

Support your local merchants.

**AGENDA
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, APRIL 22, 2015 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**
2. **Roll Call**
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) There are no Minutes to Approve
 - b) **Set Next Meeting, Date and Time:**
 - 1) Wednesday, April 29, 2015 at 4:00 p.m. Budget Work Session
 - 2) Friday, May 1, 2015 at 8:00 a.m. Budget Work Session
 - 3) Wednesday, May 6, 2015 at 6:30 p.m. Regular Session
 - 4) Friday, May 8, 2015 at 8:00 a.m. Budget Work Session
 - 5) Wednesday May 13, 2015 at 5:30 p.m. Work Session
 - 6) Wednesday May 20, 2015 at 6:30 p.m. Regular Session
 - 7) Wednesday May 27, 2015 at 6:30 p.m. Council Hears Planning and Zoning-Cancelled
5. **Special Announcements and presentations:**
 - No announcements or presentations
6. **Call to the Public for Items not on the Agenda.**
7. **Public Hearing, discussion and possible approval (or denial) of 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 Altman Land & Cattle III & IV, LLC of a portion of parcel 403-25-002Y, 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 403-15-0027 & 403-15-003C. Staff Resource: Michael Jenkins**
8. **Discussion, consideration, and possible direction to staff relative to proposed legislation by the 52nd State Legislature during its 1st Regular Session that convened on January 12, 2015. Staff Resource: Russ Martin.**
9. **Call to the Public for items not on the agenda.**
10. **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.

11. **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.
12. **Adjournment**

Posted by: 

Date/Time: 4-16-2015- 2:15 P.M

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.



Exhibit A - Agenda Item Submission Form – Section I

Meeting Date: April 22, 2015 Town Council

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Recommendation to Council

Requesting Department: Community Development

Staff Resource/Contact Person: Michael Jenkins, Community Development Director

Agenda Title (be exact):

Public Hearing, Discussion and possible approval (or denial) of Resolutions 2015-939, a Resolution of the Common Council of the Town of Camp Verde, Arizona, Yavapai County, on Use Permit 20150033, an application submitted by Joe Link – agent for owner Altman 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.

List Attached Documents: Application (additional required documents: List of anticipated Permits from all agencies, Engineers Preliminary Opinion of Possible Cost for total site Reclamation), Directions to Property, Letter of Intent, Neighborhood meeting affidavit, Agency Reviews, Site Plan & Excavation & Reclamation Plan, Vicinity Map, Land Use Map, Zoning Map of Adjacent properties, Surrounding Uses Map, USGS Topographic Overlay and Proposed Resolution 2015-939.

Estimated Presentation Time: 15 minutes

Estimated Discussion Time: 45 minutes

Reviews Completed by:

Department Head: Michael Jenkins

Town Attorney Comments:
See Resolution tract changes from Town Attorney as attached to this staff report.

Deputy Public Works Director: Troy Odell

Exhibit B – Agenda Item Submission Form – Section II (Staff Report)

April 22, 2015 Town Council

Agenda Item Submission Form – Section II (Staff Report)

Department: Community Development

Staff Resource/Contact Person: Michael Jenkins, Community Development Director

Contact Information: (928) 554-0051

Background:

Per Article 9-4 of the Town of Camp Verde Town Code, **Mining is allowed as follows:**

Section 9-4-3, 1: The establishment or expansion of mining or quarrying operations may occur in any zoning district if Council approves a Conditional Use Permit. 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 determined by, but not limited to, topography and adjacent land uses.

The attached Excavation and Reclamation Plan shows the proposed mining pit locations. These pits are all closer to the property line than the 300 feet maximum setback. From the attached Surrounding Uses Map, it is clear that there are no current surrounding uses. The property on the West boarder of the proposed mining area is U.S.F.S. The property on the South boarder is additional Aultman Land & Cattle, LLC property. The Northeasterly boundary of the subject property is boarded by Highway 260.

Also attached is a USGS Topographic Overlay of the subject property to get a sense of the surrounding topographic contours on adjacent properties. The contour interval for the topographic map is 40 feet.

Under Section 9-4-4 (General Regulations), item A: Dust Control and Noise are listed **as** regulated items. The applicant has placed a note on the Excavation and Reclamation plan about Dust Control. This note states the following: Dust control will adhere to the Town of Camp Verde Ordinance and the provisions of the ADEQ General Crushing and Screening Permit. Noise will be regulated under the Town of Camp Verde's Noise Ordinance under Section 11-1-5 of the Town Code.

Under Section 9-4-4, item B, (Implementation of Use Permit), it is important to recognize that should the Council approve the Use Permit the applicant must provide the following prior to the issuance of the Use Permit:

1. Written proof and verification of approval of all required permits from county, state or federal agencies.
2. Written verification of compliance with all conditions of approval placed on the permit, as applicable.
3. The applicant shall provide appropriate financial assurance equal to the amount and method approved by

the Town for restoration of the site. The Council will make a determination based on the excavation and reclamation plan using one or more of the following options:

- a. Allowing the applicant to provide property as security.
- b. Allowing a percentage of the monetary gain to be placed in trust as security.
- c. Other approved methods of assurance.

STAFF RECOMMENDATIONS

(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 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 knock box for emergency responders and are to be located inside the mining property so that proper grading can be accomplished,

A download of the Current Town Code can be obtained on the Town's Web Site at campverde.az.gov . Place cursor on Departments and scroll to Town Clerk and Click. Look for important documents and click. Click Town Code and the current version will be loaded to your computer or device.

The following has been completed by the applicant and staff:

- The applicant mailed out letters to the neighboring property owners within 300' of the subject property and invited them to a meeting to express concerns and comments.
- The meeting was held on March 2, 2015 at the Town of Camp Verde Community Development Office located at 473 S. Main, Suite 109 at 6:00. Andy Groseta was the only neighbor in attendance.
- Staff mailed 11 letters to properties within 300' of the subject parcel on March 11, 2015. This letter advised the neighbors of the Planning & Zoning Commission and Town Council meeting times and dates.

Agencies were notified and the responses are as follows:

Town of Camp Verde Building Official-

- No comments

Camp Verde Water System-

- We currently do not serve this parcel. We have a 12' main located on the North-East side of Hwy. 260 and Parallels Hwy. 260 on the North-East side. We could serve this parcel with an advance in aid agreement to extend the water main to this property.

ADOT-

- ADOT is in agreement with allowing two access points on SR 260. The locations will be approximately mile post 214.017 and approximately mile post 214.27. These will be allowed for the proposed mining operation and use. The permittee will be responsible for permitting and constructing any safety mitigation improvements to SR 260 that are determined necessary at these locations prior to the use of the access.

APS-

- Electricity to the site will be supplied by the customer's portable generator. However, I have a concern about the existing overhead lines noted on the exhibit. This line is the ONLY source of power to the community of Cherry. Therefore, this line needs to be protected from any mobile equipment and proper clearances need to be maintained.

Camp Verde Fire District-

- A fire apparatus roadway will be required to be installed within 150 feet of all mining operations and buildings. All portions of the fire apparatus roadway must meet the minimum standards of the International Fire Code. A fire hydrant will be required to be installed. Any gated entrances will be required to be installed in accordance with the International Fire Code. The address is required to be posted so as to be visible from the street having a contrasting background. Fire extinguishers are required to be provided in accordance with the International Fire Code and the National Fire Protection Association Standard 10.

Yavapai County Flood –

- These parcels are not located within the FEMA or District – Designated Flood Plain.

Yavapai County Environmental Services –

- For any buildings to be on-site that will have plumbing fixtures, an approved on-site waste water treatment system will be required. A commercial septic application will need to be submitted to the Yavapai County Environmental Services Division.

