

AGENDA



**COUNCIL HEARS PLANNING & ZONING
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, APRIL 25, 2007
at 6:30 P.M.**

1. **Call to Order**

As a reminder, if you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off at this time.

2. **Roll Call**

3. **Pledge of Allegiance**

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 Council requests.

a) **Approval of the Minutes:**

1) There are no minutes for approval.

b) **Set Next Meeting, Date and Time:**

1) Regular Session – May 2, 2007 at 6:30 p.m.

2) Regular Session – May 16, 2007 at 6:30 p.m.

3) Council Hears Planning & Zoning – May 23, 2007 at 6:30 p.m.

5. **Call to the Public for Items not on the Agenda.**

6. **Public Hearing and discussion, consideration, and possible approval of Resolution 2007-723, a Resolution of the Common Council of the Town of Camp Verde, Arizona approving the Preliminary Plat 2007-01 for the purpose of developing Circle C Ranch Subdivision on parcels 403-21-007F, 403-21-007K, and 403-21-007L consisting of approximately 12 acres and 6 lots with the minimum lot size being 70,000 sq. ft. The site location is off Arena del Loma at the end of Apache Trail.**

- **Call for STAFF PRESENTATION**
- **Declare PUBLIC HEARING OPEN**
 - **Call for APPLICANT'S STATEMENT**
 - **Call for COMMENT FROM OTHER PERSONS (either in favor or against)**
 - **Call for APPLICANT'S REBUTTAL (if appropriate)**
- **Declare PUBLIC HEARING CLOSED**
- **Call for COUNCIL DISCUSSION**

7. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2007-A340, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting the amendments to Article V (Assurances) of the Subdivision Regulations (87-A23), removing the County requirement of the Governing Agency to approve acceptance of the roadway improvements into the Street Maintenance System and adding the requirement for the developer to provide a one-year warranty on roadway improvements.**

- **Call for STAFF PRESENTATION**
- **Declare PUBLIC HEARING OPEN**

- Call for **APPLICANT'S STATEMENT**
- Call for **COMMENT FROM OTHER PERSONS (either in favor or against)**
- Call for **APPLICANT'S REBUTTAL (if appropriate)**
- **Declare PUBLIC HEARING CLOSED**
- **Call for COUNCIL DISCUSSION**

Councilor Smith requested Item #8:

8. **Discussion, consideration, and possible determination of the direction Council wishes to proceed and/or action that Council wishes to take regarding recent employee complaints.**
9. **Call to the Public for Items not on the Agenda.**

There will be no Public Input on the following items:

10. **Advanced Approvals of Town Expenditures**
 - a) **There are no advanced approvals.**
11. **Manager/Staff Report**
12. **Council Informational Reports** Individual members of the Council may provide brief summaries of current events and activities. These summaries are strictly for informing the public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.
13. **Adjournment**

Posted by: W. Jones

Date/Time: 4-20-07 10:00 a.m.

Note: Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Council 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.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: 4-25-07

Type(s) of Presentation: Verbal Only

AGENDA TITLE: Public Hearing, Discussion and Possible approval of Resolution 2007-723, a Resolution of the Common Council of the Town of Camp Verde, Arizona, approving Preliminary Plat 2007-01 for the purpose of developing Circle C Ranch Subdivision on parcels 403-21-007K, 403-21-007L & 403-21-007F consisting of approximately 12 acres and 6 lots with the minimum lot size being 70,000 sq. ft. The site location is at the end of Apache Trail.

PURPOSE AND BACKGROUND INFORMATION: see attached staff report

STAFF RECOMMENDATION(S): Approve

LIST ALL ATTACHMENTS: Resolution, draft minutes of Commission meeting 4-5-07, Staff report, draft of CC&Rs, preliminary plat, application and associated agency letters.

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Intergovernmental Agreement | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Presentation/Report Only |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | |

Submitting Department: P&Z

Contact Person: Nancy Buckel

STAFF REPORT

Council

Meeting of: April 25, 2007

Title:

Public Hearing, Discussion and Possible approval of Resolution 2007-723, a Resolution of the Common Council of the Town of Camp Verde, Arizona, approving Preliminary Plat 2007-01 for the purpose of developing Circle C Ranch Subdivision on parcels 403-21-007K, 403-21-007L & 403-21-007F consisting of approximately 12 acres and 6 lots with the minimum lot size being 70,000 sq. ft. The site location is at the end of Apache Trail.

Purpose

And

Background:

This application was submitted by Jack Gilcrest, agent for T&M Ranching & Development, LLC, owners. Current zoning for the property is R1-70. Deed restrictions will restrict development to site built homes only. A draft copy of the CC&R's are included in the packet for review.

This project is small and rural in nature because of the small amount of lots (6) and large lot size (70,000 sq ft). It will be developed with a private cul-de-sac (apx. 400') to be maintained by property owners as requested by Town Engineer. The lots will be developed with well and septic systems to be approved by Yavapai County Environmental Services. Environmental Services has requested an on-site survey and this has been accomplished by the developer and submitted to them.

We have serviceability letters from NPG Cable and APS. Staff has included a letter from the project engineer indicating the traffic impact from this development to the immediate area roadways addressed to the Town Engineer.

The developer is proposing a letter of credit from an Arizona banking institution to be provided as assurance for completion of improvement. In the application, staff has received a title report showing the applicant as the owner of record for the above mentioned properties. ADWR is requiring an application be submitted for water adequacy letter only after the preliminary plat is approved.

24 letters were sent out to adjacent property owners and as of the writing of this report, no comments have been received by our department.

Project meeting held on February 21, 2007 where two outside agencies, Camp Verde Fire and Camp Verde School District, and two Town of Camp Verde Dept heads attended with the owner, project manager and project engineer to discuss outstanding issues of concern.

Twelve agencies were notified of this project, three attended the project meeting and two sent written comments, the others have not responded. Yavapai County Flood Control had no objection to this development because it does not impact any federal delineated floodplains or regulatory watercourse. It will be up to the Town Engineer to review for site run-off and all aspects of storm water management. The Camp Verde Sanitary indicated that they do not serve this area. The Town Engineer's one page notes concerning the development are included for review and must be addressed at the time of final plat submittal.

Commission

Recommendation: The Commission held a public hearing on this preliminary plat on April 5, 2007 and voted unanimously to recommend to Council approval of Preliminary Plat 2007-01 for Circle C Ranch Subdivision.

Prepared by: Nancy Buckel, Community Development Director



RESOLUTION 2007-723

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA APPROVING THE PRELIMINARY PLAT 2007-01 FOR THE PURPOSE OF DEVELOPING CIRCLE C RANCH SUBDIVISION ON PARCELS 403-21-007F, 403-21-007K, & 403-21-007L CONSISTING OF APPROXIMATELY 12 ACRES AND 6 LOTS WITH THE MINIMUM LOT SIZE BEING 70,000 SQ FT.

SITE LOCATION: AT THE END OF APACHE TRAIL.

The Common Council of the Town of Camp Verde hereby resolves as follows:

- I. The Common Council hereby finds as follows:
 - A. A request for approval of Preliminary Plat 2007-01 was filed by Jack Gilcrest, agent for T&M Ranching & Development, LLC, owners of parcels 403-21-007F, 403-21-007K, and 403-21-007L.
 - B. The request was reviewed by the Planning and Zoning Commission on April 5, 2007 and by the Common Council on April 25, 2007 in public hearings that were advertised and posted according to state law.
 - C. The purpose of the preliminary plat is to develop Circle C Ranch residential subdivision with 6 lots with a private roadway.
 - D. The proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

The Common Council of the Town of Camp Verde hereby approves PP 2007-01 for the purpose of developing Circle C Ranch Subdivision with 6 lots on parcels 403-21-007F, 403-21-007K, & 403-21-007L with the following exceptions:

1. A homeowners association to be formed, and maintenance of the drainage easements, and private roadway be funded by the HOA. Documents to be submitted to the Town for approval prior to final plat approval.

**PASSED AND ADOPTED AT A REGULAR SESSION OF THE COMMON COUNCIL
OF THE TOWN OF CAMP VERDE, ARIZONA ON APRIL 25, 2007.**

Tony Gioia, Mayor

Date: _____

Attest: _____
Deborah Barber, Town Clerk

APPROVED AS TO FORM:

Town Attorney

CASE NO. 07-03

PROJECT NO. PP 2007-01

TOWN OF CAMP VERDE
COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 710 • 473 S. MAIN STREET, SUITE 108
CAMP VERDE, ARIZONA 86322
(928) 567-8513 • FAX (928) 567-7401
SUBDIVISION PLAT APPLICATION

02-02-07 P02:59 IN

REQUEST:	APPLICATION DATE _____
PRELIMINARY PLAT <u> X </u>	ASSESSOR'S PARCEL NO. <u>403-21-007K 403-21-007L</u>
FINAL PLAT _____	PRESENT ZONING <u>R1-70</u>
CONCEPTUAL PLAN _____	TAKEN BY _____
AMENDED PLAT _____	FEES _____
RESUBDIVISION _____	HEARING DATE _____
REVERSION TO ACREAGE _____	
SUBDIVISION NAME <u>Circle C Ranch</u>	
TRACT _____	

OWNER/DEVELOPER T & M Ranching & Development LLC *Cell 602 370 7964* PHONE 480-325-8100 FAX 480-325-6520

ADDRESS P O Box 20850 CITY Mesa STATE AZ ZIP 85277-0850

CONTACT PERSON Jack Gilcrest

ENGINEER Turner Engineering Inc PHONE 928-779-1814 FAX 928-774-3089

ADDRESS 528 W Aspen Avenue CITY Flagstaff STATE AZ ZIP 86001

CONTACT PERSON Paul Turner

PROPOSED LAND USE	NET ACREAGE (SQ FT.)	NO. LOTS OR TRACTS	MINIMUM LOT SIZE	MINIMUM LOT WIDTH	OTHER
SINGLE FAMILY	<u>12 Ac</u>	<u>6</u>			
MULTIPLE FAMILY					
MANUFACTURED HOME					
COMMERCIAL					
INDUSTRIAL					

RESIDENTIAL DENSITY (SEE REVERSE SIDE) _____ LINEAR FT OF STREETS _____

Town of Camp Verde
Post Office Box 710
Camp Verde, AZ 86322
(520) 567-6631

**Special Power of Attorney
Authorization for Permit Application**

Parcel Number: 403-21-007F / 403-21-007L Date: April 3, 2006
403-21-007K
Owner: T & M Ranching & Development LLC
Address: P O Box 20850 Mesa AZ 85277-0850
Phone: () 480-325-8100

WHEREAS, the above property owner is seeking to develop or improve real property within the municipal limits of the Town of Camp Verde, Yavapai County, Arizona, which will require the filing, processing, and payment of certain zoning, construction and inspection permits and reports, both from the Town and related agencies, and

WHEREAS, the owner elects to designate an agent with authority to file and process all necessary permits and information related to property zoning and improvement, including the authority to pay fees and consent to inspections,

NOW THEREFORE, the undersigned owner hereby designates Jack Gilcrest, as agent to file the permit applications and related documents with the Town of Camp Verde, with such authority to continue to 2006, or the application process is complete, whichever is later, or as may be earlier revoked in writing.

