

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, FEBRUARY 17<sup>TH</sup>, 2004, IN THE MEN'S LOUNGE, CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, ARIZONA.**

The regular meeting of the Planning Commission of the Town of Clarkdale was held on Tuesday, February 17<sup>th</sup>, 2004, at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse.

**Planning Commission:**

Chairperson	Gary Hansen	Present
Vice Chairperson	Susan Sammarco	Absent
Commissioners	Lew Dodendorf	Present
	Robyn Prud'homme-Bauer	Present
	Dewey Reierson	Present

**Staff:**

Planning Director	Steven Brown
Planner II	Beth Escobar
Admin. Assistant	Linda Noland

**OTHERS IN ATTENDANCE:** Gerald Lembas, Robert Gunnison, Curt Buhall, Huguette Swain, Norela Harrington, Herald Harrington, John Sherman, El Pidio Rangel, Howard Becc, George Anne Ford, Rebecca Martinez, Sonny Martinez, Dianne Brownell, Mark Brownell, John Christensen, Chris Christensen, Ray Selna, Rick Rosenzweig, Don and Ginger Roberts, Alan Jenkins, M & M Randall, Gary Hellems, Marsha Fontz, Peg Sarkisian, Phil Sarkisian, Linda McGrane, Pat Williams, Nancy Bonfield, Rob Bonfield, Shelby Maynard, Peggy Chaikin, Tom Evans, Hank Chaikin, Elizabeth-Rose Augusto, and other unreadable signatures.

- 1. CALL TO ORDER:** Chairperson Gary Hansen called the meeting to order at 6:03 p.m. Roll was called, a quorum was present.
- 2. MINUTES:** Commission Robyn Prud'homme-Bauer: made a motion to approve the minutes of 1-12-04, 1-26-04 and 2-9-04. Commissioner Dewey Reierson: Seconded the motion. The motion passed unanimously.
- 3. PUBLIC COMMENT:** Curt Buhall, Third North and Broadway. Mr Buhall stated he had some suggestions on water conservation which he had seen in the Phoenix news paper. These included hot water recirculating devices. Suggesting that when a person

turned on their water on in the bathroom, it is instantly hot, not taking 2-3 minutes. Mr. Buhall stated he has installed a recirculating device in his home. Articles which Mr. Buhall read states that a 5 member family saves 6,000 gallons of water a year through this process.

**4. REPORTS:**

**Chairperson's Report:** None

**Planning Director's Report:** Steven Brown stated that the Council is also asking about water conservation measures and wants a report from the Planning Department and the Building Official regarding the new ICC Code that the Town is looking to adopt and incorporating these kinds of water conservation measures into the code. If they are not a part of the standard ICC Code, the Council could consider including them.

**OLD BUSINESS**

**5. PUBLIC HEARING ON PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS TO PROVIDE FOR A MINOR SUBDIVISION PROCESS WITHIN THE SUBDIVISION REGULATIONS.**

Commission Prud'homme-Bauer: made a motion to open the meeting to Public Hearing.  
Commissioner Dodendorf :seconded the motion. The motion passed unanimously.

Planning Director Steven Brown presented a background on the minor Subdivision process.

**Background:**

In 2001, the Town passed an Ordinance # 183 which mandated that any lot which was in existence prior to December 12<sup>th</sup>, 1986 could be split only into three additional lots without coming before the Town and applying for a Subdivision through the Subdivision regulations. For small subdivisions, it would be a hardship to have to go through the standard subdivision process.

The Commission has been working for the past six (6) months on a set of amendments to the Subdivision Regulations which provide for a Minor Subdivision Process. Several property owners have been engaged with the Commission in the formulation of these proposed amendments. The Ordinance, if adopted will create a new Minor Subdivision process that will apply to subdivision of ten (10) or fewer lots within the Town of Clarkdale and shall waive the requirement for a Preliminary Plat for these Minor Subdivisions and replace it with an administrative process.

**Staff Recommendation:**

Staff has worked for many months with the Commission and property owners to craft this draft Ordinance and believe that if adopted, the result will be the provision of long needed relief for those who are attempting to effect small subdivisions, but would find the standard subdivision

process a costly and overly burdensome one to comply with. To the extent that the goal of the Commission in developing this process was and remains to be the addressing of this issue, this Ordinance represents the best efforts of all concerned to do so.

Ray Selna-1380 Selna Circle, Clarkdale. Mr. Selna asked about the road standard for the 1-3 split.

