



Support your local merchants

**AGENDA
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S. MAIN STREET, SUITE 106
WEDNESDAY, DECEMBER 4, 2019 at 6:30 P.M.**

If you want to speak ON ANY ITEM ON THE AGENDA, PLEASE complete the Request to Speak Form

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. Call to Order

2. Roll Call. Council Members Buck Buchanan, Joe Butner, Bill LeBeau, Jessie Murdock, Robin Whatley; Vice Mayor Dee Jenkins; and Mayor Charles German.

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) November 6, 2019 Regular Session
- 2) November 13, 2019 Work Session
- 3) November 13, 2019 Executive Session (Recorded and on file)

b) Set Next Meeting, Date and Time:

- 1) Wednesday, December 11, 2019 at 5:30 p.m. – Work Session
- 2) Wednesday, December 18, 2019 at 6:30 p.m. – Regular Session
- 3) Wednesday, December 25, 2019 at 6:30 p.m. – Council Hears P&Z Matters- CANCELLED per Resolution 2018-1016
- 4) Wednesday, January 1, 2020 at 6:30 p.m. – Regular Session- CANCELLED per Resolution 2018-1016

c) Discussion, consideration and possible approval of a new Town of Camp Verde Waste Water (Sewer) Policy. Changing policy regarding temporarily vacant buildings//land and clarifying definition of RV Park and related equivalencies for calculation of connection and monthly rates and inspection fees.

d) Discussion and possible approval of RESOLUTION 2019-1032 A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, SUSPENDING SCHEDULED FEE INCREASES FOR TOWN WASTEWATER SERVICES FOR FISCAL YEARS 2019-2020, 2020-21 & 2021-22

5. Special Announcements and presentations.

- Introduction and welcome new Code Enforcement Office Cliff Bryson
- Introduction and welcome new Human Resource Director Brandy Cabrera

Page 4
Page 9

Page 28

Page 33

- **Public Information regarding the handling of FOIA requests**

6. Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.) Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to A.R.S. §38-431.01(H))

Page 36 **7. Conditional Award of Bid to the Apparent low Bidder Tierra Verde Builders, LLC contingent with the Contractor obtaining the appropriate Licensing equal to at least a Class “General Dual KA License”. And with the attached Conditional Change Order (CO-1) - 19-136 Bid Request - WWTP Solids Handling Improvements 2019 (Sludge Drying Beds)**

Page 38 **8. Yearly review of Animal Guardian Network Use Permit.** Staff Resource: Carmen Howard)

Page 51 **9. Discussion and Possible Approval of Ordinance 2019-A450, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Arizona for a Zoning Map change from R1L-18 (Residential: Single Family Limited) to R1-18 (Residential: Single Family) to allow MH Advantage Housing Types. The proposal involves 27 of 33 platted lots and is located East of Verde Lakes Drive, along Preserve Drive, Twin Leaf Circle, and Larson Lane; Parcel Nos. 404-13-470- through 404-13-483; 404-13-486 through 404-113-492; 404-13-495 through 404-13-499; and 404-13-502, in Camp Verde, Yavapai County, Arizona. (Staff Resource: Carmen Howard)**

Page 84 **10. Discussion and Possible Approval of Resolution 2019-1029, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona approving a second amendment to “The Silverado Development Agreement” between the Town of Camp Verde and Verde Ranch MH, LLC, an Arizona Corporation, in order to provide for development of certain real property generally located East of State Route 260 and North of Finnie Flat Rd. within the corporate limits of the Town of Camp Verde, Yavapai County, Arizona. Staff Resource: Carmen Howard)**

Page 110 **11. Discussion and Possible Approval of Resolution 2019-1031 a Resolution of the Common Council of the Town of Camp Verde, Yavapai County, Arizona; on the Street Name Change of “Wilshire Boulevard” to “Dreamcatcher Drive” and “Moonrise Drive”, for the segments from the existing State Route 260 Roundabout to existing Dreamcatcher Drive and to existing Moonrise Drive; and providing that this Resolution shall be effective 60 days after its passage, or upon appropriate street sign changes. (Staff Resource:**

Page 114 **12. Possible approval of Ordinance 2019-A448, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Chapter 4 Boards, Commissions, and Committees Article 4-1. A-Membership (Staff Resource: Carmen Howard)**

Page 119 **13. Possible approval of Ordinance 2019-A449, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Article 2-3, Section 2-3-1 Regular Meetings/Meetings/Hours of Operation Superseding 2012-A385** (Staff Resource: Carmen Howard and Virginia Jones)

Page 122 **14. Discussion, and possible direction on use of the \$197,800 dedicated to HURF related projects allocated by the State of Arizona.**

Page 125 **15. Discussion, and possible approval of funding for a regional housing study being conducted in the Verde Valley including the potential use of funds from reserve or contingency.**

16. Call to the Public for items not on the agenda. (Please complete Request to Speak Card and turn in to the Clerk.)

17. Council Informational Reports. These reports are relative to the committee meetings that Council members attend. The Committees are: Copper Canyon Fire & Medical District, Yavapai College Governing Board, Yavapai Apache Nation, Intergovernmental Association, NACOG Regional Council, Verde Valley Regional Economic Organization (VVREO), League Resolutions Committee, Arizona Municipal Risk Retention Pool, Verde Valley Transportation Org, Verde Valley Transit Committee, Verde Valley Water Users, Verde Valley Homeless Coalition, Verde Front, Verde Valley Steering Committee of MAT Force, Public Safety Personnel Retirement Board, Phillip England Center for the Performing Arts Foundation. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.

18. Manager/Staff Report Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and 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.

19. Adjournment

Posted by: _____ Date/Time: _____
 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 at 928-554-0021

Agenda items may be taken out of order.

Pursuant to A.R.S. §38-431.01 Meetings shall be open to the public - A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.

Pursuant to A.R.S. §38-431.03(A)(2) and (A)(3), the Council may vote to go into Executive Session for the purpose 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.

Camp Verde Council Meetings are recorded and may be viewed on the Camp Verde website. Pursuant to A.R.S. §1-602(A)(9), parents and legal guardians have the right to consent before the Town of Camp Verde makes a video or voice recording of a minor child. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request in advance to the Town Clerk that your child not be recorded.

DRAFT MINUTES
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, NOVEMBER 6, 2019 at 6:30 P.M.

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. Call to Order

Mayor German called the meeting to order at 6:30 p.m.

2. Roll Call

Mayor Charles German, Vice Mayor Dee Jenkins, Councilor Joe Butner, Councilor Bill LeBeau, Councilor Robin Whatley, and Councilor Buck Buchanan are present. Councilor Jesse Murdock is absent.

Also Present

Building Official Robert Foreman, Economic Development Director Steve Ayers, Deputy Clerk Virginia Jones and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Mayor Charles German 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 Council requests.

a) Approval of the Minutes:

1) Regular Session – October 16, 2019

b) Set Next Meeting, Date and Time:

1) Wednesday, November 13, 2019 at 5:30 p.m. – Work Session

2) Wednesday, November 20, 2019 at 6:30 p.m. – Regular Session

3) Wednesday, November 27, 2019 at 6:30 p.m. – Council Hears P&Z Matters

4) Wednesday, December 4, 2019 at 6:30 p.m. – Regular Session

c) Possible approval of Inspection Services Agreement between Arizona Department of Housing-Office of Manufactures Housing and Town of Camp Verde to Enforce Installation Standards. (Staff Resource & Presenter Robert Forman)

d) Possible approval of Intergovernmental Agreement with the Northern Arizona Council of Governments to act as the Administrator of a \$597,689 Brownfields Grant from EPA (Staff Resource & Presenter Steve Ayers)

Vice Mayor Jenkins asked for clarification, she thought the November 27th Council Hears P&Z Matters Meeting was canceled? Deputy Town Clerk Virginia Jones, confirmed that meeting has been canceled because of Thanksgiving.

Motion made by Councilor Whatley to approve the amended consent agenda. Second was made by Vice Mayor Jenkins. **Motion** carried unanimously with Mayor Charles German, Vice Mayor Jenkins, Councilors Whatley, LeBeau, Butner and Buchanan approving.

5. Special Announcements and presentations.

- **Presentation by Camp Verde Library Endowment (Mayor German)**
Representatives from the Camp Verde Library Endowment, Andy Charles and Linda German presented a check to the Town for \$15,000 in celebration of reaching their \$500,000 endowment goal. The Endowment is still accepting donations. Arizona Community Foundation manages the money. Anyone purchasing reloadable Basha's cards, 6% of the money goes toward the Endowment. You can get reloadable Basha's cards at Basha's or the library.

- **Recognition of the 2019 Morris K. Udall Award for Outstanding Conservation Achievement presented to the Town of Camp Verde from The Nature Conservancy in Arizona. Outstanding Conservation Achievement.**

Mayor German showed a plaque that was presented to the Town from the Nature Conservancy. Economic Development Director Steve Ayers shared some uniqueness's of Camp Verde. Mr. Ayers stated that the Town also picked up an Economic Development Award.

Public comment:

Tony Gioia- congratulated the Town on receiving this award and stated he is proud of Camp Verde. He said he sees the way Camp Verde is changing the way they do business.

- ## 6. Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)
- Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to ARS §38-431.01(H))*

Ron Posten

Said he attended the new group the Marshall's Office has put together. They meet the first and third Tuesday of every month at 6pm. He invites the Council to attend, come and look at what they are doing for us. Come and support Marshall Rowley and show appreciation for their service.

7. **Discussion and possible direction to staff regarding littering, to include but not limited to flyers dropped or tossed in citizen's driveways.** (Requested by Mayor German)

Mayor German had a number of people complain about the Smart Shopper being thrown into driveways. He said it doesn't seem logical to allow people to throw stuff at mailboxes and then it just sits there. After some discussion, Council directed staff to put something together and bring it back for approval.

Public Comment:

Tony Gioia- stated he remembered another Council gave direction to Planning and Zoning to make an ordinance that made it illegal to do this in the Town. He suggested to notify people and let them know this is their first warning on littering.

8. **Discussion and possible direction to staff regarding supporting the City of Flagstaff issues involving Amtrak and long-distance routes that could adversely affect Northern Arizona Residents.** (Requested by Mayor German)

Mayor German stated Amtrak is considering removing their Northern routes, and feels it is critical. He suggests writing a letter of support to keep Amtrak routes in Northern AZ, have Council sign it and send it out.

Councilor Butner is in favor of keeping Amtrak in Northern AZ and told of his recent trip he took to LA and then up the coast.

Council direction to staff is to draft a letter for Council to sign.

9. **Update by Town Manager regarding recycling programs and information from the League of Cities and Towns Conference Session.** Staff Resource and Presenter Russ Martin.

This item was tabled.

10. **Report from Town Manager regarding his attendance at the ICMA Conference held in Nashville on October 19 to October 23, 2019.** Staff Resource and Presenter Russ Martin.

This item was tabled.

11. **Discussion and consideration of the Town Manager's quarterly performance review regarding set goals and objectives. The Council may, by majority vote, recess the regular meeting, hold an executive session and then reconvene the regular meeting for discussion and possible action on this item as covered under A.R.S. 38-431.03 (A)(1).**

- **Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1). Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or**

resignation of a public officer, appointee or employee of any public body.

- **Reconvene Open Session**

This item was tabled.

12. **Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)**

No comments from the public.

13. **Council Informational Reports.** *These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.*

Councilor Butner- attended the Water Shed Conference. He found it educational & he networked. While there, he spoke with State Parks reps about Rockin River Ranch. He also went out to Fossil creek.

Councilor Buchanan- had dinner with water people from Las Vegas and the Water Conservatory. They are here to look at how we manage our water and say we have the best program in country. He also attended the Emergency Management Training.

Vice Mayor Jenkins-helped out with Trick or Treat on Main Street, attended the ABIDE Luncheon and the Emergency Management Training.

Councilor Whaley- attended the State of the Verde Watershed Conference.

Councilor LeBeau- helped out with the Halloween Trick or Treat on Main Street.

Mayor German- attended the NACOG Meeting, met with the director of AZ State Parks, they discussed Rocking River Ranch and The Homestead. He also participated in the Emergency Management Training.

14. **Manager/Staff Report** *Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and 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.*

Town Manager Russ Martin is out sick today.

Marshal Rowley-Marshall's Office Traffic Enforcement went to a 2-day event at the State Fair for law enforcement. They were awarded \$60,000 in equipment from a grant. Mayor German said to thank the officers for their contributions.

15. Adjournment

Mayor German adjourned the meeting at 7:10 p.m.

Mayor Charles German

Attest: Deputy Town Clerk Virginia Jones

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 November 6, 2019. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2019.

Virginia Jones, Deputy Town Clerk

DRAFT MINUTES
TOWN OF CAMP VERDE
SPECIAL SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, NOVEMBER 13, 2019 at 5:30 P.M.

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. Call to Order

Mayor German called the meeting to order at 5:36 p.m.

2. Roll Call

Mayor Charles German, Vice Mayor Dee Jenkins, Councilor Jesse Murdock, Councilor Robin Whatley, and Councilor Buck Buchanan are present. Councilor Joe Butner and Councilor Bill LeBeau are absent.

Also Present

Town Manager Russ Martin, Risk Manager Carol Brown, Deputy Clerk Virginia Jones and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Mayor Charles German led the Pledge.

4. Discussion and Presentation by Susan Montgomery, Yavapai Apache Nation legal counsel regarding, but not limited to historical tribal water use and the possibility of scheduling a joint executive session to include the Yavapai Apache Nation Tribal Council and the Camp Verde Town Council per 38-431.03 (A) (6) Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.

Mayor German introduced Yavapai Apache Nation legal counsel Susan Montgomery. Ms. Montgomery gave a background of her experiences. She gave a PowerPoint presentation which included topics such as:

- Water as an essential element of life ~ Water is Life
- General Attributes
- AZ Permanent Tribal Homeland Standard
- Groundwater
- Tribal Water Rights in AZ
- Water rights and the Yavapai Apache Nation

Included in the presentation are samples of Water Rights Claims. Ms. Montgomery explained the process of reaching settlements and what will happen when they start looking into the Verde Water Rights. She also explained the goals of a settlement.

Camp Verde Water Rights Attorney, Steve Wene gave context to help explain the process.

A copy of the presentation is attached and becomes a part of the permanent record.

Council took a break at 6:57pm

5. **Discussion or consultation for legal advice with the Water Rights Attorney, Steve Wene, regarding water settlement negotiations with the Yavapai Apache Nation and due diligence on potential purchase of the Camp Verde Water Systems Inc. The Council may, by majority vote, recess the special session, hold an executive session and then reconvene the special session for discussion and possible action on this item as covered by A.R.S. §38.431.03 (A) (3) and (7).**

• Recess into and hold Executive Session pursuant to A.R.S. §38.431.03 (A) (3)

Discussion or consultation for legal advice with the attorney or attorneys of the public body; and (7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase of real property, Camp Verde Water Systems Inc., located at 499 S. 6th Street, Camp Verde, Arizona.

On a motion by Whatley seconded by Jenkins Council unanimously agreed to recess into Executive Session at 7:05 p.m.

•Council Reconvened into Open Session at 8:04 p.m.

6. **Adjournment**

Without objection, Mayor German adjourned the meeting at 8:04 p.m.

Mayor Charles German

Attest: Deputy Town Clerk Virginia Jones

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 Special Session of the Town Council of Camp Verde, Arizona, held on November

13, 2019. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2019.

Virginia Jones, Deputy Town Clerk

DRAFT

Federal Reserved Water Rights and the Yavapai-Apache Nation



Susan B. Montgomery, Esq.
Town of Camp Verde
Sustaining Flows Council Presentation
(Reprise)
November 13, 2019

1

Presentation Overview

- Water as an Essential Element of Life: *The Foundation of the Federal Reserved Water Rights Doctrine*
- General Attributes of Federal Reserved Water Rights
- Arizona's Permanent Tribal Homeland Standard
- Groundwater
- Tribal Water Rights in Arizona
- Water Rights and the Yavapai-Apache Nation



2

Water as an Essential Element of Life: The Foundation of the Federal Reserved Water Rights Doctrine

“Water is Sacred” “Water is Life”



3

Reminder - Western Water Law
The Law of Prior Appropriation

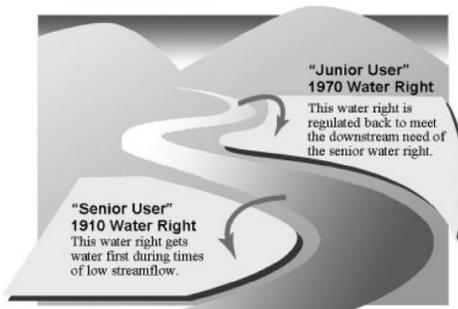
In most Western States, water rights are governed by the law of

Prior Appropriation

(“First in Time, First in Right”)



Prior Appropriation: an example
 “First in time, first in right”



An example of prior appropriation at work
 Prior appropriation ensures that the first water user to obtain water rights has first access to water in times of shortage. If a “downstream” landowner has the earlier priority date (they initiated their water right in 1910) the “upstream” landowner may have to let the water pass unused to meet the needs of the senior, downstream water right holder.

4

Water as an Essential Element of Life: The Foundation of the Federal Reserved Water Rights Doctrine (cont.)

- The federal reserved water rights doctrine originated in *Winters v. United States*, 207 U.S. 564 (1908)
- In *Winters*, the US Supreme Court concluded that the Government, when it created that Indian Reservation, intended to deal fairly with Indians by reserving for them the waters without which “their lands would have been useless”
- The Supreme Court found it impossible to believe that upon the creation of the Fort Belknap Reservation, the Indians who once had command of a vast area land and the beneficial use of all of its waters would have agreed to become confined to a much smaller Reservation area, and at the same, would have agreed to give up their water rights – the very thing that was essential to the Reservation’s success as a “permanent home”
- Instead, the Supreme Court held that the United States impliedly reserves water rights upon the creation of an Indian reservation, so that the reservation can serve as a permanent home and abiding place for tribal people

5

The Foundation of the Federal Reserved Water Rights Doctrine (cont.)

- *Arizona v. California*, 373 U.S. 546 (1963) (“*Arizona I*”) outlined further the scope of the federal reserved water rights doctrine
- In *Arizona I*, like in *Winters*, the Supreme Court once again took note of the hot and arid nature of Western lands (here, the lands of the Colorado River Indian tribes)
- The Supreme Court found that water rights would be “essential to the life of the Indian people and to the animals they hunted and the crops they raised”
- Focusing on the agrarian purposes for which the reservations were created, the Supreme Court established the first benchmark for quantifying Indian water rights:
 - The “practicably irrigable acreage” (PIA) test
 - Both present need and future water uses were accounted for through the use of the PIA standard

6

General Attributes of Federal Reserved Water Rights

How the AZ Adjudication Court applies the federal reserved water rights doctrine in Arizona remains the subject of dispute and litigation; however, certain principles can be outlined:

- Federal law governs and where state law would interfere, it must “give way”
- Priority date generally tied to the date the reservation was created or expanded (often very early priority dates)
- Federal reserved water rights for Indian reservations must necessarily include sufficient water to satisfy both the present and the future needs of the reservation – *i.e.*, the needs of the reservation as a “permanent tribal homeland”
- Water rights are implied, not express



SPRNCA, Arizona Important Bird Areas Program,
www.aziba.org

7

General Attributes of Federal Reserved Water Rights (cont.)

- Federal reserved water rights (unlike state based rights) are not dependent on Arizona’s requirements for “beneficial use”, and the water rights retain their priority, despite non-use
- Federal reserved water rights for Indian reservations must necessarily include sufficient water to satisfy both the present and future needs of the reservation
- Federal reserved water rights are held in trust by the United States for the benefit of the Indian tribe
- **The senior nature and potential size of federal reserved rights, creates uncertainty for junior users under State law, even for those who have been using their water for many years – leading to historic tension between tribes and their state based neighbors**



U.S. Dept. of Justice

8

Arizona's Permanent Tribal Homeland Standard

Arizona maintains a unique test for quantifying Indian federal reserved water rights:

- The original standard for “quantifying” tribal water rights was the “practicably irrigable acreage” test established in *Arizona I*
- The water rights for Arizona’s Indian tribes must be quantified if they are to be integrated along with the state based rights of non-Indian claimants under Arizona’s law of prior appropriation – or “first in time first in right”
- The Arizona Supreme Court has declined to rely solely on the PIA standard for quantifying Indian federal reserved water rights
- The Court instead set forth a broader “permanent tribal homeland standard for quantification.” See *In Re: The General Adjudication of All Rights to Use Water in the Gila River System and Source*, 35 P.3d 68, 72 (Ariz. 2001) (“*Gila River V*”)
 - Inequitable treatment of Indian tribes based solely on geographical location
 - Concerned PIA “forces tribes to pretend to be farmers”

9

Arizona's Permanent Tribal Homeland Standard (cont.)

The nonexclusive list of factors that should be considered by the Adjudication Court under *Gila River V* when quantifying tribal water rights in Arizona include:

- Future Population
- Residential Use
- Commercial Development
- Industrial Use
- Agricultural Production
- Practicably Irrigable Acreage (PIA)
- Tribal Use of Water for Traditional Practices/Ceremony
- Recreational Use
- Wilderness Use
- Economy of the tribe
- Tribal History of Water Use



Havasai Falls, shighray.blogspot.com

10

Indian Tribes May Possess Other Water Rights



Indian tribes may also possess other types of water rights, including:

- Aboriginal water rights – a water right that predates federal sovereignty
 - Based on continued use and occupancy of land
 - Rests on “first in time, first in right” but priority date is immemorial
- State based rights – acquired through the acquisition of lands with existing state based water rights
- May include existing ditch rights or other types of state based rights

11

The Federal Reserved Water Rights Doctrine & Groundwater



Big Chino River Basin, Photo by Verde Independent, 2009

- Federal reserved water rights are both governed under and protected by principles of federal law. Why is this important?
- Arizona maintains a bifurcated system of water law that, in some instances, does not account for the hydrologic connection between surface and groundwater
- The Arizona Supreme Court has acknowledged that “reserved water rights of federal claimants – when measured by federal substantive law – are not constrained by Arizona’s bifurcated treatment of surface water and groundwater.” *In Re The General Adjudication of All Rights to Use Water In the Gila River System and Source*, 989 P.3d 739 (1999)

12

The Federal Reserved Water Rights Doctrine & Groundwater (cont.)

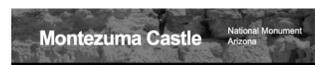


- Traditionally, federal reserved water rights were viewed as only attaching to surface (appropriable) waters like rivers and streams
- However the Arizona Supreme Court has held that federal rights can attach to other water sources, including groundwater, where surface waters are not available and the supplies are necessary to satisfy the purpose of the reservation. *In Re The General Adjudication of All Rights to Use Water In the Gila River System and Source*, 195 Ariz. 411, 989 P.3d 739 (1999)
- In the *Agua Caliente* case, the Agua Caliente tribe has successfully asserted a federally reserved water right claim to groundwater underneath its Reservation located near Palm Springs, California. *Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water Dist.*, 849 F.3d 1262, 1265 (9th Cir. 2017), *cert. denied*, 138 S. Ct. 468 (2017), *cert. denied*, 138 S. Ct. 469 (2017)

13

Note – There are Also Federal Reserved Water Rights for Federal Lands and Enclaves

- The federal reserved water rights doctrine has also been extended to other federal lands and enclaves, such as national forests, national monuments, military bases, etc.
- The scope of the doctrine’s application to federal lands is narrower than the standard applied to Tribal water rights for Indian reservations
- Federal reserved water rights for federal lands and enclaves must be narrowly quantified to meet the original, primary purpose of the reservation
- Water rights for “secondary purposes” not clearly expressed must be acquired under state law



14

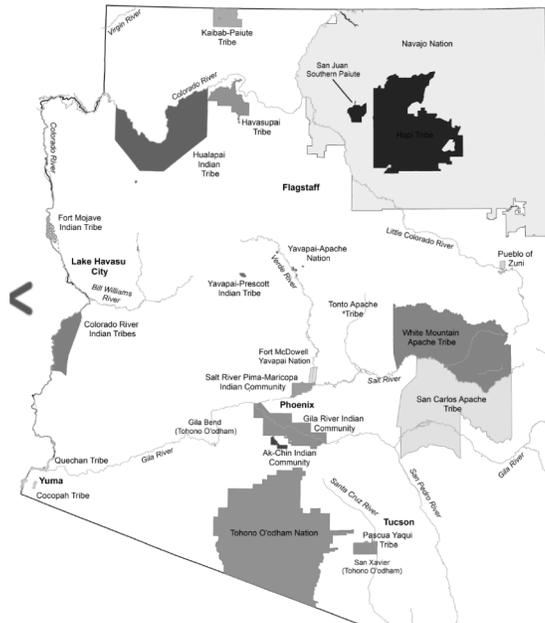
State Water Rights Adjudications

- State-based adjudications
- Massive, complex cases
- Involve thousands of claims
 - Arizona: 80,000 +
 - New Mexico: 72,000
 - Montana: 220,000
- Expensive
- Pending more than four decades in some cases – (Gila River Adjudication)
- Creates continued uncertainty for all parties, especially due to large, early priority claims for Indian tribes and federal lands
- Existence of pending adjudication is made more difficult by ongoing growth/development



15

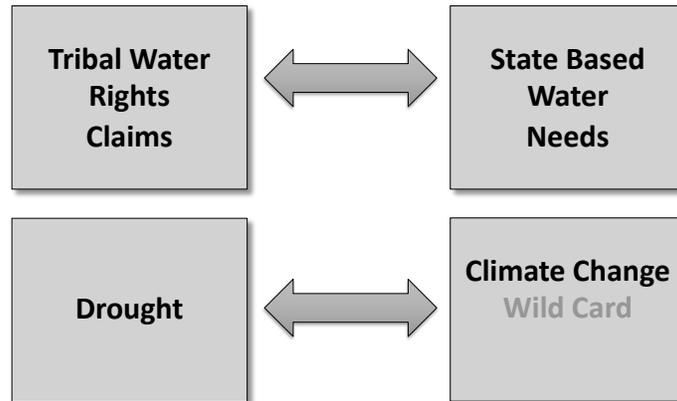
Tribal Homelands In Arizona



www.itcaonline.com

16

The Water Rights Challenge



17

Indian Water Rights Settlements – Another Option

- Some Tribes (and the USA on their behalf) have chosen to settle Tribal water rights vs. litigation
- What are the benefits to a settlement?
 - Removes uncertainty about water for all parties
 - Not just a “paper water right”
 - Congressional funding for water infrastructure and projects
 - Allows for allocation of scarce water resources unrestrained by doctrine of prior appropriation
- Downside of settlements?
 - Settlements involve tough compromises
 - The settlement process is long, difficult and expensive
 - Congressional approval is difficult – only 32 approved settlements in USA

18

Indian Water Rights – Status of Arizona Tribes

Indian Tribes with Water Rights Settlements or Decrees	Indian Tribes with Partial or No Water Rights Settlements
<ul style="list-style-type: none"> • Ak-Chin Indian Community (Settled) • Cocopah Indian Tribe (Decreed) • Colorado River Indian Tribes (Decreed) • Fort McDowell Yavapai Nation (Settled) • Fort Mojave Indian Tribe (Decreed) • Gila River Indian Community (Settled) • Pueblo of Zuni (Settled) • Quechan Indian Tribe (Decreed) • Salt River Pima-Maricopa Indian Community (Settled) • White Mountain Apache Tribe (Settled) • Yavapai-Prescott Indian Tribe (Settled) 	<ul style="list-style-type: none"> • Havasupai Tribe • Hopi Tribe • Hualapai Tribe (Partial) • Kaibab Band of Paiute Indians • Navajo Nation (Partial) • Pascua Yaqui Tribe • San Carlos Apache Tribe (Partial) • San Juan Southern Paiute Tribe • Tohono O’odham Nation (Partial) • Tonto Apache Tribe • Yavapai-Apache Nation

19

Arizona and Indian Water Rights Settlements - *Thoughts*

- In 2001, the Arizona Supreme Court wisely urged:
“[I]t is our hope that interested parties will work together in a spirit of cooperation, not antagonism. . . . This is especially so now, when the welfare and progress of our indigenous population is inextricably tied to and inseparable from the welfare and progress of the entire state.” Gila River V, 35 P.3d at 81.

