MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, JULY 19, 2016 IN THE MEN'S LOUNGE, CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

A Regular Meeting of the Planning Commission of the Town of Clarkdale was held on Tuesday, July 19, 2016 at 4:00 p.m., in the Men's Lounge, Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

Planning Commission:

Chair	Ida-Meri deBlanc	Present
Vice Chair	John Erickson	Present
Commissioners	Jorge Olguin	Present
	Craig Backus	Excused
	Deborah Hunseder	Present

Staff:

Community Development Director	Jodie Filardo
Senior Planner	Beth Escobar
Community Development Technician	Stephanie Vocca

Others in Attendance: Kacie Tomerlin

1. **CALL TO ORDER:** Chair deBlanc called the meeting to order at 4:00 p.m.

2. **ROLL CALL:** Director Filardo called the roll.

3. **PUBLIC COMMENT:** The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit comments to **FIVE MINUTES**.

   There was no public comment.

4. **MINUTES:**
   a. Consideration of the **Regular Meeting Minutes of June 21, 2016.**

      Commissioner Erickson moved to approve the Regular Meeting Minutes of June 21, 2016. Commissioner Hunseder seconded the motion. The motion passed unanimously.

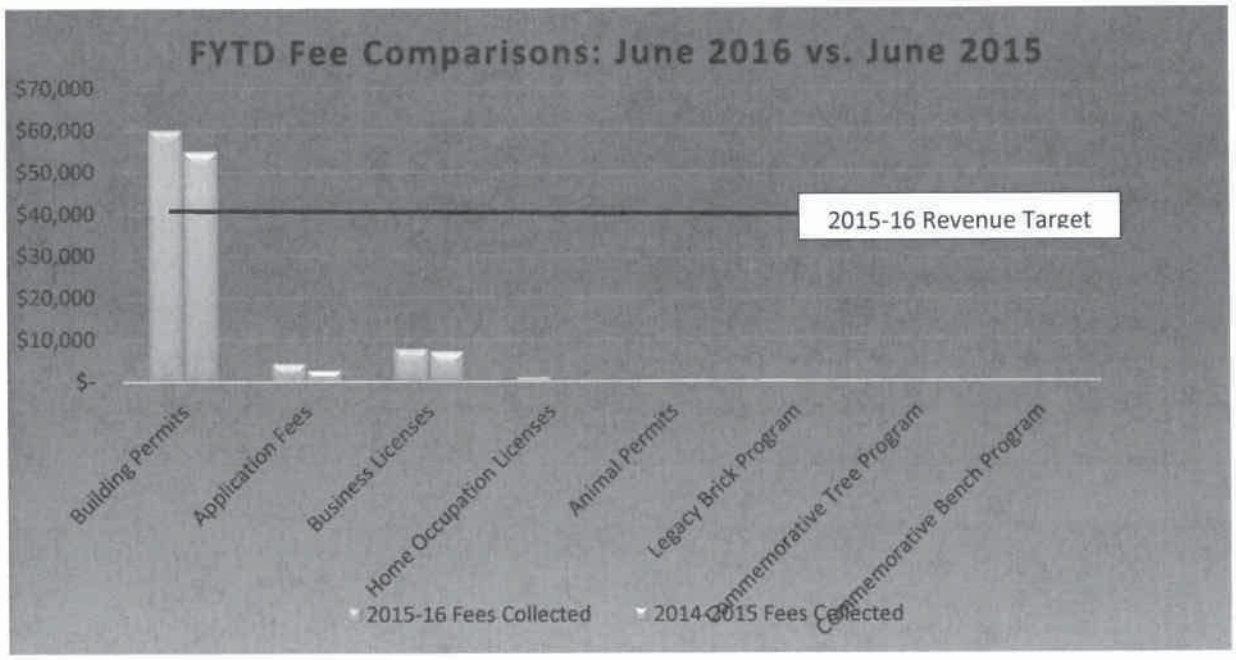
5. **REPORTS:**

   Chairperson Report – Commissioner Erickson stated that he would be at the August meeting as he previously had thought he would not.

