



**NOTICE OF A SPECIAL MEETING OF THE COMMON COUNCIL
OF THE TOWN OF CLARKDALE**

**Tuesday, October 27, 2015 at 3:00 P.M.
Clark Memorial Clubhouse, Men's Lounge**

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN to the members of the Common Council of the Town of Clarkdale and to the general public that the Town of Clarkdale Common Council will hold a Special Meeting open to the public on **Tuesday, October 27, 2015, at 3:00 p.m.** in the **Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.** Members of the Clarkdale Common Council will attend either in person or by telephone, video or internet conferencing. Pursuant to A.R.S. §38-431.03, the Council may vote to recess the meeting and move into Executive Session on any item, which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at www.clarkdale.az.gov and the Town Clerk's Office.

The undersigned hereby certifies that a copy of this notice was duly posted on the Community Development Building bulletin board, located at 890 Main Street, Clarkdale, Arizona on October 22, 2015 at 1:00 p.m.

Kathy Bainbridge
KATHY BAINBRIDGE
CLERK/FINANCE DIRECTOR

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you turn it off at this time to minimize disruption to this meeting.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

- 1. CALL TO ORDER**
- 2. 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.
- 3. 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.
 - A. Reports** - Approval of written Reports from Town Departments and Other Agencies
 - Building Permit Report – September, 2015
 - Capital Improvements Report – September, 2015

Magistrate Court Report – September, 2015
Water and Wastewater Report – August and September, 2015
Police Department Report – September, 2015

- B. **Town Manager annual evaluation process** – Approval of the review process for the Town Manager Annual Evaluation.
- C. **Intergovernmental Agreement between the Office of Manufactured Housing and the Town of Clarkdale** – Approval of the renewal of the Office of Manufactured Housing IGA.

NEW BUSINESS

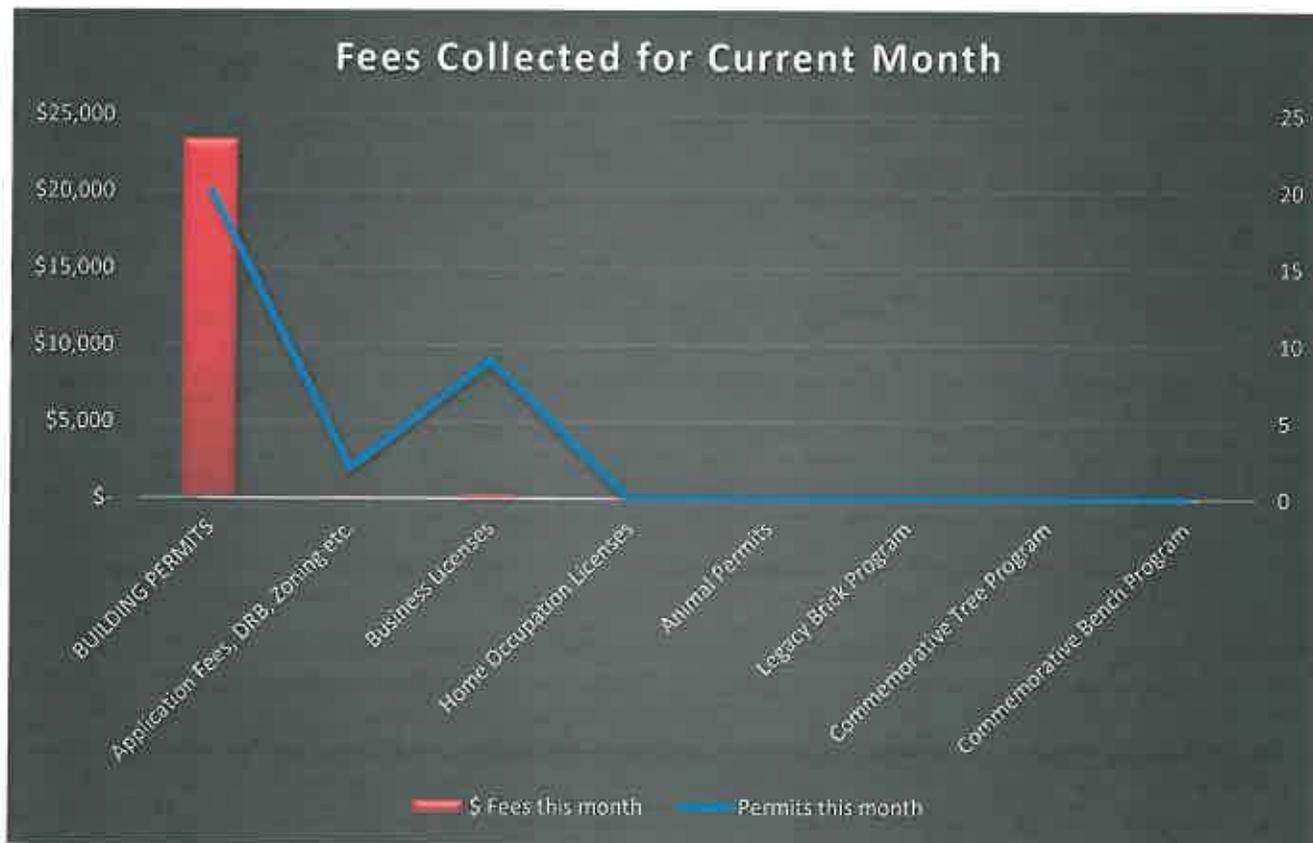
- 4. **WORKSESSION REGARDING CHAPTER 7, SECTION 11, EXCAVATION AND GRADING** - Discussion regarding draft changes to Chapter 7, Section 11, Excavation and Grading of the Town Code.
- 5. **FISCAL YEAR 2015-2016 BUDGET UPDATE** – A worksession to discuss the first quarter of the 2015-2016
- 6. **COMMERCIAL RIVER RUNNER CAPACITIES FOR THE VERDE RIVER @ CLARKDALE** – Consideration and possible action relating to the establishment of Commercial River Runner Capacities on the Verde River @ Clarkdale.
- 7. **FUTURE AGENDA ITEMS** - Listing of items to be placed on a future council agenda
- 8. **ADJOURNMENT**

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.

TOWN OF CLARKDALE
 Community Development Monthly Report
 CDD - September 2015.xlsx
FEES COLLECTED

As of 10/6/2015

Type	Current Month Number	\$ Collected		
		Current Month	FY 2015-2016	FY 2014-2015
BUILDING PERMITS	20	\$ 23,410.95	\$ 29,748.70	\$ 54,849.85
Application Fees, DRB, Zoning etc.	2	\$ 140.00	\$ 1,210.00	\$ 2,700.00
Business Licenses	9	\$ 270.00	\$ 5,520.00	\$ 7,215.00
Home Occupation Licenses	0	\$ -		\$ -
Animal Permits	0	\$ -	\$ -	\$ 300.00
Legacy Brick Program	0	\$ -	\$ -	\$ -
Commemorative Tree Program	0	\$ -		\$ -
Commemorative Bench Program	0	\$ -	\$ -	\$ -
TOTAL	31	\$ 23,820.95	\$ 36,478.70	\$ 65,064.85

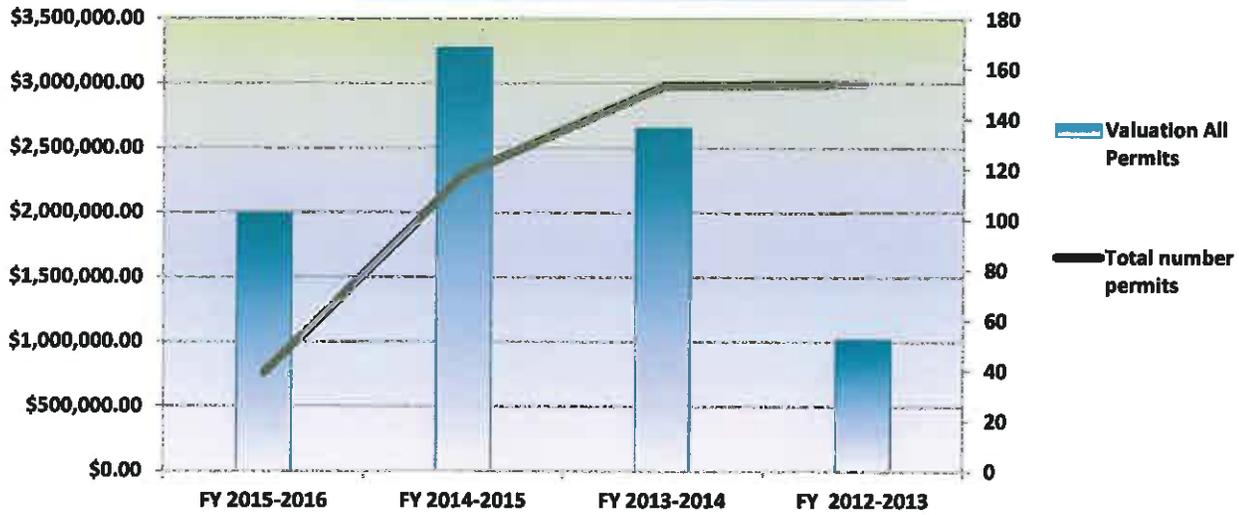


TOWN OF CLARKDALE
 Community Development Monthly Report
 CDD - September 2015.xlsx
Valuations

As of 10/6/2015

Year	Valuation All Permits	Total Number Permits
FY 2015-2016	\$1,987,181.00	39
FY 2014-2015	\$3,271,773.67	118
FY 2013-2014	\$2,650,844.70	153
FY 2012-2013	\$1,013,578.00	154

Permit Valuations by Fiscal Year



TOWN OF CLARKDALE
 Community Development Monthly Report
 CDD - September 2015.xlsx
Building Permits

As of 10/6/2015

Year	New Commercial Industrial	New Single Family Homes	New Mobile Home Installations	New Multi-Family Units	Solar Electric	Solar Water	Other
FY 2015-2016	0	13	0	0	6	0	20
FY 2014-2015	0	17	1	0	24	0	76
FY 2013-2014	0	6	2	0	42	0	103

Permits by Type by Fiscal Year



NOTE: "Other" category includes remodels, gas water line, walls, fences, accessory structures, roofing, electrical, plumbing, etc.

TOWN OF CLARKDALE
Community Development Monthly Report
CDD - September 2015.xlsx
Code Enforcement

As of 10/6/2015

Month	Weeds	Vehicles	Trash & Rubbish	Political Signs	Other	TOTAL
Jul-15	2	1	1	0	0	4
Aug-15	1	0	1	0	0	2
Sep-15	3	0	1	0	0	4
Oct-15				0	0	-
Nov-15				0	0	-
Dec-15				0	0	-
Jan-15				0	0	
Feb-15				0	0	
Mar-15				0	0	-
Apr-15				0	0	-
May-15				0	0	-
Jun-15				0	0	-

TOWN OF CLARKDALE
 Community Development Monthly Report
 CDD - September 2015.xlsx
 FY Building Permit Data Entry

As of 10/6/2015

Building Permits by Month	New Commercial Industrial	New Single Family Homes	New Mobile Home Installations	New Multi-Family Units	Solar Electric	Solar Water	Other	Total
JUL	0	0	0	0	3	0	3	6
AUG	0	1	0	0	3	0	9	13
SEP	0	12	0	0	0	0	8	20
OCT	0	0	0	0	0	0	0	0
NOV	0	0	0	0	0	0	0	0
DEC	0	0	0	0	0	0	0	0
JAN	0	0	0	0	0	0	0	0
FEB	0	0	0	0	0	0	0	0
MAR	0	0	0	0	0	0	0	0
APR	0	0	0	0	0	0	0	0
MAY	0	0	0	0	0	0	0	0
JUN	0	0	0	0	0	0	0	0
TOTALS	0	13	0	0	6	0	20	39
Permit Valuations by Month	\$ Valuation							
JUL	\$ 83,450							
AUG	\$ 423,017							
SEP	\$ 1,480,714							
OCT								
NOV								
DEC								
JAN								
FEB								
MAR								
APR								
MAY								
JUN								
TOTALS	\$ 1,987,181							

Utilities Department Capital Improvements Projects – Update: September 1, 2015

Priority	Issue	Action Steps	Due Date	Assigned To	Comments
1	Wastewater Treatment Plant	New Wastewater Treatment Facility		Utilities	

11-01-14 – The Town’s WIFA application for a Technical Assistance Grant was not selected by the WIFA Board for grant funding during their quarterly meeting in the middle of October. The application was to fund an engineering study to identify disposal options and recharge possibilities for our reclaimed water (A+ effluent).

Based on Utilities staff adjustments to the intake air flow for the WWTP blowers there has been an average electrical savings of 23.4% from May 2014 to September 2014. This represents an average savings of \$1800.00 per month or \$21,600.00 per year. We have decided to close out the WIFA loan funding for the WWTP Project and hold off on installing VFDDs on the two blowers. If the two VFDDs are deemed necessary at a future date they will be purchased and installed out of the Utilities Sewer Equipment Budget.

12-01-14 – We submitted the necessary paperwork to close out the WIFA loan funding for the WWTP Project. The final amount borrowed was \$5,154,461.71, leaving \$345,348.21 of the original loan amount of \$5,500,000.00 unused. The loan can now be finalized and a new amortization schedule with recalculated payments

1-01-15 – The final costs for the WWTP Project came in at \$5,154,461.71.

2-01-15 – Staff is investigating ways to optimize process control and standard operating procedures (SOPs) for the WWTP. The Town of Clarkdale should close on the purchase of the property, at and around the land disposal area, from Clarkdale Metals Corporation sometime in February 2015.

3-01-15 – Staff continues to investigate ways to optimize process control and standard operating procedures (SOPs) for the WWTP. The Town of Clarkdale closed on the purchase of the property at and around the land disposal area from Clarkdale Metals Corporation.

5-01-15 – Staff is currently investigating ways to utilize the reclaimed water from the WWTP. The Town of Clarkdale is also discussing potential uses for the property at and around the land disposal area that was purchased from Clarkdale Metals Corporation.

