

FINAL MINUTES
SPECIALSESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, NOVEMBER 3, 2022
6:30 PM

All Commission meetings will end at 9 PM, any remaining agenda items will be heard at the next Commission meeting.

1. Call to Order

Chairman Faiella called the meeting to order at 6:34 p.m.

2. Roll Call

Chairman Andrew Faiella, Vice Chairman Todd Scantlebury, Commissioners Greg Blue, William Tippett, Michael Hough, Ingrid Osses were present. Robert Foreman is absent.

Also Present

Community Development Director John Knight, Town Planner BJ Ratlief, Planner Cory Mulcaire and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Commissioner Hough led the Pledge.

4. Consent Agenda - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.

A. Approval of Minutes: September 22, 2022 Executive Session (recorded and on file in clerk's office)

B. Set Meeting Dates: November 10, 2022, at 6:30pm – (Special Session) Canceled

December 1, 2022, at 6:30pm – (Regular Session)

December 8, 2022, at 6:30pm – (Special Session)

Commissioner Hough would like to remove the approval of minutes because they were not included in the packet for Commissioners to approve. Community Development Director Jon Knight explained the Executive Session minutes included in the packet is how they are presented to the public. Commissioners can listen to the meeting in the Clerk's Office. The only people who can listen to the Executive Session are people who were present in the Executive Session. The Executive Session "Minutes" are informational only. Minutes of the Regular Session will be available at the next Meeting. **Motion** was made by Commissioner Hough to accept the consent agenda, Part B only. Second was made by Vice Chairman Scantlebury.

Roll Call:

Chairman Andrew Faiella: aye

Vice Chairman Todd Scantlebury: aye

Commissioner Greg Blue: aye

Commissioner Bill Tippett: aye

Commissioner Michael Hough: aye

Commissioner Ingrid Osses: aye

Commissioner Robert Foreman: absent

Motion passed unanimously 6-0.

5. Call to the Public for Items Not on the Agenda

Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Commission from taking any action on items not on the agenda, except to set them for consideration at a future date.

Steve Backus stated these agenda items scheduled tonight is lack of consideration with this week's events going on. A Special Commission of Citizens should be created.

6. High View Site Plan Review: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona approving via Draft Resolution 2022-1097, three (3) final site plans for High View at Boulder Creek PAD (Planned Area Development). Each parcel is zoned C3-PAD (Commercial: Heavy Commercial – Planned Area Development). Site plans include Zane Grey Mini Storage on parcel 403-15- 009B, Zane Grey RV and Boat Storage on parcel 403-15-009A, and Dead Horse RV Repair and Sales on parcel 403-15-009C.

Town Planner Cory Mulcaire is presenting the final site plan that is being recommended for approval for the PAD at High View at Boulder Creek. This was presented in 2019, revised in 2021 and is required by ordinance to come before the Commission for Final Site Plan approval because it was done on conceptional basis. She stated the applicant has followed all processes. It does meet the C3 Zoning criteria. This PAD is under an active Mining Use Permit that is in the reclamation process. There was one development that was released by a prior Community Director Lee for RV storage, the rest of these developments, building and grading permits will not be released until each site has met the conditions of the 2022 reclamation plan. Staff recommends approval of the site plans.

Commissioner Blue asked if the building is under construction, how did that get permitted? Ms. Mulcaire stated that is the RV Storage Office that was permitted under prior Community Director Lee.

Community Director Jon knight stated the Commission should have seen that site plan; it was done incorrectly. We are now essentially fixing the error of the previous Director.

Motion was made by Commissioner Tippet to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving via Draft Resolution 2022-1097, three (3) final site plans for High View at Boulder Creek PAD (Planned Area Development). Each parcel is zoned C3-PAD (Commercial: Heavy Commercial – Planned Area Development). Site plans include Zane Grey Mini Storage located on parcel 403-15-009B, Zane Grey RV and Boat Storage on parcel 403-15-009A, and Dead Horse RV Repair and Sales on parcel 403-15-009C. Second was made Commissioner Osses.

Roll Call:

Chairman Andrew Faiella: aye

Vice Chairman Todd Scantlebury: aye

Commissioner Greg Blue: aye

Commissioner Bill Tippet: aye

Commissioner Michael Hough: aye

Commissioner Ingrid Osses: aye

Commissioner Robert Foreman: absent

Motion passed unanimously 6-0.

