

January 4, 2023

Good evening,

My name is Stephen Magoon. I reside with my wife, Jill Irvin, at 3510 S. Sierra Lane, in the Town of Camp Verde, a home and property we purchased in 2019 and moved into with our animals, including horses, to enjoy the rural lifestyle. Unfortunately, I come to you tonight regarding an ongoing excessive animal complaint on a new neighbor's parcel, number 404-12-422C.

Our experience over the past 18 months has been extremely difficult. Since this lot was purchased in April of 2021, there have been as many as 30 animals penned up on 2.3 acres 150 feet from our house on the afore mentioned property.

Eighteen months ago, after we filed our first complaint, the then town compliance officer made a special arrangement with Mr. Mansker, the property owner, stating that he could have excessive animals on the property for roping with his friends and family, provided they were removed that same day. This amounted to a special use permit issued without the benefit of a review or hearing. It is my understanding that this agreement was never registered in any way with the town. Mr. Mansker, now having to relocate his cattle at night, proceeded to illegally clear land, cut fence, and build new fence on adjacent Forest Service land, which is in fact, closer to our home.

Further complaints regarding the property being used as a feedlot resulted in us being told that Mr. Mansker was in compliance with the agreement because the animals were not on his property 24/7.

We took the matter to the Forest Service, and it took seven months for the Forest Service encroachment finding to be enforced and the animals removed.

The animals were then moved to an adjacent property owner's parcel (404-12-418) again, only at night and not every night, often not for several nights, and the stockyard operations within 150 feet of my home continued unabated. When I filed a complaint that either one or the other property owners was out of compliance at any given time, I was effectively told that Mr. Mansker was in compliance with the ill-founded agreement and that he was in fact going to file for a special use permit, so no enforcement action was necessary, and the case was closed.

Mr. Mansker then held his compulsory information gathering meeting, presumably to answer questions brought forth by affected neighbors. That meeting took place on November 17th, one day after the Arena Del Loma town meeting. Not only were his neighbors invited to speak but so too it seemed every roping enthusiast who could be summoned, and I was subjected to an hour of vitriol, called a "serial complainer", and told to move. Mr. Mansker was able to tell the crowd that he had never been cited and was therefore in full compliance. A few days later I met with John Knight who informed me that Mr. Mansker was no longer filing for a special use permit and had instead acquired handwritten notes which secured permission from 3 adjacent landowners to effectively transfer their 11.64 acres worth of animal points to him and he therefore did not need to file for a special use permit. Those animals, up to 30 in number, have in fact never been on more than 3.58 acres. One of the parcels is restricted in animal count by HOA CC&Rs, putting the property owner in violation if they were ever kept there. I requested a copy of the specific policy allowing this and/or examples of where it had been allowed before, but neither were forthcoming. I don't see how our code enforcement office could ever keep track of who has what points, who complies and who does not, if such a precedent were set.

As you can tell, this has been nothing but a shell game, moving and obscuring the animals to avoid compliance. After dealing with this matter for over a year, we came to the conclusion that given the Town's apparent reluctance to enforce the codes as written and as intended, we may be forced to settle the matter with Mr. Mansker in civil court and have hired an attorney at considerable expense. Our attorney drafted a letter which I presented to you as well at your November 2nd council meeting because I thought it important for the council to be aware of the escalating problem. The problem has indeed escalated with this supposed transference of animal points. Allowing this transference of animal points is an issue that we will now be forced to appeal, again at considerable personal expense.

I'm here tonight not just tell my tale but to ask the Town Council to insist that our Town's codes be enforced as written and intended. When the system is allowed to be manipulated to this degree and our codes go unenforced, the result is neighbor pitted against neighbor, a situation none of us want to be in. I want to be assured that our property values will not be diminished as a result of a stockyard being operated in town, on a neighbor's small property, and that we can continue the use and enjoyment of our home and property as we had before the neighbor moved in.

Thank you,
Stephen Magoon