



**ORDINANCE 2019 A447**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA FOR A ZONING MAP CHANGE FROM RR-2A (RURAL RESIDENTIAL, 2-ACRE MINIMUM LOT SIZE) TO APPLY UNIFORM ZONING OF M1 (INDUSTRIAL: GENERAL) THROUGHOUT THE PROPERTY, ON PARCEL NO. 403-16-002C, 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 property currently has dual zoning on a single parcel due to a residential unit previously occupying approximately 2 acres of the parcel, which has been removed, and the remaining parcel having a history of industrial use, and

**WHEREAS**, the current industrial use of the property will continue, along with the current agricultural and cultivation use, which is permitted outright in the M1 District, 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 request for **Zoning Map Change 2019 A447** was filed by CCJB Holdings, property owner, to rezone the subject parcel from RR-2A (Rural Residential, 2-Acre Minimum Lot Size) to match the zoning of M1 (Industrial: General) on the remaining portion of the property, on Parcel No. 403-16-002C, in Camp Verde, Yavapai County, Arizona.

- A. The legal description is attached as Exhibit "A". The above described parcel contains an area of approximately 11.18 acres.
- B. The Planning & Zoning Commission reviewed the request on September 5, 2019 in a public hearing that was advertised and posted according to state law and recommended approval of Zoning Map Change 2019-0245.
- 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.** 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 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**Section 4.** 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 25TH DAY OF SEPTEMBER, 2019.**

  
Charles German - Mayor

Date: 9-26-2019

Approved as to form:

  
Bill Sims - Town Attorney

Attest:   
Judith Morgan, Town Clerk

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 15<sup>th</sup> day of JULY, 2019, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

JOHN BRADSHAW, ("Owner(s)");

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(1) 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:

20190245  
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.

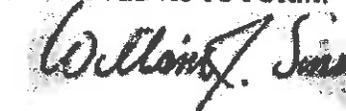
**TOWN OF CAMP VERDE, a municipal corporation of Arizona, (Town)**

  
\_\_\_\_\_  
Charles German, Mayor

ATTEST:

  
~~Judith Morgan, Town Clerk~~ *Deputy Clerk* <sub>07</sub>

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William Sims, Town Attorney

Dated this 15<sup>th</sup> day of July, 2019

OWNER:

OWNER:

JOHN BRADSHAW  
Print Name

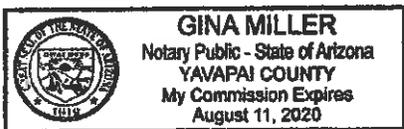
\_\_\_\_\_  
Print Name

[Signature]  
Signature

\_\_\_\_\_  
Signature

STATE OF ARIZONA )  
County of Yavapai ) ss.

On this 15<sup>th</sup> day of July, 2019, before me, the undersigned Notary Public, personally appeared John Bradshaw, who acknowledged that this document was executed for the purposes therein contained.



[Signature]  
Notary Public

My Commission Expires: 8/11/20

### Exhibit 'A'

A parcel of land situated in the Southwest quarter of the Northwest quarter of Section 10, Township 14 North, Range 4 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being more particularly described as follows:

BEGINNING at the West quarter corner of said Section 10 as monumented by a stone marked  $\frac{1}{4}$ ;

THENCE North  $00^{\circ}27'08''$  East, a distance of 1,223.14 feet along the West line of the Northwest quarter of said Section 10 to the Southwesterly right-of-way line of Old State Highway 279 as said right-of-way is claimed by Yavapai County (i.e., being a strip of land 66.00 feet wide centered on the center line of existing road pavement);

THENCE South  $32^{\circ}19'18''$  East, a distance of 1,471.55 feet along said Southwesterly right-of-way line of Old State Highway 279 to the South line of said Northwest quarter of Section 10;

THENCE North  $88^{\circ}31'44''$  West, a distance of 796.71 feet to the POINT OF BEGINNING.

Exhibit B: Application

Revised 06/05/18

Application #: 20190245



# Land Use Application Form

1. Application is made for:

- Zoning Map Change
- Conceptual Plan Review
- PAD Final Site Plan Review
- Street Abandonment
- Administrative Review
- Development Standards Review (Commercial)

- Use Permit
- Preliminary Plat
- Variance
- Minor Land Division
- Lot Line Adjustment
- Other: \_\_\_\_\_

- Temporary Use Permit
- Final Plat
- Appeal
- Wireless Tower
- Zoning Verification

2. Project Name: \_\_\_\_\_

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

Owner Name: COJB HOLDINGS, LLC  
 Address: P.O. Box 2487  
 City: SEDONA State: AZ Zip: 86339  
 Phone: 928-282-3131  
 E-mail: \_\_\_\_\_

Applicant Name: JOHN BRADSHAW  
 Address: 2481 W. STATE RTE 89A  
 City: SEDONA State: AZ Zip: 86336  
 Phone: 928-300-3219  
 E-Mail: j.bradshaw@casedona.com

4. Property Description: Parcel Number

403-16-002C

Acres: 11.18

Address or Location: 3905 W. Old State Hwy 279

Existing Zoning: M1 and RR-2A Existing Use: Processing

Proposed Zoning: M1 Proposed Use: Hemp - growing & Processing

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

• All other hemp related business.  
• ASLO nursery & stacy home construction.

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. I have also attached a completed Permission to Enter form for consent to access the property regarding this action.

Owner: [Signature]

Date: 6-19-2019

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: 7-15-2019