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AGENDA
TOWN OF CAMP VERDE – PLANNING & ZONING COMMISSION
SPECIAL SESSION – WORK SESSION
473 S. MAIN STREET, SUITE 106
THURSDAY, JUNE 8, 2023 at 5:30 P.M.

ZOOM MEETING LINK:

<https://us06web.zoom.us/j/84620757891?pwd=ZXhseWVXUWYxc3pXRnZEWjA3dDZHZz09>

One Tap Mobile: 1-669-900-9128 or 1-253-215-8782
Meeting ID: 846 2075 7891
Passcode: 766870

1. **Call to Order**
2. **Roll Call.** Commissioner Greg Blue, Commissioner Robert Foreman, Commissioner Ingrid Osses, Commissioner William Tippet, Member _____ (vacant), Chairman Andrew Faiella, Vice Chairman Todd Scantlebury.
3. **Pledge of Allegiance**
4. **Consent Agenda** - All 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 the Commission so requests.
 - a. **Approval of Minutes:**

April 13, 2023, Site Visit
April 13, 2023, Regular Session
 - b. **Set Next Meeting, Date and Time:**

June 22, 2023 @ 6:00 pm, Regular Session - Cancel
July 13, 2023 @ 6:00 pm, Regular Session
July 27, 2023 @ 6:00 pm, Regular Session
August 10, 2023 @ 6:00 pm, Regular Session
5. **Presentation from Town Attorney Trish Stuhan.** Role of the Planning and Zoning Commission.
6. **Planning and Zoning Commission Work Session.** No action will be taken during the Work Session. Discussion and possible directions to staff may occur.

- A) Follow up from joint meeting
- B) Code Enforcement presentation
- C) Updating Zoning Codes and Definitions
- D) RVs and RV Parks

7. Adjournment

The Planning and Zoning Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with the Community Development Department prior to a meeting for copies of supporting documentation, if any that were unavailable at the time agenda packets were prepared.

Note: Pursuant to A.R.S. §38-431.03A.2 and A.3, the Planning & Zoning Commission may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item. The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the Town of Camp Verde and Bashas on

May 22, 2023 (date) at 10:00 AM (time)

(signed) Cory L Mulcaire, Cory Mulcaire, Planner (print name and title)

FINAL MINUTES
SPECIAL SESSION – SITE VISIT
THE PLANNING AND ZONING COMMISSION
2083 E HARDY LANE
CAMP VERDE, AZ. 86322
THURSDAY, APRIL 13, 2023
4:00 PM

1. **Call to Order**

Chairman Faiella called the meeting to order at 4:00 p.m.

2. **Roll Call**

Chairman Andrew Faiella, Vice Chairman Todd Scantlebury, Commissioners Greg Blue, William Tippett and Ingrid Osses, Mike Hough and Robert Foreman were all present.

Also Present

Community Development Director John Knight, Town Planner Cory Mulcaire and BJ Ratlief.

3. The Commission, Staff and Public will participate in a site visit of the area of the proposed Agritourism Use Permit meeting.

John Knight spoke regarding the fact that this is not a public hearing and that the Commission can ask the applicant questions but there would be no public discussion.

Applicant Trampus Mansker spoke of their plans and the number of animals that they will have at any given time, as well as events that he plans to host.

Commissioner Blue asked about horses having covers.

Commissioner Scantlebury asked if the smell could be coming from the neighbor.

A few members of the public asked questions about parking, where cattle will be fed when pasture is eaten down, etc.

Mr. Mansker answered questions.

11. **Adjournment:**

Motion made by Vice Chairman motioned to adjourn the meeting. Second was made by Commissioner Osses.

Motion passed unanimously 5-0.

Meeting was adjourned at 4:46 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 Regular Session held on the 23rd day of March 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of April 2023.

Cory Mulcaire

Cory Mulcaire, Recording Secretary

FINAL MINUTES
REGULAR SESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, APRIL 13, 2023
6:00 PM

1. Call to Order

Chairman Faiella called the meeting to order at 6:00 p.m.

2. Roll Call

Chairman Andrew Faiella, Vice Chairman Todd Scantlebury, Commissioners Greg Blue, William Tippett, Ingrid Osses, Mike Hough and Robert Foreman were all present.

Also Present

Community Development Director John Knight, Town Planners BJ Ratlief and Cory Mulcaire.

3. Pledge of Allegiance

Commissioner Blue 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:

March 23, 2023, Regular Session

B. Set Meeting Dates:

April 26, 2023, at 5:30 pm Joint Session with Town Council

April 27, 2023, at 6:00 pm Regular Session

May 11, 2023, at 6:00 pm Regular Session

May 25, 2023, at 6:00 pm, Regular Session

Motion was made by Commissioner Hough to approve consent agenda with the addition of cancelling meeting on April 27, 2023, as it was presented at the March 23, 2023, meeting. Second was made by Commissioner Blue.

Motion passed unanimously 7-0.

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.

No public to speak.

- 6. Decision Item: Discussion, consideration and possible recommendation to the Mayor and Common Council for approval of Final Site Plan for two (2) development sites located within High View at Boulder Creek Planned Area Development (PAD), zoned C-3 PAD (Commercial: Heavy**

Commercial – Planned Area Development) and C2-PAD (Commercial: General Sales and Services – Planned Area Development), specifically Site Plans for Zane Grey at High View RV Park located on parcel 403-15-003V, Zane Grey At High View Multi-Family and Commercial on parcel 403-15-003U, Camp Verde, Yavapai County, Arizona.

Ingrid Osses handed out a document for the Commission. (Attachment A)

Town Planner Cory Mulcaire reviewed the site plan, location and details. This meets the C2 PAD criteria and C3 PAD criteria. She also said that Jeremy Bach, with Zane Grey Investments is here to answer any questions that the Commission has.

John Knight added that this item was continued based on 2 questions, Open Space and Sewer and that this is a Final Site Plan Review.

Drew Faiella stated that time can be dedicated, but the time limited for spokesperson is 5 minutes.

Applicant Comment

Jeremy Bach introduced himself and stated that he was here to answer Commission questions.

Todd Scantlebury thanked Jeremy for being here and identified the General Plan's definition of Open Space. He asked Jeremy how he figured out the Open Space.

Jeremy stated it was figured by removing all parking area, and it included all green space, landscape, and walking path. There is no pavement included in that calculation.

John Knight clarified that applicants engineer used everything but buildings and asphalt to figure out open space.

Commissioner Foreman asked about how many Aquatec will be required for entire development. Jeremy Bach stated that there will be two (2) on each end of the development and that final calculations are not complete, but they will install whatever they need to handle development needs and that they will easily be able to hook into Town sewer when it gets to the development.

Commissioner Blue asked about temperature that information states and prohibited discharges and saying that this may differ. Have you talked to the County about this?

Jeremy stated that this has been approved by ADEQ and has been submitted to the County and is moving forward in the permitting process.

Commissioner Osses doesn't understand how it was submitted to the County. Her calculations do not match what he says that he is going to have. She states that this system is not going to work for what he is proposing to develop.

Jeremy responded that everything that gets approved through the Town, County and ADEQ everything is sized from a mathematical perspective, and this is what the County is telling him he needs based on his current unit mix. I am going to do what the professionals say and need to be addressed at a permit level.

Commissioner Osses asked John does the Town approve this treatment plant or is it just to show us what they are going to put in.

John Knight responded that what we are supposed to approve Final Site Plan and not the sewer system, it is not to serve as a lay engineer on the details of the sewer system, we have professionals for that. We will not issue a permit until the County has signed off on the sewer approval. The Commissioners job is to sign off if the requested site plans are in significant conformance with the approved PAD. We included the information because the Commission requested it. It is out of the authority of the Commission.

Chairman Faiella stated that this is important for us to determine the suitability of the project.

John replied the County has not approved the septic system yet, but we will not issue a building permit without approval.

Commissioner Osses stated Jeremy “he” says it is approved. Jeremy stated we have our plans turned in. The system is an approved system through ADEQ who the governing body of septic systems are. Now we are designing it in the accordance so that when we submit permits it has already been approved by ADEQ. We are doing this because there is no Town sewer there yet.

Commissioner Osses said but you aren’t building it. You are selling parcels. Jeremy responded that he is the developer and doing the building.

Commissioner Blue asked John if he could put a reversionary clause on a site plan. John stated no, this is not zoning it is approval of site plan. Again this is to see if it is in substantial conformance with previously approved PAD.

Commissioner Faiella, asked if RV spaces meet the size required by Town Code. Jeremy responded yes and that we went through Development Standards Review. Commissioner Faiella asked about sewer treatment plant and because away from infrastructure, what happens if a plant breaks down. Jeremy stated that there are redundancy models in place so we can reroute sewage as or if needed. Commissioner Faiella, are there any parks. Jeremy stated yes there are parks and maybe an additional community pool. Jeremy approached and showed it to the Commission.

Any additional Commission discussion.

Drew opened for Public Comment.
There were no Blue Cards and no one on Zoom.

Commission Discussion

Commissioner Foreman stated that no building permits are issued until the applicant demonstrates to ADEQ and the Town that the wastewater system is viable.

Motion was made by Commissioner Hough to recommend to the Mayor and Common Council for approval of Final Site Plan for two (2) development sites located within High View at Boulder Creek Planned Area Development (PAD), zoned C-3 PAD (Commercial: Heavy Commercial – Planned Area Development) and C2-PAD (Commercial: General Sales and Services – Planned Area Development), specifically Site Plans for Zane Grey at High View RV Park located on parcel 403-15-003V, Zane Grey At High View Multi-Family and Commercial on parcel 403-15-003U, Camp Verde, Yavapai County, Arizona. Second was made by Vice Chairman Todd Scantlebury.

Commission Discussion

Commissioner Hough apologized for missing the last meeting. He does not know why we are talking about the sewer when it is not our problem and Open Space is not defined. The applicant is going to make it as attractive as he can to illicit business. He again apologizes.

Commissioner Osses disagrees with Commissioner Hough. She thinks it is part of her job.

Commissioner Scantlebury read the definitions of open space from the General Plan.

Roll Call:

Chairman Faiella: aye

Vice Chairman Scantlebury: aye

Commissioner Blue: no
Commissioner Hough: aye
Commissioner Tippet: aye
Commissioner Osses: no
Commissioner Foreman: aye
Motion passed 5-2

Chairman Faiella poled the Commission on why they voted the way they did.

7. Public Hearing: Discussion, Consideration, and Possible Recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona for approval of an Agritourism Use Permit application for Trampus and Bonnie Mansker for a roping arena located on parcels 404-12-422D and 404-12-422C.

Community Development Director spoke as to what a Conditional Use is and the Commission is allowed to do. Explained what Agritourism is. This is not a commercial arena and this is not a nonconforming use.

Commissioner Scantlebury stated that applicant was more restrictive with his conditions. John Knight stated that the applicant is going above and beyond and some of his restrictions are not restrictions that the Town would put on anyone. However, your approval will or can include the applicants conditions as well as the Town's recommended conditions.

Commissioner Osses asked John, how this is not commercial. Does buying and selling cows make it commercial.

John replied that Agriculture is exempt under State Statute from being considered commercial.

Commissioner Osses asked if they still had to apply with the Animal Count.

John Knight replied yes. He would be allowed under his acreage 9 large animals.

Commissioner Foreman asked if they are voting on a draft.

John Knight stated that is correct but the motion can finalize the draft and include modifications.

Commissioner Foreman stated the in perpetuity with the land seems like a long time.

