

1. Agenda

Documents: [AGENDA AUGUST 05.PDF](#)

2. Packet

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3. Action Taken

Documents: [ACTION TAKEN AUGUST 05.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
Tuesday, August 5, 2014
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES**
 - A.** Consideration and possible action to approve the June 3, 2014, minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - A.** Application by Cortez Enterprises to rezone 438 Acres (+/-) from Single Family Residential, 2 Acre Minimum (SR-2) to Industrial (I)
 - B.** Consideration of a Conditional Use Permit to operate a Portable Asphalt Batch Plant in an Industrial Zoning District.
- 7. NON-PUBLIC HEARING ACTION ITEMS**
- 8. DISCUSSION ITEMS**
- 9. PUBLIC COMMENTS**
- 10. ADJOURN**

Dated this Wednesday, 30th day of July, 2014.

By: Ruth Mayday, Development Services Director

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.



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MEETING NOTICE
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In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.

P&Z Planning Commission Regular

4. A.

Meeting Date: 08/05/2014

Minutes from previous meeting 06/03/2014

CASE DESCRIPTION:

Consideration and possible action to approve the June 3, 2014, minutes.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number:.....
4. Site Area:.....
5. Existing zoning:.....
6. Intended Use:.....

ANALYSIS:

RECOMMENDATION

Consideration and possible action to approve the June 3, 2014, minutes.

Attachments

06/03/14 P&Z Minutes

Meeting Date: 08/05/2014

Cortez Zoning Change AR-2 to I

CASE DESCRIPTION:

Application by Cortez Enterprises to rezone 438 Acres (+/-) from Single Family Residential, 2 Acre Minimum (SR-2) to Industrial (I)

LOCATION:

Section 6, Township 15 North, Range 1 West

FACTS:

1. Applicant:.....Cortez Enterprises
2. Owner:.....Cortez Enterprises
3. Parcel Number.....103-01-017/019
4. Site Area.....438 Acres +/- (See attached legal description)
5. Existing zoning:.....Single Family Residential, 2 Acre Minimum (SR-2)
6. Intended Use.....Industrial

ANALYSIS:

In the early part of the 2000's the Town of Chino Valley underwent a number of annexations, increasing the area of the town. Ordinance No. 476 (Annexation 2001?01) annexed the equivalent of approximately thirty?five (35) sections of land, encompassing nearly 22,500 acres. Among those sections annexed was Section 6, Township 15 North, Range 1 West, a large portion of which was owned by Cortez Enterprises (438 acres +/-).

Contemporaneously with the annexation, the Town entered into a Pre?Annexation Development Agreement (PADA) with Cortez Enterprises, as permitted by the provisions set forth in ARS?500.05 and ARS?500.11. The PADA sets forth a number of obligations assigned to both the Town and Cortez, including a commitment to rezone the subject property from Single Family Residential; 2 Acre Minimum (SR?2) to Industrial (I) for the purposes of mining and processing sand and gravel products, a batch plant for the manufacture of concrete, and an asphalt plant, among other uses. Both the PADA and Ordinance 476 (Annexation 2001?01) were approved by Town Council on September 27, 2001. In accordance with ARS ?471(L), the subject property was rezoned to Single Family Residential, 2 Acre minimum (SR?2) upon the adoption of Ordinance No. 482 on November 12, 2001. A city or town annexing an area is required to adopt zoning classifications with densities and uses no greater than those county zoning district(s) carried by the annexed lands immediately before annexation. Prior to the annexation of the subject property, it was zoned RCU-2A (Residential; Conditional Use, 2 acre minimum); the comparable district in terms of density at the time of annexation would have been SR-2 (Single Family Residential, 2 Acre minimum), which was the zoning district assigned to the subject property upon the adoption of Ordinance No. 482 on November 12, 2001. Yavapai County's RCU-2A zoning classification allowed mining operations as a use by right; the subsequent Town of Chino Valley SR-2 zoning did not permit mining as a use by right or conditional use permit, thereby requiring the property owners to rezone the subject property to a zoning classification that allowed the proposed use as a matter of right.