6-01-15 – Staff is currently investigating the purchase of aeration/mixer systems for the two effluent lagoon to treat and prevent algal blooms associated with warm weather conditions. The purchase price for two blower system, one for each effluent pond, would be approximately \$20,000 and two floating solar systems would cost around \$75,000.

7-01-15 – The purchase of aeration/mixer systems for the two effluent lagoon has been put on-hold. Staff will investigate various funding options for these aeration systems.

8-01-15 – No new capital improvements are scheduled for the wastewater treatment system. Staff will continue efforts to reduce electrical costs, and investigate processes for aerating/mix the effluent holding ponds.

9-01-15 – No new capital improvements are scheduled for the wastewater treatment system. Staff will continue efforts to reduce electrical costs, and investigate processes for aerating/mix the effluent holding ponds.

10-01-15 – No new capital improvements are scheduled for the wastewater treatment system.

Utilities Department Capital Improvements Projects – Update: September 1, 2015

Priority	Issue	Action Steps	Due Date	Assigned To	Comments
1	Reclaimed Water	Create Reclaimed Water Master Plan		Utilities	

2015 – No further progress on the reclaimed water master plan.

Priority	Issue	Action Steps	Due Date	Assigned To	Comments
1	Water System Improvements	Arsenic Removal System Lower Clarkdale Water Line Replacement Project Mescal Well		Utilities	

11-01-14 Utilities staff and the Fire Department have scheduled to flow or test fire hydrants in the Lower Town area the beginning of November 2014. With the recent purchase by the Town of Clarkdale of the effluent disposal site and related properties we have put on-hold further consideration of the Bitter Creek effluent disposal options and moving forward with the AZPDES (Arizona Pollutant Discharge Elimination System) permitting process with Fred Goldman.

12-01-14 Utilities staff and the Fire Department flow tested fire hydrants in the Lower Town area during November 2014. The purchase, by the Town of Clarkdale, of the effluent disposal site and related properties is progressing with the survey completed 11/22/ & 11/23/14. There has been no further consideration of the Bitter Creek effluent disposal options and moving forward with the AZPDES (Arizona Pollutant Discharge Elimination System) permitting process with Fred Goldman.

1-01-15 Utilities staff and the Fire Department flow tested fire hydrants in the Lower Town and found that flow into the new (2007) 12” water main installed on Ninth Street and Main Street was limited and insufficient to maintain flow volumes during high usage events such as fires and hydrant flushing in Lower Town. Further investigation showed that the new 12” main had never been connected to the existing 6” main on Ninth Street. This meant that the 12” main was only being fed by an old 4” steel main and could never recover during a high usage event. During high usage events, fires and flushing, businesses and the Town Hall Complex would lose water service. I have contracted with Felix Construction, under a job order contract (JOC), to do make the connection between the mains and replace sub-standard pipes and valves in that area. This work has been scheduled for January 19, 2015. We continue to fine tune the water distribution system hydraulic model with Fred Goldman.

2-01-15 Felix Construction completed the work on Ninth Street under a JOC process during the week of 1/19/15. They removed a failed section of 90+ year old steel piping and a 4” and 6” pipe manifold connection to an old hydrant. The hydrant was removed after discussions with Chief Moore and a new hydrant will be installed at another location down the street during the Upper Town Water Main

Replacement Project. New 8” and 12” C-900 PVC pipe was installed and the existing 6” main was connected to the 12” main installed as part of the Broadway Water Main Replacement Project. That 12” main is now feed from a 4” and a 6” connected improving flows, reducing water outages in Upper Town, and improving firefighting capabilities in Lower Town. The contractor will return as soon as blackout is available to pave the area of the excavation. We are scheduled to set up a work station and install the water hydraulic model by the third week of February 2015. Staff is preparing a Technical Assistant Grant application to submit to Water Infrastructure Finance Agency (WIFA) for design funding for the Upper Town Water Main Replacement Project. The maximum amount we can receive is \$35,000.00 and design costs for that project are projected to be between \$75,000 and \$100,000. This grant application is due to WIFA by the end of February 2015.

3-01-15 Felix Construction completed the work on Ninth Street under a JOC process in January 2015 and the street road opening was repaved in February 2015. The water hydraulic model was installed on the Town’s computer on February 24, 2015. On February 24, 2015 staff submitted a Technical Assistant Grant application to Water Infrastructure Finance Agency (WIFA) for design funding for the Upper Town Water Main Replacement Project. The maximum amount we can receive is \$35,000.00 and design costs for that project are projected to be between \$75,000 and \$100,000. Staff has started discussions with Fred Goldman a consulting engineer and David Gianetto from Felix on a design build project to install a booster pump system at the 89A Reservoir to pump potable water from that location to the Haskell Springs storage tanks. This would allow the Town to supplement the Haskell Springs well output during the warm weather high usage summer months. A telemetry system would be necessary to control booster pump operations based on storage tank levels.

5-01-15 On April 15, 2015 staff was notified that the Town of Clarkdale has received a Technical Assistant Grant from the Water Infrastructure Finance Agency (WIFA) for the design of the Upper Town Water Main Replacement Project. The amount that we will receive is \$35,000.00 and design costs for this project are projected to be between \$75,000 and \$100,000.

Staff has received a project scope from Fred Goldman consulting engineer, and a project estimate from David Gianetto with Felix Construction for the design build project to install a booster pump system at the 89A Reservoir which will pump potable water from that location to the Haskell Springs storage tanks. This project would allow the Town to supplement the Haskell Springs well output, with water from the 89A Reservoir, during the warm weather high usage summer months. A telemetry system would be used to control booster pump operations based on storage tank levels at the Haskell Springs Reservoir site. The Design/Build guaranteed maximum price for this project is \$200,000 without any contingency amount. Adding a contingency of 10%, to cover any additional work we may require, would bring the total project cost to \$220,000. We have received a preliminary determination from the Arizona Department of Water Resources (ADWR) that the “89A Booster Pump System Project appears to meet the requirements for the use of Central Arizona Project (CAP) Trust Funds” in the amount of \$186,000 to be used towards this project. A project proposal will need to be submitted to ADWR for final approval and the release of these funds.

6-01-15 The Town of Clarkdale has received a Technical Assistant Grant in the amount of \$35,000 from the Water Infrastructure Finance Agency (WIFA) for the design of the Upper Town Water Main Replacement Project. There is a matching component of \$35,000 to

receive these grant monies. Since the projected design costs for this project range from \$75,000 to \$100,000 this match will be met. Staff is preparing the necessary supporting documentation, forms, and related submissions for this grant.

Staff has not received a final determination from the Arizona Department of Water Resources (ADWR) that the "89A Booster Pump System Project will meet the requirements for the use of Central Arizona Project (CAP) Trust Funds" in the amount of \$186,000 for this project. This project is on-hold pending further discussions with the Town Manager and a final determination from ADWR.

7-01-15 The Town of Clarkdale has received a Technical Assistant Grant in the amount of \$35,000 from the Water Infrastructure Finance Agency (WIFA) for the design of the Upper Town Water Main Replacement Project. Staff anticipates completing the process of selecting an engineer, from our approved engineer list, for the design of this project in July 2015.

Staff is still waiting for a final determination from the Arizona Department of Water Resources (ADWR) that the "89A Booster Pump System Project will meet the requirements for the use of Central Arizona Project (CAP) Trust Funds" in the amount of \$186,000 for this project. All additional paperwork requested by ADWR has been submitted in June 2015. This project is still on-hold pending further discussions with the Town Manager and a final determination from ADWR.

8-01-15 The Town of Clarkdale will use a Technical Assistant Grant from the Water Infrastructure Finance Agency (WIFA) in the amount of \$35,000 for part of the design of the Upper Town Water Main Replacement Project. The balance of the design costs for this project will be paid out of water depreciation designated funds. On July 9, 2015 the Selection Committee reviewed three proposals from firms on our approved engineer list and directed the Staff to prepare a Staff Report recommending Southwestern Environmental Consultants (SEC) to provide professional services for the design of this project. Council approved the Selection Committee recommendation on 7/28/15 and directed Staff to enter into contract discussions with SEC. A Staff Report for Council consideration, discussion, and possible action on a Professional Services Agreement with SEC will be on the 8/25/15 Council Agenda.

Staff is still waiting for the Amended CAP Trust Fund Agreement for Council to review and to approve. Once the Amended CAP Trust Fund Agreement and related paperwork is received this item will be scheduled on a Council Agenda and a Staff Report will be prepared. The Arizona Department of Water Resources (ADWR) has given a preliminary determination that the "89A Booster Pump System Project will meet the requirements for the use of Central Arizona Project (CAP) Trust Funds" in the amount of \$186,000 for this project. All additional paperwork requested by ADWR had been submitted in June 2015.

9-01-15 The Town of Clarkdale is using a Technical Assistant Grant from the Water Infrastructure Finance Agency (WIFA), in the amount of \$35,000, for part of the design of the Upper Town Water Main Replacement Project. The balance of the design costs for this project will be paid out of water depreciation designated funds. Southwestern Environmental Consultants (SEC) was approved by the Town Council at the 7/28/15 Town Council Meeting to provide professional services for the design of this project. Staff has entered into contract discussions with SEC for an agreement to provide those design services. A Staff Report for Council consideration, discussion, and possible action on a Professional Services Agreement with SEC will be on a future Council Agenda.

The Amended CAP Trust Fund Agreement has been approved by the Town Council and signed by the Mayor. At the 8/25/15 Council Meeting the Town Council approved the 89A Booster Pump System Project and directed the PW/Utilities Director to negotiate an agreement with Felix Construction to design/build the project for a cost \$210,240.37 with a \$21,024.03 contingency fund. Total amount

is \$231,264.30. The Arizona Department of Water Resources (ADWR) has given a determination that the "89A Booster Pump System Project will meet the requirements for the use of Central Arizona Project (CAP) Trust Funds" in the amount of \$186,000 for this project. **10-01-15** Staff continues contract discussions with SEC for an agreement to provide the design services for the Upper Town Water Main Replacement Project. A Staff Report for Council consideration, discussion, and possible action on a Professional Services Agreement with SEC will be on a future Council Agenda.

The PW/Utilities Director is negotiating an agreement with Felix Construction for the design /build the project for a cost \$210,240.37 with a \$21, 024.03 contingency fund. Total amount is \$231,264.30. The Arizona Department of Water Resources (ADWR) has indicated via e-mail that it will release the Central Arizona Project (CAP) Trust Funds" in the amount of \$186,000 for the 89A Booster Pump System Project.

**CLARKDALE MAGISTRATE COURT
MONTHLY STATISTICAL REPORT - FY 2016**

New Filings	Prior YR Average	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	FY -YTD
Criminal Traffic	2.75	4	4	1				9
Misdemeanors	15.58	33	21	28				82
DUI	1.58	3	0	0				3
Domestic Violence ¹	2.33	2	6	2				10
Civil Traffic	23.75	26	15	29				70
Local Ordinances	1.5	7	3	0				10
OOP/Injunctions ²	1.33	0	0	0				0
Total Filings	45	66	40	58	0	0	0	164
Initials/Arraignments	21.33	13	38	24				75
Reviews/Order Show Cause	2.08	0	5	0				5
Civil Traffic Hearings	0.92	0	1	1				2
Pre-Trial Conferences	14.08	10	15	18				43
Deferral Pleas	2.92	1	0	5				6
Change of Plea	4.5	9	8	11				28
Juvenile Hearings ³	0	0	0	0				0
Warrants Issued ⁴	2.83	6	10	14				30
Bench Trials Held	0.08	0	0	0				0
Town General Fund	\$ 2,920.19	\$ 3,209.90	\$ 2,807.97	\$ 2,755.91				\$ 8,773.78
Court Enhancement ⁵	\$ 217.47	\$ 255.96	\$ 185.79	\$ 214.42				\$ 656.17
Deferred Prosecution Fees ⁷	\$ 127.23	\$ 281.70	\$ 106.70	\$ 202.70				\$ 591.10
Court Appointed Attorney ⁸	\$ 43.04	\$ -	\$ 475.29	\$ -				\$ 475.29
JCEF to Town ⁶	\$ 38.78	\$ 46.74	\$ 35.00	\$ 70.00				\$ 151.74
State Treasurer	\$ 2,926.21	\$ 4,036.45	\$ 2,312.98	\$ 2,609.14				\$ 8,958.57
Monies to FARE ⁹	\$ 316.07	\$ 421.29	\$ 131.57	\$ 283.37				\$ 836.23
County/Jail	\$ 24.29	\$ 24.16	\$ 11.24	\$ 15.23				\$ 50.63
Citing Agency Revenue	\$ 59.46	\$ 68.81	\$ 44.91	\$ 60.92				\$ 174.64
Monthly Totals	\$ 5,968.93	\$ 7,386.06	\$ 5,212.10	\$ 5,511.20	\$ -	\$ -	\$ -	\$ 18,109.36
								Grand Total

¹ Those designated domestic violence (DV) per **ANS 13-3601**

² These include an Order of Protection (OOP) and Injunction Against Harassment (IAH).