John Knight stated that Use Permits run with the land and that the permit can be reviewed for compliance.

Commissioner Faiella asked about the proposed draft if Commission approved, would Town be able to remove conditions.

John Knight stated it can happen during the annual review or with modification of the Use Permit, but staff does not have the authority once approved. Complaints will be reviewed and sited.

Commissioner Osses doesn't agree with John, she thinks they already did something like this. She has a problem with in perpetuity as well.

John Knight said this is starting to get into discussion but we should let applicant speak first.

Commissioner Faiella asked how many violations have been levied against the property.

John stated that there have been many complaints from one neighbor, but no violations have been sited.

Applicant Comments

Trampus Mansker spoke about why he wants the Agritourism Use Permit. He also spoke on putting strict restrictions on himself and his family so he can be a good neighbor. Acknowledges that he can lose this Use Permit, it can be revoked if he does not uphold the conditions of the permit. This is commercial, he does not make any money.

Commissioner Blue asked why Trampus needed 35 cows at a minimum.
Mansker responded that he doesn't need that may full time, usually only 15 but that he needed grace for when he had events.

Commissioner Scantlebury asked if Mansker would be willing to live with a condition that stated, hauling manure to the dump two times per week.

Mr. Masker responded yes he would do that.

Commissioner Scantlebury asked about manure pick up, how much are you willing to do.

Trampus says that reasonable is six days per week.

Commissioner Scantlebury asked if Mr. Mansker is planning to put in special lights or run events past sunset.

Mr. Mansker said no.

Commissioner Scantlebury asked that sometimes he could get to 50 animals but more likely only 30 and no longer than a 2 week period of time.

Mr. Mansker said yes that is correct.

Commissioner Osses asked about bathrooms.

Mr. Mansker responded he would put one in but most of his events are less than a couple hours and he allows kids to use his house. Most of the time people there roping are not there long enough to need a restroom.

Commissioner Osses asked how long until he will put a cover in for his horses and a place for the cows too.

Trampus stated he has wanted to do it since day one and it is a heavy expense if he is not going to stay, but he is hoping to have it completely built by August realistically.

Commissioner asked what he will do in the meantime.

Trampus says nothing because most animals in the state are not under cover.

Commissioner Foreman asked that if he understood the conditions of approval correctly, Mr. Mansker is agreeing to the Town's conditions, as well as Mr. Mansker's nuisance mitigation plan.

Trampus said yes that is correct.

Chairman Faiella asked if Mr. Mansker ever planned to do a feedlot operation on the property.

Mr. Mansker responded no.

Public Hearing

Chairman Faiella opened the Public Hearing at 7:18 PM

Meeting went into recess at 7:18 PM.

Meeting resumed at 7:27 PM.

Public Hearing was reopened at 7:27 PM.

Chairman Faiella stated that the information given to them by the public was useful information, but being presented to the Commission tonight does no help them because they cannot read and digest appropriately during the meeting.

BJ Ratlief read two letters into the record. **(Attachment B and C)**

No one on Zoom wanted to speak.

Mr. Magoon spoke in opposition of the project.

Jill Irvin spoke in opposition.

Cheri Wichmeyer spoke in opposition.

David Grondin spoke in opposition.

David Dane spoke in opposition.

Janet Anderson spoke in opposition.

Peggy Murdock spoke in support of the project.

John Knight clarified that the Planning and Zoning Commission will make a recommendation to the Council, but this is the only Public Hearing.

Michael Black spoke in support.

Christa Brunori spoke in support.

Montana Renkema spoke in support.

Dorie Blair spoke in support.

Bob Ashcraft spoke in support.

Josh Blair spoke in support.

James Gregory spoke in support.

Planner Ratlied stated that there are no other Blue Cards and there was no one else on ZOOM who wanted to speak.

Chairman Faiella closed the Public Hearing at 8:09 PM.

Mr. Mansker came up and stated the people against the project have never approached him, but he has reached out to them with no response. He respects everyone's opinions but hopes the Commission sees that the Use Permit really is for the kids.

Commissioner Faiella asked if Mr. Mansker understands his neighbors' concerns.

Mr. Mansker responded that he absolutely does, but that he had asked Mr. Magoon at the neighborhood meeting if there was any common ground or anything I could do to appease him and Mr. Magoon said no.

Commissioner Knight read the definition of Agritourism and the Commissions role for recommendation of approval.

Commission Discussion

Commissioner Scantlebury went through the conditions and went over codes from other communities with the Commission.

Commissioner Osses asked how many acres will be used for the arena.

Mr. Mansker stated probably 3 acres.

Commissioner Osses asked again about sanitary facilities.

Mr. Mansker stated that he will get a port-a-potty but thinks it will be a negative impact for the neighbors.

She is concerned that everyone in a residential area will want to have an arena if they approve this Agritourism Use Permit.

Chairman Faiella asked about EMS access.
John Knight said that he is not concerned.

Commissioner Blue has questions about the property being residential, the applicant and staff's proposal, he does not want to grant in perpetuity, concerned about the RV parking, and the number of animals.
John Knight responded that 10 days for RVs is out of the code.

Chairman Faiella asked again how long RVs can stay on property.
John Knight said any number of RVs can stay on any property as long as it is ten (10) days or less. John read the applicants' conditions that he submitted.

Commissioner Osses is still concerned about the number of cows.

Commissioner Scantlebury stated that the animal count is a starting point, but it is all about the management of the property.

Commissioner Osses thinks that we should follow the rules for everyone. This Use Permit is not fair.

Commissioner Faiella stated that the animal count that this is temporary and that the animals are not all there permanently.

Commissioner Osses counted 11 animals on the property today.

John Knight said that Commissioner Hough has been waiting to speak.

Commissioner Faiella asked because of the number Ms. Osses counted today, was Mr. Mansker in violation.
John Knight stated that he has legal use of his neighbor's contiguous property so he is not in violation.

Commissioner Hough spoke out about personal property rights and that the Commission's job is not to like or dislike the project but that we are to enforce the allowed or conditioned uses of property zoning.

Commissioner Osses states that she feels like this is a double standard.

Commissioner Tippett states that this and the conditions fit the General Plan and the allowed uses.

Commissioner Scantlebury wants to make a motion.

Commissioner Blue wants to review the Use Permit more often.

Commissioner Scantlebury pointed out that a one and 36 month review are in the conditions already.

John Knight reminded the Commission that the conditions that the applicant submitted for RVs is more restrictive than the Town Code.

Commissioner Scantlebury went through amendments he wanted to make to Attachment G from the Staff Report. Please see his attached redline ([Attachment D](#))

Motion was made by Commissioner Scantlebury to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona for approval of an Agritourism Use Permit

Application for Trampus and Bonnie Mansker for a roping arena located on parcels 404-12-422D and 404-12-422C. The motion also includes approval of the applicants Letter of Intent, site plan, and conditions made by staff included in Attachment G, which we have just modified. Second was made by Commissioner Hough.

No further discussion by the Commission.

Roll Call

Chairman Faiella: aye
Vice Chairman Scantlebury: aye
Commissioner Blue: no
Commissioner Hough: aye
Commissioner Tippet: aye
Commissioner Osses: no
Commissioner Foreman: aye

Motion passes 5-2

Chairman Faiella poled the Commission for the reason for their vote.

Commissioners again discussed Open Spaces. They are concerned there is a lot planned for a small space. Mr. Knight stated 25% is not required, it is preferred. There are other opportunities to provide open space. Vice Chair Scantlebury expects to see more open spaces.

Attachment E is documents provided by the public regarding this Use Permit application.

2-minute recess was taken to let the room clear.

8. Current Events:

Individual members of the Commission may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Commission will take no discussion, consideration, or action on any such item, except that an individual Commission member may request an item be placed on a future agenda.

Commissioner Hough gave his resignation.

9. Staff Comments:

John Knight-

- Reminded Commission of Joint Session on April 26 and that Planning and Zoning Regular Session on April 27, 2023 has been cancelled.
- That a major infrastructure plan is underway.
- Upcoming Community Development projects.
- Upcoming Board of Adjustment meeting on May 9.
- Told the Commissioners how they can get the items on the next agenda meeting.

10. Adjournment:

Motion made by Commissioner Tippet to adjourn the meeting. Second was made by Commissioner Osses.

Motion passed unanimously.

Meeting was adjourned at 9:10 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 Regular Session held on the 23rd day of March 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of April 2023.

Cory Mulcaire

Cory Mulcaire, Recording Secretary

Utilizing the practice of 2 persons per bedroom, new construction average daily flows would range from 80-120 gal/bedroom/day. The remainder of the research found average daily flows for typical single family dwellings to range from 40-100 gal/pers/day.

WA.gov
<https://doh.wa.gov/legacy/Documents/Pubs>

Residential Flow Rates

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If we average 2 or 3 people in a household we have an average of 81,000 gal of sewer waste for the 450 houses approx.

For a RV Park is around probably more than 36000 gal if that RV has only one occupant for RV approx.

If we need to add the houses, RV Park, and other public facilities serving and using same system, it is more than 117000 gal a day.

4-13-2023

Rick Brentleck

I Lived next year for 27 years in May.
Does not think he can make it tonight.
He would like the Commission to know
since the Manskers moved in they have
been wonderful neighbors, and if granted
his permit he will operate in a considerate,
sensible way. ~~He~~ I have never had a problem
with his animals.

R E Brentleck

Attacment C

B

13 April 2023

Terry and Lori Dismant
1863 E. Country Lane
Camp Verde, AZ 86322

Re: Agritourism Use Permit Application for parcels APN 404-12-422C and 404-12-422D

To Whom it May Concern,

We are aware of the circumstances surrounding the above noted application under consideration as we live in the Sierra Verde Estates development (since 2018). We have noted the issues reported by other neighbors related to large numbers of animals being kept in the fenced lots directly adjacent to Sierra Lane. We confirm that during the warm / hot months there has been problems with large fly populations and excessive manure smells. We also confirm that we have observed that the Mansker family has made improvements to the property which has moved some of the animals further away from Sierra Lane and this has improved those conditions some. We are grateful for the efforts being made to ensure that the Mansker ranch does not pose an ongoing problem of flies and smells to neighboring properties.

We want to confirm that we support and even applaud the Mansker's plans and efforts to provide the opportunity for young people to learn about the western cowboy way of life through 4-H and FFA programs and to gain specific riding and roping skills through their workshops and programs.

Having said all that, it has been our ongoing observation that the horses and cattle on their property are not given appropriate shelter from either summer weather or winter weather. We have observed days last summer when between 8 and 15 horses (and a colt) were kept in full sun in temporary fenced pens in 110 degree weather. The fenced sections allowed the horses to move about some but did not allow any means of getting out of the direct sun and heat. Additionally, this past winter we noted that there were about 37 head of cattle being kept on the property without any sort of shelter from blizzard and/or sleet conditions. The cattle were noted to be standing in 4-6-inch-deep muck and sleeping in that same muck. According to the statements made by the Mansker family in their application letter "The experience can become a lifestyle, teaching them how to take care of animals properly, how to enjoy the abilities of animals...". We feel that in order for the experience on the Mansker property to teach proper care of animals the conditions for the animals must be humane.

We respectfully request that in addition to other listed conditions for approval of the Agritourism Use Permit that the Mansker family be required to construct shelters which would provide all animals on their property with protection from summer sun/heat and winter storms etc.