- Earlier this summer the Director of ADWR similarly observed:
*“Half of the 22 federally recognized Indian tribes in Arizona still have unresolved water rights claims. **Resolving these claims through settlement a priority for the State, not only because it will avoid the cost and uncertainty of litigating the claims, but it will provide certainty to all water users in the state regarding available water supplies in the most expeditious manner possible.**” Legislative Hearing on H.R. 644, H.R. 2459, and H.R. 3292 Before the Subcommittee On Water, Oceans, and Wildlife of the House Natural Resources Committee, 116th Cong. (Jun. 26, 2019) (testimony of Thomas Buschatzke, Director, Arizona Department of Water Resources).*

20

The Yavapai-Apache Nation Water Rights Settlement



21

GILA RIVER ADJUDICATION

- State Court Case started in the Late 1970's by the Salt River Project (SRP)
- The objective is to determine everyone's Water Rights in the Gila River Watershed, including those of Indian Tribes
- Focus has been on the San Pedro River, but Verde is next
- Large claimants include SRP, United States, certain towns and municipalities



22

UNITED STATE'S WATER RIGHTS CLAIM FOR THE NATION (PENDING AMENDMENT)

STATEMENT OF CLAIMANT FORM FOR OTHER USES¹
 VERDE RIVER WATERSHED
 SUPERIOR COURT OF MARICOPA COUNTY

United States Department of the Interior, Bureau of Indian Affairs on behalf of the Yavapai-Apache Indian Tribe
 Claimant Address: 3929 N. Central City, Phoenix, Arizona
 Zip Code: 85011 Telephone: 251-2310

1. Claimant Name: United States Department of the Interior, Bureau of Indian Affairs on behalf of the Yavapai-Apache Indian Tribe
 Claimant Address: 3929 N. Central City: Phoenix, State: Arizona Zip Code: 85011 Telephone: 251-2310

2. Basis of Claim:
 A. Appropriation Right acquired prior to June 12, 1919, 1974 Water Rights Registration Act Registry No. 36-26199, 36-78278
 B. Appropriation Right acquired after June 12, 1919, Application No. _____ Permit No. _____ or Certificate of Water Right No. _____
 C. Decreed water right, Principal litigants, court, date and case no.: _____
 D. Right to withdraw groundwater
 E. Other, describe (Federal) reserved water right (see attached text)

3. Claimed Priority Date: Time, immaterial _____ (month/day/year) and in the alternative various priority dates under state law.

4. Use:
 A. Municipal E. Recreation, Fish & Wildlife
 B. Commercial or Industrial F. Other, describe: _____
 C. Mining (see attached claims data)
 D. Stockwatering other than from a stockpond

5. Source of Water:
 A. Stream, name (see attached claims data), tributary to _____
 B. Spring, name _____ tributary to _____
 C. Lake or Reservoir, name _____ tributary to _____
 D. Groundwater

6. Legal description of the Point of Diversion (attach additional sheet if required) (See attached claims data) _____
 7. If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:
 8. Means of Diversion: (see attached claims data)
 A. Instream pump
 B. Gravity flow into ditch, canal or pipeline
 C. Well, Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Incent to Drill File No. _____
 D. Other, describe: _____
¹See Instructions for explanation of uses in this category.

**United States
 Statement of Claimant
 2,657 acre-feet per year**

- Irrigation Use**
1,660 acre-feet for 201 acres
- Domestic Use**
843 acre-feet
- Mining Use**
13 acre-feet
- Commercial**
141 acre-feet

Tribal Water Rights are held "in trust" by the United States

23

THE NATION'S WATER RIGHTS CLAIM (PENDING AMENDMENT)

STATEMENT OF CLAIMANT FORM FOR OTHER USES¹
 VERDE RIVER WATERSHED
 SUPERIOR COURT OF MARICOPA COUNTY

Yavapai-Apache Nation
 Claimant Address: P.O. Box 1188 City: Camp Verde, AZ
 Zip Code: 86004 Telephone: 928-282-7649

1. Claimant Name: Yavapai-Apache Nation
 Claimant Address: P.O. Box 1188 City: Camp Verde, State: AZ Zip Code: 86004 Telephone: 928-282-7649

2. Basis of Claim:
 A. Appropriation Right acquired prior to June 12, 1919, 1974 Water Rights Registration Act Registry No. _____
 B. Appropriation Right acquired after June 12, 1919, Application No. _____ Permit No. _____ or Certificate of Water Right No. _____
 C. Decreed water right, Principal litigants, court, date and case no.: _____
 D. Right to withdraw groundwater
 E. Other, describe: See Attached Addendum

3. Claimed Priority Date: Time, immaterial _____ (month/day/year)

4. Use:
 A. Municipal or Domestic E. Recreation, Fish & Wildlife
 B. Commercial or Industrial F. Other, describe: _____
 C. Mining (see attached Addendum)
 D. Stockwatering See Attached Addendum

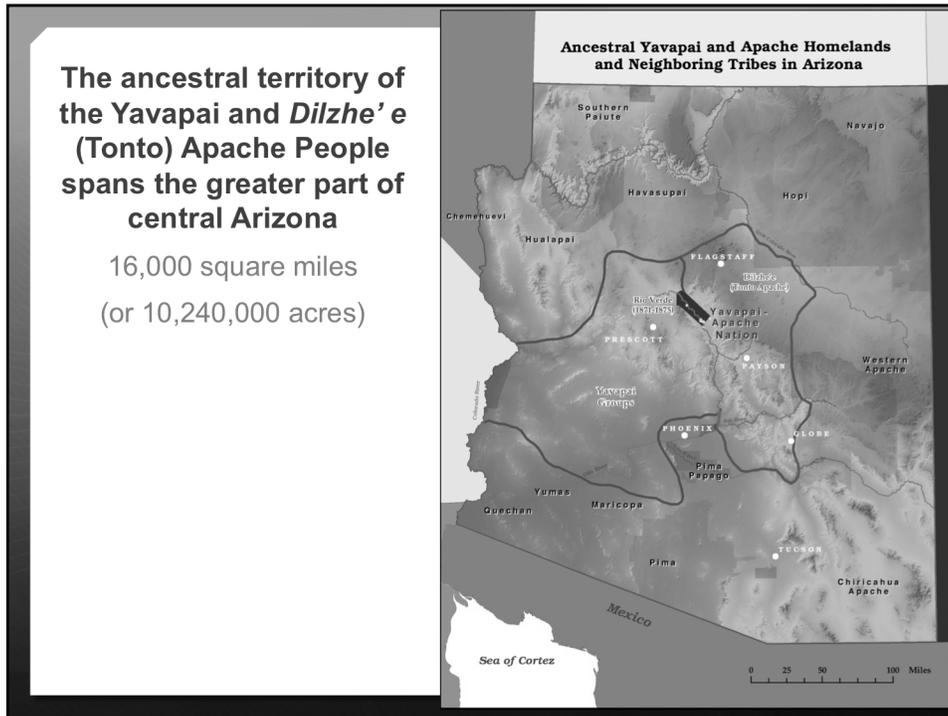
5. Source of Water:
 A. Stream, name Yavapai River and _____ tributaries - See attached Addendum
 B. Spring, name _____ tributary to _____
 C. Lake or Reservoir, name _____ tributary to _____
 D. Groundwater

6. Legal description of the Point of Diversion (attach additional sheet if required) _____
 7. If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe: See Attached Addendum
 8. Means of Diversion:
 A. Instream pump
 B. Gravity flow into ditch, canal or pipeline
 C. Well, Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Incent to Drill File No. _____
 D. Other, describe: _____
¹See Instructions for explanation of uses in this category.

**Yavapai-Apache Nation
 Statement of Claimant
 6,283.5 acre-feet per year +
 Instream Flow**

- Irrigation Use**
4,266 acre-feet for 399.5 acres
- Municipal & Domestic Use**
556 acre-feet
- Commercial & Industrial Use**
321 acre-feet
- Mining Use**
30 acre-feet
- Stockwater Use**
6 acre-feet
- Recreation Fish & Wildlife**
35 acre-feet evaporation loss
- Family Garden Plots**
1,069.5 acre-feet

24



25

TREATY WITH THE APACHES. JULY 1, 1852.

Territorial boundaries to be adjusted.

When treaty to be binding.

How construed.

ARTICLE 9. Relying confidently upon the justice and the liberality of the aforesaid government, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the aforesaid Apache's that the government of the United States shall at its earliest convenience designate, settle, and adjust their territorial boundaries, and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

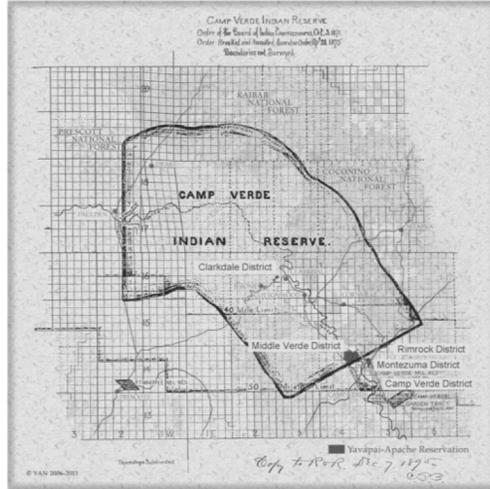
ARTICLE 11. This Treaty shall be binding upon the contracting parties from and after the signing of the same, subject only to such modifications and amendments as may be adopted by the government of the United States; and, finally, this treaty is to receive a liberal construction, at all times and in all places, to the end that the said Apache Indians shall not be held responsible for the conduct of others, and that the government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

THE APACHE TREATY OF 1852, 10 STAT. 979

BY TREATY, THE UNITED STATES AGREED TO ADDRESS THE LAND NEEDS OF THE APACHE PEOPLE

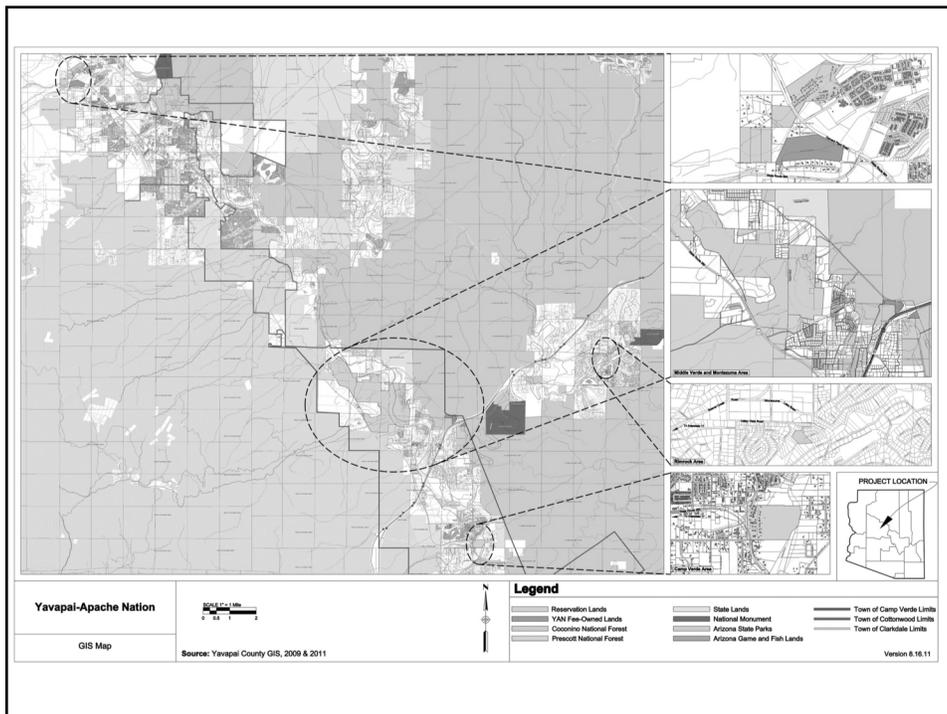
26

Yavapai-Apache Reservation Land History



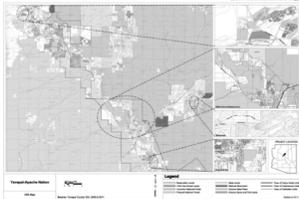
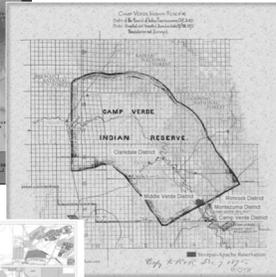
- During the active military campaigns against the Yavapai and Apache People, President Grant set aside the Camp Verde Indian Reservation in 1871 and the United States promised the Yavapais and Apaches that it would be their permanent home. But the promise was not kept.
- In February 1875, the Yavapais and Apaches living on the Camp Verde Indian Reservation were force marched to the San Carlos Reservation where many perished along the way.
- In April 1875, the Camp Verde Indian Reservation was opened up to non-Indian settlement while the Yavapais and Tonto Apaches were imprisoned at San Carlos with other bands of Western Apaches.

27



28

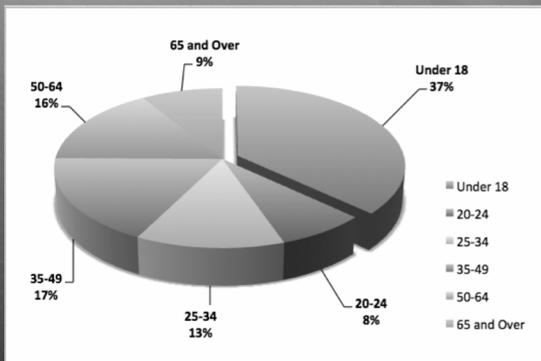
Yavapai-Apache History and Lands



- Yavapai and *Dilzhe'e* Apache Ancestral Territory
 - **16,000 square miles**
- 1871 Camp Verde Indian Reservation
 - **900 square miles**
- Current Yavapai-Apache Reservation Lands
 - **2.86 square miles (~1,831 acres)**

29

YAVAPAI-APACHE POPULATION DEMOGRAPHICS



37% of the Yavapai-Apache Reservation Population is Under 18.*

*Source: U.S. Census 2010 for Yavapai-Apache Reservation by Census Block Data

~2,600 Total Enrolled Tribal Members
At least 880 living on-Reservation (as of 2010)

Compare to **17.5%** of the Camp Verde Population Under 18 and **11.3%** of the Cottonwood/Clarkdale Population Under 18.
 Source: U.S. Census 2010

30

The Yavapai-Apache Nation's Goals for Settlement

- **Position the Nation to help ensure that the Verde River flows for the benefit of future generations who grow up and live in the Verde Valley**
- **Secure a sufficient amount of “wet” water to serve the needs of the Yavapai-Apache Nation with the goal of “no net impact” to the Verde River system for water used to meet future water demands for the Reservation**
- **Find win-win solutions with neighboring communities for the long-term health and vitality of the Verde River**
- **Ensure sufficient lands for the Yavapai-Apache Reservation for Tribal Members to live in cohesive Tribal communities within the Verde Valley**
- **End costly and uncertain litigation in the Adjudication for the settling parties**

31

Thank You!



“As long as the river flows, life will be good.”

Mary Sine, Yavapai Tribal Elder, circa 1937

32



Agenda Item Submission Form – Section I

Meeting Date: December 4, 2019

Consent Agenda *Decision Agenda* *Executive Session Requested*

Presentation Only *Action/Presentation*

Requesting Department: Administration

Staff Resource/Contact Person: Russ Martin / Troy Odell / Jerry Tinagero

Agenda Title (be exact): Discussion, consideration and possible approval of a new Town of Camp Verde Waste Water (Sewer) Policy. Changing policy regarding temporarily vacant buildings/land and clarifying definition of RV Park and related equivalencies for calculation of connection and monthly rates and inspection fees.

List Attached Documents: Revised Policy(redlined)

Estimated Presentation Time:

Estimated Discussion Time:

Reviews and Comments Completed by:

Town Manager: Russ Martin *Department Head:* _____

Town Attorney Comments: N/A *Risk Management:* N/A

Finance Department N/A

Background Information: (This is from the previous summary)

The staff are suggesting a couple of changes to the Town's Waste Water Policy. They reflect a couple of details that need further clarification.

First our vacant building/land policy is fairly cut and dry, you essentially are on/using sewer or you are not. If you have a circumstance that temporarily prohibits the use of the sewer (fire/demolition) there is no gray area to work within to maintain the connection at a minimal level until full use of the property is again possible. Staff is proposing a solution provides for a minimal charge to maintain the prior use level connection (grandfathered connection fees) while maintaining a level of revenue to maintain the system until full use is resumed.

Second, the RV Park connection fee is set for 50% residential equivalent already this change would reflect removing the "park model/trailer" or long-term residential uses that have been charged as full 100% residential equivalents.

Finally, staff recognizes that charging full inspection fees in some cases may not be equitable as the actual cost of the inspection can be less in circumstances that result in less travel back and forth and efficiencies of inspecting numerous connections at the same time is possible. Staff is recommending that in these cases up to 50%

reduction in the fee is possible. Staff would look for direction here as well as how staff or Council involvement would occur if there is a challenge to staff's decision on when/how this would be implemented.

ADDED:

To clarify the standard by which large development would be applied we propose the standard based on developments requiring more than 20 connection inspections.

Also, it is important to note that the temporary disconnect monthly rate was determined to be a percentage as setting this too low may result in significant issues for revenue given a large user is temporarily disconnected service possibly disrupting a minimum cost recovery as required by utilities. 25% percent seems appropriate to maintain revenues while addressing the needs of the customer.

Recommended Action (Motion): Move to approve the Town of Camp Verde Waste Water (Sewer) Policy to take effect January 1, 2020 and that the fees associated with the temporary disconnect and inspection fees be reduced retroactively to July 1, 2019.

POLICIES, PROCEDURES, RULES AND REGULATIONS
OF THE TOWN OF CAMP VERDE WASTEWATER
DIVISION
(EFFECTIVE JULY 1, 2018)

A. CONNECTION FEES

All fees are payable at the time of application for the joint use and connection permit. These fees apply toward repair, replacement or the expansion of the sewerage system of the Town, or other unusual costs as approved by the Town Council.

B. INSPECTION FEES

An inspection fee shall be charged by the Town to cover actual costs for inspecting the connections of any improvements to the sewerage system of the Town. This inspection fee shall be payable in addition to the connection fee as described above. Re-inspection will be charged for multiple visits if needed to correct mistakes at current inspection fee rate. Fees for large developments (defined as twenty (20) or more connection inspections) may, based on actual visit reduction, engineer engagement, complexity of inspection, or similar be considered for a reduction of inspection fees of up to 50%. The decision by the Division Manager may be appealed to Town Manager and ultimately to the Town Council if necessary.

C. NEW SUBDIVISION AND DEVELOPMENT FEES

1. Connection fees required for residential subdivisions, business, industrial, or other nonresidential uses shall be due and payable at the time of execution of the written agreement for sewer service between the owner and the Town.
2. If the Town requires a pipe size greater than necessary to serve the development, the Town shall credit against the connection fee, an amount equal to the difference in cost between the oversized facility and the facility that would be required by the development. In no event shall this authorize a cash payment from the Town to the owner.
3. Acceptance of any proposed agreement for sewer service pursuant to the provisions of paragraphs 1 and 2 above is conditioned upon the feasibility of providing sewer service as may be determined by an engineering review.

D. PRELIMINARY AND FINAL PLAN CHECK FEES

1. Should the Town require an engineer's plan review for preliminary and/or final plans, the applicant will pay for this fee.
2. Such fees shall be paid prior to the connection to the system and shall be separately charged and collected for each set of plans submitted to the Town.

E. MONTHLY USER FEES

POLICIES, PROCEDURES, RULES AND REGULATIONS
OF THE TOWN OF CAMP VERDE WASTEWATER
DIVISION
(EFFECTIVE JULY 1, 2018)

1. Any individual, owner or company shall establish a customer account with the Town prior to dumping at Town facilities.
2. This account will be billed on or before the 10th of each month and shall be due and payable by the 25th of that month.
3. Rates are as established in the fee schedule of the Town.
4. Customers will follow the septage receiving regulation provided to them by the Town or will have dumping privileges suspended.

G. DISCONNECTION/RECONNECTION

Whenever the Town shall have disconnected any sewer service on unoccupied property for failure to pay, the property shall not be reconnected to the sewerage system until all delinquent sewer charges are paid in full, including a reconnection charge as set forth in Town adopted Fee Schedule. The Town may additionally require a deposit to cover future sewer services in an amount not to exceed one years-estimated sewer charges before the property is reconnected to the public sewer. All labor, material and equipment costs incurred to disconnect and reconnect shall be billed to the owner in addition to the delinquent sewer charges and reconnection charge, and deposit.

Whenever the property is disconnected due to demolition/fire/flood or similar circumstance resulting in a temporary cessation of occupancy of more than one month, a temporary disconnect fee will be charged for the period of un-occupancy for up to two (2) years following the date that the property becomes unoccupied at the rate set forth in the then current Fee Schedule for property previously connected but unoccupied on a temporary basis. Following such two (2) year period, if the property remains unoccupied, the property owner can request an extension for two (2) more years, which request shall be subject to the approval of Town Council, which approval is subject to the sole and absolute discretion of the Town Council. If the property remains unoccupied following such period, thereafter the property owner must reapply as a new connection and pay a connection fee undiscounted for temporary unoccupancy.

The Wastewater Division may cutoff service to the property for the nonpayment of user fees for services provided after ninety (90) days. At least thirty days before terminating services, the Town shall provide written notice to the owner of the property and shall include a notice of an opportunity for a hearing before the Town Council or their designated agent. Upon receiving direction to shut off services; the Wastewater Division with an escort if needed; provided by the Town Marshal Office; will disconnect, block or impede sewer flow. They will also notify Yavapai Country and the Town Building Inspectors of the lack of habitability of the structure. Water service may be disconnected at this time to ensure no overflow of sewage.

**POLICIES, PROCEDURES, RULES AND REGULATIONS
OF THE TOWN OF CAMP VERDE WASTEWATER
DIVISION
(EFFECTIVE JULY 1, 2018)**

TABLE B - SEWAGE PRODUCING UNITS (SPU)

Sewage Producing units are defined as a unit loading on the sewerage collection, treatment and reuse system composed of flow, organic loading and suspended solids, categorized as follows:

CATEGORY	DEFINITION
Single family residences, condominiums/apartments and townhouses	1.0 per residential unit
Hotels, motels, resorts, lodges, nursing homes and supervisory care facilities	1.0 unit per room and 1.0 unit per washing machine
RV Park/ Trailer Park	.5 per residential unit
RV Dumping Stations	8 units per RV dump station or 2 units per 100 gallons of metered water per day
Commercial offices, business and stores	1.0 unit per bathroom, and 1.0 unit per sink in barbershops or beauty salons, or 1.0 unit per 200 gallons of metered water per day
Restaurants	1.0 unit per 20 meals served per day, based on audited data, or 1.0 per 45 gallons of metered water per day
Laundromats	1.0 unit per washing machine, or 1.0 unit per 8 washes based on audited data
Schools	1.0 unit per stool, shower or washing machine, or 1.0 unit per 70 gallons of metered water per day
Gas Stations and Car Washes	1.0 unit per stall, bay and restroom, or 1.0 unit per 100 gallons of metered water per day
The SPU can represent a fraction of the total loading on the system, and can be defined for each category of user. If a category does not exist, the number of SPU's are based on projected flow for the fixtures in the application as designed and specified.	



Agenda Item Submission Form – Section I

Meeting Date: December 4, 2019

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation

Requesting Department: Administration

Staff Resource/Contact Person: Russ Martin / Michael Showers

Agenda Title (be exact): Discussion and possible approval of **RESOLUTION 2019-1032 A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, SUSPENDING SCHEDULED FEE INCREASES FOR TOWN WASTEWATER SERVICES FOR FISCAL YEARS 2019-2020, 2020-21 & 2021-22**

List Attached Documents:

Estimated Presentation Time:

Estimated Discussion Time:

Reviews and Comments Completed by:

- Town Manager:** Russ Martin **Department Head:** _____
- Town Attorney Comments:** Reviewed and approved as submitted **Risk Management:** N/A
- Finance Department** N/A

Background Information:

Based on Council discussion on November 20, the general direction was to eliminate the next increases scheduled for all rates in the 2018 study, more specifically in January of 2020, 2021 and 2022. This would allow for the continued operations within the wastewater division to continue with appropriate levels of revenue to offset costs and considerations for capital improvements into the foreseeable future.

Discussion led to a cap rate consideration because the system was not directly accounting for usage and that rates above \$75 seemed beyond what was necessary at this time to charge going forward without compromising the revenue necessary at this time to operate the system.

Additionally, we added the temporary disconnect rate per the presumed newly adopted policy. It was determined that the best way to deal with this is based on a percentage of the monthly as significant revenue disruption could occur if the fee was substantially different and the system is still too small to not have a reasonable revenue stream to operate with during the time of reconstruction, staff has proposed 25% of their monthly, minimum \$25 or if their current rate is lower than \$25 that the full rate would still be collected (to avoid costly study).

Recommended Action (Motion):

Move to approve **RESOLUTION 2019-1032 A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, SUSPENDING SCHEDULED FEE INCREASES FOR TOWN WASTEWATER SERVICES FOR FISCAL YEARS 2019-2020, 2020-21 & 2021-22**



Agenda Item Submission Form – Section I

Meeting Date: December 4th, 2019

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Special Session

Requesting Department: Public Works/Wastewater Division

Staff Resource/Contact Person: Troy Odell, P.E.