³ Limited to traffic, liquor, graffiti, tobacco, curfew, truancy, or local ordinances (**ARS 8-323.B**)

⁴ Includes Failure to Appear (FTA) and Failure to Pay (FTP)

⁵ By **Resolution #1419 (1/8/13) \$18.30** with surcharge 83% for court operational and technological upgrade

⁶ Primarily \$7 of the statutory \$20 time payment plan fee (**ARS 12-116.B**) to be used for court improvements

⁷ Administration costs (\$1 to \$500) determined by prosecutor and paid to the Town per **Resolution #1419**

⁸ \$25 minimum per **Resolution #1419**, and court can order more based on financial statement of defendant

⁹ Statewide collections enforced with license holds and tax intercepts – Imposes 19% surcharge on the amount

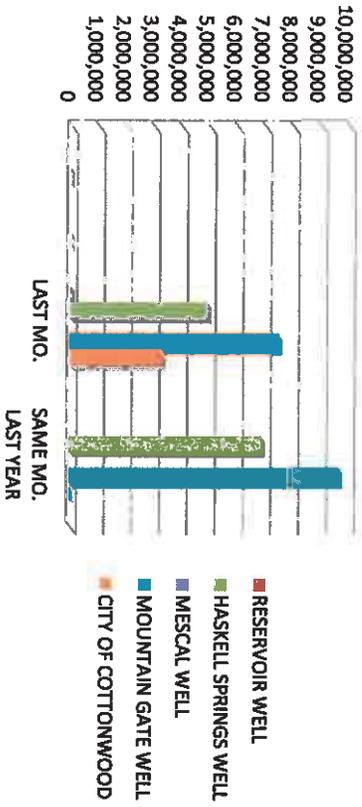
These amounts included in Town General Fund Total This amount included in State Treasurer Total
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September, 2015

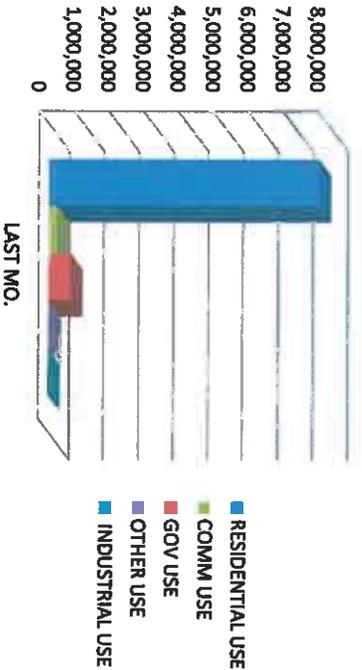
UTILITIES DEPARTMENT WATER/WASTEWATER MONTHLY REPORT

DATE ENDING: 9/30/15	ALL WATER USE IN GALLONS	YEARS BASED ON CALENDAR YEARS	DEPTH TO WATER LEVEL	DEPTH TO WATER LEVEL SAME MO. LAST YEAR	TOTAL LAST YEAR WATER GPCD***	% NON-REVENUE WATER		
Water System	WATER WELLS	SAME MO. LAST YEAR	STATIC	DYNAMIC	RESIDENTIAL GPCD*	RESIDENTIAL GPCD**		
RESERVOIR WELL	N/A		0	199.10	70	73	78	
HASKELL SPRINGS WELL	4,945,000	6,899,000	57,435,000	204.00				
MESCAL WELL								
MOUNTAIN GATE WELL	7,480,000	9,651,000	75,631,000					
CITY OF COTTONWOOD	3,331,000	-	14,572,000					
TOTAL PRODUCTION	15,756,000	16,550,000	147,638,000					
WATER USE	LAST MO.	SAME MO. LAST YEAR	YTD	DEPTH TO WATER LEVEL	LAST YEAR RESIDENTIAL GPCD*	YTD RESIDENTIAL GPCD**	TOTAL LAST YEAR WATER GPCD***	% NON-REVENUE WATER
# RESIDENTIAL ACCTS	1,729	1,713	79,337,906					7%
# COMM ACCTS	29	29	2,748,250					
# GOV ACCTS	13	25	5,541,152					
# OTHER ACCTS	8	8	370,360					
# INDUSTRIAL	5	5	597,238					
TOTAL ACCTS	1,784	1,780	88,594,906					
RESIDENTIAL USE	11,156,818	7,760,516	79,337,906					
COMM USE	396,878	252,116	2,748,250					
GOV USE	950,158	648,514	5,541,152					
OTHER USE	52,064	28,371	370,360					
INDUSTRIAL USE	90,253	53,147	597,238					
TOTAL CLARKDALE USE	12,646,171	8,762,664	88,594,906					
Cottonwood Ranch	1,679,000	3,198,000	14,316,000					
TOTAL USE	14,325,171	11,960,664	102,910,906					
Non Revenue - Backwash	303,200	230,300	1,600,600					
Non Revenue - Flushing	0	0	115,200					
Fire Dept Usage	0	0	44,912					
TOTAL USE	14,628,371	12,190,964	104,671,618					
COMMENTS: Sept	Water Call Outs							
Water Main Repair: 1	1							
Water Service Repair: 1								
Wastewater System	ALL WASTEWATER TREATED IN GALLONS (INFLUENT)							
# ACCTS	LAST MO.	SAME MO. LAST	YTD	LAST YTD				
WASTEWATER TREATED	1,042	1,036	39,211,116	39,904,128				

PRODUCTION



WATER USE



	CURRENT MONTH	PREVIOUS MONTH	% CHANGE	YEAR TO DATE	PREVIOUS YEAR TO DATE	% CHANGE
* Primarily Level of Effort Activities	Sep 2015	Aug 2015		Jan-Sep 2015	Jan-Sep 2014	
Traffic						
Collision - Property Damage	1	3	-200%	19	29	-53%
Collision - Injury/Fatal	1	2	-100%	9	2	78%
DUI Arrests *	0	1	#DIV/0!	11	7	36%
Citations *	39	36	8%	241	126	48%
Written Warnings *	7	11	-57%	199	350	-76%
Traffic Stops *	28	44	-57%	432	528	-22%
Parking *	0	0	#DIV/0!	4	14	-250%
Total Traffic	76	97	-28%	915	1,056	-15%

Uniform Crime Reporting (UCR) Crimes						
Index Violent Crimes (Crimes Against Persons)						
Homicide	0	0	#DIV/0!	0	0	#DIV/0!
Sexual Assault	4	0	100%	9	0	100%
Robbery	0	0	#DIV/0!	0	0	#DIV/0!
Aggravated Assault	2	1	50%	7	0	100%
Total Violent Crimes	6	1	83%	16	0	100%
Property Crimes						
Burglary	1	1	0%	14	12	14%
Theft	6	14	-133%	47	30	36%
Auto Theft	0	0	#DIV/0!	2	1	50%
Arson	0	0	#DIV/0!	0	2	#DIV/0!
Total Property Crimes	7	15	-114%	63	45	29%
Crime Rate						
Index Crimes	13	16	-23%	79	45	43%
Index Crime Rate (per 100,000)	0.0001	0.0001	0%	0.0533	1.8437	-3362%
Town Population	4,097	4,097	0%	4,097	4,097	0%

Other Crimes						
Assault	8	2	75%	27	13	52%
Criminal Damage	4	11	-175%	48	44	8%
Disorderly Conduct	7	10	-43%	57	46	19%
Domestic Violence	7	7	0%	46	36	22%
Drug Offenses *	4	4	0%	33	15	55%
Neighbor Disputes	0	0	#DIV/0!	2	0	100%
Trespass	2	5	-150%	16	12	25%
Juvenile Disturbance	4	6	-50%	24	24	0%
Harassment	5	0	100%	20	16	20%
Animal Offenses *	3	5	-67%	158	264	-67%
Other Town Ordinances *	0	0	#DIV/0!	6	56	-833%

All Other Offenses	10	8	20%	146	305	-109%
Total Other Crimes	54	58	-7%	583	831	-43%

	CURRENT MONTH	PREVIOUS MONTH	% CHANGE	YEAR TO DATE	PREVIOUS YEAR TO DATE	% CHANGE
	Sep 2015	Aug 2015		Jan-Aug 2015	Jan-Sep 2014	
Other Activities						
Alarms	0	0	#DIV/0!	34	60	-76%
Doors/Windows Open	0	0	#DIV/0!	4	6	-50%
Suspicious Persons/Vehicles	7	0	100%	167	168	-1%
Weapon Offenses	2	0	100%	6	6	0%
Citizen Assists	12	9	25%	187	293	-57%
Serve Papers	0	1	#DIV/0!	7	7	0%
EMS/Rescue/Fire Calls (Clarkdale)	0	0	#DIV/0!	10	112	-1020%
Assist Other LE Agencies	6	7	-17%	226	168	26%
Suicide	1	0	100%	1	1	0%
Total Other Activities	28	17	39%	642	821	-28%

Total All Categories Above	171	188	-10%	2,219	2,753	-24%
----------------------------	-----	-----	------	-------	-------	------

House Watch						
House Watch (Total Houses Per Month)	4	1	75%	8	101	-1163%

Arrests						
Adult	6	8	-33%	260	79	70%
Juvenile	1	1	0%	2	8	-300%
Total Arrests	7	9	-29%	262	87	67%

Reserve Time		0	#DIV/0!	789 (Aug)	336	#VALUE!
Ambassador Time	108	0	100%	953	675	29%
Volunteer Time	0	10	#DIV/0!	84	40	52%

Traffic

Clarkdale Police provided assistance to Cottonwood Police involving a serious injury accident on State Route 260 and Rodeo Drive. A concerted effort has been made to assist other law enforcement agencies in finding and stopping reckless and dangerous driving in the area.

Crime

Assault cases involving additional crimes or predicated on domestic violence rose during the month of September. The investigation of these crimes has pulled resources from traffic control.

End of Report

**ARIZONA CRIMINAL JUSTICE COMMISSION
QUARTERLY
FORFEITURE MONIES REPORT**

INDIVIDUAL AGENCY ACTIVITY REPORT

The Individual Agency Activity Report is a report of "all" revenues and expenditures at the individual agency level. This report must be filled out by those agencies participating in a Master Account held by the Attorney General or County Attorney and must accompany the Master Account Summary report when filed with the Commission. It may also be utilized by County Attorney Pooled accounts to assist in collecting information if desired.

REPORTING PERIOD: 7/1/2015 **THRU** 9/30/2015

COUNTY: YAVAPAI

AGENCY: CLARKDALE POLICE DEPARTMENT

DIVISION/SECTION

ADDRESS: PO BOX 308, CLARKDALE, AZ 86324

Type of Government Entity Reporting:

Municipality

County

State

Type of Forfeited Monies Reported:

Anti-Racketeering

Other

Both

PREPARED BY: YVONNE SCHULTZ, POLICE AIDE, 928-649-7700

APPROVED BY : RANDY S. TAYLOR, CHIEF OF POLICE, 928-649-7705

SIGNATURE/DATE:



10-15-15

**ARIZONA CRIMINAL JUSTICE COMMISSION
 QUARTERLY
 FORFEITURE MONIES REPORT**

INDIVIDUAL AGENCY ACTIVITY REPORT

The Individual Agency Activity Report is a report of "all" revenues and expenditures at the individual agency level. This report must be filled out by those agencies participating in a Master Account held by the Attorney General or County Attorney and must accompany the Master Account Summary report when filed with the Commission. It may also be utilized by County Attorney Pooled accounts to assist in collecting information if desired.

COUNTY ATTORNEY REPORTING: CLARKDALE POLICE DEPARTMENT

REPORTING PERIOD:

7/1/2015	THRU	9/30/2015
----------	------	-----------

STATE	FEDERAL	TOTAL
-------	---------	-------

A. BEGINNING CASH BALANCE

33,539		33,539
--------	--	--------

B. TRANSFERS IN FROM: (From Schedule A)

1. ATTORNEY GENERAL FUND

--	--	--

2. COUNTY ATTORNEY FUND

--	--	--

C. INTEREST EARNED

--	--	--

D. TOTAL MONIES ON HAND

33,539	0	33,539
--------	---	--------

E. TOTAL QTRLY EXPENDITURES

--	--	--

F. TRANSFERS OUT

--	--	--

(FROM SCHEDULE A)

G. TOTAL DISBURSEMENTS

0	0	0
---	---	---

H. ENDING QTRLY CASH BALANCE

33,539	0	33,539
--------	---	--------

I. ENCUMBRANCE

--	--	--

J. COMMITMENTS

--	--	--

K. AVAILABLE PROGRAM MONIES

33,539	0	33,539
--------	---	--------

**ARIZONA CRIMINAL JUSTICE COMMISSION
 QUARTERLY
 FORFEITURE MONIES REPORT**

SECTION II - EXPENDITURES

	STATE	FEDERAL	TOTAL
A. MATCH MONIES TO GRANT			-
B. GANG & SUBSTANCE ABUSE PREVENTION & EDUCATION (FROM SCHEDULE B)	-	-	-
C. WITNESS PROTECTION			-
D. CIVIL REMEDIES - COURT COSTS & ATTORNEY FEES			-
E. PERSONNEL SERVICES			
Salaries			
Emp Related Exp			
Overtime			
Subtotal Personnel Svs Only	-	-	-
F. PROFESSIONAL/OUTSIDE SERVICES			
Financial Auditing			-
Court Reporting			-
Expert Witness			-
Filing Fees			-
Appraisal Costs			-
Lien Payments			-
Title Search			-
Auction Fees			-
Subpoena Services			-
Temporary Clerical Svs			-
Property Management			-
Other (list)			-
<hr/>			-
Subtotal Profess/Outside Only	-	-	-
G. TRAVEL			
In State			-
Out of State			-
Subtotal Travel Only	-	-	-
H. OTHER OPERATING EXPENSES			
Evidence Acquisition			-



Staff Report

Agenda Item: Town Manager annual evaluation process – Approval of the review process for the Town Manager Annual Evaluation.

Staff Contact: Gayle Mabery, Town Manager

Meeting Date: October 27, 2015

Background: Mayor Von Gausig has requested the Town Manager to begin the process of scheduling the Town Manager Annual Evaluation with the Town Council. The following forms that are to be used as part of the Town Manager's evaluation process are attached:

- Performance Evaluation Procedure
- Manager's Self-Evaluation Form (blank)
- Performance Evaluation Form (for use by Mayor and Council Members)

Although there has never been a set schedule for the Town Manager evaluations, it is ideal if Council can conduct an evaluation annually, and the Council has been doing so for the past 8-9 years. The last evaluation was conducted in December, 2014. Since it is typically useful to try to tie the goals set during Strategic Planning to the Manager's evaluation, for the past several evaluations, we have tried to schedule an evaluation either right before or right after our annual Strategic Planning Session. We anticipate a Strategic Planning Session with the Council in Spring, 2016.

Clarkdale's Evaluation Procedure suggests a preliminary meeting with the entire Council to review the evaluation procedures, evaluate the criteria, and set timetables for completion of the evaluation process. That preliminary meeting comes in the form of this agenda item on the Council's October 27, 2015 meeting.

