

**MINUTES OF A REGULAR MEETING OF THE DESIGN REVIEW BOARD OF THE TOWN OF CLARKDALE HELD ON WEDNESDAY, April 13, 2005, AT 7:00 P.M. IN THE CLARK MEMORIAL CLUBHOUSE, 19 NORTH 9<sup>TH</sup> STREET, CLARKDALE, ARIZONA**

A regular meeting of the Design Review Board of the Town of Clarkdale was held on Wednesday, April 13, 2005, at 7:00 p.m. in the Clark Memorial Clubhouse, 19 North 9<sup>th</sup> Street, Clarkdale, AZ.

**Board Members:**

Chairperson	Ed Knight	Present
Board Members	Hank Stevens	Present
	Peggy Chaikin	Present
	Ellie Bauer	Present

**Staff:**

Community Development Director	Steven Brown
Planning Manager	Beth Escobar
Planner II	Normalinda Zuniga
Administrative Assistant	Charlene Stockseth

**Others in Attendance:** Pat Williams, Curt Bohall, Steve Wombacher, Tom Pender, Robyn Prud'homme-Bauer, John Christensen, Gerald Lembas, Marsha Foutz, Reynold Radoccia, Bob Gunnison, Maria Contreras, P. Cimarali

1. **CALL TO ORDER:** Chairperson Knight called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** Administrative Assistant Stockseth called roll.
3. **MINUTES:** Board Member Bauer made a motion to approve the minutes of March 9, 2005. Board Member Stevens seconded the motion. The motion passed unanimously.
4. **REPORTS:**

**Chairperson's Report:** The Chairperson introduced himself and the Board members to the public and applicants that were present.

**Planning Manager:** Planning Manager Escobar gave an update on the recommended changes to the Landscape Ordinance and recommended changes to the Site Plan Review that were sent to the Planning Commission. The Planning Commission approved both changes and submitted them to Council.

On the April 26, 2005, Council Agenda, the Landscape Ordinance changes will be reviewed. Staff is working on the ordinance to take to Council. The Town Attorney also reviewed the recommended changes for the Site Plan Review. Comments were made that will be taken back to the May Design Review meeting.

At the last Design Review meeting, the Site Plan for Mold in Graphics was reviewed. There was some discussion during that review that there had not been an Archaeological-Cultural

study conducted. Planning Manager Escobar submitted a memo and some background material to the Design Review Board that was attached to the Agenda. Planning Manager Escobar stated that the Yavapai Apache Nation does not identify any culturally sensitive sites on or around the Mold in Graphics parcel.

A glossary, taken from the General Plan, was also attached to the Agenda for future reference.

5. **PUBLIC COMMENT:** None.

**OLD BUSINESS**

**NEW BUSINESS**

6. **DISCUSSION AND POSSIBLE ACTION** – on Site Plan Review Application for Verde Valley Mini Storage.

**Note:** Board Member Chaikin excused herself from the meeting due to a conflict of interest.

**Staff Report:** The applicant is requesting Site Plan/Design Review for four additional storage buildings in the center of the property, Yavapai County Parcel # 406-26-010Z. This parcel is zoned C, Commercial. Self-storage units are a permitted use in the Commercial Zone.

**Assessments of Site-Plan Review Standards & Criteria:** Staff requests that the Design Review Board review the application in accordance with the Approval Standards and Criteria outlined in Chapter 5, Section W.E. Staff comments regarding these standards follow:

1. **Utilization of the Site:** The plan must reflect the natural capabilities of the site to support development. Environmentally sensitive areas must be maintained and preserved.

This parcel is approximately 2.7 acres, triangular shape. It is not located in an identified flood plain. The property file indicates a history of drainage problems at this site.

2. **Traffic Access & Parking:** Currently, the storage units are accessed from a 50-foot ingress/egress/utility easement that runs from Hwy. 89A for 300 feet to the applicant's parcel. Applicant is proposing a 25-foot wide continuation of this easement along the south border of the property.

After the planned improvements to Hwy. 89A in 2006-2007, this will most likely be a right-in, right-out only entrance.

The original Site Plan Approval for this project, submitted by the previous owner, included a dedication of the roadway from Hwy 89A to the site. This dedication was never recorded.

The current Site Plan indicates a connection through to Old Jerome Highway. The Town of Clarkdale General Plan Program 2002, Circulation Element proposes this alignment as a Collector. If this connection is to be approved, the applicants should be required to complete a Traffic Impact Assessment (TIA) in accordance with the Arizona Department of Transportation (ADOT) guidelines. Any improvements to the intersection of this new road and Hwy 89A required as a result of the TIA should be provided by the applicant. The applicants should also be required to dedicate a right-of-way, and construct a roadway to meet the Town of Clarkdale Subdivision Standard for a Class III Commercial Road from Old Jerome Highway to Hwy 89A.