Planning Director Steven Brown stated the standard agreed to for 1-3 lots would adhere to the Subdivision Regulations as a private street standard which would be expanded to include a 25 foot right-of-way where the private street standard only requires a 20 foot right-of-way.

Mr. Selna asked about the surface and base requirements for the private streets. Mr. Brown stated the base requirements are essentially the same. The only difference is that based on the recommendation from the Public Works Director and the Town Manager, if there were to be dedicated roads, there would need to be a chip seal surface on those roads.

Mr. Selna also stated that he understood the paper work requirement for a 4-10 lot split. He asked if there were any way for the Planning Commission or Council to consider a lessor paper work requirement for the 1-3 split? Mr. Selna stated this is the number one concern he is hearing from the public. Is there a way to avoid having to go through the full public report?

Mr. Brown stated as for the Department of Real-estate, there is nothing about the proposal that would in any way alleviate the sub-dividers from any requirements they might have for reporting to the Department of Real-estate. This has been researched in the past and those requirements are mandated by State Statute and the Town has not control over that. Mr. Brown went on to say that if in the past they were required to report to the state, this requirement will still need to be met. There is a standard that up to the 6 lots has to report to the State Board. If the report for a 1-3 split was not requested in the past, it would not be an issue now.

Mr. Selna asked what the costs were that the Commission would be recommending to the Council for the process of filing fees, etc?

Mr. Brown stated that this question has been raised several times in discussions with the property owners. What has been agreed to is that the Council establishes the fees and in the amendments it is stated that the fees are those established by Council. Mr. Brown also stated that in addition to that it is noted that the Commission and property owners felt that some sort of a "sliding fee" would be appropriate for smaller subdivisions. This will be brought up during Council deliberations of this Ordinance.

Rick Rosenzweig-161 Starlight Drive, Sedona. Mr. Rosenzweig asked for a clarification on the 1-3 split as compared with the others.

Mr. Brown stated that presently the 1-3 lots uses a private street standard verses any other standard that may have been applied using a regular subdivision process. It is also required to submit the site evaluation on the drainage by a Civil Engineer. The same informational

requirements would apply as for 4-6 or 7-10 lots.

Mr. Rosenzweig asked, if he had an acre which he wanted to split into two, what steps would he have to take in splitting a parcel at this point?

Mr. Brown stated that he would first have to come into the office for a pre-application conference. This would be the first step in any consideration of a subdivision. The next step would be to submit, in lieu of a preliminary plat, a minor subdivision plat which would have a lot of the same information that would ordinarily be required on a preliminary plat. It is not required at that point to be advertised. There would not be a hearing before the Commission. The application is handled administratively with the subdivision committee which is made up of the Planning Director, a member of the Planning Commission and the Public Works Director and in some cases the fire Department or any Department which may have an impact. The Minor Subdivision Plat would then be approved, approved with conditions, or recommendation made to Council that there are some problems with it and it should be revised.

Mr. Rosenzweig asked, what if he had a surveyor bring in a diagram of what he is planning to do along with an Engineers report on drainage. What else is then necessary? Asking if there is any submittal to the State or is this simply an administrative matter that can be handled by the Committee?

Mr. Brown stated at this level it is an administrative matter and rather than a Commission Hearing make the recommendation to Council, it would be the administrative body reviewing and making the recommendation to Council. It would then go through technical review. If there were going to be any new infrastructure, that would be reviewed through the technical review. The Town Engineer would review them and make sure they are designed according to the town standards.

Mr. Rosenzweig asked if there is going to be only one division of a lot, would it still go through Council for approval?

Mr. Brown said yes and that the State Statute mandates that there be a preliminary plat, that the final plat be developed in compliance with that preliminary plat and the final plat be recorded. The State Real-estate board require filing of subdivisions of 6 or more lots.

Mr. Rosenzweig stated that he understands that if it were only 1-3 lot split, he doesn't need to file with the State Real-estate Board.

Mr. Rosenzweig asked for a time frame on the entire process? Asking if would be 3-4 months.

Mr. Brown said yes because they would be cutting out 2 and sometimes 2 ½ months of preliminary plat review.

This proposal will be going before the Council at their February 24<sup>th</sup> meeting.

Commissioner Prud'homme-Bauer: made a motion to close Public Hearing. Commissioner Dodendorf: seconded the motion. The motion passed unanimously.

