

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, July 9, 2013**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, July 9, 2013, at 6:00 P.M. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 6:12 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig

Councilmember Bill Regner

Vice Mayor Richard Dehnert

Councilmember Curtiss Bohall

Councilmember Rennie Radoccia

Town Staff:

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Community Development/Economic Director Jodie Filardo

Utilities/Public Works Director Wayne Debrosky

Senior Planner Beth Escobar

Deputy Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment.

REPORTS

Current Events – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

Mayor's Report –

- June 12, 2013 – Attended Clarkdale Sustainability Initiative Workgroup meeting;
Participated in conference call regarding Arizona League officers' meeting regarding TPT amendments
- June 13, 2013 – Participated in conference call for special Executive Committee meeting of Arizona League regarding TPT legislation;
Met with Christy Statler, Director of Arizona State Parks Foundation regarding various projects that would highlight the Verde River
- June 17, 2013 – meeting with developers of Crossroads at Mingus subdivision
- June 19, 2013 – met with people from Smart Cities program (developers and builders who would

- like to create a completely sustainable community);
met with Brenda Smith from Prescott regarding Verde River Blue Ways project;
Attended the full WAC meeting in Prescott; .
- June 20, 2013 – Led Verde River Familiarization Float Trip attended by Lattie (former ASU President, now leads the “Arizona We Want” program) and Elva Coor, also Pam (writer for Arizona Highways and Arizona Republic) and Glen Hait. Pam’s editor would like to run the Verde Valley water system story
- June 21, 2013 – Attended Greater Arizona Mayors’ Association Cottonwood – presentations on Cottonwood’s wastewater treatment plant and legislative sessions (Ken Strobeck and Renee Young) on the way the pension operates (ASRS and PSPRS).
Met with Matt Humke from Solimar, International regarding economic development and tourism that would contribute to the health of the Verde River and aquifer
- June 25, 2013 – Attended Arizona Forward Water Committee meeting in Phoenix – working on a paper called “The True Cost of Water”
- June 26, 2013 – Attended Water Resource Management working group
- June 27, 2013 – Met with Steve Estes from Friends of Verde River Greenway and Verde Valley Land Preservation group about “Riverkeepers” – a volunteer organization that goes out and grooms various stretches of the Verde River;
Received letter from Senators McCain and Flake saying to the Mayors and Supervisors in the Verde Valley and the entire watershed that they are looking at the USGS results given in the water balance study done for the Verde River Basin Partnership. They stated they believe that the study is a call to action and the groundwater flow model is a valid study. They state they are standing in support with the community leaders.
- July 2, 2013 – Attended Arizona Forward Water Committee meeting
- July 4, 2013 – Attended Old Fashioned Fourth of July; \$5000 generated from Pancake Breakfast to go to support families of the Granite Mountain Hotshots; Dawn Norman, Clarkdale Fire Department, Clarkdale Police Department, and Vineyard Fellowship did an incredible job of organization.
- July 5, 2013 – Met with Eric Marcus from the Sustainable Economic Development Institute; toured Ray Bluff’s offices as a potential site for sustainability incubator;
Toured Copper Museum which will be open in September;
Reviewed video of Cottonwood’s last two Council meetings regarding local WAC group
- July 6, 2013 – Met with Pam Hait regarding article on our water situation
- July 9, 2013 – Attended Granite Mountain Hotshots Memorial Service in Prescott

Vice-Mayor’s Report –

- June 19, 2013 – Met at Copper Museum for the owners of the historic buildings in the Clarkdale historic district and toured the museum
- June 27, 2013 – Attended NACOG Regional Council meeting in Flagstaff (see Organizational Reports)
- July 4, 2013 – Attended Old Fashioned Fourth of July. Congratulations to Clarkdale’s Parks and Recreation staff and Dawn Norman in particular

Councilmember Bohall's Report –

July 4, 2013 – Attended Old Fashioned Fourth of July

Councilmember Regner's Report –

June 19, 2013 – Attended the Historic Building committee meeting at the Copper Museum;
participated in WAC meeting phone conference

July 4, 2013 – Attended Old Fashioned Fourth of July celebration – kudos to Dawn Norman and
Parks and Recreation staff