Difficulties arose regarding acquisition of right?of?way for the eastward extension of Road 4 South, and after mutually agreeing to extensions of time to acquire said rights?of?way in 2004, 2005, and 2006, Cortez initiated legal action against the Town in December of 2006. The parties have been in litigation until February 28, 2014, when both sides agreed to work towards a resolution; a Provisional Settlement Agreement (Agreement) was approved by Town Council and Cortez Enterprises on March 6, 2014.

Among other things, the Agreement obligates Cortez to apply for "I" zoning and a Conditional Use Permit (CUP) for the proposed sand and gravel operation, concrete batch plant, and asphalt plant as originally proposed in the PADA, on or before April 7, 2014; said applications were filed with the Town Development Services Department

on March 19, 2014.

After subsequent discussions regarding the terms and potential of the CUP, the process for consideration and approval of the change of zoning district and the CUP was initiated. The Unified Development Ordinance (UDO) of the Town of Chino Valley sets forth a statutorily required Citizen Review Process in Section 1.9.4, Citizen Review Process. This section of the UDO also authorizes the Zoning Administrator to provide for an alternative Neighborhood Meeting processes. As the subject property is remote (and comprises a portion of the Town's Municipal boundary); the statutory notification of surrounding property owners within three hundred feet (300') includes two (2) private entities and the State Land Department, as well as Yavapai County, with whom the subject property shares a common boundary, the Zoning Administrator, Ruth Mayday caused to be mailed a letter in lieu of a neighborhood meeting, granting the recipients fifteen days (15 days) to respond to the rezoning and CUP requests.

Said letters were mailed on June 18, 2014. Staff received one (1) phone call from the Arizona State Land Department requesting a more detailed site map; no other comments or requests were received by the July 3, 2014 deadline.

At the time of annexation, the appropriate zoning classification for the proposed uses would have been I?1, which, at that time, required a CUP for the sand and gravel mining as well as the asphalt and concrete plant uses. That classification was amended in 2002 upon the adoption and approval of Resolution 629 and Ordinance 494 to allow hot mix (asphalt) and concrete plants as well as quarries and mines as uses by right in the Industrial zoning district.

The Chino Valley Town Council approved Resolution 812 and Ordinance 678 on November 8, 2006, adopting the Unified Development Ordinance. The UDO instituted a single Industrial "I" zoning district, the purpose of which is to "provide for and encourage industrial development within the Town, while insuring that such activities will have minimal impacts on the surrounding districts." This iteration of the zoning districts provided for quarries, and mines with associated batch plants, concrete plants, and similar uses as permitted uses; "hot mix" (asphalt) plants became conditional uses. This ordinance remains in effect today and applies to the subject action.

In conformance with the PADA and the Agreement, Cortez Enterprises has requested the rezoning of its approximately 438.5 acres located in Section 6, Township 15 North, Range 1 West from its current SR?2 residential zoning to Industrial zoning for the purposes of operating a sand and gravel mining operation, a batch plant for the manufacturing of concrete, and a portable "hot mix" asphalt plant. The mining and concrete plant are permitted uses; the asphalt plant will require issuance of a CUP as a separate action.

This site is ideal for a mining operation and concrete batch plant as it is located approximately 1.75 miles from the nearest residentially zoned property; the bottom of the wash at the site is at 4,840 feet elevation and the boundary of the property at 4,860 feet, further containing noise and dust generated by said activities. Recent completion of the East 4 South extension has provided road access in close proximity to the site; Cortez agrees that it will develop its own access from the subject property to the extension of East Road 4 South through normal administrative processes. Those areas of the site disturbed by the permitted operation will be remediated upon cessation of the mining and related activities by removal or reuse, as appropriate, of all materials, waste, and fines piles. Disturbed areas will be graded to maintain positive drainage. Remediation of the other disturbed area(s) upon which the asphalt batch plant sits will be addressed in the CUP.