The parking space standard for a self-storage facility is 24 ft wide aisles plus one space for caretaker parking. There is currently one ADA parking space on the site. It appears from the plans that a minimum aisle width of thirty feet is maintained throughout the site.

Per the current application, traffic is estimated to be 15-25 cars on weekdays and 20 to 40 cars on weekends.

3. Pedestrian Access: No pedestrian circulation plan is provided.

4. Storm Water Management: According to Yavapai County Development Services, the FEMA floodplain will not be impacted by this project.

Yavapai County Development would require a Storm Water Pollution Prevention Plan Permit for a commercial project of this size.

Review by the Public Works Manager and Town Engineer has identified the following concerns:

- Engineering required for existing and proposed area retention basins
- Engineering is needed for the proposed control structure for the detention basin, including size and location.
- The above control structure appears to discharge on private property, not owned by the applicant.
- A drainage report is not included with the submittal.

5. Erosion Control: Applicant does not provide an erosion control plan, or indicate the amount of soil that will be disturbed for this project.

6. Water Supply: The new buildings will not be supplied with water.

7. Sewage Disposal: The new buildings will not be connected to sewer.

8. Utilities: The new storage buildings will not be served by any utilities.

9. Natural Features: The property slopes slightly from the northwest corner to the southwest corner. The drainage plan provided, includes a detention pond at the southeast corner, and detention areas along the southern border of the property.

10. Groundwater Protection: Per a telephone conversation with the applicant, a detailed grading plan and storm water prevention plan is being developed and will be submitted to the Community Development Department upon completion.
11. Water Quality Protection: Applicant does not provide an erosion control plan, or indicate the amount of soil that will be disturbed for this project.
12. Hazardous, Special and Radioactive Materials: The rental contract for the storage unit prohibits storage of hazardous or toxic material.
13. Capacity of the Applicant: Applicant is the new owner of the property. Staff has no opinion regarding the financial capacity of the applicant.
14. Solid Waste Management: There is a manager's office on site that is served by a septic system.
15. Historic and Archaeological Resources: There is no historic or archaeological resource report on file for this property.
16. Floodplain Management: Yavapai Development Services states that this development will not have a direct impact on the floodplain.
17. Exterior Lighting: Exterior lighting on the buildings will be fully shielded.
18. Buffering: A border of this property abuts the rear yards of seven homes in the Foothill Terrace subdivision. There is a 10-foot setback from the property line. Applicant has submitted a landscape plan for the entire perimeter. Other than the Red Tip Photinia, none of the suggested plants are on the recommended plant list.
19. Noise: No information was submitted regarding potential noise increase from the new storage buildings.
20. Storage Materials: The rental contract for the storage unit prohibits storage of hazardous or toxic material

The exterior of the new buildings will match the exterior of the current buildings.

**Recommendation:** The Design Review Board may approve the plan as submitted, approve with conditions/stipulations, or deny as filed.

If the Board decides to approve the application, staff requests that the following stipulations be included:

1. That the applicant submit to the Community Development Department for review and approval, prior to signing by the Design Review Board Chairman:

- a) A detailed, engineered, grading plan and storm water prevention plan that specifically addresses run off management during construction and once the project is completed.
- b) Engineering for the detention areas.
- c) Engineering for the run-off control structure.

2. Applicant shall be required to complete a Traffic Impact Assessment (TIA) in accordance with the Arizona Department of Transportation (ADOT) guidelines. The TIA shall be submitted to ADOT for review and approval and a copy provided to the Town of Clarkdale for review. Any improvements to the intersection of this new road and Hwy 89A required as a result of the TIA should be provided by the applicant. The applicants should also be required to dedicate a right-of-way, and construct a roadway to meet the Town of Clarkdale Subdivision Standard for a Class III Commercial Road from Old Jerome Highway to Hwy 89A.

**Note:** Staff changed Recommendation #2 as follows: Prior to issuance of a building permit, the applicant shall dedicate a 25 foot right-of-way along the southeast property boundary.

3. The applicant shall submit a letter of explanation to the Design Review Board regarding the use of plants not on the recommended list and that the Design Review Board must approve the plant list prior to signing of the Site Plan by the Design Review Board Chairman.

4. Prior to the signing of the Site Plan by the Design Review Board Chairman, the applicant shall provide an explanation of how materials stored in the units are monitored to prevent storage of hazardous materials.

5. Prior to the signing of the Site Plan by the Design Review Board Chairman the applicant shall submit a landscape plan developed and stamped by a registered Landscape Architect which includes plans for the installation of an irrigation system to serve the landscaping, and an estimate for the cost of implementation of the landscaping plan. The applicant shall also post an assurance for the cost of all landscaping in a form approved by the Town Attorney.