Agenda Title (be exact): Conditional Award of Bid to the Apparent low Bidder Tierra Verde Builders, LLC contingent with the Contractor obtaining the appropriate Licensing equal to at least a Class “General Dual KA License”. And with the attached Conditional Change Order (CO-1) - 19-136 Bid Request - WWTP Solids Handling Improvements 2019 (Sludge Drying Beds)

List Attached Documents: Bid Amount Summation, Conditional Award Change Order (CO-1), Wastewater WIFA Funding Estimates Town of Camp Verde – FY18

Estimated Presentation Time: 15 min.

Estimated Discussion Time: 10 min.

Reviews Completed by:

Department Head: Included below.

Town Attorney Comments: Right from the beginning we approached the attorney with options and pursued this based on change order options that were present in the bid documents leading to this option. Direction included the need to approve the low bidder with Change Order 1 (CO-1) and the requirement that the Low Bidder/Contractor become licensed as a General Dual KA Contractor prior to award.

Finance Review: Budgeted Unbudgeted N/A

Finance Director Comments/Fund:

Fiscal Impact: None

Budget Code: 31-490-20-804000 **Amount Remaining:** \$2,430,166

Comments: Formal Bids were received for this Project (19-136) on Thursday, November 14th, 2019. The results of that Bids are attached. The low bid was from Tierra Verde Builders in the amount of \$2,072,201.00. This amount

exceeds the \$1,402,210 estimated in the WIFA Funding Estimates, of which \$1,313,721 are remaining after design completion.

We revisited this with the low bidder (Tierra Verde Builders) immediately after the bid results were in and revised or modified the most expensive part of the project (the compartmentalized sludge drying bed cells with vertical separator walls) to fit within the budget parameters and asked Tierra Verde Builders to complete and agree to a change order meeting these conditions. Tierra Verde Builders has since issued a Change Order (CO-1) making the necessary changes to provide us with what we need as solids handling improvements, while still fitting in the allocated budget. The total contracted amount with the Conditional Change Order (CO-1) is a total of \$1,525,991.00. This amount will be taken from the following items shown within the Wastewater WIFA Funding Estimates Projects identified as, which are all part of the Solids Handling Improvements slated:

Drying Beds	\$820,855
Sludge Pump Vaults 1&2	\$110,400
Yard Piping	\$ 27,465
Lagoon Closure West	\$100,000
Repurpose Lagoons	\$180,000
Lagoon Liner	\$ 75,000

These project amounts total \$1,313,720 available for this project. This would require a balance of \$212,271, which would be taken from remaining amounts left in the Estimated Engineering shown at the bottom of the table in the Wastewater WIFA Funding Estimates (attached).

This will mean that the Wastewater Division will require the purchase of a curb extrusion machine in order to complete or install the vertical separation walls as and when required to separate the drying bed cells and bring down the cost of construction. This machine would allow them to install the walls when time is available to them with little or no preparation. The estimated cost of this machine (used) is less than \$35,000. This could also potentially be used by our Streets Department or Stormwater for their future projects. A picture of the machine and curb type for the Solids Handling Cell Separator Walls is attached.

Background Information: The Solids Handling Improvements were studied by Wendel Energy Services, LLC, and found to be an economically feasible project in an Energy Efficiency Study. It was found that the implementation of dewatering sludge before hauling it to the Gray Wolf landfill lightened the loads so considerably that the reduced load weights and reduced weight based disposal fees paid for the Solids Handling Improvements in approximately 10 years. It is estimated that these improvements will have a life expectancy of at least 40 years, proving financially over and over again to be a good investment.

Recommended Action (Motion): Approve the use of the above listed funds in the 2018 WIFA loan to build the required WWTP Solids Handling Improvements as detailed within the Tierra Verde Builders bid submittal together with the Conditional Change Order (CO-1) for a total of \$1,525,991.00. Award the Contract for 19-136, WWTP Solids Handling Improvements 2019 to Tierra Verde Builders with the Conditional Change Order (CO-1) for a total amount of \$1,525,991.00 and under the condition that they will secure a Class General KA Dual Engineering License for the State of Arizona prior to issuance of the award.



Agenda Item Submission Form – Animal Guardian Network 1 Year Review

Meeting Date: December 4, 2019

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Carmen Howard, Community Development Director

Agenda Title (be exact): 1 Year Review of Animal Guardian Network Use Permit.

List Attached Documents:

- 1. Resolution 2017-992
- 2. Council Minutes 12/6/2017

Estimated Presentation Time: 5

Estimated Discussion Time: 10

Reviews Completed by:

Department Head:

Carmen Howard, Community Dev Director

Town Attorney Comments: N/A

Background Information:

An application for Use Permit #20170327, was submitted by Carrie Singer, Executive Director of Animal Guardian Network, located at 2555 N Arena Del Loma Rd, which is approximately 17 acres for Agri-tourism in a residentially zoned property, RR (Residential-Rural) for the purpose of an Animal Sanctuary and Healing Ranch. The Use Permit was approved by the Town of Camp Verde Town Council on December 6, 2017 with conditions (see attached copy of Resolution 2017-992 and meeting minutes). Conditions of the Use Permit require:

- 1. This Use Permit shall be in perpetuity, with a review in one year to evaluate potential impacts on the surrounding neighborhood.
- 2. Public Access to the property is limited to pre-arranged walk in tours, and public amenities and parking outside of gated entry.

The Animal Guardian Network is in compliance with Town Codes and the requirements of this Use Permit.



RESOLUTION NO. 2017-992

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, FOR A REQUEST SUBMITTED BY CARRIE SINGER, EXECUTIVE DIRECTOR OF THE ANIMAL GUARDIAN NETWORK, ON AN APPROXIMATELY 17 ACRE PARCEL, APN 403-19-007S, LOCATED AT 2555 N ARENA DEL LOMA RD. THE SUBJECT APPLICANT IS REQUESTING APPROVAL OF USE PERMIT 20170327 TO ALLOW FOR AGRI-TOURISM IN A RESIDENTIAL NEIGHBORHOOD ZONED R-R (RESIDENTIAL-RURAL) FOR THE PURPOSE OF AN ANIMAL SANCTUARY AND HEALING RANCH.

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby resolve as follows:

1. The Common Council hereby finds as follows:
 - A. A request for approval of Use Permit 20170327 was filed by Carrie Singer, Executive Director of the Animal Guardian Network, owner of Parcel 403-19-007S, located at 2555 N Arena Del Loma Rd., Camp Verde, Arizona. The parcel is zoned R-R (Residential-Rural) and the proposed use (Agri-Tourism) is permitted under such zoning with a Use Permit.
 - B. A neighborhood meeting was held on September 9, 2017 by the applicant to provide for citizen review pursuant to ARS §9-462.03 and as required by the Town of Camp Verde Planning and Zoning Ordinance, Part Six, Section 601 (Zoning Decisions) A3. – Citizen review and participation process.
 - C. The request was reviewed by the Planning and Zoning Commission on November 9, 2017 and by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on December 6, 2017 in public hearings that were advertised and posted according to State Law.
 - D. The purpose of the use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved and the Council hereby finds that the uses covered by the Use Permit and the manner of its conduct will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare generally and the uses shall be in conformity to the conditions, requirements and standards of the Town of Camp Verde Planning and Zoning Ordinance.
 - E. The Waiver of Diminution of Value has been signed by the owner and is attached as Exhibit A.

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby approve Use Permit 20170327 in perpetuity, subject to the limitations of Part Six, Section 601 – Zoning Decisions, C – Use Permit Approvals, Subsection 2, for the purpose of establishing an Animal Sanctuary and Healing Ranch and all other uses allowed under Agri-Tourism with the following findings:

1. The use of this property shall be operated and maintained in a manner consistent with the general provisions of the Town of Camp Verde Planning and Zoning Ordinance per Part Two, Section 203 – Use Districts, D. - R-R District (Residential-Rural), 3.f. Agri-Tourism.
2. Per Part Six, Section 601 – Zoning Decisions, C – Use Permit Approvals, 1.e The Use Permit is valid and operable only for the specific use as granted and subject to any specified time limit. No such use may be modified, changed, altered or increased in intensity, in any manner that conflicts with the Use Permit and/or required conditions of approval, without approval of a new Use Permit.

The following stipulations would be in place:

1. This Use Permit will be reviewed in one year to evaluate potential impacts on the surrounding neighborhood.
2. Public access to the property is limited to pre-arranged walk-in tours, and public amenities and parking outside of gated entry.

All of the requested uses to continue with no time limit, but are subject to the requirements of Part 6, Section 601 – Zoning Decisions, C. – Use Permit Approvals, 1. and 2. of the Town of Camp Verde Planning and Zoning Ordinance.

PASSED AND ADOPTED AT A REGULAR SESSION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ON DECEMBER 6, 2017.


Charles C. German, Mayor Date: 12/28/2017

Attest:


Judith Morgan, Town Clerk Date: 12/28/2017

Approved As To Form:


Town Attorney



When Recorded Return To:
Town of Camp Verde
473 S. Main St
Camp Verde, Arizona 86322

**AGREEMENT
TO WAIVE CLAIM FOR DIMINUTION IN VALUE
REGARDING ACTION
PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER**

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this 17th day of September, 2017, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Animal Guardian Networks ("Owner(s)");
CARRIE SINGER
WITNESSETH:

WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

WHEREAS, Proposition 207 added a new Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes (comprising §§12-1131 through 12-1138) dealing with eminent domain and regulatory takings; and

WHEREAS, ARS §12-1134 permits an owner of private real property to seek just compensation from the state or a political subdivision thereof that enacts or applies a land use law which (subject to certain exceptions) reduces existing rights to use, divide, sell or possess said property and thereby reduces the fair market value of the property; and

WHEREAS, "land use law" includes any statute, rule, ordinance, resolution, or law enacted by the state or political subdivision that regulates the use or division of land or any interest in land; and

WHEREAS, ARS §12-1134(I) recognizes that the state or political subdivisions may reach agreements with private property owners to waive claims for diminution in value resulting from land use law actions proposed by the state or political subdivision or requested by the property owners; and

WHEREAS, the Town (through its Common Council) has, on the date first-above written, duly considered and approved this Agreement with the Owner(s) to waive any claims said Owner(s) may have for diminution in value that may result, now or in the future, from the land use law action(s) proposed by the Town or requested by the Owner(s) as more fully set forth herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

SECTION ONE. This Agreement applies to that private real property described in **Exhibit "A"** attached hereto and expressly made a part hereof ("Property") and the recitals set forth above are true and correct and are incorporated herein by reference. Owner has independently determined and believes that the application of the Town's land use laws to the Property will not reduce the fair market value of the Property.

SECTION TWO. The land use law action(s) proposed by the Town or requested by the Owner(s) to which this Agreement applies have been designated as follows by the Town's Community Development Department:

20170327
Town Application Number

and, are based on certain application(s), copies of which ("Applications") are shown as **Exhibit "B"** attached hereto and expressly made a part hereof ("Action(s)").

SECTION THREE. By signing this Agreement, the Owner(s) expressly agree(s) and acknowledge(s) that the Owner(s) hereby waive(s) any right to claim diminution in value or claim just compensation for diminution in value of the Property under ARS §12-1134, now or in the future, in relation to the Action(s). This includes (but is expressly not limited to) agreement and consent by the Owner(s) to all conditions that may ultimately be imposed as part of the Action(s).

SECTION FOUR. It is expressly understood by the parties that this Agreement does not add to, detract from, or otherwise modify any discretion, right, power, authority, obligation, or duty of the Town under applicable law with respect to any legislative, administrative, or quasi-judicial action(s).

SECTION FIVE. This Agreement (including any exhibits attached hereto and any addendum) constitutes the entire understanding and agreement of the Owner(s) and the Town and shall supersede all prior agreements or understandings between the Owner(s) and Town regarding the Property. This Agreement may not be modified or amended except by written agreement of the Owner(s) and the Town.

SECTION SIX. This Agreement is made and entered into in Yavapai County, Arizona, and will be construed and interpreted under the laws of the State of Arizona.

SECTION SEVEN. The parties agree that this Agreement may be filed in the Official Records of the County Recorder's Office, Yavapai County, Arizona.

SECTION EIGHT. This Agreement runs with the land and is binding upon all present and future owners of the Property.

SECTION NINE. This Agreement is subject to the cancellation provisions of ARS §38-511.

SECTION TEN. The Owner(s) warrant(s) and represent(s) that the Owner(s) is/are the owner(s) of fee title to the Property, and that no other person(s) has/have any ownership interest(s) in the Property. The person(s) who sign(s) on behalf of the Owner(s) personally warrant(s) and guarantee(s) to the Town that he/she/they have the legal authority to bind the Owner(s) to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

TOWN OF CAMP VERDE, a municipal corporation of Arizona, (Town)



Charles German, Mayor

ATTEST:


Judith Morgan, Town Clerk

APPROVED AS TO FORM:


William Sims, Town Attorney

Dated this 4th day of January, 2018

OWNER:

CARRIE SINGER
Print Name

Carrie Singer
Signature

OWNER:

N/A
Print Name

N/A
Signature

STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 4th day of January, 2018, before me, the undersigned Notary Public,
personally appeared Carmelyn Singer who acknowledged that this document was
executed for the purposes therein contained.

Becky Loza
Notary Public

My Commission Expires: 10-19-2020



Dated June 15, 2017

Deed of Trust

Escrow No. 73523EW

EXHIBIT "A"

Description for a parcel of land being a portion of the Southwest quarter of the Southeast quarter of the Northeast quarter of Section 13 and a portion of Lot 11 of said Section 13, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

Beginning at the Northeast corner of Lot 11 of said Section 13 being a found BLM brass capped pipe stamped T14N R4E C S NE 1/64 Section 13, 1973 from whence a BLM brass capped pipe stamped S N 1/64 S13 S18, 1973 bears North 89 degrees, 41 minutes, 59 seconds East, 1315.55 feet (M) North 89 degrees, 42 minutes, 30 seconds East, 1317.36 feet (R-BLM);

Thence from said Northeast corner of Lot 11, South 89 degrees, 39 minutes, 29 seconds West (M), 600.93 feet (M&R-BLM), South 89 degrees, 40 minutes, 30 seconds West (R-BLM), North 89 degrees, 47 minutes, 30 seconds West, 602.13 feet (Book 1627, Page 760) along the North BLM line of said Lot 11 to the calculated position of the Special Meander Corner as surveyed by Harry K. Smith, Cadastral Surveyor conducted a Resurvey of the 1892 Meanders of the left bank of the Verde River as stated in Book 5006, Pages 66-67 of the BLM Records, from whence a reference point bears North 89 degrees, 39 minutes, 29 seconds East (M), a distance of 135.28 feet (M), said point being a set one-half inch rebar #29263;

Thence from said Special Meander Corner South 1 degrees, 50 minutes, 45 seconds West, 382.42 feet (M) South 2 degrees, 00 minutes West, 390.91 feet (R-Book. 1627, Page 760) along said 1892 meander line to a point;

Thence South (R-Book 1627, Page 760 & M), a distance of 291.90 feet (R-Book 1627, Page 760 & M), along said Left Bank Meander Line to point, being a point on the locally accepted South line of said Lot 11 of Section 13;

Thence South 89 degrees, 36 minutes, 05 seconds East (R-Book 1627, Page 760 & M), a distance of 144.23 feet (M) along said locally accepted South line of Lot 11 to a found one-half inch rebar with no identification and tag #29263 added;

Thence continuing South 89 degrees, 36 minutes, 05 seconds East (R-Book 1627, Page 760, measured and basis of bearing for this description), a distance of 449.80 feet (M) along the locally accepted South line of said Lot 11 to a found one-half inch rebar with no identification and tag #29263 added, said point being the locally accepted Southeast corner of said Lot 11;

Dated June 15, 2017

Deed of Trust

Escrow No. 73523EW

Thence South 89 degrees, 34 minutes, 50 seconds East (M), South 89 degrees, 36 minutes, 05 seconds East (R-Book 1627, Page 760), a distance of 446.17 feet (M) along the South line of the Northeast quarter of said Section 13 to a found one-half inch rebar with no identification and tag #29263 added being on the Westerly right of way line of the South Middle Verde Road as recorded in Book 17 of Maps, Page 60 records of Yavapai County;

Thence continuing South 89 degrees, 34 minutes, 50 seconds East, (R-Book 1627, Page 760) along said locally accepted South line of the Northeast quarter of said Section 13, a distance of 33.06 feet (M) to the center line of said South Middle Verde Road;

Thence North 4 degrees, 00 minutes, 05 seconds East (M), North 3 degrees, 58 minutes, 50 seconds East (R), a distance of 339.63 feet (R&M) along said centerline South Middle Verde Road to the beginning of a curve to the right having a radius of 716.20 feet (R&M), a long chord bearing North 12 degrees, 22 minutes, 36 seconds East (M), and a chord distance of 208.64 feet (M);

Thence along said curve to the right and said centerline of said South Middle Verde Road, a distance of 209.38 feet (R&M);

Thence North 20 degrees, 47 minutes, 51 seconds East, 156.40 feet (M), North 20 degrees, 43 minutes, 50 seconds East, 150.97 feet (R) along said centerline of said South Middle Verde Road to a point on the BLM North line of the South half of the Southeast quarter of the Northeast quarter (as measured) of said Section 13;

Thence South 89 degrees, 41 minutes, 59 seconds West (M), South 89 degrees, 42 minutes, 30 seconds West (R-BLM), a distance of 35.23 feet (M) along said BLM North line of the South half of the Southeast quarter of the Northeast quarter (as measured) of said Section 13 to a set one-half inch rebar #29263;

Thence continuing South 89 degrees, 41 minutes, 59 seconds West (M), South 89 degrees, 42 minutes, 30 seconds West (R-BLM), along the BLM North line of the South half of the Southeast quarter of the Northeast quarter of said Section 13, a distance of 548.77 feet (M) to the PLACE OF BEGINNING.



Land Use

Project #: 20170327

Application Form

1. Application is made for:

- | | | |
|---|--|------------------------|
| Zoning Map Change | <input checked="" type="checkbox"/> Use Permit | General Plan Amendment |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PUD Zoning | Variance | Sign |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Appeal | Verification of Non-Conforming Use | |
| Site Plan Compatibility Review (Commercial) | | |
| Other: _____ | | |

2. Project Name: Healing Canyon Ranch
Please print or type legibly

3. Contact information: (a list of additional contacts may be attached)

Owner Name: Animal Guardian Network Applicant Name: Carrie Singer
 Address: 4815 E. Carefree Hwy #108-504 Address: 4815 E. Carefree Hwy #108-504
 City: Cave Creek State: AZ Zip: 85331 City: Cave Creek State: AZ Zip: 85331
 Phone: 602-568-5636 Phone: 623-780-1604
 E-mail: Carrie@AnimalGuardianNetwork.org E-Mail: _____

4. Property Description: Parcel Number 403-19-0075 Acres: 4.8 + 16.98

Address or Location: 2555 N. Arena Del Loma Rd, Camp Verde, AZ 86322
 Existing Zoning: _____ Existing Use: _____
 Proposed Zoning: _____ Proposed Use: _____

5. Purpose: (describe intent of this application in 1-2 sentences)

To obtain a USE PERMIT for the purpose of running a care-for-life Animal Sanctuary

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner: Carrie Singer Date: 9/17/17 AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant: _____ Date: _____

8.1.1. Staff Comments.

Town Clerk Judy Morgan explained this is an application to transfer an existing liquor license for Circle K Stores to its new location at 752 Finnie Flat Road.

8.1.2. Public Hearing Opened

The public hearing was opened at 7:32 p.m. No comments were received.

8.1.3. Public Hearing Closed

The public hearing was closed at 7:32 p.m.

8.1.4. Council Discussion and possible action.

Councilmember Baker made a motion to approve location transfer of Liquor License application for Kim Kenneth Kwiatkowski-Circle K Stores Inc. for a Class 9 Liquor License (Liquor Store), application #09134003 located at 752 Finnie Flat Road, Camp Verde, AZ. It was seconded by Councilmember Jenkins and approved unanimously.

8.2. Public hearing and possible approval of Liquor License application for Rhonda Marie Tilton - Dollar General Store for a Class 10 Liquor License (Beer and Wine Store), application #10133320 located at 2775 Verde Lakes Drive, Camp Verde, AZ. (Staff Resource: Judy Morgan)

8.2.1. Staff Comments

Town Clerk Morgan gave an overview on the application. This is for a new liquor license application for Rhonda Marie Tilton-Dollar Store for a Class 10 Liquor License (Beer and Wine Store), application #10133320 located at 2775 Verde Lakes Drive, Camp Verde, AZ.

8.2.2. Public Hearing Opened

The public hearing was opened at 7:33 p.m. No comments were received.

8.2.3. Public Hearing Closed

The public hearing was closed at 7:33 p.m.

8.2.4. Council Discussion and possible action.

Councilmember Gordon made a motion to approve the Liquor License application for Rhonda Marie Tilton - Dollar General Store for a Class 10 Liquor License (Beer and Wine Store), application #10133320 located at 2775 Verde Lakes Drive, Camp Verde, AZ. It was seconded by Councilmember Baker and approved unanimously.

8.3. Animal Guardian Network Use Permit Application. Public Hearing, possible approval or denial for a Resolution (Resolution 2017-992) of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona for a request submitted by Carrie Singer, Executive Director of the Animal Guardian Network, on an approximately 17 Acre Parcel, APN 403-19-007S, located at 2555 N Arena Del Loma Rd. The subject applicant is requesting approval of Use Permit 20170327 to allow for Agri-Tourism in a residential neighborhood zoned R-R (Residential Rural) for the purpose of an animal

sanctuary and Healing Ranch. [Staff Resource Melinda Lee/Carmen Howard]

8.3.1. Staff Comments

Community Development Director Carmen Howard gave an overview explaining all requirements have been completed. Comments were received, 3 opposed and 1 in favor with 76 letters of support provided from the applicant.

Mayor German clarified the responsibility of the use permit continuing is on the applicant.

CDD Howard explained she is recommending expanding the number of animals set by the Planning and Zoning Commission to a number that would allow them to perform the rescue business.

8.3.2. Public Hearing Opened

The public hearing was opened at 7:43 p.m.

Applicant's agent Bill Feldmeyer spoke on this being a second location; it is an ideal site; Camp Verde has an Agri-Business designation; business will improve other businesses in town; has a Social Network following of 10k; meets the criteria set forth in the General Plan. He spoke on staff allowing self-managing the amount of animals and frequent reviews; traffic being limited, employees and deliveries.

Ilene Jamison and Diana Gogan spoke on the reason for the business/rescue. Ms. Jamison shared a neglected dog story with a happy outcome at the rescue.

Jennifer Burgess spoke in support of the rescue.

Cheryl Young spoke in support of the rescue and works with the volunteers. She stated it was a great community addition.

Carrie Singer, Applicant, spoke on how the rescue has grown from dogs only to include farm animals. She spoke on Camp Verde's community sense; working together; no chemicals on the property and the site being by the river.

Lisa Hunt supports AGN and other animal groups. She spoke on AGN's unique mission and execution of it.

BJ Davis spoke as a citizen of the community, supporting the rescue. He reported on visiting the Cave Creek rescue location and the high level of care and maintenance of the property; animals being friendly, and quiet. He spoke on offering the rescue flexibility with their use permit to provide the assistance necessary with review of it ongoing.

Barry Church opposed self-monitoring as he doesn't feel it offers checks and balances in the process.

Randa Clark opposes the rescue location as a neighbor and has concerns about keeping rules, number of animals kept, self-governing. Asked Council to consider the neighbors of this property.

Ron Posten spoke in support of the rescue and having the property used. He talked of strays already in the area and liked the chapel for "lost" animals.

8.3.3. Public Hearing Closed

The public hearing was closed at 8:19 p.m.

8.3.4. Council Discussion and possible action.

Councilmember Gordon asked the applicant about the number of animals on their existing 1.45 acres. Ms. Singer explained they have 45. CM Gordon would have liked to hear from the Cave Creek neighbors. Ms. Singer explained she has 3 new neighbors.

Vice Mayor Murdock spoke on the use permit allowing something not zoned and the opportunity for checks and balances, review and questions anytime throughout the year. CDD Howard agreed if they received complaints they would investigate.

VM Murdock asked if improvements (development) would require permits as well as storm-water drainage. CDD Howard confirmed this to be true, requiring it to be done to code and monitored. VM Murdock spoke in support of the use permit.

CM Gordon asked for clarification about the stipulations made in the Planning and Zoning Commissions recommendation to council. CDD Howard is recommending removing the animal counts; the code counts for large animals and for 40 dogs. The use permit allows for the self-managing of animal counts.

Councilmember Baker asked for the best way to handle the approval with change to the P&Z recommendation from the attached resolution. There was discussion on review stipulation (not needed for a use permit); whether to allow the use permit for 6 or 12 months.

Councilmember Baker made a motion to approve Resolution 2017-992 a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, for the request submitted by Carrie Singer, Executive director of the Animal Guardian Network, on an approximately 17-acre parcel, APN 403-19-007S, located at 2555 N Arena Del Loma Rd. The subject applicant is requesting approval of use permit 20170327 (with staff's stipulations) to allow for Agri-Tourism in a residential neighborhood zoned R-R (Residential-Rural) for the purpose of an animal sanctuary and healing ranch. Councilmember Buchanan seconded the motion.

There was discussion on the acreage of the subject property. The resolution is for the 17-acre lot not the full 21-acres (one parcel in application with second parcel to stay native). The motion passed by unanimous approval.

Council took a short break recessing at 8:45p.m. Council reconvened at 9:00 p.m.

9. Call to the Public for items not on the agenda. (Please complete Request to Speak Card and turn in to the Clerk.)

There was no public comment received.

10. Council Informational Reports.

Councilmember Whatley spoke on the Intergovernmental Meeting; Homeless



Town of Camp Verde

Agenda Item Submission Form / Section I: Ordinance 2019-A450 Zoning Map Change Application #2019-0354 Preserves at Clear Creek

Meeting Date: December 4, 2019 Town Council Meeting

- Consent Agenda
- Recommendation to Council
- Executive Session Requested
- Presentation Only
- Action/Presentation

Requesting Department: Community Development
Staff Resource/Contact Person: Carmen Howard, Community Development Director

Applicant: Robert Witt, Agent for the property owners
Application: Zoning Map Change 2019-0354, Preserves at Clear Creek request to rezone 27 of 33 lots, in Camp Verde from R1L-18 to R1-18.