   Director's Report – Community Development Director Filardo stated we exceeded our building permit revenue target for 2015-2016 and we just had a DRB approval on a new paintball facility. Vice Chair Erickson asked if the land for the facility had been purchased and Community Development Director Filardo stated the land had not been purchased but it was being leased from Steve Cannon. Community Development Director Filardo discussed the marketing programs we have under way including the Arizona Office of Tourism Co-op and the "Only Locals Know" #. Community Development Director Filardo attended the regional mixer for

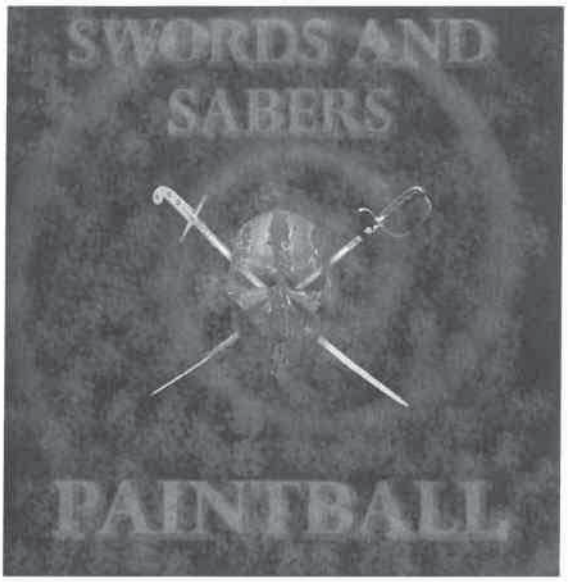
Verde Valley and said goodbye to Lana Tolleson, the CEO of the Cottonwood Chamber of Commerce.

1. **Statistics as of June, 2016 –100% of fiscal year completed**



2. **Recent Permits Issued - 20 total**

- Accessory structure, shade structure, and electrical upgrade at 708 Second North Street
- Fence at 1580 Cholla Lane
- Patio cover at 423 McKinnon Road
- 5.3 KW photovoltaic solar electric at 820 Lanny Lane
- Photovoltaic solar projects at 3 locations:
    - 700 Red Tail Hawk Drive: 5.8 KW
    - 380 Black Hills Drive: 7.4 KW
    - 1151 Sunrise Drive: 5.3 KW
- 12 Townhomes at the Mt. Gate Subdivision. The addresses are:
    - 619, 620, 621, 622, 623, 624, 625, 626, 627, 629, 631 and 633 Haynes Drive
- Accessory structure at 1891 Moonlight Lane



Design Review Board Updates – On July 6, 2016 the Clarkdale Design Review Board approved application DRB-091227. The Board approved the application for Swords and Sabers Paintball with the following eight recommendations by staff, with the revision of number 5, plus two additional stipulations.

1. All signage shall be installed as reviewed and approved by the Design Review Board.

2. Applicant is required to obtain a building permit from the Community Development Department prior to installation of the 32 poles on the fields and the two Conex boxes. Installation of the 32 telephone poles buried around the field, 4 poles for the target range area, and Conex box placements shall be inspected and approved by the Town's Building Official prior to the issuance of a certificate of occupancy for the project.

3. The luminary shall be painted prior to installation to create shielding on all field lighting and compliance with Town Code.

4. The proposed use of misters shall be removed from the application.

5. No building permit shall be issued by the Town until the amended parking plan is approved by the Community Development Director.

6. All contractors shall have a current business license with the Town of Clarkdale.

7. Dust control shall be performed in compliance with Town Code.

8. Any changes to the design approved by DRB shall be reviewed and approved by the Director of Community Development prior to implementation who may determine the application needs to return to the Design Review Board for review and approval.

