



RESOLUTION 2015-939

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE ("TOWN"), ARIZONA, YAVAPAI COUNTY, ON USE PERMIT 20150033, AN APPLICATION SUBMITTED BY JOE LINK – AGENT FOR OWNER AULTMAN LAND & CATTLE III & IV, LLC OF A PORTION OF PARCEL 403-15-002Y, AND A PORTION OF 403-15-003C. THE USE PERMIT WILL ALLOW AN OPERATION THAT WILL MINE, QUARRY AND EXTRACT NATURAL RESOURCES FROM THE PROPERTY WHICH WILL BE A TOTAL OF 195.33 ACRES. THE PROPERTY IS LOCATED ON STATE ROUTE 260 AT MILEPOST 214.27 ON PARCELS 403-15-002Y & 403-15-003C.

The Common Council and the Town of Camp Verde hereby resolves as follows:

1. The Common Council hereby finds as follows:
 - A. A request for approval of Use Permit 20150033 was filed by Mr. Joe Link - Agent for Altman Land & Cattle III & IV, LLC owner of parcels 403-15-002Y & 403-15-003C ("Property"), located on State Route 260 at milepost 214.27.
 - B. Per Article 9-4-3, Item 1 of the Town of Camp Verde Town Code: **The establishment or expansion of mining or quarrying operations may occur in any zoning district if the Council approves a Conditional Use Permit.**
 - C. The request was reviewed by the Planning and Zoning Commission on April 2, 2015 and by the Common Council on April 22, 2015 in public hearings that were advertised and posted according to state law.
 - D. A neighborhood meeting was held on March 2, 2015 by the Owner as required by the Town of Camp Verde Planning & Zoning Ordinance, Part 6, Section 601 (Zoning Decisions) A.3.a-e. This meeting also met the requirements of Part Eight, Section 806.1.h of the Town of Camp Verde Planning & Zoning Ordinance.
 - E. The purpose of the Use Permit is to allow for commercial or industrial operations involving extraction, removal, processing, quarrying or transportation of natural resources and related products, and the storage, stockpiling, distribution and sale thereof from the site where such resources were derived. Such operations include the extraction, removal and the delivery of the product off-site, of natural resources for monetary gain, regardless of the size of the site or the volume of extraction.
 - F. This Use Permit is not an approval by the Town of any use or activity that is prohibited by any other governmental agency or private covenant.
 - G. 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 Code.

The Common Council of the Town of Camp Verde hereby resolves as follows:

(Conditions of Approval)

1. A bond is to be posted in the amount of reclamation as estimated by an Arizona Registered Civil Engineer and that this bond is to remain in effect until such time that the Town releases the bond. The bond shall remain effective until after the completion of all reclamation required pursuant to the Excavation & Reclamation Plan pursuant to Section 5 of this Use Permit. Also the Town needs to be listed as the single beneficiary of the bond or as determined by the Town Attorney.

2. The Use Permit may not be implemented until all required permits and approvals are obtained from all applicable county, state and federal agencies. A time frame of one year shall be allowed the Applicant to obtain all permits and approvals before implementation. If prior to the anniversary date of the issuance of this Use Permit all such permits and approvals have not been obtained, the Applicant shall resubmit the Use Permit to Council review and approval per Section 9-4-5, Item A (Subsequent Review and Expirations of Permits), which review and approval is subject to the sole discretion of the Town Council.

3. Once all other agency permits have been submitted to the satisfaction of staff, a final Engineer's Cost Estimate of the total restoration of the site per an updated Excavation and Reclamation Plan will be required and reviewed by staff and once an administrative approval has been reached by the Town Engineer, Community Development Director and the Town Attorney a **Notice to Implement the Use Permit** shall be issued to the Applicant and the Applicant can begin mining operations. Per Section 9-4-4, Item B (Implementation of Use Permit) of the Town Code.

4. The term of this Use Permit shall be year to year, with the total number of years capped at ten (10), such that the Use Permit expires on the tenth (10th) anniversary date of the Notice to Implement the Use Permit. On or about each anniversary date of the Notice to Implement the Use Permit the Use Permit shall be reviewed by Council to determine compliance with all federal, state, county, Town and other local laws (collectively, "Laws and Regulations"). If during the twelve month period prior to such review the Applicant's use of the Property pursuant to this Use Permit has violated any Laws and Regulations, the Town Council may revoke the Use Permit as allowed pursuant to Town Code Section 9-4-5.B. This annual review shall occur on each anniversary date of the Notice to Implement the Use Permit until the ninth (9th) anniversary date. On the tenth (10th) anniversary date of the Notice to Implement the Use Permit the Use Permit will expire (the "Use Permit Expiration Date"). If the Applicant wishes to renew the Use Permit and not have any interruption with the mining process, the Applicant must submit an application for a new Use Permit at least 8 months prior to the Use Permit Expiration Date. There is no guaranty that any subsequent Use Permit will be approved by Council and will be decided upon the prior years of operation and adherence to the conditions for the approval of the Use Permit or any new impacts to the surrounding properties.

5. At the time that the Use Permit holder deems that all mining will cease, due to the depletion of aggregate resources, the permit holder will submit to the Town of Camp Verde Community Development Department a notice advising of the projected date of cessation of all mining. Reclamation of the area subject to this Use Permit must be completed within one year from the notice advising the Town of cessation of all mining or the Town will withdraw the provided assurances and complete the reclamation per the currently staff approved "Excavation & Reclamation Plan".

6. For all access points from Highway 260 into the mining area, as defined on the approved Site Plan and the Excavation & Reclamation Plan for the Use Permit, the Use Permit holder shall install a vehicle turn around culdesac having a minimum of a 50 feet radius. The culdesacs shall be situated at the access security gates on the Highway 260 side. These security gates are to have a Knox box for emergency responders and are to be located inside the mining property so that proper grading can be accomplished.

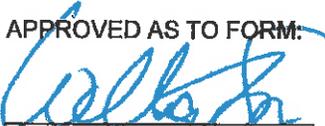
7. Per Section 9-4-4 (General Regulations) Item A.2 (SETBACKS) of the Town Code: "The setback requirements of mining or quarrying operations will be a maximum of 300 feet from the property line. However, Council will regulate the setback requirement on a case-by-case basis as determined by, but not limited to, topography and adjacent land uses." Therefore, the setbacks will stand as shown and approved on the EXCAVATION AND RECLAMATION PLAN as approved with Use Permit 20150033 by a Majority Vote of the Common Council on April 22, 2015. The setbacks for mining areas that may lie within the proposed additional right of way needed by ADOT for the State Route 260 Highway widening project shall be adjusted so that a minimum setback of 20 feet from the additional ADOT right of way is established.

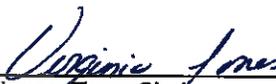
The Common Council of the Town of Camp Verde hereby approves Use Permit 20150033 for the purpose of Mining on Parcel 403-15-002Y and a portion of parcel 403-15-003C in the specified location as shown on the submitted site plan and per the conditions of approval listed above under items 1-7 of this Resolution.

PASSED AND ADOPTED BY MAJORITY VOTE OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON April 22, 2015 WHICH DATE WILL BE KNOWN AS THE USE PERMIT ISSUANCE DATE.


Charles German – Mayor

5-5-2015
Date

APPROVED AS TO FORM:

Bill Sims – Town Attorney

Attest: 
Virginia Jones, Town Clerk