Thank you for your consideration,

Terry and Lori Dismant

Attachment D

ATTACHMENT G
PROPOSED DRAFT – Updated 4/6/2023

Conditions of Approval for Mansker Agritourism Use Permit

1. The applicant shall comply with the requirements contained in the submitted project narrative and application materials, unless modified by these conditions.
2. This permit shall run with the land in perpetuity, unless the use is discontinued for a period of six (6) months, or the permit is voided according to procedures outlined below.
3. Unless modified by these conditions, or the narrative and application materials, the applicant shall comply with all town code, zoning ordinance, and other laws and requirements. This includes obtaining building permits for all new improvement, as required by the Chief Building Official and Building Code.
4. Weather permitting, manure piles shall be removed from the property **2x/wk** weekly to control odor and insects. Manure stored on site in a trailer shall be tarped to reduce insects. **Manure picked up in event arena and pens atleast 1x every 2-days.**
5. Fly traps shall be hung around the perimeter of all livestock pens to help control insects. Traps shall be replaced as needed for maximum effectiveness.
6. If dry, the arena shall be watered ~~with an arena sprinkler system~~ before every major use in order to control dust. **Dry soil is a fly deterrent, and every effort will be made to prevent permanent areas of wet soil.**
7. ~~All outdoor lighting shall to be~~ **Events will not run past sunset, and any lights used shall be I** Dark Sky compliant. If required for new fixtures, building permits shall be obtained prior to installation of any new lighting.
8. Any lighting of the arena, and surrounding area, shall be turned off at the end of the event or by 10:00 p.m., whichever comes first.
9. The number of event attendees shall be limited by the available onsite parking and shall not exceed a maximum of 60 individuals at a single event.
10. There shall be no amplified sound systems used for any events.
11. For visitors health, safety and comfort, the applicant shall provide shade, first aid and water stations, sanitary facilities, food and beverages, trash receptacles/removal, and appropriate security during events. **no more than 2**
12. Use of RVs on the site shall be limited to a (10) day maximum stay in compliance with the Zoning Ordinance.
13. The applicant shall comply with Section 10-2-1 of the Town Code (Declaration of Nuisance) which states:

Property and Hazards: *No use or structure shall be operated or maintained in such a manner as to be an explosive or fire hazard; nor cause smoke, soot, dust,*

radiation, odor, noise, vibration, heat, glare, toxic fumes or other negative impact on the community to be emitted into the atmosphere at any time to such an extent as to constitute a nuisance; contribute to neighborhood deterioration; nor divert water-carried waste or pollutants into any open water course or groundwater supply. Any such condition determined by the Town to constitute imminent peril to public health, safety or welfare shall be ceased immediately.

14. Town staff shall be allowed to enter the property to investigate complaints received that are related to use of the property. These may include, but are not limited to, noise, odor, dust insects, and other potential nuisances. Town inspections will only be performed to investigate potential violations of this use permit, zoning ordinance, or other town ordinances. Town staff shall provide advance notice to and coordinate with the property owner or manager to schedule inspections.
15. The number of large animals (such as horses and cattle) shall be limited to a maximum of 35 at any time, including overnight. The maximum number of smaller animals, such as sheep and goats, shall not exceed 50 for events. At night, the number of smaller animals shall be in compliance with the animal point counts allowed under Section 305.B. of the zoning ordinance.
16. If there are more than two (2) violations received against this property related to non-compliance with the approved conditions, zoning ordinance, or town code, during a six (6) month period, the Agritourism Use Permit may be modified or voided according to the procedures contained in Section 601.C.2. of the zoning ordinance. Should this occur, the Community Development Director shall notify the permittee, by regular First-Class mail, of a violation or possible termination/modification of the use permit. If no attempt to change the violation is made within thirty (30) days after notification, a hearing will be scheduled before the Board of Adjustment and Appeals. Based on information provided at the hearing related to non-compliance, the Board may modify or void the Use Permit. Modifications could include new or additional mitigation measures to address nuisance impacts. Modifications could also include a decrease in the maximum animal count.
17. This Agritourism Use Permit shall be reviewed by the Town Council one (1) year from approval for compliance with the conditions and requirements of the use permit. The permit shall then be reviewed thirty-six (36) months from issuance. At time of review, the council may increase or decrease the number of animals, modify or add conditions to address nuisance impacts.
18. Any other modifications to the use permit shall be subject to submittal of a new use permit in accordance with the procedures outlined in Section 601.C. of the zoning ordinance.

In Opposition to Issuing an Agrotourism Special Use Permit for Parcels 404-12-422C and 404-12-422D

- Per our Ordinances **AGRITOURISM**: Is the act of visiting a **working** farm, ranch, agricultural or horticultural **agribusiness operation** for the purpose of enjoyment, education or active involvement of visitors to experience a rural lifestyle.
- Agritourism would have to occur on a property zoned and used for Agriculture. A property zoned for Agriculture must be 5 acres or more. This property is not.
- A Team Roping Training Facility is not Agriculture. Not a single morsel of food has ever been harvested on that property.
- The purpose of this facility is not to promote tourism. Mr. Mansker states clearly in the application that it is for **private** use. By no stretch of the definition of the term Agrotourism could this facility possibly comport.
- Adding references to 4H and FFA is pure window dressing. In the 2 years that Mansker has been in violation of the Animal Points Ordinances he has held exactly 1 such youth event and then it was post collaborating with the Community Development Department on this application.
- Over the last two years Mr. Mansker with the assistance of the Community Development Department has made every possible attempt to circumvent our Town's Ordinances regarding the number of animals allowed on his property. The CDD Recommending this permit is but another attempt to do the same. The sole purpose of this permit is to fully stock Mr. Mansker's Team Roping Training Facility for his personal use.

- When we purchased our property in 2019 there was **not** an overstocked Team Roping Training Facility across the street or anywhere else in our rural residential neighborhood. We read the Town's Ordinances regarding animal points prior to purchasing the property to ensure our hobby farm would be in compliance. We assumed that those codes would be enforced and the lifestyle of the neighborhood we were buying into would be protected. We did not suspect someone with connections inside the Community Development Department would be able purchase a property, immediately overstock it with large animals, then have those very same ordinances selectively unenforced and eventually a Special Use Variance granted as a method to nullify those very same ordinances in perpetuity for the sole benefit of a single individual.
- We were here first. Granting this permit for this personal Team Roping Training Facility will diminish property values in the neighborhood, ours included. It will forever change the character of the neighborhood and will become the dominating feature of it. We in no way will be compensated for these losses let alone the loss of our ability to use and enjoy or property the way we had intended when we purchased it.
- If this precedent is set. The Community Development Department will be emboldened to pass out these "Special Use Permits" to other friends and associates in residential neighborhoods throughout our community.
- We owe it to our friends in the roping community to find a way to facilitate the practice of the sport they and their families love without so dramatically affecting all our neighborhoods.
- We urge this commission in the strongest of terms to deny this variance in any form or with any conditions. There is ample evidence provided in our packet to show that any conditions set forth will not be complied with or enforced.

Good evening, Mr. Chairman, and Commission Members,

My name is Dorie Blair; I have been a resident of Camp Verde for 30 years. I am here in favor of the approval of the Mansker Agritourism Use Permit Application.

My parents moved here in 1992 from Phoenix to get me away from the negative influences that I was being exposed to. I didn't want to leave. I was a city girl and couldn't fathom the thought of moving to a Town that only had a Sprouse-Reitz for shopping. Thankfully, our neighbor had a daughter who raised and showed sheep in the local 4H club. I got to experience her ewe give birth to a set of twin lambs, and I fell in love. I bought one of the lambs and joined 4H with her. This opened a new door for my family.

My Mom juggled not only sheep meetings in between work, but also workshops for pigs, chickens, rabbits, and horses. I literally never stopped doing something that involved our local 4H and gymkhanas. It kept me busy and out of trouble. This new way of life continued for me throughout middle school and high school. I am also proud to say that I graduated High school as a Camp Verde Cowboy.

Knowing what Camp Verde offers with the agricultural lifestyle and opportunities that it provided for me, my husband and I have chosen to pass on the legacy of the Western lifestyle to our own kids. They have been involved with our local FFA and 4H, Local Team Ropings, and most recently the Queen Creek Junior Rodeo Association. We start the newly founded Yavapai County Junior Rodeo Association at the end of this month.

My husband and I were fortunate enough to get introduced to the Mansker family shortly after they moved to Camp Verde. Realizing that they hold the same values and expectations of themselves and raise their kids with a similar parenting style as ours, we hit it off immediately. We practice together. We travel to rodeos together. These friends have become family.

Our kids thrive in part, due to the continuous encouragement and support that the Mansker family provides. I work full-time, and my husband works in the Valley. We are not always able to leave work early to take the kids to practice at their house. Trampus, Bonnie, and their son have gone out of their way countless times to get our kids, and their horses loaded up and over to their house to be able to practice. All without expecting or accepting payment for their time, gas, etc.

Our youngest daughter competed in her first rodeo and trotted an agonizing time of just over a minute long. She was so nervous and unsure of herself, she didn't want to do it. The entire arena cheered her on, with her Dad and Trampus as her biggest fans! With hard work and tons of practice with Trampus' daughters, she gets faster every rodeo. She is so proud of herself. She has more than halved her time and because of her involvement in these activities, she is now a confident and well-adjusted 7-year-old rider. Our son, who is 12, turned his first steer with his Dad at Trampus' house. That was a memory we will never forget.

Trampus also accepts the parent role for rodeo events that require parent-kid participation for the Queen Creek Junior Rodeos. Without him stepping up, these kids would lose points and be disqualified from the event. It should be noted, he doesn't even know some of these kids. Trampus and Bonnie truly care about all Kids' welfare. They are always laughing, always having fun, and are always safe. It is the type of environment that breeds solid values, kindness, deep friendships, and a sense of community.

Please take into consideration all of this testimony and all of the other supporters in favor of the Agritourism Use Permit Application when making your decision.



Trampus and Ava at Ribbon Roping Event

Good Evening Mr. Chairman and Commissioners:

This evening we are here to discuss the application for an Agritourism permit by Mr. & Mrs. Mansker.

I am here to speak in opposition of this permit. I have also prepared a packet that I hope each of you will take the time to review before taking any action this evening.

The Mansker property is in the RR designation and abuts R1L-70 property.

The acreage is 4.69 acres that includes a primary residence, a garage, a garden, an arena, parking for the arena guests, an area for RV guests, and the remaining property is to be utilized for housing a large contingency of livestock. The livestock will be housed directly across the street from the R1L-70 properties.

The Manskers have owned this property since 2021 and during that entire time they have been in noncompliance with Section 305 of the Town's Planning and Zoning Ordinance that outlines the number of large animals allowed properties within Camp Verde.

Additionally, they are requesting an Agritourism permit, however their property and uses do not meet the definition of Agritourism as defined by both the Town's P&Z Ordinance and the Arizona Revised Statutes. In both instances, the definitions require that the activity of Agritourism be conducted in conjunction with a "working farm or ranch". Mr. Mansker's property is not either a working farm or ranch. His property is a roping arena that is utilized for recreational activity. The Arizona Revised Statute definition actually goes further to require "if the activity is conducted in connection with and directly related to a business whose primary income is derived from producing livestock or agricultural commodities for commercial purposes." Again, the Mansker request does not meet this level of requirement.

The application is also flawed. I have repeatedly requested, through public records requests, confirmation of the requirements listed on the application form and the Town has not only failed to provide me with this information,

they have admitted that it does not exist. While being told it did not exist, I now see that there is information in this packet that was not made available to me through my records request. (I have provided you a list of the required items that are missing from that application packet.)

