

**MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, AUGUST 30, 2006
at 6:30 P.M.**

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Council 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**

Mayor Gioia, Vice Mayor Hauser, Councilors Baker, Smith, Kovacovich, Parrish and Parry were present.

Also Present: Sr. Planner Nancy Buckel, Town Manager Lee, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Councilor Parry.

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) August 18, 2006 – Special Session
- 2) August 16, 2006 – Regular Session

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

- 1) Regular Session – September 6, 2006 at 6:30 p.m.
- 2) Regular Session – September 20, 2006 at 6:30 p.m.
- 3) Council Hears P&Z – September 27, 2006 at 6:30 p.m.

c) **Possible approval of the Dispatch Agreement with the Yavapai Apache Nation.**

d) **Possible approval of the Intergovernmental Agreement (IGA) Funding Request FY-06-07 with the Yavapai County Flood Control District. The purpose of the IGA is for the District to pay and contribute \$27,644 to the Town for fiscal year 2006-07 to be used for drainage related improvements.**

On a motion by Hauser, seconded by Baker, the Consent Agenda was approved unanimously, with the exception of Item 4.a), Approval of the Minutes.

On a motion by Kovacovich, seconded by Hauser, the Council voted 4-3 to approve Item 4.a), the Minutes of August 16 and 18, 2006, with Gioia, Smith and Baker abstaining because they were absent from those meetings.

Mayor Gioia requested that Item 4.a) be pulled for separate action since he was not at either of the two meetings and would abstain from voting on approval of those Minutes.

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

Robert Johnson asked about obtaining a copy of the presentation that was made at the preceding Work Session; he was told that a copy would be available at the Clerk's office.

Jim Hopkins distributed copies of a story about the Mail Trail, including the names of the riders, that had been written by his father, Dave Hopkins. Mr. Hopkins said that the copies he had provided showed that Terri Leverton had been wrongfully acknowledged as the author of the information his father had compiled over a period of approximately four years, and that was

totally unfair. Mr. Hopkins requested that something be done to formally credit his father as one of the main reasons for the interest in recreating the Mail Trail.

There was no further public input.

6. **Public Hearing concerning proposed new development fees.**

There was no action taken.

Town Manager Lee announced that the subject public hearing is a required step in the possible adoption of development or impact fees in the future; should the Council decide to adopt the fees on September 20th, the fees would then go into effect 90 days after that date. Lee made a Power Point presentation highlighting the population projections, calculations and recommendations from the study recently completed by Tischler Bice; the funds from development fees would be allocated among four categories: Parks & Recreation Department, Police/Marshal Department, Municipal facilities and equipment, and the Library.

The Council held a lengthy discussion on the proposed development fees, beginning with a comment that one poll among similar cities at the recent League Conference indicated they strongly favored and have adopted impact fees as a way to build and maintain infrastructure and services. It was pointed out that development fees imposed on new residents would pay for the services the increased growth would demand; otherwise, the present residents would be burdened with extra costs to keep up with the growth. In the alternative, there were suggestions to consider adding 1 percent to the sales tax or imposing an additional 1-1/2 percent to the construction tax that would generate the funding required to continue to provide the same level of services to match the growth; spending would be more flexible as opposed to the strict reporting requirements of impact fees.

PUBLIC INPUT

Mitch Dickinson noted the history of the Council considering impact fees in the past, and speaking as a contractor recommended raising the construction tax, which he believes would be more fair to the lower income individuals; also, impact fees are currently being challenged in some instances. He added that if development fees are adopted then the tax should be eliminated.

Bob Womack also spoke in favor of increasing the sales tax; tourists and winter visitors should help pay for the Town amenities and services. The proposal for impact fees will still be an uphill battle since a referendum has been threatened; increasing taxes would probably not meet with such strong opposition.

Robert Johnson disagreed with Mr. Womack's comments; he spoke in favor of impact fees and reviewed the benefits of having development pay for the increased demands created by growth.

Henry Shill spoke against the idea of development fees, and said that if the 1 percent increase in the sales tax had been approved when it was discussed in the past, it would have been raising \$1 million a year just with the existing development. He added that he would do all he can to help defeat any proposal to adopt impact fees.