7. **Public Hearing – Right to Farm Ordinance: Discussion, consideration, and possible recommendation to the Mayor and Common Council for the Town of Camp Verde, Yavapai County, Arizona, to approve a Draft Right-To-Farm Ordinance 2022-A471 which will become section 313 – Right-To-Farm, of Part Three. General Regulations/Provisions of the Planning and Zoning Ordinance.**

Chairman Faiella wanted to remind the public that this item has nothing to do with animal counts or Arena Del Loma. Arena Del Loma will be heard by Town Council November 9, 2022 at 5:30pm. He urges everybody or anyone who is going to speak tonight about Arena Del Loma, to sit down because this is not part of this agenda item.

Staff Comments

Town Planner BJ Ratlief stated this Right to Farm Ordinance got started last October when we got a new Community Development Director. They were asked to move forward with some of the ordinances. She added this is not Arena Del Loma, Arena Del Loma is a specific property that has to do with a rezone application, anything done on that property will be only applicable to that property.

The Right to Farm Ordinance is actually for the entire Town. The purpose behind this ordinance, is to address the confusion on agriculture between the town and the county. We would like to clarify what the Right to Farm is and what the privileges are within the Town. We would also like to put ordinances in one location. Currently all farming is a permitted use in all of our zoning districts, with the exception of two. It is permitted in every other use district. There are pieces of it scattered throughout the ordinance. We would like to put it in one ordinance and put it in one location. In the county, you can get agricultural status, with a tax exemption. It is only for properties 5 acres and above and it does have an annual recertification process. But if you live in the unincorporated areas of the County there are some exemptions and privileges that don't apply within a municipality. There are some misconceptions between county and municipality. Zoning ordinances still apply in a municipality; the animal count does apply. This is a clarification of the process. They also want to support and encourage Camp Verde agriculture, it is part of the heritage, they want to preserve it today and into the future.

Chairman Faiella asked if we are adding anything into the Arizona Revised Statutes? What is the difference in what we're proposing and what already exists in state law? Ms. Ratlief said there isn't a dramatic difference. This is in accordance with state law, and we want to bring this in to our local ordinances. The only major difference is that Arizona State law has clause that the farm or ranch has to exist for one year prior to someone else moves in that wants to file a nuisance complaint. It has to do with a Civil Nuisance Complaint that someone may want to bring against another farm or ranch. We did not bring that piece into the ordinance.

Chairman Faiella asked about **Section D. Agricultural Operations, e.** It states: "*No agricultural operations, consistent with good agricultural practices, will be considered a nuisance.*" Who determines this and what is standards? Ms. Ratlief said there are not very well-set standards for that. The Town doesn't have set standards. We do have a definition but we deal with it on a case-by-case basis. We try to work with folks on the educational side first.

Chairman Faiella said the list of activities that are listed next, if all of the activities that are listed are ok, can someone file a complaint? Ms. Ratlief said yes, but we would also be looking at, is it normal to good agricultural practices. It would be part of the criteria that we look at. It does not prohibit people from filing a nuisance complaint. Each one would be looked at on a case-by-case basis. The list is a normal part of good to agricultural practices. For example: if someone is

using a pesticide and they are using it in accordance with the manufacturer specifications and State Law, then it wouldn't be considered a nuisance.

Vice Chairman Scantlebury stated the Town can't supersede the state but can it still apply within the town. Ms. Ratlief said we cannot supersede it, that would be under state law that that clause is in there but we can still apply it within the town but we are not using the piece of it. If they wanted to do a civil suit, and call it a nuisance, then it would go to the state level. We would not hear that within the municipality. Mr. Scantlebury stated the Arizona Statute says the farm would have to be there one year before someone could claim to be a farm, that it deserves to be there, the Town would also have to use that criterion, because it is a state criteria, right? Ms. Ratlief doesn't believe so, she will clarify that with the attorney. The town would not automatically say it is a nuisance because it has only existed for six months. If they took it into a civil suit this law would be applicable.

Vice Chairman Scantlebury may not be as sympathetic if the farm isn't already there. He'd like to know that we are following a state ordinance, that we aren't going to shove a farm into a residential area and say we have to leave that alone. Ms. Ratlief said if someone comes in and buys a property and it is not already in a subdivision, and decide to have horses or cattle and grow agriculture on it, it is a permitted use. It is permitted in all of our zones.

Commissioner Hough said the definition of "farm stand": *"a temporary or seasonal sales area for the sale of agricultural products grown or raised or on other properties owned or leased by the farm operator. Farm stand structures are subject to zoning clearances and building permit requirements."* This will not be a farm stand. The only cure for this is to cross this out of the of this ordinance. It would turn into something else. Ms. Ratlief stated if it is 200 feet or less all they would need is a zoning clearance and just have to meet the setbacks. If is something more substantial then it would need a building permit. Mr. Hough wanted to know about a Zoning Clearance. Ms. Ratlief said that is looking at setbacks.