If the Board approves the application, a copy of the plans as approved must be provided to the Town with a signature line for the Design Review Board Chairman. Upon signing, the approved plan must be filed with the County Recorder's office within thirty days of approval.

**Applicant:** Randy Clark, owner of Verde Valley Self-Storage, introduced Tom Pender, Engineer and Larry Prichard, General Contractor for Total Building Systems. Mr. Clark submitted the following in response to the above recommendations:

- a. They are in the process of obtaining all the information requesting and doing all the engineering required meeting those recommendations. (Engineered, grading plan and storm water prevention plan).
- b. They have no intention of opening a connection to the Old Jerome Highway. The drawing submitted showing such a connection is in error and will be corrected. Therefore, we believe that no TIA or dedication should be required.

- c. The landscape plan will be redone to show existing and planned future landscaping. All new landscaping will be with plants on the town recommended list.
- d. Customers are required to sign a lease prohibiting the storage of hazardous materials (rental agreement section 10). No additional monitoring is contemplated.
- e. The new landscape plan will be developed and stamped by a registered landscape architect and will include plans for the current irrigation system and expansion required.

Board Member Bauer asked the applicant if the area was going to be graded down so that all the buildings will be the same height. The applicant stated yes they would all be the same height.

Mr. Clark also stated that there are requesting five buildings not four.

**Public Comment:** None.

**Board Decision:** Board member Stevens motioned the site plan review be approved with the following stipulations: 1) That the applicant submit to the Community Development Department for review and approval, prior to signing by the Design Review Board Chairman: a) A detailed, engineered grading plan and storm water prevention plan that specifically addresses run-off management during construction and once the project is completed; b) Engineering for the detention areas; c) Engineering for the run-off control structure; 2) Prior to issuing a building permit or grading permit the applicant shall dedicate a right-of-way along the entire frontage of the southeastern boundary of their property for which Site Plan approval is being sought; 3) The applicant shall submit a letter of explanation to the Design Review Board regarding the use of plants not on the recommended list and that the Design Review Board must approve the plant list prior to signing of the Site Plan by the Design Review Board Chairman; 4) Prior to the signing of the site Plan by the Design Review Board Chairman, the applicant shall provide an explanation of how materials stored in the units are monitored to prevent storage of hazardous materials; 5) Prior to the signing of the Site Plan by the Design Review Board Chairman, the applicant shall submit a landscape plan developed and stamped by a registered landscape architect which includes plans for the installation of an irrigation system to serve the landscaping, and an estimate for the cost of implementation of the landscaping plan. The applicant shall also post an assurance for the cost of all landscaping in a form approved by the Town Attorney. Board member Bauer seconded the motion. The motion was unanimous.

**Note:** Board member Chaikin returned to the meeting.

7. **DISCUSSION AND POSSIBLE ACTION** - on site Plan Review Application for Verde River Iron Slag Recovery

**Staff Report - 1**

“PURPOSE: The Site Plan Review and Design Review procedures are intended to protect the public health and safety and promote the general welfare of the community. These processes are intended to facilitate the organization of development of commercial and industrial property. They are also intended to insure that new development and

redevelopment is compatible with the surrounding environment, and to preserve and protect the integrity and character of the Town of Clarkdale, as applicable.”

*The Design Review Board is authorized to review Preliminary and Final Site Plan Reviews and 1) Approve as filed; 2) Deny as filed; 3) Approve the request with conditions/stipulations... ”*

Verde River Iron was granted a Conditional Use Permit on April 13, 2004 by the Town Council of the Town of Clarkdale. One of the conditions of approval required that Verde River Iron demonstrate to the Council their ownership of the property. This was accomplished to the satisfaction of the Town on October 21, 2004.

The conditions for the approval of the Conditional Use Permit are included in the attached minutes of the Town Council April 13, 2004 meeting (see attached Exhibit A). The Design Review Board has the authority to stipulate conditions of approval that are not a part of the CUP approval.

**Assessment of Project Compliance with Site Plan Review Standards and Criteria for Review:**

The following is an assessment, by the Community Development Department of the extent to which the proposal responds to the Review Standards and Criteria provided for in the Site Plan Review regulation.

1. Utilization of the Site: The site is the former smelter, and likely has, at this point no natural resource values to be protected on the site. However, the site is directly adjacent to the Verde River, and as such has the potential for impacts to the river, if development is not managed properly. The slag pile defines the flood plain in that stretch of the Verde River that abuts it, and serves to protect, to some extent downstream properties from flood damage. Also given the proximity of the river to the area to be excavated, special care will need to be taken to avoid sedimentation of the river through the earth moving process. Applicants will need to obtain a Grading Permit prior to the commencement of excavation on the slag pile itself.

2. Traffic Access: The Site is accessed from Luke Lane currently, however Verde River Iron, as a condition of the approval of their Conditional Use Permit (CUP), is working with the Town to provide another access to Cement Plant Road, and thence to Hwy 89A for truck traffic.