9. <u>All debris shall be removed from the property or relocated to the north end of the property and shall be fenced off to prevent accidental customer access before the Certificate of Occupancy is issued.</u>

10. <u>A Train Safety Plan shall be approved by the Community Development Director before the Certificate of Occupancy is issued.</u>

3. Marketing Clarkdale. The marketing for the Town is expanding with an array of collaborations with organizations including the Arizona Office of Tourism, the Verde Canyon Railroad, the Clarkdale Downtown Business Alliance, the Arizona Copper Art Museum, the Sedona Verde Valley Tourism Council and other businesses in the area. First, the Town as the officially-designated Destination Marketing Organization (DMO) for Clarkdale is spearheading an application to participate in FY2017 Arizona Office of Tourism Cooperative Marketing Program. With regional partners, the program provides a 50/50 match of funds ($5,000) raised amongst the partners. The commitments for funding are as follows: the Town, Verde Canyon Railroad, the Arizona Copper Art Museum for $1,000 each and the Clarkdale Downtown Business Alliance for $2,000. With this match, the partners are going to

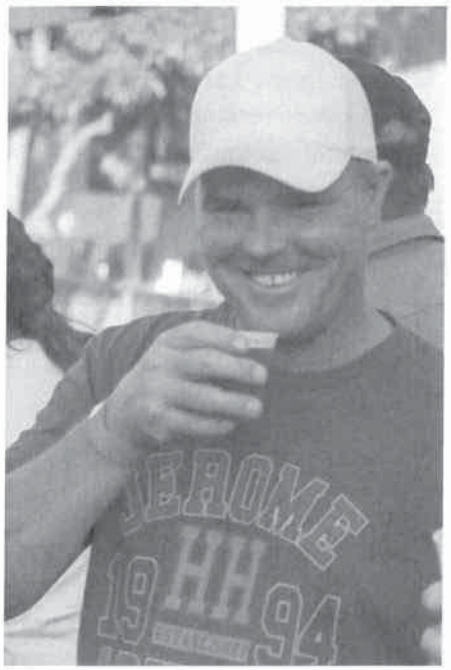
buy digital ads on TripAdvisor for the months of November, January, March, April, and May. These months will position visitors when the Town or partners either have events planned or need traffic.

In conjunction with the digital ads, we will also be spearheading the creation of a landing page from the TripAdvisor banner promotion named ExperienceClarkdale.com. This will be developed with $1,000 of additional support from the Clarkdale Downtown Business Alliance. With these ads, over 117,000 clicks are committed by TripAdvisor, so we know we will be reaching a lot of folks. This is the first time Clarkdale has participated in the AOT co-op marketing program and we're really excited to see how this goes.

In addition, we're collaborating with the Verde Canyon Railroad on the social media campaign #OnlyLocalsKnowClarkdaleAZ. In this campaign, we're highlighting a secret known by Clarkdale residents (or at least some of them J) for cute tidbits about our town that may entice folks to visit. Stay tuned for that. In addition, we're participating in the upcoming AOT media trips to Vancouver, BC and Los Angeles working with our regional partners to support Teresa Propeck in going on the mission. We're also going to be contributing 40 Clarkdale water bottles filled with coupons and other small items for her to hand out to the folks who will be visiting her booth. Others in the Verde Valley are providing additional gifts and items. Lastly, we have a visitor from AOT coming up to Clarkdale and the Arizona Copper Art Museum this weekend. She has copies of our brochures, info on the concert, and info on where to stay in Clarkdale. Lots of promoting Clarkdale is happening!

4. **Regional Mixer for Sedona Verde Valley**. On June 28th, Jodie attended the regional mixer for the Sedona Verde Valley Region held at Blazin' M Ranch. Not only was this a chance to support the tourism enterprise in our area, but also it was the chance to say goodbye to Lana Tolleson as she and Doug are returning home to Texas after over eight years here. We also got a chance to congratulate Christian Oliva del Rio as he moves forward as the new President/CEO of the Cottonwood Chamber of Commerce.

5. **Clarkdale Events** – The fun continues in Clarkdale. Mark your calendars for the July 23rd Concert In the Park featuring the fan favorite, Cadillac Angels from 7-9 PM, and for the last Block Party of the season on July 29th from 6-9 PM on Main Street.



6. **OLD BUSINESS:**

a. **PUBLIC HEARING:** Discussion/possible action regarding:
AN ORDINANCE AMENDING THE TOWN OF CLARKDALE ZONING CODE TO REVISE CHAPTER TWO – DEFINITIONS TO ADD NEW DEFINITIONS FOR AGRIBUSINESS AND AGRICULTURAL USES; CHAPTER 3 – ZONING DISTRICTS, SECTIONS 3-9, 3-10, 3-11, 3-12 AND 3-14 TO ADD AGRIBUSINESS AND AGRICULTURAL USES AS CONDITIONAL USES AND CHAPTER 5 – CONDITIONAL USE PERMIT ADDING SECTION 5-6-14 OUTLINING THE REQUIREMENTS FOR A CONDITIONAL USE PERMIT FOR AGRIBUSINESS AND AGRICULTURAL USES.