Town of Camp Verde Community Development Director and Deputy Public Works Director-

- The Deputy Engineer and the Community Development Director previewed this application prior to being deemed a complete application. All comments were developed at that time and are a part of this staff report.

Planning & Zoning Commission Recommendation:

Public Hearing, Discussion and Possible Recommendation for approval (or denial) to Council on Use Permit 20150033, an application submitted by Joe Link – agent for owner Altman Land & Cattle III & IV, LLC of parcels 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.

On a motion by Blue, seconded by Norton, Commission unanimously recommends approval to Council on Use Permit 20150033, an application submitted by Joe Link – agent for owner Altman Land & Cattle III & IV, LLC of a portion of parcel 403-15-002Y, and a portion of 403-15-003C with clarification regarding the annual review and location to an entrance gate to allow traffic to turn around. 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.

Recommended Motion:

A Motion to approve (or deny) Resolution 2015-939, a Resolution of the Common Council of the Town of Camp Verde, Arizona, Yavapai County, on Use Permit 20150033, an application submitted by Joe Link – agent for owner Altman 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 with the following stipulations:

RECOMMENDED STIPULATIONS

(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 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.



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 ALTMAN 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 403-15-0027 & 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 (the "Applicant") 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 Applicant 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 knock box for emergency responders and are to be located inside the mining property so that proper grading can be accomplished,

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 1-4 of this Resolution.

PASSED AND ADOPTED BY MAJORITY VOTE OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON April 22, 2015.

Charles German – Mayor

Date

APPROVED AS TO FORM:



Bill Sims – Town Attorney

Attest: _____
Virginia Jones, Town Clerk

Town Attorney tract changes to
Resolution 2015-939



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 ALTMAN 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 403-15-0027 & 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 (**the "Applicant"**), 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 **applicantApplicant** 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
1.

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 applicantApplicant to obtain all other agency permits and approvals before implementation. If prior to the anniversary date of the issuance of this or the Use Permit all such permits and approvals have not been obtained, the Applicant shall resubmit the Use Permit to Council review and approval would need to be brought back before the Council for review. Per Section 9-4-5, Item BA (Subsequent Review and Expiration of Permits), which review and approval is subject to the sole discretion of the Town Council. Revocation of Use Permit) of the Town Code.

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 applicantApplicant and the applicantApplicant can begin mining operations. Per Section 9-4-4, Item B (Implementation of Use Permit) of the Town Code.

Commented [WJ51]: What does Council approve? Section 5 below says Council approves.

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 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 annually starting one year, or close to, from the Notice of Implementation and continuing for 9 additional years for a total of 10 years. At the end of the 10-year period, the Use Permit will expire (the "Use Permit Expiration Date"). If the applicantApplicant wishes to renew the Use Permit and not have any interruption with the mining process, the applicantApplicant

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~~she~~ must submit an application for a new Use Permit at least 8 months prior 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. ~~For any areas within the approved mining area requiring reclamation, the~~ 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 approved "Excavation & Reclamation Plan" as approved by the Town Council.

Commented [WJS2]: When does Council approve this?

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 knock box for emergency responders and are to be located inside the mining property so that proper grading can be accomplished,

Commented [WJS3]: Is this word supposed to be "lock"?

2.

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 1-4 of this Resolution.

PASSED AND ADOPTED BY MAJORITY VOTE OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON April 22, 2015.

Charles German – Mayor

Date

APPROVED AS TO FORM:

Attest: _____
Virginia Jones, Town Clerk

Bill Sims – Town Attorney



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 ALTMAN 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 (the "Applicant") 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 Applicant 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,

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 1-4 of this Resolution.

PASSED AND ADOPTED BY MAJORITY VOTE OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON April 22, 2015.

Charles German – Mayor

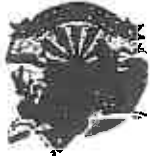
Date

APPROVED AS TO FORM:



Bill Sims – Town Attorney

Attest: _____
Virginia Jones, Town Clerk



Land Use Application Form

Project #: 20150023

1. Application is made for:

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

2. Project Name: Aultman Aggregate Mine

Please print or type legibly

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

Owner Name: <u>Aultman Land & Cattle III, LLC</u> <u>Aultman Land & Cattle IV, LLC</u>	Applicant Name: <u>HIGH VIEW L.L.C.</u>
Address: <u>P.O. Box 1619</u>	Address: <u>262 Donlea Road</u>
City: <u>Cottonwood</u> State: <u>AZ</u> Zip: <u>86326</u>	City: <u>Barrington</u> State: <u>IL</u> Zip: <u>60010</u>
Phone: <u>928-634-4333</u>	Phone: <u>847-682-9426</u>
E-mail: <u>wdartranch@qwestoffice.net</u>	E-Mail: <u>bcroll@prodigy.net</u>

4. Property Description: Parcel Number 403-15-003C & 002Y Acres: 195.3

Address or Location: S.R. 260, Mile Post 214.27, Camp Verde, AZ

Existing Zoning: C3, ROU-2A RR Existing Use: Grazing

Proposed Zoning: _____ Proposed Use: _____

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

To allow operations that will mine, quarry and extract natural resources.

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: [Signature] Date: 2/2/15 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: 1/30/15

ENGINEER'S PRELIMINARY OPINION OF POSSIBLE COST
Aultman Aggregate Mine
Camp Verde, AZ
SHEPHARD-WESNITZER, INC.
1756 East Villa Drive, Suite C-17 Cottonwood, AZ 86326

NO.	ITEM/DESCRIPTION	QUAN.	UNIT	UNIT COST	EXTENDED AMOUNT
1	Site Reclamation (assume entire site)	195	Acre	\$2,500.00	\$487,500.00

- Notes
1. Based on Concept Layout only and subject to change
 2. Unit Cost based on discussions with Cemex and subject to change
 3. Soils Report will be required to determine actual subsurface material characteristics and limits of mining
 4. Drainage Report will be required to determine allowable limits of disturbed areas



Mr. Mike Jenkins
Community Development Director
Town of Camp Verde
473 South Main Street
Suites 108 & 109
Camp Verde, AZ 86322

January 29, 2015

Re: Letter of Intent for the Aultman Aggregate Mine Use Permit

Dear Mr. Jenkins,

The Aultman Land and Cattle #III and #IV LLC owns several hundred acres of undeveloped property on the south side of State Route 260, between Hayfield Draw and Out of Africa. I have an agreement to purchase 195 acres of the property and plan to partner with CEMEX in a mining and reclamation project. A vicinity map is included with the Use Permit application that shows the 195 acre site for the Aultman Aggregate Mine. This letter of intent for the Aultman Aggregate Mine Use Permit will outline and provide information required by the Town's Mining Code. The Use Permit will allow operations that will mine, quarry and extract natural resources from the property.

The proposed site is currently undeveloped, fronts State Route 260 to the east, and is surrounded by undeveloped properties. Prescott National Forest property is on the northern and western side. The Aultman Land and Cattle #III and #IV LLC owns the property to the south. CEMEX plans to have one portable scale house building on the site with a portable bathroom facility for employee use. The CEMEX business office will remain at their existing site and this property will function as a material yard.

Equipment proposed for the site includes a primary and secondary crusher. The primary crusher will be temporary and used in the winter months to stockpile material. A preliminary list of proposed equipment is shown on the Site Plan. All proposed equipment is mobile.

Electricity will be provided by a portable generator. Lighting at night may occur at the site, based on government agency related projects, but lighting will not exceed Town Code maximum requirements of 100,000 lumens per acre.