Marlene Solvine (sp.) said she has been a resident since 1978, and has owned her property since 1981; she expressed concern about the adverse impact of a development fee on those individuals in dire need of housing or improvements to their property.

Shirley Brinkman said she purchased an existing home four years ago; she has worked in the building trades for over 30 years and understands why impact fees are needed. She does not agree with having an additional sales tax imposed, new development should pay for the added costs of growth.

Luke Sefton cautioned that the developer is not the one who pays the impact fee, that is added to the cost of the home; the average resident in Camp Verde already cannot afford to buy the new homes that are being built.

There was no further public input.

Following a brief further discussion, Lee said that the proposed ordinance will be presented to Council on September 20th for consideration. Bullard reminded the Council that the 1 percent tax has been pledged to service the GADA loan for the Marshal's Office and legal advice should be sought before considering eliminating it as had been suggested in the event of the imposition of development fees.

A recess was called at 7:33 p.m.; the meeting was called back to order at 7:41 p.m.

7. **Discussion, consideration, and possible approval of Resolution 2006-693, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2006-03 for Homestead at Simonton Ranch located on parcel 403-23-102 consisting of 36.2 acres. This project is located off of Finnie Flat Road and is within the Master Planned Community of Simonton Ranch.** A motion by Gioia, seconded by Parry, to approve Resolution 2006-693, with the stipulations listed in the Resolution, (1) Upon the determination by the developer of the amount of water rights needed on the subdivision, the developer will voluntarily transfer any and all unallocated water rights to the Town; (2) All non-motorized trails will be within the dedicated drainage and ditch easements dedicated to the Town on the Final Plat, **and a Maintenance Finance Program will be agreed upon with Town Staff, Council and the developer;** (3) Development fees will be applicable to all building permits submitted after the effective date of the adoption of such fees; **sewer requirements will be met and water adequacy requirements will be met, and all of the infrastructure will be put into place and approved by the Town before the Plat is recorded,** failed by a 3-4 vote, with 'no' votes by Hauser, Baker, Parrish and Kovacovich.

Sr. Planner Buckel presented the staff report on the subject request; the character of the proposed subdivision within the Simonton Ranch will be more rural in nature with pathways instead of sidewalks, all of which have been approved in the Preliminary Plat process along with the access road, setbacks and roadway cross sections. Arizona Engineering has approved the final construction plans, and staff has also received approval from Yavapai County Flood Control. Because of the unanticipated cost of improvements above the \$1 million loan that was obtained, the applicant is requesting that the Council approve a proposal that a Certificate of Occupancy not be given for any home until all the improvements are completed, as an alternate form of assurance in lieu of a bond. The Attorney has recommended that language be added to the CC&Rs to insure that the maintenance of the trails will be the responsibility of the Homeowners Association.

The Council briefly discussed with Buckel the plans for sewer and water services to the development; the water adequacy letter has not been received but is still moving forward in the application process. There was also concern and objection expressed over the request for waiver of the bond, with Buckel confirming that the ordinance does provide for an alternate type of assurance.

Russ Nielson, one of the partners, explained that the bond be waived since it would need to cover the entire cost of the improvements, not just for the excess over the \$1 million, and would be very expensive. Mr. Nielson then addressed the understanding and belief of the partnership that the Town would be accepting and maintaining the trails, saying that the developer does not want to have the liability in the event of injuries to those using the trails. In response to the

Council's request for clarification, Buckel explained that the trails would be accepted by the Town through the platting process, but it was understood that the maintenance would be the responsibility of the HOA, although that had not been strictly spelled out, which had led to the request by the Attorney to include that provision in the CC&Rs.