Discussion:

Senior Planner Escobar stated section 5-6-14 of the Conditional Use Permit is important because these standards will be the review standards for applications that come forward with these uses. Senior Planner Escobar stated this is a new ordinance allowing this use and because it is new, and it will affect neighboring residential property, specific requirements need to be created. Senior Planner Escobar pointed out that section 5-6-16.F had requirements added for pest management, fertilizer, and soil. Senior Planner Escobar stated Arizona does have regulations for agriculture and applications will need to meet state regulations but because it is a Conditional Use Permit for a new use, the commission can create additional regulations.

Senior Planner Escobar informed the Commission to take public comment and make the decision to send the draft back to staff or go forward and send the draft to the Town Council. Commissioner Olguin asked Senior Planner Escobar if a point-by-point response had been sent to Mr. Sigg regarding the issues that he

raised. Commissioner Olguin stated Mr. Sigg raised some very specific points and it would be best to send him a response. Senior Planner Escobar stated she told Mr. Sigg that she would be bringing his response forward and once she received feedback from the Commission and the Town attorneys, she would have a response. Senior Planner Escobar stated she would certainly follow up. Chair deBlanc opened the meeting up for public comment.

Public Comment:

Kacie Tomerlin, resident of Perkinsville area. Ms. Tomerlin read the following comments:

Thank you for the opportunity to comment on the Changes to the Town of Clarkdale Zoning Code to Permit Agricultural Uses [reference July 1, 2016 draft]:

Policy Statement:
There is no definition of "sustainable local" agriculture, but the draft expects people to adhere to it. How do you enforce what you do not define?

Agriculture has various topographies - which ones does the draft intend to exclude?

In Arizona agriculture I have a right to put water to beneficial use. How does that comport with the draft vision of recognizing water as a precious and finite resource?

Section 2-1 Definitions:
"Agriculture" is defined by state statute. Clarkdale cannot re-define what is covered in state statute for its own purposes. And the state definition of "agriculture" is much broader than your draft proposal. See A.R.S. 3-111.

The definition of "agribusiness" would include the sale of all inputs to a producer, but the draft zoning code appears to have a different intent. The draft goes on to re-define "agribusiness" in Section 3-9 [which does not match the definition in Section 2-1] with your qualifiers. Which definition is to be used?

Section 3-9:
Refining and sales are lumped together when they are entirely different functions. To sell a product I must be in a permanent structure? What if I sell my product over my mobile phone - according to the draft I must be in a permanent structure. By "refining" is the intent to include adding value beyond harvest? Does it include displaying products for sale? Does it include merchandizing or bundling products for sale? If I sell my products, on site, at harvest, how do I do that from a permanent structure? "Refining" is not defined. State law differentiates between producers and shippers. As I understand the draft proposals, farmers' markets would not be a permitted activity without permanent structures.

Amend Section 5-6 Conditional Use Permit:
As I understand this proposal, if I have "farmland" under an agricultural tax classification, rights to water, which is rights to put water to beneficial use and my operation has no substantial adverse effect on the public health and safety, what is your authority to now require a conditional use permit? See A.R.S. 3-112.

Application of agricultural pesticide use is regulated by the Arizona Department of Agriculture. Products are regulated by the Department of Environmental Quality.

Agricultural dust is regulated by the Arizona Department of Environmental Quality - not counties or local governments. All aspects of agricultural dust plans are regulated by the state - Clarkdale cannot impose their own plans or measures.

Application of agricultural pesticides require licensing and the products have quite specific labeling as to handling, methods, conditions and amounts. All of this is regulated under authority delegated from EPA to the states.

Given state statutes and agricultural operations in all other places of the state, what is your authority to require a conditional use permit?