Additionally, Mr. Mansker has failed to demonstrate an ability to follow the rules from the time he moved into this particular property. He moved here with the intent of having a roping arena (not an approved accessory activity as defined in the P&Z ordinance for the RR zoning area and a zoning interpretation by the Community Development Director), he has consistently housed large animals that are far in excess of the allowed amount by code and he placed his animals onto forest service land without proper authorization to potentially avoid detection by local inspectors.

The Commission is in place to protect the property rights of all citizens and we depend on you to do so. Allowing this Agritourism Permit to proceed when it clearly does not meet the definition within the code is not acceptable. Please do not proceed with an affirmative vote to forward this to the Town Council for approval.

Errors and Omissions of Application

The rear side of the Use Permit Application has an Application Checklist of required information. In reviewing this checklist, there are items that are missing from the application and that we feel may have been omitted from the process.

Item 4 states: Written Legal Description of property

The property legal description is missing completely from the application. Additionally, the parcel numbers listed on the front page of the application are inaccurate. If you place these numbers into the interactive Yavapai County mapping system it indicates they do not exist.

Item 8 states: Site Plan, (24"x36" or as approved) ... See Section 400.D.1 for preparation of a Site Plan – Vicinity map

400.D.1 requires that the Site Plan be drawn to scale. The current site plan is not to scale.

It also requires Existing or proposed points of vehicular access. This too is missing from the site plan.

Location and layout of on-site parking spaces and driveways – This is also missing from the site plan.

There are numerous other missing items from the map that are outlined in 400.D.1

Item 11 identifies the requirements for the Neighborhood Meeting.

This section requires that the subject property is posted with information about the neighborhood meeting. The application requires a photo of the posting be included in the application packet.

The letter that is required in this section must include an option to provide written comments. This did not occur, nor did the letter contain the contact information for the applicant.

Finally, and probably most important is the fact that this meeting was not properly advertised. The meeting is to be posted in the identified locations and posted on the Town Website. Numerous checks of the Town Website where meetings for the P&Z are routinely advertised/posted did not reveal tonight's meeting. I was advised that those in the immediate neighborhood did receive an amended agenda, but there was not one located in the proper space on the Town's site. I was also told that there was an agenda posted under the P&Z Calendar, but that is not a location that is easily found on the Town's website.

In Opposition to Issuing an Agritourism Special Use Permit for Parcels 404-12-422C and 404-12-422C

- It does not appear as if the specifications outlined in the Planning & Zoning Ordinances were accurately followed.
 - In Section 103 Definition of terms... “shall” means mandatory.
 - **SECTION 103 - DEFINITION OF TERMS**
 - For the purposes of this Zoning Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. Words, phrases, and terms not defined in this Zoning Ordinance shall be given their usual and customary meanings except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. **The word “shall” is always mandatory and not permissive; the word “may” is permissive and not mandatory.**
- On page 176 of the Planning & Zoning Ordinances regarding the citizen review and participation process for Use Permit applications:
 - 1. **Citizen review and participation process** is required for all zone change applications or **Use Permit applications**:
 - a. Prior to any public hearing, the applicant or an appointed representative shall arrange a meeting with the planning staff which identifies development issues as well as arrangements and scheduling for the neighborhood meeting described in subsection **b** below.
 - b. The applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change, specific plan application or Use Permit.
 - c. At least 15 days prior to the scheduled neighborhood meeting, the applicant shall notify all property owners within 300 feet of the subject site by first class mail and post the actual property with meeting date and time. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land uses. The applicant shall provide an affidavit attesting to this notification being accomplished.
 - d. It is the responsibility of the applicant or their representative to conduct the meeting, provide an opportunity for a question and answer period by the audience, and identify a point of contact to the public for follow-up questions and comments.
 - e. **The applicant shall prepare a written summary of the meeting by way of affidavit, including a list of attendees and the issues and concerns discussed and submit a copy of the summary, with a photo of the posting on the property and a copy of the meeting announcement letter, to the Planning Department within 15 days after the neighborhood meeting.**

- Only 1 meeting was ever held and that was in November of 2022. The summary of that meeting was not at all accurate and we have an audio recording of it that will prove the point. The application described in that meeting was never filed. In the meantime, a new application was drafted and was subsequently modified at least 3 times without public input or notice.
- We did not receive notice of this review by the Planning and Zoning Commission hearing until April 1st, 2023. This was only 13 days prior to the hearing instead of the requisite 30 day. This left us insufficient time to properly articulate our objections.
- In June of 2021 Mr. Mansker was issued a Special Use Agreement by the Community Development Department regarding excess animals on his 2 parcels with the following stipulations:
 - He must remove the animals within 14 days and comply with the ordinances. He then could have additional roping steers on the property under the following conditions.
 1. Only while it was in use by his Friends and Family
 2. The animals must be removed when his guests left.
 3. The animals must be removed by sunset.
- This “Agreement” was improperly issued by the Community Development Department and amounted to a Special Use Variance without going through the processes for such as stipulated in our Town’s Ordinances and bypassing this very Commission.
- Mansker has never complied with the ordinance or the original Special Use Agreement and, therefore, granting the permit creates a moral hazard. These violations have been well documented by my wife Jill Irvin and she has submitted it to you in a separate packet.
- Mansker has created a nuisance and granting the application will only make it a worse nuisance. This nuisance has been well documented by my wife Jill Irvin and she has submitted it to you in a separate packet.
- The power to grant a use variance like the one Mansker wants should be used “sparingly” because otherwise it nullifies the purpose in enacting the Ordinance: Those Ordinances specify the number of large animals that can be reasonably cared for on a property of that size without by definition creating a nuisance.
- **AGRITOURISM:** Is the act of visiting a working farm, ranch, agricultural or horticultural agribusiness operation for the purpose of enjoyment, education or active involvement of visitors to experience a rural lifestyle. Visitors may participate in events and services related to agriculture which may take place on or off the farm or ranch, and that connect consumers with the heritage, natural resource or culinary experience they value. This may include but not limited to; farm stands or shops; U-pick, on-farm classes; fairs, festivals, pumpkin patches, wineries, barn dances, corn maze, hunting, fishing, guest ranches, agricultural tours, wildlife viewing or bird watching, wine tasting.
- Agritourism would have to occur on a property zoned and used for Agriculture. A property zoned for Agriculture must be 5 acres or more. This property is not.
- A Team Roping Training Facility is not Agriculture. Not a single morsel of food has ever been harvested on that property.

- The purpose of this facility is not to promote tourism. He states clearly in the application that it is for private use.
- Adding references to 4H and FFA is pure window dressing. In the 2 years that Mansker has been in violation of the Animal Points Ordinances he has held exactly 1 such youth event and then it was post working with the Community Development Department on this application.
- Over the last two years Mr. Mansker with the assistance of the Community Development Department has made every possible attempt to circumvent our Town's Ordinances regarding the number of animals allowed on his property. This has been done with the sole purpose of fully stocking his Team Roping Training Facility for his personal use and that of his friends and family. By no stretch of the definition of the term Agrotourism could this facility possibly comport.
- When we purchased our property there was not an overstocked Team Roping Training Facility across the street or anywhere else in our Rural Residential neighborhood. We read the Town's Ordinances regarding animal points prior to purchasing the property to ensure our hobby farm would be in compliance. We assumed that those codes would be enforced and the lifestyle of the neighborhood we were buying into would be protected. We did not suspect someone with connections inside the Community Development Department would be able purchase a property then immediately overstock it with large animals, then to have those very same ordinances selectively unenforced and eventually a Special Use Variance granted as a method to nullify those ordinances for the benefit of a single individual, his friends and family.
- We were here first. Granting this permit for this personal Team Roping Training Facility will diminish property values in the neighborhood, ours included. It will forever change the character of the neighborhood and will be the dominating feature. We in no way will be compensated for these losses let alone the loss of our ability to use and enjoy or property the way we had intended when we purchased it.
- We urge this commission in the strongest of terms to deny this variance in any form or with any conditions. There is ample evidence to show that any conditions set forth will not be complied with or enforced.

Timeline ...*(last update April 11, 2023)*

My husband, Stephen Magoon, and I purchased 3510 S Sierra Ln in Camp Verde on **November 27, 2019**. We rented it back to the Fields (previous owners) until January 2020 and then began our move up there. We lived part time in Chandler and part time in Camp Verde until May 2020, when we were finally finished moving. We have lived at this address ever since. At the time, 2083 E Hardy Ln was an irrigated property with 2 horses who we would see grazing on occasion.

April 2021: The following year, Trampus & Bonnie Mansker took ownership of 2083 E Hardy Ln in April 2021, brought in sand and put up new fencing. They put up outdoor pens that held 8-11 horses. The property is 4.69 acres and the approved number of large animals by the Town of Camp Verde is 9-10.

May 25, 2021: A livestock truck dropped off 20 roping steers in addition to his 10 horses. **(Exhibit B)**

May 27, 2021: Initiated excess livestock complaint with Cliff Bryson, current Compliance Officer at Camp Verde.

Week of June 6-11, 2021: We called to follow up on our complaint and Melinda Lee explained that Cliff had moved on. She stated she was the new Compliance Officer and agreed to visit our property. She came out, talked to Stephen and agreed Mr. Mansker was out of compliance. She said she would work to resolve the issue.

June 12, 2021: We noticed some steers were removed but then returned sometime June 14 - 18. Sent email to Melinda Lee asking for an update.

June 21, 2021: Steers remained. We contacted Melinda again. She stated in an email to Stephen that "they were working on it."

Week of June 25 - 31: Steers were removed and Mansker was in compliance.

July 1, 2021: Melinda Lee sent email to Stephen with agreement attached.

On Jul 1, 2021, at 3:49 PM, Melinda Lee <Melinda.Lee@campverde.az.gov> wrote:

Mr. Mansker~

This is notification that your property is now in compliance with the P&Z Ordinance. A site visit today revealed that the excess animals have been removed.

As we discussed, you may use the arena on your property for personal use, including friends/family. Other animals may be brought to the property to use in the arena, but must be removed the same day. You must also make sure you manage potential nuisance issues such as dust, noise, lighting, or odors. The arena may not be used for public events until you receive an approved Use Permit.