Councilmember Radoccia's Report –

No report

Town Manager's Report –

- Upcoming Concerts in the Park: July 13th is Junction 87 and July 27th – Cadillac Angels
- Upcoming Water Resource Management meetings
- Special Council meeting August 6 from 3 – 6 p.m. Worksession solely focused on water resource management program. We will be hearing from Laurel Lacher, hydrologist
- August 7 – public meeting going over similar information as previous night's Council meeting
- Attended Memorial program for the Granite Mountain Hotshots today. It was a powerful experience. Of the approximately 6000 people in attendance in the arena, approximately 1000 were family members of the fallen firefighters and about 80% of the remaining in attendance were firefighters from around the world. Granite Mountain Hotshots were a division of the City of Prescott Fire Department. They are the only hotshot crew in the country associated with a city fire department and they lost a fifth of their fire department staff. Fire departments from other states came to cover the local fire department so the local crews could attend.
- Locally, Fire Chief Moore in January was appointed as member of Arizona Last Alarm Team, a team of fire professionals that assists communities who have lost department members. In that role he is assisting with 16 of the 19 funerals in Prescott. The remaining three members of the Hotshots will have out of state services.
- Proceeds from our Police and Fire Department Fourth of July Pancake Breakfast are going entirely to the families of the Hotshot crew - \$5051 and more coming in.

Organizational Reports – Reports regarding regional organizations.

CAT/ VVTPO – Cottonwood Area Transit and the Verde Valley Transportation Planning Organization & other transportation affiliations. – No report.

NACOG - Northern Arizona Council of Governments – Vice Mayor Dehnert

- Final approval for FY 2013 budget was given.

- Also approved was the FY 2014 proposed budget. There is a net reduction in this budget of \$2.6 million (10%) from FY 2013.
- Chris Fetzer received positive performance evaluation
- Head Start Program has had to make cuts due to sequestration: the 12-month Early Head Start program had to cut a classroom in St. Johns; NACOG Head Start will have to cut 5 classrooms and two home based programs in August; NACOG Head Start has dismantled its two remaining transportation units; the number of contact days will be reduced from 140 to 135; full day programs will be reduced to half days.
- Teri Drew of the Economic Development Council gave report and stated that Kevin Burke, Vice Chair, will replace Kelly Udall who resigned as Chairperson. Jodie Filardo will serve as Chair at Large representing Yavapai County.
- Transportation Policy Advisory Committee reported that the Legislature continues to divert HURF funds for non-transportation uses in the amount of \$127 million.
- Mary Beals Luedtka from the Area Agency on Aging (AAA) reported NACOG was given reduced allocation figures in June and the AAA has received an additional \$382,000 in cuts. She reported that home care would be cut by \$144,000. Due to the cuts there will be 24,900 fewer meals, 5,000 fewer home-bound meals; 7,300 fewer hours of attendant care.

NAMWUA - Northern Arizona Municipal Water Users Association – no report.

VRBP – Verde River Basin Partnership – no report.

VVLP – Verde Valley Land Preservation – no report.

WAC - Yavapai County Water Advisory Committee – Mayor Von Gausig

Budgetary type of meeting. Prescott/Prescott Valley dues reduction by half and Yavapai County also having a 50% dues reduction was discussed. WAC would lose its contingency funds by about 2015 if dues were not increased to regular level. WAC is paying USGS and the Department of Water Resources to monitor several wells in Yavapai County and they are crucial wells that help us determine how water flows under the ground. Decisions about water are provided by these monitors. This funding alone would exhaust WAC's budget by 2015. Cottonwood has also reduced its WAC dues by 50% and has opted out of being a member of the Verde Valley side of WAC.

VVREO – Verde Valley Regional Economic Organization. No report

YCL – A report from the Yavapai College Liaison. No report, but reminder that Friday, October 18th is Art Wine and Dine event.

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may

be removed for discussion at the request of any Council Member.