**6. DISCUSSION AND POSSIBLE ACTION ON PROPOSED AMENDMENT TO THE SUBDIVISION REGULATIONS TO PROVIDE FOR A MINOR SUBDIVISION PROCESS WITHIN THE SUBDIVISION REGULATIONS.**

Commissioner Prud'homme-Bauer: made a motion to recommend to Council the proposed amendment to the subdivision regulations to provide for a minor subdivision process within the subdivision regulations. Commissioner Dodendorf: seconded the motion. The motion passed unanimously.

**7. NEW BUSINESS**

**8. PUBLIC HEARING ON PROPOSED ZONING CHANGE TO PERMIT THE USE OF RV'S AND MOTOR HOMES FOR CAMPING IN THE TOWN OF CLARKDALE, AND TO PERMIT THE USE OF AN RV, MOTOR HOME OR TRAVEL TRAILER AS A RESIDENCE DURING CONSTRUCTION OF A RESIDENCE.**

Commissioner Prud'homme-Bauer: made a motion to open this item to Public Hearing. Commissioner Dodendorf: seconded the motion. The motion passed unanimously.

Mr. Brown presented the background on RV Camping, which follows:

The Council, in May of 2003 held work sessions on two separate occasions to review staff proposals for the inclusion of RV Camping as a limited use in the town of Clarkdale. The Council reviewed staff proposals to allow the use of an RV or Travel Trailer to be used as a residence in the town of Clarkdale during the period when an active building permit for a residence is in force and until a Certificate of Occupancy is issued for the residence under construction. The Council directed staff to prepare an Ordinance and to review the proposal with the Commission and bring back to them a recommendation for the Commission. The newly proposed Ordinance is the result of the efforts to respond to that request.

Curt Buhall-Third North and Broadway, Clarkdale. Mr. Buhall asked if a permit for remodeling would be the same as building a new home. Mr. Brown stated that he would have a building permit for construction and he would covered in the same way.

Commissioner Prud'homme-Bauer: made a motion to close Public Hearing. Chairperson Hansen: seconded the motion. The motion passed unanimously.

**9. DISCUSSION AND POSSIBLE ACTION ON PROPOSED ZONING CHANGE TO PERMIT THE USE OF RV'S AND MOTOR HOMES FOR CAMPING IN THE**

**TOWN OF CLARKDALE, AND TO PERMIT THE USE OF AN RV, MOTOR HOME OR TRAVEL TRAILER AS A RESIDENCE DURING CONSTRUCTION OF A RESIDENCE.**

Commissioner Prud'homme-Bauer: made a motion to recommend to Council the proposed zoning change to permit the use of rv's and motor homes for camping in the Town of Clarkdale, and to permit the use of an rv, motor home or travel trailer as a residence during the construction of a residence. Striking the last sentence of the Ordinance which reads, "The RV and or Mobile Home must be hooked up to an approved septic system or sewer, and all other utility hookups must originate from the parcel on which the RV is placed". Commissioner Reiersen: seconded the motion. The motion passed unanimously.

**10. PUBLIC HEARING ON THE REQUESTED CONDITIONAL USE PERMIT FOR TRANSYLVANIA INTERNATIONAL, INC. TO CONDUCT AN ORE REFINING OPERATION ON THE SITE OF THE HISTORIC SLAG PILE, THE PROPERTY IS OTHERWISE IDENTIFIED AS YAVAPAI COUNTY ASSESSOR'S PARCEL NUMBER 400-02-004G.**

Commissioner Prud'homme-Bauer: made a motion to open this item to Public Hearing. Chairperson Hansen: seconded the motion. The motion passed unanimously.

Mr. Brown provided a background to the CUP as follows:

In an effort to assist the Commission in their deliberation over this Conditional Use Permit application, staff provides the following information.

Purpose and Intent of Conditional Use Permits:

Pursuant to Arizona Revised Statutes (A.R.S.) Article 6.1, Section 9-462.01, within individual zones, there may be uses permitted on a conditional basis under which additional requirements for development must be met. The purpose of the Conditional Use Permit is to allow integration of uses into the community which may only be suitable in specific locations, or because of unusual operational or physical characteristics that require special consideration, or only if such uses are designed or developed to assure maximum compatibility with adjoining uses.