The Town Manager's suggestion for a timeline is as follows:

October 27, 2015	Preliminary Meeting with Council to review the evaluation procedures, evaluate the criteria and set timetables for completion of the process.
December 1, 2015	Manager's Self-Evaluation due to Council
January 12, 2016	Evaluation with Council in Executive Session
February 10, 2016	Approval of the Town Manager's Evaluation as Written by the Mayor

Recommendation: Approval of the Town Manager's annual evaluation process.



Staff Report

Town Council

Agenda Item: **Intergovernmental Agreement between the Office of Manufactured Housing and the Town of Clarkdale – Approval of the renewal of the Office of Manufactured Housing IGA.**

Submitted By: Paul Grasso

Meeting Date: October 27, 2015

Background: This IGA between the Office of Manufactured Housing and the Town of Clarkdale is to enforce installation standards for Manufactured Housing. The current IGA expires December 31, 2015.

The Town of Clarkdale requires permits for the installation of all new manufactured housing. The Office of Manufactured Housing sets the maximum \$350 fee for this permit.

By participating in this IGA, the Town agrees to monitor and enforce the installation standards for manufactured housing, as set by the Office of Manufactured Housing.

The Town also agrees to charge no more than the set fee.

The IGA is for a term of five years.

The Community Development Department sends a monthly report to the Office of Manufactured Housing relating information on all manufactured housing activity.

Recommendation: Approval of the Intergovernmental Agreement between the Office of Manufactured Housing and the Town of Clarkdale.

AGREEMENT

BETWEEN

**ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY
OFFICE OF MANUFACTURED HOUSING**

AND

TOWN OF CLARKDALE

TO ENFORCE INSTALLATION STANDARDS

This **AGREEMENT** ("Agreement") is entered into this _____ day of _____, _____, by and between the **ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY, OFFICE OF MANUFACTURED HOUSING** ("OMH") and the Town of Clarkdale ("Agency").

WHEREAS, pursuant to A.R.S. § 41-2151 the purpose of OMH is to maintain standards of quality and safety for manufactured homes, factory-built buildings, mobile homes, and the installation of the same.

WHEREAS, A.R.S. § 41-2153(B) (5) directs the Deputy Director of OMH to enter into agreements with local enforcement agencies to enforce the installation standards in their respective jurisdictions consistent with the installation standards of OMH; and

WHEREAS, it is the desire of both parties to eliminate unnecessary duplication of inspections regarding installation standards within the Agency's jurisdiction;

NOW, THEREFORE, in consideration of the premises and mutual promises and undertakings herein contained, and for other good and valuable consideration, the parties agree as follows:

1. **Monitoring and Enforcement.** For the duration of this Agreement, the Agency will monitor and enforce the installation standards set forth in A.R.S. § 41-2195 and A.A.C. R4-34-102 as they apply to installation standards and accessory structures.
2. **Term.** The term of this Agreement shall be for five (5) years from the date of this Agreement.
3. **Standards of Performance.** In exercising the authority delegated hereunder the Agency shall perform to the same standards of performance that the law imposes upon OMH in exercising the authority described in section 1 hereof. In addition, the Agency shall not approve any installation unless the installer affixes a State Insignia of Approval as required by A.A.C. R4-34-802.A and pays to the Agency the fee established by OMH pursuant to the authority by A.A.C. R4-34-501 and as permitted by A.A.C. R4-34-506.
4. **Monthly Reporting.** The Agency in this Agreement shall submit a Monthly IGA Report to OMH. A copy of each closed mobile home/HUD manufactured home or FBB permit shall be

submitted with the monthly report. The monthly report with copies of permits shall be submitted by mail, fax, or email, on or before the 15th of the following month. OMH will provide the monthly report format which will require the following be collected and documented:

- a. ARZ HUD label number(s) or FBB manufacturers insignia number
- b. Unit serial number
- c. Installation insignia or FBB plan approval number
- d. Address of installation
- e. Date of approved final installation inspection

5. Fees Charged by the Agency. Permit fees charged by the Agency shall be the same as the Fee Schedule created by OMH pursuant to its authority under A.R.S. § 41-2144 (4) and A.A.C. R4-34-501 and no more than permitted by R4-34-801(E). All fees collected by the Agency shall be kept by the Agency as compensation for the services performed by the Agency under this agreement. The Agency shall not be entitled to any other compensation for services rendered by it under this Agreement.

6. Termination. Either party may terminate this Agreement at any time without cause by giving the other party thirty (30) days written notice prior to the date of termination. Additionally, OMH may terminate this Agreement immediately and without notice, if OMH determines that the installation standards required in the Agreement are not being maintained, or that local fees are not consistent with the inspection fees established by the Board of Manufactured Housing.

7. Qualifications of Personnel. The personnel that perform the functions delegated to the Agency in paragraph 1 hereof shall each have no less than one year of experience as a building code inspector or manufactured housing installation inspector.

8. Inspector Training. All Agency Inspectors performing under this Agreement shall participate in required initial and/or periodic training as set and coordinated by the State.

9. Duties of OMH. Should OMH require inspections of any portion of the installation of mobile, manufactured homes, accessory structures or factory built buildings not required by the Rules referred to herein and not covered under this Agreement, OMH shall be responsible for the inspections and enforcement thereof.

10. Notices. All notices shall be mailed or delivered to the party to receive such notice to the following address.

- a. If intended for OMH to:

Department of Fire, Building and Life Safety
Office of Manufactured Housing
1110 West Washington, Suite #100
Phoenix, AZ 85007-2935

Attn: Debra Blake
Title: Interim Director
Phone: (602) 364-1022

b. If intended for Agency, to:

Town of Clarkdale
P.O. Box 308
39 North Ninth Street
Clarkdale, Arizona 86324

Attn: Paul Grasso
Title: Building Official
Phone: (928) 639-2500

11. Interpretation and Amendments. This Agreement contains the entire agreement between the parties hereto. This Agreement shall not be amended or modified in any manner, except by an instrument in writing signed by the parties hereto.

12. Headings. Headings are for convenience only and are not to be construed as part of this Agreement.

13. Invalidity of a Term. The parties agree that in the event any term, covenant or conditions herein contained should be held to be invalid or void, the invalidity of any such term, covenant or condition shall in no way affect any other term, covenant or condition of this Agreement.

14. Dispute. In the event of any dispute between the parties under this Agreement, the parties agree that they shall submit the dispute to arbitration pursuant to A.R.S. §§ 12-133(D) and 12-1518.

15. Inspection and Audit. Pursuant to A.R.S. §§ 35-214 and 35-215, all books, accounts, reports, files and other records relating to this Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona for five (5) years after completion of this Agreement. Such records shall be produced at the Auditor General's Office or such other office as the parties hereto may mutually agree within a reasonable time after request.

16. Conflict of Interest. The parties acknowledge that this Agreement is subject to cancellation by the Governor of Arizona pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein.

17. Prohibition Against Discrimination. In the event that it applies, the parties agree to comply with the Arizona Governor's Executive Order No. 2009-09.

18. Governing Law and Venue. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona. The exclusive venue for any litigation, arbitration, administrative hearing or the like concerning this Agreement or any matter arising therefrom shall be in Maricopa County, State of Arizona.

19. Unavailability of Funding. Every payment or financial obligation of the parties under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by any party at the end of the period for which funds are available. No liability shall accrue to any party in the event this provision is exercised,

and neither the OMH or Agency shall be obligated or liable for any future payments nor for any damages as a result of termination under this paragraph.

20. E-verify. To the extent applicable under A.R.S. § 41-4401, each party and its respective subcontractors warrant compliance with all federal immigration laws and regulations that relate to its employees and compliance with the E-verify requirements under A.R.S. § 23-214(A). Each party has the right to inspect the papers of the other party or its subcontractors participating in this Agreement and may result in the termination of the Agreement by a non-breaching party under terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement and have executed this Agreement the day, month and year first written above.

OFFICE OF MANUFACTURED HOUSING

TOWN OF CLARKDALE:

Name: _____
Debra Blake, Deputy Director
Department of Fire, Building and Life Safety
Office of Manufactured Housing

Name: _____
Doug Von Gausig, Mayor

ATTEST: _____
Kathy Bainbridge, Town Clerk

APPROVED this 11th day of September, 2014.

This Intergovernmental Agreement has been reviewed by the undersigned attorney for the Agency who has determined that it is in appropriate form and within the powers and authority granted by law to the Agency designed herein.

BY: Robert Pecharich
Robert Pecharich, Town Attorney

This Intergovernmental Agreement has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers granted under the laws of the State of Arizona to those Parties to the Agreement represented by the Attorney General.

Dated this ___ day of _____, ____.

BY: _____
Mary D. Williams,
Assistant Attorney General



Staff Report

Agenda Item: **WORKSESSION REGARDING CHAPTER 7, SECTION 11, EXCAVATION AND GRADING** - Discussion regarding draft changes to Chapter 7, Section 11, Excavation and Grading of the Town Code.

Staff Contact: Beth Escobar, Senior Planner

Meeting Date: October 27, 2015

Background:

In anticipation of an increasing number of development projects, and as part of the continuing review to update codes impacting development, the Public Works Department and Community Development Department have reviewed the existing Excavation and Grading section of Town Code and are suggesting several changes to this regulation.

This section of the Town Code was last amended in 2006.

Purpose:

Grading projects can be associated with new commercial or residential construction and new infrastructure or drainage projects. The purpose of the grading code is to regulate projects to prevent detrimental or hazardous situations and protect natural and historic areas, adjacent properties and neighborhoods, protect viewsheds and preserve existing native vegetation.

Review Process:

The staff team reviewing the existing regulation included the Town Manager, the Utility and Public Works Director, the Community Development Director and the Building Official.

In preparation for drafting changes to the grading regulation, staff researched the grading ordinances of the City of Sedona and Yavapai County. The Sedona City Engineer provided input and pointed out several standard clauses missing from our ordinance.

Mr. Krishan Ginige of SEC, acting as Town Engineer, has reviewed the draft document.

The Town Attorney has reviewed the document and provided comments.

Recommended Changes:

1. Rename the Section 'Grading and Drainage'
2. Reformat the entire document for logical flow of information
3. Update references to other codes
4. Assign discretionary ability to the Community Development Director or representative.
In the current code various positions have been assigned this ability.
5. Add a definition for 'cut'.



Staff Report

-
6. Remove Section 7-11-5-1 and redefine permit requirements to include all projects involving dirt work except for specific exemptions listed in Section 7-11-7.
 7. Add specific detailed requirements for permit application
 8. Add a requirement for a Sedimentation Control and Stormwater Pollution Prevention Plan
 9. Establish timelines for permit review and issuance
 10. Expand the section on Financial Security to reflect same standards as subdivision regulations
 11. Clarify requirements for protection of adjacent property section
 12. Add new inspection fee to fee section
 13. Add deposit for outside consultant fees to fee section
 14. Add a reference to the plant list in the re-vegetation section
 15. Remove sections titled 'Development Review Adjacent to Peaks or Ridges' and 'Development Guidelines for Peaks and Ridges' and move to separate section in Section 7. These sections encompass regulations broader than the grading code that are specific to only certain areas of Town.
 16. Expand the Site Inspection Section to include the ability to terminate project
 17. Add a section outlining requirements for a Notice of Intent/ADEQ permitting
 18. Restate the appeals process

Recommendation: This is a discussion item only. Staff is requesting input from Council on how to proceed with these proposed changes.

Attachment:

1. Original document
2. Draft revised document

CHAPTER 7 BUILDING

Article 7-11 EXCAVATION AND GRADING

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Section 7-11-1 Introduction

Grading and drainage is regulated because it can cause serious problems when not done properly. Problems created by improper and lack of proper drainage mitigation grading include:

- A. Erosion. Newly exposed soil can erode easily, moving from areas where it is desirable, to areas where it presents problems.
- B. Poor Compaction. If soil placed under a building is not compacted properly, or if the density varies too much, the building may settle and suffer damage.
- C. Vegetation Loss. Excessive grading causes loss of natural vegetation and damages other natural resources for years.
- D. Improper Drainage. Even minor grading can change drainage patterns across a property, which can cause erosion problems on adjacent properties.

Section 7-11-2 Purpose

The purpose of these regulations is to:

- A. Regulate earth removal, excavation, filling, stockpiling, and grading operations to minimize negative impacts upon the use and enjoyment of surrounding properties, including, but not limited to, negative effects upon health, property values, drainage patterns and the future use of the premises involved.
- B. Protect against detrimental impacts on, or significant alteration of historic areas, scenic landmarks or a neighborhood's or the Town's infrastructure and essential characteristics, including significant topographical features.
- C. Establish grading standards designed to:
 - 1. Regulate the development of potentially hazardous terrain.
 - 2. Conserve the general visual character of grading sites and settings.
 - 3. Enhance the value of new development.
 - 4. Conserve the value of existing, affected properties.
 - 5. Supplement the excavation and grading standards of the International Building Code (IBC) or the International Residential Code (IRC) which has been adopted by the Town of Clarkdale. Where differences arise between these regulations and the IBC and IRC, the more stringent standard shall apply.
 - 6. Conserve the unique natural resources of hillside areas.
 - 7. Reduce the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring more intense restoration of graded areas.

CHAPTER 7 BUILDING

8. Minimizing disturbance of existing drainage patterns and soil erosion problems incurred in development alteration of hillside terrain.
9. Provide safe and convenient access to hillside development.

All excavation and grading shall be performed in accordance with the provisions of this article but shall not be construed to prevent the enforcement of other laws which prescribe more restrictive limitations, nor shall the provisions of this article be presumed to waive any limitations imposed by other statutes or ordinances.

Section 7-11-3 Scope

These regulations establish rules to control grading, excavation, earthwork, drainage patterns and site improvement construction, and establish administrative requirements for the issuance of permits, approval of plans, and inspection of grading construction.

Before any grading activity may begin, plans shall be approved by the Community Development Director or representative and Yavapai County Flood Control.

