



ORDINANCE 2015- A408

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA
AMENDING TOWN CODE**

CHAPTER 9, ARTICLE 9-4 (Mining), Section 9-4-3.B.3 to amend procedure for "A permit is non-transferable without Council approval".

WHEREAS, The Town is granted the authority to establish the regulations of Article 9-4 as granted by ARS 9-462.01 "Zoning Regulations", as may be amended, and

WHEREAS, It is recognized by the Council and Staff that the transfer of a Use Permit to a new property owner can and should be an administrative process that would not require approval from Town Council, and

WHEREAS, Part 6, Section 600.C.1 of the Planning & Zoning Ordinance allows for the amendment, supplementation or change of zoning text regulations by the Town Council, and

WHEREAS, proper notice and a public hearing as set forth in A.R.S. §9-462.04 have been completed, and

WHEREAS, the Town Council has an abiding interest in protecting the public health safety and welfare by amending the Mining Code from time to time as needed.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE HEREBY ADOPT AND APPROVE CHANGES TO THE TOWN CODE OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 9-4-3.B.3 Permitting Requirements and Procedures, Item 3, below, (as approved).

3. Before filing an application, the applicant will meet with the Director or other duly appointed representative of the Town for discussing the intended use(s). The Department will also prepare a list of requested data based on the discussion of the Intended use, any preliminary project data provided by the applicant and federal, state and local requirements. This list will assist the applicant in preparing the required application, but in no means, shall be construed as a complete listing of all requirements from all agencies. It is the applicant's responsibility to acquire all

necessary permits and licenses. When the application is completed to the Director's satisfaction, it will be submitted, if required to the Commission for review.

A recommendation from the Commission will then be submitted to the Council with a request for Council action. The report may include, but is not limited to the following:

a. Based on local Requirements

- 1) Completed Application – Use Permit/Temporary Use Permit
- 2) Proposed location – Impacts to existing residentially developed properties
- 3) Noise Impacts – Related to noise created by truck traffic, engine warm-up, and operation of mining and processing equipment
- 4) Dust – Impacts on surrounding land uses
- 5) Screening – Screening and buffering of operation from properties that are zoned residential
- 6) Operational Controls – Related to setbacks and environmental impacts
- 7) Lighting – Planning and Zoning Ordinance
- 8) Parking - Planning and Zoning Ordinance
- 9) Post-Mining Plan – A proposed use of the area following the mining project
- 10) Noise and Vibration Control Plan
- 11) Other Environmental Impacts – Impacts identified by the applicant or staff
- 12) Other information as determined by the Director or Council.

b. Based on Federal, State, County Requirements, and Local Input

- 1) Transportation – Impacts related to truck traffic routes and associated traffic hazards. **ADOT/Local**
- 2) Excavation and Reclamation – Quality and effectiveness of site restoration plan and consideration of site reuse and development timing. **FEMA/Local**
- 3) Hydrology Plan – **Yavapai County/Army Corps of Engineers**
- 4) Sanitation Permit – **Yavapai County**
- 5) EPA Permits – **Federal/State**
- 6) DEQ/ADEQ Permits – **Federal/State**
- 7) Erosion Plan – **FEMA/Army Corps of Engineers/Yavapai County**
- 8) Archeological Permit – **State**
- 9) Others, as determined by **Federal, State, County or Local** requirements.

Section 9-4-3.B. (adding Item F. Transfer of Use Permit)

F. Transfer of Use Permit

Use permits for mining, quarrying, extracting and processing operations are not transferable unless, prior to the transfer of the use permit the the current holder of the use permit provides the Town of Camp Verde Community Development Department:

1. Notice of the pending transfer;
2. A copy of a recordable document pursuant to which the person or entity acquiring the use permit agrees to be bound by all terms, conditions and obligations of the use permit; and
3. A copy of the purchase agreement conveying the property that is the subject of the use permit to the person or entity acquiring the use permit.

If the Town of Camp Verde Community Development Department determines that these conditions have been satisfied, the Town of Camp Verde Community Development Department shall notify the person or entity acquiring the use permit that the use permit may be transferred effective the date that the party or entity acquiring the use permit records: (I) the deed conveying the property that is the subject of the use permit to the person or entity acquiring the use permit and (II) the document pursuant to which the person or entity acquiring the use permit agrees to be bound by all terms, conditions and obligations of the use permit.

PASSED AND APPROVED by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this 24th day of June, 2015.



Charles German, Mayor

Date: 6.29.2015

Approved as to form:



W. J. Sims, Town Attorney

Attest: 
Virginia Jones, Town Clerk