Conditions may be applied to the issuance of the permit, such that the proposed land use would not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. Under no circumstances shall any of the conditions of development be reduced below the minimum standards that are imposed upon any permitted land use within a given zoning district. A conditional use permit may be granted only for those land uses expressly listed as such, and only after the Planning Commission has made a recommendation and the town Council has authorized such as evidenced by resolution.

**Planning Department Review:**

Transylvania International, Inc., through their representatives from Verde River Iron Company, request a new conditional use permit to allow the establishment and operation of an industrial use, reclamation and processing of the slag pile at the old smelter site, in the I, Industrial zone district and the north end of Luke Lane, Assessor's tax parcel number 400-02-004E. The parcel is comprised of approximately 110 acres and contains several buildings and remnants of the old smelter operation. The applicants are proposing to make minimal changes to the buildings except the repair of windows. However the applicants will be required to obtain from the Building Official, a Certificate of Occupancy prior to occupying the existing buildings, and the Building Official will need to make a thorough inspection of the buildings before doing so. Transylvania International, Inc. has been granted Conditional Use Permits for this activity, twice in the recent past, first in 1992 and again in 1997. Both of these have expired without any activity being undertaken, and thus the Conditional Use Permits are void.

After processing the slag the applicants will market the reclaimed materials, that being copper, iron and silica. The site currently contains several buildings and remnants of buildings used in the smelting process. The smaller, easterly building was most recently used for the laboratory when Transylvania was operating under their previous conditional use permit granted in the 1980s. The applicants have indicated that they intend to ship all of the reclaimed materials by rail from the site, and it is not clear at the moment if any improvements to the rail line in that area will be necessary. The applicants will need to explore that possibility and include any planned improvements a part of this review process. Access to the site is available from Luke Lane off Broadway, just past the Verde Canyon Railroad site. The south edge of the slag pile is located approximately 800 feet from the nearest residential use in the Patio Park area. In general the reclamation process will consist of transporting the slag from the pile to the buildings by means of either a conveyor belt or a pipe, where it will enter a series of grinding machines which are located completely within the building. The slag will be ground to a fairly fine size and will then enter a chemical mixture wherein the copper will be removed from the ground slag. It will then pass through a magnetic field where the iron will be separated and the remaining silica material will be dried and packaged for delivery to market. The applicants have stated that the entire process except for the beginning, using a bulldozer to put the slag onto the conveyor or piping system will be conducted entirely within an enclosed building. It is expected that the entire operation will require a minimum of 20 years to complete the removal and recycling of the slag pile.

Section 23 - "Conditional Use Permits"- of the Zoning Code of the Town of Clarkdale states that:

*All Conditional Use Permits (CUPs), including those that require the applicant and/or developer obtain a building permit, shall meet minimum requirements of all Town ordinances, restrictions, regulations and policies of the Town of Clarkdale which are in effect at the time of issuance of the CUP. Compliance with same is a condition of the use permit, including but not limited to:*

1. Consistency with the General Plan.
2. Sanitary waste improvements
3. Street and/or sidewalk improvements

4. Fire protection measures
5. Utility service improvements
6. Amount, type and location of outdoor lighting and signage.
7. Off street parking area, aisles and access drives shall be designed and constructed so as to provide a durable, dustless surface.
8. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the Town Engineer.
9. Water service improvements
10. Hours of operation
11. Access
12. Landscaping Standards
13. Compliance with applicable Federal, State and Local regulations

**Consistency with the General Plan:**

The proposed Land use map included in the Town of Clarkdale General Plan adopted in 2002 indicates this area as being intended for Heavy Industrial Use.

**Circulation and Transportation:**

Under the Circulation Element, in Section 3.g - Regional Transportation, there are several improvements listed that were included in the Cottonwood Area Transportation Plan 2001 which could be assisted through this project.

- ◆ Replace obsolete one-lane Broadway Bridge at Bitter Creek with modern two-lane structure.
- ◆ New industrial access route from Cement Plant Road to historic industrial area.
- ◆ Develop multi-use trail from Bitter Creek to Bridgeport along Verde River Greenway.

The Circulation Plan map that is included in the 2002 General Plan indicates the industrial access route from Cement Plant Road to the historic industrial area is to be developed as a collector road.

Under the Circulation Element, in Section 3.g - Regional Transportation, there are several improvements listed that were included in the Cottonwood Area Transportation Plan 2001 which could be assisted through this project.