Section 7-11-4 Definitions

“Bedrock” is in-place solid rock.

“Bench” is a relatively level step excavated into earth material on which fill is to be placed.

“Compaction” means the densification of a fill by mechanical means.

“Cut” is the removal of earth material. It may also mean the grade resulting from removal of earth material.

“Detention Area” means a man-made, or natural, water collection facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

“Development” means any human alteration to the existing state of the land, including its vegetation, soil, geology, topography or hydrology for any commercial, industrial, residential or accessory facilities, or any other use, including any and all utilities, sewers, septic systems and circulation areas, such as streets, private roads, parking areas or driveways.

“Earth Material” means any rock, natural soil fill, or any combination.

“Engineering Geology” is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

CHAPTER 7 BUILDING

“Erosion” means the wearing away of the ground surface as a result of the movement of wind or water.

“Excavation” means the mechanical removal of earth material.

“Fill” means a deposit of earth material placed by artificial means.

“Grade” means the vertical location of the ground surface.

“Existing Grade” is the ground surface prior to grading.

“Finished Grade” is the final grade of the site that conforms to the approved plan.

“Natural Grade” is the ground surface unaltered by artificial means.

“Rough Grade” is the stage at which the grade approximately conforms to the approved plan.

“Grading” means the clearing, brushing, grubbing, excavating, or filling of a site.

“Grubbing” means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

“Land Parcel” is an area of land with boundaries recorded in the Yavapai County Recorder’s Office.

“Mitigation” the replacement and/or restoration of damaged or disturbed site features or a high-value resource on-site to a condition that replicates the natural undisturbed condition that historically existed on-site or in the neighborhood. (See also Restoration)

“No practicable alternative” When used, the term means that the property owner has demonstrated to the satisfaction of the Community Development Director or representative that due to physical conditions existing on the property, compliance with the requirements of a section cannot reasonably be practically or functionally achieved.

“Peak Protected Area” is the circular area defined by a 150 foot radius (map distance) from the peak point.

“Restoration” is the process of repairing a previously disturbed, damaged, undamaged or ungraded condition of vegetation, plant communities, geologic structures, grade, drainages, and riparian habitat that historically existed on site or in the neighborhood. Restoration of previously disturbed areas will include enhanced revegetation, and may include corrective grading, natural and artificial rock, and top dressing.

“Retention Area” means a man-made, or natural, water collection facility designed to collect

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surface and subsurface water and retain it on a permanent basis.

“Soil” is the naturally occurring superficial deposits overlying bedrock.

“Soil Engineering” means the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

“Stockpile” means earth material in excess of 50 cubic yards stored for a temporary period of time upon a lot.

“Terrace” is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Section 7-11-5 Permits Required

Except for those exemptions listed in Section 7-11-6, a grading permit is required for all work involving excavation, cut and/or fill.

Section 7-11-6 Exempted Grading Work

A grading permit is **not** required for the following:

- A. An excavation authorized by a building permit;
- B. Excavation and backfill for the installation of underground utilities by public utilities;
- C. Public cemetery graves;
- D. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay for an established active use and provided for by law;
- E. Exploratory excavations under the direction of soil engineers or engineering geologists, provided that all excavations are properly backfilled;
- F. Archaeological explorations conducted under state permit;
- G. Excavations for wells and tunnels authorized by a permit;
- H. Residential gardens or landscaping on grades less than 20 percent and less than 50 cubic feet combined cut and fill.

The Community Development Director or representative may grant minor modifications to the provisions of this article and may waive the requirement for a grading permit for isolated, self-

CHAPTER 7 BUILDING

contained areas if there is no impact to adjacent private or public property.

Section 7-11-7 Guidelines

The design and implementation of all grading shall address the following:

- A. Minimize scars and other adverse visual impacts resulting from cut and fill;
- B. Blend with the natural contours of the land;
- C. Conserve the natural scenic beauty and vegetation of the site;
- D. Restrict the areas and volumes to the minimum necessary to implement the planned development;
- E. Ensure that grades, hillside slopes or other areas subject to erosion are stabilized;
- F. Reduce the erosion effects of storm water discharge, preserve the flood-carrying capacity of natural or constructed waterways by limiting soil loss, and protect drainage ways from siltation;
- G. Minimize dust pollution and surface water drainage from graded areas during grading and development;
- H. Ensure grading activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures;
- I. Not impair surface drainage;
- J. Eliminate dust pollution caused by grading or construction during the life of the project through acceptable means to be approved by the Community Development Director or representative. Effluent water shall be used for all dust control purposes except when written variance is provided by Community Development Director or representative.

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Section 7-11-8 Grading Calculations and Limits

Development Category	Parcel/Lot Size Per Dwelling Unit	Maximum grading permitted
1. Multiple dwellings/business offices/existing commercial and industrial (mass graded)	varies	80% of the project site
2. Single attached or detached dwelling units (mass graded subdivisions)	<20,000 sq. ft.	50% of the project site
3. Single detached dwelling units (individually graded lots)	<20,000 sq. ft.	50% of the lot
4. Single detached dwelling units (individually graded lots)	20,000 sq. ft. to 43,560 sq. ft.	10,000 sq. ft. or 40% of lot, whichever is greater
5. Single detached dwelling units (individually graded lots)	>43,560 sq. ft. to 72,000 sq. ft.	17,425 sq. ft. or 30% of lot, whichever is greater
6. Single detached dwelling units (individually graded lots)	>72,000 sq. ft. to 144,000 sq. ft.	21,601 sq. ft. or 17% of lot, whichever is greater
7. Single detached dwelling units (individually graded lots)	>144,000 sq. ft. to 180,000 sq. ft.	24,481 sq. ft. or 15% of lot, whichever is greater
8. Single detached dwelling units (individually graded lots)	>180,000 sq. ft.	27,001 sq. ft. or 10% of lot, whichever is greater.

The Community Development Director or representative may determine special circumstances exist allowing modifications of these limits. Grading calculations and limits for projects not covered by a development category shall be established on a case by case basis.

Section 7-11-9 Grading Standards

A. Cuts and Fills.

- a. Unless otherwise recommended in the approved grading report, or recommended by the Community Development Director or representative, to meet the objectives of these regulations, cuts and fills shall conform to the provisions of the currently adopted Building Code. The slope of cut and fill surfaces shall be no steeper than is safe for the intended use.

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- b. Cuts and fill slopes shall be no steeper than two units horizontal to one unit vertical (50% slope) unless otherwise recommended in the grading report by an engineer and approved by the Community Development Director or representative.
- c. These provisions may be waived by the discretion of the Community Development Director or representative for minor fills not intended to support structures.
- d. Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical to 2 units horizontal (50% slope). Any and all fill less than 1 unit vertical to 2 units horizontal shall be designed by an engineer and submitted for review and shall include material to be used, methods of compaction and parameters of acceptable limits.
- e. Except as noted below, detrimental amounts of organic material shall not be permitted in fills. Well graded soil be used for fill. Except as permitted by the Community Development Director or representative, no rock or similar irreducible material with a maximum dimension greater than 12" shall be buried or placed in fills.
- f. The Community Development Director or representative may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. In such case, the following conditions shall also apply:
 - i. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
 - ii. Rock sizes greater than 12" in maximum dimension shall be 10' or more below grade, measured vertically.
 - iii. Rocks shall be placed to assure filling of all voids with well-graded soil.
 - iv. No cut and fill shall encroach upon any floodplain, except as provided for in the floodplain management regulations, or any adjacent properties, except by the mutual written consent of all parties affected. Such consent is to be filed with the development services department of Yavapai County.
 - v. Excess cut or fill material shall not be disposed of over the sides of hills or ridges, or on project site, but instead shall be hauled off the site.
 - vi. Any exposed slope with a vertical distance greater than ten feet (10') shall include planting areas and terraced plant benches as follows:

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- i) A minimum six foot (6') wide planting area at the toe of the exposed slope; and
 - ii) A minimum six foot (6') wide terraced plant bench at the ten foot (10') height of the exposed slope and at continuing intervals after every additional ten foot (10') height of exposed slope (planting areas and plant benches shall extend the length of the exposed slope); and
 - iii) The planting areas and plant benches shall be vegetated with plants in conformance with the Town of Clarkdale approved plant list.
- g. Exposed fill slopes shall be separated by a minimum twenty-foot (20') wide enhanced natural area buffer, except that the exposed fill slopes may be connected by a maximum six-foot (6') wide walkway in the natural area buffer.
 - h. The vertical distance of a driveway exposed slope shall not exceed six feet (6') measured from the outer edges of the driveway and shoulders cross section. The vertical limitation may be increased if the Community Development Director or representative confirms that there is no practical alternative to the increase.
 - i. Grading shall not extend more than six feet (6') horizontally beyond the structural development perimeter and six feet (6') on either side of the center line of a utility trench. The six foot (6') horizontal limitation beyond the structural development perimeter may be increased to a maximum of twelve feet (12') on slopes greater than fifteen percent (15%) that extend upward and are perpendicular to the structural development perimeter.
 - j. All soils shall be compacted to a minimum of 90% of maximum density Post development testing shall be submitted that shows compliance with the 90 percent maximum density.

B. Setbacks

- a. Setback dimensions from adjacent properties, roadways and existing infrastructure shall be as shown on the submitted plans.
- b. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.
- c. Toe of Fill Slope. The toe of fill slope shall be setback from the site boundary at least one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet separation. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be

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incorporated in the work as the Community Development Director or representative deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

- i. Additional setbacks;
 - ii. Provision for retaining or slough walls;
 - iii. Mechanical or chemical treatment of the fill slope surface to minimize erosion; and/or
 - iv. Provisions for the control of surface waters.
- d. Modification of Slope Location. The Community Development Director or representative may approve alternate setbacks. The Community Development Director or representative may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.
- C. Retaining walls and/or deep foundations may be used to reduce the required setbacks when approved by the Community Development Director or representative.
- D. Disposal of Cleared Material and Fill – Vegetation, dirt, and rocks removed during cleaning operations shall be disposed of in a manner approved by the Community Development Director or representative.
- E. Excavated Materials removed during grading operations shall be disposed of in a manner approved by the Community Development Director or representative.
- F. Any material spilled on the roadway shall be removed within 24 hours.
- G. Site Re-vegetation and Stabilization.
- a. All graded areas shall be re-vegetated or stabilized per the approved plan within 60 days after completion of the work. The re-vegetation shall include plants from the Town of Clarkdale Approved Plant List found in Section 9 of the Town of Clarkdale Zoning Code at a similar density as found in adjacent, ungraded areas. Revegetation shall be maintained until established.

Section 7-11-10 Protection of Adjoining Property

Each adjacent owner is entitled to the lateral and subjacent support which their land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction of improvements as provided by law. The permittee is responsible for the prevention of damage to adjacent property and shall not excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property prior to supporting and protecting such property from settling, cracking or other damage which may result.

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Section 7-11-11 Protection of Utilities and Rights of Way

During operations the permittee shall be responsible for the prevention of damage to any street or drainage facilities or to any public utility. This responsibility applies within the limits of grading and along routes of travel of equipment.

Permittee shall be responsible for any repair of damage caused during operations.

Section 7-11-12 Grading Permit Requirements

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data including a drainage report, a soils engineering report, an engineering geology report, and any other information determined to be necessary by the Community Development Director or representative. All plans and reports shall be prepared and signed by an engineer licensed by the State of Arizona. Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to an engineering scale not to exceed 1" = 20' unless otherwise approved by the Community Development Director or representative and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail conformance to the provisions of these regulations, as well as all relevant laws, ordinances, rules, and other regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the name of the person who prepared the plans.

The submittal packet shall include the following information:

- A. The property address and/or parcel number.
- B. A written description of the purpose, nature, and objectives of the proposed operation.
- C. The estimated starting and completion dates and the hours and days of operation.
- D. The general vicinity of the proposed site.
- E. Property limits and accurate contours of existing ground and details of terrain and area drainage.
- F. The quantity and type of earth product to be removed, filled, excavated, graded and/or stockpiled.
- G. The locations of floodway and floodplain boundaries and base flood elevations as determined on Federal Emergency Management Agency (FEMA) Flood Maps and the location of other water courses and land subject to inundation or flood hazard.

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- H. If applicable, engineer's calculations and estimated values for each tributary of storm runoff for a twenty-five (25) year and one hundred (100) year frequency storms as specified in the Yavapai County Flood Control District Ordinance. The values shall be indicated along the boundary of the property for all points of drainage entering and leaving the property.
- I. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the areas served by a drain.
- J. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structure on land adjacent owners that are within fifteen feet (15') of the property or that may be affected by the proposed grading operations.
- K. Soils Engineering Report including data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. Report must be dated and contain the names, addresses, and phone numbers of the firms or individuals who prepared the reports.
- L. Engineering Geology Report including an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. Report must be dated and contain the names, addresses, and phone numbers of the firms or individuals who prepared the reports.
- M. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specification. When approved by the Community Development Director or representative, specific recommendations contained in the soils engineering report and the engineering geology reports, which are applicable to grading, may be included by reference.
- N. Upon a finding of unusual soil conditions or of insufficient data to properly assess compliance with these regulations, the Community Development Director or representative may require the applicant to provide additional information on soil, rock ledge, ground water condition, or drainage, or provide any other information deemed necessary and appropriate by the Community Development Director or representative.
- O. Traffic Control Plan including:

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- a. A stop sign shall be posted at the entrance of the access road to the public roadway.
 - b. Advance warning signs, approved by the Community Development Director or representative shall be posted on the public roadway 400 feet on each side of the access intersection. The signs shall be placed 6 feet from the edge of the pavement, and the base of the signs shall be 5 feet above the pavement level. The advance warning signs shall be covered or removed when the access intersection is not in use.
 - c. If the grading project includes the movement of earth material to or from the site in an amount considered substantial, the Community Development Director or representative may require, as a special condition of the grading permit, alternate routes or special requirements in consideration of the possible impact on the adjacent community environment or effects on the public right-of-way.
- P. Sediment/Stormwater Pollution Prevention Control Plan.
- a. Sediment caused by the grading project shall be retained on the site to the greatest extent feasible. The maximum permanent rate of sediment loss after completion of the project should not exceed the natural erosion rate which occurred prior to the grading project.
 - b. If required by the Community Development Director or representative, sediment basins, sediment traps, or similar sediment control measures, temporary or permanent, shall be installed prior to cleaning and grading operations. Upon completion of construction and stabilization of soils, all temporary erosion control facilities shall be removed from the site upon written approval of the Community Development Director or representative.
 - c. If, in the opinion of the Community Development Director or representative, excessive erosion occurs from the project, erosion and sediment control measures shall be immediately implemented to reduce erosion to allowable levels.
 - d. In order to prevent polluting discharges from occurring, approved erosion and sediment control devices shall be required by the Community Development Director or representative. Control devices and measures may include, but are not limited to, the following:
 - i. Energy absorbing devices, such as wattles and hay bales, to reduce the velocity of runoff water;
 - ii. Sedimentation controls, such as sediment debris basins and sediment traps. Trapped sediment shall be removed to an approved site;

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- iii. Disposal of water runoff from developed areas over large undisturbed areas on the site;
- iv. Multiple discharge points to reduce the volume of runoff over localized areas;
- v. Detention areas;
- vi. Retention areas that comply with existing regulations.