We appreciate your quick response in resolving the issue with the excessive animals. If you have any questions or concerns about the future use of your property, please feel free to contact our office.

info


Add a Title
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June 10, 2021 9:05:08 AM

Apple iPhone 12 Pro
Telephoto Camera — 52 mm f/2
4032 x 3024 2.2 MB **HEIF**

ISO 25 65 mm 0 ev f/2 1/3425 s

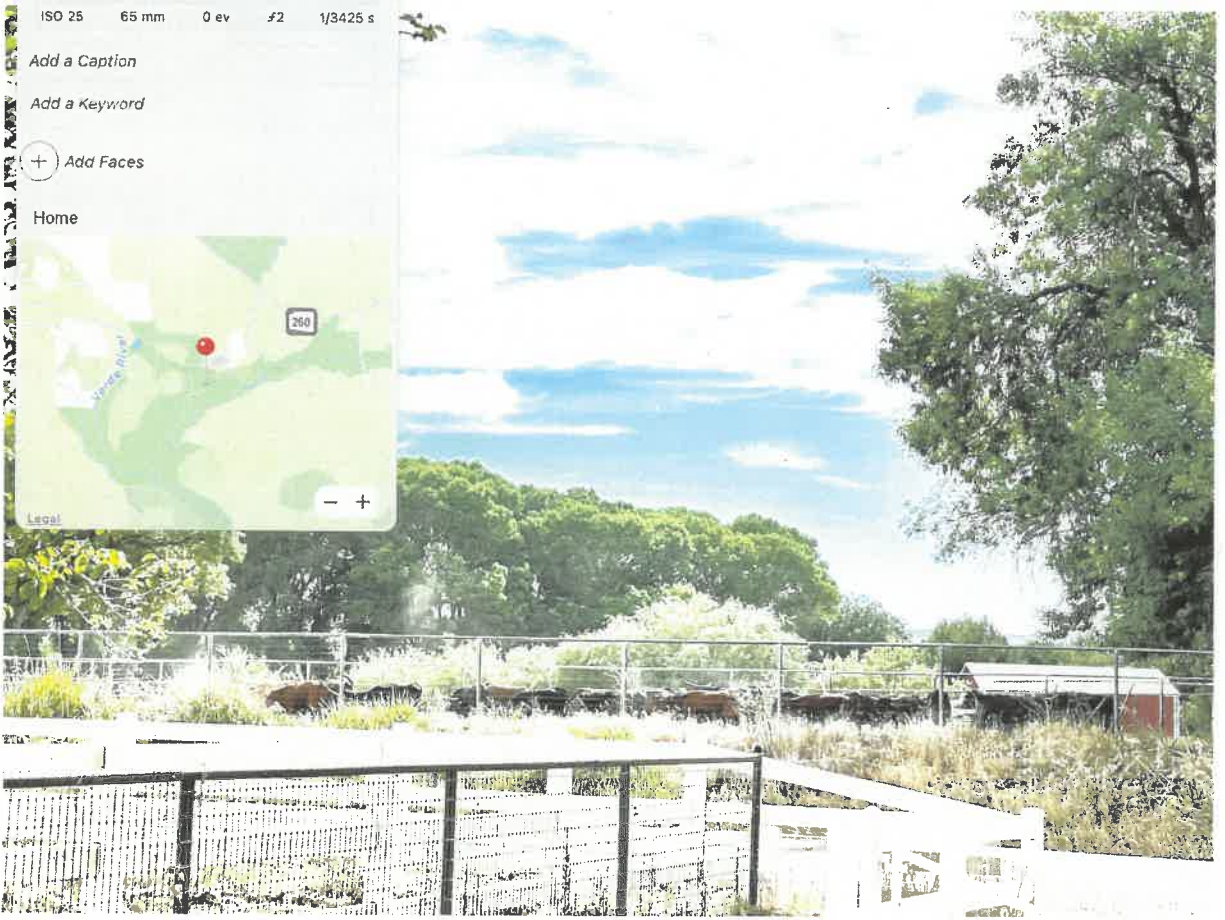
Add a Caption
Add a Keyword
+ Add Faces

Home

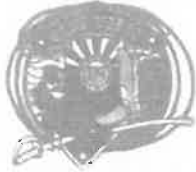


Legal

Exhibit B



We learned through a public records request that Mr. Mansker received three communications regarding this issue from Melinda Lee. 1) the email above 2) a phone conversation where Mansker inquired "if his arena could be used for personal use, as they do not intend to hold events for the public." Melinda: "I said that he could as long as they managed it well and did not create a nuisance to the neighborhood. They could bring in additional horses or steer, but they would have to be taken off the property when their guests left." (Exhibit C) and 3) A courtesy notice of violation:



Town of Camp Verde
Community Development-Code Compliance
Melinda Lee, Director

♦ 473 S. Main Street Suite 109 ♦ Camp Verde, Arizona 86322-7246 ♦
♦ Telephone: 928.554.0050 ♦
♦ www.campverde.az.gov ♦
♦ communitycodecompliance@campverde.az.gov ♦

Courtesy Notice for Planning and Zoning Ordinance Violation(s)

06/11/2021

Trampus & Bonnie Mansker
2083 E Hardy Ln
Camp Verde, AZ 86322

Compliant Number: 20210067
Parcel: 404-12-422D
Parcel Address: 2083 E Hardy Ln, Camp Verde, AZ 86322

**PLEASE READ THIS NOTICE COMPLETELY
YOUR RESPONSE IS REQUIRED WITH THIS NOTICE**

To: Owner-Occupant

This Courtesy Notice is to inform you that the Community Development Department has received a complaint about an alleged Planning and Zoning Ordinance Violation or has observed that a Planning and Zoning Ordinance Violation at 2083 E Hardy Ln parcel 404-12-422D.

A Code Compliance Officer or Building Inspector performed an inspection of the property on 06/10/2021 and determined that the above property is in violation of the following Planning and Zoning regulation(s):

This Courtesy Notice is being sent to the owner-occupant on record providing 16 days from the date of this Courtesy Notice to bring the above property up to the required Planning and Zoning Ordinance regulations. As such, you will have until 06/27/2021 to bring the above property into compliance.

THE FOLLOWING IS THE CORRECTIVE/MITIGATION ACTION NEEDING TO BE TAKEN BY 06/27/2021 TO BRING THE ABOVE PROPERTY INTO COMPLIANCE:

P&Z Ordinance, Section 305, Animals. A total of 4.69 acres, when combined, would allow 120 animal points. Large animals such as horses and cattle are 12 points each, thus allowing up to 10 large animals. There were 10 horses, with one young nursing animal (not included in the points) and 20 young steers. This is an excess of 20 total animals, which will need to be removed. Section 203.D, Use Districts, RR District, requires the approval of a Use Permit for Agri-Tourism activities. The development of a large arena on the site and the keeping of numerous horses and steers provides evidence of potential public gatherings on the property for the purpose of roping or other rodeo-related events. This level of activity is PROHIBITED on residential property without the proper public process, hearing, and approval by Town Council.

When the violation or violations have been corrected, please call Code Compliance at 928.554.0050 to schedule an inspection.

If the above referenced property is not brought into compliance by 06/27/2021, additional action can or will be taken by a civil or criminal citation being issued or the Town seeking prosecution by filing a complaint with the Camp Verde Municipal Court seeking fines and restitution. Please note that each day that a violation continues shall be a separate offense that is punishable.

If you have any questions or concerns about the violation(s) listed above, please contact Code Compliance at 928.554.0050. If you need additional information, please visit www.campverde.gov, email at communitycodecompliance@campverde.az.gov or at Town Hall at 473 S. Main Street Suite 109, Camp Verde, AZ 86322-7246.

Case #: 20210067

EXHIBIT C

Case Date: 06/10/21

Priority Level:

Description: Two parcels of approximately 4.69 acres with 8 horses and more than 15 head of cattle.

Status: Closed

Date Open: 06/03/2021

Date Closed:

Inspection Date: 06/03/2021

Next Inspection:

Complainant Name: Stephen Magoon

Complainant Address:

Complainant Phone:

Email Address:

Responsible Party: Trampus Mansker

Complaint Reported via: Complaint Form, 5/27/21

Status: Case Closed- Successfully

Assigned To: Melinda Lee

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
404-12-422D	2083 E Hardy Ln		Trampus & Bonnie Mansker		RR-2A

Activities

Date	Activity Type	Description	Employee	Status
06/03/2021	1st Investigation	Observed at least 7 horses and 7 cows. Photos taken, but it is difficult to see the animals, they are at a distance.	Robert Foreman	Completed
06/10/2021	Complaint Filed	Steven Thomas, a second neighbor, filed a complaint via phone (said the website was not working right). Said they have approximately 10 horses and 30 cattle. Animals do not have shade. Concerned they may be setting up a rodeo ground. They are bringing in dirt and doing site work, as well as installing fences. He was advised that the Town does not deal with the shade structure portion, however, we are following up on a previous complaint filed for this property relating to animal counts.	Melinda Lee	Pending
06/10/2021	1st Investigation	Did follow up to get additional photographs. Went to the Sierra Ln side of the property and observed 10 horses, plus a young nursing one and approximately 20 young bulls. Being held in pens on the south parcel. They are developing a large arena. They have 120 points available for animals, which is a total of 10 large animals. A large arena indicates possible public use, which will require a Use Permit. Will sent first notice to the property owners.	Melinda Lee	Completed
06/18/2021	Email	Received email from complainant that 10 steers were removed from the property.	Melinda Lee	Completed
06/22/2021	Email	Bobbi sent Trampus the Use Permit Application and associated documents.	Melinda Lee	Assigned
06/30/2021	Telephonic Meeting_Message	Mr. Mansker called to discuss his notice. Said he has removed all of the steer and one horse, so he is now compliant with the animal count. He asked if his arena could be used for personal use, as they do not intend to hold events for the public. I said that he could as long as they managed it well and did not create a nuisance to the neighborhood. They could bring	Melinda Lee	Completed

in additional horses or steer, but they would have to be taken off the property when their guests left. He said they have a dumpster that is emptied weekly and plan to install a sprinkler system to keep the dust down.

He asked who filed the complaint; he wants to reach out to them and make sure he establishes a good neighbor relationship with them. I told him he could put in a records request and we would provide him with a copy of the complaint. He also mentioned that he was cutting trees for a neighbor and was reported to the Forest Service; the property in question extends over onto FS land and they were not aware of that. He has concerns about getting off with a bad start and wants to make amends and work with the neighbors.

07/01/2021	Final Investigation	Did site visit and observed all of the steer gone, with only 8 horses still on site. Sent email stating they were now in compliance. Also sent a bcc: to the complianant.	Melinda Lee	Completed
09/22/2021	Additional Investigations	Jill Irving [REDACTED] called to report that the property owner has brought in 6 additional steer that have been on site for a few days. This exceeds their allowed animal count, which is currently being used for horses.	Anthony Apodaca	Assigned

Uploaded Files

Date	File Name
07/02/2021	9158807-RE Records Request msg
07/02/2021	9158803-Records Request msg
07/02/2021	9158765-2021.0067.pdf
07/01/2021	9156910-Compliance Case #20210067 msg
06/28/2021	9122306-Re Zoning complaint form regarding 2083 E Hardy Trail msg
06/28/2021	9122249-agri-tourism application msg
06/11/2021	9002607-2021-0067 2083 E Hardy Ln 1stNOV_061121.pdf

We were never told we could file an appeal and we never complained when Mr. Mansker was roping in his arena because of Melinda Lee's agreement. *It was only when he did not follow the agreement and started using his property as a feedlot, and we were overcome with flies and odors, that we filed complaints, as evidenced by the photographs.*

June 2021: The Coconino Forest across the street from our home was closed because of the Backbone fire that had been raging across Wingfield Mesa. We heard and saw Mansker with a chain saw, clearing a strip of forest service land across the street from our house and hauling the limbs and branches away in a trailer. We reported it to the Forest Service because we were worried the chain saw would start a fire.

July 7, 2021: Sent email to Amy Tinderholt, Coconino Forest District Ranger, regarding suspected encroachment on FS land. The Nature Conservancy had identified a potential encroachment/ditch irrigation issue and because of our proximity to the area, I was asked by our HOA to look into it. I mentioned that in addition to the encroachment, I had noticed clearing of FS land by Mr. Mansker next to the encroachment area.

July 18 - 24, 2021: Sean Murphy, FS Real Estate Specialist, visited the encroachment area.

July 29, 2021: I received a response from Amy saying they were working on the fire. She discussed with Sean another visit to the area. He said in addition to the encroachment, he had noticed an area adjacent to the encroachment area and behind Mansker's property that had been recently cleared. Sean became my point of contact with the FS for the encroachment issue. **(Exhibit D)**

September 25, 2021: Verified Mr. Mansker's cattle were grazing on FS land. He was keeping his cattle on forest service land and moving them onto his land for roping.