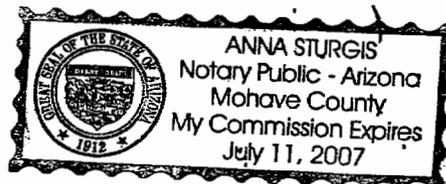
Thomas A. Cousy
Thomas A. Cousy, Owner(s)

State of Arizona
County of Mohave ss.

The foregoing special power of attorney for construction and zoning permit application was acknowledged before me this 4th day of April, 2006 by Thomas A. Cousy SR., who is/are personally known by me or have produced identification.

Anna Sturgis, Notary Public

My Commission Expires: 7-11-2007



TOWN OF CAMP VERDE COMMUNITY DEVELOPMENT DEPARTMENT

PERMISSION TO ENTER PROPERTY

HEARING APPLICATION: _____ PARCEL NO.: 403-21-007F/403-21-007L
403-21-007K

DATE: Apr 12 '06 LEGAL DESCRIPTION: _____

NAME: T & M Ranching & Development LLC

ADDRESS: P O Box 20850 Mesa AZ 85277-0850

I, the undersigned, hereby give permission to the Town of Camp Verde Community Development Department or Public Official, in the discharge of duties as stated herein, and for good and probable cause, to enter the above described property to inspect same in connection with the application made under the terms of the Town of Camp Verde Planning and Zoning Ordinance. Such investigation may be made to determine whether or not any portion of such property, building or other structure is being placed, erected maintained, constructed or used in violation of the Town of Camp Verde Planning and Zoning Ordinance. Such entry shall be within 60 days of the date of my signature (below) or within 60 days of the scheduled date of a public hearing for review, transfer, or renewal of the application. Such entry shall be limited between the hours of 7AM and 6PM MST. I understand that this permission to enter property is OPTIONAL and VOLUNTARILY GIVEN and may be withdrawn or revoked (either in writing or orally) at any time.

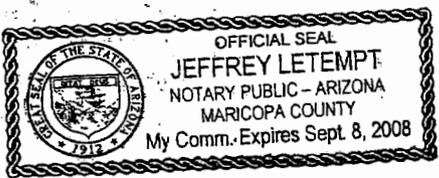
Jeffrey Letempt Apr 12 '06
Applicant's Signature Date

Agent for: T & M RANCHING & DEVELOPMENT LLC

State of Arizona
Town of Camp Verde

On this 14th day of April, 2006 before me, the undersigned Notary Public, personally appeared _____
Who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal.



Jeffrey Letempt
Notary Public
Sept 8th 2008
Date Commission Expires

Jenna Paulsen

From: <gafcorp@aol.com>
To: <jpaulsen@cvaz.org>
Cc: <jrgilcrest@cox.net>
Sent: Tuesday, February 13, 2007 5:17 PM
Subject: Circle C ranch

Jenna,

It was very nice talking with you on the phone today. As we talked about, I am approving the earlier documents of "Special Power of Attorney for Permit Application as well as the "Permission To Enter Property and Direction form" that we supplied early last year. Thank you for all your help and working with us on this matter.

Sincerely,

Tom Coury
off: 480-325-8100
cell: 480-797-4893

Check out the new AOL. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

DIRECTIONS TO PROPERTY

ASSESSOR'S PARCEL NUMBER: 403-21-007F / 403-21-007L / 403-21-007K

APPLICANT'S NAME: T & M Ranching & Development LLC

PROPERTY ADDRESS: west end of Stagecoach Trail @ Apache Trail
Camp Verde AZ

DIRECTIONS TO PROPERTY: _____

west end of Apache Trail

west of Montezuma Castle Hwy

Exhibit A

PARCEL 1:

The following is a description of a parcel of land located within the Northeast quarter of Section 24, Township 14 North, Range 4 East and within the Northwest Quarter of Section 19, Township 14 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being a portion of that parcel of land described in Book 83 of Land Surveys, Page 86, records of Yavapai County Recorder's Office (record source #1 (R1)), said parcel being more particularly described as follows:

BEGINNING for reference at the East quarter corner of said Section 24, being marked with a B.L.M. brass cap dated 1964 from which the West quarter corner of said Section 24 being marked with a B.L.M. brass cap dated 1964 bears North $89^{\circ}47'56''$ West, a distance of 5297.50 feet, and from which a 1/2 inch rebar with a LS tag stamped L.S. 32239 marking the Northeast corner of that said parcel of land described in (R1) bears North $16^{\circ}19'31''$ East (basis of bearing (R1)) at a distance of 708.47 feet;

Thence North $89^{\circ}49'43''$ West, a distance of 124.98 feet along the South line of that said parcel of land described in (R1); to a calculated point being the **TRUE POINT OF BEGINNING**;

Thence North $89^{\circ}49'43''$ West, a distance of 8.76 feet along the South line of that said parcel of land described in (R1) to a calculated point;

Thence North $45^{\circ}25'32''$ West, a distance of 276.70 feet to a calculated point;

Thence South $88^{\circ}54'32''$ West, a distance of 48.11 feet to a calculated point;

Thence North $00^{\circ}35'43''$ West, a distance of 49.95 feet to a calculated point;

Thence South $88^{\circ}54'33''$ West, a distance of 60.87 feet to a calculated point;

Thence South $00^{\circ}35'43''$ East, a distance of 37.26 feet to a calculated point;

Thence South $88^{\circ}54'33''$ West, a distance of 215.56 feet to a calculated point on the West line of that said parcel described in (R1);

Thence North $01^{\circ}56'30''$ East, a distance of 510.75 feet along the West line of that said parcel of land described in (R1) to a 1/2 inch rebar stamped L.S. 32230, marking the Northwest corner thereof;

Thence South $87^{\circ}50'06''$ East, a distance of 837.90 feet along the North line of that parcel of land described in (R1) to a plastic cap atop a 1/2 inch rebar stamped L.S. 32230 marking the Northeast corner thereof;

Thence South $16^{\circ}19'31''$ West, a distance of 49.02 feet along the East line of that said parcel of land described in (R1) to a calculated point;

Thence North $87^{\circ}50'06''$ West, a distance of 553.65 feet to a calculated point;

Thence South $20^{\circ}23'38''$ East, a distance of 697.10 feet to the TRUE POINT OF BEGINNING.

TOGETHER with and reserving unto the grantors, their successors, heirs and assigns an ingress and egress easement over the following described property:

The following is a description of a strip of land 16.00 feet in width, located within the Northeast quarter of Section 24, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being a portion of that parcel of land described in Book 83 of Land Surveys, Page 86, records of the Yavapai County Recorder (record source #1 (R1)), said strip of land being more particularly described as follows:

BEGINNING for reference at the East quarter corner of said Section 24, being marked with a B.L.M. brass cap dated 1964, from which the West quarter corner of said Section 24, being marked with a B.L.M. brass cap dated 1964 bears North $89^{\circ}47'56''$ West, a distance of 5297.50 feet and from which a 1/2 inch rebar with a LS tag stamped L.S. 32239 marking the Northeast corner of that said parcel of land described in (R1) bears North $16^{\circ}19'31''$ East (basis of bearing (R1)), a distance of 708.47 feet;

Thence North $89^{\circ}49'43''$ West, a distance of 124.98 feet along the South line of that said parcel of land described in (R1) to a calculated point being the TRUE POINT OF BEGINNING;

Thence North $20^{\circ}23'38''$ West, a distance of 30.22 feet;

Thence North $49^{\circ}39'32''$ West, a distance of 256.27 feet;

Thence South $40^{\circ}20'28''$ West, a distance of 16.00 feet;

Thence South $49^{\circ}39'32''$ East, a distance of 281.18 feet to the South line of that said parcel of land described in (R1);

Thence South $89^{\circ}49'43''$ East, a distance of 1.90 feet along the South line of that said parcel of land described in (R1) to the TRUE POINT OF BEGINNING.

PARCEL 2:

The following is a description of a parcel of land located within the Northeast quarter of Section 24, Township 14 North, Range 4 East, and within the Northwest quarter of Section 19, Township 14 North, Range 5 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona; Being a portion of that parcel of land described in Book 83, Page 86, records of the Yavapai County Recorder; Record Source #1 (R1), said parcel being more particularly described as follows:

BEGINNING at the East quarter corner of said Section 24, being marked with a B.L.M. brass cap dated 1964; From which the West quarter corner of said Section 24, being marked with a B.L.M. brass cap dated 1964 bears North $89^{\circ}47'56''$ West, at a distance of 5297.50 feet;

Thence North $16^{\circ}19'31''$ East Basis of Bearing (R1) a distance of 659.45 feet, along the East line of that parcel of land described in (R1), to a point on the East line thereof; From which a 1/2" rebar

with an L.S. tag stamped L.S. 32230 marking the Northeast corner of that said parcel of land described in (R1) bears North $16^{\circ}19'31''$ East, at a distance of 49.02 feet;

Thence North $87^{\circ}50'06''$ West, a distance of 553.65 feet, to a calculated point;

Thence South $20^{\circ}23'38''$ East, a distance of 697.10 feet, to a calculated point on the South line of that said parcel of land described in (R1);

Thence South $89^{\circ}49'43''$ East, a distance of 124.98 feet, along the South line of that said parcel of land described in (R1) to the POINT OF BEGINNING.