Section 7-11-13 Stormwater Pollution Prevention Plan

Prior to issuance of a grading permit, any grading or excavating project disturbing one (1) acre or greater is required to submit a Notice of Intent (NOI) to the Arizona Department of Environmental Quality (ADEQ) to obtain authorization of the proposed Stormwater Pollution Prevention Plan. At the discretion of the Community Development Director or representative, activities disturbing less than one (1) acre which are part of a large development may be required to submit a Notice of Intent to ADEQ.

Section 7-11-14 Operation Standards

When earth material is moved on roadways from or to the site of a grading operation, all of the following requirements shall apply:

- A. Either water or dust palliative or both must be applied for the alleviation or prevention of dust resulting from the loading or transporting of earth from, to, or within the project site on roadways. The permittee shall be responsible for maintaining public rights-of-way used for handling purposes in a condition free of dust, earth, or debris attributed to the grading operations.
- B. Loading and transporting of material from or to the site must be accomplished within the time limits of 6:00 a.m. to 9:00 p.m.
- C. Access roads to the premises shall be only at points on the approved grading plan.
- D. The last 50 feet of the access road, as it approaches the intersection with the roadway, shall have a grade not exceeding 35 degrees and be constructed of gravel or equivalent material to prevent mud and debris from dropping from wheels onto street travel lanes. There must be 300 feet of a clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the 300 feet sight distance cannot be obtained, flaggers shall be posted.
- E. Repair roads damaged by truck damage

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Section 7-11-15 Time of Operations

The Community Development Director or representative shall have the discretion to regulate the hours of grading operations to promote the health, safety, or welfare of the surrounding community. Hours of operation for permitted grading projects are 6:00 a.m. to 9:00 p.m. These hours of operation may be changed upon the Community Development Director or representative's finding of unforeseen impacts on the adjacent community.

Section 7-11-16 Conditions of Approval

In granting any permit under these Sections, the Community Development Director or representative may attach conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property.

Section 7-11-17 Liability

The issuances of any permit under the provisions of these Sections and any conditions attached to the permit shall not relieve any person from responsibility for damage to other person's property or impose any liability upon the Town for damage.

Section 7-11-18 Denial of Permit

The Community Development Director or representative shall not issue a permit in any case where it is found that the work, as proposed by the applicant, is liable to constitute a hazard to property or result in the deposition of debris on any public or private way or interfere with any existing drainage course. If it can be shown to the satisfaction of the Community Development Director or representative that the hazard can be essentially eliminated by the construction of retaining structures, the Community Development Director or representative may issue the permit with the condition that such work be performed as a condition of approval.

If, in the opinion of the Community Development Director or representative, the land areas for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the grading permit shall be denied.

The Community Development Director or representative may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The Community Development Director or representative may, under circumstances where the significant adverse environmental effects of the proposed grading project cannot be mitigated, deny the issuance of a grading permit.

The Community Development Director or representative may require plans and specifications to be modified in order to make them consistent with the Town of Clarkdale General Plan, Zoning Ordinance, Subdivision Ordinance, or other rules, regulations, or conditions applicable to the

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project. The grading permit may be denied if the proposed project cannot be designed in accordance with these regulations.

Section 7-11-19 Decision

Depending on existing workload, every effort shall be made to issue a permit within 60 days of final submittal of a completed application and payment of all fees.

Section 7-11-20 Financial Security

A financial guarantee shall be required by the Community Development Director or representative if it is determined that

- A. A hazardous situation is likely to occur as a result of incomplete or improper grading; or,
- B. Adverse effect is likely to occur to the subject property, or an existing or proposed structure thereon as a result of incomplete or improper grading; or,
- C. Significant drainage, erosion, flooding, or siltation problems may exist as a result of incomplete or improper grading; or,
- D. Adverse geological or environmental impacts may occur as a result of incomplete or improper grading; or,
- E. A financial guarantee is necessary to assure the satisfactory completion of the grading. Assurance shall be either an amount in cash or a letter of credit equal to the amount of the cost of work. Any alternative form of assurance must be approved by Town Council prior to issuance of permit.

Section 7-11-21 Expiration

Work performed under an approved permit shall be completed within a period of 2 years from the date of issuance, except as specified below.

- A. Every permit issued shall expire by limitation and become void if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The Community Development Director or representative may extend the 180 day expiration time limit on permits not to exceed successive periods of 180 days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

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- B. Applications for which no permit is issued within 180 days shall expire.
- C. The Community Development Director or representative may extend the time for action for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action from an application, after expiration, the applicant shall resubmit plans and pay a new plan check fee.
- D. Change in Ownership: An issued permit shall expire upon a change of ownership if the grading work has not been completed and a new permit shall be required for the completion of the work. If the time limitation of this section is not applicable, and no changes have been made to the approved plans and specifications, no charge shall be made for issuance of the new permit under such circumstances.
- E. Change in Plans: If, changes have been made to the approved plans and specifications, fees based on the valuation of the additional work, additional cubic yardage, and necessary plan checking shall be charged to the permit applicant.

Section 7-11-22 Extension

No operations are permitted after the permit expires. The Community Development Director or representative may extend a grading permit for up to 6 months upon written request for extension, provided the extension request is made prior to the expiration of the permit.

Section 7-11-23 Renewal

A request for renewal shall follow the same process as the initial application, including payment of the required fee.

Section 7-11-24 Enforcement

Whenever any building or grading work is done contrary to the provisions of this regulation, the Community Development Director or representative may order the work stopped by notice served on any persons engaged in performing the work or causing the work to be done. After receiving the notice to stop work, all activity shall be stopped until authorized by the Community Development Director or representative to proceed.

Section 7-11-25 Modifications

No modification of the approved plans may be made without the approval of the Community Development Director or representative. All necessary revisions to soils and geological reports shall be submitted with the revised plans.

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Section 7-11-26 Fees

- A. Grading Permit Fees: A fee for each grading permit shall be paid prior to issuance of a grading permit as established by the Town Council.
- B. Grading Plan Check Fees: The applicant shall pay a plan check fee as established by resolution of the Town Council.
- C. Inspection Fee: An hourly fee is required for each inspection by the Town. Each permit requires a minimum of one inspection fee.
- D. Per Article 3-5 of the Clarkdale Town Code, a deposit towards outside consultants' fees may be required for a grading permit.
- E. Cost Recovery Fee: If the Town performs emergency work on private property, the property owner shall be charged all direct and indirect costs which are necessary to complete the work to the Building Official's satisfaction. In addition, the Community Development Director or representative may charge an administrative cost equal to 10% of the cost for performing the work.

Section 7-11-27 Hazards

Notice to terminate grading shall be given upon determination by the Community Development Director or authorized representative that any existing excavation or embankment or fill on private property has become a hazard to public safety, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel. Upon receipt of notice the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, shall within the period specified repair or eliminate the excavation or embankment to eliminate the hazard and be in conformance with the requirements of these regulations.

Section 7-11-28 Notification of Non-Compliance

If, in the course of fulfilling their responsibility under these regulations, the Civil Engineer, the Soil Engineer, the Engineering Geologist Testing Agency or other responsible party finds that the work is not being done in conformance with the provisions of the approved specifications and grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Community Development Director or representative. Recommendations for corrective measures, if necessary, shall be submitted to the owner. The owner shall submit two copies of all recommendations and reports to the Community Development Director or representative.

Section 7-11-29 Inspection Authority

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All grading operations for which a permit is required shall be subject to inspection by the Community Development Director or representative.

Section 7-11-30 Site Inspection

Prior to the approval of any building or grading plans and specifications, the Community Development Director or representative may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

The contractor agent shall notify the Community Development Director or representative if, during the course of grading operations, contaminated soil is uncovered. Work at the site shall cease immediately and shall not resume until authorized by the Community Development Director or representative.

The permittee or agent shall notify the Community Development Director or representative when the grading operations for which inspection is required are ready for inspection.

If the Community Development Director or representative finds the soil or other conditions not as stated in the approved plans or soil and geology reports, or as in additional information which was required for issuance of the grading permit, the Community Development Director or representative may stop additional work until approval is obtained for a revised grading plan.

Whenever the Community Development Director or representative determines that any work does not comply with the terms of a permit, or these regulations, or that the soil or other conditions are not as stated on the permit, the Official may order the work stopped by notice served on any persons engaged in doing or causing such work to be done and all work shall be stopped until authorized by the Community Development Director or representative to proceed.

Section 7-11-31 Notification of Completion

The permittee or agent shall notify the Community Development Director or representative when the grading operation is ready for final inspection. All work, including installations of all drainage facilities and their protective devices, revegetation and all erosion control measures, must be completed in accordance with the final approved grading plan and any required reports before the final approval of the grading may be given by the Community Development Director or representative.

Section 7-11-32 Appeals

Any person aggrieved by a decision of the Community Development Director may file an appeal with the Town Manager provided said appeal is filed within sixty (60) days of the date of the decision being appealed. Said appeals shall be made on forms approved by the Community Development Director and shall follow procedures as established by the Board of Adjustment.

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Article 7-11 EXCAVATION AND GRADING

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- Section 7-11-7 Exempted Grading Work
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- Section 7-11-26 Appeals

Section 7-11-1 Introduction

Grading is regulated because it can cause serious problems when not done properly, problems created by improper grading include:

- A. Newly exposed soil can erode easily, moving from areas where it is desirable, to areas where it presents problems.
- B. If soil placed under a building is not dense enough, or if the density varies too much, the building may settle and suffer damage.

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- C. Excessive grading causes loss of natural vegetation and damages other natural resources for years.
- D. Even minor grading can change drainage patterns across a property, which can cause erosion problems on adjacent properties.

Section 7-11-2 Purpose

The purpose of these regulations is to:

- A. Regulate earth removal, excavation, filling, stockpiling, and grading operations to minimize negative impacts upon the use and enjoyment of surrounding properties, including, but not limited to, negative effects upon health, property values, and the future use of the premises involved.
- B. Protect against detrimental impacts on, or significant alteration of historic areas, scenic landmarks or a neighborhood's or the Town's essential characteristics, including significant topographical features.
- C. Establish grading standards designed to:
 - 1. Regulate the development of potentially hazardous terrain.
 - 2. Conserve the general visual character of grading sites and settings.
 - 3. Enhance the value of new development.
 - 4. Conserve the value of existing, affected properties.
 - 5. Supplement the excavation and grading standards of the international Construction Code, ICC or the International Residential Code, IRC, which has been adopted by the Town of Clarkdale. Where differences arise between these regulations and the ICC and IRC, the more stringent standard shall apply.
 - 6. Conserve the unique natural resources of hillside areas.
 - 7. Reduce the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring more intense restoration of graded areas.
 - 8. Minimizing disturbance of existing drainage patterns and soil erosion problems incurred in development alteration of hillside terrain.
 - 9. Providing safe and convenient access to hillside development.

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Section 7-11-3 Scope

These regulations establish rules to control grading, excavation, earthwork, and site improvement construction, and establish administrative requirements for the issuance of permits, approval of plans, and inspection of grading construction.

Section 7-11-4 Guidelines

The design and implementation of all grading shall address the following:

- A. Minimize scars and other adverse visual impacts resulting from cut and fill.
- B. Blend with the natural contours of the land.
- C. Conserve the natural scenic beauty and vegetation of the site.
- D. Restrict the areas and volumes to the minimum necessary to implement the planned development.
- E. Ensure that grades hillside, slopes, or other areas subject to erosion are stabilized.
- F. Reduce the erosion effects of storm water discharge, preserve the flood-carrying capacity of natural or constructed waterways by limited soil loss, and protect drainage ways from siltation.
- G. Minimize dust pollution and surface water drainage from graded areas during grading and development.
- H. Ensure that development activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures.
- I. Not impair surface drainage.
- J. Eliminate dust pollution caused by grading or construction during the life of the project through the use of either water or a dust palliative or both as required by the Community Development Director or his/her authorized representative.

Section 7-11-5 Definitions

- A. **“Bedrock”** is in-place solid rock.
- B. **“Bench”** is a relatively level step excavated into earth material on which fill is to

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be placed.

- C. **“Compaction”** means the densification of a fill by mechanical means.
- D. **“Detention Area”** means a man-made, or natural, water collection facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.
- E. **“Development”** means any human alteration to the existing state of the land, including its vegetation, soil, geology, topography or hydrology for any commercial, industrial, residential or accessory facilities, or any other use, including any and all utilities, sewers, septic systems and circulation areas, such as streets, private roads, parking areas or driveways.
- F. **“Earth Material”** means any rock, natural soil fill, or any combination.
- G. **“Engineering Geology”** is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
- H. **“Erosion”** means the wearing away of the ground surface as a result of the movement of wind or water.
- I. **“Excavation”** means the mechanical removal of earth material.
- J. **“Fill”** means a deposit of earth material placed by artificial means.
- K. **“Grade”** means the vertical location of the ground surface.
- L. **“Existing Grade”** is the ground surface prior to grading.
- M. **“Finished Grade”** is the final grade of the site that conforms to the approved plan.
- N. **“Natural Grade”** is the ground surface unaltered by artificial means.
- O. **“Rough Grade”** is the stage at which the grade approximately conforms to the approved plan.
- P. **“Grading”** means the clearing, brushing, grubbing, excavating, or filling of a site.