October 6, 2021: Received an email from a neighbor who lives on Hacienda Ln complaining about the smell from the cattle and asking when the issue would be resolved.

October 20 - 21, 2021: Stephen reported excess animals on Mansker's property to the Town of Camp Verde. He sent a map to Anthony showing where the excess animals were kept on Mr. Mansker's property and then moved onto FS land. He also showed that if Mr. Mansker was moving them onto an adjoining property, which he claimed, then that neighbor would have excess animals and be out of compliance. **(Exhibit E)**

October 20, 2021: Anthony sent an email stating he would "monitor" the property.

From: "Murphy, Sean -FS" <sean.murphy@usda.gov>
Subject: RE: [External Email] Encroachment question
Date: July 29, 2021 at 11:23:32 AM MST
To: Jill Irvin <jill.irvin@me.com>

Hi Jill,

So you live in the large green and white house with the magnificent cottonwoods in the front yard? I did not understand what I was seeing when I visited. After looking at Google Earth street view today I have a better understanding of where the old fence line was (the imagery was from 2012) and how it has been extended. I was loathe to start wandering around since I wasn't 100% certain where our property was in relation to where I was seeing fences.

I will be visiting the site again next week now that I have a better grasp of where the FS land is in relation to the structures and property lines. It seems the neighbor at the 90 degree corner of the street also has extended their fence into the Forest. Thanks for your time.

Sean Murphy
Realty Specialist
Forest Service
Coconino National Forest
p: 928-527-3418
c: 928-266-6154
sean.murphy@usda.gov
1824 S Thompson St
Flagstaff, AZ 86001
www.fs.fed.us
Caring for the land and serving people



3 Parcels were displayed

Please Select:

- Parcel 404-11-013
- Parcel 404-11-014
- Parcel 404-11-015
- Parcel 404-11-016
- Parcel 404-11-017
- Parcel 404-11-018
- Parcel 404-11-019
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Exhibit E

October 21, 2021: Emails between Anthony & John Knight below

From: Anthony Apodaca
Sent: Thursday, October 21, 2021 3:35 PM
To: John Knight
Subject: Re: Code Case Number 20210185

Yeah possibly, I did explain it to his wife. I'm not going to respond right away, I'll wait till next week on Tuesday or so.

Anthony

Sent from my iPad

On Oct 21, 2021, at 3:32 PM, John Knight <John.Knight@campverde.az.gov> wrote:

He may not realize we don't have any authority on Forest Service Land. Sort of like we don't have any authority on tribal land.

John Knight

Community Development Director, Town of Camp Verde
473 S. Main Street, Suite 108
Camp Verde, AZ 86322
928-554-0050 (main)
928-554-0053 (direct)

From: Anthony Apodaca
Sent: Thursday, October 21, 2021 3:31 PM
To: John Knight <John.Knight@campverde.az.gov>
Subject: Re: Code Case Number 20210185

Well, really if they are on forest land then that's between Forest service and Mr. Mansker, but yes I will keep you posted.

Sent from my iPad

On Oct 21, 2021, at 3:28 PM, John Knight <John.Knight@campverde.az.gov> wrote:

Interesting. Magoon has done his research. Let me know how it goes on Monday.

Thanks,

John

John Knight

December 16, 2021: Stephen reported excess animals on Mansker's property. (24 large animals). Mansker had put food on his land for them and they grazed all day. He was not roping them. I have photos from December 10,14,15,16,24,28,29,30,31 and January 2,3,4 showing cattle on his land eating large bales that had been put out for them. This was not the agreement made with Melinda Lee. **(Printed Dec 24 and January 4 as Exhibit F)**

December 28, 2021: Anthony responded, saying he was "monitoring the properties and did not see anyone out of compliance."

Info


Add a Title
MAD_A906HEC
April 25, 2022, 8:43:06 AM

Apple iPhone 12 Pro
Telephoto Camera - 32 mm f/2
4010 x 2576 2.4 MB

ISO 25 40 mm 0.6x x1 1/170 s

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Twitter
April 25, 2022 at 8:43 AM EDT · 1,705 retweets



Exhibit F

Info

Add a Title
IMG_3785.HEIC
December 24, 2021 10:49:31 AM

Apple iPhone 12 Pro
Telephoto Camera — 52 mm f/2
3952 × 2527 3.1 MB


ISO 25 101 mm 0 ev f/2 1/279 s

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Info

Add a Title

IMG_3921.HEIC

January 4, 2022 10:43:31 AM

Apple iPhone 12 Pro

Wide Camera — 26 mm f/1.6

3593 x 610 4.3 MB

ISO 32 26 mm 0 ev f/1.6 1/2020 s

Add a Caption

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Camp Verde



Exhibit F

December 30, 2021: Anthony sends an email to Mr. Mansker asking when he could “schedule an inspection.”

January 6, 2022: John Knight claimed there were no excess animals on Mansker’s property.

January 20, 2022: Anthony Apodaca closes the complaint, stating the complaint was “unfounded.”

Note: From approximately January 6 to March 26, the excess animals were mainly kept on FS land or out of sight on Ashcraft’s land, so we just worked with and waited for resolution from the Forest Service. I don’t believe we filed any more complaints with the Town of Camp Verde during this time.

March 26, 2022: FS issue was resolved and excess animals were back on Mr. Mansker’s land.

April 12, 2022: I reported excess animals to Anthony (13- 18 animals). I copied my email below so you have an idea of my approach: (please note “shall” is defined as “mandatory” in the Town Codes)

Compliance Officer,

As you know, the first paragraph of Section 305 - Animals, in the Planning & Zoning Ordinances And Subdivision Regulations for The Town of Camp Verde, states:

“Keeping of farm animals in appropriate locations and circumstances is regarded as being consistent with the Town's rural character. **However, the number, size, type or manner in which animals are maintained on any parcel shall not impair the enjoyment or use of nearby properties or violate other legal restrictions to which the properties are subject...Where the keeping of such animals becomes a nuisance, as defined in the current Town Code, the Code Enforcement Official shall have the authority to determine a reduction in the number of and/or removal of the animals as necessary to comply with the current Town Code.**”

For almost a year (May 2021), multiple residents of the Town of Camp Verde who live near 2083 E Hardy Trail have complained about the excess animals on parcel 404-12-422C and the resulting flies, smell, noise and dust the animals and their care generate. While there have been periods of time when Mr. Mansker has been in compliance, excess livestock (13 - 18 horses and steers) were noted on his property starting Friday, April 8 and have been present for at least 5 consecutive days. Previously we were told by your office that the allowed number of animals on Mr. Mansker’s property is 10. Because of the number of large animals confined to this small area, the enjoyment of a walk, bike ride or a drive down Sierra Lane is impaired by flies and the persistent odor of livestock. The residents who live along Sierra Lane and as far west as Hacienda Lane are also impacted by the smell and flies. After Mr. Mansker's first offense in May of last year, Melinda Lee, the Compliance Officer at the time, made an agreement with him that allowed him to bring in “excess livestock” with very specific instructions (hours, not days).

In July 2021, Melinda Lee wrote:

“Mr. Mansker,

This is notification that your property is now in compliance with the P&Z Ordinance. **A site visit today revealed that the excess animals have been removed.**

As we discussed, you may use the arena on your property for personal use, including friends/family. **Other animals may be brought to the property to use in the arena, but must be**

removed the same day. You must also make sure you manage potential nuisance issues such as dust, noise, lighting, or odors.”

Mr. Mansker has not kept his agreement with the Town of Camp Verde, however, as a short time later, as early as September 2021, the excess livestock returned. At that time, 10 head of cattle (in addition to his 7+ horses) had mostly remained on his property or moved just a few feet away and the result was constant flies, dust, noise, and odors. They were not being *“brought to the property to use in the arena but removed the same day”* as Melinda Lee stated they must be. This issue has continued intermittently since his first offense. Excess livestock are being fed and cared for and allowed to remain for days.

At this point, we believe the agreement between Melinda Lee and Mr. Mansker should never have been made because he does not follow it as specified. If Mr. Mansker does not have to comply with town ordinances or keep his agreement, none of the residents living in the Town of Camp Verde do. Some of the residents have been taking photographs every single day. They are all time and date stamped. If you would like written statements, we can gather those as well. I understand that it may be difficult for you to understand our situation when you are only out here for a short period of time, but we live in this neighborhood. This is our home. Some of the residents have been here for decades and are impacted by this situation almost every single day.

We have been told that Mr. Mansker is a business man in the area. We have difficulty believing he would intentionally want to negatively impact his neighbors and potential customers, so we aren't sure why this problem persists. All we are asking is that Mr. Mansker follow the same codes and ordinances as the rest of us do for the safety, comfort and enjoyment of everyone in the neighborhood. Please enforce the Town of Camp Verde's ordinances so that we may enjoy our properties and our neighborhood again.

Thank you, Jill Irvin

April 13, 2022: Anthony acknowledged receipt of this complaint.

Hello,

This email is to confirm that I received your email and complaint form. I will open a case on this and look into these complaints.

Thank you

April 13, 2022: Email from John to Anthony: “Is this the same one that complained before ? When we went out there I didn't see any issues.”

April 26, 2022: I sent the email below.

Good afternoon,

It has now been over two weeks since we first noticed the excess livestock on Mr. Trampus Mansker's property (2083 E Hardy Lane) and 13 days since you acknowledged receipt of our complaint. We have counted 15 head of cattle and 4 horses on Mr. Mansker's 4.69 acre property. The cattle and horses are allowed to graze and roam on his property all day until late afternoon, when the cattle were driven into a pen just out of sight. Your office told us Mansker had previously stated that he moves his excess animals to an adjoining neighbor's land. If those 15 head of cattle are being driven onto Ashcraft's 5.84 acre property, then Ashcraft is out of compliance (he also has horses of his own) when they are on his land. As I write yet another complaint this afternoon, there are at least 19 animals being fed on Mr. Mansker's property. They are not being used in the arena - they are allowed to remain and graze all

day. In the late afternoon, they are moved onto Ashcraft's land. When they are there, Mr. Ashcraft is out of compliance.

We cannot open our windows at night because of the smell. We have been driven off our patio by the flies. We have three mustangs on over 4 acres and take great care to remove our own manure every day. Unfortunately, it is all for nothing because of Mr. Mansker's unwillingness to simply comply with the same ordinances we do. Weather events have been the only thing that has given us any relief. We all want to enjoy our property and our neighborhood as we were able to before he brought in his excess livestock.

In fact, we have had no relief (except via weather) from Mansker's actions since we first reported the excess livestock (smell and flies) in May of last year. You only heard from us intermittently last summer because when Mansker's livestock were not on his property, they were illegally grazing on the Forest Service (FS) land across the street. We spent all last summer working with the FS to remove Mr. Mansker's excess livestock from illegally grazing on forest land and had to deal with flies and odors from his actions all last summer as a result. The FS issue was only resolved in March of this year and now that Mr. Mansker can no longer graze in the forest, he is feeding and caring for his excess animals on his own land again. When he told your office last year that he was moving the excess livestock to Mr. Ashcraft's land, he was actually moving them onto FS land. Sean Murphy, Real Estate Specialist has been our contact with the Coconino Forest. I spoke with him last week and told him I was passing along his information to you.

When Mr. Mansker was first approached about the compliance issue in May of last year, he stated he was not aware of the livestock limit and did not want to get rid of any of his horses (11 at the time) but wanted to be able to rope on his land. Melinda Lee made the agreement to allow him to keep his horses and bring in steers for roping for the day - "to be used in the arena" - not to be allowed to roam and to graze. He cannot say that he is not aware of the livestock limit, nor that he does not understand the agreement. At this point, we believe the agreement needs to be rescinded completely as he is not using it as intended.