A well will need to be drilled and permitted for the project. A water truck will be on site during all excavation and crushing processing. Dust will be controlled per the regulations of the Town Code 9-4-4, and in accordance with ADEQ requirements.

The existing commercial businesses across the highway are the closest buildings to the project site. The proposed widening of State Route 260, and subsequent right of way acquisition, will require equipment operations to be at least 500 feet from the existing buildings. Dirt berms using overburden material will be constructed for noise buffering, visibility screening, security and stormwater runoff containment. The height and locations of the dirt berms will vary depending on mining and equipment operations. Noise impacts are not anticipated to be an issue.

All OSHA and MSHA, state mining safety regulations will be required and implemented at the site and are subject to inspections by the respective agencies.

An entry sign and gate will be required at the entrance driveway from S.R. 260. The sign will be permitted separately with the Town at that time.

A biological evaluation and archeological resource survey of the site was performed by Envirosystems Management, Inc. and no concerns were found. I've included a copy of their reports with this application.

The proposed reclamation plan, prepared by Shephard-Wesnitzer Inc, has basic proposed finished grade contours that slope toward the highway. The reclamation plan is separated by a bench in the grading that produces two levels. This concept layout is only one of numerous possible scenarios and is a basis for future post-mining development, grading plans and drainage studies. An estimate of \$500,000.00 is planned for the possible associated restoration costs at this preliminary stage.

Depending on the actual materials obtained in the various pits, phasing of the mining and reclamation operations may occur. If for example, the resources in the northern most pit are exhausted, restoration of that area could occur using overburden and waste material from one of the other pit locations. Regardless of the possibility of phasing the reclamation, a one year time frame is anticipated to assure completion of reclamation for the entire site after mining operations have been completed.

FEMA maps were reviewed for this area and no designated floodplains exist on the site. A drainage report will need to be prepared, submitted and approved by the Town prior to issuance of the use permit. A soils report will also need to be prepared, submitted and approved by the Town prior to issuance of the use permit. The soils report will need to determine safe angles of repose for the cut and fill bank/berm slopes based on the actual subsurface soil characteristics.

I understand that a mining and reclamation project can be very complex and simple at the same time. The number of possible interim conditions from existing to reclaimed can be very numerous, and dependent on many regulations and required permits that still need to be obtained. A list of anticipated required permits for this application is included at this time, and is subject to change. We ask that, if Town Council approves the Use Permit, we are provided up to one year to obtain and submit all permits required for the site to staff, prior to issuance of the Use Permit. I look forward to working with the Town of Camp Verde on this project. Let me know if you have any questions, comments or need additional information.

Sincerely,



Bryan C. Croll

As Manager of High Line LLC
Manager of High View LLC

262 Donlea Road
Barrington, IL 60010

Affidavit

I Andy Groseta owner of parcel 403-15-003C
403-15-002Y have notified my neighbors within 300' of my residence, by sending letters on February 6, 2015 to notify them of the neighborhood meeting that I conducted on the 2nd day of March 20 15.

I posted my property with meeting date and time on the 9th day of March 20 15.

I Andy Groseta owner of parcel 403-15-003C
403-15-002Y have provided a summary of Neighborhood meeting I conducted to the Planning & Zoning Department of Camp Verde within 15 days attesting to the issues and concerns discussed at the Neighborhood Meeting held on the 2nd day of March 20 15.

Summary
Statement:

No neighbors were in attendance. Mike Jenkins and Jenna Owens attended as observers. Mr. Groseta said that he did talk to AGM, Mike Mulcaire, Steve Palmer and Yavapai Fence prior to the meeting, and no one had any concerns or issues. Joe Link discussed the details of the latest Site Plan and Excavation/Reclamation Plan that were on display, which included possible berm locations, slopes to interior pits, the current list of other permits required for the site, and the typical steps for the Town permitting process. The meeting ended at 7pm.

If Summary statement is too long, attach a copy.

State of Arizona }

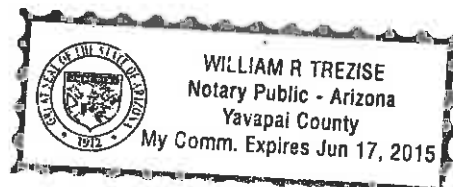
County of Yavapai }

[Signature]
Signature of Document Signer No. 1

Signature of Document Signer No. 2

Subscribed and sworn to (or affirmed) before me this 9th day of March 20 15.

[Signature]
Signature of Notary



AULTMAN AGGREGATE MINE NEIGHBORHOOD MEETING ATTENDEE SIGN-IN SHEET

Meeting Location:
Town of Camp Verde
Community Development Office
473 S. Main Street, Suite 109
Camp Verde, AZ 86322

Meeting Date and Time
March 2, 2015 6:00 pm

Name	Address	Phone
Andy GOSETA	P.O. Box 1619 Cottonwood	928-634-4333
Joe LINK	1756 E. Villa Drive Suite C-17 Cottonwood, AZ 86326	928-639-2712

TOWN OF CAMP VERDE



Memorandum

To: Jenna Owens, Assistant Planner
Cc: Kendall Welch, Permit Technician
Emily Diver, Permit Technician
Kristi Gagnon, Camp Verde Fire Marshal

From: Robert Foreman, Building Official

Date: March 16, 2015

Re: Development Review Altman Land & Cattle Use Permit, Mining, Project #20150033

Building Department has the following comments on the use permit application. These comments are preliminary in nature only, and are subject to change.

- Building Department has no comments at this time.

A handwritten signature in black ink, appearing to read "Robert L. Foreman".

Robert L. Foreman
Building Official
Town of Camp Verde
473 S. Main St. Ste 108
928-567-8514 ext 112
Robert.foreman@campverde.az.gov

**CAMP VERDE WATER SYSTEM, INC.
499 S. SIXTH STREET
P.O. BOX 340
CAMP VERDE AZ 86322
(928) 567-5281**

Date: March 17, 2015

Jenna Owens, Asst. Planner
Town of Camp Verde
473 S Main Street Suite 109
Camp Verde AZ 86322

RE: Zoning Map Change
Name: Altman Land & Cattle
Parcel Number: 403-15-002Y & 403-15-003C

Dear Ms. Owens:

This area is in our Certificate of Convenience and Necessity (CC&N) issued by the Arizona Corporation Commission (ACC). We are regulated by the ACC and are required to follow their Rules and Regulations. We have an exclusive right to serve entities requesting service in our CC&N.

We currently do not serve this parcel. We have a twelve inch main located on the North East side of Highway 260 and parallels 260 on the North East side. We could serve this parcel with an Advance in Aid Agreement to extend a water main into the property.

The property owner can provide water to serve its interest as long as they do not charge for the water provided. To charge for water use is an illegal act. Further, if the developed area has more than 25 people per day being there, the water system is a Community Water System and must comply with all of the chemical analysis for providing water and have a Certified Operator maintain the water system. We comply with these requirements and are willing to provide water service to this area.

We have no objection for the approval of the requested use permit. If you have any questions or need additional information, please call me at the above number.

Sincerely,

Stanley Bullard
President
Camp Verde Water System, Inc.

From: Bruce Cooper <BCooper@azdot.gov>
Sent: Thursday, March 19, 2015 7:27 AM
To: Jenna Owens
Cc: John Fought
Subject: Project Number: 20150033 Aultman Aggregate Mine

Jenna,

ADOT in in agreement with allowing two access points on SR 260 for parcels 403-15-003c and 403-15-002y, the locations will be approximately mile post 214.017 and approximately mile post 214.27 these will be allowed for the proposed mining operation and use. The permittee will be responsible for permitting and constructing any safety mitigation improvements to SR 260 that are determined necessary at these locations prior to the use of the access.