**Open Space:**

The location of this property on the banks of the Verde River provides the opportunity to consider inclusion of conditions that during operation safeguard that natural resource, and post-operation could provide opportunities for development of natural open Under the Open Space Element, in Section 4.h - Open Space Goals, Objectives and Policies, there are several issues which could be impacted by this project, or which could benefit from the project.

- ◆ Encourage policies to identify and protect open space resources within existing and

- ◆ proposed developed areas by ensuring appropriate standards for compatible development.
- ◆ Protect significant natural areas within the Town, including flood plains, the Verde River corridor, steep slopes and scenic view areas.
- ◆ Encourage policies to identify and preserve regional open space resources.
- ◆ Encourage citizen and agency participation in planning efforts to identify, implement and maintain open space and recreation resources for Clarkdale residents.

Harry Crockett representing Verde River Iron Company the co-applicant and the joint venture partner of Transylvania International Inc. Mr. Crockett stated their reason for being at the meeting was to present an application for the CUP to provide a reclamation operation on the old Transylvania site on the slag pile. Mr. Crockett made the distinction of reclamation rather than refining. Refining is the taking of ore from the ground, processing it and then laying out the residue on the ground. The reclamation process is just the opposite. They will be taking what has been processed before from a refining operation, reclaiming it and making the land available again to the public for public use.

Mr. Crockett asked to make one correction. He stated that on page 2 of the Planning Department review it talks about 110 acres. Mr. Crockett stated that this is 200 acres, the slag pile itself is 75 acres and the reclamation site is 125 acres.

Mr. Crockett explained that this is to be a phased operation. They will be starting in one of the existing buildings with a smaller part of the operation and it will be phased over a 3-4 year period to a point of processing approximately 10,000 tons per day. Stating that level of activity would get them to the point where they would be able to reclaim that site in approximately 15 years.

Mr. Crockett stated part of the benefits of this process would be to bring approximately 180-200 new jobs at above "entry level", to the Town of Clarkdale. Stating the operation is state of the art and has everything required by ADEQ.

Mr. Crockett went through the Staff Recommendations and presented his comments which follow.

**Item #1-** Verde River Iron Company shall limit operation hours for outdoor elements of this proposal to between 7:00 a.m. and 7:00 p.m.

Mr. Crockett felt the 7:00 a.m. to 7:00 p.m. is somewhat restrictive. Stating that in order for them to process the slag pile and to reclaim the site, they need to operate 24 hours a day. All the processing equipment will be within the buildings or within enclosed units outside the buildings in containers that dampen the sound. Mr. Crockett felt that rather than a time requirement it might be stated that they need to meet all the noise requirements and the lighting requirements which the town has imposed.

Ms Prud'homme-Bauer stated item #1 states a time limit for operation of outdoor elements and

she felt that if there is any part of the process being done inside, she didn't think this requirement is necessarily limiting the hours of operation.

**Item #2-** Prior to the issuance of a Certificate of Occupancy for any structures on the property, Verde River Iron Company shall provide 1 paved parking space per employee.

Mr. Crockett stated that since the first phase of operation is in the buildings that are already there, they would like to have item #2 waived for the first phase and go into it in the second phase when they will be building 4 more approximately 70,000 sq ft building for other plants.

**Item #7-** Prior to the issuance of a Certificate of Occupancy for any structures on the property, Verde River Iron company will seek and receive all necessary permits from Arizona Department of environmental Quality and any other applicable permits from other state, federal and County agencies.

Mr Crockett stated ADEQ's process allows for the operation of the facility prior to receiving the actual permit itself when the permit has been applied for and is in the process. So Mr. Crockett asked that the wording be changed from "shall seek and receive all necessary permits" to "apply for all necessary permits".

**Item # 8- part 3-** As a part of the Site Plan Review process, Verde River Iron Company shall also submit a revegetation plan for the area of the current slag pile. The revegetation plan shall indicate the use of plants from the Xeriscape Plant List that is a part of the Town of Clarkdale Zoning Code. The plants included in the landscape plan shall be provided with an irrigation system to be maintained for the first two years following planting.

Mr. Crockett felt this would be premature at this point stating that 15 years down the road is too far to project what the land will look like. To spend money for a revegetation plan which will take place in 15 years from now and not even look like it is going to be would be an illogical use of money.

**Item # 10-** Verde River Iron Company shall ship all copper, iron and silica extracted from the slag pile by rail and not truck.