Vice Chairman Scantlebury said we want to keep the farms and in the interest in keeping everything in one place, we should incorporate the things that are already there. Add in the motion incorporate these references:

- General plan
- Noise ordinance
- Animal count
- AZ Right to Farm Statute
- Az Department of Agriculture Statutes. Several topics are already included in these statutes.

Public Hearing Open 7:10pm

Public Comments:

Zach Hauser- agriculture is important, farms came first then the houses came, this needs to be taken into considered

Cheri Wischmeyer- loves agriculture, it is important to our community. People have a right to complain and express their concerns. This ordinance does that. Camp Verde's definitions not the same as the state and they should match. Make sure it covers what you want, to make sure it is what you want, before sending it on.

Meeting break to clear over occupancy people. Some people moved to the other room.

Chip Norton will speak via (zoom)- (has 21 mins to speak if needed. He is speaking for: Brenda Hauser, Donna Randall, Marla McNeill, Austin Higginbotham, Joel Higginbotham, Nancy Higginbotham & Billy Port Parker). He said staff did a good job of covering ordinances. He would like to add that all 50 states have right to farm laws. More than half have deleted the section of farms being there first. Az did come back and strengthened the Right to Farm Law but did not address that. Agriculture is not a common nuisance. Most of the most stringent Right to Farm Laws in the country are in the most densely populated states. They were created because of conflict as densities grew. New Jersey has a model ordinance that they use in the smaller communities. When someone moves into community, they receive a handout; to reduce nuisance complaints. It doesn't do anything for animal count, it is not cart blank. This could be a good ordinance, he supports it, it is evolving right now. The department has done a good job at referencing good agricultural practices.

Steven Backus- this is personal for most people here. Please take decisions to heart, involve citizens of those who it affects, and create a special committee. These decisions affect people.

Stephen Maqoon- wrote a letter to Council. He is concerned with the farm bill and the unintended consequences. With this ordinance he has no recourse to address issues. Rights need to be protected, voices heard, and some complaints don't always lack merit. He urges Commissioners to consider unintended consequences.

Gail Pate is concerned about the application of our Camp Verde proposed rule being different than the Arizona Right to Farm. If anyone starts an agricultural use of the land no matter how its zoned, are they now able to claim it as farm or farmland because our definition says that a farm or farmland is land used for agricultural and ranching purposes. It centers around protecting certain types of agriculture including agritourism. In the 1995 Agriculture Protection Act farmland is definition as land devoted to commercial agricultural production. Operations must be established prior to surrounding nonagricultural land uses. It has to predate its neighbors in order to receive protection under the Right to Farm Act. She doesn't think that moving an application into an existing residential area then redefines that as farmland people need protection in order to challenge it. If someone purchases an expensive residential property with certain protections then something moves in which is agricultural and permitted by zoning, but becomes a nuisance and a change of them enjoying the property as they purposely bought it.

Jordy Weaver- some nuisance complaints have turned into harassment in the area who have ag and farming. We should be protecting our agricultural people; this is what we are supposed to be about. It makes it unenjoyable to live where we live. We also need to protect the roping community as well.

Tanner Bryson has 6 mins (is also speaking on behalf of Christa Brunori) He is in support of the Right to Farm Act. It is ridiculous to have to stand in front of a committee to argue for the right to farm. Everyone should feel lucky to live next to someone who knows how to do something agricultural. Every piece of ground that is flat and irrigatable has been farmed first. Then the houses came in. Farming is going away. There is no reason someone in Camp Verde shouldn't be able to operate a small farm. The Town greases the wheels of the complainers. We need to prevent the abuse of power. There is a problem with the whole system. The Right to Farm should be an inherent right with the United States citizen.

Jeannette Corbin- came from farming community in Alaska. She doesn't have a problem with farming. She thinks both sides have valid points about nuisance complaints. Camp Verde has some problems we don't have the compliance we need. We need to look at development use permits, for special things on farms. Everyday things of farm, are going to happen. We can't live with the all-night party and turn on lights and have a lot of traffic.