Thanks

Bruce Cooper
Prescott District Traffic Analyst

1109 Commerce Dr
Prescott, AZ 86305
(928) 777-5877
azdot.gov



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Furthermore, to ensure compliance with the Open Meeting Law, Council or Board / Commission / Committee members who are recipients of this message should not forward it to other members of the Council or Board / Commission / Committee of the Town of Camp Verde. Council Members or Board / Commission / Committee members may reply to a staff member regarding this message, but they should not send a copy of a reply to other Council or Board / Commission / Committee members.

Please consider our environment before printing this email. 

From: Robert.Witte@aps.com
Sent: Thursday, March 19, 2015 10:07 AM
To: Jenna Owens
Subject: Planning and Zoning Project #20150033 Aultman Aggregate Mine Use Permit

Jenna,

Electricity to this site will be supplied by a customer's portable generator. Therefore, I have no comments pertaining to providing electric service for this project.

However, I have a concern about the existing overhead line noted on the exhibit. This line is the ONLY source of power to the community of Cherry. Therefore, this line needs to be protected from any mobile equipment and proper clearances need to be maintained.

Thank you,

Robert B. Witte
Customer Project Manager, Sr.
Verde District

--- NOTICE ---

This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

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Please consider our environment before printing this email. 

Camp Verde Fire District

26 B Salt Mine Road
P.O. Box 386
Camp Verde, Arizona 86322

Phone: 928.567.9401
Fax: 928.567.2444
www.campverdefire.org



March 19, 2015

DEVELOPMENT STANDARDS APPLICATION COMMENTS

This review is based on: 2012 International Fire Code and 2012 International Building Code.

PROJECT

**ALTMAN AGGREGATE MINE
3900 W. STATE ROUTE 260
CAMP VERDE, AZ 86322**

CONTACT

**BRYAN CROLL
847-682-9426**

1. The occupancy classification will be an F-2.
2. A fire apparatus access roadway will be required to be installed within 150 feet of all mining operations and buildings.
3. All portions of the fire apparatus access roadway must meet the minimum standards of the IFC:
 - a. Fire apparatus access roads shall not exceed ten percent in grade.
 - b. IFC 503.2.3 - Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.
 - c. IFC 503.2.4 - The required turning radius of a fire apparatus access road shall be determined by the fire code official.
Camp Verde's turning radius is 28 feet inside and 50 feet outside.
 - d. If the fire apparatus access roadway is greater than 150 feet, a turnaround meeting the Fire District development standards shall be made available.
4. A fire hydrant will be required to be installed.
5. Any gated entrances will be required to be installed in accordance with the International Fire Code.
6. The address is required to be posted so as to be visible from the street having a contrasting background.
7. Fire extinguishers are required to be provided in accordance with the International Fire Code and the National Fire Protection Association Standard 10.
8. Further comments will be made during the building permit plan review process.

Failure to identify a code violation during this process of the plan review DOES NOT give the permit applicant the right nor authority to violate the code. The final installation and construction must be in accordance with the International Fire Code.

Please feel free to contact me at (928) 567-9401 ext. 105, should you have any questions.

Sincerely,

Kristi Gagnon
Fire Marshal

Jenna Owens

From: Vickie Lewis <Vickie.Lewis@yavapai.us>
Sent: Wednesday, March 18, 2015 9:59 AM
To: Jenna Owens
Cc: Ron Long; Troy Odell
Subject: 403-15-002Y & 003C Zoning Change

Jenna,

These parcels are not located within a FEMA or District-Designated floodplain. Therefore, Yavapai County Flood Control has not issues with this project. It is recommended that Public Works review the necessary Stormwater Pollution Protection Plan (SWPPP) and NOI for a project this size. As this parcel is located somewhat near Cherry Creek, it is recommended that all washes that drain to Cherry Creek and ultimately the Verde River be maintained and kept free of debris. Due to the nature of the work and proximity to a state highway, a trackout pad is also recommended (however, again this is something that Public Works would be reviewing).

Please let me know if you have any questions. (Side Comment – what a great location for a gravel pit if ADOT were to ever widen highway 260!)

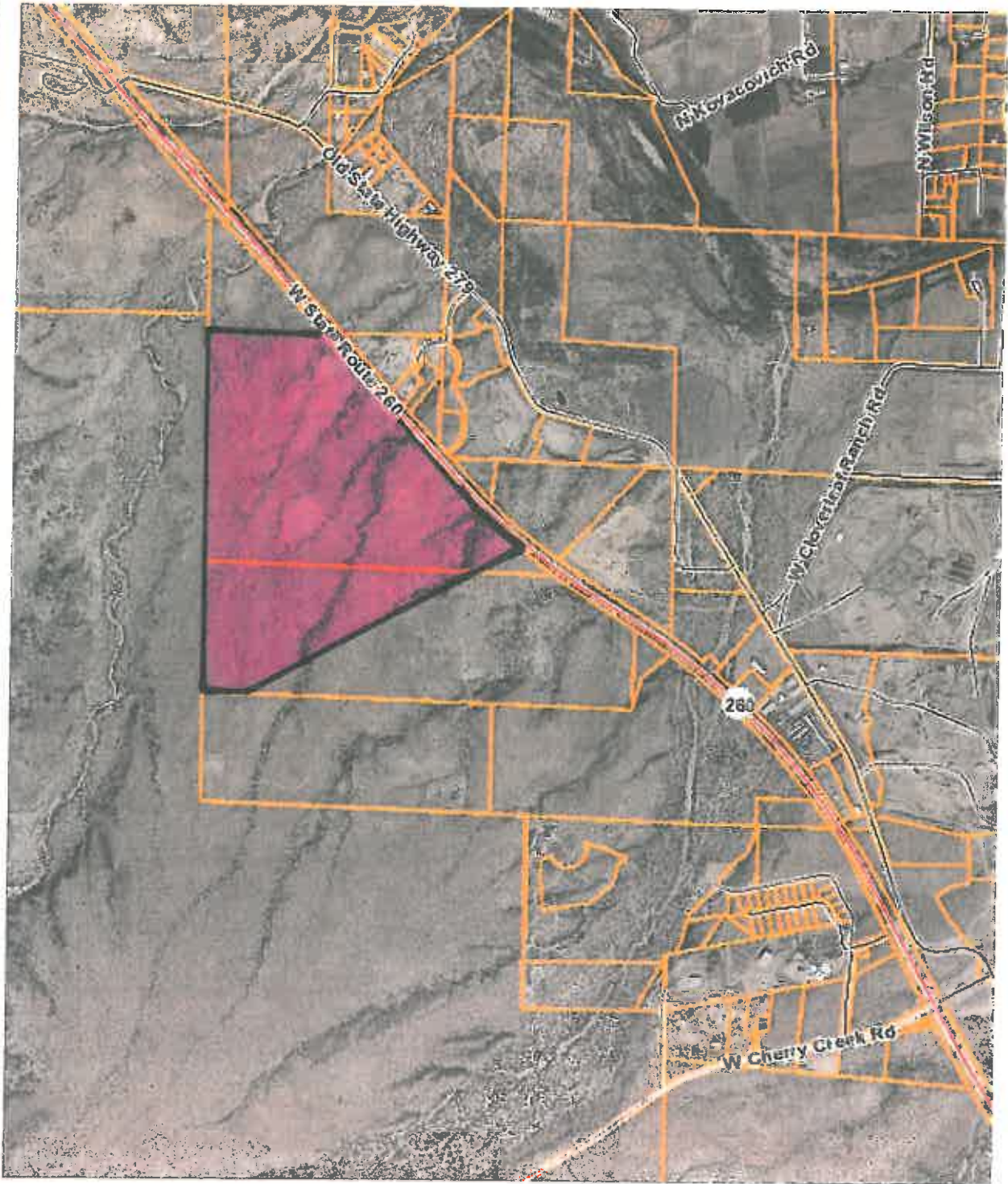
*Vickie Lewis
Hydrologist
Yavapai County Flood Control
(928) 649-6222*

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Please consider our environment before printing this email. 