Mr. Crockett stated that certain parts of the project will need to be shipped by truck and it depends on where the customers are located. For instance if the customer were in Flagstaff it would not be shipped by rail, but by truck. Stating most of the iron will most likely go over seas which is 45% and that will probably be shipped out by rail car. If they use a steel mill in Flagstaff it will be shipped by truck.

Commissioner Dodendorf asked about water use for the project. It was stated that during the first stage of the process, they would be using between 20-50 gallons per minute.

Planning Director Steven Brown asked what they were planning on for a water supply. The answer was, the water source would come from the water line which is already on the property

and the water is supplied by Cottonwood Water Works.

Discussion also took place as to the use of “reclaimed water” for this project. The applicants felt the use of reclaimed water would work fine but they were not sure of how to get access to it.

Commissioner Reiersen asked about the two prior applications and approvals for this operation. Mr. Crockett stated he couldn't speak to the first application because he was not involved in it. As for the second application Mr. Crockett thinks they did start the work and found the grinding of the material was beyond the capacity of the equipment at that time. Since then the grinding machines have been improved and use ceramics along with a vibrating drum sander.

**Alan Jenkins**, 55 Cathedral Rock Drive, Village of Oak Creek. Mr. Jenkins stated that he owns 4 rental units within the 300' of the project. He stated that he had not heard tonight anyone from Transylvania say that positively there won't be particles of dust carrying chemicals or anything they are processing into Patio Park and the Town of Clarkdale.

Mr. Crockett said that he had meant to cover this subject and apologized for not doing so. Mr. Crockett said the slag pile has no “fines”(fine material),and so therefore there is no dust. When it is crushed it goes down to 1/4-1/2 inch to then be transferred over to the plant. It goes in a covered conveyor. There won't be any dust from crushing it down and there won't be any dust “raining down” on the residents.

**John Sherman**, 571 Fiesta, Clarkdale. Mr. Sherman mentioned that he doubts the statement about no dust and that he also worries about the noise, stating there are many children in Patio Park and that working at the plant 24/7 would make a lot of noise for the neighborhood. Mr. Sherman also has concerns about flooding once the slag pile is removed stating that in 1993 the slag pile saved Patio Park and most of lower town from being flooded out. If the slag pile is removed and if there is another large rain like in 1993, would Patio Park be washed away?

**Kurt Buhall**,Third North and Broadway, Clarkdale. Mr. Buhall talked about the hauling by F&F trucking hauling gravel out of the pit to Sedona all night long. Mr. Buhall mentioned at that time the topic of the bridge came up. In the past there was a 10 ton limit on the bridge. The F & F trucks weighed 19 tons empty and they ran all night long and the bridge didn't collapse. Mr. Buhall stated the bridge has been there since 1914 and he feels it is a major consideration of the project. Another concern of Mr. Buhall is the water issue and that we have to think about where the water is going to come from.

**Herald Harrington**, Bent River Machine Owner. Mr. Harrington and his wife feel the main issue is transportation in and out of the site. He doesn't think it's realistic to take this kind of transportation load through the existing bridge. Also stating there is a lot of pedestrian traffic on Broadway near the train. He would like to make sure the transportation issue be dealt with and come around the other way. Those issues need to be clearly addressed.

**John Christensen**, 618 third North Street, Clarkdale. Mr. Christensen stated that he too is

concerned about the hours of operation and the noise.

Mr. Crockett invited the Council, Commission and public to come down to Phoenix to see their operation down there, but to come as a group and not just 1 or 2 at a time.

**Peggy Chaikin**, 215 Hollow Reed Lane, Clarkdale. Ms Chaikin asked for a ratio of the size of the plant in phoenix related to the plant here. Mr. Crockett said the plant in Phoenix is a two ton per hour plant and the plant here is a 2000 ton per day.

**Howard Becc**, 531 Raven Hill Road, Clarkdale Mr. Becc asked if they were to take a cubic yard of the slag and after all the processing is done, how much volume is going to be spread out?

Mr. Crockett said that amount would be 5%, 95% of the volume will be saleable material.

Ms. Prud'homme-Bauer: made a motion to close the Public Hearing. Chairperson Hansen: seconded the motion. The motion passed unanimously.