Surrounding parcels to the north, east, and west are within the corporate boundaries of the Town of Chino Valley and carry a zoning designation of SR?2. As the public Right?Of?Way terminates at the northwest corner of Section 6, Township 15 North, Range 1 West, access to the adjacent lands is somewhat limited. Additionally, no utility infrastructure is currently available to support residential development in this area; however, there is an ample supply of other lands more suitable for immediate residential development than what is found surrounding the subject property. The south boundary of the subject parcel is shared with an unincorporated portion of Yavapai County that carries a RCU?2A (Residential, Conditional Use; 2 Acre minimum) zoning classification. The County employs this classification as a "holding" district for property that is not yet planned for development and generally used as grazing land.

The proposed uses in the application are supported by the 2000 General Plan, adopted upon the passage of Resolution 676 on June 26, 2003, and the 2013 General Plan Update draft, adopted by Town Council on May 13, 2014. The previous plan originally designated the subject property as Industrial Overlay and Low Density Residential; it was amended on March 24, 2005 upon the adoption of Ordinance 598 to designate the subject property as an Industrial Overlay?Amended Area. The 2013

General Plan designates the subject property as a Future Growth Area: Industrial/Agri? business/Contained Planned Community.

RECOMMENDATION

Staff supports the rezoning request and offers the following findings of fact:

A) The proposed rezoning serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Chino Valley as follows:

1. The location of the site will minimize the dust and noise generated by the proposed sand and gravel mining as well as the concrete batch plant and asphalt hot mix plant on residents of the Town.
2. The impact of the sand and gravel mining and related activities on the convenience, safety, and general welfare of the citizens will be reduced by the remote location of the project.
3. It is in the public's interest to resolve the long-standing suit between the Town and Cortez; by fulfilling the provisions of the PADA and rezoning the subject property to Industrial, the applicant will be able to realize the use first contemplated in the executed PADA.
3. The location of the mining and related activities will insure that said activities will have minimal impacts on the surrounding zoning districts, while providing additional resources to the development and construction sectors in the region

B) That the proposed rezoning is congruent with the previous General Plan adopted by Town Council on June 6, 2003 and the current 2013 General Plan adopted by Town Council on May 13, 2014 for industrial uses.

MOTION: Motion to forward the the application for rezoning approximately 438 acres located in Section 6, Township 15 North, Range 1 West from Single Family Residential, 2 Acre Minimum (SR-2) to Industrial (I).

Attachments

Location Map

Current Zoning Map

Legal Description

Meeting Date: 08/05/2014

Cortez Enterprises Conditional Use Permit for Asphalt Batch Plant/Industrial Zoning

CASE DESCRIPTION:

Consideration of a Conditional Use Permit to operate a Portable Asphalt Batch Plant in an Industrial Zoning District.

LOCATION:

Section 6, Township 15 North, Range 1 West

FACTS:

1. Applicant:.....Cortez Enterprises
2. Owner:.....Cortez Enterprises
3. Parcel Number.....103-01-017/019
4. Site Area.....438 Acres +/-
5. Existing zoning:.....Industrial
6. Intended Use.....Portable Asphalt Batch Plant

ANALYSIS:

In the early part of the 2000's the Town of Chino Valley underwent a number of annexations, increasing the area of the town. Ordinance No. 476 (Annexation 2001?01) annexed the equivalent of approximately thirty?five (35) sections of land, encompassing nearly 22,500 acres. Among those sections annexed was Section 6, Township 15 North, Range 1 West, a large portion of which was owned by Cortez Enterprises (438 acres +/-).

Contemporaneously with the annexation, the Town entered into a Pre?Annexation Development Agreement (PADA) with Cortez Enterprises, as permitted by the provisions set forth in ARS§9?500.05 and ARS§9?500.11. The PADA sets forth a number of obligations assigned to both the Town and Cortez, including a commitment to rezone the subject property from Single Family Residential; 2 Acre Minimum (SR?2) to Industrial (I) for the purposes of mining and processing sand and gravel products, a batch plant for the manufacture of concrete, and an asphalt plant, among other uses. Both the PADA and Ordinance 476 (Annexation 2001?01) were approved by Town Council on September 27, 2001. In accordance with ARS §9?471(L), the subject property was rezoned to Single Family Residential, 2 Acre minimum (SR?2) upon the adoption of Ordinance No. 482 on November 12, 2001. A city or town annexing an area is required to adopt zoning classifications with densities and uses no greater than those county zoning district(s) carried by the annexed lands immediately before annexation. Prior to the annexation of the subject property, it was zoned RCU-2A (Residential; Conditional Use, 2 acre minimum); the comparable district in terms of density at the time of annexation would have been SR-2 (Single Family Residential, 2 Acre minimum), which was the zoning district assigned to the subject property upon the adoption of Ordinance No. 482 on November 12, 2001. Yavapai County's RCU-2A zoning classification allowed mining operations as a use by right; the subsequent Town of Chino Valley SR-2 zoning did not permit mining as a use by right or conditional use permit, thereby requiring the property owners to rezone the subject property to a zoning classification that allowed the proposed use as a matter of right.

