

MINUTES DRAFT
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY APRIL 02, 2015
6:30 PM

1. Call to Order

Chairman Davis called the meeting to order at 6:30 pm.

2. Roll Call

Chairman Davis, Vice Chairman Freeman, Commissioners Blue, Burnside, Hisrich, Norton and Parrish. Commissioner Hisrich arrived at 6:31 pm.

Also present: Community Development Director Mike Jenkins, Deputy Public Works Director Troy Odell, Asst. Planner Jenna Owens, Economic Development Director Steve Ayers and Recording Secretary Marie Moore.

3. Pledge of Allegiance

Commissioner Parrish led the pledge.

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

a. Approval of Minutes:

No minutes for approval

b. Set Next Meeting, Date and Time:

As Needed

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

Tom Pitts addressed Commission notifying that the bill for crowd funding was signed by the governor today.

6. Public Hearing, Discussion and Possible Recommendation for approval (or denial) to Council on Use Permit 20150033, an application submitted by Joe Link – agent for owner Altman Land & Cattle III & IV, LLC of parcels 403-15-002Y, and a portion of 403-15-003C. The Use Permit will allow an operation that will mine, quarry and extract natural resources from the property which will be a total of 195.33 acres. The property is located on State Route 260 at milepost 214.27 on parcels 403-15-002Y & 403-15-003C.

On a motion by Blue, seconded by Norton, Commission unanimously recommends approval to Council on Use Permit 20150033, an application submitted by Joe Link – agent for owner Altman Land & Cattle III & IV, LLC of a portion of parcel 403-15-002Y, and a portion of 403-15-003C with clarification regarding the annual review and location to an entrance gate to allow traffic to turn around. The Use Permit will allow an operation that will mine, quarry and extract natural resources from the property which will be a total of 195.33 acres. The property is located on State Route 260 at milepost 214.27 on parcels 403-15-002Y & 403-15-003C.

Mike Jenkins introduced Andy Grosetta, owner of property, Joe Link, agent and civil engineer of project, Community Development Director Steve Ayers and Deputy Public Works Director Troy Odell.

Jenkins explained that the ordinance under consideration is under Town Code rather than as a use permit through Community Development. Jenkins explained that with this situation, if there are any violations or issues, the matters would be taken directly to council.

Jenkins read the town code regarding mining and quarrying and indicated that mining is allowed in any zoning district with council approval as well as a 300 ft property buffer and the impacts that should be considered.

Chairman Davis questioned the wording regarding the buffer zone. Jenkins explained that 300 ft is the default set back.

Jenkins indicated that the plan presented by the applicant would eventually be modified in some or many ways. Jenkins explained that even if the Commission were to approve this application, there are several other agencies that the applicant will have to receive permits from in order to begin operation and once all requirements are met with those other agencies, then the mining Use Permit will be issued.

Jenkins explained that there are several regulated items including washes, dust control and noise. Davis inquired about the town's dust control enforcement, Jenkins explained that the other agencies involved will have control over dust control. Deputy Public Works Director, Troy Odell explained that there could be a stipulation added to the permit if necessary.

Jenkins outlined the requirements from the applicant for the requested Use Permit and indicated that the Staff recommendations are as follows:

A bond be posted in the amount of reclamation as estimated by an Arizona Civil Engineer and that this bond remain in effect until such time that the town releases the bond. Also, the Town needs to be listed as the single beneficiary of the bond or as determined by the Town Attorney.

A time frame of one year shall be allowed the applicant to obtain all other agency permits or the Use Permit would need to be brought back before Council for review.

Once all permits have been submitted to the satisfaction of staff, a final Engineers Cost Estimate of the total restoration of the site per an updated Excavation and Reclamation plan will be required and reviewed by staff and once an administrative approval has been reached by the Town Engineer, Community Development Director and Town attorney, a notice to implement the Use Permit shall be issued to the applicant and the applicant may begin mining.

The use permit shall be reviewed by Council annually starting one year, or close to, from the notice of implementation and continuing for 9 additional years for a total of 10 years. At the end of the 10 year period, the Use Permit will expire. If the applicant wishes to renew the Use Permit and not have any interruption with the mining process, the applicant should submit an application for a new Use Permit at least 8 months before the expiration date. There is no guarantee that any subsequent Use Permit will be approved by Council and will be decided upon the prior years of operation and adherence to the conditions for the approval of the Use Permit or any new impacts to the surrounding properties.

Chairman Davis indicated that he liked the idea of a review process but expressed concern that if there were changes made the Town would not have much ability to enforce them outside of what is already permitted. Jenkins indicated that impacts to the property and surrounding areas should be reviewed and considered annually as well.

Jenkins informed commission of notifications mailed to surrounding neighbors and responses received back to the town including Camp Verde Water, ADOT, APS, Camp Verde Fire District, Yavapai County Flood Control, Yavapai County Environmental Services, and the Town of Camp Verde Community Development and Public Works.

Public Hearing open:

Applicant/Agent, Joe Link, addressed Commission and explained that all potential permits were listed in the application as well as room for any other permits that may become necessary during the process. Mr. Link explained that an archeological report and biological report have been completed and passed and the process has now reached the point for a Use Permit.

Commissioner Blue questioned the applicant regarding the requirements of the Fire District in reference to the hydrant requirements. Mr. Link indicated at this point he anticipated an above ground tank for usage. Blue suggested that because road work would be in the process it would be beneficial to link to the water system.