TOWN OF CAMP VERDE

· 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (928) 567-6631 FAX 567-9061

Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Community Development 567-8513 ♦ www.campverde-az.gov

February 8, 2007

Re: Project Review Meeting

A Project Review meeting has been scheduled for the following proposed development; Circle C Ranch, located in Camp Verde. This meeting will be conducted on February 21, 2007 from 10-12 a.m. in the Parks & Recreation Conference room located at 395 S. Main Street.

Please keep in mind, if you have any suggestions regarding revisions to this Preliminary Plat, that you either make these known at the project review meeting or before the preliminary plat application is heard by the Commission on April 5, 2007.

We will be contacting several outside agencies and would appreciate if a representative from your agency would attend this meeting. If a representative is available, please RSVP at (928) 567-8513.

If you have any questions or require additional information, please contact our office at (928) 567-8513.

Sincerely,

Jenna Paulsen
Administrative Assistant
Community Development Department



Circle C Subdivision
10:00 AM

2/21/07

PAUL W. TURNER	TURNER ENGR	PH 779-1814	pturn@retelaz.com
Ron Long	TOCV	567-0534	rlong@cvaz03
Stacey Barker	CVUSD #28	TRANSO. Director	928-567-8051
Nancy Buckel	TOCV	567-8513	
JOHN WELSCH	CV FIRE DIST	567-2693	jwelsch@campverdefire.org
TONY RHAEL	ABC GARAGE Devs	567-5784	
Tom Coury	Developer	480-725-8100	
JACK GILCREST	PROJECT MGR	602-370-7964	



Yavapai County Development Services Department

500 S. Marina Street; Prescott, AZ. 86303
Phone: (928) 771-3214 Fax: (928) 771-3432

10 S. 6th Street; Cottonwood, AZ. 86326
Phone: (928) 639-8151 Fax: (928) 639-8153

Addressing – Building Safety – Customer Service & Permitting – Environmental – Flood Control – Land Use – Planning & Design Review

02-28-07A11:26 RCVD

February 26, 2007

Jenna Paulsen
Community Development Department
Town of Camp Verde
P.O. Box 710
473 S. Main Street
Camp Verde, Arizona 86322

Re: FP 2007-01 – Preliminary Plat for Circle C Ranch
(Parcels 403-21-007F, 007K, and 007L)

Dear Jenna:

The Flood Control District has completed its review of the aforementioned submittal for the Preliminary plat. The development does not impact any Federal delineated floodplains or regulatory watercourses. Our office has no objections to the approval of the preliminary plat.

Additionally, the Town should be aware that this development will increase the runoff from the site and prior to the final plat, the developer should be required to obtain an Arizona Registered Civil Engineer to detail runoff is not being increased from the site and that drainage is routed to the appropriate drainage facilities. All drainage facilities should be detailed within a drainage easement. All aspects of storm water management, including onsite routing of runoff, detention/retention requirements, and stormwater pollution prevention requirements are the responsibility of the Town of Camp Verde and should be reviewed accordingly.

If you have any questions or need clarification on any of these items, please contact me at the District office in Prescott.

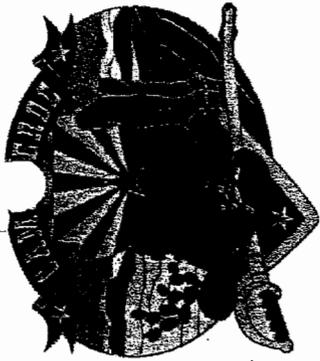
Sincerely,
YAVAPAI COUNTY DEVELOPMENT SERVICES

A handwritten signature in black ink that reads "Jeff M. Low".

Jeff M. Low, CFM
Floodplain Unit Manager
(928) 771-3197

c: Mr. Paul Turner, P.E.
Turner Engineering, Inc.
538 W. Aspen Avenue
Flagstaff, Arizona 86001

Jack Gilcrest
T&M Ranching & Development LLC
P.O. Box 20850
Mesa, Arizona 85277-0850



TOWN OF CAMP VERDE PLAN REVIEW COMMENTS

BY PUBLIC WORKS DEPARTMENT

PLAN TITLE	Circle C Ranches
REVIEW DATE	2/21/2007
SHEET #	COMMENTS
1 of 1	Add a note to the plat that states: A Home Owners Association shall be formed in perpetuity that is responsible for any maintenance requirement within the Circle C Ranches Subdivision.
1 of 1	Add a note to the plat that states: All private roads, drainage structures and easements shall be the responsibility of the Home Owners Association to maintain.
1 of 1	Show a turn around area for the school bus at the entrance of the subdivision on Apache Trail.
1 of 1	Show the dedicated fire lane next to the Southeast retention basin on Apache Trail.
1 of 1	Contact the Eureka Ditch Company to determine the extent of their right of way and show it on the plat.

**TOWN OF CAMP VERDE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
APPLICATION REVIEW FORM**

DATE: February 8, 2006

TO:

- Public Works Department
- Town Engineer
- Park and Recreation Department
- Community Development Director
- Building Inspector
- Fire Department
- Verde Valley Fire Department
- Yavapai County Planning
- Yavapai County Flood Control
- Yavapai County Development Services -
Environmental Services Dept.
- Yavapai County Environmental Unit
- ADOT
- Camp Verde Water District
- Camp Verde Sanitary District
- Verde Lakes Water District
- Marshal's Department
- School District
- U.S Forest Service
- City of Cottonwood Planning
- Trails Committee
- Other _____

FROM: Jenna Paulsen – Admin. Assistant
Town of Camp Verde
473 S. Main Street Suite 108 • Camp Verde, AZ 86322
Tel. (928) 567-8513 • Fax (928) 567-7401
E-mail: jpaulsen@cvaz.org

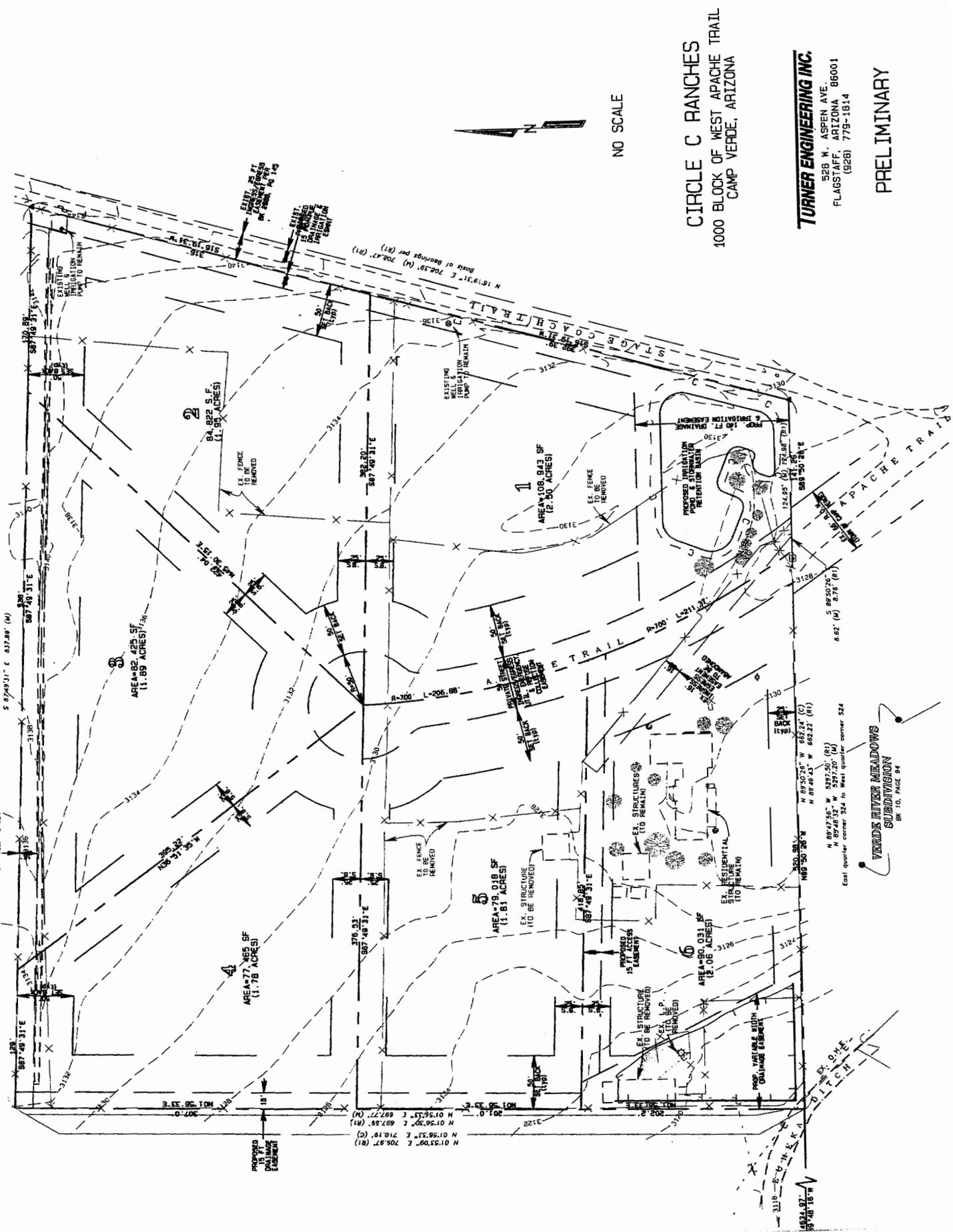
PP 2007-01: An application submitted by Jack Gilcrest agent for Turner Engineering owner of parcels 403-21-007F, 403-21-007K & 403-21-007L preliminary plat approval for Circle C Ranch consisting of 12 acres and 6 lots. This property is zoned R1-70 and is located at the end of Apache Trail.