Agenda Title (be exact):

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA FOR A ZONING MAP CHANGE FROM R1L-18 (RESIDENTIAL: SINGLE FAMILY LIMITED) TO R1-18 (RESIDENTIAL: SINGLE FAMILY) TO ALLOW MH ADVANTAGE HOUSING TYPES. THE PROPOSAL INVOLVES 27 OF 33 PLATTED LOTS AND IS LOCATED EAST OF VERDE LAKES DRIVE, ALONG PRESERVE DRIVE, TWIN LEAF CIRCLE, AND LARSON LANE; PARCEL NOS. 404-13-470 THROUGH 404-13-483; 404-13-486 THROUGH 404-13-492; 404-13-495 THROUGH 404-13-499; AND 404-13-502, IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA.

List Attached Documents:

- Ordinance 2019-A450 (Prop 207 Waiver and legal description on file with Community Development)
- Staff Report
- P&Z Minutes from 11/14/2019.

Estimated Presentation Time: 20 minutes.
Estimated Discussion Time: 20 minutes

Reviews Completed by:

- Department Head: Carmen Howard
Comments: In Staff Report
- Town Attorney review:
Comments: Ordinance for form



ORDINANCE 2019 A450

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA FOR A ZONING MAP CHANGE FROM R1L-18 (RESIDENTIAL: SINGLE FAMILY LIMITED) TO R1-18 (RESIDENTIAL: SINGLE FAMILY) TO ALLOW MH ADVANTAGE HOUSING TYPES. THE PROPOSAL INVOLVES 27 OF 33 PLATTED LOTS AND IS LOCATED EAST OF VERDE LAKES DRIVE, ALONG PRESERVE DRIVE, TWIN LEAF CIRCLE, AND LARSON LANE; PARCEL NOS. 404-13-470 THROUGH 404-13-483; 404-13-486 THROUGH 404-13-492; 404-13-495 THROUGH 404-13-499; AND 404-13-502, IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011, and

WHEREAS, Part 6, Section 600,C.1 of the Planning and Zoning Ordinance allows for the amendment, supplementation or change of zoning boundaries by the Town Council of the Zoning Map of Camp Verde under the Planning & Zoning Ordinance, and

WHEREAS, The Final Plat for the Preserve at Clear Creek was recorded on March 9, 2006, for 33 lots with R1L-18 zoning. This zoning district allows only site-built or modular housing. Although the infrastructure was completed, only two homes were built, both in 2007, and

WHEREAS, Rob Witt, acting as agent for the property owner, submitted an application #2019-0354, to change the zoning for 27 of 33 of the platted lots in the Preserves at Clear Creek. The request to change the zoning to an R1-18 will allow the development of the subject parcels using manufactured housing, and

WHEREAS, The zoning change proposal includes using a new financing program established by Fannie Mae known as "MH Advantage", which requires the installation of a new design of manufactured housing that is similar to site-built homes, and

WHEREAS, the Mayor and Council find that the requested re-zoning will be beneficial to the community and is in conformity with the Camp Verde General Plan, and

WHEREAS, the Mayor and Council find that the procedures required by ARS §9-462.03 and 9-462.04 have been complied with in connection with this zoning action, and

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

Section 1. The Town Council hereby finds as follows:

- A. A request for **Zoning Map Change 2019-0354** was filed by Robert Witt, agent for the property owner, to rezone the subject parcels from R1L-18 (RESIDENTIAL: SINGLE-FAMILY LIMITED) TO R1-18 (RESIDENTIAL: SINGLE-FAMILY) for the following described real property: The legal description is attached as exhibit "A". The above-described parcels include 27 of 33 platted lots from the Preserves at Clear Creek Subdivision.
- B. The Planning & Zoning Commission reviewed the request on November 14, 2019 in a public hearing that was advertised and posted according to state law and a forwarded a recommendation of approval for Zoning Map Change 2019-0354.
- C. The proposed Zoning Map Change Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.
- D. The Waiver of Diminution of Value Claim has been signed by the property owners and is attached as exhibit "B".

Section 2. That this ordinance be hereby expressly conditioned as follows:

- 1. Sites shall be developed using, at a minimum, a housing product as described in the MH Advantage program that meet specific construction, architectural design, and energy efficiency standards.**

Section 3. 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, are hereby repealed, effective as of the effective date of this ordinance.

Section 4. 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.

Section 5. This ordinance is effective upon the expiration of a thirty 30-day period following the adoption hereof and completion of publication and any posting as required by law.

PASSED AND APPROVED BY A MAJORITY VOTE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON THIS 4TH DAY OF DECEMBER, 2019.

Charles German - Mayor

Date: _____

Approved as to form:

Attest: _____

Virginia Jones, Deputy Town Clerk

Bill Sims - Town Attorney

Exhibit A – Staff Report: Rob Witt / Zoning Map Change Preserves at Clear Creek Ordinance 2019-A450, Application 2019-0354

Town of Camp Verde: December 4, 2019 Town Council

BACKGROUND:

The Final Plat for the Preserve at Clear Creek was recorded on March 9, 2006, for 33 lots with R1L-18 zoning. This zoning district allows only site-built or modular housing. Although the infrastructure was constructed, only two homes were built, both in 2007.

Rob Witt, Applicant, submitted a request, application # 2019-0354 to change the zoning for 27 of 33 platted lots in the Preserves at Clear Creek Subdivision. The request to change the zoning to an R1-18 District will allow the development of the subject parcels using manufactured housing. The proposal includes using a new financing program established by Fannie Mae known as “MH Advantage”, which requires the installation of a new design of manufactured housing that is similar to site-built homes.

The “MH Advantage” program offers financing for homes that “meet specific construction, architectural design, and energy efficiency standards”. These homes must be designated as such by the manufacturers and are offered “higher loan-to-value ratios (up to 97 percent)” by the lenders. The exterior design of the home includes elements such as a 4/12 pitch on the roof, wider eaves, dormers, attached garages or carports, covered porches, and durable siding. The intent is to provide a finished product that will “blend in to traditional neighborhoods”.

THE FOLLOWING HAS BEEN COMPLETED BY THE APPLICANT AND/OR STAFF:

- The applicant posted the subject property and mailed out letters to property owners within 300’, which invited them to the neighborhood meeting on August 27, 2019.
- The meeting was held at the Camp Verde Community Library Founders Room, 130 N. Black Bridge Road. There were 3 attendees at the meeting; 2 of which were associated with the applicant. From the public, there was 1 person in attendance that had supported the request.
- Community Development Staff mailed out 51 postcards to properties owners within three hundred (300) feet of the subject parcel on October 10, 2019. This letter advised the neighbors of the tentative Planning & Zoning Public Hearing and Town Council meeting dates, times, and location.
- On October 15, 2019, Staff received multiple postcards back, with a handwritten note from the post office requesting additional postage. To ensure that all notices were duly processed, a second mailing was done on October 16, 2019.
- A Notice of Public Hearing was placed in the Verde Independent–Camp Verde Bugle newspaper on October 27, 2019, by Community Development Staff.
- A Notice of Public Hearing was posted in public places on October 23, 2019, by Community Development Staff.
- Two Public Hearing notices were posted on the subject property; one at the entrance to the subdivision (approximately 50 feet east of Verde Lakes Drive on Preserve Drive) and the second one at the eastern terminus of Preserve Drive at Tumbleweed Drive, on October 24, 2019, by Community Development Staff.
- A Public Hearing was held by the Planning Commission on November 14th and forwarded a recommendation for approval to the Town Council.

COMMUNICATIONS FROM AGENCIES/PUBLIC:

Staff has received two comments from the public regarding this request:

Ulrich Pelz: Supports this request to incorporate “modular homes” into the subdivision. *(The current zoning of R1-L already allows modular homes, which is a different type of housing than the homes proposed under the MH Advantage program. It appears there is a misconception about the differences in housing types and that Mr. Pelz would support homes, as proposed).*

Ben Cooper: Inquired about including his two parcels in the rezoning action; however, by this time the public notification process was already underway and it was not possible to include additional properties. Mr. Cooper was contacted and advised that he could pursue a separate zoning action, if desired.

GENERAL PLAN:

The Preserve subdivision is located within the Clear Creek Character Area. The vast majority of this Area has residential, ranging from R2-4, which allows multi-family units and a 4,000-square-foot minimum lot size, to RR-2A, which is the rural residential district of 2-acre or greater parcels. There is limited commercial along State Route 260 in a few sections.

The proposal complies with the General Plan in these aspects:

Table 3.14, Land Use: States that this Area is primarily medium density lots, which is one-quarter acre or greater. This equates to approximately 10,000 square-foot lot sizes.

By retaining the 18,000-square-foot minimum for this subdivision, the lot sizes will remain in keeping with the existing uses of 10,000 square feet or greater.

Goal A: Preserve the valuable natural resources of the hillsides, and protect their aesthetic and habitat amenities to enhance the rural character of the area.

A.2 – Preserve scenic view sheds.

By allowing the inclusion of the MH Advantage program, single-story development would occur, thus preserving the view sheds.

A.3 – In the event of development, maintain setbacks and height guidelines.

Retaining the R1 aspect of the zoning standards will maintain existing setbacks and building height guidelines.

Goal B: Maintain the rural, residential and agricultural character of the area.

B.2 – Maintain low density rural development where it exists.

The platted subdivision already exists, so it will retain the medium density lot sizes and not encroach further into the existing rural densities that exist in this Area.

B.3 – For new construction, encourage site-built housing.

The project, originally zoned for site-built or modular housing, has remained undeveloped since 2007. The proposal, although it allows manufactured housing, includes use of MH Advantage housing which has specific characteristics that will be compatible with traditional site-built housing development.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a zoning map change, which would allow the development of the Preserve at Clear Creek using MH Advantage manufactured housing products.

RECOMMENDED MOTION:

A MOTION TO RECOMMEND APPROVAL OF ORDINANCE 2019A450 FOR A ZONING MAP CHANGE FROM R1L-18 (RESIDENTIAL: SINGLE FAMILY LIMITED) TO R1-18 (RESIDENTIAL: SINGLE FAMILY) TO ALLOW MH ADVANTAGE HOUSING TYPES. THE PROPOSAL INVOLVES 27 OF 33 PLATTED LOTS AND IS LOCATED EAST OF VERDE LAKES DRIVE, ALONG PRESERVE DRIVE, TWIN LEAF CIRCLE, AND LARSON LANE; PARCEL NOS. 404-13-470 THROUGH 404-13-483; 404-13-486 THROUGH 404-13-492; 404-13-495 THROUGH 404-13-499; AND 404-13-502, IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA,



Land Use Application Form

OCT 3 '19 PM 4:59

1. Application is made for:

- | | | |
|---|------------------------------------|------------------------|
| <u>Zoning Map Change</u> | Use Permit | General Plan Amendment |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PAD Zoning | Variance | Sign |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Appeal | Verification of Non-Conforming Use | |
| Development Standards Review (Commercial) | | Other: _____ |

2. Project Name: The Preserve

3. Contact information: (a list of additional contacts may be attached)

Owner Name: Clear Creek Birch Springs LLC, Jay Lamoreaux, Bill Blackwill, Becky Derison Applicant Name: Rob Witt
 Address: The Preserve Address: 465 W Hereford dr
 City: Camp Verde State: AZ Zip: 86322 City: Camp Verde State: AZ Zip: 86322
 Phone: (928) 202-1000 Phone: (928) 202-1000
 E-mail: robertmwitts@gmail.com E-Mail: robertmwitts@gmail.com

4. Property Description: Parcel Number See Attachment Acres: 8.87

Address or Location: The Preserve multiple parcels
 Existing Zoning: R1L-18 Existing Use: ~~Site built~~ site built
 Proposed Zoning: R1-18 Proposed Use: MH advantage Housing

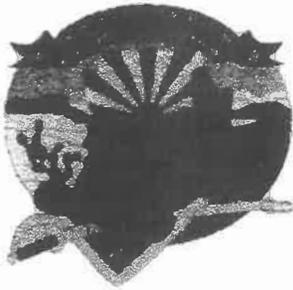
5. Purpose: (describe intent of this application in 1-2 sentences)
To allow MH advantages housage use

6. Certification:
I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner: _____ Date: _____ AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant: [Signature] Date: 7/26/19



Application Checklist

Staff Use Only	
Application Number:	20190354
Received By:	WJ
Date:	10/3/19
Fees Paid:	\$1751.00
Complete:	<input checked="" type="radio"/> Y <input type="radio"/> N

Required Items

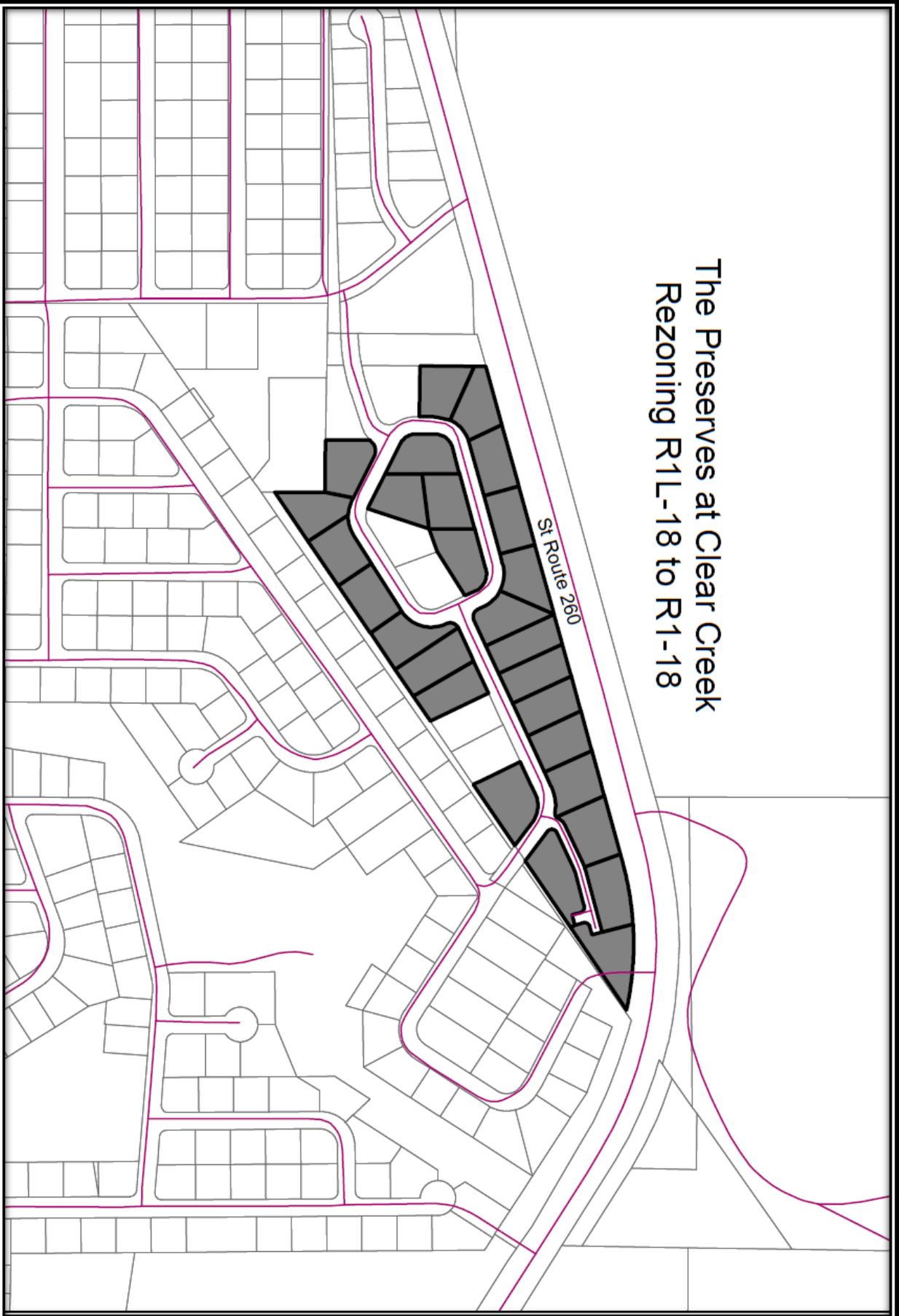
Complete sets of these documents are required at the time of application.

Please provide (1) paper copy with original signatures and a PDF version of the complete application, except the Site Plan, which requires (5) paper copies and (1) PDF version.

- | | | Staff Use only |
|-----|---|--|
| 1. | Pre-Application meeting with Staff Date: _____ | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 2. | Application fee as per the current fee code | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 3. | Completed Land Use Application form (rursey) | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 4. | Written Legal Description of property (additional needed) | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 5. | Neighborhood Meeting Documents (See #12 below) (additional needed) | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 6. | Letter of Intent (See attached sample) (see neighborhood letter) | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 7. | Town Engineer or ADOT approval of site access (if applicable) | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 8. | Site Plan (24"x36", or as approved) (5 paper copies and 1 PDF version)
<u>-See Section 400.D.1 for preparation of a Site Plan-</u>
Vicinity map
-North arrow, scale (1" =100' or 1" =200'), and date of preparation.
-Subdivision or block and lot name of the area to be utilized for a Use Permit (if applicable)
-Locations and boundaries, including dimensions, of property(s) proposed for Use.
-Acreage or square footage contained within property proposed for Use.
-Zoning and existing land uses on all lands adjacent to the proposed Use.
-Location and dimensions for all existing right-of-way within, and adjacent to, the Use. | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 9. | Completed Permission to Enter Property statement, signed by the property owner. | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 10. | Completed Waiver of Diminution of Value , signed and notarized by the property owner.
Provide self-addressed, stamped envelopes for all property owners within 300' for notification of public hearing to be sent out by staff. (Use same notification list as the neighborhood meeting). | <input checked="" type="radio"/> Y <input type="radio"/> N |
| 12. | Neighborhood Meeting Requirements:
Property owner or designated agent must provide the Community Development Department the following information on the neighborhood meeting with application submittal.
a. At least 15 days prior to the meeting, mail letters notifying all neighbors within 300' of the subject property that includes a description of the proposed use; the meeting place, date, and time; and an option to provide written comments. (See attached sample. The letter must be approved by Community Development before sending out to insure proper representation of the issue). Include copies of the notices with your application submittal.
b. Post the subject property with the meeting place, date, and time. Provide Community Development with a photo of the sign(s) posted on the property.
c. The applicant shall prepare a written summary of the meeting by way of affidavit, including:
-A sign in sheet of attendees.
-A summary of questions and answers which were discussed with the neighbors.
Affidavit must be completed and notarized.
Include copies of all written comments that were received from the public or agencies.
d. Submit the neighborhood documentation to Staff no later than 10 days prior to the public hearing.
*The application must be submitted within 6 months of the neighborhood meeting; otherwise, the neighborhood meeting must be held again. | <input checked="" type="radio"/> Y <input type="radio"/> N |

Please Note: A request will not be scheduled on an agenda until the application is complete. Submittal of an application does not constitute a complete application until it has been verified as complete and confirmation has been given by the planning division to the applicant verbally. Once an application is deemed complete, the application will be scheduled for a public hearing before the Planning & Zoning Commission; if a recommendation is made, then the application will be scheduled for action by the Town Council. The applicant or their designated representative must attend the public hearings when their application is being considered. Failure to attend may result in postponement of action by the Planning and Zoning Commission.

The Preserves at Clear Creek
Rezoning R1L-18 to R1-18





MH Advantage™

Flexible guidelines for manufactured homes that feature site-built characteristics

BACKGROUND AND PURPOSE

Fannie Mae invests in manufactured housing loans to serve its mission of expanding affordable housing by providing liquidity to a market segment that is crucial to many Americans. Manufactured housing offers a low-cost alternative to site-built homes for millions of American households, especially in high-cost and rural areas. A “manufactured home” for the purposes of Fannie Mae’s program is a dwelling that is built on a permanent chassis and installed on a permanent foundation system.

MH Advantage™ is a manufactured housing loan product that offers flexible underwriting standards and reduced pricing for manufactured homes that are built to meet specific construction, architectural design, and energy efficiency standards. Properties that are eligible

for MH Advantage™ financing are designated as such by the manufacturer. MH Advantage™ offers higher loan-to-value ratios (up to 97 percent), and reduced pricing in the form of waived standard manufactured housing loan level price adjustments (0.50 percent) and reduced mortgage insurance coverage requirements for fixed-rate terms.

Manufactured housing is the country’s largest source of unsubsidized affordable housing. Lenders’ ability to sell loans secured by manufactured housing to Fannie Mae is an important contributor to extending access to credit to low-income households. Fannie Mae purchases mortgages secured by manufactured housing titled as real estate through approved lender partners.

PROGRAM NAME	MH Advantage™
AGENCY	Fannie Mae
EXPIRATION DATE	Not Applicable
APPLICATIONS	No program-specific application is required. For information on becoming a Fannie Mae seller, see https://www.fanniemae.com/singlefamily/become-seller-servicer
WEB LINK	https://www.fanniemae.com/singlefamily/manufactured-homes
CONTACT INFORMATION	Sellerservicer_application@fanniemae.com (ask for a call-back in your email)
APPLICATION PERIOD	Continuous
GEOGRAPHIC SCOPE	National

BORROWER CRITERIA

Income limits: This program has no income limits.

Credit: Fannie Mae's standard credit requirements apply (minimum credit score of 620). Fannie Mae uses trended data in its credit risk assessment including those loans submitted through Desktop Underwriter®. Trended credit data provides expanded information on a borrower's revolving account credit history including whether the borrower pays off the balance each month or makes the minimum payment due, and whether the borrower exceeds the credit limit.

First-time homebuyers: First-time homebuyer status confers no benefit.

Occupancy and ownership of other properties: The home must be owner occupied or a second home, not an investment property.

Special populations: There are no incentives for special populations.

Special assistance for persons with disabilities: There is no special assistance for people with disabilities.

Manufactured home criteria: Manufactured housing designated as MH Advantage™ eligible must meet Fannie Mae's definition of a "manufactured home" (defined below) and also offer certain construction, architectural design, and energy efficiency standards that are more consistent with site-built homes. Manufactured homes that are eligible for an MH Advantage™ loan must have an MH Advantage™ sticker affixed to the property by the manufacturer. The property appraisal must include photos of the MH Advantage™ Sticker, HUD Data Plate, HUD Certifications Labels, and the site showing all driveways, sidewalks, and detached structures located on the site. Examples of MH Advantage physical characteristics include but are not limited to distinctive roof treatments, lower profile foundations, and construction durability features such as durable siding.

Fannie Mae follows HUD's definition of manufactured homes. The manufactured home must be at least 12 feet wide and have a minimum of 600 square feet of gross living area. The dwelling must assume the characteristics of site-built housing, including being attached to a permanent foundation and connected to utilities. Single-wide manufactured homes, unless located in a Fannie Mae-approved subdivision, co-op, condominium, or planned unit development are not allowed. Homes located on leased land are not allowed. The mortgage loan must be secured by both the manufactured home and the land on which it is situated, and both the manufactured home and the land must be legally classified as real property and secured by a single lien, under applicable state law. Fannie Mae treats modular, prefabricated, panelized, or sectional housing homes the same as site-built housing, not as manufactured housing.

POTENTIAL BENEFITS

The guarantee provided by Fannie Mae under this program may help mitigate credit risk.

Higher loan-to-value ratios and competitive pricing (compared with the Standard Manufactured Housing product) for manufactured housing with certain site-built characteristics.

MH Advantage™ loans may allow community banks to expand their lending to low- and moderate-income borrowers, rural areas, and low- and moderate-income communities.

POTENTIAL CHALLENGES

Not all manufactured housing is eligible for the MH Advantage™ product. MH Advantage™ homes must meet stricter property eligibility requirements and be designated as MH Advantage™ eligible by the manufacturer.

Fannie Mae will not purchase mortgages for manufactured housing in community land trusts.

Both the manufactured home and the land must be legally classified as real property under applicable state law. Many states still classify manufactured homes as personal property.

LOAN CRITERIA

Loan limits: FHFA publishes Fannie Mae's conforming loan limits annually. See Resources for a link to the current limits.

Loan-to-value limits: For an owner-occupied primary residence, the maximum LTV is 97 percent for a fixed-rate mortgage (FRM) and 95 percent LTV for an adjustable-rate mortgage (ARM). For a second home, the maximum LTV is 90 percent for a FRM and 80 percent for an ARM. For a cash-out refinance, the LTV maximum is 65 percent for FRM and 60 percent for ARM, both with terms no longer than 20 years. For loans with Community Seconds^{®20}, the maximum combined loan-to-value (CLTV) ratio is 105 percent.

Adjustable-rate mortgages: 7/1 and 10/1 ARMs are allowed.

Down payment sources: No contribution of borrower personal funds is required.

Homeownership counseling: Homeownership counseling is not required.

Loan-level price adjustments: Loan-level price adjustments are risk-based pricing adjustments that apply at the time of delivery only. The standard manufactured housing LLPA (0.50 percent) is waived. Other standard Fannie Mae LLPAs apply.

Mortgage insurance: The MH Advantage™ program follows Fannie Mae's insurance coverage requirements.

Debt-to-income ratio: Debt-to-income ratio is determined by Desktop Underwriter®. In the event that the borrower has student loan debt, if the payment amount is provided on the credit report, that amount can be used for qualifying purposes. If the credit report does not identify a payment amount, the lender can use either 1 percent of the outstanding student loan balance, or a calculated payment that will fully amortize the loan based on documented loan repayment terms.

Temporary interest rate buy downs: Temporary interest rate buy downs are not allowed.

Refinance: Cash-out refinance is allowed for an owner-occupied primary residence, up to 65 percent LTV with a 20-year term. Limited cash-out refinance is also allowed.

Trade equity from existing manufactured housing:

Many manufactured home dealers offer equity-like contributions for home purchasers who trade in an old model of home to buy a new one, similar to an automobile trade-in program. The maximum equity contribution from the traded manufactured home is determined as follows. If the borrower has owned the traded manufactured home for 12 months or more before the application date, the maximum equity contribution is 90 percent of the retail value based on the NADA Manufactured Housing Appraisal Guide®. If the borrower has owned the traded manufactured home for less than 12 months before the application date, the maximum equity contribution is the lesser of 90 percent of the retail value or the lowest price at which the manufactured home was sold during that 12-month period. Any costs resulting from the removal of the manufactured home or any outstanding indebtedness secured by liens on the manufactured home must be deducted from the maximum equity contribution.

Land equity: If the borrower owns the land on which the manufactured home is being permanently attached, the land may be used as an equity contribution. In such event, the borrower's equity contribution is equal to:

- the current appraised value of the land if the borrower has owned the land for 12 months or more before the application date; or
- the lower of the current appraised value of the land or the purchase price of the land if the borrower has owned the land for less than 12 months.

Underwriting: Manufactured housing loans may only be underwritten using Desktop Underwriter®.

Appraisal: The appraisal must contain two similar manufactured homes and one site-built/modular home.

²⁰ A Community Seconds® mortgage is a subordinate mortgage that is used in connection with a first mortgage delivered to Fannie Mae. Fannie Mae does not purchase Community Seconds, but it does provide eligibility requirements for the subordinate Community Seconds product. See fact sheet at https://www.fanniemae.com/content/fact_sheet/community-seconds-fact-sheet.pdf.