Difficulties arose regarding acquisition of right?of?way for the eastward extension of Road 4 South, and after mutually agreeing to extensions of time to acquire said rights?of?way in 2004, 2005, and 2006, Cortez initiated legal action against the Town in December of 2006. The parties have been in litigation until February 28, 2014, when both sides agreed to work towards a resolution; a Provisional Settlement Agreement (Agreement) was approved by Town Council and Cortez Enterprises on March 6, 2014.

Among other things, the Agreement obligates Cortez to apply for "I" zoning and a Conditional Use Permit (CUP) for the proposed sand and gravel operation, concrete batch plant, and asphalt plant as originally proposed in the PADA, on or before April 7, 2014; said applications were filed with the Town Development Services Department on March 19, 2014.

After subsequent discussions regarding the terms and potential of the CUP, the process for consideration and approval of the change of zoning district and the CUP was initiated. The Unified Development Ordinance (UDO) of the Town of Chino Valley sets forth a statutorily required Citizen Review Process in Section 1.9.4, Citizen Review Process. This section of the UDO also authorizes the Zoning Administrator to provide for an alternative Neighborhood Meeting processes. As the subject property is remote (and comprises a portion of the Town's Municipal boundary); the statutory notification of surrounding property owners

within three hundred feet (300') includes two (2) private entities and the State Land Department, as well as Yavapai County, with whom the subject property shares a common boundary, the Zoning Administrator, Ruth Mayday caused to be mailed a letter in lieu of a neighborhood meeting, granting the recipients fifteen days (15 days) to respond to the rezoning and CUP requests.

Said letters were mailed on June 18, 2014. Staff received one (1) phone call from the Arizona State Land Department requesting a more detailed site map; no other comments or requests were received by the July 3, 2014 deadline.

At the time of annexation, the appropriate zoning classification for the proposed uses would have been I?1, which, at that time, required a CUP for the sand and gravel mining as well as the asphalt and concrete plant uses. That classification was amended in 2002 upon the adoption and approval of Resolution 629 and Ordinance 494 to allow hot mix (asphalt) and concrete plants as well as quarries and mines as uses by right in the Industrial zoning district.

The Chino Valley Town Council approved Resolution 812 and Ordinance 678 on November 8, 2006, adopting the Unified Development Ordinance. The UDO instituted a single Industrial "I" zoning district, the purpose of which is to "provide for and encourage industrial development within the Town, while insuring that such activities will have minimal impacts on the surrounding districts." This iteration of the zoning districts provided for quarries, and mines with associated batch plants, concrete plants, and similar uses as permitted uses; "hot mix" (asphalt) plants became conditional uses. This ordinance remains in effect today and applies to the subject action.

At the time of annexation, the appropriate zoning classification for the proposed asphalt hot mix plant was I?1, which required a CUP for the proposed uses – including the sand and gravel mining and concrete plant uses. That classification was amended in 2002 upon the adoption and approval of Resolution 629 and Ordinance 494 to allow hot mix (asphalt) and concrete plants as well as quarries and mines as uses by right in the Industrial zoning district.

The Chino Valley Town Council approved Resolution 812 and Ordinance 678 on November 8, 2006, adopting the Unified Development Ordinance. The UDO instituted a single Industrial "I" zoning district, the purpose of which is to "provide for and encourage industrial development within the Town, while insuring that such activities will have minimal impacts on the surrounding districts." This iteration of the zoning districts provided for quarries, as well as mines with associated batch plants, concrete plants, and similar uses as permitted uses; "hot mix" (asphalt) plants became conditional uses. This ordinance remains in effect today.