A copy of the application is attached and has been forwarded to you for your review and comment. For additional information regarding zoning classification and/or land use, please visit our website at www.cvaz.org. Please write your comments below and return your comments to my attention by **February 14, 2007**. If your comments are not received by **February 16, 2007**, it will be assumed that you have no comments relative to this application.

COMMENTS: *the sanitary district doesn't provide service to this area. we have no comment on this application.*

Printed Name Jan Grogan Signature Jan Grogan
Phone 928-567-6794

EX. UTIL. E. SMWT.
AND EX. UTIL. S. FT.
AND EX. UTIL. S. FT.
AND EX. UTIL. S. FT.
AND EX. UTIL. S. FT.



NO SCALE

CIRCLE C RANCHES
1000 BLOCK OF WEST APACHE TRAIL
CAMP VERDE, ARIZONA

TURNER ENGINEERING INC.

528 W. ASPEN AVE.
FLAGSTAFF, ARIZONA 86001
(928) 778-1814

PRELIMINARY

VERDE RIVER MEADOWS
SUBDIVISION
BK. 10, PAGE 94

East quarter corner S24 to West quarter corner S24

$N 82^{\circ}16' W 232.21' (R1)$
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* Paul W. Turner, P.E.
528 West Aspen Avenue
Flagstaff, AZ 86001

Rec'd 1/8/07
**TURNER ENGINEERING INC.
528 WEST ASPEN
FLAGSTAFF, AZ 86001**

January 5, 2007

Paul,

As per your request for NPG Cable Inc. services to be routed into the 6 lots proposed at the end of Apache Trail in Camp Verde, AZ to be named Circle C Ranches Subdivision, I have completed the preliminary research on the feasibility.

NPG Cable Inc. of Sedona will be able to and will service this area as described above. Just for verification purposes, as we spoke about earlier today, the developer will supply the trench to be joint with APS and QWEST. We request that the pipe in trench for our services be 2" Schedule 40 PVC.

I look forward to serving you and your customer. Please contact me with any questions or concerns at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Suekawa", written over a horizontal line.

Richard Suekawa
Construction Coordinator
Sedona, Payson & Vicinities
NPG Cable Inc. of Sedona
65 Coffee Pot Dr. Ste. A
Sedona, Az 86336
Cell 928-595-1789
Fax 928-282-6336
NPG Cable Inc. of Payson
112 West Bonita St.
Payson, AZ 85541
Fax 928-474-4292
richard.suekawa@npgco.com



A subsidiary of Finnacle West Capital Corporation

1250 East U.S. Highway 89A
Cottonwood, AZ 86326-4507
<http://www.aps.com>

January 05 2007

Paul W. Turner
Turner Engineering, Inc.
528 West Aspen Avenue
Flagstaff, Arizona 86001

RE: Power Availability Circle C Ranches Subdivision

To Whom It May Concern:

Thank you for the opportunity to provide information regarding electrical service to the above location. The referenced area is in Arizona Public Service Company's electric service area. We extend our facilities to serve this location in accordance with the "Conditions Governing Extensions of Electric Distribution Lines and Services", Schedule #3, and the "Terms and Conditions for the Sale of Electric Service", Schedule #1, on file with the Arizona Corporation Commission at the time we begin installation for the electric facilities. Copies are enclosed for your review. Please don't hesitate to contact us should you have questions.

All trenching and conduit installation is the responsibility of the Customer and will then be inspected and approved by APS. We will provide you with the requirements and specifications. To prepare the design for electrical utility service to meet the property/lot owner needs, the following items will need to be submitted: an approved set of plans on the project, a copy of the survey results on the property, load calculations, and a copy of the recorded deed. Please forward these to my attention at your earliest opportunity.

Prior to construction, an advance payment may be required. The amount of advance payment cannot be determined until an economic analysis has been made, based in part on certain information you will be required to furnish. This payment may be refundable in accordance with section 5 of Schedule #3.

In addition, you may also incur additional costs which are non-refundable. These costs will depend upon the extent of the construction you will require that we perform to facilitate your project. An annual facilities charge may also be required in addition to the standard rates for electric service. Any APS charges will be set forth in an extension agreement which will require authorization by APS and the Customer.

It is to be understood that this letter is intended only for your general information and does not constitute any type of offer or agreement between us. If you have any questions, please feel free to call me at 928-646-8462.

Sincerely,

Robert B. Witte
Customer Service Representative

Enclosures: Schedule 1, Schedule 3

TURNER ENGINEERING INC.
CONSULTING CIVIL ENGINEERING

Paul W. Turner, P.E.
Michael D. Kearly, P.E.

Mr. Ron Long, P.E.
Town Engineer
Town of Camp Verde
395 South Main Street
Camp Verde, Arizona 86322

RE: The Circle C Ranches Subdivision Located on Apache Trail, Camp Verde, Arizona.

Dear Mr. Long:

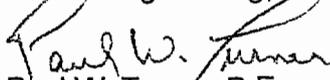
The purpose of this writing is to determine the threshold level of traffic impact, peak hour of adjacent street traffic, on Apache Trail. The subdivision is located in the Town of Camp Verde at the end of Apache Trail. The assessors parcel numbers are 403-21-007K,L & F. It is the intent of the owner to extend Apache Trail, approximately 450 feet and create six large lots.

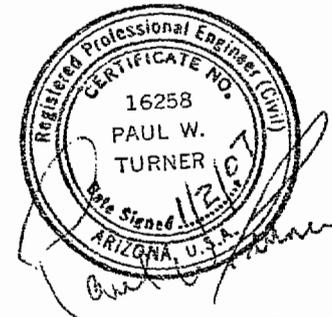
To determine the amount of traffic we consulted the Institute of Transportation Engineers (ITE) *Trip Generation, 6th Edition*. The closest category was listed as Residential under section 210. I have included the pertinent pages for reference. A significant number of studies are included in the ITE.

There is one category available for determining the week day, peak hour of Adjacent Street Traffic generator one hour between 7 and 9 a.m., and one category available for determining the week day peak hour of Adjacent Street Traffic, one hour between 4 and 6 p.m. The average rate for the a.m. peak is 0.75 per dwelling unit. With 6 lots this amounts to 4.5 or 5 trips. This below the threshold level of 100. The average rate for the p.m. peak is 1.01 per dwelling unit. Again, with 6 lots, this amounts to 6.06 or 6 trips dwelling unit. This is below the threshold of 100.

In conclusion, we believe that the site will contribute less than the threshold level of 100 peak hour trips pursuant to the Town of Camp Verde's Subdivision Regulations, and does not warrant a comprehensive traffic impact analysis.

Sincerely,
Turner Engineering, Inc.


Paul W. Turner, P.E.
President



Attachments: ITE *Trip Generation, 6th Edition* Pages 264 & 265

DRAFT

DECLARATION OF MASTER COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

CIRCLE C RANCH

This Declaration of Master Covenants, Conditions and Restrictions for Circle C Ranch ("Declaration") is made and entered into as of this ____ day of _____, 2007, by T & M Ranching and Development, L.L.C. ("Declarant").

RECITALS

The Declarant is the owner of that real property situated within the Town of Camp Verde, Yavapai County, Arizona, legally described on Exhibit A attached hereto (the "Property").

It is the desire and intention of Declarant to impose upon the Property mutually beneficial covenants, conditions, restrictions and easements to establish a flexible and reasonable procedure for the overall development, administration, maintenance, use, and preservation of the Property. Declarant intends for this Declaration to create equitable servitudes and covenants appurtenant to and running with the Property and which will be binding upon all future Owners of all or any portion of the Property and any other Person acquiring any right, title or interest in or to all or any portion of the Property.

The Circle C Ranch Community Association ("Association") shall be a nonprofit Arizona corporation charged with the duties and vested with the powers prescribed by law and set forth in the Circle C Ranch Articles of Incorporation, the Circle C Ranch Bylaws ("Bylaws") and this Declaration. In the event of any conflict or inconsistency between this Declaration and the Circle C Ranch Articles, Bylaws, or Association Rules, this Declaration shall control.

The Declarant hereby declares that all of the property described above is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved in whole or in part subject to this Declaration, as amended or modified from time to time.

DECLARATION

The following Covenants, Conditions and Restrictions shall apply to all of the land described above.

ARTICLE I
Permitted Uses and Restrictions

1.1 Single Family Residential Use. Each Lot may be used only for residential purposes. No structure whatever, other than a Residence together with a private garage, ~~guest house, servants quarters~~ or such other customary outbuilding(s) shall be erected, placed or permitted to remain on any Lot. No business or commercial building may be erected on any Lot, and no business or commercial enterprise or other non-residential use may be conducted on any part thereof.

1.2 Use of Private Streets by Guest and Invitees. To the maximum extent possible, Guests and Invitees shall park their vehicles in the garage or driveway of the Owner's residence. Guests and Invitees shall not park a vehicle on the private streets for more than 24 hours without moving the vehicle to a different location. No such vehicle shall remain upon the property in excess of two weeks. Guests and Invitees are prohibited from driving and parking vehicles with a gross vehicular weight of 24,000 lbs. or greater upon the private streets and Owner driveways unless the vehicle is employed in the temporary task of making deliveries or pick-ups of items at the direction of the Owner. No such vehicles shall be parked overnight on any street. Guests and Invitees are prohibited from using the private streets for operation of unlicensed motor vehicles.