The Council discussed the Town's request that trails be included in the developments and conflicting opinions over where the responsibility would lie, whether with the HOAs with the trails being amenities for the residents or with the Town as part of the network of trails being developed by the Town in compliance with the General Plan. **Scott Simonton** reviewed the zoning issues that had been addressed in the past and his understanding that if the trails would end up to be an amenity for the entire Town, one of the major concerns was the issue of liability, and that concern was expressed to the Council. Mr. Simonton believes the Council at that time concurred with the idea of making the trails available to all the community and agreed to accept ownership, although he does not recall a discussion regarding who would maintain them. He said it was assumed that the Town would take ownership when the trails were deeded to the Town and would have the responsibilities that would go with that ownership. The developers agreed among themselves that they would be happy to help to maintain the trails on a volunteer basis, but definitely do not want to incur liability by being legally responsible for the maintenance.

The members discussed the need to further clarify the liability issue with the Town Attorney and to research the manpower capabilities of the maintenance crew, as well as concern because the issue had not been addressed fully from the beginning. There were also opinions expressed that since connecting trails and open space are part of the General Plan, when the trails are developed as alternate forms of transportation within the Town they should absolutely be the responsibility of the Town to accept and maintain.

The Council summarized the questions that needed to be addressed pursuant to their discussion, including trails maintenance, the construction bond, the sewer requirements and water adequacy requirements. The bond issue was discussed with Mr. Nielson, including the suggestion that the project could be completed in two separate phases; he had not looked into the cost of a bond. Buckel again reviewed the provisions for alternate methods of assurance. The members generally objected to approving an alternate assurance based on experience with former developers. Buckel suggested another option, and that is that the developer could construct all of the infrastructure and not record the plat until it was completed and the Town accepted the improvements. The subject of trails maintenance and liability was discussed with the developer, with Mr. Nielson reiterating the willingness to help keep up the appearance of the trails, but objection to assuming the liability; he suggested that perhaps some agreement could be reached with the developer, staff and Council.

There was no public input.

8. **Discussion, consideration, and possible approval of Resolution 2006-699, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2006-05 for River's View at Simonton Ranch located on parcel 403-23-102F consisting of 16.9 acres. This project is located off of Finnie Flat Road and is within the Master Planned Community of Simonton Ranch.**

On a motion by Gioia, seconded by Hauser, the Council voted unanimously to table this Item 8.

Buckel advised the Council that the subject plat cannot be approved since the Council did not approve the preceding plat; the only access to the Town right-of-way is through the first development.

There was no public input.

9. **Discussion, consideration, and possible approval of Resolution 2006-701 a Resolution of the Town of Camp Arizona, approving General Plan Amendment 2006-06 that amends the Land Use Map of the General Plan for parcel 403-18-003B from Rural Residential to Medium Density Residential; this property is located at 3146 Shady Lane.**

A motion by Baker, seconded by Kovacovich, to approve Resolution 2006-701, a Resolution of the Town Council of the Town of Camp Verde, Arizona, approving General Plan Amendment 2006-06 that amends the Land Use Map of the General Plan for Parcel 403-18-003B from Rural Residential to Medium Density Residential, site location 3146 Shady Lane, **failed by a 5-2 vote which did not meet the three-quarters majority required by State law; with 'no' votes by Hauser and Gioia.**

STAFF PRESENTATION

Buckel explained that the General Plan amendment is required because the parcel is within a subdivision, and although not a part of the subdivision is accessed off of Shady Lane in another area which does not agree with the current General Plan. When the General Plan was put into place with the land use area, small pockets of subdivisions were approved by the County for higher densities but the zoning was not changed, although the reason for that is not clear. The applicant is requesting the amendment so that what they want to do can be accomplished and will be in agreement with the General Plan. The applicant is seeking to split the one lot into two, with each being in conformance with the sizes of lots in the neighborhood. The development of the two lots would need approval from Yavapai Environmental Services for a septic system. Buckel cited the criteria for a minor amendment, which the request meets. A neighborhood meeting was held, with no one attending. The Commission has recommended approval of the General Plan Amendment, with a suggestion to waive the fee. Staff very late in the process received a petition signed by some of the neighbors opposing the proposed development based a potential increase in traffic; therefore, a three-quarters vote for approval will be required.