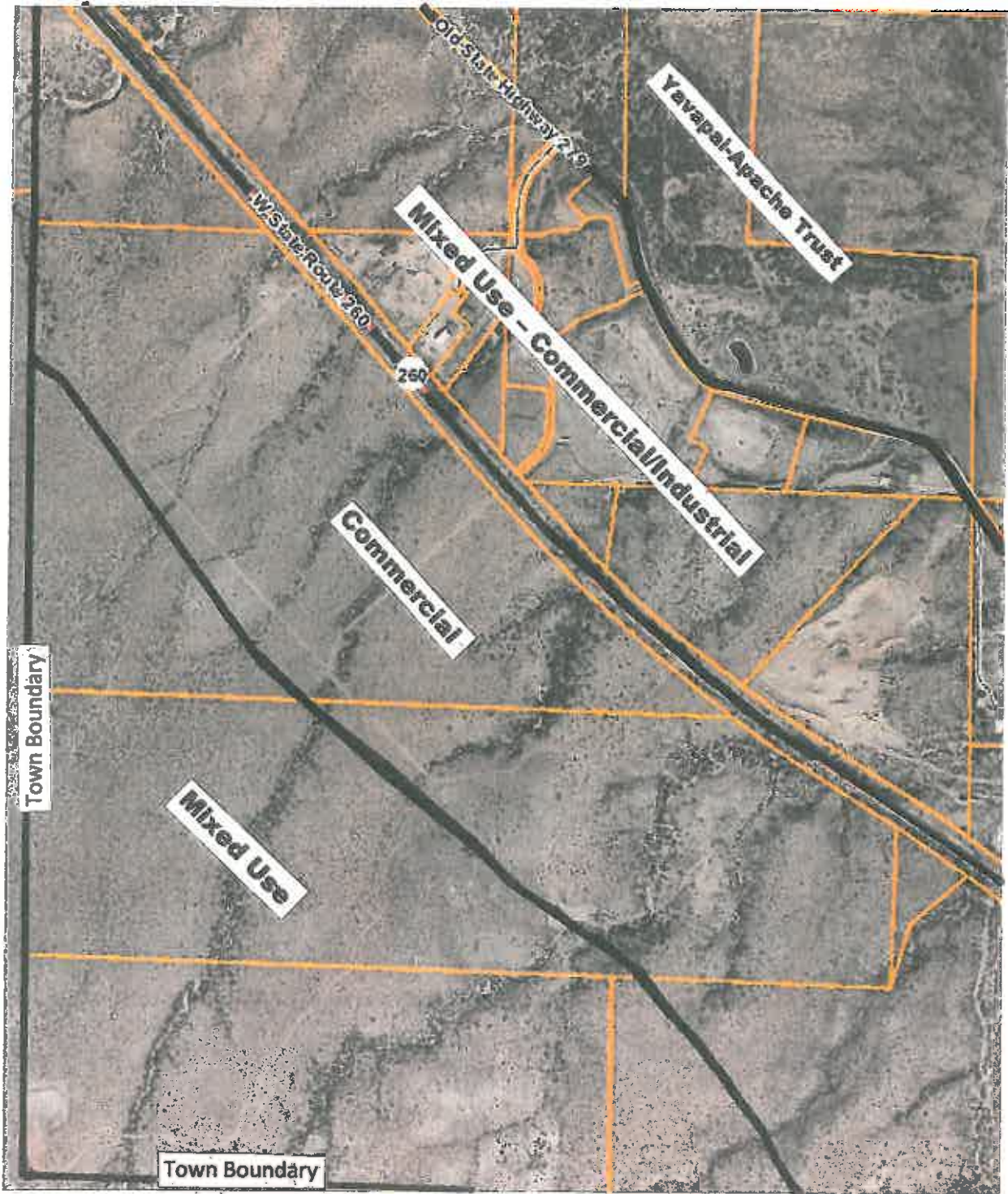
Vincinity Map



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Map printed on 3/19/2015

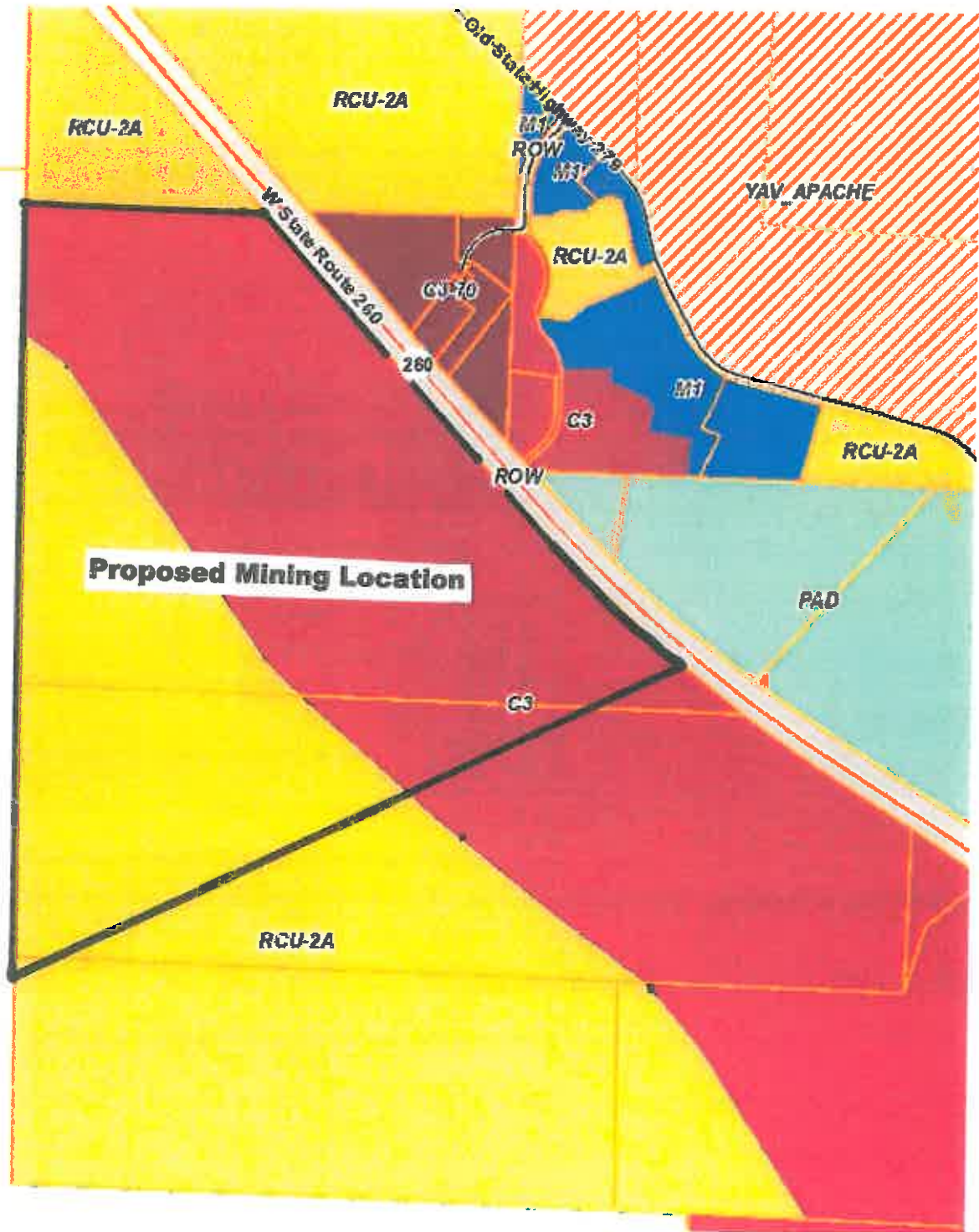
Land Use Map