We have a beautiful property and neighborhood that we love and want to enjoy. My only child graduates from ASU next month and I am hesitant to schedule a party here because of the smell and odor. Please resolve this compliance issue so we can.

Thank you,
Jill Irvin

April 27, 2022: John Knight emailed us and said they should probably have another visit with Mr. Mansker. (8:30am) I emailed him and suggested he visit our property so he could see the impact Mr. Mansker was having on our property. (1:27 pm)

April 27, 2022: Anthony's response below (4:55pm)

My apologies just getting back to you, I have been busy with meetings and inspections all day today in addition to closing out several cases. Because it's the end of the month, I have a few items I am working on to close out. Tomorrow I have a busy schedule as well, I will reach out to you on Monday after John and I have a meeting.

Thank you.

I have photos April 8,9,10,11,12,14,15,16,18,19,20,21,23,24,25,26,27, & 29 of cattle eating on his land. They would remain there all day and were not roped. Mr. Mansker continued to violate his agreement with Melinda Lee. **(Printed April 8 & 12 as Exhibit G)**

May 4, 2022: - I sent an email to Anthony & John requesting an update on the excess livestock.

Good afternoon,

I would sincerely appreciate an update on the ongoing excess livestock issue between Mansker and Ashcraft's properties. Since they are no longer able to illegally graze livestock on forest service land, within every 24 hour period either Mr. Mansker or Ashcraft has excess livestock. In addition to his horses (7), Mr. Mansker has fed and allowed 15 head of cattle to roam on his 4.69 acre property. In the evening, he moves them onto Ashcraft's 5.84 acres, causing Mr. Ashcraft to have excess livestock (15 head of cattle and at least 2 horses) until the next morning. Starting on April 30, Mr. Ashcraft has had excess livestock continuously, except for a few hours a day when Mr. Mansker has used them in the arena. From at least April 8 to April 29, Mr. Mansker was out of compliance except for the evenings when he moved them to Ashcraft's land.

As I stated previously, until March of this year, Mansker illegally grazed his excess animals on forest service land. Now that he no longer has that option, both he and Mr. Ashcraft are out of compliance at some point every 24 hour period. Residents who live, or want to walk or ride along Sierra Lane, get no relief from the smell and the flies unless there is a weather event. We all have been dealing with this issue since May of last year.

As I also stated previously, the agreement made by Melinda Lee needs to be rescinded completely. Mr. Mansker has repeatedly demonstrated an unwillingness to follow the same codes we all do and the agreement means nothing to him. As residents of the Town of Camp Verde, we all have the right to enjoy our properties. My only child's college graduation is next week, but because of the flies and smell, I had to send out his graduation announcements with a note stating his post graduation party will be "sometime this summer." We have tried to be patient, but this has become beyond ridiculous. Mr. Mansker and Mr. Ashcraft need to comply with the same ordinances the rest of us do.

The most efficient way to resolve this issue is to either inspect both properties simultaneously or to come to our property, so that we can show you where the excess livestock are kept if they are not on Mansker's property. If Mr. Mansker is out of compliance, the livestock can be viewed from Sierra Lane. If they are on Ashcraft's property, they can be seen from FS land. Mansker has already figured out that when a complaint is filed, you call him first, allowing him to continue to have excess livestock on his property, and then move them onto Ashcraft's prior to your inspection. I would like to resolve this issue as soon as possible so that we can enjoy our property this summer. If you have visited his place prior, you are aware that Mr. Mansker keeps his livestock nowhere near his own residence. It is the same with Mr. Ashcraft. They suffer no consequences from having excess livestock, but the rest of us do.

I look forward to your response.

Thank you,
Jill Irvin

May 4, 2022: Anthony to John Knight email saying he doesn't think they should rescind Melinda's agreement.

May 5, 2022: (from John Knight)

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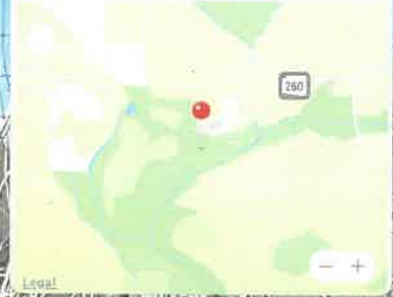


Exhibit G



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Exhibit G



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December 30, 2021 at 12:06:12 PM | 120 x 133 KB

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ADD TO LIBRARY
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December 30, 2021 12:06:12 PM

Apple iPhone 12 Pro
Telephoto Camera — 62 mm f/2.0
3827 x 2868 4.2 MB 9539

ISO 32 — 63 mm 0.8s f/2.0 1/6428 s

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Ms. Irvin,

Thank you for the information and explanation. It does sound like things have changed since Mr. Mansker originally discussed this and came to an agreement w/Melinda Lee, our former Director.

Anthony is at a training seminar this week. When he's back next week, we'll sit down together and take another look at the site.

Thank you for bringing this to our attention. John
May 6, 2022: Mansker had a roping event.

May 10, 2022: I sent another email.

Good morning,

While I appreciate your response, it has now been over a month since we filed our most recent excess livestock complaint against Mr. Mansker. To date, we have not seen any change. Excess livestock continue to be moved between Mansker's and Ashcraft's property. As I write this email again this afternoon, Mr. Mansker is out of compliance. The only thing that allowed us to enjoy our property this weekend was the breezy conditions (flies) and wind direction. Mr. Mansker and Mr. Ashcraft continue to have excess livestock without any consequences.

Please see that photograph below that I just took of his 15 head of cattle along with his 7 horses, which are in the background. As you can see he just put out more food for them to graze on. Please detail the timeline for your enforcement of the excess livestock code. Again, we suggest visiting both properties simultaneously or you may also come to our property if you like. We want this issue resolved sooner as opposed to later. It has now been a year since the first excess livestock complaint was filed against Mr. Mansker.

Thank you,
Jill Irvin

May 10, 2022: (from Anthony Apodaca):

Hello Jill,

I do not have an update at this moment, I apologize I was out of the office most of the week last week and John and I just got out of a Hearing. I hope to have an update for you soon, we are still discussing this case and monitoring the property.

Thank you

May 11, 2022: (my reply)

Good morning,

I appreciate the quick response to my email but would be even more appreciative of action on this issue. I am not sure what you mean by "monitoring the property" because if you had been out here to do an inspection, a code violation would have been issued to either Mr. Mansker, Mr. Ashcraft or both, and based on their actions, that has not happened. Mr. Mansker just moved fresh bales onto the area where he

typically allows his excess livestock to graze. Shortly after, he moved his excess livestock from Mr. Ashcraft's land onto his own and did exactly that.

This situation will only escalate as they continue to operate (already knowing they are out of compliance) with impunity. As time passes and the temperatures rise, the flies and odors will become even more unbearable. Unfortunately, Mr. Mansker seldom picks up after his animals. We have only seen manure removal once in the last month.

From page 89 of the January 25, 2021 version of the Town of Camp Verde's Planning & Zoning Ordinances and Subdivision Regulations:

Maintenance of Livestock Facilities.

1. All structures and pens for animals shall be maintained in a clean and slightly manner so as not to be a nuisance to their neighbors.

I am again asking you for a timeline. Do you have a rough idea of when you will be out to do an inspection?

Thank you,
Jill Irvin

May 16, 2022: (from Anthony Apodaca)

Ms Irvin,

John and I meet with Mr. Mansker and he showed us what he does to keep the area clean and how he pro actively keeps the fly population down. I have also visited his property multiple times and I have not seen his animal count over or his property in violation. In addition, Mr. Mansker is following the direction that was given to him by our previous Director Melinda Lee.

As of today this case will be closed, however I will continue to monitor the property to make sure he stays in compliance.

Photos May 10 & 11 show cattle continue to be fed on his land without being roped. (**May 10 Exhibit H**)

May 11, 2022: Letter from Mansker to Anthony and John Knight stating he has reached out to "one particular neighbor" and "they're just not having it." (not sure who he is talking about – Mr. Mansker has never reached out to us.)

May 16, 2022: Anthony sends email to us stating "Mr. Mansker is following the direction that was given to him by our previous Director Melinda Lee."

May 16, 2022: Case is closed "no violation" (although we now have dozens of photographs that prove he was not following the agreement and was using his land as a feedlot.)

May 18, 2022: John Knight sends Mr. Mansker an email telling him the "definition in our code for agritourism is fairly broad. As I understand it, the main purpose is to connect visitors to Camp Verde's heritage and lifestyle." He suggested including "offering to hold 4-H or FFA events. There are other possibilities. You just need to demonstrate that there's a link to the CV heritage and rural lifestyle." He stated that he copied both Cory and Jessica on his email as "they may have additional thoughts/ideas on

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Apple iPhone 12 Pro
Telephoto Camera -- 52 mm f/2
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Exhibit 4



how you could prepare the application and potential uses.” Mr. Knight also encouraged him to “start with a larger issue of proposed uses than you currently anticipate.” (Exhibit J)

June 1, 2022: The excess livestock had finally been removed so I wrote Anthony and thanked him for his efforts. I told him we could notice a difference with flies and smell. He responded that “he was glad to hear that.”

June 14, 2022: Reported excess animals to Anthony Apodaca. Mr. Mansker had purchased a new group of calves which had been on his property since June 8, in addition to his 8 horses. Anthony said he would reopen a case. The livestock remained through at least June 20.

June 29, 2022: John Knight to Anthony “thanks for the heads up. Didn’t know we had another complaint. Same neighbor? Same issues? As long as he abides by his animal count he is ok.” (Mansker is not abiding by his animal count.)

August 25, 2022: Reported excess animals beginning August 22 (18 large animals). I received a response from Anthony stating he had opened a case.

I have photos & some videos August 25,26,27,29,31 of Mansker’s property again being used as a daytime feedlot. The animals were fed on his land and allowed to remain all day. Sometimes he roped them, sometimes he would not.

September 2, 2022: By September 2, I was really frustrated and left Anthony messages on both his cell and his work number; asking for an update. The smell and flies were overwhelming. I also sent the following email:

Good morning,

I have left messages for Anthony on both his cell number and his work number. My husband also left a message for him earlier this week. I am sure our frustration over this ongoing issue is evident. Mr. Mansker’s actions continue to negatively impact our enjoyment of our property. He has had excess livestock on his property since August 22 and as I type this, he has 18 animals on his (less than) 5 acres, 14 of which are at the end of our driveway. Out of the past 12 days, only once did we see him “use” them for roping, which was the reason for the agreement with Melinda Lee. The rest of the time, they have been allowed to graze and roam freely.

We pick up after our three horses every morning and spend over \$100 each month to store and remove their manure. We do this not only for ourselves and our horses, but out of courtesy for our neighbors. What is the point if we are still not able to open our windows at night or enjoy our patio without being besieged by flies and livestock odor from across the street? We have scheduled an outdoor family gathering for next weekend. Are we going to have to cancel yet another event because of this issue?

A reminder that our lives have been impacted by his actions for over a year now. When this issue was first addressed by Melinda Lee in May of last year, he stated he did not know he was out of compliance. Surely he knows by now?

Please resolve this issue. And (hopefully after you resolve this issue), I hope you both have a wonderful weekend.