PUBLIC HEARING OPEN

Applicant's Statement

Troy Krauter, representing Carlie Androus, said the applicant wants to split the parcel evenly down the middle, resulting in two lots each approximately .31 of an acre and would be equivalent to other parcels in the area. Site-built homes are planned for the two lots.

COMMENT FROM OTHER PERSONS

Marlin Cassa, an adjacent neighbor, said that an irrigation ditch runs about in the middle of the two parcels; he referred to the petition with eight signatures opposing the lot split because of the proposal to build two homes on each and the resulting increased traffic, congestion and parking problems. Copies of the petition had been provided to the Council. No other parcel in the area has more than one mobile or house on it.

There was no further comment from other persons.

APPLICANT'S REBUTTAL

There was no applicant's rebuttal.

PUBLIC HEARING CLOSED

Council Discussion

The members discussed the size of the lots after the requested split, pointing out that they would end up being smaller than the others in the area. Mr. Krauter confirmed that the property has irrigation rights, using pump irrigation, although it is not currently being irrigated. There was further brief reference to some concern regarding creating lots being the smallest in the area and increasing density in the neighborhood.

10. **Discussion, consideration, and possible approval Ordinance 2006-A336, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona, changing the zoning for parcel 403-18-003B consisting of approximately .62 acres from RCU2A to R1L-12. This rezoning is to allow for development of two lots.; this property is located at 3146 Shady Lane.**

On a motion by Baker, seconded by Kovacovich, the Council voted unanimously to table this Item 10.

It was agreed that the item cannot be addressed because it would not now be in agreement with the General Plan since the preceding item failed.

There was no public input.

11. **Discussion, consideration, and possible approval of Resolution 2006-702, a Resolution of the Common Council of the Town Camp, Arizona approving the Preliminary Plat 2006-01 for the purpose of developing Sleepy Hollow Subdivision on parcel 404-30-029D consisting of approximately 2.41 acres and 20 lots; the site is located on Nichols Street.**

On a motion by Baker, seconded by Gioia, the Council unanimously approved Resolution 2006-702, a Resolution of the Common Council of the Town of Camp Verde, Arizona, approving the Preliminary Plat 2006-01 for the purpose of developing Sleepy Hollow Subdivision on Parcel 404-30-029D consisting of approximately 2.41 acres and 20 lots, **with the following added to the Resolution:** stipulations regarding the donation by Mr. McDonald of the 10-foot easement for Nichols Street and the donation of sidewalks and curbs along Nichols Street; and the three requests from the Camp Verde Fire District for (1) a fire lane within the development, (2) two fire hydrants and (3) automatic sprinklers in the parking garages and a four-hour firewall separating each unit

STAFF PRESENTATION

Buckel described the location of the proposed development with entrance off Nichols Street, a Town roadway. The developer plans to work with the Town Engineer and Street Department to make improvements along Nichols Street; no sidewalks will be provided in the project since access to the units is a private driveway. The development will be served by Camp Verde Water Company and Camp Verde Sanitary District. At the project meeting with staff, seven agencies and the developer, several requirements were listed including dedication of 10 feet of additional right of way on the development's frontage on Nichols Street and additional engineering to meet Flood Control approval, and the request by the Fire District for 2 fire hydrants, a marked fire lane, automatic sprinklers in parking garages and a 4-hour firewall separating each unit. No responses have been received to the 43 notification letters sent out. The Commission has unanimously recommended approval of the Preliminary Plat.

PUBLIC HEARING OPEN

Applicant's Statement

Dugan McDonald, a professional land surveyor with Heritage Survey and Mapping, explained that the proposed Sleepy Hollow project is a senior adult community consisting of 20 town home lots located within easy walking distance of downtown, and will be a great improvement to the area.

COMMENT FROM OTHER PERSONS

Carol Steen stated her opposition to the project, complaining that the previous property owner had worked hard with all the neighbors and promised single-story buildings that would look like the Fort, but now Sleepy Hollow will have two-story buildings and everything has changed. It is very wrong for a subsequent developer to not respect what the initial developer did.

Marlene Solvine (sp.) said she is also a neighbor. She cannot imagine what is being planned and she is in shock about the reference to a two-story project; she would have opposed that.