Potential Benefits

- The guarantee provided by Fannie Mae under this program may help mitigate credit risk.
- Higher loan-to-value ratios and competitive pricing (compared with the Standard Manufactured Housing product) for manufactured housing with certain site-built characteristics.
- MH Advantage™ loans may allow community banks to expand their lending to low- and moderate-income borrowers, rural areas, and low- and moderate-income communities.
- MH Advantage™ loans offer competitive pricing and terms. Loans originated through this program may receive favorable consideration under the CRA, depending on the geography or income of the participating borrowers.

Potential Challenges

- Not all manufactured housing is eligible for the MH Advantage™ product. MH Advantage™ homes must meet stricter property eligibility requirements and be designated as MH Advantage™ eligible by the manufacturer.
- Fannie Mae will not purchase mortgages for manufactured housing in community land trusts.
- Both the manufactured home and the land must be legally classified as real property under applicable state law. Many states still classify manufactured homes as personal property.
- Lenders must have a way to access the program, whether through direct sales or a correspondent arrangement. Depending on the arrangement, community banks may need to acquire or develop new expertise and infrastructure in order to participate.

SIMILAR PROGRAMS

- Fannie Mae Standard Manufactured Housing Mortgage
- Freddie Mac Manufactured Home Mortgage
- FHA Manufactured Home Loan Insurance

RESOURCES

Direct access to the following web links can be found at <https://www.fdic.gov/mortgagelending>.

MH Advantage™ Appraisal Requirements

https://www.fanniemae.com/content/fact_sheet/mh-advantage-appraisal-requirements.pdf

Manufactured Housing Product Matrix

https://www.fanniemae.com/content/fact_sheet/manufactured-homes-advantage-product-matrix

Manufactured Housing Frequently Asked Questions

<https://www.fanniemae.com/content/faq/manufactured-housing-faqs>

NADA Manufactured Housing Appraisal Guide® (there is a cost associated with the guide).

<http://www.nadaguides.com/Manufactured-Homes>

FHFA Conforming loan limits

<https://www.fhfa.gov/DataTools/Downloads/Pages/Conforming-Loan-Limits.aspx>

Loan-level price adjustment

<https://www.fanniemae.com/content/pricing/lpa-matrix.pdf>

Frequently Asked Questions about Manufactured Housing [Prosperity NOW]

<https://prosperitynow.org/faqs>

Mortgage insurance pricing

<https://www.fanniemae.com/content/guide/selling/b7/1/02.html>

Community Seconds®

https://www.fanniemae.com/content/fact_sheet/community-seconds-fact-sheet.pdf



Fannie Mae

Lending for MH Advantage[®]

Retailer Guide and Talking Points

MH Advantage is an initiative from Fannie Mae[®] that offers manufactured homes with certain features as an affordable alternative to site-built homes, expanding access to homeownership. This document will serve as a guide for retailers to the architectural characteristics and site installation requirements that make a home potentially MH Advantage-eligible.

Part

1

Home Design

The following are critical design features. In order to qualify for MH Advantage financing, a home must meet these standards AND the manufacturer must be participating in the MH Advantage program. You can find the list of participating manufacturers at www.fanniemae.com/manufacturedhomes.



Home must be designed as a multi-section property (i.e. no single wide homes)



Eaves that are 6 inches or greater (which may be eaves no less than 4 inches to which site-completed gutters of 2 inches or more are to be added)



Roof pitch, following installation on site in accordance with the home's plans, will be at a ratio of 4/12 or greater (does not apply to triple wide homes, which may have any roof pitch)



The home is designed with one of the following pairs of features:

- Dormer(s) and Covered Porch (minimum 72 square feet); OR
- Dormer(s) and Attached Garage/Carport; OR
- Covered Porch (minimum 72 square feet) and Attached Garage/Carport



Designed with low-profile finished floor set that does not exceed 30 inches from bottom of floor joist to the exterior grade for the front or entry elevation (note, this is design standard only – topography of site or other considerations may affect actual placement of home on site and does not disqualify the home from MH Advantage)



One of 3 energy standards: Overall U-Value of 0.076 or less, 2009 IECC, or Energy Star. Manufacturer may seek Fannie Mae prior approval of alternative specifications that it can demonstrate meet or exceed one of these 3 energy standards.



The design will accommodate a foundation that meets all the following criteria (note, actual foundation is the responsibility of retailer and does not disqualify the home from MH Advantage):

- Masonry perimeter wall;
- HUD's Permanent Foundations Guide to Manufactured Housing; AND
- Engineered Foundation certified by a registered architect or professional engineer



Interior has all features listed below:

- Drywall (tape and texture) throughout the home (including closets);
- Kitchen and bath cabinets with fronts of solid wood or veneered wood; AND
- Fiberglass, solid surface, acrylic, composite, porcelain/enamel coated steel, or tile for all showers and/or tubs in the home



Exterior siding is comprised of one or more of following – Fiber Cement Board, Hardwood Siding, Engineered Wood Siding, Masonry, Stone, Stucco, or Vinyl siding backed with Oriented Strand Board.

In addition to the above features, a home must have an MH Advantage sticker attached to it before it leaves the manufacturing facility. The sticker indicates to the lender that the home is eligible, and the lender will look for a picture of it in the pre-purchase appraisal documents.

Please be sure that when you submit an order for a custom home that meets these requirements from a participating manufacturer that you call the manufacturer to ensure that the home will have the MH Advantage sticker attached by the time of delivery.

Site Installation Requirements

While manufacturers are responsible for the design features, including attaching the MH Advantage sticker to the home, you and your installer will be responsible for installing the required on-site features to ensure MH Advantage eligibility. Without these features the home, even with a sticker, will not be eligible for MH Advantage financing:

- A driveway leading to the home (or to the garage or carport, if one is present); the driveway must consist of blacktop, pavers, bricks, concrete, cement, or gravel. If the home does not have a garage or carport, the driveway can lead to a vehicular parking pad; AND
- A sidewalk connecting either the driveway, or a detached garage or carport, to a door or attached porch of the home; the sidewalk must consist of blacktop, pavers, flagstone, bricks, concrete, or cement.

In addition to the above, all structures must be completed at the time of appraisal in order for the home to be approved for MH Advantage financing.

Talking to Homebuyers

Your customers may have questions about MH Advantage. Here are some key messages you can use to discuss the offering with homebuyers.

- MH Advantage is a special mortgage loan for manufactured homes that have features typical of site-built single-family homes.
- I can help you find homes that may be eligible for MH Advantage financing.
- To learn more about the benefits of MH Advantage, visit FannieMae.com/MH.



**Exhibit C: Preserve at Clear Creek
Zoning Map Change
Neighborhood Meeting Documentation**



August 14, 2019

Dear Neighbor:

The property owners of the following lots (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 33 and the entrance parcel) in the Preserves at Clear Creek subdivision have decided to pursue a Zoning Map Change from R1-L-18 to R1-18 in order to qualify for a new federal program called MH Advantage.

The cost of building a home on site has skyrocketed and having a home built in a factory will allow us to offer new quality homes to buyers at significantly lower costs. The program requires factory built homes to add certain features that include significant improvements to traditional manufactured homes. The list of features include garages, min 4/12 pitches, and covered front and rear patios. The factory is required to certify the homes and place a special certification plate on the home, which Fannie Mae then uses in its underwriting to give advantageous rates and appraisal guidance that adds value to the property.

The subject properties are currently vacant; nothing has been built in the subdivision since 2007. Vacant property that sits and grows weeds are a fire hazard and devalues the neighborhood. Changing the zoning will allow the subdivision to be built out and provide a quality place to live for our work force and families in the community who have been priced out of the current market.

As a neighbor, I would like to invite you to a neighborhood meeting to answer any questions you may have about this proposal. The meeting will be held on Tuesday August 27th at 5:30 pm at the Camp Verde Community Library in the Founders Room. If you can't make it but have questions or comments, please call me at the number listed below or send correspondence to:

Robert Witt, Agent for property owners
465 W Hereford Dr.
Camp Verde AZ 86322

(928)202-1000

Affidavit

OCT 3 '19 PM 4:59

I, Rob Witt, owner/agent of parcels in the Preserve have notified the neighbors within 300' of above property, by sending letters on 8/14/19 to notify them of the neighborhood meeting that I conducted on the 27th day of August 2019.

I posted my property with meeting the date, time, and place, on the 14th day of August 2019, and taken a photograph of such posting.

I, Rob Witt, owner/agent of parcels in the Preserve will provide a summary of neighborhood meeting I conducted to the Planning & Zoning Department of Camp Verde with the associated application submittal, attesting to the issues and concerns discussed at the above neighborhood meeting.

Summary

Statement: one person came to the meeting.
We discussed the plans for the property and
The MH advantage housing. They were excited
about the project

If Summary statement is too long, attach a copy.

State of Arizona}

County of Yavapai}

[Signature]
Signature of Document Signer No. 1

[Signature]
Signature of Document Signer No. 2

Subscribed and sworn to (or affirmed) before me this 3 day of October 2019.



[Signature]
Signature of Notary

Neighborhood Meeting

Sign in Sheet

PLEASE PRINT

Name	Address	E-Mail
Harter Stuart	4500 E. J.R. + 260 Camp Verde, AZ	harter@nyazproperty.com
Christina Brogden	907 Sagle Ln Camp Verde AZ 86322	ChristinaBrogdenCU@gmail.com
Rob Witt	465 V Hereford Camp Verde AZ 86322	robertwitts@gmail.com

NAME	ADDRESS	CITY	STATE	ZIP
BERT FAMILY LIVING TRUST	2894 S PALO VERDE LN	CAMP VERDE	AZ	863226544
BISHOP FAMILY TRUST	PO BOX 2507	CAMP VERDE	AZ	863222507
BLUE DESERT INVESTMENT LLC UI	3573 E GRAND CANYON PL	CHANDLER	AZ	852495527
BROWN KENNETH M	3980 E TUMBLEWEED DR	CAMP VERDE	AZ	863226514
BRUCE RANDY J & SUZAN A RS	PO BOX 1045	CAMP VERDE	AZ	863221045
CLEAR CREEK HINCH SPRINGS LLC	10141 NE 62ND ST	KIRKLAND	WA	980336821
COCONINO NATIONAL FOREST				
COOPER BENJAMIN GARY	3660 E PAGE AVE	GILBERT	AZ	852344303
DECKER LIVING TRUST	402 OLD MUNDS HWY	FLAGSTAFF	AZ	860018829
DENISON REBECCA AKA	1700 E LAKESIDE DR UNIT 25	GILBERT	AZ	852344979
DODD FAMILY LIVING TRUST	3770 E TUMBLEWEED DR	CAMP VERDE	AZ	863226505
ERLER GLENN L	3695 E TUMBLEWEED DR	CAMP VERDE	AZ	863226554
EVERETT GLEN W & ANN E REVOC FAM TRUST	2065 S HILLCREST DR	CAMP VERDE	AZ	86322
FULLER LAURENCE R & MAE H FAM SUPPRT TRT	329 W MORGAN WAY	QUEEN CREEK	AZ	85243
GARCIA MARTIN	3170 N CHERRY LN	CAMP VERDE	AZ	86322
HAASE EVELYN K	PO BOX 85	RIMROCK	AZ	863350085
HARBESON STEVE	3684 E TUMBLEWEED DR	CAMP VERDE	AZ	863226587
HAZELWOOD DONNA H	3665 E TUMBLEWEED DR	CAMP VERDE	AZ	86322
HERMAN TANNER S	3735 E TUMBLEWEED DR	CAMP VERDE	AZ	863226506
J & J ARIZONA EQUITIES LLC	47 S 300 W	FARMINGTON	UT	840252418
JORGENSEN GLEN R & BETTY J RS	25243 S SADDLETREE DR	SUN LAKES	AZ	852486889
KLD LAND DEVELOPMENT	PO OX 1028	CAMP VERDE	AZ	86322
KOVACH JAMES W UI	3790 E TUMBLEWEED DR	CAMP VERDE	AZ	863226505
LINDER LEONARD GERALD	3805 E TUMBLEWEED DR	CAMP VERDE	AZ	863226524
LIZOTTE MICHAEL REVOCABLE FAMILY TRUST	PO BOX 2148	CAMP VERDE	AZ	863222148
LUCERO SAMUEL & ORTENCIA FAMILY TRUST	2881 S VERDE LAKES DR	CAMP VERDE	AZ	863226570
MCKENNON TONY R	3604 TUMBLEWEED	CAMP VERDE	AZ	86322
MEIR ANN M	3740 E TUMBLEWEED DR	CAMP VERDE	AZ	863226505
MIDDAUGH WILLIAM E & HOLLY J (RS)	3540 E PRESERVE DR	CAMP VERDE	AZ	863226550
MIER JOSEPH F JR	3704 E TUMBLEWEED DR	CAMP VERDE	AZ	863226505
NAUERT LYNDA	3800 E TUMBLEWEED DR	CAMP VERDE	AZ	863226523
NELSEN KENNETH RAY	3943 E TUMBLEWEED DR	CAMP VERDE	AZ	863226513
PELZ ULRICH & SUSAN K 1996 FAMILY TRUST	5533 CALEB AVE	SACRAMENTO	CA	958191835
PETTY TESSA	3815 E TUMBLEWEED DR	CAMP VERDE	AZ	863226524

PHILLIPS WILLIAM F SR	7101 SCHOOL HOUSE LN	BAKERSFIELD	CA	933090815
QUAGLIANO GEORGE H	15434 W LAUREL LN	SURPRISE	AZ	853796329
RADER MARVIN L & MARGARET A JT (BD)	PO BOX 4147	CAMP VERDE	AZ	863224147
RENİK COREY G & SARA-NICOLE K RS	3750 E TUMBLEWEED DR	CAMP VERDE	AZ	86322
REYNOLDS MARVIN RICHARD	4150 N GRINDELWALD WAY	FLAGSTAFF	AZ	860042269
REZZONICO DONALD EARL	4201 E HWY 260	CAMP VERDE	AZ	86322
RIFE JOSEPH	3707 E PRESERVE DR	CAMP VERDE	AZ	863226601
ROLLE ROBERT M AND LYNDA M LIVING TRUST	2900 W 5TH ST APT STST	YUMA	AZ	853642648
SALT RIVER PIMA-MARICOPA INDIAN COMM DBA	PO BOX 428	CLARKDALE	AZ	86324
SCHRACK DENNIS L & SIGRID RS	3810 E TUMBLEWEED DR	CAMP VERDE	AZ	86322
SNIDER BRUCE WAYNE	3725 E TUMBLEWEED DR	CAMP VERDE	AZ	86322
STATE OF AZ ROW	2302 W DURANGO ST	PHOENIX	AZ	85009
THOMSON JOSEPHINE F	3685 E TUMBLEWEED DR	CAMP VERDE	AZ	86322
TOTH MICHAEL JAMES JR	3624 E TUMBLEWEED DR	CAMP VERDE	AZ	863226587
VALDEZ TRANQUILINO FRANK & LAURA A RS	PO BOX 1892	CAMP VERDE	AZ	863221892
VERDE LAKES WATER CORPORATION	2867 E VERDE LAKES DR	CAMP VERDE	AZ	86322
YAVAPAI COUNTY PUBLIC WORKS	4000 W CHERRY CREEK RD	CAMP VERDE	AZ	86322

Melinda Lee

From: Ulrich Pelz <uspelz@yahoo.com>
Sent: Wednesday, October 23, 2019 3:42 PM
To: Melinda Lee
Subject: Public Hearing Notice, Application Number 20190354

Dear Ms. Lee,

My wife and I own the property that is leased to Dollar General.

I cannot see any reason why the application should not be approved. There are many modular homes available on the market that are as attractive as regular homes. Rezoning to modular homes should only be a formality.

Best regards,

Ulrich Pelz

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Please consider our environment before printing this email. 

From: Melinda Lee
To: ["Ben Cooper"](#)
Cc: [Carmen Howard](#); ["robert witt"](#)
Subject: RE: Preserve at Clear Creek
Date: Tuesday, October 29, 2019 5:22:00 PM

Mr. Cooper~

The public notification process for this rezone action has already taken place. It was done within the legal timeline requirements for the November 14th Planning & Zoning Commission public hearing. It is not possible to include additional parcels to this application.

If you wish to submit a separate application for rezone for your two parcels, you may do so. It would go through the same public process and be scheduled for a future meeting. If this is a consideration, please contact me directly and we can discuss it further.

Have a pleasant day!

Melinda Lee

Planner / Addressing Official

Town of Camp Verde Community Development

melinda.lee@campverde.az.gov

(928)554-0053

From: Ben Cooper <ben@cooperaz.com>
Sent: Thursday, October 24, 2019 1:47 PM
To: Melinda Lee <Melinda.Lee@campverde.az.gov>
Subject: Fw: Preserve at Clear Creek

Ms. Lee,

I am an owner of lots 31 and 32 in the Preserve at Clear Creek. If there is still time, we would like to know what it would take to get them added to the pending rezoning case. Please advise.

Thank you,

Ben Cooper

----- Forwarded Message -----

From: robert witt <robertmwitts@gmail.com>
To: Ben Cooper <ben@cooperaz.com>
Sent: Monday, October 21, 2019, 09:05:43 PM MST
Subject: Re: Preserve at Clear Creek

Hi Ben,

We would love to have them added. I think you need to contact the town to see what it would take to add you.

On Fri, Oct 18, 2019 at 4:05 PM Ben Cooper <ben@cooperaz.com> wrote:

Robert,

I represent lots 31 and 32 in the Preserve at Clear Creek. I am just receiving your notices about the potential rezoning. Is it still possible to be added to your zoning case or has that ship sailed?

Thanks,

Ben
602-689-8393

--

Robert M Witt
928-202-1000
465 W Hereford Dr.
Camp Verde AZ 86322
RobertMWitts@gmail.com

****Be aware! Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS call your escrow officer immediately to verify the information prior to sending funds. WE DO NOT ACCEPT OR REQUEST CHANGES TO WIRING INSTRUCTIONS VIA EMAIL.****

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Please consider our environment before printing this email. 

Melinda Lee

From: robert witt <robertmwitts@gmail.com>
Sent: Friday, November 8, 2019 11:10 AM
To: Melinda Lee
Cc: Carmen Howard
Subject: Re: Question re: Housing at Preserve Project

Hi Melinda,

Thanks for the great question. I really appreciate it and want everyone to know that the goal of this change is to produce affordable work force housing.

We are trying really hard to be able to offer a home for less than 200,000 as a starting point. It is difficult to get solid numbers from contractors at this point since they know that what we are asking is not even possible until we get the land entitled. What we do know is we are competing with \$200 per sq foot construction cost for site built homes. What that means is that I can buy a beautiful well equipped 1600 sq foot home at the factory for 113,000. That same home built on site would be 320,000. I need the margin to take care of installing utilities, prepping the site, building the garage, building the porches, and landscaping. Every additional requirement that the town puts on the project will increase the cost to the future resident. When we are in the meeting I play an interesting roll. On the one hand I want to satisfy all the of the commission and council members concerns, on the other hand each of those concerns that will ultimately cost the future resident and potentially make the property unaffordable need to be carefully considered.

I hope this helps. I know it is not a direct answer to the question but there are to many variables to be able to come up with an accurate answer at this time.

Kindest Regards,

Robert M Witt
928-202-1000
465 W Hereford Dr.
Camp Verde AZ 86322
RobertMWitts@gmail.com

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On Fri, 8 Nov 2019 at 10:24, Melinda Lee <Melinda.Lee@campverde.az.gov> wrote:

Rob~

One of the Planning Commissioners asked if there was a price point you were working towards for the homes in the project, if the rezoning action is approved.

Melinda Lee

Planner / Addressing Official

Camp Verde Community Development

melinda.lee@campverde.az.gov

(928) 554-0053

Hours of operations for all Town offices are Monday - Thursday 7 am to 5 pm and Friday 7 am to 11 am.

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DRAFT MINUTES
SPECIAL SESSION & PUBLIC HEARING
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, NOVEMBER 14, 2019
6:30 PM

All Commission meetings will end at 9 PM; any remaining agenda items will be heard at the next Commission meeting.

1. Call to Order

Community Development Director Carmen Howard called the meeting to order at 6:30 p.m. Ms. Howard explained that the Chairman Norton and Vice Chairman George are absent and she asked Recording Secretary Jennifer Reed to call roll.

2. Roll Call

Commissioners: Mike Hough, Greg Blue, Jackie Baker, Cris McPhail and Steve Vanlandingham are present. Chairman Chip Norton and Vice Chairman Bruce George are absent.

Ms. Howard explained that since the Chairman and Vice Chairman are absent the Commission should take a vote and designate someone to Chair the meeting. **Motion** was made by Commissioner Blue to have Commissioner McPhail Chair the meeting. Second was made by Commissioner Baker. **Motion** carried unanimously with Commissioners Blue, Baker, McPhail, Vanlandingham, and Hough approving.

Also Present

Community Development Director Carmen Howard, Town Planner Melinda Lee, and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Acting Chair McPhail 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:

October 3, 2019 – Special Session

B. Set Next Meeting, Date and Time:

TBD

Motion was made by Commissioner Blue to accept the consent agenda as presented. Second was made by Commissioner Vanlandingham. **Motion** carried unanimously with Commissioners Blue, Baker, McPhail, Vanlandingham and Hough approving.

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

Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Commission from taking any action on items not on the agenda, except to set them for consideration at a future date.

No public comments.

6. Public Hearing Items: a. Public Hearing, Discussion, and Possible Recommendation to the Town Council regarding an application submitted by Robert Witt, representative for multiple property

owners of the Preserve at Clear Creek Subdivision, for a Zoning Map Change from R1L-18 (Residential: Single Family Limited, 18,000-Square-Foot Minimum Lot Size) to R1-18 (Residential: Single Family, 18,000-Square-Foot Minimum Lot Size) to allow MH Advantage housing types. The proposal involves 27 of 33 platted lots and is located east of Verde Lakes Drive, along Preserve Drive, Twin Leaf Circle, and Larson Lane; Parcel Nos. 404-13-470 through 404-13-483; 404-13-486 through 404-13-492; 404-13-495 through 404-13-499; and 404-13-502, in Camp Verde, Yavapai County, Arizona.

Declare Actions

Public Hearing Open: 6:31 pm

Call for Staff Presentation:

Town Planner Melinda Lee stated the application before the commission tonight is a rezone for the Preserve at Clear Creek, in the Verde Lakes area on Highway 260 east of town. The current zoning is R1L-18 which is a limited residential development type that only allows site-built or modular housing. The request is to change it to R1 without the “limited” restriction. Although the infrastructure has been established, only two homes have been constructed, both in 2007. The request to change the zoning to an R1-18 District will allow the development of the subject parcels using manufactured housing. Their proposal includes using “MH Advantage”, which requires the installation of a new design of manufactured housing that is similar to site-built homes. Ms. Lee showed a slide show of the property showing the different zonings that are currently in place.

Ms. Lee explained that the procedures have been followed by the applicant and staff. Notices have been posted and a neighborhood meeting was held. Two comments from the public regarding this request: 1) Supports this request to incorporate “modular homes” into the subdivision. It appeared there was a misconception about the differences in housing types because the current zoning already allowed modular homes. It appears he would support the manufactured homes, as proposed; 2) Inquired about including his two parcels in the rezoning action; but by the time Staff received his request, the public notification process was already underway. It was not possible to include additional properties; he was contacted and advised that he could pursue a separate zoning action, if desired.

This project complies with the General Plan. The Preserves subdivision is located within the Clear Creek Character Area, which the vast majority of this Area is residential. The General Plan specifically talks about keeping the lots at medium density which is one-quarter acre or greater. This equates to approximately 10,000-square-foot lot sizes. By retaining the 18,000-square-foot minimum for this subdivision, the lot sizes will remain in keeping with the existing uses of 10,000 square feet or greater. The General Plan also states that we need to “preserve the valuable natural resources of the hillsides, and protect their aesthetic and habitat amenities to enhance the rural character of the area”; by allowing the inclusion of the MH Advantage program, single-story development would occur, thus preserving the view sheds. Retaining the R1 aspect of the zoning standards will maintain existing setbacks and building height guidelines. Another part of the General Plan states they must “maintain the rural, residential and agricultural character of the area”, by “maintaining low density rural development where it exists”. The platted subdivision already exists, so it will retain the medium density lot sizes and not encroach further into the existing rural densities that exist in this Area.

Ms. Lee showed aerial drone footage, to show the full extent of the project; reviewed the design and amenities of the project; and showed comparisons of a typical manufactured home versus the MH Advantage style of home.

Staff recommended approval of the request for a zoning map change, for the development of the Preserve at Clear Creek using MH Advantage manufactured housing products. Staff included a condition to be added to Town ordinance when it goes to Council, that *“sites are developed using, at a*

minimum, a housing product as described in the MH Advantage program". This wording would include other programs that may come out that are similar but offer the same type of housing product. She pointed out that with the R1 Zoning, a site-built home would still be an option.

Commissioner Vanlandingham asked about the four lots that were not included in change. Ms. Lee stated two already have houses on them and the owner of two others opted out at first, but then decided to be included, but it was too late. *(Note: There are actually six lots not included with the rezone application).*

Call for Applicant Presentation:

Rob Witt, Applicant, has submitted a request to change the zoning for the majority of properties within this subdivision, on behalf of the consenting property owners. Mr. Witt stated he represents owners of 27 of 33 lots. Mr. Witt stated the factory rep from Champion is also available for questions. Mr. Witt gave a PowerPoint Presentation showing the current state of the subdivision and the project that is being proposed. This project will be a positive situation for the community. He reviewed the demographic and economic status of the community and how this project will impact it.

Greg McClanahan from Champion Homes gave an overview of the changes made in manufactured housing products and the current product being proposed.

Commissioner Vanlandingham asked how they prepare to bring in the homes to Camp Verde. Mr. McClanahan said it would travel in 2-3 pieces.

Commissioner Baker asked if flooding would be an issue. Mr. McClanahan stated that a Grading and Drainage Plan had been done in the past, but was not aware of any problems with these properties. Ms. Howard stated they could look at the plat to see if there are any issues, but the property is not in a flood plain area.

Commissioner Vanlandingham asked what would be the average size of the home and the price? Mr. Witt stated they will range around \$225,000 and Mr. McClanahan stated the homes will be approximate 1600-1800 sq. ft. in size.

Call for Comments from the Public:

Lawrence Maiden, neighboring property owner, asked if the zoning change is approved, what is to stop someone from putting a regular mobile home on the property? Ms. Howard stated there will be a condition added to the Ordinance adopted by Council that states what type of house will be required.

Call for Staff and/or Applicant Rebuttal/Clarification, if appropriate: None.

Declare Public Hearing Closed: 7:28 pm

Call for Commission Discussion: None.