- B. Claims** - List of specific expenditures made by the Town during the previous month. June, 2013 check log and PPE dated 6/1/2013, 6/15/2013 and 6/29/2013.
- C. Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month’s Board and Commission Meetings.
Board of Adjustments Notice of Cancellation of meeting June 26, 2013
Planning Commission minutes of the meeting held June 18, 2013
Library Advisory Board minutes of the meeting held June 18, 2013 and Notice of Cancellation of meeting June 6, 2013
- D. Proclamation Proclaiming the Month of August 2013 as Drowning Impact Awareness Month**– Approval of a Proclamation declaring the month of August 2013 as Drowning Impact Awareness Month.
- F. A Resolution of the Mayor and Council of the Town of Clarkdale, Arizona declaring as a public record that certain document filed with the Town Clerk and entitled “An Ordinance of the Mayor and Council of the Town of Clarkdale, Yavapai County, Arizona, amending Chapter 11, Section 11-13-2: Approval Standards and Criteria for Site Plan Review - Traffic Access and Parking, clarifying language regarding street design and acquisition of the Zoning Code of the Town of Clarkdale; repealing conflicting ordinances and providing for severability.”** – Approval of Resolution #1432 adopting a public record regarding Standards and Criteria for Site Plan Review - Traffic Access and Parking of the Zoning Code of the Town of Clarkdale.
- G. An Ordinance of the Mayor and Council of the Town of Clarkdale, Yavapai County, Arizona, Amending Chapter 11, Section 11-13-2: Approval Standards and Criteria for Site Plan Review - Traffic Access and Parking, Clarifying Language Regarding Street Design and Acquisition of the Zoning Code of the Town of Clarkdale; Repealing Conflicting Ordinances and Providing For Severability.”** - Approval of Ordinance #351, amending the Town of Clarkdale Zoning Code to revise Chapter Eleven Section 13: Approval Standards and Criteria for Site Plan Review, Traffic Access and Parking of the Zoning Code of the Town of Clarkdale.

Vice Mayor Dehnert pulled Item E from the Consent Agenda and Councilmember Radoccia pulled Item A.

Councilmember Regner moved to accept Consent Agenda items B, C, D, F and G as presented. Councilmember Bohall seconded the motion. The motion was approved unanimously.

- A. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held June 11, 2013 and Special Meeting June 25, 2013.

Councilmember Radoccia had a question on the minutes from June 11, 2013 under the Planning Commission that what was before the council was the “health concerns” of the cell towers rather than the “safety concerns”. Senior Planner Escobar agreed to review her notes on the meeting and make any

changes as appropriate.

Councilmember Regner noted that the reference to the Zaki Gordon Film Institute is now the Sedona Film Institute.

Councilmember Radoccia moved to approve Consent Agenda item A. Councilmember Regner seconded the motion and the motion was passed unanimously.

- E. Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona amending Resolution #1427, setting fees for the Town of Clarkdale by adjusting Community Development Fees – Approval of Resolution #1428, setting Community Development Permit Fees.**

The Community Development Department is requesting the following changes to the fee schedule:

Banner Sign Permit

On January 22, 2013, Town Council adopted an entirely new Sign Code, replacing Chapter 7 of the Zoning Code. The new ordinance includes a requirement for a banner permit. Requiring a permit will provide a method for staff to track the placement of banners, which are limited by Section 7-8.0.3 to a 30-day maximum display period. Previously, without the requirement of a permit, staff has had difficulty determining the length of time banners have been displayed.

In general, businesses use banners for a one-time event, such as a grand opening. Some businesses will use banners to advertise live music or specials. Staff is recommending a minimal fee of \$10 per banner permit, or a \$50 flat fee for a maximum of 10 banners per year. This low fee is designed to encourage businesses to obtain a permit, and the annual fee is designed to not penalize those businesses who use banners for events throughout the year.

Special Event Permit

On February 12, 2013, Town Council adopted a Special Events Ordinance, Article 8-5 of the Town Code. Since the adoption of the new code, Community Development staff processed one special event permit for a motorcycle run staged at the 10/12 Lounge. For this special event, staff was able to review the proposed staging of the motorcycle run with the Chief of Police, Public Works Department and Fire District. The police department provided traffic control for this event.

Staff is recommending a fee of \$50.00 for Special Events. The fee is minimal; however the goal is to encourage participants to apply for the permit so health and safety issues can be addressed through the review process.

Sidewalk Café Permit

On February 14, 2012, Town Council adopted the Sidewalk Café Ordinance, allowing outdoor dining areas. Shortly after the adoption of the new ordinance, a fee of \$1.00 per square foot for a sidewalk café was adopted. This fee would be based on the exterior perimeter of the café. For example, a 5 foot by 10 foot area would be assessed a fee of \$50. This is an annual fee.

In addition, all sidewalk cafes are required to receive Design Review approval. The fee for a commercial design review application is \$90.00.

To date, no applications have been submitted for a Sidewalk Café.

In order to encourage applications and streamline the permitting process, staff is recommending the square footage fee of \$1.00 be converted to a base fee of ten dollars. The maximum cost to a business owner for the first application would be \$100 (\$90 for the DRB application and \$10 for the permit), with a ten dollar annual renewal fee.

The Notice of Intent to Impose or Increase Fees or Taxes was posted on Clarkdale's website on April 30, 2013 which gives the required 60 day notice.

Vice Mayor Dehnert questioned the staff recommendation of the fee of \$50 for special events and noted he objected as it could be a barrier to a beneficial event.