3. Pedestrian Access: No general public access is anticipated to this site, and as such, no recommendations are made with regard to Pedestrian Access.

4. Storm Water Management: The applicants have made no provision for Storm Water Management. Prior to the approval of the site plan, they should be required to submit a plan for storm water management that demonstrates how they will assure that the runoff from the site is not increased over the current condition, and measures for retaining/detaining runoff to achieve that standard. It is likely that this project will require an Aquifer Protection Permit from the Arizona Department of Environmental Quality (ADEQ). Applicants will likely be required to submit Storm

Water Pollution Prevention Plan (SWPPP) to Arizona Department of Environmental Quality (ADEQ). The conditions of the approval of their Conditional Use Permit requires them to obtain all necessary permits from ADEQ prior to the issuance of any Certificate of Occupancy for any new or renovated building. Additionally Yavapai County Flood Control has been asked to review this proposal and to comment. We have as of this writing not received comment back from Flood Control. Any approval of the site plan should be conditioned on compliance with the comments received from Yavapai County Flood Control.

5. Erosion Control: The applicants provide no information on how erosion control will be managed for this project. Prior to the approval of a site plan for this project, they should be required to submit for approval by the Town Engineer, a plan for sediment and erosion control, which will assure that no degradation to the waters of the Verde River will occur as a result of the development and operation of this project. Applicants will likely be required to submit a Storm water Pollution Prevention Plan (SWPPP) to Arizona Department of Environmental Quality (ADEQ). The conditions of the approval of their Conditional Use Permit requires them to obtain all necessary permits from ADEQ prior to the issuance of any Certificate of Occupancy for any new or renovated building.

6. Water Supply Provisions: The applicants have entered into an agreement with the Town of Clarkdale for the provision of approximately 46,000 gallons per day of effluent for use in their process. To further the cause of water conservation, the project could be required to use effluent in their process unless it were to become unavailable for some reason.

It is still significantly unclear how that water is used in the process, and where water is lost in the process. The applicants state that the water taken in each day is recycled, however, the Board should ask to see a water budget that details where water is used in the various stages of the project, and where water is lost and through what mechanism (evaporation, discharge, steam, etc.). The applicants have also not provided any information on the chemical constituency of that water after the first, second or multiple reuse cycles. At some point the water used in the process would likely need to be discharged, and the applicants have not indicated where, how and in what volume that would occur. The applicants will likely be required to obtain a Water Quality Permit from the Arizona Department of Environmental Quality (ADEQ). The conditions of the approval of their Conditional Use Permit requires them to obtain all necessary permits from ADEQ prior to the issuance of any Certificate of Occupancy for any new or renovated building.

7. Sewage Disposal Provisions: The applicants have not provided any information on how sewage disposal will be managed. Applicants will need to modify the site plan to include the existing sewer lines on and adjacent to the property that will be used to convey sewage to the Town's system. This information must include line sizes, manholes, and inverts. The Town will require that sewage disposal for this project is accomplished by connection to the Town's sewer system. For any discharge other than the waste from restroom facilities, may require pre-treatment

The Site Plan Review "Approval Standards and Criteria state:

*“Sewage Disposal - The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing and Health Codes. (1) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation. “*

*“Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. “*

8. Utilities: Applicants have provided a survey that shows the utility easements on the property, but no information on the lines within those easements. Applicants will need to modify the site plan to include a utility plan that includes more than just the locations of easements and the proposed location of the new effluent line.
9. Natural Features: The project is directly adjacent to the Verde River, and care must be taken to minimize negative impacts to the River. The applicants will likely be required to obtain a Water Quality Permit from the Arizona Department of Environmental Quality (ADEQ) and to submit a Storm-water Pollution Prevention Plan to that agency for approval. The conditions of the approval of their Conditional Use Permit requires them to obtain all necessary permits from ADEQ prior to the issuance of any Certificate of Occupancy for any new or renovated building.
10. Ground Water Protection: The applicants have indicated that there will be no discharge from the site of process water. Any such discharge would require that they obtain an Aquifer Protection Permit from ADEQ. The conditions of the approval of their Conditional Use Permit requires them to obtain all necessary permits from ADEQ prior to the issuance of any Certificate of Occupancy for any new or renovated building.
11. Water Quality Protection: The applicants have indicated that there will be no discharge from the site of process water. Any such discharge would require that they obtain an Aquifer Protection Permit from ADEQ. The conditions of the approval of their Conditional Use Permit requires them to obtain all necessary permits from ADEQ prior to the issuance of any Certificate of Occupancy for any new or renovated building.
12. Hazardous, Special, and Radioactive Materials and Wastes: The applicants have submitted a list of the potentially hazardous materials to be used in the process of reclaiming materials from the slag. That list has been forwarded to the Fire Marshall for review, and as yet we have not received his comments. Additionally, the applicants will need to detail this information and their plans for containment of any potential spills for ADEQ. The conditions of the approval of their Conditional

Use Permit requires them to obtain all necessary permits from ADEQ prior to the issuance of any Certificate of Occupancy for any new or renovated building.