Call for Staff Comments: None.

Call for Motion:

Motion was made by Commissioner Baker to recommend approval of an application for a zoning map change, as requested by Rob Witt, agent for multiple property owners within the Preserve at Clear Creek Subdivision, to change from R1L-18 (Residential, Single Family Limited, 18,000 Square-Foot-Minimum Lot Size) District, to R1-18 (Residential, Single Family, 18,000 Square-Foot-Minimum Lot Size) District. The properties include 27 of 33 platted lots and are located East of Verde Lakes Drive, along Preserve Drive, Twin Leaf Circle, and Larson Lane, on parcel nos. 404-13-470 through 404-13-483; 404-13-486 through 404-13-492; 404-13-495 through 404-13-499; and 404-13-502, in Camp

Verde, Yavapai County, Arizona. This motion included using at a minimum the same type of MH Advantage housing product for all structures within this subdivision. Second was made by Commissioner Hough. **Motion** carried unanimously with Commissioners Blue, Baker, McPhail, Vanlandingham, and Hough approving.

7. Current Events

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

Commissioner McPhail attended a Town Hall meeting on Land Use. The positive take away was that Camp Verde was well represented and discussed collaborative ways to go through the development process.

8. Staff Comments

Ms. Howard agreed with Ms. McPhail that Camp Verde was well represented at the Town Hall meeting on Land Use. There were good discussions. The take away is that Yavapai County is going to update the Regional Plan and continue with regional planning efforts.

Ms. Lee stated because of the recent changes to the Zoning Ordinance, she is currently redoing the formatting, as soon as she gets that done she will get each Commissioner a copy. All but Ms. McPhail want a paper copy.

9. Adjournment

Motion was made by Commissioner Baker to adjourn the meeting. Second was made by Commissioner Blue. **Motion** carried unanimously with Commissioners Blue, Baker, McPhail, Hough and Vanlandingham approving. Meeting was adjourned at 7:37 PM

Chip Norton, Chairman

Carmen Howard, Director

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 & Public Hearing of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 14th day of November 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November 2019.

Jennifer Reed
Jennifer Reed, Recording Secretary



Town of Camp Verde

**Agenda Item Submission Form / Section I: Resolution 2019-1029
approving a Second Amendment to Simonton Development Agreement**

Meeting Date: December 4, 2019 Town Council Meeting

- Consent Agenda
 Recommendation to Council
 Executive Session Requested
 Presentation Only
 Action/Presentation

Requesting Department: Community Development
Staff Resource/Contact Person: Carmen Howard, Community Development Director

Agenda Title (be exact):

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, APPROVING A SECOND AMENDMENT TO “THE SILVERADO DEVELOPMENT AGREEMENT” BETWEEN THE TOWN OF CAMP VERDE AND VERDE RANCH MH, LLC, AN ARIZONA CORPORATION, IN ORDER TO PROVIDE FOR DEVELOPMENT OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROUTE 260 AND NORTH OF FINNIE FLAT RD. WITHIN THE CORPORATE LIMITS OF THE TOWN OF CAMP VERDE.

List Attached Documents:

- Resolution 2019-1029
- Second Amendment to Development Agreement
- Resolution 2019-1024

Estimated Presentation Time: 5 minutes.

Estimated Discussion Time: 10 minutes

Reviews Completed by:

- Department Head: Carmen Howard
 Town Attorney review:

Background Information:

Camp Verde entered into a Development Agreement, dated January 3, 2019, with CFT Ventures, LLC, with respect to approximately 172.5 acres now known as Verde Ranch MH. The Property included approximately 0.96 acres of real property located east of the northeast corner of Highway 260 and Finnie Flat Road (the “Parcel 9 Property”). The 2018 Development Agreement was amended by an Amendment to Silverado Development Agreement, dated June 26, 2019, between Camp Verde and Verde Ranch. Verde Ranch does not own and has never owned the Parcel 9 Property and does not intend to purchase or develop the Parcel 9 Property as part of the Property or the Project. At the time Camp Verde and Verde Ranch entered into the 2019 Amendment, they did not intend that the Parcel 9 Property would continue to be

part of the Property. Accordingly, Camp Verde and Verde Ranch desire to amend the Development Agreement to remove the Parcel 9 Property from the Property as set forth in this Amendment.

Recommended Action (Motion): Approval of Resolution 2019-1029, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, for A SECOND AMENDMENT TO “THE SILVERADO DEVELOPMENT AGREEMENT” BETWEEN THE TOWN OF CAMP VERDE AND VERDE RANCH MH, LLC, AN ARIZONA CORPORATION, IN ORDER TO PROVIDE FOR DEVELOPMENT OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROUTE 260 AND NORTH OF FINNIE FLAT RD. WITHIN THE CORPORATE LIMITS OF THE TOWN OF CAMP VERDE.



RESOLUTION NO. 2019-1029

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, APPROVING A SECOND AMENDMENT TO “THE SILVERADO DEVELOPMENT AGREEMENT” BETWEEN THE TOWN OF CAMP VERDE AND VERDE RANCH MH, LLC, AN ARIZONA CORPORATION, IN ORDER TO PROVIDE FOR DEVELOPMENT OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROUTE 260 AND NORTH OF FINNIE FLAT RD. WITHIN THE CORPORATE LIMITS OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA.

WHEREAS, pursuant to ARS §9-500.05A, a municipality may, by resolution or ordinance, enter into a development agreement relating to property within the municipality, provided that the development agreement is consistent with the general plan applicable to the property on the date the development agreement is executed; and

WHEREAS, the agreement may by law include the duration, permitted uses of the property, densities and maximum heights of buildings, provisions for reservation of dedication of land for public purposes, provisions to protect environmentally sensitive lands, provisions for preservation and restoration of historic structures, phasing or time of construction or development of the property, requirements for public infrastructure, conditions for special taxing districts, and other matters relating to the development of the property; and

WHEREAS, The Town entered into a Development Agreement (the “**Prior Agreement**”) with CFT Ventures, LLC, an Arizona Corporation (the “**Prior Developer**”) on January 3, 2018; and

WHEREAS, At the regular meeting of the Town of Camp Verde Town Council on June 26, 2019, The Town and Verde Ranch by approval of Resolution 2019-1024, amended The Prior Agreement ; and

WHEREAS, The Property included approximately 0.96 acres of real property located east of the northeast corner of Highway 260 and Finnie Flat Road in Camp Verde, Arizona, and legally described in Exhibit A attached hereto (the “*Parcel 9 Property*”).

WHEREAS, Verde Ranch does not own and has never owned the Parcel 9 Property and does not intend to purchase or develop the Parcel 9 Property as part of the Property or the Project. At the time Camp Verde and Verde Ranch entered into the 2019 Amendment, they did not intend that the Parcel 9 Property would continue to be part of the Property.

WHEREAS, Accordingly, Camp Verde and Verde Ranch desire to amend the Development Agreement to remove the Parcel 9 Property from the Property as set forth in this Amendment.

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby resolve as follows:

1. That certain Amendment to the Development Agreement dated December 4, 2019 by and between the Town of Camp Verde, a municipal corporation of Arizona (hereinafter the “Town”) and Verde Ranch MH, LLC, an Arizona Corporation (hereinafter the “Developer”), said agreement being attached hereto and expressly made a part hereof and is attached as Exhibit B, be hereby entered into.

2. That the Amendment to the Development Agreement shall be effective thirty (30) days after passage and approval of this Resolution and in accordance with ARS §9-500.05.

RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ON DECEMBER 4, 2019.

Charles C. German, Mayor Date:

Attest:

Approved as to form:

Virginia Jones, Town Clerk Date:

Town Attorney

When Recorded, Return To:

G. Scott Simonton
Simonton Ranch 9, LLC
2639 E. Lovebird Lane
Gilbert, AZ 85297

**SECOND AMENDMENT
TO
SILVERADO DEVELOPMENT AGREEMENT**

This Second Amendment to Silverado Development Agreement (this “*Amendment*”) is made to be effective on November _____, 2019 (the “*Effective Date*”), by and between the TOWN OF CAMP VERDE, an Arizona municipal corporation (“*Camp Verde*”), and VERDE RANCH MH, LLC, an Arizona limited liability company (“*Verde Ranch*”).

RECITALS:

A. Camp Verde entered into a Development Agreement, dated January 3, 2019, with CFT Ventures, LLC, an Arizona limited liability company, and recorded at Document No. 2018-0011508 in the official records of Yavapai County, Arizona (the “*2018 Development Agreement*”), with respect to approximately 172.5 acres of real property located in Yavapai County, Arizona, which is more particularly described in the 2018 Development Agreement (the “*Property*”).

B. The Property included approximately 0.96 acres of real property located east of the northeast corner of Highway 260 and Finnie Flat Road in Camp Verde, Arizona, and legally described in Exhibit A attached hereto (the “*Parcel 9 Property*”).

C. The 2018 Development Agreement has been amended by an Amendment to Silverado Development Agreement, dated June 26, 2019, between Camp Verde and Verde Ranch and recorded at Document No. 2019-0036508 in the official records of Yavapai County, Arizona (the “*2019 Amendment*”). The 2018 Development Agreement as amended by the 2019 Amendment is referred to as the “*Development Agreement*.”

D. Verde Ranch does not own and has never owned the Parcel 9 Property and does not intend to purchase or develop the Parcel 9 Property as part of the Property or the Project. At the time Camp Verde and Verde Ranch entered into the 2019 Amendment, they did not intend that the Parcel 9 Property would continue to be part of the Property.

E. Accordingly, Camp Verde and Verde Ranch desire to amend the Development Agreement to remove the Parcel 9 Property from the Property as set forth in this Amendment.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, Camp Verde and Verde Ranch hereby amend the Development Agreement as follows:

AMENDMENTS:

1. Incorporation; Definitions. The Recitals above are incorporated in this Amendment as true and correct statements of fact binding on the parties. Capitalized terms in this Amendment shall have the meanings given them in the Development Agreement unless otherwise defined in this Amendment.

2. Removal and Release of Parcel 9 Property. The definition of the “Property” in the Development Agreement is hereby amended as follows:

(a) the legal description of the Parcel 9 Property is hereby deleted from Exhibit A to the 2019 Development Agreement; and

(b) the Parcel 9 Property is hereby removed from and shall no longer be included in or be part of the Property.

Accordingly, the Parcel 9 Property is hereby released from and shall not be subject to the Development Agreement.

3. Conflict; Affirmation. If there is any conflict between the provisions of this Amendment and the provisions of the Development Agreement, the provisions of this Amendment shall prevail and control. Except as specifically amended by this Amendment, the Development Agreement shall continue in full force and effect.

4. Execution. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The partially executed signature page of any counterpart of this Amendment may be attached to any other partially executed counterpart of this Amendment without impairing the legal effect of the signature(s) on such signature page.

[Signatures on Following Pages]

SIGNATURE PAGE
TO
SECOND AMENDMENT TO SILVERADO DEVELOPMENT AGREEMENT

This signature page is attached to and incorporated into the Second Amendment to Silverado Development Agreement between TOWN OF CAMP VERDE, an Arizona municipal corporation, and VERDE RANCH MH, LLC, an Arizona limited liability company.

CAMP VERDE:

TOWN OF CAMP VERDE,
an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
County of Yavapai)

The foregoing instrument was acknowledged before me this _____ day of November, 2019, by _____, _____ of TOWN OF CAMP VERDE, an Arizona municipal corporation, on behalf of such corporation.

Notary Public

My commission expires:

EXHIBIT A

Legal Description of the Parcel 9 Property

[Attached]



Hoskin • Ryan Consultants, Inc.

creative engineering solutions

May 8, 2006

Legal Description Homestead Camp Verde Parcel 9 – Lot 3

That part of the Northwest Quarter of Section 31, Township 14 North, Range 5 East, of the Gila and Salt River Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the East Quarter Corner of said Section 36, monumented with a marked stone, from which the Northeast Corner of said Section 36, monumented with a BLM Brass Cap, bears North 01 degrees 48 minutes 50 seconds East, a distance of 2645.28 feet;

Thence North 01 degrees 48 minutes 50 seconds East along the East line of said Section 36, a distance of 1322.72 feet;

Thence North 89 degrees 11 minutes 26 seconds East, a distance of 117.89 feet to the POINT OF BEGINNING;

Thence North 00 degrees 48 minutes 34 seconds West, a distance of 273.25 feet;

Thence South 89 degrees 59 minutes 02 seconds East, a distance of 154.97 feet to a point on a 446.00 foot radius, non-tangent curve, whose center bears South 88 degrees 19 minutes 32 seconds West;

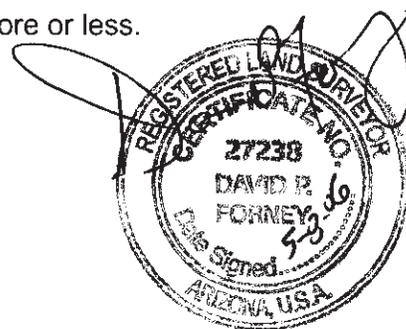
Thence Southerly along said curve, through a central angle of 00 degrees 51 minutes 54 seconds, a distance of 6.73 feet;

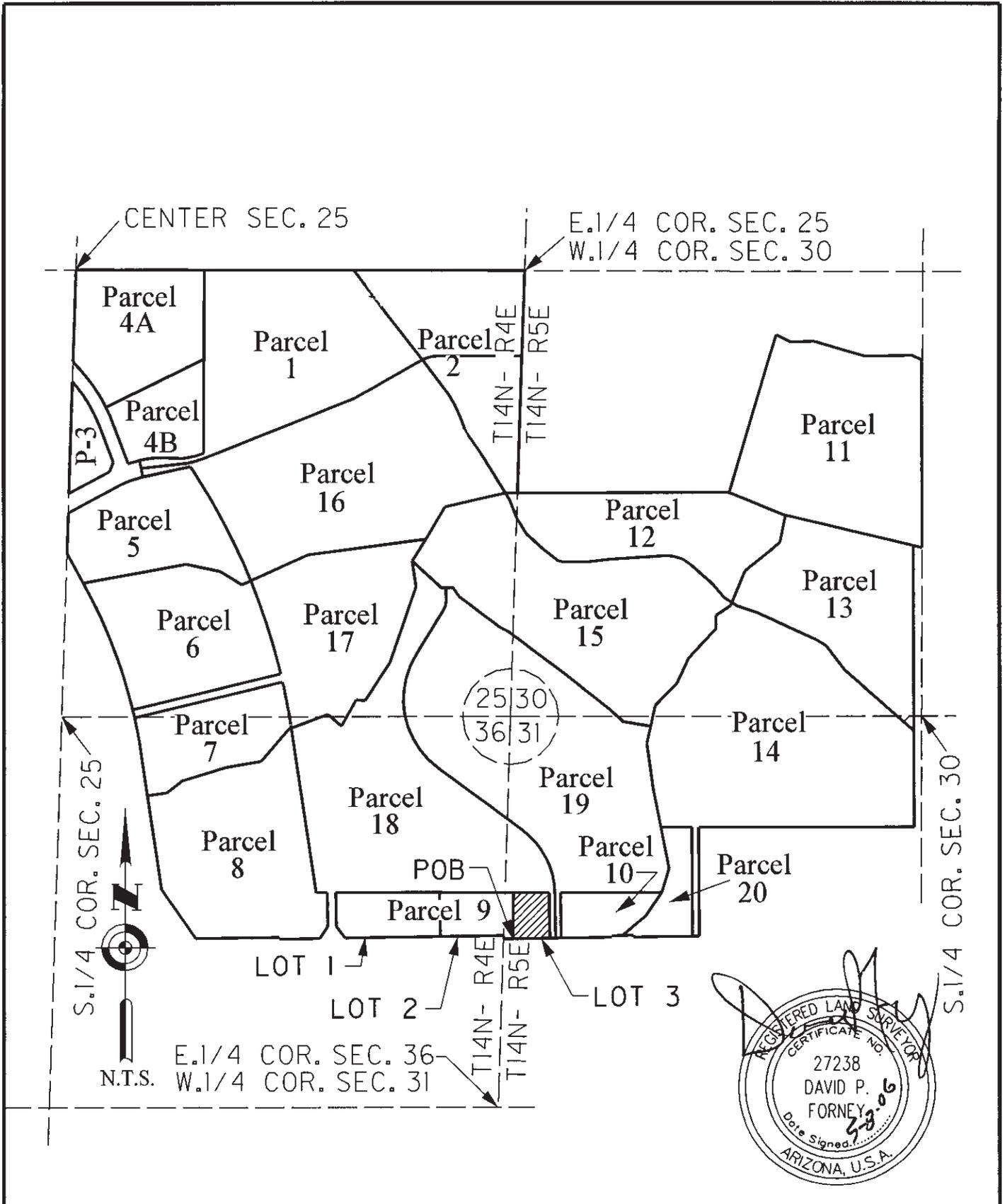
Thence South 00 degrees 48 minutes 34 seconds East, a distance of 244.29 feet;

Thence South 44 degrees 11 minutes 26 seconds West, a distance of 28.28 feet;

Thence South 89 degrees 11 minutes 26 seconds West, a distance of 135.00 feet to the POINT OF BEGINNING.

The above described parcel contains 0.96 acres, more or less.





Hoskin-Ryan Consultants Inc.
creative engineering solutions

3003 N. Central Avenue, Suite 1500, Phoenix, Arizona 85012-2902
Office: (602) 252-8384 Fax: (602) 252-8385 www.hoskinryan.com

**PUBLIC UTILITY EASEMENT
FOR HOMESTEAD PARCEL 9 LOT 3
EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION**



RESOLUTION NO. 2019-1024

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, APPROVING AN AMENDMENT TO "THE SILVERADO DEVELOPMENT AGREEMENT" BETWEEN THE TOWN OF CAMP VERDE AND VERDE RANCH MH, LLC, AN ARIZONA CORPORATION, IN ORDER TO PROVIDE FOR DEVELOPMENT OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROUTE 260 AND NORTH OF FINNIE FLAT RD. WITHIN THE CORPORATE LIMITS OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA.

WHEREAS, pursuant to ARS §9-500.05A, a municipality may, by resolution or ordinance, enter into a development agreement relating to property within the municipality, provided that the development agreement is consistent with the general plan applicable to the property on the date the development agreement is executed; and

WHEREAS, the agreement may by law include the duration, permitted uses of the property, densities and maximum heights of buildings, provisions for reservation of dedication of land for public purposes, provisions to protect environmentally sensitive lands, provisions for preservation and restoration of historic structures, phasing or time of construction or development of the property, requirements for public infrastructure, conditions for special taxing districts, and other matters relating to the development of the property; and

WHEREAS, The Town entered into a Development Agreement (the "Prior Agreement") with CFT Ventures, LLC, an Arizona Corporation (the "Prior Developer") on January 3, 2018; and

WHEREAS, The Prior Agreement required the Prior Developer to obtain a sufficient interest in the Property to carry out the Developer's obligation under the Prior Agreement and to obtain title to the Property prior to Final Development Plan Approval and the issuance of any building permits; and

WHEREAS, The Prior Developer has acquired no additional interest in the Property other than the Prior Agreement and has not acquired title to the Property; and

WHEREAS, Under the Prior Agreement, failure to commence the development of Phase I no later than January 3, 2022 allows the Town to initiate the process to revert the PAD zoning; and

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby resolve as follows:

1. That certain Amendment to the Development Agreement dated June 26, 2019 by and between the Town of Camp Verde, a municipal corporation of Arizona (hereinafter the "Town") and Verde Ranch MH, LLC, an Arizona Corporation (hereinafter the "Developer"), said agreement being attached hereto and expressly made a part hereof and is attached as Exhibit A, be hereby entered into.
2. That the Amendment to the Development Agreement shall be effective thirty (30) days after passage and approval of this Resolution and in accordance with ARS §9-500.05.

RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ON JUNE 26, 2019.

 7-3-2019
Charles C. German, Mayor Date:

Attest:

 7-3-2019
Judith Morgan, Town Clerk Date:

Approved as to form:


Town Attorney

WHEN RECORDED RETURN TO:

Town of Camp Verde
473 S Main St Suite 102
Camp Verde, Arizona 86322

Amendment to Silverado Development Agreement

THIS AMENDMENT TO THE SILVERADO DEVELOPMENT AGREEMENT (“Amendment”) is entered into this 26th day of June, 2019, by and between the Town of Camp Verde, an Arizona municipal corporation (“Camp Verde” or “Town”), and Verde Ranch MH, LLC, an Arizona corporation (the “Developer,” “Owner” or “Verde Ranch”).

RECITALS

- A. The Town entered into a Development Agreement (the “Prior Agreement”) with CFT Ventures, LLC, an Arizona Corporation (the “Prior Developer”) on January 3, 2018;
- B. The Prior Agreement required the Prior Developer to obtain a sufficient interest in the Property to carry out the Developer’s obligation under the Prior Agreement and to obtain title to the Property prior to Final Development Plan Approval and the issuance of any building permits;¹
- C. The Prior Developer has acquired no additional interest in the Property other than the Prior Agreement and has not acquired title to the Property;
- D. Under the Prior Agreement, failure to commence the development of Phase I no later than January 3, 2022 allows the Town to initiate the process to revert the PAD zoning.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements set forth herein, the Parties hereto state, confirm and agree as follows:

- 1, Section 7.2 of the Prior Agreement is amended as follows:

“The Town, in recognition of the valuable considerations being provided by Developer pursuant to this Silverado Agreement and the financial investment of the Developer in developing the

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Prior Agreement.

Property, hereby agrees that the Property may be developed in phases. A preliminary phasing plan is attached as Exhibit "A". The Town will permit the Developer to make the determination of the phases in which the Property will be developed and the order in which the phases will be completed."

2. Section 7.4 of the Prior Agreement is amended as follows:

"The Town acknowledges and agrees that Verde Ranch is a gated, private community and the roadway infrastructure will remain private. The Town agrees the Developer can avail itself of rural road standards built to MAG specifications and attached as Exhibit "B". The Town acknowledges that construction plans for all roadways shall be reviewed and approved by the Town Engineer prior to commencement of construction."

3. The first paragraph of Section 7.7 of the Prior Agreement is amended as follows:

"The Town has expressed an interest in having public access to the Verde River area and sees a community benefit in the need for public restroom and parking facilities. Developer has an option to purchase the land known as Parcel 12 and agrees to dedicate land to the Town for public restrooms and parking as shown generally in Exhibit "B" of the Silverado Agreement (the "Public Improvements") if the Developer completes the purchase of Parcel 12. The Public Improvements shall be designed and included in the Final Development Plan for Parcel 12 and shall be installed by Developer at its own cost and expense. The Town agrees to grant temporary access to the Developer to construct the Public Improvements and the Town agrees to maintain the Public Improvements thereafter after dedication to the Town and acceptance by the Town Engineer"

4. 12.3 of the Prior Agreement is amended as follows:

Appointment of Representatives. The Parties shall cooperate in the implementation of this Agreement. To facilitate such cooperation, each of Owner and Camp Verde shall designate a representative to act as a liaison with the other Party. The Parties may change their representatives at any time, but each Party agrees to have a current active representative at all times. The representatives shall be as follows:

Camp Verde: Russ Martin, Town Manager
473 S. Main Street, #102
Camp Verde, AZ 86322

Developer: Brad Woodruff
Red Moon Development
4320 S Priceless View Dr.
Gold Canyon, AZ, 85118-5871

With a copy to: Brad Woodruff
Red Moon Development
4320 S Priceless View Dr.
Gold Canyon, AZ, 85118-5871

The representatives shall be available at all reasonable times at the request of either Party to discuss and review the performance of this Agreement and the development of the Property pursuant to this Amendment and the Applicable Rules.

5. Verde Ranch shall attempt to obtain an assignment of the Prior Agreement from the Prior Developer. If Verde Ranch fails to obtain such assignment, Verde Ranch shall not transfer any interest in the Property to the Prior Developer and shall defend and indemnify the Town and its officials, officers, employees and agents for any claim by the Prior Developer in connection with the Prior Agreement.

6. All other terms and conditions of the Prior Agreement remain in full force and effect and are incorporated herein by this reference except that Exhibit C is deleted.

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective 30 days after the date and time a resolution approving and adopting this Amendment is approved by the Camp Verde Town Council per ARS §9-500.05 (G).