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Map printed on 3/19/2015

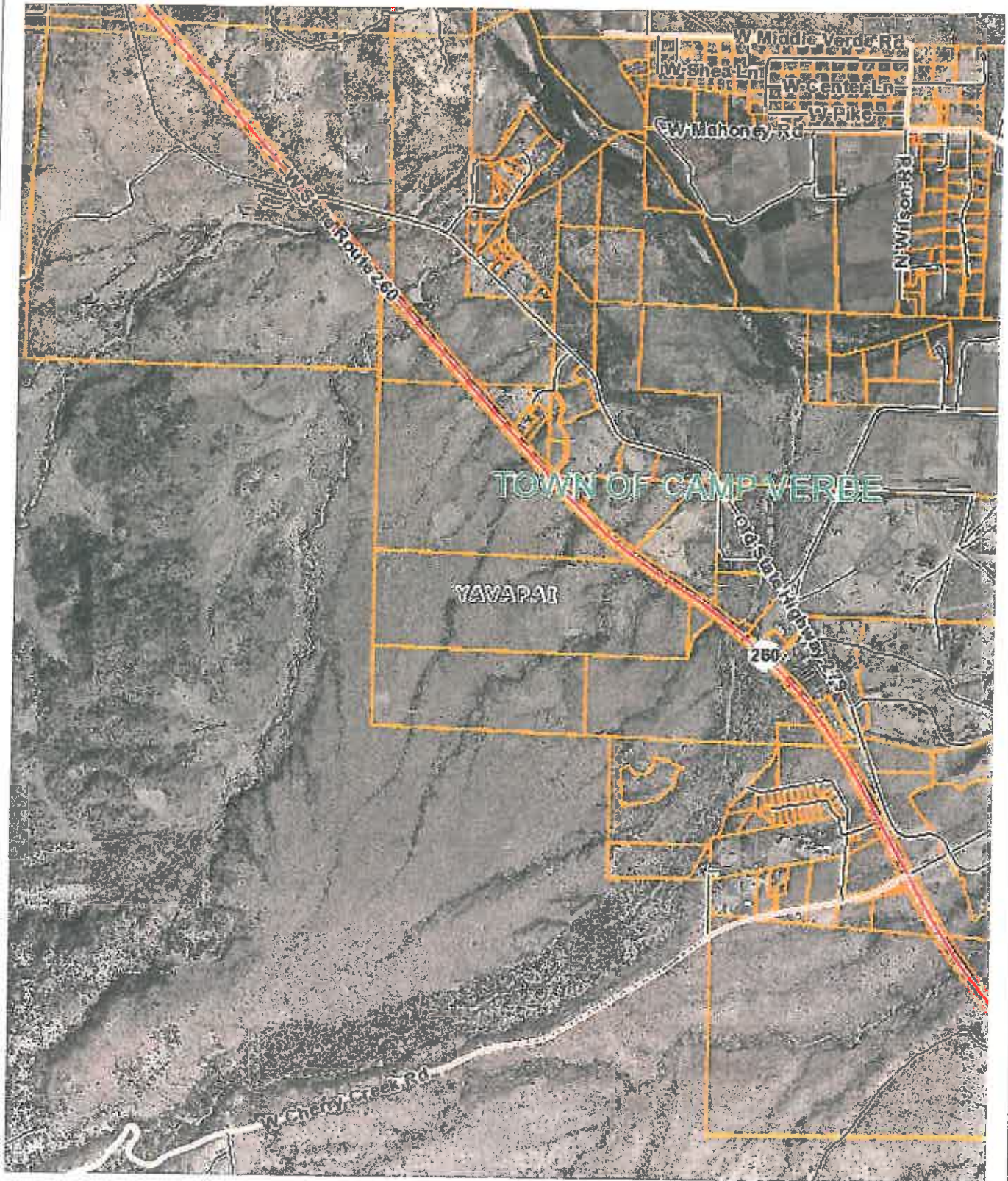
Surrounding Zoning



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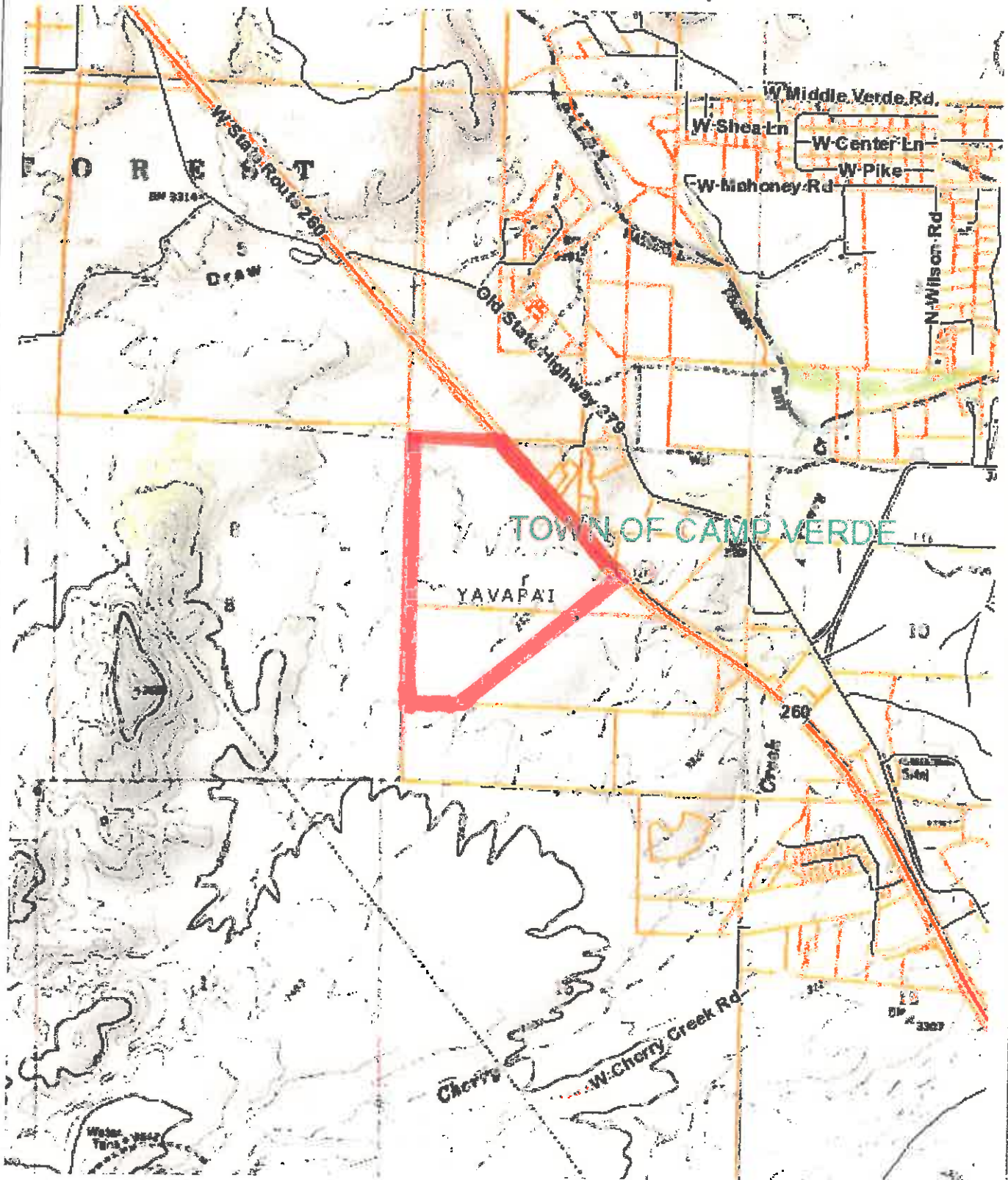
Map printed on 3/16/2015