Some of the authority assumed in this draft would be found in state statute and under the Arizona Department of Agriculture, the Arizona Department of environmental Quality and the Arizona Department of Water resources. I believe that creates a conflict.

Discussion:

Senior Planner Escobar clarified the comments made were regarding land use and as a municipality we have the right to impose land use regulations which wouldn't affect anyone outside Clarkdale boundaries. Senior Planner Escobar stated the Town does not currently allow agriculture so the purpose of this ordinance is to craft a zoning designation that allows agriculture use but fits in with the Town's residential community. Senior Planner Escobar stated the ordinance should be amended to refer to the state statutes and good points were made for clarification throughout the ordinance.

Senior Planner Escobar explained when an applicant comes forward with a Conditional Use Permit proposal, the staff will review, the Planning Commission will review, and finally the Town Council will approve the use. Senior Planner Escobar stated this process would help open discussions regarding pesticide use and water use.

Chair deBlanc asked about water rights. Senior Planner Escobar stated there is only one landowner with water rights and existing water rights would not be revoked. Chair deBlanc asked if the land owner's land changed hands would that have an impact. Senior Planner Escobar stated water rights are above the code so this situation would still be discussed because it is not a permitted use.

Senior Planner Escobar stated the reason for a Conditional Use Permit is so concerns can be voiced and the applicant has the opportunity to address them. Senior Planner Escobar stated once this ordinance is adopted, it can't be taken away and that is why the proposal is very conservative. Chair deBlanc asked if the discussion had anything to do with land outside of the municipal boundaries of the Town. Senior Planner Escobar stated the agriculture use does not refer to livestock so the definition is different from the definition of agriculture in Arizona State Statute because it does not include livestock and the Town does not require a Conditional Use Permit for running cattle on property. Commissioner Hunseder clarified the agriculture Conditional Use Permit will only apply for commercial, not residential uses.

Commissioner Olguin stated the explanation given by Senior Planner Escobar clarified several items and asked if those key points could be incorporated. Senior Planner Escobar stated the Commission could direct staff to revise the ordinance and directly respond to the public and Mr. Sigg.

Commission Action:

Commission directed staff to make the requested changes to the ordinance and bring it back to the August meeting. Commissioner Olguin approved the motion and Commissioner Hunseder seconded the motion. The motion passed unanimously.

b. WORKSESSION: Discussion/possible action regarding the Focus Area Plan for the Bitter Creek Industrial Area

Discussion:

Senior Planner Escobar stated a plan was created only for Town owned property because people are interested in growing grapes and using the town's effluent. The vineyards, wine tasting room, and the byproducts manufacturing facility fit in well with the Sustainable Clarkdale Plan. Senior Planner Escobar gave her PowerPoint presentation.

Vice Chair Erickson stated there will be considerable challenges but the variety is very exciting with two 8-acre vineyards, a wine byproduct facility, wine tasting, and now an addition to the whole business with an industrial park and permaculture project. Vice Chair Erickson stated he foresees challenges with the bridge and the tram but great things are not going to happen tomorrow. Vice Chair Erickson stated it will be interesting to see what the stakeholders have to say regarding the road to Cement Plant Road and the old bridge.

Commissioner Olguin stated one basic concern is this is an industrial area and by definition, industrial areas are not clean and the soil may contain heavy metal and if we are going to have vineyards, heavy metals tend to concentrate in plants. Senior Planner Escobar stated there is not an answer to that because the property has not been tested but anyone interested in growing grapes would want to test the soil first. Commissioner Olguin stated we need to be very proactive and make sure we do our due diligence. Senior Planner Escobar stated the point was valid and recently when the Design Review Board approved the paintball field, one of the recommendations was for the soil to be covered with turf. Commissioner Olguin stated the Commission needs to look into the issue and figure out how to approach undesirable contaminants. Senior Planner Escobar stated that could certainly fold that into the plan but the Commission should recognize up front that it will be a large expense and that is one of the challenges of the area, unlike the 89A Focus Area Plan.