Commissioner Norton inquired if it would be possible if the project could be started before the State Route 260 expansion project and materials mined from the location it could potentially be used for the project.

Commissioner Burnside inquired if the fire district indicated a location for the hydrant. Mr. Link stated that no location was specified or determined at this time.

Burnside inquired why the applicant was unsure if other permits were needed. Link indicated that if one kind of permit is required than another permit would be required and visa-versa.

Nancy Tackett requested that natural vegetation be used to hide the appearance of the project from State Route 260 and requested eye appealing signage.

Rick Tackett, Camp Verde Water System representative explained the plans for the water system with the State Route 260 expansion project and an indication of what is usually required from the fire district if the property is fed by a well.

Nancy Ware questioned the access used to remove the soil and if it would be temporary. Mr. Link explained the location of the round-about would be the initial driveway entrance and the 2nd entrance would be a right in- right out, meaning there would be no left turn available. Link explained that all driveway entrances would require ADOT permits.

Mr. Link explained the aesthetics issues, noise, visibility and security are points of berms and as far as landscaping, natural vegetation among straw rolls and requirements from ADEQ and the storm water pollution permits would be implemented. Link discussed permanent and temporary fencing as well as town requirements.

Commissioner Hisrich inquired about the anticipated employment opportunity. Link explained that this would be a materials yard for the current CEMEX operation. Link stated that at this time he did not anticipate the need for sewage, etc. because there would not be a permanent structure on the location. Hisrich also stated his concern with the verbiage used regarding the maximum setbacks.

Mr. Link addressed the concern of the mining ordinance and setback limitations and feels that it was put into the code as a maximum the council can impose.

Commissioner Norton questioned what role ADOT would have in the process. Link explained that ADOT would have to issue a driveway permit regarding the right-away and their additional requirements.

Commissioner Burnside questioned why a site plan was created without utilizing the 300 feet maximum. Link explained that this was inclusive of the pits, not the mining operations.

Link also explained that the typical general setback requirement is 2 feet and the road, and mining equipment could be within the buffer zone. Burnside inquired where the location of the entry gate would be and suggested that a large enough access and turn around area be available for motorist who potentially could get lost in the round about.

Community Development Director Mike Jenkins informed the Commission that staff interprets the setback requirement to include not only mining pits but equipment as well.

Tom Pitts stated he wanted to applaud staff for all the work put into getting the application to this process and feels that this concept is beneficial to the community and a positive step toward what the Town's economic goal currently is.

Steve Ayers expressed that CEMEX has deep roots in the town and has always worked with in the Town's rules and regulations and they provide quality jobs. There isn't a significant amount of sales tax collected from the mining directly but it is collected once the material is sold.

Ayers also questioned the aesthetics issue and the berms that will be created as well as the 300 feet extensions built by ADOT could be removed, and recommended a stipulation of reclamation be addressed. Commissioner Davis questioned if the property would be of better use in ten years rather than being tied up by allowing the mining operation to proceed.

Nancy Tackett informed Commission that currently the tax generated is \$37.00 annually and with the progression of this application it will move to approximately \$16,000 annually.

Commissioner Freeman questioned what would happen if the operation was not successful and what reclamation opportunity the Town would have rather than waiting out any additional time left in the permit. Jenkins explained that the Council will have the ability to expire the permit at any time. Freeman suggested the necessity of more clarity on the matter.

Chairman Davis indicated that the only way the town could rescind the use permit would be if the applicant had violations and therefore additional wording should be included stating that if there is a period of inactivity, the town would have the ability to consider expiration of the permit at that time.

Commission discussed if it would be suitable to move forward with a recommendation or rather bring the matter back to Commission after review from the Town Attorney.

Commissioner Blue indicated that he was comfortable with giving a recommendation with indication of the Commission's concerns.

Commissioner Norton indicated he supported making a decision tonight, he did not agree with the 300 foot buffer zone and doesn't feel it would be wise to have stipulations on activity of the property. Norton also indicated he spoke to a neighboring business who would be affected by this mining and the individual is in full support of progression for the project.

Deputy Public Works Director, Troy Odell indicated that the Town will require a complete reclamation of the property aesthetically which will make the property more appealing than it currently is.

Commissioner Burnside questioned the detail of the berm showed on the plans and what it represented as well as recommended that the buffer be equal to the height of the berm used. Burnside addressed his concern to the location of the entry gate and inquired when the reclamation plan would start after the use of the property was complete and a time frame of completion. Link explained reclamation would begin after the expiration of the permit, there would be a one year time limit to complete reclamation of the property.

Burnside questioned what "deals" were happening between staff and the applicant due to the fact that staff had not submitted a recommendation to Commission. Mr. Link stated there were no "deals" and explained again to commission that exact set backs are not known at this time, but again the Council can only impose a maximum of 300 feet. Link indicated all items would have to be addressed with drainage reports as well.

Commission directed staff to confer with Town attorney regarding example stipulations and the inclusion of the reclamation time frame after the expiration of the use permit.

There will be no Public input on the following items:

7. Commission Informational Reports:

None

8. Staff Comments

None

9. Adjournment

On a motion by Parrish, seconded by Freeman, the meeting adjourned at 8:39 pm.

Chairman B.J. Davis

Planning & Zoning

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 Special Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 2nd day of April, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ of _____, 2015.

Marie Moore, Recording Secretary