Senior Planner Escobar presented information on this item, stating that the fee is the average fee for surrounding Yavapai County communities and does not cover staff costs.

Mayor Von Gausig noted that Council can always waive the fee on a case by case basis.

Councilmember Regner asked about the Sidewalk Café permit fee and asked what staff's interpretation was of no one coming forward to request this type of permit. Senior Planner Escobar noted that at this time the business owners currently didn't have the money for expanding the businesses outside, acquiring a liquor license and paying other required costs.

Vice Mayor Dehnert proposed an amendment to the resolution eliminating the \$50 special event permit fee for recognized non-profit organizations.

After discussion, Councilmember Regner called a point of order, noting there was a motion on the floor. There was no second to the motion proposed by Vice Mayor Dehnert.

Councilmember Radoccia moved for the approval of Resolution #1428, a Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona amending Resolution #1427, setting fees Community Development Permit Fees. Councilmember Regner seconded the motion. The motion passed with Vice Mayor Dehnert opposing.

OLD BUSINESS

AGRICULTURAL USES ORDINANCE WITHDRAWAL - Discussion regarding withdrawing the proposed Agricultural Uses Ordinance.

At the June 11, 2013 meeting, the Council continued discussion regarding the proposed Agricultural Uses Ordinance. At the meeting, a variety of issues were addressed. It is clear to staff that there is no consensus amongst the Council regarding this Ordinance, specifically regarding the issues of regulation of agricultural uses in residential areas and the use of water.

Staff is therefore withdrawing this draft ordinance from Council consideration and plans to bring back an amended ordinance in the future. As Council discussed, staff plans to revisit the draft ordinance once the Water Resource Management Program is completed and Council has adopted a policy for water use in the Town.

Community Development/Economic Director Filardo presented a synopsis of this agenda item.

Councilmember Radoccia noted that it was important to ensure that this agenda item not be abandoned by Council and Councilmember Regner concurred.

No Council action is required at this time.

INVESTMENT POLICY - Discussion and consideration regarding creation of an Investment Policy for the Financial Operations Guide of the Town of Clarkdale.

Arizona Revised Statutes §35-323 authorizes the Town to invest public monies in the State Treasurer's investment pool; U.S. Treasury obligations; specified state and local government bonds; and interest-earning investments such as savings accounts, certificates of deposit, and repurchase agreements in eligible depositories. The statutes require collateral for demand deposits certificates of deposit and repurchase agreements at 101% of all deposits not covered by federal depository insurance.

The purpose of this policy is to establish policies and procedures for the investment of Town of Clarkdale funds, and establish guidelines for the priorities and outcomes of those investments. The policy enables the Town to consolidate cash and reserve balances from all funds in order to maximize investment earnings and to increase efficiencies with regard to investment management pricing, safekeeping costs and administration costs, except for cash in certain restricted and/or special funds, which are exempted from this policy. Investment income is allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

At their June 25, 2013 meeting, the Council agreed that Section E – Investment Management Authority, should be changed to include that delegation of the management of the investment program of the Town to an external manager be granted to the Finance Director upon approval of the Council.

The Council also wanted additional language to be included in the policy that restricted investing funds that may be determined eligible for investments outside of the secured LGIP and/or savings accounts with any funds other than contingency funds. That change was included in Section C.5 – Scope, with two options that each restrict investments of any funds that are eligible for investment beyond the

secured LGIP and/or bank savings accounts with collateral agreements to come from undedicated or non-restricted contingency funds. Option number 1 has the additional restriction of being authorized by Council.

Option 1: 5. Any funds that are eligible for investment beyond the secured LGIP and/or bank savings accounts with collateral agreements shall come from undedicated or non-restricted contingency funds as authorized by council.

Option 2: 5. Any funds that are eligible for investment beyond the secured LGIP and/or bank savings accounts with collateral agreements shall come from undedicated or non-restricted contingency funds.

Finance Director Bainbridge presented the revised policy with the changes recommended by council at the previous special meeting on June 25, 2013. Bainbridge stated that the first option regarding the additional restriction was her preference as it provided better checks and balances to the policy.

Mayor Von Gausig stated due to the risk and volatility of the market that having five persons helping to make investment decisions was more beneficial for the Town.

Bainbridge explained that dedicated funds such as enterprise funds have distinct uses. Enterprise funds are user fees that are dedicated to a particular fund, i.e., water, sewer, cemetery, streets. General funds encompass grants, donations, developer agreements, and other funds for the purpose of that funding or agreement. Funds coming from a developer for the wastewater treatment plant or streets, for example, are restricted funds to be used only for those purposes.