Town Manager Mabery stated she appreciated Commissioner Olguin bringing the issue up, but wanted to remind everyone Clarkdale currently has an extensive soil testing program in process. Town Manager Mabery stated the soil testing area does not include the focus area but due to patterns should provide some good basis for information and also anyone that is thinking about doing an agriculture project on this land would possibly need to do their own soil testing. Town Manager Mabery also stated independent soil testing for agriculture has come out favorably which has caused the push forward with more interest.

Vice Chair Erickson stated it would be beneficial to create a list of challenges the Commission should consider such as soil, the bridge, the road, crossing wetland, and of course money. Vice Chair Erickson stated at some point, the Commission needs to have a site visit and walk the property or stand up on 11th

street and view the property. Senior Planner Escobar stated the Commission could start at 11th Street and those Commissioners who wanted to go down to the property could do so. Senior Planner Escobar asked if the Commission was thinking of doing this before or after meeting with property owners. Commissioner Olguin stated this would be after, as he would like to hear what ideas the stakeholders have what their concerns are first.

Chair deBlanc asked about the map display and what the intent was because the area is zoned for heavy industrial use and the display is showing a vineyard. Senior Planner Escobar stated during discussion in June, the Commission decided they wanted to create something for people to look at and talk about and the Commission had concerns about the large area, so a draft was created that only included Town property to start which gives people the opportunity to give credible feedback. Senior Planner Escobar stated the vineyards are on the display because interest has been expressed for growing grapes with access to effluent. Chair deBlanc asked what would the benefits or constraints be for agriculture use in an area that is zoned industrial. Senior Planner Escobar stated that if the agriculture ordinance is adopted, agriculture in the industrial area will have to go through the Conditional Use Permit process and there is no difference between this area and 89A, besides access.

Commissioner Hunseder stated the plan is a high level visionary plan that represents the original Clarkdale Sustainable Plan. Senior Planner Escobar stated we are not trying to eliminate uses but trying to use all of them. Commissioner Hunseder asked the purpose of the aerial tram and Senior Planner Escobar stated it would be an economic development tool to get customers from Verde Canyon Railroad to Main Street instead of driving past it back to Cottonwood. Senior Planner Escobar stated Councilmember Regner had brought forward the idea during Focus Future II discussions. Vice Chair Erickson stated he sees a lot of what ifs but also a lot of possibilities that will be helpful to the town in one way or another. Senior Planner Escobar stated the Commission must keep in mind the Focus Area Plan is put into place to be a viable economic provider for the Town.

Town Manager Mabery stated this planning process is unique compared to what was undertaken with 89A because the Town of Clarkdale owns a large portion of the land, the planning area itself is much broader, so there is comfort with putting out ideas because this is Town property. Town Manager Mabery stated we have a unique opportunity and we have more control because 110 of those acres are Town owned land and the Town Council made this project a top priority during their strategic planning session. Town Manager Mabery stated great thought must be put into what the highest use is for this land and if it has agriculture use and that is a long term use it will be considered. Town Manager Mabery stated Council wanted to strike a balance of providing multiple opportunities in the area and they still want to see industrial uses but they do envision projects will happen in phases.

Chair deBlanc stated there are things that fit in heavy industrial such as glass blowing, ceramics with kilns, sculptors, and arts that need a foundry could be displayed on the map. Chair deBlanc stated displaying such things on the map could plant a seed and if the right person sees the idea, it would be a beautiful use for this zone. Commissioner Hunseder suggested what Chair deBlanc described could go into the 8-acre industrial park. Chair deBlanc suggested adding it to the description for the 8-acre industrial park. Senior Planner Escobar stated that could certainly be done and some specifics about what is allowed and what would fit in industrial area could be added. Senior Planner Escobar stated the additions would be made for the August meeting and the property owners and stakeholders would be invited to discuss.

Commission Action:

Commission directed staff to make the additions to the display map and to invite the property owners and stakeholders to the regularly scheduled August meeting.

7. FUTURE AGENDA ITEMS

Future agenda items will include agricultural uses and the Bitter Creek Industrial Area Plan.

8. ADJOURNMENT

a. **Commissioner Hunseder moved to adjourn the meeting. Commissioner Olguin seconded the motion. The meeting was adjourned at 5:00 p.m.**

APPROVED BY:

Ida deBlanc
Chairperson

SUBMITTED BY:

Beth Escobar
Senior Planner