Thank you (again),
Jill Irvin

Virginia Jones

From: John Knight
Sent: Wednesday, May 18, 2022 4:51 PM
To: Trampus Mansker [REDACTED]
Cc: Cory Mulcaire; BJ Ratlief; Jessica Bolton; John Knight; Anthony Apodaca
Subject: Agritourism Use Permit
Attachments: UsePermitApplication.pdf

Trampus,

Nice to talk w/you this afternoon. I wanted to send you some additional information about the Agritourism permit.

You are zoned Rural Residential. In the RR Zone, you can obtain a Use Permit for Agritourism. The definition in our code for agritourism is fairly broad – see definition below. As I understand it, the main purpose is to connect visitors to Camp Verde's heritage and rural lifestyle. This can be accomplished through a variety of means, including classes/clinics, events, and tours. Your suggestion of bringing in middle school or high school kids would likely qualify. You could also offer to hold 4-H or FFA events. There are many other possibilities, you just need to demonstrate that there's a link to the CV heritage and rural lifestyle.

I pulled up the General Plan provisions that apply to your area. You are in the Quarterhorse/Rancho Rio Verde Character Area. There are several references to preserving the agricultural and rural character of the area.

Note that a Use Permit is a public process. This has to be approved by the Planning and Zoning Commission and Council. The site will be posted, a notice will be placed in the newspaper and neighbors w/in 300' will be notified of a public hearing and the opportunity to testify. The fee is currently \$1,751 for a Use Permit. This is scheduled to increase to just over \$1800 in August. There's also an additional \$100 fee for the Fire District.

The next step would be a pre-application conference here in our office. We will need a preliminary site plan and a list of proposed uses. You will also need to identify how you will address parking, dust, noise, and smells. You should also note how you would mitigate any potential neighbor concerns.

A copy of the Use Permit application is attached.

I've copied both Cory and Jessica on this e-mail. They may have some additional thoughts/ideas on how you could prepare the application and potential uses. I would encourage you to start with a larger list of proposed uses than you currently anticipate. You can always narrow them down later but if you add a use, you would have to go back to P&Z and Council for a modification.

Feel free to call me if you have any questions.

Thanks,

John

From Zoning Ordinance Definition:

AGRITOURISM: Is the act of visiting a working farm, ranch, agricultural or horticultural agribusiness operation for the purpose of enjoyment, education or active involvement of visitors to experience a rural lifestyle. Visitors may participate

Anthony's response later that day:

Hello,

I do not typically work on Fridays so I apologize I missed you and I have received your complaint and the voicemails, I have been working on other cases. I did go out to his property twice since the 25th when you submitted the new complaint, that case number you and your husband referenced is closed so I opened a new case. I did a count of his cattle and I have emailed Mr. Mansker to set up a meeting with him, also Mr. Knight and myself will meet regarding this case. **(NOTE: This was the first time Anthony acknowledged to us that Mr. Mansker actually had his roping steers on his property).**

Anthony Apodaca, Code Compliance Officer
Town of Camp Verde

September 2, 2022: In emails, Anthony tells Trampus how much he appreciates Trampus's "cooperation" and apologizes: "sorry we have to go through this again." **(Exhibit K)**

September 6, 2022: I wrote an email apologizing for bothering Anthony on his day off, told him I would sincerely appreciate a permanent resolution of the issue and thanked him for his efforts.

I have photos September 2, 6, 11, 12 of Mr. Mansker's roping steers being fed on his land.

September 14, 2022: I sent the following email.

Sent: Monday, September 12, 2022 8:00 AM
To: Anthony Apodaca <Anthony.Apodaca@campverde.az.gov>; John Knight <John.Knight@campverde.az.gov>
Subject: Ongoing compliance issue

Good morning,

We continue to wait for the compliance issue which began on August 22 and I filed August 25 to be resolved. Mr. Mansker has turned his property into a day time feedlot for his excess livestock and occasionally (a day or two a week) he also ropes them for an hour or two. This is not the agreement that was made with Melinda Lee.

We continue to be negatively impacted by flies and the smell of all of his livestock. As I write this, 18 animals are roaming freely on his less than 5 acre property.

Mr. Mansker has repeatedly violated the Camp Verde code for excess livestock and his roping agreement with Melinda Lee. He will be in compliance for a time, but then turns his land into a feedlot for sometimes weeks at a time. When he does this, it appears he is not even home because we see others taking care of the excess livestock on his property and there is not a single day when those calves are "used" for roping. Typically no one is picking up after them during that time either. When we report this to you, it sometimes takes weeks for you to get to our case. Once you do, he appears to comply for a few days, or sometimes even a few weeks, but seemingly just long enough for you to consider the "case closed" and then the cycle begins again. He operates with impunity and the rest of the neighborhood has to suffer from the consequences. We have to keep our windows closed at night and are driven off our beautiful patio by flies, even though we pick up after our own animals every day and spend over \$100 a month to have their manure stored and removed. If I could bottle the flies and smell to help you understand how we have been negatively impacted, believe me I would. As it is, I believe we have

Virginia Jones

From: Anthony Apodaca
Sent: Friday, September 2, 2022 12:17 PM
To: Trampus Mansker
Cc: John Knight
Subject: Re: Animal count

Exhibit K

Hello,

Yes and the Town appreciates your cooperation in this, all the things you have been doing to correct the issues are all being considered, I will give you a call on Tuesday when I am back in the office and after John and I have had a conversation about this.

Anthony Apodaca

Sent from my iPad

> On Sep 2, 2022, at 11:58 AM, Trampus Mansker [REDACTED] wrote:

>

> Hello Anthony,

>

> I have really tried to help. I have bought a new piece of property and have moved my horses there. I do have roping cattle turned out to pasture but I never have more than 10 turned out. I have hired a stall cleaner that cleans the pasture 4 times a week. I am not sure what else that could be done??

>

>> On Sep 2, 2022, at 11:40 AM, Anthony Apodaca <Anthony.Apodaca@campverde.az.gov> wrote:

>>

>> Hello

>>

>> So we have received more complaints regarding the number of cattle and the smell and flies, they have been calling me all week and submitted a new official complaint form in the 25th. John Knight and I are going to be having a meeting to discuss your property next week and then I will reach out to you again to see how we can resolve this.

>>

>> Sorry we have to go through this again, hope you have a great weekend.

>>

>> Anthony Apodaca, Code Compliance Officer Town of Camp Verde

>>

>> Sent from my iPad

considerable proof of the excess livestock, including photographs, videos and neighbor statements.

We know you have remedies for this situation including rescinding the agreement made with Melinda Lee and/or removal of the excess livestock. How many more complaints do we have to file to resolve this issue? We are beyond frustrated. Please resolve this issue.

Thank you,
Jill Irvin

September 14, 2022: Anthony's response.

Hello Jill,

I apologize I am just getting back to you, John and myself have been sick last few days and I was working from home, I must of missed this email, my apologies. John and myself will be having a meeting with Mr. Mansker next week, I will be in touch after out meeting.

Thank you
September 26, 2022:

Good Morning Jill and Stephen,

I wanted to reach out to you regarding this case for an update. This past Monday John and I had a meeting with Mr. Mansker to discuss the complaints on his property. One of the options that Mr. Mansker is considering is applying for an Agri-Tourism Use Permit. This would require a public hearing and review and approval by the Planning Commission and Town Council. As part of the permit, Mr. Mansker would be required to identify the number of animals proposed, activities proposed, hours of operation, sizes of events, etc. This would also include provisions for addressing/mitigating nuisances such as noise, odor, sound, etc. The first step in the process is for Mr. Mansker to set up and schedule a Neighborhood Meeting. This meeting would require notice to neighbors within 300' of his property. This meeting would be the first opportunity for neighbors to address any concerns they might have.

Mr. Mansker has been cooperating with the Town and he has shown that he is working toward a solution that works for both him and the neighbors. He has even hired a full-time employee to help care for the animals and clean up manure on daily basis.

The Town will continue to monitor Mr. Mansker's property in the meantime.

Feel free to call us if you have any questions.

Thank you and have a great day.

Anthony Apodaca
Town of Camp Verde
Code Compliance Officer
473 S. Main St, Ste 108, Camp Verde, AZ 86322
Anthony.apodaca@campverde.az.gov

After over a year of asking for relief from the smell and flies of Mr. Mansker's excess animals, we were told they recommended that Mansker apply for an Agritourism permit. It was obvious by now that the Community Development Department staff had no intention of requiring him to comply with the same codes the rest of us follow, but instead were going to help him remain out of compliance, even providing him a mechanism to avoid future complaints. At this point, we knew definitively that the Community Development Department was going to continue allow Mr. Mansker to have excess animals and not enforce the codes as written. We stopped filing complaints and started searching for an attorney. Our attorney told us that we should consider filing a nuisance lawsuit against Mr. Mansker.

Week of September 30: Manure dumpster parked at the end of our driveway where it sat all week, full of manure. Photographs of trailer on October 1 & 2. Manure was finally dumped on October 3. They started picking up more regularly but would leave the manure for a week or more at the end of our driveway or in front of our orchard. I stopped taking photographs as often and started keeping a journal. (Exhibit K)

Late September/early October 2022:- RV brought onto property and people would often stay in it.

October 9, 2022: Cory Mulcaire offers to help Mr. Mansker draft the letter for the Agritourism application.

Photos of excess animals on October 17,18,19,21.

October 19, 2022: Emails sent between Jessica Bolton, John Knight, Cory Mulcaire, BJ Ratlief and Anthony Apodaca indicate they are all corroborating on Mr. Mansker's Agritourism application. Jessica Bolton suggests using "4-H adviser" instead of her name as she is a town employee. Cory Mulcaire sent him the letter along with the addresses to which it needed to be distributed.

October 22, 2022: Photograph of trailer full of manure

October 31, 2022: Per a records request, we learned that Mr. Mansker sent an email to Cory Mulcaire, John Knight and Anthony Apodaca stating, "I just wanted to give a heads up. Looks like Mr. Magoon is on another one... my neighbors have shared this with me." Mr. Knight suggests "keeping it in a file."

November 2, 2022: Manure trailer at the end of our driveway again.

November 2 & 3, 2022: We attended a Planning & Zoning Meeting and Town Council Meeting and distributed a letter from our attorney asking for relief. The mayor directed the then Town Manager, Russ Martin, to follow up with us. Russ Martin called us and told us that no formal agreement had ever been recorded between the Town and Mansker and Mansker should not be allowed to have excess animals.

In the supporting documents attached to the agenda, the following claim is made by the Community Development Department, "In April of 2021, Governor Ducey signed Senate Bill 1448. The main purpose of the new law was to prevent unwarranted lawsuits that are filed for the sake of harassing or seeking damages from lawfully operating agriculture operations... this is a common problem throughout the country, including Camp Verde. Our code enforcement officer regularly receives "nuisance complaints" from residents who complain about animals, noise, insects, dust and odor being generated by a nearby agricultural operation(s) and livestock. Upon investigation, the majority of these complaints are found to be either "unfounded" or quickly resolved through education, often of both the complainant as well as the neighbor with the complaint or question." (Note: Of course these complaints are "unfounded" when an "inspection" is scheduled with the violator first, giving them time to remove the excess animals and clean up after them. This is what has happened to us, residents in the Rio Verde area and the residents

Exhibit K

Info

Add a Title
IMG_7170.HEIC
October 2, 2022 7:01:14 AM

Apple iPhone 12 Pro
Telephoto Camera — 52 mm f/2
3981 x 1991 3 MB

ISO 25 66 mm 0 ev f/2 1/588 s

Add a Caption
Add a Keyword
+ Add Faces
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