Councilmember Regner moved for the approval of the Investment Policy as Section Ten of the Financial Operations Guide including Option 1 under item C - Scope item 5. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

NEW BUSINESS

WORKSESSION ON ZONE CHANGE FOR VERDE VALLEY RANCH: Discussion regarding a zone change request for an approximately 11.25-acre portion of Verde Valley Ranch, Assessor's Parcel Number 400-07-001B, to change the zoning from PAD (Planned Area Development) to C (Commercial).

Freeport McMoRan Inc. is requesting zone change approval of an approximately 11.25 acre parcel of the Verde Valley Ranch (VVR) project. Along with the zone change, Freeport McMoRan has submitted a minor land division application to remove the rezoned portion of the VVR project in order to transfer ownership of the property to Verde Exploration.

Project History:

Verde Valley Ranch is a mixed-use master-planned community development approved by Clarkdale Town Council in 1991. The project originally involved approximately 978 acres owned by Phelps Dodge Corporation and included property adjacent to the northeast corner of the Town of Clarkdale boundaries. The original development included 1210 residential units, 15 commercial acres and 210 acres of open space. In 1991, approximately 300 acres owned by Phelps Dodge were annexed by the

Town, per the Development Agreement signed between the Town and Phelps Dodge. Subsequent proposed annexations involving parcels north of the current Town boundary have never occurred.

The zone change approval for the original PAD was determined to be vested upon recording of the first Development Agreement on January 24, 1991. The original Development Agreement did not include any obligation for the developer to begin the project by a specific time period.

The approved Planned Area Development (PAD) has gone through two revisions, once in 1998 and once in 2004. These revisions were handled through amendments to the Development Agreement.

In 1996, an approximately 17.79 acre portion of the original Master Plan was given to the Archaeological Conservancy and is now APN 400-02-003E. This portion of the Verde Valley Ranch was designated 'OS' (Open Space) prior to the transfer of ownership.

A revised 2004 agreement, the 'Restated Development Agreement' supersedes the original agreement in its entirety. No deadlines for beginning the project were included in this agreement; therefore the zoning continues to be fully vested. The 2004 agreement amended the approved Master Plan by reducing the number of residential units to 900.

In 2004, Phelps Dodge transferred a portion of the property within the Verde Valley Ranch to Arizona State Parks through a recorded lot line adjustment approved by the Town. This parcel, Assessor's Parcel Number 400-07-001A, is approximately 10 acres. In the Master Plan it is designated as 'GG' (Retail) and 'FF' (Open Space). This parcel is the location of the Tuzigoot River Access Point, a project partially funded through a Heritage Grant.

The net impact to the Verde Valley Master Plan of the previous parcel transfers includes an overall reduction of size by 27.8 acres. An amendment to the Planned Area Development that reflects these changes has not been processed.

In March 2007, Phelps Dodge was acquired by Freeport McMoRan Inc., an international mining company with headquarters in Phoenix, Arizona. As a result of this acquisition, Freeport McMoRan became the owner of the Verde Valley Ranch property.

In 2010, a 'First Amendment to Restated Development Agreement' was recorded. This document removed approximately five acres of property from the master plan. This is the property where the Clark Mansion was located. Freeport McMoRan had planned to swap this parcel with Verde Exploration, in exchange for another property in Jerome the two companies had previously exchanged. Verde Exploration was interested in promoting the development of a commercial use within the Clark House. With the destruction of the Clark House in a fire, the proposed land exchange dissolved and the property was never split off into a separate parcel. The Minor Land Division to carve out this 5-acre process was never recorded. Staff will be bringing forward a request to Town Council to vacate this previously approved rezoning.

Land Use:

Verde Valley Ranch is proposed to include 900 single-family homes, at a density of 2.5 dwelling units per acre. The 2012 Clarkdale General Plan classifies 5 or less units an acre as 'Low Residential'.

In addition to the residential use, the project includes the preservation of Pecks Lake, a golf course, a public recreational facility, and a hotel. The project is designed to include private roads and a water and wastewater system. All of these uses are vested as part of the original development agreement.

Access to Verde Valley Ranch is from Sycamore Canyon Road, a 60-foot wide easement maintained by the Town per an agreement recorded in 1998.