13. Solid Waste Management: The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes. The applicants have indicated that roughly 90% of the raw slag material will be reclaimed as salable commodities, and that there will be an approximate 10% solid waste remaining. The applicants have not indicated where that waste will be disposed. The site plan will need to be modified to include the location and method of disposal of any solid waste from the process and operation of the facility.

14. Historic and Archaeological Resources: There is no belief on the part of staff that there are any Historic or Archaeological Resources of concern that might be impacted by this project.

15. Floodplain Management: The slag pile defines the floodplain of the Verde River in the area of this project, and any excavation of the slag pile below the adjacent base flood elevation for the Verde River will negatively impact the adjacent and downstream properties.

16. Exterior Lighting: The conditions of approval of the CUP stipulate that the project will comply with the Town of Clarkdale Lighting Ordinance.

17. Buffering of Adjacent Uses: The project will negatively impact adjacent properties, most notably by the noise that the operation will generate. The buffering of adjacent uses can best be accomplished through the regulation of the hours of operation, restriction on hours that slag material may be excavated, and the requirement of the grinding of slag material to be conducted indoors and the structures to house those operations to be provided with sound deadening walls. Applicants throughout the review of their Conditional Use Permit by the Planning Commission and the Council have stated that grinding will be housed in existing buildings. The current plan shows the grinders located outside the existing buildings in the open. The applicants should be required to modify the site plan to show that the grinders are either relocated into one of the existing buildings or that another structure is constructed to house those. The current Council, on another project, has previously considered noise from excavation and determined that reasonable consideration of the adjacent residential properties would dictate a modified work schedule. In that instance the Council pressed for, and agreement was reached with that applicant on a schedule that included operation from sunrise to sunset only. A similar schedule should be adopted for this project in keeping with the established precedent.

18. Noise: The project will negatively impact adjacent properties, most notably by the noise that the operation will generate. The buffering of adjacent uses can best be accomplished through the regulation of the hours of operation, restriction on hours that slag material may be excavated, and the requirement of the grinding of slag material to be conducted indoors and the structures to house those operations to be provided with sound deadening walls. Applicants throughout the review of their Conditional Use Permit by the Planning Commission and the Council have stated that grinding will be housed in existing buildings.

The current plan shows the grinders located outside the existing buildings in the open. The applicants should be required to modify the site plan to show that the grinders are either relocated into one of the existing buildings or that another structure is constructed to house those. The current Council, on another project, has previously considered noise from excavation and determined that reasonable consideration of the adjacent residential properties would dictate a modified work schedule. In that instance the Council pressed for, and agreement was reached with that applicant on a schedule that included operation from sunrise to sunset only. A similar schedule should be adopted for this project in keeping with the established precedent.

19. Storage of Materials: Applicants show no outdoor storage of material, so the assumption is that storage will be accommodated entirely within the renovated buildings. If any storage is to be provided outdoors, the site plan will need to be modified to indicate the location of that storage and the screening provided.

**Comments from Staff and Outside Agencies:**

1. Town of Clarkdale Public Works: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. No comment has been received as of the time of this writing.

2. Town Engineer/Willdan: The Town Engineer has indicated that the plans are not acceptable for approval until they are modified to address the following concerns.

- a. Tie proposed contours into the existing contours. Show how the surface storm water runoff will be diverted from the excavated site.
- b. Label property as to ownership (i.e. Transylvania International, Inc.)
- c. Show the access ramp into the excavated area.
- d. Provide structural analysis of the material stability.
- e. Show conveyor details, which will have to be reviewed by Building Safety (i.e. structural design for support system).
- f. Provide an electrical layout for the lighting system
- g. Provide a Health and Safety Plan.
- h. Provide an Emergency Response Plan.
9. How will dust and airborne particulates be managed with this operation?

3. Clarkdale Fire Department: The following comment was received from the Fire Marshall, Mike Flummer on April 6, 2005.

*“I have reviewed the submitted documents for the above referenced project for site plan and design review with the Town of Clarkdale’s Fire Code. These documents appear to conform to applicable standards and have been approved by this office...”*

The Fire Marshall will be reviewing building plans for the project when they are submitted, and may have additional comments at that time.

4. Clarkdale Police Department: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. The Clarkdale Police Department has no comment on this project.

5. Yavapai County Flood Control: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. Yavapai Count Flood Control has no comment on this phase of this project, although they did point out that if any new buildings are developed at the site they would like to review that application:

6. Yavapai County Environmental Services: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. Yavapai Environmental services have no comment on this project.