In conformance with the PADA and the recently executed Settlement Agreement, Cortez Enterprises has requested the rezoning of its approximately 438.5 acres located in Section 6, Township 15 North, Range 1 West from its current SR?2 to Industrial zoning for the purposes of operating a sand and gravel mining operation, a batch plant for the manufacturing of concrete, and a portable "hot mix" asphalt plant.

While the mining and concrete plant are permitted uses; the asphalt plant will require issuance of a CUP as a separate action.

This site is ideal for a hot mix asphalt plant as it is located approximately 1.75 miles from the nearest residentially zoned property, providing ample separation between and mitigation of impacts on the plant and surrounding uses that may not be compatible with this use. The location would minimize congestion on roads within the town as completion of the East 4 South extension has provided direct access in close proximity to the site. (Cortez agrees that it will develop its own access from the subject property to the extension of East Road 4 South through normal administrative processes.) The areas disturbed on the site will be remediated upon cessation of the manufacture of asphalt by removal or reuse, as appropriate, of all materials, waste, and fine piles, reseeding areas of disturbance at the asphalt plant area, and completion of a Phase 1 Environmental Impact Assessment upon same to ensure that the site is not contaminated. The term of the Conditional Use Permit shall be fifty (50) years from the date of approval.

Parcels to the north, east, and west are within the corporate boundaries of the Town of Chino Valley and carry a zoning designation of SR?2. As the public Right?Of?Way terminates at the northwest corner of Section 6, Township 15 North, Range 1 West, access to the adjacent lands is limited. Additionally, no utility infrastructure is currently available to support residential development in this area; there is an ample supply of other land more suitable for immediate residential development than what is found surrounding the subject property. The south boundary of the subject parcel is shared with an unincorporated portion of Yavapai County that carries a RCU?2A (Residential, Conditional Use; 2 Acre minimum) zoning classification. The County employs this classification as a "holding" district for property that is not yet planned for development and generally used as grazing land.

The proposed uses set forth in the application are supported by the 2000 General Plan, adopted upon the passage of Resolution 676 on June 26, 2003, and the 2013 General Plan Update draft, adopted by Town Council on May 13, 2014. The previous plan originally designated the subject property as Industrial Overlay and Low Density Residential; it was amended on March 24, 2005 upon the adoption of Ordinance 598 to designate the subject property Industrial Overlay?Amended Area. The 2013 General Plan designates the subject property as a Future Growth Area: Industrial/Agri?business/Contained Planned Community.

RECOMMENDATION

Staff supports the CUP request and offers the following findings of fact:

1) The CUP request serves the public interest, health, comfort, convenience, safety, and general welfare of the citizens of Chino Valley as follows:

- A. The location of the hot mix asphalt plant, approximately 1.75 miles from the nearest residential, use will minimize noise and odors generated by said use on residents of the Town.
- B. The impact of the hot mix asphalt plant on the convenience, safety, and general welfare of the citizens will be reduced by the remote location of the project; access to the site via East Road 4 South will minimize traffic impacts on Town streets and roads.
- C. It is in the public's interest to resolve the long?standing suit between the Town and Cortez; by rezoning the subject property to Industrial and granting the CUP request, the applicant will be able to realize the uses first contemplated in the PADA.
- D. The location of the hot mix asphalt plant insures that said activities will have minimal impacts on the surrounding zoning districts, which are RCU?2A (Residential Conditional Use, 2 Acre Minimum) to the south, and SR?2 (Single Family Residential; 2 Acre Minimum) to the north, east and west. These lands are currently undeveloped and lack infrastructure necessary to support residential development at this time.

2) That issuance of the proposed Conditional Use Permit is congruent with the previous General Plan adopted by Town Council on June 6, 2003 and the current 2013 General Plan adopted by Town Council on May 13, 2014, which designate the subject property for industrial uses, among other things.