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- Q. **“Grubbing”** means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.
- R. **“Land Parcel”** is an area of land with boundaries recorded in the Yavapai County recorder’s office.
- S. **“Mitigation”** the replacement and/or restoration of damaged or disturbed site feature or a high resource value element on-site to a condition that replicates the natural undisturbed condition that historically existed on-site or in the neighborhood. (See also Restoration)
- T. **“No practicable alternative”** When used, the term means that the property owner has demonstrated to the satisfaction of the Community Development Director that due to physical conditions existing on the property, compliance with the requirements of a section cannot reasonably be practically or functionally achieved.
- U. **“Peak Protected Area”** is the circular area defined by a 150 foot radius (map distance) from the peak point.
- V. **“Restoration”** is the process of repairing a previously disturbed, damaged, undamaged or ungraded condition of vegetation, plant communities, geologic structures, grade, drainages, and riparian habitat that historically existed on site or in the neighborhood. Restoration of previously disturbed areas will include enhanced revegetation, and may include corrective grading, natural and artificial rock, and top dressing.
- W. **“Retention Area”** means a man-made, or natural, water collection facility designed to collect surface and subsurface water and retain it on a permanent basis.
- X. **“Soil”** is the naturally occurring superficial deposits overlying bedrock.
- Y. **“Soil Engineering”** means the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.
- Z. **“Stockpile”** means earth material in excess of 50 cubic yards stored for a temporary period of time upon a lot.

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- AA. **“Terrace”** is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Section 7-11-5.1 Applicable Lands

- A. This chapter applies to any land parcel, lot, or project site containing slopes of twelve percent (12%) or greater, which are both longer than fifty feet (50') when measured in any horizontal direction and higher than five and one-half feet (5.5') when measured vertically.
- B. This chapter does not apply to a lot that is located within a subdivision for which a complete tentative plat was filed with the town before September, 1996, and for which the final plat has been recorded within 18 months after approval.
- C. A rezoning for residential uses with overall densities greater than 1.20 residences per acre is not permitted on land parcels with an average cross slope greater than twelve percent (12%) prior to the exclusion of any natural area.
- D. Protected area of a peak. The circular area defined by a 150 foot radius (map distance) from the peak point.
- E. Protected area of a ridge. The oval area defined by lines running parallel to and on either side of the ridge line at a map distance of 150 feet, combined with the terminating at 150-foot radius (map distance) from the end points.

Section 7-11-6 Permits Required

All development, except as otherwise specified, will require subdivision plat, minor land division, development plan, or site plan review approval by the Town of Clarkdale in accordance with the applicable local ordinances and regulations prior to obtaining permit for grubbing, grading and filling, excavation, or construction. Furthermore, unless exempted, no person shall do any grading without first obtaining a grading permit from the Community Development Department.

Section 7-11-7 Exempted Grading Work

A grading permit is not required for the following:

- A. An excavation below finished grade for a basement, foundation, wall, or swimming pool authorized by a building permit.

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- B. Refuse disposal sites controlled by other regulations.
- C. Excavation and backfill for the installation of underground utilities by public utilities.
- D. Cemetery graves.
- E. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property.
- F. Exploratory excavations under the direction of soil engineers or engineering geologists, provided that all excavations are properly backfilled.
- G. Archaeological exploration conducted under state permit by a qualified archaeologist.
- H. Excavations for wells, tunnels, or utilities.
- I. With the exception of private streets, an excavation that is less than 2' deep or which does not create a cut slope greater than 5' in height and steeper than 1 unit vertical in 1 ½ units horizontal (66.7% slope), except in a private street which always requires a grading permit.
- J. A fill less than 1 foot in depth and placed on natural terrain with a slope less than one unit vertical in 5 units horizontal (20% slope), or less than 3 feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot, except private streets which always require a grading permit.
- K. The Building official may waive the requirement for a grading permit for isolated, self-contained areas if there is no danger to private or public property.
- L. An excavation which does not obstruct a drainage channel, excepting private streets which always require a grading permit.

Section 7-11-8 Hazards

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon

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receipt of notice in writing from the Building Official, shall within the period specified repair or eliminate the excavation or embankment to eliminate the hazard and be in conformance with the requirements of these regulations.

Section 7-11-8.1 Development Review Adjacent to Peaks or Ridges

- A. When development is proposed within 350 feet of a peak protected area, the developer shall submit to the Community Development Department a topographic map (scale no smaller than one inch equals one hundred feet with ten-foot contour intervals) delineating the protected area of the peak or ridge, the peak point or ridge line, and elevations.
- B. This map shall be submitted in conjunction with a grading plan for building permit review purposes, tentative plat, building permit application or development plan. This requirement shall also apply when a road or development is proposed within a protected area, subject to the granting of a special use or an addition permit.

Section 7-11-8.2 Development Guidelines for Peaks and Ridges

- A. Native trees and shrubs shall be planted and spaced in at most twenty foot intervals to screen all building walls. An alternative vegetation that would achieve the same results may be used if approved by the Community Development Director or his assigned designee. In all cases, fifteen-gallon plants or larger shall be used, and they must be connected to an irrigation system until established;
- B. Roadway edges shall be re-vegetated.
- C. Every outside light source shall be shielded and directed toward the center of the land parcel and away from the property lines; and
- D. The width of a private driveway that must cross the protected area of a level two protected peak or ridge shall not exceed twelve feet, and the width of a private roadway providing two-way access that must cross the protected area of a peak or ridge shall not exceed eighteen feet.
- E. All utilities that cross the protected area of a level two peak or ridge shall be underground, with no accessory utility structures allowed within the protected area of the peak or ridge, and the pathway to construct and install the utilities shall be completely re-vegetated.

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Section 7-11-8.3 General Grading Requirements

Grading Requirements Table			
Development Category	Parcel/Lot Size Per Dwelling Unit	Grading Calculation	Maximum Grading
1. Multiple dwellings/business offices/existing commercial and industrial (mass graded)	varies	80% of the project site	80% of the project site
2. Single attached or detached dwelling units (mass graded subdivisions)	<20,000 sq. ft.	50% of the project site *	50% of the project site *
3. Single detached dwelling units (individually graded lots)	<20,000 sq. ft.	50% of the lot	50% of the lot
4. Single detached dwelling units (individually graded lots)	20,000 sq. ft. to 43,560 sq. ft. **	10,000 sq. ft. or 40% of lot, whichever is greater	10,000 - 17,424 sq. ft.
5. Single detached dwelling units (individually graded lots)	>43,560 sq. ft. to 72,000 sq. ft.	17,425 sq. ft. or 30% of lot, whichever is greater	17,425 - 21,600 sq. ft.
6. Single detached dwelling units (individually graded lots)	>72,000 sq. ft. to 144,000 sq. ft.	21,601 sq. ft. or 17% of lot, whichever is greater	21,601 - 24,480 sq. ft.
7. Single detached dwelling units (individually graded lots)	>144,000 sq. ft. to 180,000 sq. ft.	24,481 sq. ft. or 15% of lot, whichever is greater	24,481 - 27,000 sq. ft.
8. Single detached dwelling units (individually graded lots)	>180,000 sq. ft.	27,001 sq. ft. or 10% of lot, whichever is greater.	27,001 sq. ft.
* Under Section., grading may be increased in 5% increments for each 10% of the site that is not on 15%+ slopes, up to a maximum of 70% of the site.			
** Minimum lot size: cluster option and standards in riparian areas have their own set-aside calculations.			

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Section 7-11-9 Grading Permit Designation

Grading in excess of 1,000 cubic yards shall be performed in accordance with an approved grading plan prepared by a professional licensed by the State of Arizona to prepare such plans and shall be designated as *Engineered Grading*. Grading involving less than 1,000 cubic yards in combined cut and fill shall be designated as *Regular Grading*. The permittee may choose to have regular grading performed as engineered grading. The Building Official may determine that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

Section 7-11-10 Engineered Grading Requirements - More Than 1,000 Cubic Yards Combined Cut and Fill.

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consistent of a soils engineering report, an engineering geology report, and any other information shall be prepared and signed by an individual licensed by the state to prepare the plans. Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to an engineering scale not to exceed 1' = 40' unless otherwise approved by the Building Official upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of these regulations, as well as all relevant laws, ordinances, rules, and other regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom the plan were prepared.

- A. The plans shall include the following information:
1. A written description of the purpose, nature, and objectives of the proposed operation.
 2. The estimated starting and completion dates and the hours and days of operation.
 3. The general vicinity of the proposed site.
 4. Property limits and accurate contours of existing ground and details of terrain and area drainage.
 5. Limiting dimensions, elevations or finish contours, including plan and profile, to be achieved by the grading, and proposed drainage channels and

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related construction.

6. The quantity and type of earth product to be removed, filled, excavated, graded or stockpiled.
7. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the areas served by a drain.
8. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structure on land adjacent owners that are within fifteen feet (15') of the property or that may be affected by the proposed grading operations.
9. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specification. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology reports, which are applicable to grading, may be included by reference.
10. The dates of the soils engineering and engineering geology reports, together with the names, addresses, and phone numbers of the firms or individuals who prepared the reports.
11. Upon a finding of unusual soil conditions or of insufficient data to properly assess compliance with these regulations, the Building Official may require the applicant to provide additional information on soil, rock ledge, ground water condition, or drainage, or provide any other information deemed necessary and appropriate by the Building Official.

B. Soils Engineering Report

The Soils Engineering Report shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

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C. Engineering Geology Report

The Engineering Geology Report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

Section 7-11-11 Regular Grading Requirements - Under 1,000 Cubic Yards Combined Cut and Fill.

To obtain a grading permit, the applicant must first file an application in writing on a form furnished by the Community Development Director. The applicant for a regular grading permit shall contain the following information:

- A. General vicinity of the proposed site.
- B. Limiting dimensions and depth of cut and fill.
- C. Location of any buildings or structures on the site or within fifteen feet (15') of the property of the proposed grading.
- D. A grading plan indicating:
 - 1. Name of the owner.
 - 2. Name of person preparing the plan.
 - 3. A general description of the nature and extent of the grading work.
 - 4. The estimated starting and completion dates and the hours and days of operation.
 - 5. A description of the lot on which the grading work will be performed (by street address or other description which will easily identify the location of the lot).
 - 6. An estimate of the quantity of material to be graded (in cubic feet).
- E. Any grading plans (including existing and finished grades), specifications, soils engineering report, engineering geology report, or other data and information as may be required by the Planning Director or Building Official.
- F. Plans and specifications shall be prepared and signed by any qualified party, unless otherwise required by the Building Official.

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Section 7-11-12 Decision

A decision by the Building Official on the application shall be rendered within 30 days (regular grading) and within 60 days (engineered grading) of final submittal of a completed application and payment of all fees. The applicant may consent to one or more extensions of such time period, provided the total period of any extension of extensions shall not exceed 60 days.

Section 7-11-13 Denial of Permit

The Planning Director shall not issue a permit in any case where it is found that the work, as proposed by the applicant, is liable to constitute a hazard to property or result in the deposition of debris on any public or private way or interfere with any existing drainage course. If it can be shown to the satisfaction of the Planning Director that the hazard can be essentially eliminated by the construction of retaining structures, the Planning Director may issue the permit with the condition that such work be performed as a condition of approval.

If, in the opinion of the Planning Director, the land areas for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the grading permit shall be denied.

The Planning Director may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The Planning Director may, under circumstances where the significant adverse environmental effects of the proposed grading project cannot be mitigated, deny the issuance of a grading permit.

The Planning Director may require plans and specifications to be modified in order to make them consistent with the Town of Clarkdale General Plan, Zoning Ordinance, Subdivision Ordinance, or other rules, regulations, or conditions applicable to the project. The grading permit may be denied if the proposed project cannot be designed in accordance with these regulations.

Section 7-11-14 Expiration

Work performed under an approved permit shall be completed within a period of 2 years from the date of issuance, except as specified below.

- A. Every permit issued shall expire by limitation and become void if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The Planning Director may extend the 180 day expiration time limit on permits not to exceed

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successive periods of 180 days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

- B. Applications for which no permits issued within 180 days following the date of application shall expire by limitation, and plans submitted for checking may be returned to the applicant or destroyed by the Building Official. The Building

Official may extend the time for action by for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action from an application, after expiration, the applicant shall resubmit plans and pay a new plan check fee.

- C. Change in Ownership: An approved permit issued shall expire upon a change of ownership if the grading work has not been completed and a new permit shall be required for the completion of the work. If the time limitation of this section is not applicable, and no changes have been made to the approved plans and specifications, no charge shall be made for issuance of the new permit under such circumstances.
- D. Change in Plans: If, however, changes have been made to the approved plans and specifications, fees based on the valuation of the additional work, additional cubic yardage, and necessary plan checking shall be charged to the permit applicant.

Section 7-11-15 Extension

No operations are permitted after the permit expires. The Building Official may extend a grading permit for up to 6 months upon written request for extension, provided the extension request is made prior to the expiration of the permit.

Section 7-11-16 Renewal

A request for renewal shall follow the same process as the initial application, including payment of the required fee.

Section 7-11-17 Enforcement

Whenever any building or grading work is done contrary to the provisions of this regulation, the Planning Director or Building Official may order the work stopped by notice, in writing, served on any persons engaged in performing the work or causing the work to be done. After receiving

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the notice, all work shall be stopped until authorized by the Planning Director of the Building Official to proceed.