Surrounding Uses



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USGS Topographic Overlay



CONTOUR INTERVAL = 40'



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Town Code

Article 9-4

Mining

ARTICLE 9-4

MINING (2000-A160) (2001-A180)

9-4-1 General Provisions

9-4-2 Definitions

- 9-4-3 Permitting Requirements and Procedures
- 9-4-4 General Regulations
- 9-4-5 Administration

SECTION 9-4-1 GENERAL PROVISIONS

- A. **Authority.** The authority of the Town to establish the regulations in this Article is granted by ARS 9-462.01 Zoning Regulations, as may be amended, and 9-240 B5(c) General Powers of Common Council, as may be amended.
- B. **Purpose.** It is the intent of the Town to establish regulations on uses that mine, quarry, or extract resources which are taken from the natural environment. These regulations are intended to aid in managing the Town's resources by complimenting the federal, state, county, and local regulations.
- C. **Applicability and Exemptions.** The regulations contained in this Article apply to all business operations that mine, quarry or extract natural resources as defined herein. This Article shall not be construed to prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, grazing or general agricultural purposes. Mining, quarrying or processing of natural resources for personal use, as defined herein, are exempt from the requirements of this Article.

Any existing legal non-conforming operations as of the date of adoption of this Article are considered a "grandfathered" right of continued use unless one or a combination of the following occur:

1. Operations on the site were illegally installed on the property as defined herein as a non-conforming use;
2. The mining, quarrying, or extracting operations are discontinued for a period of six continuous months or more unless the Director grants written permission;
3. The land area used for the mining, stockpiling, and/or processing operations is increased, by purchase or annexation, to encompass more than the original land area used for the mining operation, this Article is not to be construed to require a permit for operations where mining is moving from one location to another within the boundaries of the property lines where an existing non-conforming mining operation is located;
4. The introduction of different processing uses which are related to the mining, quarrying or processing operation such as crushing, batching or other related processing of mined materials; this does not apply to new methods which are similar or the same as existing processing operations or any uses that are listed in the grandfathered use permits; and/or
5. The operation expands to mine or quarry a new resource not previously extracted from the site, this does not include resources which are mined as part of the existing operation but are not necessarily processed or sold. In no case is this exemption to be construed to allow any existing non-conforming use to operate in a fashion so as to cause a public nuisance pursuant to Town Code Section 10.2.1. Declaration of Nuisance and Section 11.1.2 Excavations to be Covered. Where the processing of natural resources is conducted as a sole use, not combined with a mining or quarry operation, such uses are restricted to appropriate zoning districts.

SECTION 9-4-2 DEFINITIONS

In this Article unless the context otherwise requires:

- A. "Agent" means any person, business, corporation or other entity proposing an application on behalf of the property owner. Agent will provide a copy of the agreement that the requested use is permissible from the owner.
- B. "Agricultural purpose" means grazing, growing of crops, or other bona-fide agricultural uses of property as defined by the State of Arizona.
- C. "Applicant" means any real property owner or agent applying for a permit according to this Article.

- D. "Commission" means the Planning and Zoning Commission of the Town of Camp Verde.
- E. "Department" means the Community Development Department of the Town of Camp Verde.
- F. "Director" means the Director of the Community Development Department of the Town of Camp Verde.
- G. "Environmental Impact" means a change, modification or effect that positively or negatively influences the condition, volume, number, nature or quality of air, water, earth, plant and animal life, natural resources, noise, public services, transportation and circulation, land use, aesthetics, cultural, archeological and historical resources, the provision of public utilities, human health, and recreation.
- H. "Established Residential Area," means an area that is zoned for residential use and is subdivided or contains a residential structure. The exterior property line of the subdivided lot or residential site delineates such areas.
- I. "Existing Illegal Non-Conforming Use" means any use that is conducted without the required permits or is not a legal non-conforming use.
- J. "Extract" means removing, cutting, gathering, digging, scraping, pumping, or other similar action resulting in the separation of a natural resource from its original environment as part of a mining, quarrying, or processing operation.
- K. "Legal Non-Conforming Use" means any use that legally exists with all permits required at the time the use was installed.
- L. "Mining or Quarrying Operation" means any 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.
- M. "Natural Resource" means sand and gravel, rock or any mineral, gas or petroleum product, geothermal energy, and earth or clay that is naturally found on a property.
- N. "Permanent Mining Operation" means any mining operation that is conducted on a site for a period of six continuous months or more.
- O. "Permittee" means any person, business, company corporation or entity that is granted approval of a Use Permit according to this Article.
- P. "Personal Use" means on-site excavation and movement, on- or off-site, of natural resources to improve a site for the purposes of agriculture or development. Materials under this definition will be limited to incidental sales as determined by the Director. In no case shall this definition be construed to require a permit under this Article if excavation activities are specifically related to agriculture or development of the property and not for monetary gain from the sale of natural resources.
- Q. "Planning and Zoning Ordinance" means Ordinance 2011-A374, copies of which are on file in the office of the Town Clerk, as adopted and amended from time to time by the Town, that regulates land use and development within the Town.
- R. "Processing," means the act of preparing, mixing, batching, washing, crushing, or otherwise modifying a natural resource for the purpose of creating a saleable commodity or product.
- S. "Temporary Mining Operation" means a short-term use, less than six months in one period, where natural resources are subject to the requirements listed in Section 9-4-4.

SECTION 9-4-3 PERMITTING REQUIREMENTS AND PROCEDURES

A. Permit Required

1. The establishment or expansion of mining or quarrying operations may occur in any zoning district if Council approves a Conditional Use Permit. 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 determined by, but not limited to, topography and adjacent land uses.

2. For uses applicable to this Article, a complete Use Permit Application must be filed with the Community Development Department. All Use Permits shall be processed in accordance with this Article and Section 601.C of the Planning and Zoning Ordinance.
3. For temporary mining or quarrying operations, as defined herein, a Temporary Use Permit shall be reviewed. Permits must comply with criteria in Subsection B of this section and are processed according to Subsection E of this section. The Council reserves the right to apply reasonable and necessary conditions on permanent and temporary mining operations as they deem the best interest of the public.

