2015 Agribusiness concept introduced to Council; Staff directed to continue development of agribusiness standards and overlay district
- 2/3/2015 Agribusiness Overlay discussed as non-action agenda item at Planning & Zoning Commission
- 10/26/2015 Roundtable meeting
- 11/3/2015 Tabled by Planning & Zoning Commission to future date
- 6/15/2016 Citizen Participation Meeting
- 6/30/2016 Staff, Planning & Zoning Chair and Vice Mayor met with Norm Freeman
- 7/20/2016 Citizen Roundtable Meeting
- 8/4/2015 Public Hearing

Director Mayday explained that an overlay district floats above development standards. The purpose of the agritainment standards is to provide relief from development standards that do not work in agricultural applications. The agritainment overlay district would be added to permitted uses under AR4, AR5 & AR36.

Director Mayday reviewed the proposed amendments and responded to comments and questions from the Commissioners.

- 4.32 B. 3. - The Commissioners discussed what this section meant and felt that the language was confusing. Director Mayday stated that the Planning & Zoning Commission can forward this to Town Council with the recommendation that this section be struck. The Town Council can decide to add the section back.
- 4.32.B.5. - Building department/inspectors look at the septic system from the exterior wall up to the septic tank. The yard line is inspected for pipe size and slope. The County is concerned with the septic tank and leach field.
- 4.32. B. 6 - Activities that can be taxed are clearly set forth in the State Tax Code.
- 4.32. B. 7. – The minimum 50 ft setback allows privacy for neighbors.
- 4.32.B. 8.A. - To comply with ADA requirements a certain area could be created to allow for wheelchair access. To be ADA compliant the hard surface can be any compacted granular material that allows a person to push or propel themselves in a wheelchair.
- A smaller portion of the agritainment parking can be handicap parking that provides ADA compliant surface and access.
- 4.32. B. 10. C. - A previous speaker referred to the interns that worked on his farm. This does not affect the interns because they do not pay rent and do not live in a rental unit.
- 4.32. C. 9 – Delete the second appearance of the word “microbrewery.”
- 4.32. C. 13 – A 50-mile producer dinner is when a group of farmers hire a chef to create an entire meal from just the stuff that is grown or raised within a 50-mile radius.

Town Manager Robert Smith clarified that the existing strawberry or egg stand concept is not regulated by the Town. It is a non-permitted use and has no protections. The proposed Agritainment amendment would allow a low cost option that does not require a variance. A

person could provide a dust control plan, site plan and show compliance with ADA requirements.

- Any fee attached to the agritainment would require approval by Town Council.

Chair Merritt opened to meeting to public comment.

- Bruce Cavender from Resolution Horse Company, a 501 C-3 organization, recently moved to Chino Valley. His organization rescues abused and neglected horses, trains the horses and provides free therapeutic riding for special needs children. He was planning to apply for a CUP when he heard about this ordinance. Mr. Cavender spoke in favor of the proposed amendment and urged favorable consideration.
- Candy Rotering from Blue Moon Rescue & Horse Sanctuary, also spoke in favor of the proposed UDO amendments. This ordinance would allow them to be more self-sufficient.

Commissioner Bacon wanted to know the history of the proposed amendments.

- 16 letters were sent to agriculture businesses in Chino Valley like Windmill House, Chino Valley Farms and the Horsemen's Association.
- Roundtable discussion where 1 person was in attendance.
- Genesis was when Norm Freeman had issues with paving and restroom facility. Town Council directed staff to address the problems.
- Staff researched ordinances from other states. The Verde Valley has a similar ordinance. There were discussions with the Town Attorney.
- Had a good response at a recent meeting. Gary Warren attended both as an ag business and member of the chamber.
- Director Mayday, Chair Merritt and Vice -Mayor Croft recently met with Norm Freeman. The Chair and Vice-Mayor asked Mr. Freeman to write down any suggestions. To date none have been received other than general comments. He has not provided any corrections suggestions or amendments regarding the proposed amendment.

Vice Mayor Croft clarified that Town Council tasked the Town Manager and staff to come up with an ordinance.

Commissioner Lane added that the June 15, 2016 minutes reflect that she asked Mr. Freeman to list his main objections to the ordinance. He responded,

- What is the problem trying to solve?
- Staff is redefining what he does which is agriculture, not agritainment. Agriculture business do not need to be redefined.
- Agriculture regulations form the Town, County, State and federal government are already in place.

MOVED by Commissioner Michael Bacon, seconded by Commissioner Julie Van Wuffen recommend approval to City Council of Ordinance 16-823 with the following changes:

That microbreweries in Section C be eliminated because it is a double word; and that Section 4.32 B. 3., be deleted, and for Section B. 5., to state:

Section B.5. All structures with bathroom facilities shall be connected to the Town's sewer system in compliance with Title V of the Chino Valley Town Code and if the town sewer line is not available for connection the facility should be connected to a septic system approved by the Town of Chino Valley and Yavapai County Environmental Services.

Vote: 6 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

Suzanne Fonoti questioned why there was no Town Hall sign facing south.

8) DISCUSSION ITEMS

There were no discussion items.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Commissioner Florence Sloan, seconded by Commissioner Julie Van Wuffen to adjourn the meeting.

Vote: 6 - 0 PASSED - Unanimously

Chair Charles Merritt

Date