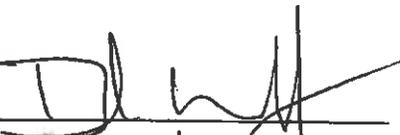
CAMP VERDE:

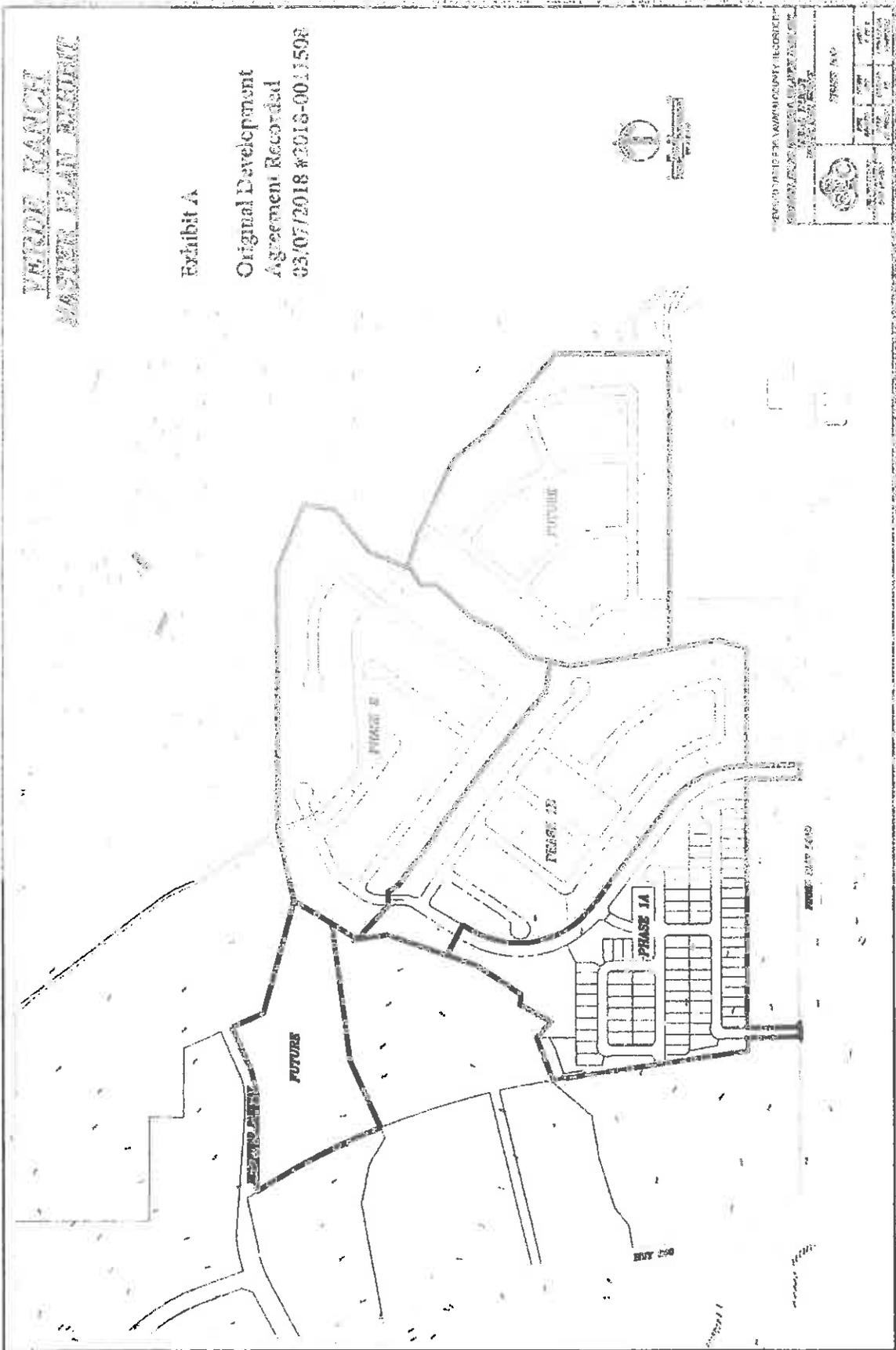
TOWN OF CAMP VERDE, ARIZONA,
an Arizona municipal corporation

By: 
Its: Mayor

DEVELOPER:

Verde Ranch MH, LLC
an Arizona corporation

By: 
Its: President

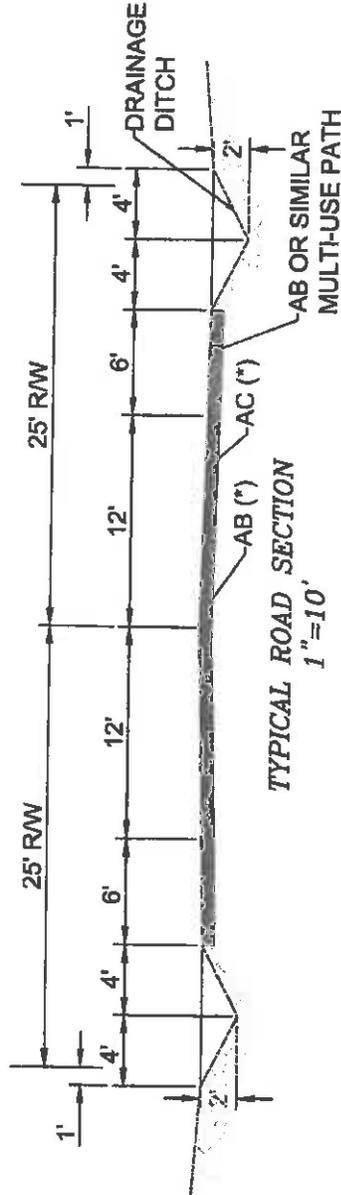
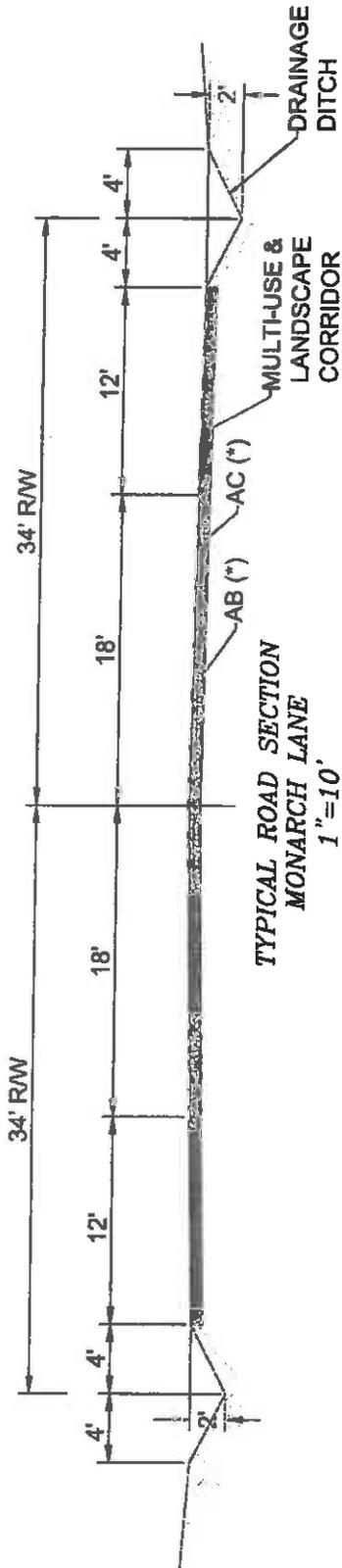


**VERDE RANCH
MASTER PLAN**

Exhibit A

Original Development
Agreement Recorded
03/07/2018 #2018-0011598

Exhibit "B"



* ROAD THICKNESS PER
 GEOTECHNICAL REPORT

EXHIBIT. NOT FOR CONSTRUCTION. FOR AGENCY REVIEW ONLY

VERDE RANCH
 CAMP VERDE, ARIZONA



825 COVE PARKWAY
 COTTONWOOD, ARIZONA 86326
 (928) 282-7787

TYPICAL ROAD SECTIONS

DATE	DRAWN	SHEET
5/28/19	NMW	1 OF 1
SCALE	CHECKED	PROJECT NO.
1" = 10'	KG	18-062CE

When Recorded, Return To:

G. Scott Simonton
Simonton Ranch 9, LLC
2639 E. Lovebird Lane
Gilbert, AZ 85297

**SECOND AMENDMENT
TO
SILVERADO DEVELOPMENT AGREEMENT**

This Second Amendment to Silverado Development Agreement (this "*Amendment*") is made to be effective on November _____, 2019 (the "*Effective Date*"), by and between the TOWN OF CAMP VERDE, an Arizona municipal corporation ("*Camp Verde*"), and VERDE RANCH MH, LLC, an Arizona limited liability company ("*Verde Ranch*").

RECITALS:

A. Camp Verde entered into a Development Agreement, dated January 3, 2019, with CFT Ventures, LLC, an Arizona limited liability company, and recorded at Document No. 2018-0011508 in the official records of Yavapai County, Arizona (the "*2018 Development Agreement*"), with respect to approximately 172.5 acres of real property located in Yavapai County, Arizona, which is more particularly described in the 2018 Development Agreement (the "*Property*").

B. The Property included approximately 0.96 acres of real property located east of the northeast corner of Highway 260 and Finnie Flat Road in Camp Verde, Arizona, and legally described in Exhibit A attached hereto (the "*Parcel 9 Property*").

C. The 2018 Development Agreement has been amended by an Amendment to Silverado Development Agreement, dated June 26, 2019, between Camp Verde and Verde Ranch and recorded at Document No. 2019-0036508 in the official records of Yavapai County, Arizona (the "*2019 Amendment*"). The 2018 Development Agreement as amended by the 2019 Amendment is referred to as the "*Development Agreement*."

D. Verde Ranch does not own and has never owned the Parcel 9 Property and does not intend to purchase or develop the Parcel 9 Property as part of the Property or the Project. At the time Camp Verde and Verde Ranch entered into the 2019 Amendment, they did not intend that the Parcel 9 Property would continue to be part of the Property.

E. Accordingly, Camp Verde and Verde Ranch desire to amend the Development Agreement to remove the Parcel 9 Property from the Property as set forth in this Amendment.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, Camp Verde and Verde Ranch hereby amend the Development Agreement as follows:

AMENDMENTS:

1. Incorporation; Definitions. The Recitals above are incorporated in this Amendment as true and correct statements of fact binding on the parties. Capitalized terms in this Amendment shall have the meanings given them in the Development Agreement unless otherwise defined in this Amendment.

2. Removal and Release of Parcel 9 Property. The definition of the "Property" in the Development Agreement is hereby amended as follows:

(a) the legal description of the Parcel 9 Property is hereby deleted from Exhibit A to the 2019 Development Agreement; and

(b) the Parcel 9 Property is hereby removed from and shall no longer be included in or be part of the Property.

Accordingly, the Parcel 9 Property is hereby released from and shall not be subject to the Development Agreement.

3. Conflict; Affirmation. If there is any conflict between the provisions of this Amendment and the provisions of the Development Agreement, the provisions of this Amendment shall prevail and control. Except as specifically amended by this Amendment, the Development Agreement shall continue in full force and effect.

4. Execution. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The partially executed signature page of any counterpart of this Amendment may be attached to any other partially executed counterpart of this Amendment without impairing the legal effect of the signature(s) on such signature page.

[Signatures on Following Pages]

**SIGNATURE PAGE
TO
SECOND AMENDMENT TO SILVERADO DEVELOPMENT AGREEMENT**

This signature page is attached to and incorporated into the Second Amendment to Silverado Development Agreement between TOWN OF CAMP VERDE, an Arizona municipal corporation, and VERDE RANCH MH, LLC, an Arizona limited liability company.

CAMP VERDE:

TOWN OF CAMP VERDE,
an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
County of Yavapai)

The foregoing instrument was acknowledged before me this _____ day of November, 2019, by _____, _____ of TOWN OF CAMP VERDE, an Arizona municipal corporation, on behalf of such corporation.

Notary Public

My commission expires:

EXHIBIT A

Legal Description of the Parcel 9 Property

[Attached]



May 8, 2006

**Legal Description
Homestead Camp Verde
Parcel 9 – Lot 3**

That part of the Northwest Quarter of Section 31, Township 14 North, Range 5 East, of the Gila and Salt River Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at the East Quarter Corner of said Section 36, monumented with a marked stone, from which the Northeast Corner of said Section 36, monumented with a BLM Brass Cap, bears North 01 degrees 48 minutes 50 seconds East, a distance of 2645.28 feet;

Thence North 01 degrees 48 minutes 50 seconds East along the East line of said Section 36, a distance of 1322.72 feet;

Thence North 89 degrees 11 minutes 26 seconds East, a distance of 117.89 feet to the POINT OF BEGINNING;

Thence North 00 degrees 48 minutes 34 seconds West, a distance of 273.25 feet;

Thence South 89 degrees 59 minutes 02 seconds East, a distance of 154.97 feet to a point on a 446.00 foot radius, non-tangent curve, whose center bears South 88 degrees 19 minutes 32 seconds West;

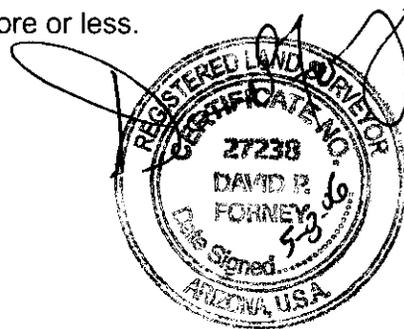
Thence Southerly along said curve, through a central angle of 00 degrees 51 minutes 54 seconds, a distance of 6.73 feet;

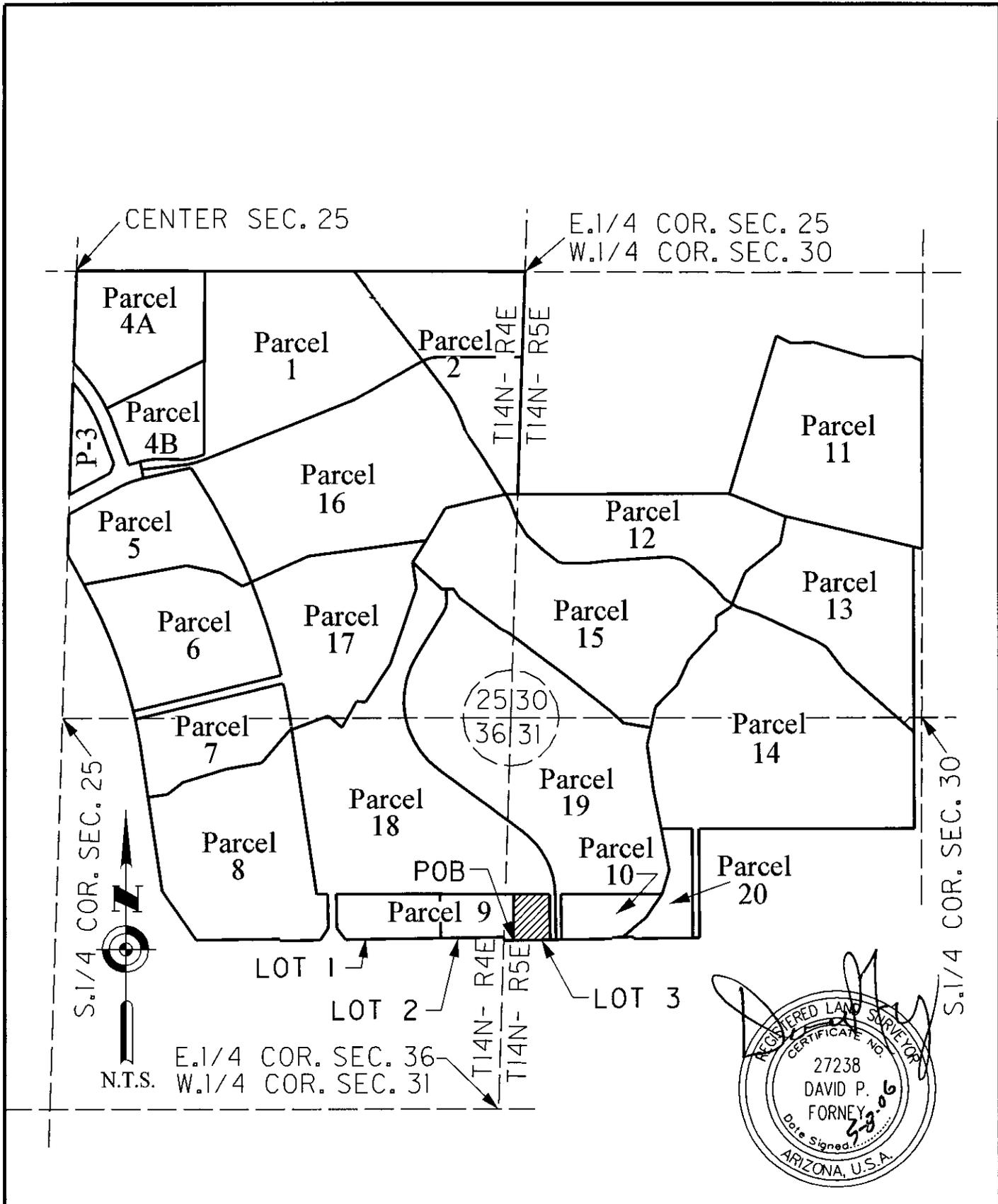
Thence South 00 degrees 48 minutes 34 seconds East, a distance of 244.29 feet;

Thence South 44 degrees 11 minutes 26 seconds West, a distance of 28.28 feet;

Thence South 89 degrees 11 minutes 26 seconds West, a distance of 135.00 feet to the POINT OF BEGINNING.

The above described parcel contains 0.96 acres, more or less.





 **Hoskin-Ryan Consultants Inc.**
creative engineering solutions

3003 N. Central Avenue, Suite 1500, Phoenix, Arizona 85012-2902
Office: (602) 252-8384 Fax: (602) 252-8385 www.hoskinryan.com

**PUBLIC UTILITY EASEMENT
FOR HOMESTEAD PARCEL 9 LOT 3
EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION**



Exhibit A - Agenda Item Submission Form – Resolution 2019-1031

Meeting Date: December 4, 2019

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Melinda Lee, Planner

Agenda Title (be exact):

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE YAVAPAI COUNTY, ARIZONA; ON THE STREET NAME CHANGE OF "WILSHIRE BOULEVARD" TO "DREAMCATCHER DRIVE" AND "MOONRISE DRIVE", FOR THE SEGMENTS FROM THE EXISTING STATE ROUTE 260 ROUNDABOUT TO EXISTING DREAMCATCHER DRIVE AND TO EXISTING MOONRISE DRIVE.

List Attached Documents:

- 1. Resolution 2019-1031

Estimated Presentation Time: 5 minutes

Estimated Discussion Time: 5 minutes

Reviews Completed by:

Department Head: Carmen Howard, Community Development **Town Attorney:** Bill Sims, Attorney

Background Information:

The street name of "Wilshire Boulevard" has been shown on maps for undeveloped streets and its remnant now only exists along two access points off of the new State Route 260 roundabout. The street signs show "Wilshire Boulevard", causing location problems for properties on both sides of the roundabout. The managers of the Verde Ranch RV Resort have applied to request the street name change on the Dreamcatcher Drive side of the roundabout; Staff is requesting the correction from dual street name use on the Moonrise Drive side.

Recommended Action (Motion):

A MOTION TO APPROVE (OR DENY) RESOLUTION 2019-1031; ON THE STREET NAME CHANGE OF "WILSHIRE BOULEVARD" TO "DREAMCATCHER DRIVE" AND "MOONRISE DRIVE", FOR THE SEGMENTS FROM THE EXISTING STATE ROUTE 260 ROUNDABOUT TO EXISTING DREAMCATCHER DRIVE AND TO EXISTING MOONRISE DRIVE; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE 60 DAYS AFTER ITS PASSAGE, OR UPON APPROPRIATE STREET SIGN CHANGES.



RESOLUTION NO. 2019-1031

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE YAVAPAI COUNTY, ARIZONA; ON THE STREET NAME CHANGE OF “WILSHIRE BOULEVARD” TO “DREAMCATCHER DRIVE” AND “MOONRISE DRIVE”, FOR THE SEGMENTS FROM THE EXISTING STATE ROUTE 260 ROUNDABOUT TO EXISTING DREAMCATCHER DRIVE AND TO EXISTING MOONRISE DRIVE; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE 60 DAYS AFTER ITS PASSAGE, OR UPON APPROPRIATE STREET SIGN CHANGES.

WHEREAS, the street name of “Wilshire Boulevard” has been the label used on an undeveloped street, with its extension from existing Dreamcatcher Drive to the new State Route 260 roundabout, and from the roundabout along the extension of existing Moonrise Drive, as shown on Exhibit A; and

WHEREAS, due to recent development of the property along Dreamcatcher Drive, the street name of “Wilshire Boulevard” only exists along these two roundabout access segments and creates confusion for property location and identification on both sides of the roundabout; and

WHEREAS, Section 707 of the Planning & Zoning Ordinance provides for the application process to change a street name for the purpose of correcting name duplications or to improve emergency response; and

WHEREAS, on November 7, 2019, Lisa Harold submitted an application on behalf of Verde Ranch RV Resort, requesting the street name change of “Wilshire Boulevard” to “Dreamcatcher Drive”, for the segment between existing Dreamcatcher Drive and the State Route 260 roundabout, due to problems with clients and services locating them; and

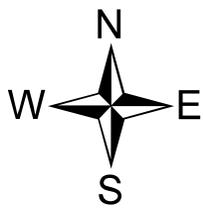
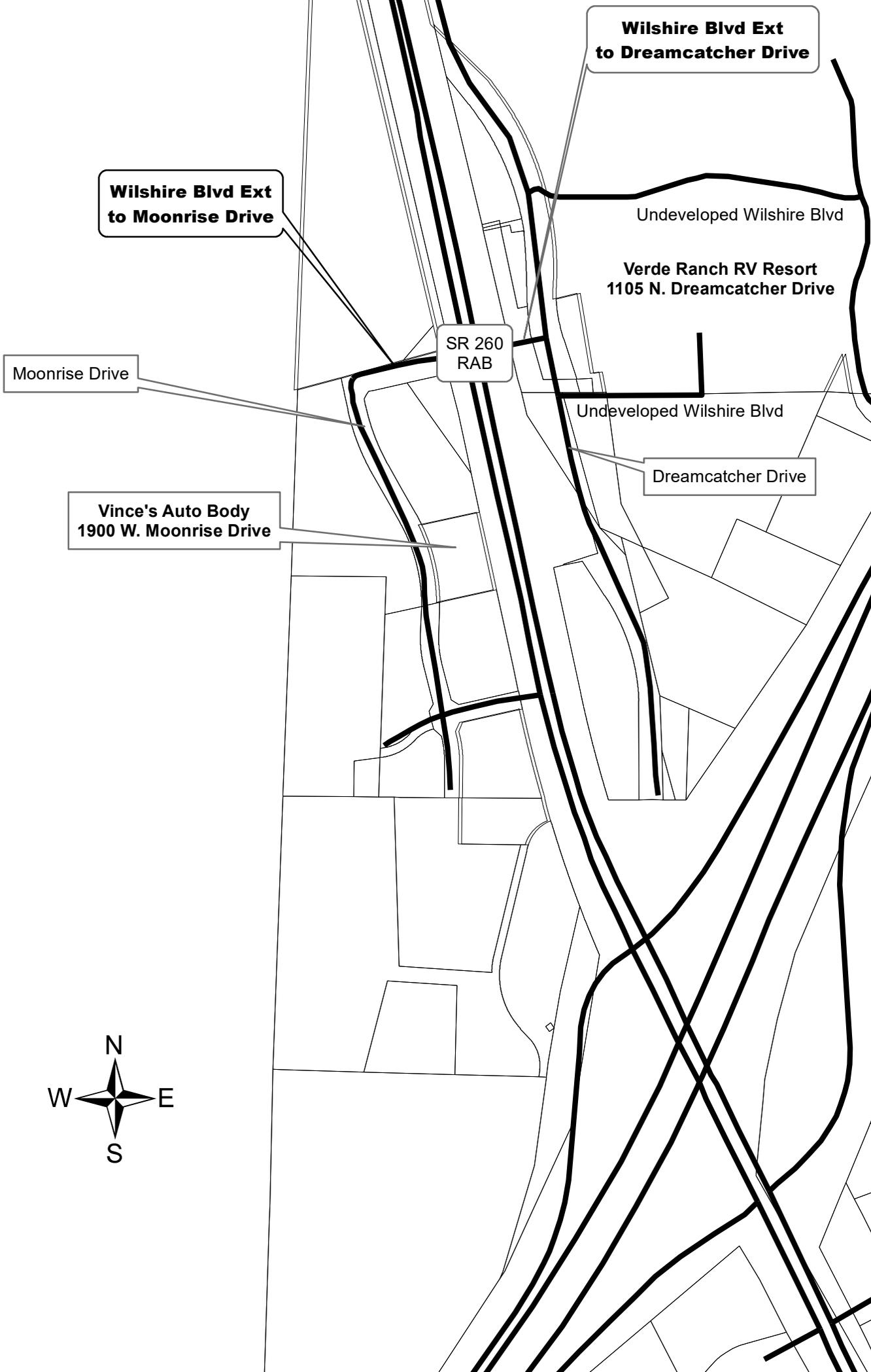
WHEREAS, this Resolution corrects the name of two street names being used for the extension of Wilshire Boulevard/Moonrise Drive from the State Route 260 roundabout to existing Moonrise Drive, to eliminate issues with locating properties along Moonrise Drive; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Camp Verde, Arizona, that:

1. The street name of “Wilshire Boulevard” will be changed to “Dreamcatcher Drive” on the segment between the State Route 260 roundabout and existing Dreamcatcher Drive; and
2. The street name of “Wilshire Boulevard” will be removed from the extension of Moonrise Drive from the segment between the State Route 260 roundabout and existing Moonrise Drive.

[SIGNATURES ON FOLLOWING PAGE]

**Exhibit A
Resolution 2019-1031**





Agenda Item Submission Form – Section I

Meeting Date: December 4, 2019

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development/Board of Adjustments

Staff Resource/Contact Person: Carmen Howard

Agenda Title (be exact): Discussion and possible approval of Ordinance 2019-A448, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Chapter 4 Boards, Commissions, and Committees Article 4-1. A-Membership

List Attached Documents:

1. Ordinance 2019-A448
2. Council Minutes from 9/25/2019

Estimated Presentation Time: 5

Estimated Discussion Time: 10

Reviews Completed by:

Department Head: Carmen Howard **Town Attorney Comments:** Reviewed Ordinance

Background Information: Staff would like Councils consideration to amend the Town Code regarding membership of the Board of Adjustments and Appeals to require only 5 members instead of the current 7 members. All decisions of the Board of Adjustment and Appeals are final unless appealed to Superior Court.

Recommended Action (Motion): Approval (or denial) of Ordinance 2019-A448, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Chapter 4 Boards, Commissions, and Committees Article 4-1. A-Membership

Instructions to the Clerk: Process Ordinance if approved by Council

**ORDINANCE
2019-A448**



**ORDINANCE 2019-A448
AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CAMP VERDE,
YAVAPAI COUNTY, ARIZONA,
AMENDING TOWN CODE CHAPTER 4 BOARDS, COMMISSIONS, AND COMMITTEES
Article 4-1.A – MEMBERSHIP**

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Camp Verde as follows:

Article 4-1.A

Membership and Organization of the Town Code is amended to read:

- A. **Membership and Organization.** Each board and commission shall be made up of seven members appointed by the Council in accordance with the procedures contained in subsection B of this Article, **WITH THE EXCEPTION OF THE BOARD OF ADJUSTMENTS AND APPEALS WHO WILL BE MADE UP OF 5 MEMBERS.** The organization of boards and commissions shall include a chairperson, and vice-chairperson who are elected from the membership in accordance with Article 4-2.
- B. **Selection of New Members.** (2000-A164) (2002-A231) (2003-A261)
Prior to the expiration of terms for board and commission members, the Town Clerk shall call for letters of interest from the general public. Such letters shall be filed with the Town Clerk in accordance with the time lines and other related procedures established by the Council. Membership requirements for appointees are subject to the requirements established in the appropriate resolution or ordinance that created the board or commission. The Council may establish any other requirements at the time such appointments are sought for the purpose of aiding the Council in completing the selection process. Any member of a board or commission appointed by the Council shall reside within the corporate limits of the Town. However, Council may waive the residency requirement with good cause, except for appointments to the Planning and Zoning Commission, Board of Appeals and Board of Adjustments. If a member holding a position relocates outside of the Town limits, other than within 90 days from the end of the appointed term, he or she shall resign from the board or commission. (Rev. 2004 by Ord 2003-A261)

Section 7-2-110 BOARDS OF APPEALS

7-2-110.6 Meetings of the Town Code is amended to read:

7-2-110.6 Meetings. The board shall hold one regular meeting every three (3) months or when there is pending business. Special meetings may be called by the Community Development Director or at the request of the chairman or any three (3) members. The affirmative vote of ~~four (4)~~ **THREE (3)** members shall be required for passage of any matter before the Board.

PASSED AND ADOPTED in open meeting by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, on the 20th day of November 2019 to be effective when publication and posting pursuant to A.R.S. § 9-812 is completed.