1.3 Gated Entry Devices.

Circle C Ranch is a private community, with streets and roads that are privately owned, operated and maintained. The Owners reserve the right to institute policies and procedures and security features to assure the streets remain private and safe, including the installation of a physical device or physical feature on the private streets or trails that operates to deny or prohibit access.

1.4 Minimum Livable Areas. Any Residence constructed shall contain a minimum of 1,000 square feet of livable area unless otherwise approved by the Community Association. The minimum square footage includes the walls of the house, but is exclusive of open porches, breezeways, pergolas, courtyards, attached garages or any similar extension or projection. All structures shall be of new material and no buildings shall be moved from any other location onto any Lot.

No prefabricated building or other structure of any nature whatsoever, permanent or temporary shall be moved or placed upon, or assembled or otherwise maintained on any Lot, provided, however that a temporary office, trailer office, tool shed and/or office may be used if it is removed at completion of construction or selling of the Residence for which it was maintained whichever is later.

1.5 Setback Requirements. All buildings on any Lot shall be located within the Building Setback Lines as shown on the Final Plat for the Circle C Ranch . All Residences shall have an enclosed garage capable of housing a minimum of one

(1) car. Notwithstanding the above, minimum setbacks shall conform to the Ordinances as established by the Town of Camp Verde.

1.6 Not Used.

1.7 Landscaping and Landscape Maintenance.

Without limiting any other provision in this Section, each Owner shall maintain and keep his Lot at all times in a safe, sound and sanitary condition, and repair and shall correct any condition or refrain from any activity which might interfere with the reasonable enjoyment by other Owners of their respective Lots or the Common Areas.

1.8 Fences. No fence shall be constructed on any Lot unless its style and design are APPROVED IN WRITING BY THE ASSOCIATION. All fences constructed on any Lot must complement the outside of the home built on that Lot. No "chain-link" fence shall be placed anywhere on the Lot. Any proposed changes or modifications to an existing fence shall be approved by the Association prior to alteration.

1.9 Drainage Easements and Features. No Owner shall erect, construct, maintain, permit or allow any fence or other improvement or other obstruction which would interrupt the normal drainage of the land or within any area designated on a Plat, or other binding document, as a "drainage easement" or similar designation, except that, with the prior consent of the Town and the Association, non-permanent structures, including fences, may be erected in those areas which contain only underground closed-conduit storm drainage facilities.

1.10 Animals. Animals such as dogs, cats, horses and rabbits may be kept as pets provided that they are not kept, bred or maintained for any commercial purposes. Noisy pets such as barking dogs, which are bothersome to a plurality of neighbors, must be removed. No pets may be kept or confined within the front yard.

1.11 Garbage and Refuse Disposal. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers and shall be maintained in a clean and sanitary condition that will not be obnoxious to the eye. No substance, thing or material shall be kept upon any Lot that will emit a foul or obnoxious odor, or cause any noise that might disturb the peace, quiet, comfort or serenity of the other Owners or occupants.

1.12 Nuisance. No Owner or Occupant shall permit or allow anything to be done or kept about or within his Lot, or on or about the Property, which will obstruct or interfere with the rights of other Owners, Occupants or other individuals having the right to use and enjoy the Common Areas, or annoy them by unreasonable noises, unsightliness or otherwise, nor will any Owner or Occupant commit or permit any nuisance or commit or permit any illegal act therein. Each Owner and Occupant shall comply with the Association rules, and the requirements of all health authorities and other governmental authorities having jurisdiction over the Property.

the Board may elect or appoint in accordance with the Articles and the Bylaws. Unless the Association Documents specifically require the vote or written consent of the Members, approvals or actions to be given or taken by the Association shall be valid if given or taken by the Board. The Board may appoint various committees at its discretion to act as an extension of the Board of Directors. The Board may also appoint or engage a manager to be responsible for the day-to-day operation of the Association and the Property; the Board shall determine the compensation to be paid to any such manager. The Board's responsibilities shall include, but shall not be limited to, the following:

- a. Administration, including administrative support as required for the Architectural Committee;
- b. Preparing and administering an operational budget;
- c. Establishing and administering an adequate reserve fund;
- d. Scheduling and conducting the annual meeting and other meetings of the Members, Board and Committees;
- e. Collecting and enforcing the assessments;
- f. Accounting functions and maintaining necessary books and records;
- g. Promulgation and enforcement of all the Association's rules and the Association's Documents;
- h. Maintenance of Common Areas including areas outside the building pads and driveways within the individual lots; and
- i. All the other duties imposed upon the Board pursuant to this Declaration, the Circle C Ranch Community Association, Inc.'s Bylaws and Articles of Incorporation ("Articles").

2.2 Rules

The Board may, from time to time, and subject to the provisions of this Declaration, adopt, amend and repeal rules and regulations pertaining to: a) the management, operation and use of the Property, including, but not limited to, any recreational facilities situated upon the Property; b) traffic and parking restrictions, including speed limits on private streets within the Property; c) minimum standards for any maintenance of Lots within the Property; and d) any other subject within the jurisdiction of the Association.

2.3 Personal Liability

No member of the Board or any other committee of the Association, no officer of the Association and no other employee of the Association shall be personally liable to any Member, or to any other Person including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error or negligence of the Association, the Board or any member thereof, any representative or employee of the Association, any officer of the Association or any member of any other committee of the Association, provided, however, the limitations set forth in this subsection regarding liability shall not apply to any person who has failed to act in good faith or

has engaged in willful or intentional misconduct. Directors and officers liability insurance will be provided to all officers, individual board of directors and community members that sit on committees for the Association. Liability insurance may be provided to the property management company hired by the Association.

2.4 Membership and Voting Rights

Every Lot Owner shall be a Member of the Association and such membership shall be appurtenant to any may not be separated from ownership of any Lot. There shall be two classes of voting Memberships:

- (a) **Class A.** Class A Members shall be all owners with the exception of the Declarant so long as Declarant is a Class B member, and shall be entitled to one (1) vote for each Lot owner. When more than one (1) person holds an interest in any Lot, all such persons shall be Members. The vote for any such Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot.
- (b) **Class B.** The Class B member shall be the Declarant and the Declarant shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A Membership when the total votes outstanding in the Class A membership equals the number of votes outstanding in the Class B membership.

ARTICLE 3 Assessments and Liens

3.0 Creation of Liens

The Declarant, for each Lot, hereby covenants and agrees, and each Lot Owner, other than the Declarant, by becoming the Owner of a Lot, is deemed to covenant and agree, to pay Assessments to the Association in accordance with this Declaration. Assessments shall be established and collected as provided in this Declaration. The Assessments, together with interest, late charges and all costs, including but not limited to reasonable attorneys' fees incurred by the Association in collecting or attempting to collect delinquent Assessments whether or not suit is filed, shall be charged to the Lot and shall be a continuing lien upon the Lot, against which each such Assessment is made. Each Assessment, together with interest and all costs, including but not limited to reasonable attorneys' fees incurred by the Association in collecting or attempting to collect delinquent Assessments, whether or not it is filed, shall also be the personal obligation of each person who was an Owner of the lot at the time when the Assessment became due. The personal obligation for delinquent Assessments shall not pass to the successors in title of the Owner unless expressly

assumed by them, and approved by the Board and paid in full (unless title is transferred to one or more such successors for purposes of avoiding payment of any Assessment or is transferred to a Person controlling, controlled by or under the common control of the Lot Owner transferring title).

3.1 Annual Assessments

In order to provide for the operation and management of the Association, and to provide funds for the Association to pay all expenses and to perform its duties and obligations under the Association Documents, including, without limitation, the establishment of reasonable reserves for replacements, maintenance and contingencies, the Board shall assess a uniform Annual Assessment against each Lot, which shall be paid to the Association on a quarterly basis.

The Board shall give notice of the Annual Assessment to each Owner at least thirty (30) days prior to the beginning of each assessment period, but the failure to give prior notice shall not affect the validity of the Annual Assessment established by the Board nor relieve any Owner from its obligation to pay the Annual Assessment. If the Board determines during any assessment period that the funds budgeted for that assessment period are, or will become, inadequate to meet all common expenses for any reason, including, without limitation, non payment of assessments by Members, it may increase the Annual Assessment for the assessment period and the revised Annual Assessment shall commence on the date designated by the Board. The Board may waive any quarterly assessments of the Association when it deems appropriate.

- a) The Regular Assessment shall be assessed against each Member commencing upon recordation of transfer of ownership prorated by day on the basis of a quarterly payment schedule.
- b) If the estimated total Regular Assessments for the current year proves to be excessive in light of the actual Common Expenses, the Association may, at the discretion of the Board, retain such excess as additional working capital or reserves, reduce the amount of the Regular Assessments for the succeeding year, or waive collection of Regular Assessments for such period as it deems appropriate. No reduction or waiver of the Regular Assessments because of any such anticipated surplus shall be grounds for the Master Association to diminish the quantity or quality of services upon which the Common Expenses for the year in question are based.
- c) Anything in this section 3.1 to the contrary notwithstanding, the Regular Assessment payable for the first fiscal year of the Association (that is, January 1st, through December 31st) shall be set by the Board and the Regular Assessment for the next fiscal year may be set in any amount deemed appropriate by the Board; provided however, if the increase in such Regular Assessment for the second and third fiscal years, respectively, over that for the immediately preceding fiscal year exceeds

governmental body; and c) the lien of any First Mortgage. Foreclosure of the Assessment Lien with respect to a Lot shall not impair, extinguish or otherwise affect such other Assessment Liens or relieve or release any obligations for such other Assessments secured by such Lot.

The Association shall not be obligated to release any recorded notice of lien until all delinquent Assessments, interest, lien fees, reasonable attorney's fees, court costs, collection costs and all other sums payable to the Association by the Owner of the Lot have been paid in full.

