



RESOLUTION NO. 2017-982

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ON USE PERMIT 20170168, AN APPLICATION SUBMITTED BY KEVIN NORTON, OWNER OF SALT MINE WINERY, PARCEL 404-28-032B, LOCATED AT 536 W SALT MINE RD WHICH IS APPROXIMATELY 7.71 ACRES. THE PROPERTY OWNER IS REQUESTING A USE PERMIT TO ALLOW FOR AGRI-TOURISM IN A RESIDENTIAL NEIGHBORHOOD ZONED R-R (RESIDENTIAL-RURAL) FOR THE PURPOSE OF SAMPLING AND SELLING WINE PRODUCED ON THE PROPERTY AND VINEYARD TOURS.

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 20170168 was filed by Kevin Norton, owner of Parcel 404-28-032B, located at 536 W Salt Mine Rd, Camp Verde, Arizona. The parcel is zoned R-R (Residential-Rural) and the proposed uses (Agri-Tourism) are permitted under such zoning with a Use Permit.
 - B. The request was reviewed by the Planning and Zoning Commission on July 6, 2017 and by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on July 26, 2017 in public hearings that were advertised and posted according to State Law.
 - C. A neighborhood meeting was held on May 4, 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) A. – Zoning Ordinance Amendment Applications and Hearings, 3.a-e.
 - 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 in Value Claim 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 20170168 in perpetuity, subject to the limitations of Part Six, Section 601 – Zoning Decisions, C – Use Permit Approvals, Subsection 2, for the purpose of selling and operating a wine tasting room as authorized by Arizona Domestic Farm Winery License #13133013 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:

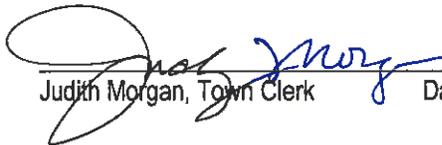
1. This Use Permit shall be in perpetuity, with a review in one year to evaluate potential impacts on the surrounding neighborhood.
2. The use will be conditional based on compliance with the Town of Camp Verde adopted Fire Code.
3. Hours open to the public are limited to Saturdays and Holidays from 10 am to 4 pm.

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 JULY 26, 2017.


Charles C. German, Mayor Date: 7-27-2017

Attest:


Judith Morgan, Town Clerk Date: 8/10/17

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 10th day of August, 2017, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Kevin Norton and Delbert L. Norton, Jr., ("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(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:

#20170168: Use Permit for Agri-Tourism

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

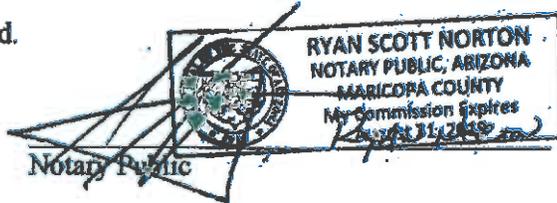
Dated this 13 day of July, 2017

OWNER:
KEVIN NORTON
Print Name
[Signature]
Signature

OWNER:
DELBERT NORTON JR
Print Name
[Signature]
Signature

STATE OF ARIZONA)
) ss.
County of MARICOPA)

On this 13 day of July, 2017, before me, the undersigned Notary Public,
personally appeared KEVIN NORTON, who acknowledged that this document was
executed for the purposes therein contained.



My Commission Expires: Aug 31, 2019