There was no further comment from other persons

APPLICANT'S REBUTTAL

Dugan McDonald said that he polled all the neighbors during the rezoning process and got signatures in support of the two-story units; those issues have been addressed.

PUBLIC HEARING CLOSED

Council Discussion

There was some discussion about the large number of neighbors that Mr. McDonald had brought in to a prior meeting who expressed their support for the project, and confirmation that the proposed height would comply with the Town height restrictions. The members also discussed the developer's reference to the Street Department's tentative agreement to pave the section of Nichols Street that accesses the property, and commended him on his planned dedication of the 10-foot easement and the curb, gutter and sidewalk construction. It was confirmed that there are no excess water rights to convey to the Town. Buckel also explained that the applicant planned to provide a utility easement for future development of properties adjacent to the north. Mr. McDonald confirmed that he has completed the road survey for the right of way.

12. **Discussion, consideration, and possible approval of Resolution 2006-705, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Resolution 2006-686 to indicate Final Plat 2006-04 for NEI Commerce Park is approved as a dry lot subdivision.**

On a motion by Gioia, seconded by Baker, the Council voted 6-1 to approve Resolution 2006-705, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Resolution 2006-686 to indicate Final Plat 2006-04 for NEI Commerce Park, **changing the dry lot subdivision to acceptance of inadequate water supply**, stipulating that the developer will hook up to the Camp Verde Water system, and will also participate in either their own study to reach approval of an adequate water supply determination or an umbrella study which would give larger PAD approval of adequate water supply; with a 'no' vote by Hauser.

Buckel said that based on the presentation by the ADWR representative the correct terminology is to approve the resolution with the understanding that it will receive "an inadequate water supply," but will be connected with Camp Verde Water Company. Buckel explained that the Final Plat was approved with the understanding that the development would receive an adequate water supply letter from ADWR. Staff has now been advised that ADWR will not be issuing letters of water adequacy without completing a full hydrology study. Pursuant to discussion with the Town Attorney and the need for full disclosure, the owner is bringing the request for approval back to the Council with the understanding they still want to move forward with the inadequate water supply, incurring the expense of hooking up to Camp Verde Water, and will either contribute to an umbrella study with the Town or arrange for an independent study. According to the Attorney, three options are available, one, to rescind the prior approval; two, grant conditional approval; or (three) allow approval as an inadequate water supply with no further restrictions, as long as that is stated on the plat as such.

Rob Witt, as the applicant's representative, confirmed that the developer does want to go ahead with an approval of the subdivision with an inadequate water supply. Mr. Witt said that they have a quote to do the study for approximately \$5,000, and the owner is willing to either have the study done or set aside that amount for a larger study. Seven parcels are currently in escrow. Although the subdivision will be hooked up to Camp Verde Water, that company has not been designated as having an adequate water supply. **Luke Sefton**, engineer, also pointed out a retention basin on the plat in response to a question regarding drainage. **Doug Dunham**,

representative from ADWR, spoke briefly summarizing his earlier presentation regarding the research leading to the current specific requirement for the adequate water supply study, and the alternatives of either participating in an umbrella study, or PAD (Physical Availability Determination), or conducting an individual study in order to receive approval of adequate water supply. The applicant could request from ADWR and receive within a few days a letter of inadequate determination and then must reapply for approval after the new hydrologic study; however, at this point there is no guarantee that water adequacy will be found. **Rob Witt** reiterated that the owner is seeking approval pending adequate water determination to be able to close on the lots in escrow with full disclosure to the purchasers, and will participate in a water study that will eventually result in an adequate water supply status.

There was no public input.

13. **Discussion, consideration, and possible approval of Ordinance 2006-A329, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 108 of the Zoning Ordinance relating to the height limits and set back requirements.**

On a motion by Baker, seconded by Kovacovich, the Council voted unanimously to table this Item 13.