Charles German, Mayor

Approved as to form: _____
Town Attorney

Attest::

Virginia Jones, Deputy Town Clerk

streets expenses is the Salt Mine Road expenses after the flooding. He can give a breakdown of expenses with the 191 expenditures.

Motion made by Councilor LeBeau, seconded by Councilor Butner to authorize the Finance Director to make the FY19 budget adjustments as attached on the Budget Change/Re-Appropriation Form dated 10/16/19. **Motion** carried unanimously with Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

7.2. Discussion, consideration and possible appointment of member to the Board of Adjustment and Appeals, with a term that expires January 2022.

[Staff Resource: Virginia Jones]

Community Development Director Carmen Howard stated she received a Letter of Interest from Michael Hough for the Board of Adjustment and Appeals.

Councilor Butner asked if Mr. Hough was on the Planning and Zoning Commission? Ms. Howard stated yes. Councilors discussed the risks and advantages of someone sitting on both Boards.

Ms. Howard explained that the Board of Adjustments review her decisions not Planning and Zoning decisions. Mr. Martin stated he felt like it actually helps with judgement calls for someone to sit on both.

Councilor Butner indicated strongly that he is not comfortable with same person sitting on both Boards.

Council discussed the urgency of getting someone on the Board of Adjustments and Appeals Board. Ms. Howard stated that a current Board member would like to be relieved of their duties and there is another one that may have to step down as well. It is at a critical level to get someone on the Board. Council discussed what would happen if there is no quorum.

Public Comment-

Tim Wiggle a retired Planning and Zoning Administrator said it is common in his experience, to have the same person sit on either board. They have insight that is valuable.

Councilor Murdock asked if any current members were sitting on both boards. Ms. Howard stated yes, Mr. George and Mr. Blue.

Ms. Howard stated they are actively recruiting but the applicant needs to have knowledge of buildings and read the duties of what would be required. In the past they had talked about potentially making it a 5-member board instead of 7.

Councilor Murdock questioned how to amend the Code to make it a five (5) member board? Deputy Town Clerk Virginia Jones stated it could be done with an ordinance.

Motion made by Councilor Whaley to appoint Michael Hough to the Board of Adjustment and Appeals for a term that expires January 2022. **Motion** failed with no second.

Ms. Howard stated they will work on an amendment and bring it back to Council.

8. **Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)**

No comments from the public.

9. **Council Informational Reports.** *These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.*

Councilor Butner attended a MATForce meeting, they had a seminar on the vaping problem.

Councilor Buchannan helped out with Fort Verde Days as a gate keeper.

Councilor Whatley helped out with Fort Verde Days as a gate keeper. She wanted to thank the Parks and Rec Department for a job well done.

Councilor LeBeau helped out with Fort Verde Days Parade, Festival and Bull Bash.

Vice Mayor Jenkins- helped out with Fort Verde Days as a gate keeper and the interviewing of the HR Director.

10. **Manager/Staff Report** *Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and 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.*

Town Manager Russ Martin:

- The new HR Director, Brandy Cabrera will start October 28th.
- Fort Verde Days- the sale of beer raised almost \$2,000. Staff did a great job.
- If you plan to help with Halloween, be here at 5pm.
- Quarterly update is scheduled for November 6th. Also, November 13th Susan Montgomery will be her to talk about Indian Water Settlements.

Vice Mayor Jenkins would like a work session to have an Economic Development update on opportunity zone and changes within the Department, get some feedback and direction from Council. Mr. Martin stated this will come sometime in November.

11. **Adjournment**

Vice Mayor Jenkins adjourned the meeting at 7:48 p.m.



Vice Mayor Dee Jenkins

CERTIFICATION



Attest: Deputy Town Clerk Virginia Jones



Agenda Item Submission Form – Section I

Meeting Date: December 4, 2019

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Work Session

Requesting Department: Clerk’s Office

Staff Resource/Contact Person: Community Development Director Carmen Howard and Deputy Clerk Virginia Jones

Agenda Title (be exact): Possible consideration and approval of Ordinance 2019-A449, An Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Article 2-3, Section 2-3-1 Regular Meetings/Meetings/Hours of Operation, Superseding 2012-A385.

List Attached Documents: Ordinance 2019-A499

Estimated Presentation Time: 5

Estimated Discussion Time: 5

Reviews and comments Completed by:

- Town Manager: _____ Department Head: _____
- Town Attorney Comments: _____ No Comment _____
- Risk Management: _____
- Finance Department
Fiscal Impact:
Budget Code: _____ Amount Remaining: _____
Comments: _____

Background Information: Staff would like Council to consider changing the current code regarding Regular Council Meetings by eliminating the 4th Wednesday of each month being set aside for Council Hears Planning and Zoning Matters. If Planning and Zoning has any items for Council to hear, that item may go on any Regular Session as an action item. Council may always call a work or special session on any Wednesday.

Staff is requesting this consideration because it would be less confusing to the public. In the past year there have been 4 occasions when Planning & Zoning did not have items for Council so that meeting had to be posted as cancelled, however Council had called either for either a work session or a special session the same evening. In essence you are posting two agendas for the same date, one cancelled and one action.

Staff is requesting this item prior to the first meeting in January when Town Code states that Council will, by Resolution, set meeting dates and times.

If approved this Ordinance will go into effect for 30 days from approval.

Recommended Action (Motion): Approve Ordinance 2019-A449, An Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Article 2-3, Section 2-3-1 Regular Meetings/Meetings/Hours of Operation, Superseding 2012-A385.

Instructions to the Clerk: Process Ordinance and publish as required by



ORDINANCE 2019-A449

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AMENDING TOWN CODE ARTICLE 2-3, SECTION 2-3-1 REGULAR MEETINGS/MEETINGS/HOURS OF OPERATION SUPERCEDING 2012-A385.

TOWN CODE, SECTION 2-3-1 is hereby amended to read as follows:

Regular Council Meetings.

The Town Council will hold regular meetings at 6:30 p.m. on the first and third Wednesday of the month at the Town Hall complex on Main Street for general business, PLANNING & ZONING MATTERS, and public hearings as may be required by law, with the SECOND AND fourth Wednesday set aside for ~~Planning & Zoning matters, and the second Wednesday set aside~~ for work sessions, OR SPECIAL SESSIONS as needed. A work session, in lieu of or in conjunction with a regular meeting, may be called. If a regular meeting ~~or work session~~ is cancelled, such as near a holiday, notice of the cancellation shall be posted.

Effective Date. This Ordinance is to be effective when publication and posting pursuant to ARS 9-813 is accomplished.

PASSED AND ADOPTED in open meeting by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on the 4th day of December 2019.

Approved as to Form:

William Sims, Town Attorney

Charles German – Mayor

Attest:

Town Clerk



Agenda Item Submission Form – Section I

Meeting Date:

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Special Session

Requesting Department: **Public Works**

Staff Resource/Contact Person: **Ron Long & Stacy Perry**

Agenda Title (be exact): Discussion, and possible direction on use of the \$197,800 dedicated to HURF related projects allocated by the State of Arizona

List Attached Documents: Project Options List

Estimated Presentation Time: 5 - minutes

Estimated Discussion Time: 15 - minutes

Reviews Completed by:

X Department Head: Town Attorney Comments: N/A

Finance Review: X Budgeted Unbudgeted N/A

Finance Director Comments/Fund:

Fiscal Impact: None

Budget Code: TBD Amount Remaining: \$197,802.20

Comments: The purchases and projects listed would be funded with additional HURF funding received from the State of Arizona.

Background Information: Every Town and City in the State of Arizona received approximately \$197,800 of additional HURF funding in FY 19 – 20. The Town of Camp Verde has multiple HURF related purchases and projects that would be appropriate for this funding. Town staff has prepared a list of recommended purchases and projects for the Council to review and select.

Recommended Action (Motion): Council to direct staff as to which purchases and /or projects to pursue with the additional HURF funding received from the State of Arizona.

Instructions to the Clerk: N/A

TOWN OF CAMP VERDE

Public Works Department
395 S Main Street Camp Verde, AZ 86322
Office (928) 554-0820 Fax (928) 567-1540
www.campverde.az.gov



To: Russ Martin, Town Manager
From: Ron Long, Public Works Director
Date: November 25, 2019
Re: Project Options for Additional HURF Funding

Russ,
Staff has prepared the following purchase and project List for your and the Town Council's consideration as potential sources to utilize the additional Highway Users Revenue Fund (HURF) dollars distributed to all of the Towns and Cities in Arizona. Our portion of the additional HURF funding is approximately \$197,800.

Towable Man Lift; (\$30,000)

One of the Street Crew's continuous maintenance issues is keeping the trees and bushes that extend into the Right of Way (ROW) trimmed back and trimmed up high enough to prevent them from interfering with safe driving conditions. We currently rent a Man Lift several times a year (when they are available) to accomplish this task costing the Town thousands of dollars each year in rental fees. This funding would purchase the Street Crew their own lift and save the money that is currently spent on renting a Man Lift.

3-Digital Sign Boards; (\$52,500)

Utilize the funding to purchase 3 – digital sign boards at \$17,500 each. The sign boards would be used to provide warnings to drivers of upcoming issues such as construction zones, road damage, road closures, flooding, and Town events.

Camera Detection System for the Cliffs Parkway & Finnie Flat Traffic Signal; (\$60,000)

The signal timing is controlled in part by loop detectors which are installed within the asphalt. The loop detectors wear out over time (usually with 5 – 10 years after installation) and need to be replaced. This work typically costs between \$10,000 and \$15,000 for each leg of the intersection and require cutting the road to install. There are 4 –legs at the Cliffs parkway intersection with Finnie Flat Road. The Camera Detection system lasts longer and is easier to maintain since it is located on the signal masts and in the control cabinet.

Garner Lane Cul De Sac Re-pavement; (\$45,000)

Garner Lane which is located at the end of Camp Lincoln near the School complex, ends in a Cul De Sac that has deteriorated over time from heavy truck turning movements. The remaining asphalt would be crushed and reused as base material and the surface re-paved with hot mix asphalt by a paving contractor.

Old Highway 279 Resurfacing; (\$180,000)

Currently much Old Highway 279 pavement is in poor condition with nearly a mile of its 3.36 miles being unpaved. Our Street Crew has kept the road in usable shape by utilizing asphalt millings on the shoulders and on the unpaved section. This work would include the purchase and application of approximately 733 cubic yards of cold mix asphalt 1" – 2" thick over the asphalt millings surface by our Street Crew.

Cherry Creek Low Water Concrete Crossing; (\$28,000)

Within the unpaved section of Old Highway 279 there is an unimproved crossing of the Cherry Creek Wash. This section is continuously washed out during rain events requiring the street crew to regrade the crossing after each event. This funding would provide for a concrete low water crossing that would still need to be cleaned but it would provide a stable surface permitting traffic to cross the wash during a low water event and after more significant flows have diminished. This crossing would be constructed by our Street Crew.

Note; the low water crossing should be included with the Old Highway 279 re-paving.

Waste Water Treatment Plant Road Re-pavement; (\$240,000)

The Waste Water Treatment Plant (WWTP) road is in poor condition with numerous potholes and pavement edge failure. The funds would be used to crush the existing pavement and reuse it as base material and repave the WWTP road with 3-inches of hot mix asphalt from SR 260 to the lower gate at the WWTP. This work would be accomplished by a contractor. This project would require all of the additional HURF funding plus additional funding from the FY 20 – 21 budget.

The options are listed in the order that staff would recommend. The first four items on this list could be accomplished within the funding amount. Funding of either the WWTP Road or Old Highway 279 plus the Low water Crossing would require additional funding to complete.

Ron Long, P.E.
395 S. Main Street
Camp Verde, AZ, 86322
Ron.long@campverde.az.gov
Office: 928-554-0821
Cell: 928-274-3750



Agenda Item Submission Form – Section I

Meeting Date:

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Special Session

Requesting Department: Administration

Staff Resource/Contact Person: Russ Martin

Agenda Title (be exact): Discussion, and possible approval of funding for a regional housing study being conducted in the Verde Valley including the potential use of funds from reserve or contingency.

List Attached Documents: Regional Housing Proposal

Estimated Presentation Time: 10 - minutes

Estimated Discussion Time: 15 - minutes

Reviews Completed by:

- Department Head:** Carmen Howard, Steve Ayers, Russ Martin
- Town Attorney Comments:** N/A

Finance Review: Budgeted Unbudgeted N/A

Finance Director Comments/Fund:

Fiscal Impact: None

Budget Code: TBD **Amount Remaining:** \$TBD

Comments: There is currently no real location for funding from areas already budgeted that would provide the funding for this request besides projected CIP reserve funding or Contingency.

Background Information: Sedona has completed a RFP as well as selection of a highly qualified housing consultant that has and will continue to work on a significantly broad scope of work with Sedona. During the past couple of years the discussion in the valley has identified clear need for housing and in this case housing information that can help decision makers as well as frankly the general public and ultimately the development community on the issue.

During regional discussions Sedona offered to expand some of the services of this work they are on to further inform the surrounding communities about a more specific set of data that could be useful in this issue. Cottonwood Council

has identified Housing as at or near a number one issue and a couple of weeks ago allotted up to \$10,000 at this point to this project outlined in the attachment. At this time there are no other formal commitments that I am aware of besides Cottonwood, but it is hoped that the County can help as well as possibly small contributions from the other communities to fill the balance. Staff feels this is an important piece of information for Community Development, Economic Development and general use for all the questions they get and answers they are looking for that are not readily accessible that this scope could really help identify.

Ultimately it has taken not much of our efforts and at a fairly nominal cost for the results being proposed as Sedona has taken care of much of the process to date even coordinating the proposal for the rest of the valley to consider. This is a significant issue facing the area and this information could be helpful to our development and informing our decisions in the coming years ahead on this issue.

Recommended Action (Motion): Council to direct staff as to allocate reserve funding from Contingency for up to \$10,000 for use for this regional housing study.

Instructions to the Clerk: N/A



Economic and Real Estate Consulting

**Proposal
for
Verde Valley Housing Needs Assessment**

Prepared for the Verde Valley Workforce Housing Alliance

Prepared by Elliott D. Pollack & Company

Approach

Elliott D. Pollack & Company in association with Sheila D. Harris Consulting is pleased to submit this proposal to the Verde Valley Workforce Housing Alliance for the Verde Valley Housing Needs Assessment. The purpose of the Study is to expand upon the initial work that will be undertaken for the Sedona Housing Needs Assessment and Five-Year Affordable Housing Action Plan and address the housing needs throughout the Verde Valley. We recommend that the Verde Valley Workforce Housing Alliance (VWHA) be the primary advisory group for the study.

In conjunction with the Verde Valley Workforce Housing Alliance, we will need to determine the geographic limits of the Housing Needs Assessment. Our initial concept for the Sedona Housing Needs Assessment study was to focus the analysis primarily on the communities along the SR 260 Corridor. This study area would include the incorporated communities of Clarkdale, Cottonwood, and Camp Verde plus unincorporated areas that may include Verde Village, Bridgeport, Cornville, and Page Springs. While Oak Creek is not within either of the primary transportation corridors noted above, its proximity to Sedona requires that it be included in the study. We would need to determine if Jerome would benefit from the study. If other communities such as Lake Montezuma, McGuireville, and Rimrock should be considered for the study, we would need direction as well from the Alliance.

Once the geographic limits of the Verde Valley Housing Needs Assessment are established, the analysis will focus on a regional approach to addressing housing challenges, taking into account one of the main drivers of the housing affordability challenge, Sedona, while also addressing the regional affordable housing needs throughout the remainder of the Verde Valley.

As part of our analysis, we will collect and evaluate all available housing data for the Verde Valley study area. These data sources will be supplemented by interviews and discussions with VWHA.

The Project Team will use its experience and resources to develop a comprehensive Housing Needs Assessment which provides:

- A determination of housing needs and the gap between need and available units.
- A comprehensive implementation strategy to guide the Verde Valley in bridging the housing gap.

Elliott D. Pollack & company

7505 East 6th Ave, Ste 100 Scottsdale, AZ 85251 ■ PH 480.423.9200 ■ FAX 480.423.5942 ■ info@edpco.com ■ www.arizonaeconomy.com

Scope of Work

The following scope of work is suggested for development of the Verde Valley Housing Needs Assessment. Much of the collection of demographic and housing data required for the Verde Valley Assessment is included within the Sedona Housing Needs Assessment. However, the geographic extent of the analysis will need to be determined and defined by the Workforce Housing Alliance as noted above.

Task 1 – Data Collection and Analysis

This task is included in the Sedona Housing Needs Assessment. Data collection will include:

- **Demographic Analysis:** The most recent demographic data for Verde Valley region will be collected and evaluated in terms of household income, family and household size, age, tenure (renter and owner), and education levels. The various income levels of households relative to the Area Median Income will be identified including extremely low, low and moderate-income as well as those with incomes above 80% of AMI. Housing cost burden, as noted in the chart on the previous page, will be analyzed for the Sedona region and nearby communities.
- **Forecasts:** Forecasts of population and employment growth for the region surrounding Sedona will be collected and evaluated. The future demand for housing in the region will be determined over the next 10 to 20 years based on the relationship between housing production and growth.

Task 2 – Economic Analysis

This task is included in the Sedona Housing Needs Assessment and includes an evaluation of the economic health of the Sedona region through available economic data that includes occupations, wage levels, employment and unemployment trends, commuting patterns, major employers, and forecasts for employment growth.

Task 3 – Outreach

An important element of identifying housing demand and need is interaction with the community. The extent of community involvement will need to be determined in conjunction with the VVWHA. At the very least we would anticipate a minimum of three meetings with VVWHA.

An online survey of employees will be conducted as part of the Sedona Housing Needs Assessment. We anticipate that many Sedona employees will be residents of nearby communities and may provide insight into local travel patterns, commute times, availability of rental units, affordability, household income, and similar topics. In the event that VVWHA wishes to conduct a survey of employees working outside of Sedona, a second online survey would need to be prepared, requiring the cooperation of Verde Valley employers, local municipalities, Chambers of Commerce, and other local organizations to encourage their employees to participate in the online survey.

Outreach issues to be resolved:

- The extent of community involvement and outreach and how it would be approached among the various communities.
- The need for an online employee survey.

Task 4 – Housing Market Demand & Gap Analysis

The housing market analysis task consists of two subtasks that evaluate the rental and ownership markets. Much of the data collection will be conducted as part of the Sedona Housing Needs Assessment study.

Data for some of the unincorporated areas within the Verde Valley region may not be fully available from the Census.

The EDPCo Project Team will evaluate the Verde Valley's housing stock of multi-family units, single family homes and mobile home units from the standpoint of vacancy rates, values and rents, age and similar data. The data will be presented region-wide as well as disaggregated by sub-areas or communities as data permits. In addition to Sedona, these sub-areas will likely include Cottonwood, Camp Verde, Oak Creek, Clarkdale and other unincorporated areas where data may be available. Historical trends in the housing stock over the past ten years will be identified and evaluated including housing permit activity as available. Within this task, we will conduct an inventory of any federal or state-supported housing projects or units in the region.

Census data is typically not an accurate indicator of housing values and rents. We propose to request a download of housing data from the county assessors of Coconino and Yavapai counties to have a better understanding of the type and age of housing in the Verde Valley. In addition, we will conduct an inventory of major apartment complexes in the region. This will be supplemented with an inventory of vacation rental units in the region as well.

The analysis of the rental market will focus on the character of the inventory:

- Type of units
- Rents
- Vacancies
- Units in the pipeline
- Market-rate and subsidized units
- Overcrowding
- Lack of plumbing facilities
- Cost burden
- Other factors that may be derived from the American Community Survey of the U.S. Census and the inventory of rental units prepared by EDPCo.

Similar to the analysis of the rental market, the evaluation of the owner-occupied market will focus on the character of the inventory:

- Type of units
- Values
- Vacancies
- Units or subdivisions in the pipeline
- Overcrowding
- Lack of plumbing facilities
- Cost burden
- Other factors that may be derived from the American Community Survey of the U.S. Census and the assessor data collected from Yavapai and Coconino counties.

EDPCo will conduct a gap analysis as part of the Housing Needs Assessment. The "gap" is the difference between the number of households within each income range and the number of housing units affordable to those households. The "gap" typically occurs at the lower end of the income range where there are more households than affordable units.

Our analysis will depend on housing price information from the Yavapai and Coconino assessor's offices and the Multiple Listing Service. For ownership housing, the analysis will take into account the distribution of the sales price of housing units compared to the incomes of persons. Similar analysis will be conducted for rental housing based on available data from the U.S. Census and other sources. The analysis will result in determining:

- **Existing Housing Need:** Based on available data, existing housing needs will be identified including housing cost-burden, overcrowding, and lack of plumbing facilities.
- **Projected Housing Need:** Based on forecasted population growth, an estimate will be developed on future demand for housing and the need for a mix of unit types to address the housing cost burden and other factors affecting affordability. Estimates will be developed on the incomes needed to afford ownership and rental housing in the community, specifically addressing workforce housing for those households with incomes between 80% and 120% of area median income and housing for low and moderate-income households.

An Existing Conditions and Housing Gap Assessment report will be prepared summarizing the findings and conclusions on the Verde Valley regional housing market. Conclusions will be provided by geographic sub-area or community. The Assessment will address:

- Housing availability by rents and values with particular focus on low and moderate-income households.
- Historical trends in rents and values.
- Income-qualifying standards for homeownership at various income ranges, including a focus on critical personnel such as firefighters, police, and teachers.
- The demand for housing over the next ten years based on population and employment forecasts.
- The "gap" between the housing needs of the population and available housing units.

Deliverable: An Existing Conditions and Housing Gap Assessment report on the initial findings and conclusions of the status of the housing market in the Verde Valley region.

Task 5 – Review Land Use and Policy Documents

Land use controls, impact fees, and development review procedures of the three primary municipalities and Yavapai County will be evaluated to identify any restrictions or barriers that may affect the development of affordable housing in the Verde Valley. Parcels that may be suitable for higher density housing will be identified, taking into account zoning, parcel size, availability of infrastructure and transit, proximity to retail shopping, and other factors. Density standards for multi-family and affordable housing will also be reviewed. The result of this task is to identify barriers to housing development in Cottonwood, Clarkdale, Camp Verde, and Yavapai County that could be modified.

Task 6 – Identification of Major Housing Issues

The purpose of this task is to summarize the major housing issues facing Verde Valley resulting from the preceding analysis. The number and scope of the issues is unknown but will include the gap in affordable housing due to high the high housing cost burden. Beyond the affordable issue, other issues may include:

- The impact of short-term vacation rental units taken out of the conventional rental market.
- The availability of housing for critical service employees.
- Barriers to affordable housing development.
- The adequacy of affordable housing within the Sedona region that fulfills the need for housing directly in Sedona.

Task 7 – Five-Year Action Plan

This task will address the actions that can be taken by Verde Valley communities to address the housing affordability issue based on the preceding analysis and evaluation. **The Action Plan will not be community specific**, but rather will recommend cooperative actions that can be taken by the Verde Valley municipalities and Yavapai County to deal with the housing gap. The strengths and weaknesses of the Verde Valley housing market will be noted; findings and conclusions will be outlined. Reputable forecasts will be used to estimate the demand for housing within the Verde Valley over the next five years.

Implementation Strategies will consider public, non-profit, and market-rate opportunities for the development of affordable housing. Those opportunities may include:

- Local or County programs and agencies that are available to address the affordable housing issue and, in particular, workforce housing.
- Federal programs that can provide funding for housing and redevelopment purposes (HOME, CDBG).
- State programs available from the Arizona Department of Housing including the Home Plus Mortgage Loan Program, Pathway to Purchase Down Payment Assistance Program and Low Income Housing Tax Credit Program.
- Multi-Family Mortgage Revenue Bonds available from the Arizona Industrial Development Authority.
- Other funding sources and partners such as non-profit agencies that may assist in the development of affordable housing and/or provide counseling on housing and household budgeting.
- Identifying developers who may show interest in developing affordable housing.
- Identifying potential funding sources for both operational and capital (development) purposes.
- Identifying incentives the City may promote to generate new housing development.
- Modifying city codes, policies, and adopted plans to promote affordable units.

Deliverables: Preparation of Draft and Final Report

A draft report will be submitted to the VVWHA for review and comment. Upon completion of the review, a final report will be issued. A presentation of the final report will be made to the VVWHA.

Schedule

The timeline for the Verde Valley study is complicated due to the timing of completion of the Sedona Housing Needs Assessment. Many of the elements of the Verde Valley study are included in the Sedona study and updates can be provided to the VVWHA throughout the process. We suggest completing the Sedona study within its eight month timeline, then allowing another two months for completion of the Verde Valley Housing Assessment.

Fee Proposal

The Elliott D. Pollack & Company Project Team fee proposal is shown below. The fixed-fee includes all professional services associated with the study, meetings with the Verde Valley Workforce House Alliance, Powerpoint presentations, ten paper copies of reports, and electronic versions of the reports in PDF format.

Reimbursable expenses are budgeted at \$1,000 for travel and any potential costs for the purchase of housing data. We do not anticipate incurring any additional direct expenses. Reimbursable expenses will only be billed to the Client as incurred.

Professional fees will be billed monthly based on the percentage of the project or task completed.

The proposed total not-to-exceed fee for the study is:

Professional Fee:	\$38,600
<u>Reimbursable Expenses:</u>	<u>\$1,000</u>
Total Project Fee:	\$39,600

A summary of hours by task and professional hourly rates are shown on the following page.

Professional Fee								
Verde Valley Housing Needs Assessment								
Verde Valley Workforce Housing Alliance								
	Elliott D. Pollack and Company			Sheila Harris Consulting				
Responsibility	Project Manager	Senior Economist	Statistician	Housing Economist				
Team Member	Merritt	Court	Velazquez	Harris				
Hourly Rate	\$180	\$135	\$95	\$150		Total Hours	Total Fees	% of Total Fees
Tasks								
Task 1: Data Collection & Analysis	-	-	-	-		-	\$0	0.0%
Task 2: Economic Analysis	-	-	-	-		-	\$0	0.0%
Task 3: Outreach								
VV Workforce Housing Alliance Meetings	16	16	-	16		48	\$7,440	19.3%
Public Meetings	TBD	TBD	-	TBD		TDB	\$0	0.0%
Employee Survey	TBD	TBD	-	TBD		TDB	\$0	0.0%
Task 4: Housing Market Demand & Gap Analysis	8	16	16	4		44	\$5,720	14.8%
Task 5: Review Land Use & Policy Documents	20	32	-	16		68	\$10,320	26.7%
Task 6: Identification of Major Housing Issues	8	16	-	8		32	\$4,800	12.4%
Task 7: Five-Year Action Plan	32	16	-	16		64	\$10,320	26.7%
Total Hours	84	96	16	60		256		
Total Fees	\$15,120	\$12,960	\$1,520	\$9,000			\$38,600	100%
Reimbursable Budget (Travel)							\$1,000	
Total Professional Fee							\$39,600	