

Planning and Zoning Commission Special Meeting Minutes July 18, 2023

A special meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, July 18, 2023, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were; Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Teena Meadors; Alternate Commissioner Rachelle Fernow; Commissioner William Welker and Commissioner Richard Zamudio. Absent Commissioner members were; Commissioner Robert Switzer and Commissioner Ron Penn.

STAFF MEMBERS present were Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; Jessica Barragan, Senior Planner and Laurence Diggs, Audio/Video.

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

PUBLIC HEARING #C.1 - CUP-2022-01 – *This is the six-month review of the Conditional Use Permit, CUP-2022-01, for an Equine Rescue Center owned and operated by Derek and Luiz Pereira on a 5-acre parcel zoned SR-2.5, located at 680 Firesky Lane, Chino Valley, Arizona*

Merritt shared that he reviewed all the prior meeting minutes and stated that he is informed on this case.

Merritt asked if any commissioner had any interactions needing disclosure since the previous Planning and Zoning Commission meeting. No commissioner responded.

Dingee gave an overview of the case process to date and shared the Council-approved Conditions of Approval from the December 13, 2022 Town Council meeting. Condition #4 was discussed and corrected with a maximum of 30 animals during a natural disaster or emergency.

Merritt felt that it would be wise to see the applicants back in 2 ½ years for an update instead of the 5-year period with no contact.

Fernow asked how compliance would be checked going forward. Dingee responded that staff would make regular checks and would respond to code complaints. If there is a significant issue, the CUP would be brought back to the P&Z for review.

Zamudio asked about the time limit on the CUP and if five years was a standard time frame. Dingee replied that it depended on the use. Five years was not unusual.

Merritt asked the applicant if he wanted to address the Commission. He declined but stated he would respond to questions. Merritt asked the Commission members if they had questions for the applicant.

Zamudio asked the applicant about volunteers on-site and if they had a consistent schedule of volunteers to the site. The applicant, Pereira, replied that there was not a consistent schedule. Merritt asked about the average number of volunteers he had per week to help. Derek Pereira said it varied.

Chair Merritt opened the public hearing.

Uziel Sotalo, a next-door neighbor, spoke about the need for a proper bull pen. He stated that Derek was spreading manure, not picking it up. He did not believe that there was enough shade for the animals on-site. He felt that the owner was not consistent in the cleaning of the property. He felt that Derek should hire staff if he did not have enough volunteer help. Sotalo also stated that there was a lot of hay on-site and he felt it was a fire hazard.

James Anderson spoke about how he consistently helps Derek and his father with the maintenance of the site and stated that he is Derek's back-up plan. He shared that he has walked behind the tractor with a pitchfork, filling up the bucket with manure, not spreading it. The hay is not a fire hazard.

Ana Sotalo, a next-door neighbor, said that there needs to be a proper fence along the property and the animals need proper and regular feeding times, so the animals do not go hungry. **Sotalo** continued that manure travels to her property and generates flies.

Anahi Sotalo said that the cows moved close to her fence. She deals with flies in and on her house constantly. She claimed that Derek works past the 7:00 p.m. time limit required by the CUP and still takes hay deliveries at 2:00 a.m. She also believes that they have too many animals: sheep, goats, chickens.

Martha Anderson stated that this enterprise was a 501(c)3 and hiring employees was more complicated with the non-profit.

Merritt closed the public hearing.

Zamudio shared concerns about fencing, manure, and working at night. **Dingee** responded to the questions sharing that he had received a complaint in April about the applicant working after hours.

Fernow said she was concerned about fly abatement and asked what staff observed about the condition of the fencing and the number of additional animals, noting that goats and sheep were not limited by code.

Merritt asked about the fencing and if any of the animals had wandered off. **Dingee** said that in the last 6-months, no animals had broken through the fencing. **Merritt** asked about the number of animals (cows and horses) on-site. **Dingee** stated there were 20. **Merritt** asked if manure was going on to any other neighboring property. **Dingee** stated only to the neighbor to the north. **Merritt** asked about town staff's observation about the improvements made by the applicant. **Dingee** shared that the applicant had made significant strides and believed that the owner is able to keep up with the maintenance of the property with just the two (father and son) working it.

