

**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 Grittmann, 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.

Some 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.

Some Commissioners expressed concerns about provisions for road deterioration maintenance and how many truck trips are anticipated. 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.

Submitted this 8th day of October, 2014

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