The Association shall have the right, at its option, to enforce collection of any delinquent Assessments together with interest, lien fees, reasonable attorney's fees and any other sums due, to the Association in any manner allowed by law including, but not limited to: (a) bringing an action at law against the Owner personally obligated to pay the delinquent Assessment and such action may be brought without waiving the Assessment Lien securing the delinquent Assessments; or (b) bringing an action to foreclose the Assessment Lien against the Lot in the manner provided by law for the foreclosure of a realty mortgage. The Association shall have the power to bid at any foreclosure sale and to purchase, acquire, hold, lease, mortgage and convey any and all Lots purchased at such sale. A Lot Owner cannot transfer or convey ownership of the Lot in any manner without paying any outstanding delinquent assessments unless approved by the Board.

3.5 Uses of Funds

The Association shall apply all funds and property collected and received by it (including the Assessments, fees, loan proceeds, surplus funds and all funds and property received by it from any other source) for the common good and benefit of the Property and the Lot Owners and Residents by devoting said funds and property, among other things, to the acquisition, construction, alteration, maintenance, provision and operation, by any manner or method whatsoever, of any and all land, properties, improvements, facilities, services, projects, programs, studies and systems, within or without the Property, which may be necessary, desirable or beneficial to the general common interests of the Property, the Lot Owners and the Residents, and to the establishment and funding of reasonable reserves for replacements and contingencies. There shall be no commingling of any funds designated towards any assessments.

3.6 Surplus Funds

The Association shall not be obligated to spend in any year all the Assessments and other sums received by it in such year, and may carry forward as surplus any balances remaining. The Association shall not be obligated to reduce the amount of the annual Assessment in the succeeding year if a surplus exists from a prior year, and the Association may carry forward from year to year such surplus as the Board in its discretion may determine to be desirable for the greater financial security of the Association and the accomplishment of its purposes.

Any violation of any state, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any property within the Property is hereby declared to be in violation of this Declaration and subject to any or all of the enforcement proceedings set forth herein.

4.7 Gender and Number

Wherever the context of this Declaration so requires, any word used in the masculine, feminine or neuter gender shall include each of the other genders. Words in the singular shall include the plural, and words in the plural shall include the singular.

4.8 Captions and Title

All captions, titles or headings of the Articles, sections and subsections in this Declaration are for the purpose of reference and convenience only, and are not to be deemed to limit, modify or otherwise affect any of the provisions hereof or to be used in determining the meaning or intent thereof. References in this Declaration to numbered Articles, sections or subsections, or to lettered Exhibits, shall be deemed to be references to those paragraphs or Exhibits so numbered or lettered in this Declaration, unless the context otherwise requires. Any Exhibits referred to in this Declaration are hereby incorporated herein by this reference and fully made a part hereof.

4.9 Notices

If notice of any action or proposed action by the Board or any committee or of any meeting is required by applicable law, the Association Documents or resolution of the Board must be given to any Lot Owner or Resident, then unless otherwise specified in the Association Documents or in the resolution of the Board, or unless otherwise required by law, such notice requirement shall be deemed satisfied if notice of such action, proposed action or meeting is published once in any newspaper in general circulation within Yavapai County. This subsection shall not be construed to require that any notice be given if not otherwise required, and shall not prohibit satisfaction of any notice requirement in any other manner.

ARTICLE 5
Definitions

5.1 “Annual Assessments” means the Assessments levied pursuant to Section 3.1.

5.2 “Assessment” shall include the following:

- a). **“Regular Assessment”** means the uniform amount which is to be paid by each Member of the Association as such Member’s Proportionate Share of Common Expenses of the Association, as provided in Article 3.

- b). **“Special Assessment”** means a charge against a particular Member, an Owner or a Lot, directly attributable to such Member, Owner or Lot, to reimburse the Association for costs incurred in bringing the Member, the Owner or the Lot into compliance with the provisions of this Declaration or the Articles, Bylaws, Association Rules, or any other charge designated as a Special Assessment in this Declaration or the Articles, Bylaws, or Association Rules, together with attorneys’ fees and other charges payable pursuant to the provisions of this Declaration, as provided in Article 3.

5.3 “Assessment Lien” means the lien created and imposed pursuant to Article 3, Assessments and Liens.

5.4 “Association” means the Circle C Ranch Community Association, Inc., an Arizona nonprofit corporation and its successors and assigns.

5.5 “Association Documents/Controlling Documents” means this Declaration, the Articles of Incorporation for the Circle C Ranch Community Association, the Bylaws for the Circle C Ranch Community Association, and the Association rules, as amended from time to time.

5.6 “Association Rules” means the rules and regulations adopted by the Association pursuant to Article 2.

5.7 “Board” means the Board of Directors of the Association.

5.8 “Bylaws” means the Bylaws of the Circle C Ranch Community Association, Inc. as amended from time to time.

5.9 “Class A Memberships” are defined in Section 2.4 (a).

5.10 “Class B Memberships” are defined in Section 2.4 (b).

5.11

5.12 “Common Expenses” means the actual and estimated costs incurred by the Association in administering, maintaining and operating the Private Road, Drainage Easements and the Association, including, but not strictly limited to, the following:

- a) Maintenance, management, operation, repair and replacement of the Private Roads, and all other areas within the Project which are maintained by the Association;
- b) Costs of management and administration of the Association, including, without limitation, compensation paid by the Association to managers, accountants, attorneys and employees;

- c) The costs of utilities, including, without limitation, water, electricity, gas, trash pick-up and disposal, right-of-way fees and fire protection services, which are provided to the Association or the Project and not individually metered or assessed by Lot, landscaping maintenance, and other services which generally benefit and enhance the value and desirability of the Property and which are provided by, or on behalf of, the Association;
- d) The costs of fire, casualty, liability, directors' and officers' liability, workmen's compensation and other insurance covering the Common Areas or the Association;
- e) The costs of any other insurance obtained by the Association;
- f) Reasonable reserves for contingencies, replacements and other proper purposes as deemed appropriate by the Association, which reserve fund shall be adequate to meet the costs and expenses of maintenance, repair and replacement of those Common Areas which must be maintained, repaired, or replaced on a periodic basis;
- g) The costs of fidelity bonding the members of the Board, the officers of the Association, any professional managing agent or any other Person handling the funds of the Association;
- h) Taxes paid by the Association;
- i) Amounts paid by the Association for discharge of any lien or encumbrance levied against the Common Areas or portions thereof;
- j) Costs incurred by committees established by the Board;
- k) Costs of security services, if any, and operation, maintenance and repair of entrance gates and/or key gates at entrances to the Property, and any other security systems or services installed, operated or contracted for by the Association; and
- l) Any and all other expenses incurred by the Association for any reason whatsoever in connection with the Common Areas (excepting reconstruction costs and capital improvements as otherwise provided herein), or the costs of any other item or items designated by, or to be provided or performed by, the Association pursuant to this Declaration, the Articles, Bylaws, or Association Rules, or in furtherance of the purposes of the Association or in the discharge of any duties or powers of the Association.

- 5.13 **"Declarant"** means T & M Ranching and Development, L.L.C., an Arizona Limited Liability Company, its successors and any person to whom it may expressly assign any or all of its rights under this Declaration.
- 5.14 **"Declaration"** means this Master Declaration of Covenants, Conditions and Restrictions of the Circle C Ranch Community Association, as amended from time to time.
- 5.15 **"Directors and Officers Liability Insurance"** means insurance coverage for the Board of Directors of the Association referenced in Section 3.4 of this Declaration.
- 5.16 **"First Mortgage"** means Mortgage recorded against a Lot which has priority over all other Mortgages recorded against that Lot.
- 5.17 **"Circle C Ranch"** means the platted subdivision.
- 5.18 **"Governmental Agency"** includes Town of Camp Verde, Yavapai County, State of Arizona and/or the United States of America.
- 5.19 **"Improvement"** means any structure, residence, garage, fence, wall, gate, road, driveway, swimming pool, playing courts, satellite dish, statuary, fountain, artistic work or ornamentation of any kind, and landscaping, including, but not limited to plants, trees and shrubs, and any other item deemed appropriate by the Board.
- 5.20 **"Late Fee"** means the fees imposed pursuant to Section 3.5.
- 5.21 **"Lessee"** means a person or entity leasing a residence. Lot Owners shall not rent out their residences for less than six months (which includes no weekend rentals). Lot Owners shall also not own or use their residences pursuant to a timeshare agreement.
- 5.22 **"Lot"** means a separately designated and numbered area of land defined and identified by the Circle C Ranch Plat, recorded on _____, at Case No. __, Map No _____, in the records of the Yavapai County Recorder's Office.
- 5.23 **"Lot Owner or Owner"** means the person or persons who individually or collectively hold title to a Lot or Lots in Circle C Ranch , as evidenced by a recorded instrument.
- 5.24 **"Member"** means any Person who is a Member of the Association as provided in section 2.4, Membership and Voting Rights.
- 5.25 **"Membership"** shall mean a membership in the Association and the rights granted to the Owners pursuant to Article 2 hereof to participate in the Association.
- 5.26 **"Mortgage"** means a deed of trust or a mortgage recorded against a Lot.