Linda Buchanan- she is proponent of agriculture. She is not a proponent of this draft ordinance as it is written and presented. She is here to learn. She is not sure as a Planning and Zoning Commission that you are not big enough to grant us the right to farm nor big enough to take

that right away. You will have to be incredibly comfortable with the government's structure and policy that you want to apply to help us be better neighbors. She feels the community engagement process has been overlooked. She doesn't feel that 3 minutes is enough time to make a strong position statement. We also lose the opportunity to speak to each other. Of course, there are nuisance complaints. There needs to be a process to address that. She feels that the staff work on this document is good and the Commission work is good but thinks there was a missed a step for citizens to meet and discuss the ordinance. We are bound by Arizona State law. We need to bring the community back into this.

Dave Grondin- read the definition of some items listed here from Webster Dictionary:

To Farm- engaging and the raising of crops and animals.

Agriculture- the art of the practice of cultivating the soil, producing crops, and raising livestock and in varying degrees, marketing of the resulting product.

Don't be fooled by this Right to Farm Ordinance, as it pertains to dedicated recreational facility as would be allowed in paragraph C, Section "f. Livestock: Farm or ranch animals regarded as an asset, specifically cattle, horse, goats, sheep and other domestic animals raised for production of food, either personal use or commercial sale, leisure, education and/or recreation." Section D. e. No agricultural operations, consistent with good agricultural practices, will be considered a nuisance. This ordinance gives no recourse for neighbors who are impacted with livestock used for recreational purposes. He urged this ordinance as currently written be sent back for revisions that are key to what happens in Camp Verde.

Robert Noone- college drilled into them that agriculture or farming be an essential profession. The tool of communism is starvation. We better learn about farming. This is serious. He isn't sure that horses are considered livestock. Cambodia is a nation of farming.

Mary Phelps- President of the Camp Verde Arena Association, at a previous meeting the commission agreed to take this item with building heights, and uninformed items back to the community and create a committee. No one got a call about these items. She is asking the Commission to table this and allow a committee be formed, and go back to the community.

Carol German- she has issues with the ordinance, there always seems to be an infringement on some of the items. This ordinance applies to all residential areas, that is a problem. People who want to do something different can ask for zoning change or use permit. She agrees with what some people have said about forming a committee or special commission. Some animals infringe on neighbors and neighborhoods with odors. The ordinance takes away the right to speak.

Jim Meredith- is concerned about the ordinance. He owns horses. He agrees with Mary Phelps. He doesn't see protection against us, who are adjacent to field or lot, if someone comes in and creates a stock yard. It does not look after R1-L. the people in the residence. He doesn't want to see a herd of cattle behind him when it should not be there. It says nothing about R1-L. the ordinance should go back to a committee.

Tammie Dunn receives 6mins (is also speaking on behalf of Stephen Reynolds)- when she moved here she purposely purchased a horse property, then someone moved in next door who was opposed to having horses living next door. They installed fly system and irrigation. The neighbor went so far as taking down plates of 4h students and counting horses. She had to board her horses off site. The EPA even came to her property. This was harassment. Town even agreed that it was harassment. There should be Protection for livestock or farm manager too.

Meeting Break: 8:00pm

Meeting Resume: 8:11pm

Eileen Martin- The ordinance should be reviewed a little more by a committee. There are some items that should be clarified and explained a little bit more. It is also not written fairly by the entire town. Committee will look at it and look at the impact it will have on all people.

Debbie Roulette- agrees that a committee is needed for everyone to have a say. Needs to be heard more.

Charlotte Salsman- resident for 30 years, doesn't like the ordinance the way it is written, a big committee needs to review it and rewrite it. People should have right to complain if necessary. Farms need to stay. The ordinance needs to be redone.

Janet Anderson- Loves the rural lifestyle. She shares the same concerns about ordinance. The law is intended to protect nuisance law suits. The blanket ordinance is inappropriate and too broad. The committee should be made up of a variety of people and come up with solutions for all involved.

Claudia Hauser- family has been farming for over 50yrs. She is passionate about fulfilling a legacy. She has signed that no development of her land will ever occur. She thanked the commission for giving citizens a right to speak. Let's be that town that embraces the growing of food and fiber for everyone. Stand behind farmers and ranchers and not be an obstacle.

Ken Ligon- is not taking an official position. Yavapai Cattle Growers started in 1883, and in 1932 it started here in Camp Verde. Cattle industry generate money. FFA is important and it is important for kids growing into this. Encourage that.

Public Hearing Closed: 8:27pm

Commission Discussion

Community Development Director Jon Knight gave some options for consideration.

1. Form committee.
2. Table this for another specific date or no date & and pick up in spring,
3. Vote to have this go to Council with a recommendation
4. Set a specific date for a Study Session.

Commissioner Osses feels like the Right to Farm is a very important to community. She thinks she hears the community wants their voice heard and they do not feel a part of decisions.