**11. DISCUSSION AND POSSIBLE ACTION ON THE REQUESTED CONDITIONAL USE PERMIT FOR TRANSYLVANIA INTERNATIONAL, INC. TO CONDUCT AN ORE REFINING OPERATION ON THE SITE OF THE HISTORIC SLAG PILE, THE PROPERTY IS OTHERWISE IDENTIFIED AS YAVAPAI COUNTY ASSESSOR'S PARCEL NUMBER 400-02-001G.**

Commissioner Prud'homme-Bauer: made a motion to table this item for a worksession since there are several issues that need more discussion, such as transportation, hours of operation, and feels there is a need to sit down with the applicants and have a more concrete discussion on some specifics that came up tonight. The worksession will be at the next regular scheduled meeting on March 15<sup>th</sup>, 2003. Also asking for further dialog between adjacent property owners on Cement Plant Road and the Town of Clarkdale. Mr. Dodendorf: seconded the motion. The motion passed unanimously.

8:20 Recess was called

8:38 Meeting Resumed

Chairperson Mr. Hansen called the meeting back to order.

**OTHER BUSINESS**

**12. DISCUSSION AND POSSIBLE ACTION ON THE PRELIMINARY PLAT FOR MOUNTAIN GATE, A 610 LOT SUBDIVISION A THE CORNER OF 11<sup>TH</sup> STREET AND HWY 89A.**

Chairperson Hansen asked Mr. Brown if he had any new information on the topic. Mr. Brown

pointed out that based on the discussion and communication the Commission had with some of the residents in the form of a letter that had been submitted, some changes were made in the plans as requested and stated the commission has before them a current plan dated January 26<sup>th</sup>. Mr. Brown stated that he would not be going into any detail about the responses to the various items raised in the letter since they are included in the staff report and Mr. Brown felt the time would be better spent by opening up the meeting to public discussion.

Chairperson Hansen stated the meeting would be open to public comment until 9:00 p.m., which was agreed upon by Prud'homme-Bauer.

Jim Binick, Engineer with Shepard-Wesnitzer, 703 South Main Street, Cottonwood. Mr. Binick stated the Mr. Rhoton was not at tonight's meeting because of illness.

Mr. Binick stated that a permit had been "pulled" for well drilling and that the drilling operation would begin within the next thirty days. The location selected is that which has been represented, which is the southwest portion of the property near the commercial tract.

Commissioner Reiersen asked if there would be a registered hydrologist or someone from the town or state present to supervise the drilling?

Mr. Binick stated they have a project hydrologist (which he briefly met and couldn't remember their names), who will be doing the preparation and analysis for the drilling. Mr. Binick's understanding is that it is going to be a pilot hole and that the production well is going to be a large production well so prior to making that commitment they run a pilot hole to make sure they are dealing in the proper conditions.

Commissioner Reiersen asked if anyone from the town would be attending and felt it would be better to have someone there representing the town.

Mr. Brown stated that he felt the Department of Water Resources regulated the drilling of wells, stipulated the manner in which they are drilled, and how they will be cased following the drilling. Mr. Brown stated the applicants could cooperate with the town to have staff present. Mr. Brown felt the most appropriate staff would be the town's engineering staff.

Commissioner Purd'homme-Bauer stated she hoped the applicant would agree to having the town engineering firms hydrologist present.

Mr. Binick stated it is somewhat unusual for the town to take this role because it is a role that is actually taken on by DWR. One item Mr. Binick did want to indicate is that if the town does play a role in the analysis, observation or approval of a well, there are liabilities associated with that. Mr. Binick stated this would be his only caution. Mr. Binick stated they had indicated at the past public hearings that they will be willing to share the information that is going to be logged with DWR which is the depth of the well, the size, the production and all valuable points which need to be discussed with everyone at staff level and DWR. This information has already been offered to be provided.

Chairperson Hansen asked if information on elevations would be forthcoming?

Mr. Binick stated the elevations would be covered under a separate neighborhood meeting, stating Mr. Rhoton had indicated his preference was not to actually have it as part of this formal hearing process.

Mr. Brown stated he wanted to follow up on what Mr. Binick was saying. Mr. Brown stated there may be some legal issues and he was not prepared to answer tonight what kind of role the town could take on without referring to our legal staff and that he also didn't know what particular credentials the town engineering firm has to take the role on. Mr. Brown stated that he wanted to have a clearer notion as to what would be accomplished by being out there and have that be cleared as to what kind of role the town might be able to assume in monitoring the well or in requesting that which might be over and above what would ordinarily be the process. Mr. Brown stated that he will research these issues for the commission and bring back the information.

Mr. Binick stated they have been in contact with Mr. Garrison of Cottonwood Water Works with the concerns and progress of the well.