3) The conditions of approval are as follows:

A) The areas disturbed on the site of the asphalt hot mix plant will be remediated upon cessation of the manufacture of asphalt by removal or reuse, as appropriate, of all materials, waste, and fine piles, and disturbed areas will be graded to maintain positive drainage. Reseeding areas of disturbance will be required only for those areas that have not reverted to natural vegetation.

B) Completion of a Phase 1 Environmental Impact Assessment upon same to ensure that the site of the asphalt hot mix plant is not contaminated.

C) The term of the Conditional Use Permit shall be fifty (50) years from the date of approval.

D) The Town will not require any reclamation that is contrary to the rules and regulations of any other agencies with regulatory jurisdiction over Cortez's mining activities within the State of Arizona.

E) Prior to the commencement of mining activities, Cortez will provide to the Town of Chino Valley evidence of any required regulatory approval for said activities.

MOTION: Motion to forward application requesting a Conditional Use Permit to operate a Portable Asphalt Batch Plant in an Industrial (I) zoning district.

Attachments

Location Map

Legal Description

**MINUTES OF THE REGULAR MEETING
OF PLANNING AND ZONING COMMISSION
OF THE TOWN OF CHINO VALLEY**

**Tuesday, August 5, 2014
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a regular meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley.

Commissioner Rowitsch called the meeting to order at 6:00 P.M.

Members present: Commissioner Gwen Rowitsch (Chair), Commissioner Michael Edmonds, Commissioner Robert McCaullay, Commissioner Corey Mendoza, Commissioner Chuck Merritt, Commissioner Gary Pasciak, Commissioner Florence Sloan
Staff Present: Development Services Director Ruth Mayday, Assistant Planner Elyse DiMartino, General Services Director Cecilia Gritman, Deputy Town Clerk Liz Hart (recorder)

Commissioner Florence Sloan led the pledge of allegiance.

4. MINUTES

A. Consideration and possible action to approve the June 3, 2014, minutes.

Commissioner Pasciak moved, seconded by Commissioner Merritt to approve the June 3, 2014 minutes. Commissioner Florence Sloan abstained. Motion passed.

5. STAFF REPORTS

6. PUBLIC HEARING

A. Application by Cortez Enterprises to rezone 438 Acres (+/-) from Single Family Residential, 2 Acre Minimum (SR-2) to Industrial (I)

Commissioner Chuck Merritt excused himself as he and Mr. Roberts have held business in the past.

Planner Mayday reported as part of the pre annex development agreement, Section 6, Township 15N Range 1 West, included a rezone commitment to industrial from 2-acre residential for the purpose of mining and operating a gravel pit and processing sand and gravel. Town Council approved PADA and rezoning in 2001. The extension of Road 4 South was in litigation and an agreement reached in February 2014 obligating Cortez to apply for zoning.

This application is rezoning 438 acres from single family to industrial for sand and gravel mining operation, a batch plant for the manufacturing of concrete, and a portable hot mix and asphalt plant. The asphalt plant is the only non-permitted use and is under Conditional Use Permit (CUP) consideration.

Planner Mayday sent letters of intention to Arizona State Land Department and surrounding landowners and did not receive comments from recipients.

Staff supports zoning request and provided list of facts to support recommendation

- Location provides generates minimal dust and noise
- Impact of activities minimal convenience, safety and welfare of the citizens due to remote location

Commissioner Robert McCaullay asked if notification was made to citizen living along Highway 89 and the solar farm about the potential increased of heavy traffic along road way? Planner Mayday advised only people in the statutory limit were notified.

Commissioner Edmonds questioned about question marks on the agenda. Planner Ruth Mayday advised they were pasting errors with Agenda Quick.

The Commissioners confirmed the rezone is to comply with the Town's pre annex agreement in early 2000 and that the meeting was not just a formality. Development Services Director Mayday confirmed the need to comply with the pre annex agreement and that it is not a formality but it is part of the process. The Commissioners questioned the timeliness of the rezoning procedure. Mr. Roberts, Prescott, advised it was a joint agreement to continue the terms and the property is now available for rezoning.