Motion was made by Commissioner Osses to move this item to the spring, and create a committee to make the necessary changes that would work for everyone. Second was made by Commissioner Blue.

Vice Chairman Scantlebury thanked Gail Pate and Chip Norton for their work. This is what Camp Verde is going to face increasingly. The Right to Farm speaks to Camp Verde. Maybe Camp Verde should come up with their own ordinances because the State already has this covered. The town needs help to create guidelines to cover other issues such as, smell, fly's, cattle, horses, and a pig. There are no state or county or town codes on those issues. The town is held hostage when you get one of those calls. The State didn't define it. This committee should rely on existing ordinances, and address it appropriately. Good complaints, for honest reasons, the town can fix. He will support this motion but not if it comes back to him without the current ordinances, and good definitions about what is good farming.

Commissioner Osses heard that people want to create a committee. If the committee doesn't go anywhere and the people don't want to do anything with it then maybe that's what we do.

Commissioner Tippett wanted to echo Vice Chair Scantlebury's comments. Maybe we just let it be. If we form a committee, consider we don't do anything with this and wait it out.

Roll Call:

Chairman Andrew Faiella: aye
Vice Chairman Todd Scantlebury: aye
Commissioner Greg Blue: aye
Commissioner Bill Tippett: aye
Commissioner Michael Hough: aye
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent
Motion passed unanimously 6-0.

Meeting Break: 8:39pm

Meeting Resumed: 8:42pm

8. **Public Hearing – Minor Amendments: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, to approve amending the Town of Camp Verde Planning & Zoning Ordinance, with minor text amendments within Sections 203, 301, 502 and 601 via Draft Ordinance 2022- A472, related to accessory structures, setbacks for nonconforming parcels, fencing, land division and scrivener’s errors.**

Staff Comments

Community Development Director Jon Knight said this item is to address accessory structures setbacks. We have some of the most restrictive setbacks. He described some differences. There is really no consensus or consistency between the different jurisdictions. Staff is recommending for simplicity, accessory structures (noninhabitable structures), go 7ft on the side and rear. Some districts require 50ft in the rear, and we are suggesting this go to 7ft to make it consistent. He also mentioned the fencing provision. You are not allowed to have fence on vacant land under two acres. Staff is suggesting to change the fencing provision to allow people to build fence but have the fence see through. Staff is also suggesting changes in fence heights. This needs more flexibility. Scrivener’s errors also need cleaned up. There are no significant changes, it is just formatting and fixing some spelling errors.

Public Hearing Open: 8:52pm

Daria Weir- wants to build a simple structure to cover her horse trailer. It is now costing \$15,000 instead of \$8,000 because of the required engineering plans and permits. She said she has to step through some ridiculous steps to build this simple structure. She is also concerned with the 7ft Wasting Area. She urges the Commission to think smart, it is now costing her double.

Public Hearing Closed: 8:56pm

Commission Discussion

Motion was made by Commissioner Blue to table Items 8 and go to Item 9. There are a lot of things to discuss and consider and he doesn’t want to rush through. In future meeting he would like to have them separated more. Second was made by Commissioner Hough. Commissioner Blue withdrew his motion.

Due to time restraints, a **Motion** was made by Commissioner Osses to move Items 8 & 9 to the next scheduled meeting to be held December 1st at 630pm. Second was made by Commissioner Hough.

Roll Call:

Chairman Andrew Faiella: aye
Vice Chairman Todd Scantlebury: nay
Commissioner Greg Blue: aye
Commissioner Bill Tippet: aye
Commissioner Michael Hough: aye
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent

Motion passed unanimously 5-1.

Commissioner Hough made a comment that years ago a meeting went until Midnight and the Town Attorney said they had to close the meeting because the next day was not advertised on the Agenda. He feels this is the same situation and because our meeting was advertised to 9PM no new items can be opened after that time.

9. Adjournment:

Motion made by Commissioner Tippet to adjourn the meeting. Second was made by Vice Chairman Scantlebury.

Roll Call:

Chairman Andrew Faiella: aye
Vice Chairman Todd Scantlebury: aye
Commissioner Greg Blue: aye
Commissioner Bill Tippet: aye
Commissioner Michael Hough: aye
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent

Motion passed 6-0.

Meeting was adjourned at 9:04 p.m.



Chairman Drew Faiella



Community Development Director John Knight

CERTIFICATION

I hereby certify that the foregoing minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde, Arizona during the Special Session held on the 3rd day of November 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of November 2022.



Jennifer Reed, Recording Secretary