B. Procedure for Obtaining Permits

1. Any party that wishes to install or expand a mining, quarrying, or processing operation shall complete a Use Permit or Temporary Use Permit application obtained from the Department. This application shall be filed with the appropriate fees, as established by Council resolution.
2. The Director shall place the application on the next available agenda when a complete application is submitted to the Department. The procedures in Subsection E of this section apply to temporary permits. Appropriate projects shall be noticed, posted, and advertised for public hearing according to state law and the requirements of the Planning and Zoning Ordinance.
3. Before filing an application, the applicant will meet with the Director or other duly appointed representative of the Town for discussing the intended use(s). The Department will also prepare a list of requested data based on the discussion of the intended use, any preliminary project data provided by the applicant and federal, state and local requirements. This list will assist the applicant in preparing the required application, but in no means, shall be construed as a complete listing of all requirements from all agencies. It is the applicant's responsibility to acquire all necessary permits and licenses. When the application is completed to the Director's satisfaction, it will be submitted, if required to the Commission for review. A recommendation from the Commission will then be submitted to the Council with a request for Council action. A permit is non-transferable without Council approval. The report may include, but is not limited to the following:
 - a. **Based on Local Requirements**
 - 1) Completed Application - Use Permit/Temporary Use Permit
 - 2) Proposed Location - Impacts to existing residentially developed properties
 - 3) Noise Impacts - Related to noise created by truck traffic, engine warm-up, and operation of mining and processing equipment
 - 4) Dust - Impacts on surrounding land uses
 - 5) Screening - Screening and buffering of operation from properties that are zoned residential
 - 6) Operational Controls - Related to setbacks and environmental impacts
 - 7) Lighting - Planning and Zoning Ordinance
 - 8) Parking - Planning and Zoning Ordinance
 - 9) Post-Mining Plan - A proposed use of the area following the mining project
 - 10) Noise and Vibration Control Plan
 - 11) Other Environmental Impacts - Impacts identified by the applicant or staff
 - 12) Other information as determined by the Director or Council.
 - b. **Based on Federal, State, County Requirements, and Local Input**
 - 1) Transportation - Impacts related to truck traffic routes and associated traffic hazards. **ADOT/Local**
 - 2) Excavation and Reclamation - Quality and effectiveness of site restoration plan and consideration of site reuse and development timing. **FEMA/Local**
 - 3) Hydrology Plan - **Yavapai County/Army Corps of Engineers**
 - 4) Sanitation Permit - **Yavapai County**
 - 5) EPA Permits - **Federal/State**

- 6) DEQ/ADEQ Permits - Federal/State
 - 7) Erosion Plan - FEMA/Army Corps of Engineers/Yavapai County
 - 8) Archeological Permit - State
 - 9) Others, as determined by Federal, State, County or Local requirements.
- C. Application Requirements for Permanent Mining Operations.** An application filing for permanent mining, quarrying, and processing operations, as defined in this Article, shall include the following information:
1. A completed Use Permit Application
 2. A site excavation and reclamation plan containing all required data contained in Subsection D of this Section.
 3. A complete list of all required permits from county, state and federal agencies that regulate the proposed use. This list shall include a description of the required permit, including contact person names, phone numbers and addresses, and an anticipated time frame for obtaining each required permit.
- D. Excavation and Reclamation Plan.** All Use Permit Applications for mining operations shall include an excavation and reclamation plan, as required by Subsection C of this Section. If the proposed operation is located in a floodplain area, a topographic survey shall be provided in accordance with Yavapai County Flood Control District and/or Army Corps of Engineers requirements. The Excavation and Reclamation Plan shall be reviewed in conjunction with the information gathered by staff. For the purposes of ensuring that the site is reclaimed for reuse and mined in an expeditious manner, the applicant shall provide the following:
1. The general location of resources to be mined overlaid on the topographic survey of the site, if provided.
 2. The method of grading and restoring vegetation.
 3. The location and containment methods for stockpiling of mined materials, including dust and erosion control.
 4. A description of the mining method.
 5. An estimate of the costs associated with the restoration of the site.
 6. The Applicant will provide the Department with sufficient copies of all required documentation for preliminary and secondary review.
- E. Permit Requirements for Temporary Mining Operations**
1. Certain temporary mining operations, as defined herein, may not require the same permitting procedures as permanent uses. Only one temporary permit per site may be issued. Successive permits or occasional use of temporary permits are not allowed, and such operations shall be deemed permanent mining operations subject to the permitting requirements provided in this Article.
 2. For temporary mining operations, such as major grading operations where excavated fill is to be sold or other similar types of operations, a permit may be reviewed and approved by the Council without advertising a public hearing when these operations do not exceed a 30-day period. If such operations are to exceed a 30-day time period, but are less than six months in duration, the Commission shall review the Temporary Use Permit and forward a recommendation to Council. Upon filing an application for a temporary mining operation, the operator shall provide the following information:
 - a. The site plan and permit requirements for permanent mining operations stated in Subsection C, paragraphs 2, 3 and 4 of this Section.
 - b. The excavation and restoration information required in Subsection D, paragraphs 2, 3, 4 and 5 of this Section.
 - c. Other information as requested by Council.

SECTION 9-4-4 GENERAL REGULATIONS

The general regulations contained in this Article shall apply to all mining operations and permits.

- A. Site Development and Operational Regulations.** All mining, quarrying and processing operations shall conform to all applicable plans and documentation approved as presented or revised in the Use Permit or Temporary Use Permit application. In addition to the conditions applied on the permit, all operations shall meet the following operational regulations:
1. **Dust Control.** All haul roads, public or private, connecting internal operations and roads connecting to paved public streets or easements shall be kept wetted, treated with a dust palliative or hard-surfaced and maintained so as to control dust while in use. No person shall drive or move any truck or other vehicle within the Town unless the vehicle is so constructed or loaded as to prevent any load contents, including without limitation, litter, dust or other forms of debris from being blown or deposited upon any street, alley or other public place. No person shall drive or move any truck or other vehicle carrying garbage, litter, refuse, rubbish and/or other forms of debris within the Town unless the garbage, litter, refuse, rubbish and/or other forms of debris is completely and securely covered by a tarpaulin, canvas, or other cover.
 2. **Setbacks.** 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.
 3. **Noise.** May be regulated depending upon haul route and the neighborhood.
- B. Implementation of Use Permit.** If the Council approves the Use Permit, the applicant shall provide the following prior to the issuance of the Use Permit:
1. Written proof and verification of approval of all required permits from county, state, or federal agencies.
 2. Written verification of compliance with all conditions of approval placed on the permit, as applicable.
 3. The applicant shall provide appropriate financial assurance equal to the amount and method approved by the Town for restoration of the site. The Council will make a determination based on the excavation and reclamation plan using one or more of the following options:
 - a. Allowing the applicant to provide property as security.
 - b. Allowing a percentage of the monetary gain to be placed in trust as security.
 - c. Other approved methods of assurance.

SECTION 9-4-5 ADMINISTRATION

- A. Subsequent Review and Expiration of Permits.** All Use permits issued pursuant to this Article are subject to periodic review and expiration as determined by Council.
- B. Revocation of Use Permit.** Violation of any applicable federal, state, county, or local regulation is sufficient grounds for Council action that may lead to the revocation of the Use Permit.
- C. Appeals.** If the applicant or affected property owner disagrees with the decision of the Director to issue or deny a temporary permit or the requirements for permit processing related to a permanent or temporary operation, such person may file a written appeal with the Director within ten (10) days of the Director's decision. Such appeal shall be referred to the Board of Adjustment pursuant to Section 602.B of the Planning and Zoning Ordinance. Further appeals are possible through Superior Court.
- D. Permit Status.** Issuance of a permit is not an approval by the Town of any use or activity that is prohibited by any other governmental agency or private covenant.

SECTION 9-4-6 PENALTY (2006-A332)

Pursuant to Article 1-8, any person that fails to comply with any provision of this Article, or uses property in violation of any provision of this Article or permit issued herein, shall be guilty of a Class 2 Misdemeanor for the first offense, and a misdemeanor for a second or subsequent offense as to the same property or activity, with each day that the property or activity is not in compliance constituting a separate offense. "Person" includes the property owner, occupant, agent, or any person having control over the use of the property. Enforcement of this ordinance may also be pursuant to Council action under ARS §9-462.05, as may be amended.