Section 7-11-18 Financial Security

A financial guarantee may be required by the Building Official if it is determined that:

- A. A hazardous situation is likely to occur as a result of incomplete or improper grading; or,
- B. Adverse effect is likely to occur to the subject property, or an existing or proposed structure thereon as a result of incomplete or improper grading; or,
- C. Significant drainage, erosion, flooding, or siltation problems will exist as a result of incomplete or improper grading; or,
- D. Adverse geological or environmental impacts will occur as a result of incomplete or improper grading; or,
- E. A financial guarantee is necessary to assure the satisfactory completion of the grading.

Section 7-11-19 Protection of Adjoining Property

Each adjacent owner is entitled to the lateral and subjacent support which their land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction of improvements as provided by law.

Section 7-11-20 Fees

- A. Grading Plan Check Fees: The applicant shall pay a plan check fee as established by resolution of the Town Council.
- B. Grading Permit Fees: A fee for each grading permit shall be paid prior to issuance of a grading permit as established by the Town Council.
- C. Cost Recovery Fee: If the Town performs emergency work on private property, the property owner shall be charged all direct and indirect costs which are necessary to complete the work to the Building Official's satisfaction. In addition, the Building Official may charge an administrative cost equal to 10% of the cost

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for performing the work.

Section 7-11-21 Notification of Non-Compliance

If, in the course of fulfilling their responsibility under these regulations, the Civil Engineer, the Soil Engineer, the Engineering Geologist, or the Testing Agency finds that the work is not being done in conformance with the provisions of the approved specifications and grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Building Official. Recommendations for corrective measures, if necessary, shall be submitted to the owner. The owner shall submit two copies of all recommendations and reports to the Building Official.

Section 7-11-22 Inspection Authority

All grading operations for which a permit is required shall be subject to inspection by the Planning Director or the Building Official or his/her designees.

Section 7-11-23 Site Inspection by the Building Officials

Prior to the approval of any building or grading plans and specifications, the Building Official may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

The contractor agent shall notify the Building Official if, during the course of grading operations, contaminated soil is uncovered. The permittee or agent shall notify the Building Official when the grading operations for which inspection is required are ready for inspection.

If the Building Official finds the soil or other conditions not as stated in the approved plans or soil and geology reports, or as in additional information which was required for issuance of the grading permit, the Building Official may stop additional work until approval is obtained for a revised grading plan

Whenever the Building Official, determines that any work does not comply with the terms of a permit, or these regulations, or that the soil or other conditions are not as stated on the permit, the Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done and all work shall be stopped until authorized by the Building Official to proceed.

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Section 7-11-24 Notification of Completion

The permittee or agent shall notify the Building Official when the grading operation is ready for final inspection. All work, including installations of all drainage facilities and their protective devices and all erosion control measures, must be completed in accordance with the final approved grading plan and any required reports approved by the Planning Director before the final approval of the grading may be given by the Building Official.

Section 7-11-25 Grading Standards

A. Site Re-vegetation and Stabilization.

All graded areas which can reasonably be re-vegetated or stabilized, shall be within 60 days after completion of the work, except those areas to be used for agriculture or livestock purposes. Also, in cases where the purpose of the grading permit is not met, all graded areas shall be designed to restore the native vegetation community. The re-vegetation shall include native vegetation at a similar density as found in adjacent, ungraded areas. Revegetation shall be maintained in perpetuity.

B. Cuts and Fills.

Unless otherwise recommended in the approved grading report, or recommended by the Building Official to meet the objectives of these regulations, cuts and fills shall conform to the provisions of the currently adopted Building Code.

Exception: Cuts and fill slopes shall be not steeper than two units horizontal to one unit vertical (50% slope) unless otherwise recommended in the grading report and approved by the Building Official. The slope of cut and fill surfaces shall be no steeper than is safe for the intended use.

However, these provisions, at the discretion of the Building Official, may be waived for minor fills not intended to support structures.

Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical to 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill before removing vegetation, noncomplying fill, topsoil, and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical to 5 units horizontal (20% slope) and the height is greater than 5', by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical 5 units horizontal (20% slope) shall be at least 10'

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wide. The area beyond the toe of fill shall be loped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide, but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

Excepted as noted below, detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12" shall be buried or placed in fills.

An exception to this is that the Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. In such case, the following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12" in maximum dimension shall be 10' or more below grade, measured vertically.
 1. Rocks shall be placed to assure filling of all voids with well-graded soil.
 2. No cut and fill shall encroach upon any floodplain, except as provided for in the floodplain management regulations or any adjacent properties except by the mutual written consent of all parties affected. Such consent is to be filed with the development services department of Yavapai County.
3. Excess cut or fill material shall not be disposed of over the sides of hills or ridges, or on project site, but instead shall be hauled off the site.
4. Any exposed slope with a vertical distance greater than ten feet (10') shall include planting areas and terraced plant benches as follows:
 - a. A minimum six foot (6') wide planting area at the toe of the exposed slope; and
 - b. A minimum six foot (6') wide terraced plant bench at the ten foot (10') height of the exposed slope and at continuing intervals after every

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additional ten foot (10') height of exposed slope (planting areas and plant benches shall extend the length of the exposed slope); and

- c. The planting areas and plant benches shall be vegetated with plants in conformance with the approved Town of Clarkdale plant list.
5. Exposed fill slopes shall be separated by a minimum twenty-foot (20') wide enhanced natural area buffer, except that the exposed fill slopes may be connected by a maximum six-foot (6') wide walkway in the natural area buffer.
6. The vertical distance of a driveway exposed slope shall not exceed six feet (6') measured from the outer edges of the driveway and shoulders cross section, except that the six foot (6') vertical limitation may be increased if the planning official confirms that there is no practicable alternative to the increase.
7. Grading shall not extend more than six feet (6') horizontally beyond the structural development perimeter and six feet (6') on either side of the center line of a utility trench. The six foot (6') horizontal limitation beyond the structural development perimeter may be increased to a maximum of twelve feet (12') on slopes greater than fifteen percent (15%) that extend upward and are perpendicular to the structural development perimeter.

All soils shall be compacted to a minimum of 90% of maximum density.

C. Setbacks

1. Setback dimensions shall be as shown on the submitted plans.
2. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.
3. Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary than one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

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- a. Additional setbacks;
- b. Provision for retaining or slough walls;
- c. Mechanical or chemical treatment of the fill slope surface to minimize erosion;
- d. Provisions for the control of surface waters;
- e. Modification of Slope Location. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

Exception: Retaining walls and/or deep foundations may be used to reduce the required setbacks when approved by the Building Official.

D. Disposal of Cleared Material and Fill

Vegetation, dirt, and rocks removed during cleaning operations shall be disposed of in a manner approved by the Building Official.

E. Excavated Materials

Excavated materials removed during grading operations shall be disposed of in a manner approved by the Building Official.

F. Import or Export of Earth Material

When an excess of 5,000 cubic yards of earth per project site is moved on public roadways from or to the site of an earth grading operation, all of the following requirements shall apply:

1. Either water or dust palliative or both must be applied for the alleviation or prevention of excessive dust resulting from the loading or transporting of earth from, to, or within the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way used for handling purposes in a condition free of dust, earth, or debris attributed to the grading operations.
2. Loading and transporting of earth from or to the site must be accomplished within the limitations of Time of Grading Operations of these regulations.
3. Access roads to the premises shall be only at points designated on the

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approved grading plan.

4. The last 50' of the access road, as it approaches the intersection with the public roadway, shall have a grade not exceeding 35 and be constructed of gravel or equivalent material to prevent mud and debris from dropping from wheels onto street travel lanes. There must be 300' clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the 300' sight distance cannot be obtained, flag men shall be posted.
5. A stop sign shall be posted at the entrance of the access road to the public roadway.
6. Advance warning signs must be posted on the public roadway 400' on each side of the access intersection, carrying the words *Truck Crossing*. This sign shall be diamond shaped, each side being 30" in length, shall have a yellow background, and the letters shall be 5" in height. The signs shall be placed 6' from the edge of the pavement, and the base of the signs shall be 5' above the pavement level. The advance warning signs shall be covered or removed when the access intersection is not in use.
7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the Building Official. The Building Official may require, as a special condition of the grading permit, alternate routes or special requirements in consideration of the possible impact on the adjacent community environment or effect on the public right-of-way.

G. Sediment Control

Sediment caused by the grading project shall be retained on the site to the greatest extent feasible. The maximum permanent rate of sediment loss after completion of the project should not exceed the natural erosion rate which occurred prior to the grading project.

If required by the Building Official, sediment basins, sediment traps, or similar sediment control measures, temporary or permanent, shall be installed prior to cleaning and grading operations. Upon completion of construction and stabilization of soils, all temporary erosion control facilities shall be removed from the site upon written approval of the Building Official.

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If, in the opinion of the Building Official, excessive erosion occurs from the project, erosion and sediment control measures shall be immediately implemented to reduce erosion to allowable levels.

H. Control of Runoff

In order to prevent polluting discharges from occurring, approved erosion and sediment control devices may be required by the Building Official. Control devices and measures which may be required include, but are not limited to, the following:

1. Energy absorbing devices to reduce the velocity of runoff water.
2. Sedimentation controls, such as sediment debris basins and sediment traps. Trapped sediment shall be removed to a site approved by the Building Official.
3. Disposal of water runoff from developed areas over large undisturbed areas.
4. Multiple discharge points to reduce the volume of runoff over localized areas.
5. Detention areas.
6. Retention areas.

I. Time of Operations

The Building Official shall have the discretion to regulate the hours of grading operations to promote health, safety, or welfare of the surrounding community. Permitted hours of operation may be changed upon the Building Official's finding or unforeseen impacts on the adjacent community.

Section 7-11-26 Appeals

Any person aggrieved by the decision of an administrative officer may file an appeal with the Board of Adjustment provided said appeal is filed within sixty (60) days of the date of the decision being appealed. Said appeals shall be made on forms approved by the Planning Director and shall follow procedures as established by the Board of Adjustment.



Staff Report

Agenda Item: **FISCAL YEAR 2015-2016 BUDGET UPDATE** – A worksession to discuss the first quarter of the 2015-2016 FY budget.

Staff Contact: Kathy Bainbridge, Finance Director

Meeting Date: October 27, 2015

Background: This budget update is designed to provide the Town Council with an overview of the current budget position, discuss current budget and revenue projections, and talk about key areas in the Town's short term economic outlook.

Recommendation: This item is scheduled as a worksession only, and no official action is necessary from the council.



Staff Report

Agenda Item: **COMMERCIAL RIVER RUNNER CAPACITIES FOR THE VERDE RIVER @ CLARKDALE** – Consideration and possible action relating to the establishment of Commercial River Runner Capacities on the Verde River @ Clarkdale.

Staff Contact: Gayle Mabery, Town Manager

Meeting Date: October 27, 2015

Background: Commercial River Runner operations began for the first time on the Verde River @ Clarkdale in 2014, when we had 6,367 commercial customers served by two outfitters here in Clarkdale. As a result of the popularity of commercial recreational opportunities, the Town developed a Prospectus process to solicit outfitters who were interested in providing commercial services on the river during the 2015 season. The objectives of the permit process were to:

- Provide commercial recreational opportunities on the Verde River @ Clarkdale, for visitors and residents;
- Provide safe and enjoyable recreational experiences on the Verde River @ Clarkdale;
- Provide financial sustainability for the Verde River @ Clarkdale project and economic development opportunities for the Town of Clarkdale.

To provide guidance for the 2015 permitting process, on January 13, 2015, the Clarkdale Town Council established capacity limits for commercial river runner operations on the Verde River @ Clarkdale for the 2015 river season. During the discussion relating to establishing capacities, the Town Council agreed that it would be best to establish capacity limits on a year by year basis during the initial years of the Verde River @ Clarkdale project. The capacities established by the Town Council for the 2015 season were:

- Maximum capacity of 9,200 commercial customers during the 2015 season, allocated as follows:
 - 7,820 commercial recreational (maximum)
 - 1,380 commercial interpretive/educational (minimum)
- Maximum guided trip size of sixteen (16) people per trip, including trip guides.
- Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.

On completion of the 2015 prospectus process, the Outfitter Permit Review Committee recommended issuance of permits to 4 commercial outfitters. Only two of those outfitter executed permits for the 2015 season, resulting in a significant reduction in commercial operations compared to the 2014 season.



Staff Report

Even with the reduced commercial use in 2015, it is known that competitive interest exists for commercial opportunities on the Verde River @ Clarkdale in 2016 and the Town of Clarkdale is once again using the prospectus process for selecting applicants and awarding permits for our remaining commercial capacity.

Please note, Commercial Outfitters who were awarded permits in 2015 and have demonstrated acceptable performance and compliance with their existing permits are eligible for reissuance of their permit for the upcoming calendar year. Staff is in the process of reissuing permits to both of our 2015 outfitters, and the capacity allocated to those outfitters will be deducted from what is offered in the 2016 Prospectus/Invitation to Bid. Additionally, the Town holds back 10% of the available capacity from our bid offerings so that we can accommodate special events and other uses throughout any given year. As a result, a maximum of 5,593 recreational customer units (a maximum of 500 of which may be unguided) and at least 442 guided interpretive/educational customer units will be available during the 2016 permit process. (If demand for guided interpretive/educational trips is in excess of the minimum amount available, the capacity needed to meet that demand may be deducted from the available capacity for recreational trips.)

At this time, the Town staff feels that the capacity limits established by the Town Council in 2015 sufficiently address our goal to maintain quality experiences for visitors and residents who recreate at the Verde River @ Clarkdale, while protecting, preserving and restoring the Verde River and its habitat. With this in mind, we are recommending no changes to the commercial capacities adopted in 2015.

Recommendation: Staff recommends that the Town Council establish the following 2016 Commercial River Runner Capacity:

- Maximum capacity of 9,200 commercial customers during the 2016 season, allocated as follows:
 - 7,820 commercial recreational (maximum)
 - 1,380 commercial interpretive/educational (minimum)
- Maximum guided trip size of sixteen (16) people per trip, including trip guides.
- Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.