Fernow asked about hay and potential fire issues. **Pasciak** asked how far the hay was from the nearest residence. **Dingee** showed a map reflecting the visual distances.

Fernow was concerned about the flow of manure to the neighboring property to the north. **Dingee** suggested some screening along the fence to keep the manure on the applicant's property. **Merritt** added that a tighter-woven fence and more work on cleaning up the manure would solve this issue.

Meadors asked if there was a fire extinguisher on the property near the hay. **Derek** said yes.

Merritt asked if the applicant was spreading manure. **Derek** said that he was not dragging manure, only the field. **Merritt** asked about a barrier for manure along the fence. **Derek** agreed to install a tighter weave along the fence. **Merritt** asked how often the animals were fed. **Derek** stated two times a day, consistently. **Merritt** stated he had a suggestion for the elimination of flies and told the applicant they could talk after the meeting.

Motion was made by Pasciak, seconded by Meadors to approve the CUP with the amended report, 2 ½ year update to P&Z, installation of a tighter weaved fencing to alleviate run-off (manure) to the neighbor's property and the correction of number of animals in condition #4.

A role call vote was taken: Zamudio – No, Fernow – No, Meadors – No, Welker – Yes, Pasciak – yes, Merritt – Yes. Motion died with a vote of 3-3.

The motion died. Lineberry explained how the item could be reconsidered by the Commission, with a no-voting commissioner agreeing to reconsider the item at the next meeting. **Meadors** stated that she would like to have the item reconsidered at the next meeting, August 1, 2023.

The Commissioners explained their votes:

Zamudio – stated that he voted no because he had a neighbor with many animals, and it is kept under control. He felt that if approved, this property would not be maintained to the standards required.

Fernow – stated she voted no also because of concerns about the upkeep. She also had concerns about the five-year time frame and about the ability of staff to monitor the applicant's ability to meet the requirements. She also stated that she felt the concerns voiced at the meeting were valid and affect the neighbor's quality of life.

Meadors – stated she also voted no and noted that when she drove by, she felt that there was inadequate shade for the horses. She also felt that the fence line on the north of the property was inadequate to hold cattle and that they could push through the bottom. She stated she would like to see the case continued for another 6 months to see how the winter months affect the maintenance, but she was willing to take another look at this case at the P&Z meeting next month.

Welker – voted yes. He felt that the property looked good and that fences were something that could be replaced over time.

Pasciak – voted yes because there was currently no restriction as to the number of hooved animals that anyone can have on their property. Approving this CUP would allow the town to have some control over the number of animals on the property. If this CUP is denied, the applicant could have as many animals as he wanted, 20, 30, 40, 50. Approving the CUP allows the Town to have some control over the equine center.

Merritt – Voted yes. His horse had the same type of shade, but he had seen it standing out in the middle of the yard, no clue to tell why animals choose to stand where they do. Regarding the fence, there had been no new complaints about the animals getting out. The 501c3 is non-profit and their ability to purchase infrastructure, fencing, buildings, etc is limited to the donation that they receive. He felt that the two owners had done a good job of keeping up with the property, without a consistent flow of volunteers. He added that he has seen many places within Chino Valley that look like this property and some that are much worse. He also drove by and felt that the conditions were being met. He added that where there were animals, there would also be flies.

He stated that Chino Valley is an agricultural community which consists of horses, barns fences and buildings of all sizes, shapes, and types. I believed the applicant was keeping up his end of the deal.

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

INFORMATION ITEMS – FROM STAFF: There were no information items from staff.

INFORMATION ITEMS – FROM THE COMMISSIONERS: There were no information items from the commission.


INFORMATION ITEMS – FROM THE CHAIRMAN: **Merritt** had no information to share.

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

ADJOURN –A Motion to adjourn the meeting was made by **Meadors** seconded by **Pasciak**.

The meeting was adjourned at 7:27pm.


Charles Merritt - Chair


Prepared By: Dee Dee Moore