**Marsha Foutz**-313 Main Street, Clarkdale. Ms Foutz stated that she had prepared a presentation for the meeting and that it would take approximately 10 minutes and asked if she should delay it.

Chairperson Hansen reminded her that there was a limited time situation for the meeting. Ms Foutz stated she wanted to speak on a couple of her main concerns. They are visual points she is concerned about. She stated that in looking at the new map tonight she is concerned about an area that has about 70 houses on it and the street is extremely long and 24 feet wide. She stated she lives on a street that is 30 feet wide and with "on street" parking which makes for a very narrow passage way. Ms Foutz also stated that on the plan there are sidewalks on one side of the street only. She felt this was not a comfortable pedestrian situation and that sidewalks on both sides of the street are very important.

**Elizabeth-Rose Augusto**- 940 Calle Tomallo, Clarkdale. Ms Augusto asked if the road was going to go through Centerville. Mr. Brown stated the plan is to have the road "skirt" the edge. Ms Augusto also asked if it were possible to have the houses on 11<sup>th</sup> Street face 11<sup>th</sup> Street?

**George Anne Ford**-880 Calle Carrillo, Clarkdale. Ms Ford stated that she is concerned about the density of the project and with the density proposed, it is going to be a detriment to the Town of Clarkdale and Centerville and not an asset. Ms Ford asked the commission to reconsider the density of the project and the way it is planned, stating it is going to be something that will be regretted in the future if 610 homes are allowed to go in there.

**Mark Randall**-102 South Fifteenth Street, Clarkdale. Mr. Randall stated, "it's the density, it's the density, it's the density" and this is what is going to be heard from everyone throughout the

process. Mr. Randall talked about services such as police, fire, etc. being spread out over a larger area and there will be a diminishment of services to other parts of the town. We have increased the size of our area and we don't have the money to hire the extra people.

**Nancy Bonfield**-1512 Third South Street, Clarkdale. Ms Bonfield stated she doesn't know what questions to ask because she doesn't know what has been agreed upon. She also stated that she knows that they have not gotten all that was asked for. "Density, density, density, water, water, I don't like the wall, what about the landscaping rather than the wall."

**Tom Evans**-1 Hollow Reed lane, Clarkdale. Mr. Evans commented on density. He also stated that they discussed bike trails, parks, connectedness and stated that has not been addressed in this plan. Mr. Evans stated that to add another 6 houses to this plan is an "absolute insult". Mr. Evans also pointed out an archaeological site on a mesa top at the end of one of the cul-du-sacs and asked why this has not been revealed and what else may be on this project site which should be conserved. Mr. Evans stated, " put a 100 foot set back along 11<sup>th</sup> Street, remove the houses from the hillside that face Clarkdale, have a bicycle trail that is a real trail and not the side walks going through a housing project, break up the long streets of 70 houses."

**Shelby Maynard**-800 Calle Rosas, Clarkdale. Shelby stated there was 1 ½ hours spent on talking on a slag pile but the biggest development in Clarkdale's history is only being allowed 15 minutes for public comment. Ms Maynard asked if this Commission is going to continue this. Mentioning that Marsha put a lot of time into the presentation of a slide show and asked if she is going to be allowed to present that in the future?

**Hank Chaikin**-215 Hollow Reed Lane, Clarkdale. Mr. Chaikin wanted to remind the commission about the past discussions on the CC & R's. Mr. Chaikin also asked about the town hiring their own hydrologist for their own information. Mr. Chaikin mentioned that a personal concern in his neighborhood is the drainage coming off a particular road and which way it is going to drain? Also asking for a retention pond of some sort. Mr. Chaikin stated changes have been made and the public has not had enough time to review these changes and make comments.

Commissioner Prud'homme-Bauer stated due to the lateness of the evening and the fairness of everyone being at the meeting she would like to see continuation of this item. Stating there were many items on the agenda for discussion. That it is very late and that it is not good for anybody to be here all hours of the night for discussion on this item. Commissioner Prud'homme-Bauer: made a motion to continue discussion on this item at a March 8<sup>th</sup> meeting. Commissioner Dodendorf; seconded the motion. The motion passed with a 4-1 vote in favor of the continuation.

## **ADJOURNMENT**

With no further business to discuss the meeting adjourned at 9:11 p.m.

**APPROVED BY:**

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Gary Hansen  
Chairperson

**SUBMITTED BY:**

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Linda Noland  
Administrative Assistant