Current Application:

Land Division:

Freeport McMoRan has applied for a Minor Land Division to divide approximately 11.25 acres from APN 400-07-001B, a portion of the Verde Valley Ranch project, creating a separate parcel. Per Section 12-6-1 of the Subdivision Regulations, a Minor Land Division provides for the division of land into no more than three parcels. This would be the second division of this particular parcel. The transfer of one portion of this parcel occurred when ownership of parcel GG/FF was transferred to Arizona State Parks in 2004. The current request therefore qualifies as a Minor Land Division.

Minor Land Division applications are approved by the Director of Community Development. Staff has reviewed this application and determined it complies with the zoning requirements for a Commercial District and qualifies for approval.

Rezone Request:

Freeport McMoRan is requesting to rezone the new, approximately 11.25 acre parcel created by the Minor Land Division, from the current zoning, Planned Area Development, to Commercial. The proposal is to transfer this property to Verde Exploration as part of the previously structured land exchange. At this time there are no immediate plans to develop the property.

The original approved Land Use Summary for Verde Valley Ranch indicates the property proposed to be split off from the project is approved for a commercial land use and a residential land use. Removal of the subject property, and approval of rezoning of the approximately 11.25 acres to commercial, will reduce the total commercial acreage in Verde Valley Ranch by 4.5 acres and the residential acreage by 7 acres.

An existing 20-foot wide permanent sewer easement and a 70-foot wide temporary construction easement traverse the proposed parcel from west to east. This easement has been recorded in anticipation of future development of the Verde Valley Ranch property.

Staff has requested the land survey for the lot split include a non-vehicular access easement (NVAE) along the south boundary adjacent to Tuzigoot Road. This would prohibit any driveway access from Tuzigoot Road and require the access into any future commercial development be from Sycamore Canyon Road. This avoids any turning conflicts with traffic along Tuzigoot Road, especially the proposed entrances for the Tuzi RAP project. The NVAE becomes part of the public record tied to this property upon recording of the survey provided for the Minor Land Division.

Future development along Sycamore Canyon Road in this area would have to coordinate with the proposed access to the subject property.

Commercial Zoning:

The regulations for Commercial Zoning are included with this report. A variety of uses are allowed in a Commercial Zoning District. There is no lot coverage maximum in the Commercial Zoning District, and setbacks of 30 foot in the front, 20 foot in the rear, and zero side setbacks.

General Plan

This property is designated as PAD, Planned Area Development, in the 2012 Clarkdale General Plan. Per Section 6-2-A-1 of the Zoning Code, a PAD is intended to:

‘Provide for various types and combinations of land uses (such as commercial centers, single and multi-family housing, industrial complexes, and public spaces) through the adoption of preliminary and final development plans’

Amending the zoning for this property from PAD to Commercial conforms to the General Plan since this is a type of land use included in Planned Area Developments. The threshold for a General Plan Amendment is not triggered by this application.

Community Benefits

Freeport McMoRan has agreed to include a 24-foot wide pedestrian/vehicle ingress/egress access across the property. Currently, this access is proposed to follow the existing dirt pathway across the property; however, the easement dedication is designed to be flexible to allow the location of the easement to be adjusted, if necessary, when the property develops. This easement would provide access for pedestrians and vehicles from Sycamore Canyon Road to the adjacent property owned by the Town abutting the Verde River. With the 60-foot width of Sycamore Canyon Road there is room for parallel parking in front of the property.

The location of the subject property proposed to be rezoned could accommodate a well-designed commercial project. Tuzigoot Road is well traveled with vehicles going to the National Monument.

A Design Review and Site Plan Review application would be required for any commercial development on this property. A traffic study would be a required component of this review.

In addition, the Town has negotiated a lease agreement with Freeport McMoRan for an approximately 90 acre parcel 4 miles upstream from the Tuzi RAP site. The Town plans to develop a river access point at this property.

Water and Wastewater Connections

Currently, this property is not served by the Clarkdale Water or Wastewater Utility.

Staff is recommending a stipulation be included in the zone change approval requiring the developer of the subject property to connect to the Town’s water and wastewater system and participate in the funding of the construction required to complete this connection.

Surrounding Land Uses

The approximately 900-acre Verde Valley Ranch development is bordered on the west and south by the Verde River. The eastern boundary of the project is the dividing line between Clarkdale and unincorporated areas of Yavapai County. North of the project, and outside of Town boundaries, is

approximately 360 acres of undeveloped land also owned by Freeport McMoRan. There are no active land uses in this area.

Tuzigoot National Monument is just past the eastern boundary of the project.

The Town is developing the Tuzigoot River Access Point on the property previously transferred to Arizona State Parks and directly across from the subject property of this application.