- 5.27 **"Mortgagee"** means a beneficiary under a deed of trust, or a mortgagee under a Mortgage, recorded against a Lot, and "First Mortgagee" means such beneficiary or mortgagee under a first mortgage.
- 5.28 **"Occupant"** means any Person, other than an Owner, in rightful possession of a Lot, whether as a guest, tenant or otherwise.
- 5.29 **"Owner"** means the record owner, whether one or more Persons, of fee simple title, whether or not subject to any Mortgage, to any Lot which is a part of the Property, but excluding those having such interest merely as security for the performance of an obligation. A contract purchaser under a recorded agreement of sale or contract for the sale of real property wherein legal title to the property remains in the vendor shall be deemed to be an Owner and the vendor there under shall be deemed to be a Mortgagee. If title to a Lot is vested of record in a trustee under a deed of trust pursuant to A.R.S. " 33-801, *et seq.*, then, for purposes hereof, such title shall be deemed to be in the trustor, who shall be deemed to be the Owner.
- 5.30 **"Person"** means a natural person, corporation, business trust, estate, trust, partnership, Association, limited liability company, limited liability partnership, joint venture, government, governmental subdivision or agency or other legal or commercial entity.
- 5.31 **"Private Road"** means any street, roadway, drive, bridge, walkway, path or other right-of-way within the Property which has been designated on a Plat by the Declarant as a private street, and which has not expressly been dedicated to public use. Private roads do not include driveways.
- 5.32 **"Project"** and **"Property"** mean Lots ____ - of Circle C Ranch Subdivision.
- 5.33 **"Quorum"** means those Members or Board of Directors required to be present to conduct a meeting, as defined in Section 5.6 and 6.8 of the Circle C Ranch Articles of Incorporation, as amended.
- 5.34 **"Registrant"** means an appropriately Arizona licensed and registered professional.
- 5.35 **"Residence"** means any building or portion of a building, situated upon a Lot and designed and intended for separate, independent use and occupancy as a residence.
- 5.36 **"Resident"** means each individual who resides in any residential structure.
- 5.37 **"Single Family Residential Use"** means all single family dwelling units built on Lots.
- 5.38 **"Voting Rights"** are defined in Section 2.4, Membership and Voting Rights.

IN WITNESS WHEREOF, Declarant has executed this instrument as of the date first set forth above.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: April 25, 2007

Type(s) of Presentation: Verbal Only

AGENDA TITLE: AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING THE AMENDMENTS TO ARTICLE V (ASSURANCES) OF THE SUBDIVISION REGULATIONS (87-A23), REMOVING THE COUNTY REQUIREMENT OF THE GOVERNING AGENCY TO APPROVE ACCEPTANCE OF THE ROADWAY IMPROVEMENTS INTO THE STREET MAINTENANCE SYSTEM AND ADDING THE REQUIREMENT FOR THE DEVELOPER TO PROVIDE A ONE YEAR WARRANTY ON THE ROADWAY IMPROVEMENTS.

PURPOSE AND BACKGROUND INFORMATION: Because of the recent issue of acceptance of the street system within the Verde Cliff's subdivision, the Town Attorney advised staff and Council that the language be removed from the subdivision regulations because it is only a state requirement for counties as noted in ARS 11-800.01H (now ARS 11-806.01I). It has also been requested by the Town Engineer that some language be added to require a period of warranty on the improvements from the developer.

The Planning and Zoning Commission held a public hearing on this item on April 5, 2007 and voted unanimously to recommend to Council approval of the proposed amendment with the recommended changes that are included in the Ordinance draft language.

STAFF RECOMMENDATION(S): Approve

LIST ALL ATTACHMENTS: Staff report, a portion of the subdivision regulations to be amended, Ordinance 2007 A340, ARS 11-806.01I(ARS 11-800.01H) and draft minutes of the Planning and Zoning Commission for April 5, 2007.

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Submitting Department: P&Z

Contact Person: Nancy Buckel

Town Manager/Designee: _____



ORDINANCE 2007 A340

AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING THE AMENDMENTS TO ARTICLE V (ASSURANCES) OF THE SUBDIVISION REGULATIONS (87-A23), REMOVING THE COUNTY REQUIREMENT OF THE GOVERNING AGENCY TO APPROVE ACCEPTANCE OF THE ROADWAY IMPROVEMENTS INTO THE STREET MAINTENANCE SYSTEM AND ADDING THE REQUIREMENT FOR THE DEVELOPER TO PROVIDE A ONE YEAR WARRANTY ON THE ROADWAY IMPROVEMENTS.

WHEREAS, the Town of Camp Verde adopted the Subdivision Regulations in Ordinance 87 A23, approved July 9, 1987 and,

WHEREAS, the Town Council has an abiding interest in protecting the public health, safety and welfare by establishing requirements for provision of the Subdivision Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. Article V. H. of the Subdivision Ordinance is amended to read as follows:

H. SUBDIVISION ROAD MAINTENANCE

~~Once the improvements are approved and the surety released, the Council will review the roadways for acceptance into the Town System for Maintenance as per ARS 11-800.01H. completed, as-built plans are submitted, and the Town Engineer has issued a letter of acceptance, the developer will warranty the improvements for a period of one year against any deficiencies in construction or material, and the infrastructure will function in accordance with the approved design.~~

Section 2. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted herein by reference, are hereby repealed, effective as of the effective date of this ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this 25th day of April 2007.

Approved: _____ Date: _____
Mayor

Attest: _____
Town Clerk

Approved as to form:

Town Attorney: _____

3. Engineer of Records Certification Statement

"In my professional opinion, the construction of (the specific site improvements required for approval) has been completed in substantial conformance with the construction plans and specifications including changes and addendums. My professional opinion is based, in part, upon the completion of certain tests and measurements and/or the review of the results of such tests and measurements completed by others. The rendering of this opinion in no way relieves any other party from meeting requirements imposed by contract, plans, specifications or commonly accepted industry standards.

H. SUBDIVISION ROAD MAINTENANCE

Once the improvements are approved and the surety released, the Council will review the roadways for acceptance into the Town System for Maintenance as per ARS 11-800.01H.

11-806.01. Subdivision regulation; platting regulations; violation; classification; easement vesting

A. The county board of supervisors shall regulate the subdivision of all lands within its corporate limits, except subdivisions which are regulated by municipalities.

B. No plat of a subdivision of land within the area of jurisdiction of such county shall be accepted for recording or recorded until it has been approved by the board. The approval of the board shall be endorsed in writing on the plat and shall also include specific identification and approval of the assurances except those for hiking and equestrian trails required by this section. If a county planning and zoning commission exists, the plat may be referred to such commission for its consideration and the board may receive the recommendation of the commission. If the subdivision is comprised of subdivided land, as defined in section 32-2101, and is within a groundwater active management area, as defined in section 45-402, the plat shall not be approved unless it is accompanied by a certificate of assured water supply issued by the director of water resources, or unless the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an assured water supply by the director of water resources pursuant to section 45-576 or is exempt from such requirement pursuant to section 45-576. The board shall note on the face of the plat that a certificate of assured water supply has been submitted with the plat or that the subdivider has obtained a commitment of water service for the proposed subdivision for a city, town or private water company designated as having an assured water supply, pursuant to section 45-576.

C. Any person causing a final plat to be recorded without first submitting the plat and obtaining approval of the board is guilty of a class 2 misdemeanor. No county recorder shall accept for recording or record any plat which has not been approved as provided by this article.

D. The ground of refusal or approval of any plat submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated upon the record of the board.

E. The commission shall recommend to the board and the board shall adopt general regulations of uniform application governing plats and subdivisions of land within its area of jurisdiction. The regulations adopted shall secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets, highways or bicycle facilities or to the official map for adequate and convenient open spaces for traffic, utilities, drainage, access of fire fighting apparatus, recreation, light and air. The board may adopt general regulations to provide for the proper arrangement of hiking and equestrian trails in relation to existing or planned streets or highways, and if adopted, such hiking and equestrian trails shall conform to the official map for adequate and convenient open spaces for traffic, utilities, drainage, access of fire fighting apparatus, recreation, light and air. The general regulations may provide for modification by the commission in planned area development or specific cases where unusual topographical or other exceptional conditions may require such action. The regulations shall include provisions as to the extent to which streets and other highways shall be graded and improved and to which water, sewer or other utility mains, piping or other facilities shall be installed or provided for on the plat as a condition precedent to the approval of the final plat.

F. On recording of a plat, the fee of the streets, alleys, avenues, highways, easements, parks and other parcels of ground reserved to the use of the public vests in trust in the county for the uses and to the extent depicted on the plat including, but not limited to, ingress and egress easements depicted on such plat. On annexation by any city or town such fee automatically vests in the city or town.

G. Boards of supervisors of counties shall prepare specifications and make orders, inspections, examinations and certificates as may be necessary to protect and complete the provisions and make them effective. The regulations shall require the posting of performance bonds, assurances or such other security as may be

appropriate and necessary to assure the installation of required street, sewer, electric and water utilities, drainage, flood control and improvements meeting established minimum standards of design and construction.

.1. Before adoption of regulations by the board or any amendment as provided in this article, a public hearing shall be held by the commission. A copy of the regulations shall be certified by the commission to the county board of supervisors which shall hold a public hearing after notice of the time and place has been given by one publication fifteen days prior to the public hearing in a newspaper of general circulation in the county.

I. Approval of a plat shall not be deemed to constitute or effect an acceptance by the county for designation of any street, highway, bicycle facility or other way or open space shown upon the plat into the county maintenance system except for hiking and equestrian trails which shall be constructed and maintained by the county. However, at such time as the streets, highways, bicycle facilities or other ways are fully completed in accordance with the approved plat and written specifications made by the county board, the county shall accept such streets, highways, bicycle facilities and other ways into the county maintenance system within one year of completion.

J. For any subdivision that consists of lots, tracts or parcels, each of which is of a size as prescribed by the board of supervisors, the board may waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat and may waive or reduce infrastructure standards or requirements except for improved dust-controlled access and minimum drainage improvements.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: 4/25/07

Submitting Department: Council

Contact Person: Ron Smith

Consent: **Regular:** **Requesting Action:** **Report Only:**

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input checked="" type="checkbox"/> Other: | |

Agenda Text (Be Exact): Discussion, consideration, and possible determination of the direction that Council wishes to proceed and/or action that Council wishes to take regarding recent employee complaints.

Council Recommendation: None Budgeted/Amount N/A \$ _____

Purpose of Item and Background Information: The Council has been made aware of complaints that employees have made and there has been no action or response. I believe that it is important to address these issues in order to avoid possible litigation and to move toward resolving the problems.

List All Attachments as Follows: N/A

Type(s) of Presentation: Verbal Only

Signature(s):

Name: _____



**MINUTES
REGULAR SESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
THURSDAY APRIL 5, 2007
6:30 PM**

DRAFT

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Commission motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion.

1. **Call to Order**
The meeting was called to order at 6:30 p.m.