7. APS: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. No comment has been received as of the time of this writing.

8. Unisource: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. Unisource has not conflicts with this project..

9. Cottonwood Water Works: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. Cottonwood Water Works only comment is that currently only a residential water service level is provided at this site.

10. Qwest: Copies of the application were distributed on March 14, 2005, and comment requested back by April 5, 2005. No comment has been received as of the time of this writing.

**Recommendation:**

Staff feels that consideration of this project should be tabled until all staff and agencies have had ample opportunity to comment on the proposal. However, if the Design Review Board votes to approve the application for Site Plan Review by Verde River Iron, the Community Development Department would recommend consideration of the imposition of the following conditions to that approval.

1. Verde River Iron shall provide evidence of having applied for and obtained a Determination of Applicability (DOA) from the Department of Environmental Quality for this project prior to the approval of the site plan.
2. Verde River Iron shall apply for and obtain a Grading Permit for the project prior to the commencement of excavation on the site.
3. Verde River Iron shall dedicate to the Town of Clarkdale, a 100-foot Right-of-Way from the entrance to the smelter to their western property boundary, along an alignment surveyed by the Town of Clarkdale, for the purposes of construction of an alternate route to Cement Plant Road.
4. Verde River Iron shall pay for half of the cost of that survey.

5. Verde River Iron shall be responsible for the construction of a roadway that meets the Town of Clarkdale standard for a Class II, Industrial Road, as is specified in the Town of Clarkdale Subdivision Regulations, and to include a four (4) foot sidewalk on at least one side. Said roadway shall be designed and constructed within the 100 foot Right-of-Way provided. Verde River Iron shall be responsible for obtaining all necessary permits for the crossing of Bitter Creek.
6. Verde River Iron shall, at a time to be later specified by the Town of Clarkdale, dedicate to the Town of Clarkdale, the property on which Cement Plant Road is constructed.
7. Verde River Iron shall participate financially in the design and construction of improvements to Cement Plant Road, to an extent that is proportionate to their acreage being served by said road.
8. Verde River Iron shall have received all necessary permits from the Arizona Department of Environmental Quality prior to the issuance of any Certificates of Occupancy for any of the structures being utilized as part of this project, and prior to any excavation on the slag pile.
9. Prior to the signing of the Site Plan by the Design Review Board Chairman, Verde River Iron shall:  
Provide the Community Development Department with a water budget, that details where water is used in the various stages of the project, and where water is lost and through what mechanism (evaporation, discharge, steam, etc.).

Modify their site plan to:

- a) Include information on the connection point to the Town sewer system for all but the process water. Process water proposed to be discharged to the Town's system, must first be pretreated in accordance with specifications provided by the Town or their designee.
  - b) Include all existing and proposed utilities, to be reviewed and approved by the Community Development Department, and any other appropriate staff and/or outside agency, prior to the signing of the Site Plan by the Chairman of the Design Review Board. All electrical utility lines shall be placed underground.
  - c) Include the location of disposal of any and all solid wastes, including waste that is a bi-product of the process. Verde River Iron shall also provide estimates of the quantities of solid wastes that will be generated by the process
  - d) Tie proposed contours into the existing contours. Show how the surface storm water runoff will be diverted from the excavated site.
  - e) Label property as to ownership (i.e. Transylvania International, Inc.)
  - f) Show the access ramp into the excavated area.
  - g) Provide structural analysis of the material stability.
  - h) Show conveyor details, which will have to be reviewed by Building Safety (i.e. structural design for support system).
  - i) Provide an electrical layout for the lighting system.
  - j) Provide a health and Safety Plan.
  - k) Provide an Emergency Response Plan.
10. Prior to the signing of the Site Plan by the Design Review Board Chairman, the Fire Marshall shall have approved the plans for fire protection, and the containment measures for the hazardous chemicals stored on the site and used in the process.

11. Excavation on the slag pile shall be restricted to the hours between sunrise and sunset.
12. All processing of slag shall be accomplished within sound insulated structures, and no grinding or other manipulation of the slag shall be allowed to be carried on outside of enclosed buildings that are not sound insulated.
13. The Site Plan shall not be signed until town of Clarkdale Public Works, Town Engineer, Fire, Police, have approved the plans.
14. The Site Plan shall not be signed until the Yavapai County Flood Control has approved the plans.
15. Verde River Iron shall use effluent in their process unless and until it becomes unavailable from the town of Clarkdale.
16. Verde River Iron shall provide, prior to signing of the Site Plan, information on security to be maintained at their site, specifically related to storing and retaining of hazardous materials on site.
17. Applicant shall provide a dust control plan prior to signing of the Site Plan.

**Staff Report – 2 (Addendum – Replaces Staff Report 1 Above)**

Staff has consulted with the Town Attorney with regard to the original staff report for this Site Plan Review, specifically, Condition #11 that state:

“11. Excavation on the slag pile shall be restricted to the hours between sunrise and sunset.”