Amendment to the Planned Area Development

The minor land division and zone change request has been determined by the Community Development Director to qualify as a Major Amendment to the Planned Area Development approval, per Section 6-2.B.6.a.2.II of the Zoning Code. The applicant shall be required to submit an amended Land Use Plan to be approved by the Planning Commission and Town Council. This amended Land Use Plan must show the new boundaries of the project, including the removal of the properties transferred to Arizona State Parks, and a new Land Use Summary table.

Staff has developed a digital record of the existing Master Plan. Previously there were no electronic records of this project. If the zone change is approved, this record can be easily modified to reflect the changes to the Master Plan.

Summary

The proposed Minor Land Division would result in a reduction of approximately 11.25 acres from the Verde Valley Ranch Land Use Plan. The requested rezone would result in an increase of approximately 11.25 acres of commercial zoning within the Town, an increase of two percent of all of the commercial property within the Town.

The subject property, located at the intersection of two improved streets, is appropriate for a commercial land use.

The applicant is providing an access across their property to the Town of Clarkdale property to the west, thus providing public access to the Verde River.

In addition, Freeport McMoRan has entered into a lease with the Town allowing development of public access to the Verde River approximately 4 miles north of the Tuzi RAP site.

In general, staff would not recommend approval of 'spot' zoning, a zoning change not related to any future development plan or surrounding land use. However, in staff's opinion, this is a unique situation based on the following:

- 4.5 acres of the subject property was already dedicated for commercial use as part of the Verde Valley Ranch project.
- Since there is no development in this area, rezoning of the subject property to Commercial is not in conflict with any existing uses. The Verde Valley Ranch is a mixed-use development and commercial uses have previously been approved in this area as part of the original project.
- A public benefit is being provided through the pedestrian/vehicular access across the subject property allowing access to the Verde River.
- The Zoning Code does not specifically prohibit 'spot' zoning, and the application from Freeport McMoRan has complied with all of the necessary requirements for a zone change application.

Planning Commission Review:

Per Section 13-2-F of the Zoning Code, the Planning Commission reviewed the zone change application in a public hearing. The Commission moved to recommend approval of the zone change with the following stipulations.

1. Development on the new, approximately 11.25 acre parcel created by Minor Land Division #090606, will be required to connect to the Town's Water and Wastewater Systems, and upon negotiation with the Town fund all or a portion of the cost to construct this connection.
2. Further subdivision of this approximately 11.25 acres shall be subject to the rules and regulations of Chapter 12-Subdivisions of the Town Zoning Code.
3. Freeport McMoRan agrees to revise the existing Development Agreement to reflect the return of the 5-acre Clark Mansion parcel to the Verde Valley Ranch project and the removal of the 11.25 acre subject property from the parcel.

Senior Planner Escobar presented information and background to the council on this agenda item.

Discussion followed about how the stipulation would be written requiring Verde Exploration to connect to the Town's water and wastewater systems when they are not part of the developer's agreement. Escobar stated that the issue would need to be presented to the Town Attorney for an opinion.

Issues regarding the actual logistics of the connections were discussed as well as the affordability of such connections. If it would be a requirement for the applicants to connect the ability for the Town to afford the infrastructure would be an important consideration.

Further discussion ensued regarding how much ability the Town would have to make restrictions on a commercial designation and Escobar indicated that there was no a lot of flexibility and it would be possible to designate the land with a neighborhood classification.

Town Manager Mabery commented that providing the infrastructure to supply water for one parcel might be too costly.

It was noted that due to a conflict of interest, Jonathan Millet, from Boyle, Pecharich would be representing the Town in this endeavor. The issues the department will present to the Town Attorney are:

- Connection to Town infrastructure
- The classification of the property (neighborhood or commercial)
- Public hearing process

Council directed staff to seek Town attorney's legal advice and bring back to Council for another worksession.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, ADDING LANGUAGE TO CHAPTER 2: DEFINITIONS, CHAPTER 3: ZONING DISTRICTS, SECTIONS 3-11.C(6) AND 3-15.C(5); CHAPTER 4: GENERAL PROVISIONS, SECTION 4-18.A-C; DESIGN REVIEW AND SITE PLAN REVIEW, SECTION 11-9.A(4) OF THE ZONING CODE OF THE TOWN OF CLARKDALE REGARDING WIRELESS COMMUNICATION FACILITIES; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY - Discussion and consideration of Ordinance #352 regarding wireless communication facilities.

Town Council reviewed the proposed draft ordinance in a worksession on June 6, 2011 and provided direction to staff to bring this forward for Council action.