2. **Roll Call**
Chairperson Witt, Vice Chairperson Freeman, Commissioners Hisrich, Butner, Bullard, and German were present; Burnside arrived at 7:17 p.m.

Also Present: Housing Director Matt Morris and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Bullard.

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 1, 2007 – Regular Session
March 8, 2007 – Regular Session
 - b. **Set Next Meeting, Date and Time:**
April 12, 2007 – Regular Session – 6:30 p.m.On a motion by Bullard, seconded by Butner, the Consent Agenda was unanimously approved as presented.

5. **Call to the Public for Items not on the Agenda**
There was no public input.

6. **Discussion and Action on PP 2007-01 Circle C Ranch.**
PP 2007-01: An application submitted by Jack Gilcrest, agent for T & M Ranching & Development, LLC, owner of parcels 403-21-007K, 403-21-007L & 403-21-007F requesting preliminary plat approval for Circle C Ranch Subdivision consisting of approximately 12 acres and 6 lots. This property is zoned R1-70 and is located at the end of Apache Trail.
On a motion by Hisrich, seconded by Freeman, the Commission unanimously recommended that Council approve an application submitted by Jack Gilcrest, agent for T & M Ranching & Development, LLC, owner of parcels 403-21-007K, 403-21-007L & 403-21-007F requesting preliminary plat approval for Circle C Ranch Subdivision consisting of approximately 12 acres and 6 lots; this property is zoned R1-70 and is located at the end of Apache Trail.

STAFF'S PRESENTATION

Matt Morris reviewed the details of the proposed development, including the number of lots, deed restrictions, the private cul-de-sac access, wells and septic systems, method of assurance of completion, and responses from the Town Engineer as to a traffic impact study and County agencies. There have been no

addressed in the final platting stage.

PUBLIC HEARING OPEN

Applicant's Statement

Jack Gilcrest, representing the applicant, said he had no comments to make at this point.

DRAFT

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No applicant's rebuttal was necessary.

PUBLIC HEARING CLOSED

Board Discussion

During the discussion, as a courtesy the applicant was advised of a fencing issue that had been expressed to a Commissioner prior to the meeting. Mr. Gilcrest also assured the Commission that the two existing wells will not be abandoned, but will continue to be used for irrigation purposes, and that he is aware that a storm water management plan will need to be approved prior to final approval. Staff indicated that there were no negative comments from the Fire Department regarding the street layout.

STAFF COMMENTS

There were no further staff comments.

7. Public Hearing, Discussion and Action on amendment to the Planning and Zoning Ordinance Section 113 to include Citizen Review and Participation requirements for any amendment to the Zoning Ordinance.

On a motion by Butner, seconded by Hisrich, the Commission voted unanimously to continue this item until the next meeting in order to review ARS 9.462.04 prior to further discussion.

STAFF'S PRESENTATION

Morris said that Director Buckel had consulted the Town Attorney in regard to the proposed amendment to bring the Town Code into compliance with ARS Title 9.462.04 (b) setting forth the citizen review process for land use regulation changes. Morris outlined the language of the proposed amendment to be added as Section C to Town Code Section 113.

COMMISSION DISCUSSION

The Commission discussed at length the issue of time deadlines for completing the steps required during the review process, with conflicting opinions about imposing time constraints in some of the steps. There was also a request to be provided with the precise language of the cited ARS section that governs the public hearing process.

There was no public input.

8. Public Hearing, Discussion and Action on amendment to the Town of Camp Verde Subdivision Regulations V.H. Subdivision Road Maintenance to remove language that references ARS statutes pertaining to County acceptance of roads in subdivisions and the add language that will require the developer to warranty the infrastructure for a period of time.

On a motion by Butner, seconded by German, the Commission unanimously recommended approval of the proposed amendment to the Town of Camp Verde Subdivision Regulations V.H. Subdivision Road Maintenance, as discussed and modified.

DRAFT

Morris said that because of recent issues in other subdivisions, the proposed amendment to Paragraph H, Subdivision Road Maintenance, had been drafted by the Town Attorney to delete some of the language and to add language suggested by the Town Engineer.

Chairperson Witt outlined one of the reasons that the change is being proposed, describing a problem that arose for a developer because of lack of maintenance, explaining that the amendment will provide for maintenance of the infrastructure, as approved, throughout the warranty period. After further discussion the members agreed upon the proposed language in Paragraph H, Subdivision Road Maintenance, with modifications shown as underlined:

“Once the improvements are completed and as-built plans are submitted to the Town Engineer for acceptance, the developer will warranty the improvements for a period of one year against any deficiencies in construction or material, and the infrastructure will function in accordance with the approved designs.”

9. Discussion on amendments to Section 108 and 109 to address the inconsistency to the two sections concerning allowance of livestock exceptions for 4-H projects.

On a motion by Burnside, seconded by Hisrich, the Commission voted unanimously to continue this item to the first meeting of May.

Chairperson Witt announced the item to be addressed, acknowledging the members of the audience who were present, and pointing out that the subject is for discussion only for the purpose of beginning to work through the concerns that have been expressed. Witt also suggested that the hearing proceed as a Work Session, after staff's presentation.

STAFF'S PRESENTATION

Morris first distributed some material to the members, copies of which had been provided to those attending, explaining that those handouts set forth the proposed text changes to Sections 108 and 109. Morris said that the language is simply a starting point, or building block, to work on resolving the conflicts between the two Code sections. Morris reviewed the history of the opposing issues involving the effects of what has been referred to as 4H or FFA activities, and the intent of the Town to try to balance community values as a whole. Morris reviewed the proposed changes, after which the meeting was opened to public comments.

PUBLIC INPUT

(The following comments by individuals are summarized.)

Susan Danner expressed her concern that the proposed changes will not resolve what she believes is the overwhelming problem of the odors and noise from the excessive number of pigs in the pig farm in a residential area; she believes the owner is using the 4H activities as a smoke screen for the farm. Also, most towns and cities do not allow swine.

Leonard Krautbauer lives next to the pig farm and listed his concerns regarding the flies, the excrement being hazardous material, the offensive odor, the excessive number of pigs, all of which are a serious health issue.

DRAFT

Ivan Piper said he is mainly concerned about the breeding program and the piglets not being counted as animal points, and he believes his property value is affected.

Loren Eldridge complained about what he perceives as a sanitation problem and the effect on his property value.

Maureen W (sp.), who lives in the neighborhood, questioned the number of pigs being raised and bred in a residential neighborhood; she also commented on the Code provision regarding impairment to enjoyment of one's property.

Bill Young said the pig property is an eyesore in the neighborhood; he believes his property value has been diminished because of the pig farm across the canal.

Greg Terry said that the 4H kids need to get their animals and that is what he is providing. Mr. Terry said he strongly believes that, as far as revisions to the Code, the Town needs to get expert opinions as to the spatial requirements for different animals. If there is a nuisance factor, that should be up to the Code Enforcement Officer. As for a commercial operation, most all of the residents in Camp Verde sell some form of produce or livestock from their homes. The Code provisions should be fair to all. Mr. Terry stressed that the issue of disallowing commercial breeding has everything to do with the property rights of every single one of the Camp Verde residents.

Eric Schweizer objects to the very pungent smell from the pigs, and quoted from an e-mail received from a friend in Europe stating that it is known the world over that pigs are "the dirtiest, smelliest of all domestic animals." Mr. Schweizer believes only one pig per 4H child should be allowed.

COMMISSION DISCUSSION

The members addressed the provisions under "Exceptions," including allowing 4H youth to raise animals on properties other than their own, and determining a number that is too large for any given piece of property.

Other areas of concern or possible confusion were:

The provision that 4H or FFA breeding programs should comply with the allowed animal points for the subject property, and at what age are the animals counted;

Regulation of a breeding program, and basis for determination that it is a commercial operation and operating in a residential neighborhood.

The existence of a hog farm in a residential neighborhood, and need to clarify how the number of allowed animals is determined;

A suggestion that the number of pigs be limited to the project pigs in 4H or FFA activities, otherwise not allowed at all in a residential area;

Recommendation to have a "reasonable" breeding program or operation;

Clarification of and adherence to the "point system";

Limit the number of swine to 2 per acre, keeping the exception for the "babies".

Establish a time period for removal of animals from the property after they have exceeded the animal count based on their age;

Add the provision that "under no circumstances shall there be more than "X" number of animals....";

Direction from Council to protect the provisions in 108 and kids' rights to raise animals in 4H and FFA programs;

Following the lengthy discussion, with suggestions, Chairperson Witt requested that Commissioner Hisrich summarize the recommendations that the group has collectively made and submit that summary to Morris before the first meeting to be held in May. Those individuals attending were invited to submit written recommendations on proposed amendments to the Code.

10. Discussion on amendment to the Sign Code section 118 of the Town's Zoning Ordinance to address sandwich signs on commercial property or in the Right of Way.

On a motion by German, seconded by Butner, the Commission voted unanimously to continue Items 10, 12 and 13 to the meeting scheduled for next week.

11. Call to the Public for Items not on the Agenda

There was no public input.

12. Discussion on the possible allowance of shipping containers used as accessory structures. (Continued by action at Item 10.)

13. Discussion on how to address inconsistencies between the Planning & Zoning Ordinance, Subdivision Regulations and the General Plan. (Continued by action at Item 10.)

14. Commission Informational Reports:

Bullard reported on the Water Company activities.

German questioned whether the Code regulating animals is being enforced.

15. Staff Report

Morris said that the Design Review Board will be considering its first application involving expansion of American Heritage school facility. Also, the next public meeting on the 5 acres will be held Tuesday at 6:00 p.m., in Rooms 206-207.

16. Adjournment

On a motion by Bullard, seconded by Burnside, the meeting was adjourned at 9:10 p.m.

Rob Witt, Chairperson

DRAFT

Planning & Zoning

DRAFT

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 during the regular meeting of the Planning & Zoning Commission of Camp Verde, Arizona, held on the 5th day of April 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2007.

Margaret Harper, Recording Secretary