The Town Attorney was asked by staff to review this recommendations and to advise as to whether the Design Review Board could stipulate hours of operation that were more restrictive than those approved by the Council in review of the Conditional Use Permit (CUP). During their Conditional Use Permit Public Hearing before the Clarkdale Town Council, the Council approved operating hours of 24/7. The Town Attorney has advised that the Design Review Board cannot impose more restrictive hours of operation than those that were stipulated by Council, but could stipulate other conditions that were not considered by Council. Additionally, Town Attorney has reviewed the record and concurs with the Assessment of the Community Development Department, that representations were made repeatedly, by Verde River Iron, that all grinding operations, with the exception of the quarrying of the slag on the pile, would be fully enclosed. The Town Attorney also concurs with regard to the stipulation that the entire operation be housed in the existing buildings. The Council did not stipulate that the grinding operation would be housed in existing buildings, and that is because they did not need to, since, in their application for CUP, the applicants themselves limited the grinding to the existing buildings. The proposal before the board now provides for the bulk of the crushing and grinding to be done outside, in direct conflict with the representations made during review of their CUP.

Attached is a copy of the application submitted in support of the request for approval of the CUP.

On page 2, in a narrative describing the project, and again page 5 (Plan Summary), of this application, in the second paragraph the applicants state, “*The recovery system is completely enclosed...*”

On page 3 of the applications, in a letter from Robert Gunnison, President of Verde River Iron Company, he states, in the second paragraph, *“The first Phase will process up to 2,000 tons per day and will be done within the existing buildings”*

On page 7, is the “Basic Flow Description” for the project, which shows all Crushing and Grinding and other processes being conducted within the “Building Perimeter”, and the slag being delivered via an “Enclosed Dust Proof Conveyor”

**Recommendation:**

As in our previous report, staff still feels that consideration of this project should be tabled until all staff and agencies have had ample opportunity to comment on the proposal, and until the applicants have made the required modifications to the site plan.

However, if the Design Review Board votes to approve the application for Site Plan Review by Verde River Iron, the Community Development Department wishes to withdraw its recommended condition 11 as listed below.

*11. “Excavation on the slag pile shall be restricted to the hours between sunrise and sunset.”*

Staff also wishes to add a condition a new condition 11 as follows:

*11. Prior to the signing of the site plan by the Design Review Board Chairman, the applicants shall modify the site plan to indicate that the conveyor shall be an “Enclosed Dust Proof Conveyor”, and specifications as to the dust inhibiting features of the conveyor enclosure, which inhibit the discharge of dust, shall be submitted to the Community Development Department. These specifications shall be forwarded to the Town Engineer for review and approval.*

The complete, revised list of conditions recommended by staff is the following:

1. Verde River Iron shall provide evidence of having applied for and obtained a Determination of Applicability (DOA) from the Department of Environmental Quality for this project prior to the approval of the site plan.
2. Verde River Iron shall apply for and obtain a Grading Permit for the project prior to the commencement of excavation on the site.
3. Verde River Iron shall dedicate to the Town of Clarkdale, a 100-foot Right-of-Way from the entrance to the smelter to their western property boundary, along an alignment surveyed by the Town of Clarkdale, for the purposes of construction of an alternate route to Cement Plant Road.
4. Verde River Iron shall pay for half of the cost of that survey.
5. Verde River Iron shall be responsible for the construction of a roadway that meets the Town of Clarkdale standard for a Class II, Industrial Road, as is specified in the Town of Clarkdale Subdivision Regulations, and to include a four (4) foot sidewalk on at least one side. Said roadway shall be designed and constructed within the 100 foot Right-of-Way provided. Verde River Iron shall be responsible for obtaining all necessary permits for the crossing of Bitter Creek.

6. Verde River Iron shall, at a time to be later specified by the Town of Clarkdale, dedicate to the Town of Clarkdale, the property on which Cement Plant Road is constructed.
7. Verde River Iron shall participate financially in the design and construction of improvements to Cement Plant Road, to an extent that is proportionate to their acreage being served by said road.
8. Verde River Iron shall have received all necessary permits from the Arizona Department of Environmental Quality prior to the issuance of any Certificates of Occupancy for any of the structures being utilized as part of this project, and prior to any excavation on the slag pile.
9. Prior to the signing of the Site Plan by the Design Review Board Chairman, Verde River Iron shall:

Provide the Community Development Department with a water budget, those details where water is used in the various stages of the project, and where water is lost and through what mechanism (evaporation, discharge, steam, etc.).