The draft ordinance has been forwarded to the Town Attorney for review and the following changes have been made:

- Section 2-1 Definitions: Language has been expanded to include supporting facilities, thus eliminating the need to include this in the language for each separate zoning district.
- Section 3- Zoning Districts: Language has been added defining a method to measure height of towers.
- Section 4-18.B – Language added requiring a Conditional Use Permit for ‘substantial changes’ to an existing tower.
- Section 4-18.C – Language changed regarding requirements for ‘visually unobtrusive towers with the surrounding landscape and area.

Senior Planner Escobar presented historic background and information on this agenda item.

Escobar read a letter from Scott September from AT&T:

ATT is pleased that Clarkdale is addressing the need for wireless language in their zoning ordinance to help provide direction to wireless applicants and supports some of the proposed language. However, establishing a 50' height limit that can only be increased through a variance process could prove to be problematic for both the Town and wireless carriers desiring to provide their services in Clarkdale. Meeting the standard of "not self-imposed" when requesting a variance that deviates from a development standard is a difficult test to meet. This may cause wireless applicants to limit their requests to 50' causing the need for additional communication sites to cover the same area of a 65' site. In addition there is no provision for allowing collocation on an existing 50' site without triggering a variance request. This will discourage wireless applicants from collocating on one communication site and could cause a proliferation of new sites to avoid a variance process that is unwinnable.

Addressing the need for wireless language in the Town's code is important but just as important is adding language that provides direction to applicants while protecting the aesthetics of the community and the proposed language falls short.

Please consider a continuance for further consideration of the proposed language and perhaps additional input from the wireless industry.

Reg Destree, real estate contractor working with Verizon, stated that having a defined ordinance is necessary and Verizon prefers 75' tower although that was the original number that was rejected. When they go before a board for a variance, to demonstrate a hardship existing can be tricky. Reduced coverage is difficult to show even for boards that accept that as a hardship. He further stated that a 65' tower would accommodate two carriers.

Discussion followed about the height of the towers in the industrial area and the commercial areas. Council was agreed that a 200' tower in the industrial area would be acceptable but divided on the tower height in the commercial areas.

Councilmember Radoccia moved for the approval of Ordinance # 352, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, ADDING LANGUAGE TO CHAPTER 2: DEFINITIONS, CHAPTER 3: ZONING DISTRICTS, SECTIONS 3-11.C(6) AND 3-15.C(5); CHAPTER 4: GENERAL PROVISIONS, SECTION 4-18.A-C; DESIGN REVIEW AND SITE PLAN REVIEW, SECTION 11-9.A(4) OF THE ZONING CODE OF THE TOWN OF CLARKDALE REGARDING WIRELESS COMMUNICATION FACILITIES; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY. There was no second.

Councilmember Regner moved that the motion be withdraw.

Vice Mayor Dehnert moved for the approval of Ordinance # 352, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, ADDING LANGUAGE TO CHAPTER 2: DEFINITIONS, CHAPTER 3: ZONING DISTRICTS, amending SECTIONS 3-11.C(6) to read "wireless communication tower that meets or exceeds Federal Communication Commission standards, not to exceed 65' in height" AND SECTION 3-15.C(5)(b) to read "Facilities in all other areas of the Industrial Zoning District shall not exceed 65 feet"; CHAPTER 4: GENERAL PROVISIONS, SECTION 4-18.A-C; DESIGN REVIEW AND SITE PLAN REVIEW, SECTION 11-9.A(4) OF THE ZONING CODE OF THE TOWN OF CLARKDALE REGARDING WIRELESS COMMUNICATION FACILITIES; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY. Councilmember Bohall seconded the motion.

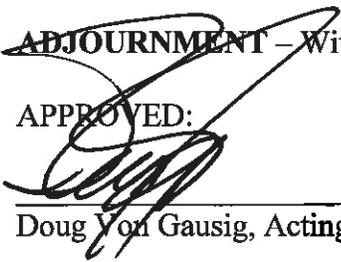
Discussion followed. Vice Mayor Dehnert called the question and the vote was taken.

The motion was approved with Councilmembers Regner and Radoccia opposing.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT – Without objection, Mayor Von Gausig adjourned the meeting at 8:48 P.M.

APPROVED:



Doug Von Gausig, Acting Mayor

ATTESTED/SUBMITTED:



Kathy Bainbridge, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 9th day of July, 2013. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 14 day of August, 2013.

SEAL

Kathy Bainbridge
Kathy Bainbridge, Town Clerk