The Commissioners expressed concerns about provisions for road deterioration maintenance and how many truck trips are anticipate. Mr. Roberts advised he is unable to answer the number of traffic trips anticipated and the responsibility of the public road is with the Town. The Commissioners mentioned the deterioration on the roadway would cause an increase in the roadway budget and the revenues from the gravel facility might offset the extra funds needed to keep the road maintained.

6:18 p.m. open public hearing – No public comments

6:19 p.m. closed public hearing

Commissioner Edmonds moved, seconded by Commissioner Mendoza to forward the application for rezoning approximately 438 acres located in Section 6, Township 15 North, Range 1 West from Single Family Residential, 2 Acre Minimum (SR-2) to Industrial (I). Passed unanimously.

B. Consideration of a Conditional Use Permit to operate a Portable Asphalt Batch Plant in an Industrial Zoning District.

Development Services Director Mayday presented the CUP to operate a portable asphalt batch plant in an industrial zoning district. The portable asphalt batch plant is smaller than a fixed asphalt batch plant and follows the mining operation as it goes along. Also due to the remote location of the plant will have minimal impact to the surrounding property owners.

Staff recommends approval as it meets the pre annexation and settlement agreement and recommends the following conditions of approval:

- The areas disturbed on the site of the asphalt hot mix plant will be remediated upon cessation of the manufacture of asphalt by removal or reuse, as appropriate, of all materials, waste, and fine piles, and disturbed areas will be graded to maintain positive drainage. Reseeding areas of disturbance will be required only for those areas that have not reverted to natural vegetation.
- Completion of a Phase 1 Environmental Impact Assessment upon same to ensure that the site of the asphalt hot mix plant is not contaminated.
- The term of the Conditional Use Permit shall be 50-years from the date of approval.

- The Town will not require any reclamation that is contrary to the rules and regulations of any other agencies with regulatory jurisdiction over Cortez's mining activities within the State of Arizona.
- Prior to the commencement of mining activities, Cortez will provide to the Town of Chino Valley evidence of any required regulatory approval for said activities.

The Commissioners discussed the proposed hours of operation, the 50-year lease vs a 10-year with a review, the conditions of use being on remediation after the cessation, and the environmental requirement for operation.

Development Services Director Mayday advised the plant would have to comply with code. 7:00 a.m. to 7:00 p.m.?

Development Services Director Mayday advised this is standard for gravel mining operation and can be stopped at any time if they not in compliance with the CUP, Town codes, or by the mining laws of the State of Arizona.

Development Services Director Mayday advised they have to provide a Phase 1 Environmental at the conclusion.

Mr. Roberts advised that the ADEQ permits hot asphalt plant and is regulated by State of AZ.

Commissioner Pasciak requested modifying mining activities to specify hot plant mix.

6:30 p.m. open public hearing

Pat McKee, Chino Valley, how often with the inspector be checking to see if they are following the criteria.

Development Services Director Mayday advised this is treated as any other business, on an as need basis approximately twice a year.

Marilyn Maines, Chino Valley, asked if water usage and dynamite were addressed in the request for the permit. How much water will be used and if dynamite will be used?

Mr. Roberts advised generally aggregate is washed and if a well is drilled, it will be under the commercial setting through ADWR the State of Arizona. He does not anticipate drilling a well is at this time so water need trucking. No dynamite as they will use the same type of process as at Hansen Materials.

Commissioner Edmonds asked about tonnage per day.

Mr. Robert advised the operation is driven by events i.e. State Route 89 widening not as a retail supplier. Commissioner Mendoza but not impossible and he does not believe 50 years is unreasonable amount of time.

6:34 p.m. closed public hearing

Commissioner Pasciak moved, seconded by Commissioner Mendoza to forward application requesting a Conditional Use Permit to operate a Portable Asphalt Batch Plant in an Industrial (I) zoning district with the condition E modified to change the first section that says prior to commencement of mining activities to be modified to say prior to commencement of mining and asphalt batch plant activities. Passed unanimously.

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

9. PUBLIC COMMENTS

10. ADJOURN

Commissioner McCaullay moved, seconded by Commissioner Sloan to adjourn, passed at 6:36 P.M.

Dated this 11th day of August, 2014

By: ***Liz Hart, Deputy Town Clerk***

DRAFT