Modify their site plan to:

- a) Include information on the connection point to the Town sewer system for all but the process water. Process water proposed to be discharged to the Town's system, must first be pretreated in accordance with specifications provided by the Town or their designee.
  - b) Include all existing and proposed utilities, to be reviewed and approved by the Community Development Department, and any other appropriate staff and/or outside agency, prior to the signing of the Site Plan by the Chairman of the Design Review Board. All electrical utility lines shall be placed underground.
  - c) Include the location of disposal of any and all solid wastes, including waste that is a bi-product of the process. Verde River Iron shall also provide estimates of the quantities of solid wastes that will be generated by the process
  - d) Tie proposed contours into the existing contours. Show how the surface storm water runoff will be diverted from the excavated site.
  - e) Label property as to ownership (i.e. Transylvania International, Inc.)
  - f) Show the access ramp into the excavated area.
  - g) Provide structural analysis of the material stability.
  - h) Show conveyor details, which will have to be reviewed by Building Safety (i.e. structural design for support system).
  - i) Provide an electrical layout for the lighting system.
  - j) Provide a health and Safety Plan.
  - k) Provide an Emergency Response Plan.
10. Prior to the signing of the Site Plan by the Design Review Board Chairman, the Fire Marshall shall have approved the plans for fire protection, and the containment measures for the hazardous chemicals stored on the site and used in the process.
  11. Prior to the signing of the site plan by the Design Review Board Chairman, the applicants shall modify the site plan to indicate that the conveyor shall be an "Enclosed Dust Proof Conveyor", and specifications as to the dust inhibiting features of the

conveyor enclosure, which inhibit the discharge of dust, shall be submitted to the Community Development Department. These specifications shall be forwarded to the Town Engineer for review and approval.

12. All processing of slag shall be accomplished within sound insulated structures, and no grinding or other manipulation of the slag shall be allowed to be carried on outside of enclosed buildings that are not sound insulated.

13. The Site Plan shall not be signed until Town of Clarkdale Public Works, Town Engineer, Fire, Police have approved the plans.

14. The Site Plan shall not be signed until the Yavapai County Flood Control has approved the plans.

15. Verde River Iron shall use effluent in their process unless and until it becomes unavailable from the Town of Clarkdale.

16. Verde River Iron shall provide, prior to signing of the Site Plan, information on security to be maintained at their site, specifically related to storing and retaining of hazardous materials on site.

17. Applicant shall provide a dust control plan prior to signing of the Site Plan.

18. The applicant may conduct grinding and crushing outside of the existing structures or newly constructed soundproof structures, after having first obtained approval of a modification to the stipulations of approval of the Conditional Use Permit for this project from the Town Council of the Town of Clarkdale.

**Applicant:** Harry Crockett and Reynold Radoccia made a presentation for the Verde River Iron Site Plan. There was a review of the buildings that would be used, parking and traffic flow. Mr. Radoccia stated on the plans they were reviewing for the Board, the processing of the slag would be indoors, the conveyor is not covered and the grinders are not in an enclosed building. Mr. Crockett and Mr. Radoccia also reviewed noise and dust issues. The applicant began to go over each recommendation made by staff. The applicant did not agree with several staff recommendations and also requested that the required information be submitted with the building permit application. The Site Plan Review requires the information be submitted before the Site Plan can be approved by the Board. There was also confusion as to what had originally been stated on the CUP that was presented to the Town Council regarding the grinding and processing being conducted indoors or outdoors. There were too many outstanding issues to continue the Site Plan Review. Chairperson Knight closed the applicant presentation.

**Public Comment:** The Chairperson opened Public Comment.

Steve Wombacher, 710 Third North. Mr. Wombacher stated he was not against improvements or progress, but has concerns regarding his life styles. Mr. Wombacher was in opposition of the hours that business would be conducted because of the noise.

John Christensen, 618 Third North. Mr. Christensen stated he was going to improve his home, but now has concerns that the value of his property would decrease because of this project.

Robyn Prud'homme Bauer, 1750 Cholla Lane. Ms. Prud'homme Bauer stated she hoped this review could move along quickly because this project is very important for Clarkdale. This will help the economic base, it's jobs, making a good, sound economic base for Clarkdale.

**Board Decision:** Board member Chaikin motioned to table this item until April 20<sup>th</sup>, 2005, at 6:30 p.m. to allow the applicant and staff to resolve outstanding issues. Board member Stevens seconded the motion. The motion was passed unanimously.

8. **DISCUSSION AND POSSIBLE ACTION** – on Hardscape Design Standards. Board member Bauer motioned this item be tabled until next meeting. Board member Stevens seconded the motion. The motion passed unanimously.

9. **ADJOURNMENT:** Board member Chaikin motioned the meeting adjourn. Chair Knight seconded the motion. The motion was unanimous. The meeting adjourned at 10:43 p.m.

**APPROVED BY:**

**SUBMITTED BY:**

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Ed Knight  
Chairperson

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Charlene Stockseth  
Administrative Assistant