Vice Mayor Hauser said she appreciated the work done by the Commission and staff, but expressed her concern over the existing ordinance height limitations that are now proposed, and is seeking to change the heights to 20 feet residential, 30 feet commercial, and possibly as much as 40 feet, depending upon circumstances; she said she felt 50 feet is too high, citing the NEI building that is so visible from the freeway. With only a brief discussion it was suggested that the issue be tabled pending further clarification as well as further input from the Attorney.

PUBLIC INPUT

George Young suggested that the Town really should not stifle the possibilities of having an industrial tract to do industrial projects; building heights should be evaluated according to the circumstances.

There was no further public input.

14. **Discussion, consideration, and possible direction to staff regarding a proposed requirement for certified documents submitted to the Community Development Department as part of the application process.**

On a motion by Parry, seconded by Hauser, the Council voted unanimously to table this Item 14.

Councilor Parry believes that Camp Verde should require certified documents the same way that the County does and cited some past problems with documents in the P&Z files not having the correct information. The members discussed the extra expense and burden placed on applicants to get certified copies of the list of documents that have to be presented; that was countered with pointing out the benefit of eliminating the burden on staff to verify unofficial documents, as is currently the practice. Buckel explained how the department deals with the documentation, saying that there have been problems in the past involving a dispute regarding easements; however, even though a certified document on a piece of property is presented, there is no guarantee that it is the most current. Pending further consideration of the issue, the Council decided to table the item at this time.

PUBLIC INPUT

Marlene Solvine (sp.) said there should be no doubt regarding ownership for people who pay their taxes on time; some things just require a little common sense.

Rob Witt said that certification was not a bad idea, but objected to requiring people to go to Cottonwood or Prescott for certification of documents, saying that they tend to shop while there, and that Camp Verde should provide as many services possible right here, to discourage people from shopping in those other areas.

There was no further public input.

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

Russ Nielson requested some direction from Council with regard to Item 7 addressed earlier; it was suggested that he go back through staff to discuss any changes, or the stipulations made, since discussion on that item cannot now be reopened.

There was no further public input.

16. **Advanced Approvals of Town Expenditures**

There were no advanced approvals of Town expenditures.

17. **Manager/Staff Report**

There was no Manager/Staff report.

18. **Council Informational Reports**

Smith commented on the Mule Show coming up on September 14-15-16, adding that volunteers are needed. Smith also brought up the suggestion that all the members who had attended the League of Cities & Towns conference hold a Work Session to share interesting items from that conference.

Baker also commented on having a Work Session on material from the League; some great information on affordable housing was obtained from Flagstaff and Baker said that additional information will be forthcoming on that issue. Baker also suggested that perhaps Council should respond to an article in the newspaper regarding the most recent Sanitary District expansion problems by directing a letter to the Governor with a request for some serious help.

Kovacovich extended thanks to the League of Cities & Town for putting on a great conference.

Gioia said he felt the Conference was very good, and he spent most of his time in valuable networking; he is also working on the 260 Access Management Plan financing through networking.

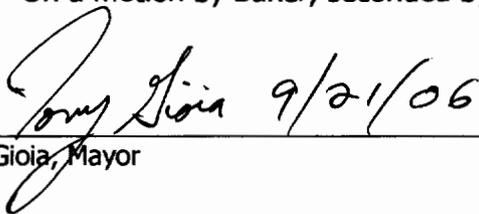
Hauser reported that the Cowboys football team beat Sedona; everyone should come out to the games; Friday night they will be playing Chino Valley.

Parrish announced that the Mail Trail will be officially opened Saturday, September 9th, at the Wingfield store at about 8:00 a.m.; Mayor Gioia will be cutting the ribbon.

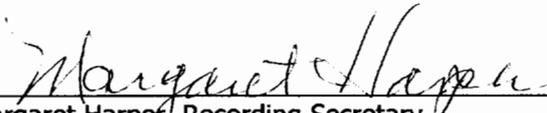
Parry also reported briefly on his attendance at the League Conference.

19. **Adjournment**

On a motion by Baker, seconded by Hauser, the meeting was adjourned at 10:31 p.m.

 9/21/06

Tony Gioia, Mayor



Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 30th day of August 2006. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 28 day of Sept, 2006.



Debbie Barber, Town Clerk