



# *City of Apache Junction*

## *Development Services Department*

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### **PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT**

**DATE:** March 22, 2016

**CASE NUMBER:** PZ-2-16

**APPLICANT:** Apache Junction Landfill Corporation

**REPRESENTATIVE:** Stephen W. Anderson and Lindsay Schube of Gammage and Burnham P.L.C.

**REQUEST:** Applicants request approval of a Planned Development Major Amendment for the Heavy Industrial by Planned Development ("B-5/PD")-zoned, +/-129-acre, Apache Junction Landfill property.

**LOCATION:** 4050 S. Tomahawk Road, approximately ½ mile south of the S. Tomahawk Road and E. Baseline Avenue intersection.

**PROPERTY OWNER:** Apache Junction Landfill Corporation

**GENERAL PLAN DESIGNATION:** Open Space (Federal Land and Landfill site); and Approximate Wash Corridor.

**SURROUNDING USES:**

- North: Vacant State Trust Land, zoned RS-GR (General Rural Low Density Single-family Detached Residential)
- South: Vacant State Trust Land, zoned RS-GR
- East: Vacant State Trust Land, zoned RS-GR
- West: Vacant State Trust Land, zoned RS-GR

**BACKGROUND:**

It is estimated that a landfill/dump operation on the original 40-acre site at the northwest corner of the Tomahawk Road and Guadalupe Avenue alignments first began in the late 1950's; first as a private dump, then as a County landfill, then as a private facility owned and operated by Allied Waste Industries of Arizona Inc. The property was under Pinal County jurisdiction until 1988 when it was annexed into the City of Apache Junction as a property with a legal nonconforming use. Allied Waste purchased the 40-acre landfill from Pinal County in 1993. In 1996, Allied Waste purchased an additional 88.9 acres of vacant State land around the 40-acre site and sought a rezoning of the combined +/-129 acres (see 40-89 Exhibit attached) in order to bring the property into zoning compliance and to expand the landfill. At that time, Allied also transferred ownership of the 129-acre property to Apache Junction Landfill Corporation ("AJLC"), the current ownership entity.

In July of 1997, Ordinance No. 1034 (attached) rezoned the landfill property from GR (General Rural) to CI-2/PD (Heavy Industrial by Planned Development with a Special Use Permit for a municipal solid waste landfill). B-5/PD is the city's current equivalent zoning district and the conditions of Ordinance No. 1034 are still in effect and govern the use of the landfill property. The PD designation allowed the City to require aesthetic criteria, closure and re-use conditions on the property. It did not however, establish a firm closure date and the life of the landfill has exceeded all early expectations.

Separate from the rezoning issue, the City also negotiated a development agreement with the landfill operators which brought other benefits to the City beyond the purview of what zoning could accomplish, such as tonnage payments to the City, free disposal during quarterly clean-up events, reasonable control over fees for City residents, utility line extensions and other items.

**PROPOSAL:**

For several years now the City and AJLC have discussed the issues of closure and re-use. Both entities feel it is time to finally establish a closure date and revisit the conditions of Ordinance No. 1034 and discuss the possible amendment of said

conditions within the context of a PD amendment, to the satisfaction of both parties.

As such, with this PD amendment application, AJLC proposes to do the following (see narrative, AJLC draft ordinance and Ordinance No. 1034 attached): 1) combine the two parcels which comprise the landfill into one for more ease of governance under a new ordinance; 2) establish a final closure maximum height of 1723 feet above mean sea level (formerly 1685 feet); 3) establish December 31, 2035 as the final date for closure procedures as defined by the Arizona Department of Environmental Quality ("ADEQ"); 4) provide funds to the City for its use towards post-closure design and re-use plans for the property; 5) AJLC will still maintain the site after closure in accordance with federal and state regulations for a period of 30 years; and 6) AJLC will still commit to working with the City for the provision of infrastructure, including water line, road and drainage improvements.

#### **ANALYSIS:**

There are provisions in Ordinance No. 1034 which should be incorporated into a new ordinance, as well as provisions which should be deleted and/or amended. City staff does not generally object to the language contained in AJLC's draft ordinance; however, at the Commission's public hearing on March 22, we may also suggest additional conditions and changes. For example, we will recommend a condition that the properties be combined in a timely manner after approval of the PD amendment (should it be approved). Furthermore, since AJLC's application submittal, there have been numerous meetings and discussions internal and with the applicants, regarding the final closure date. The current consensus is that the final closure date for the landfill will be December 31, 2035 (different from the date the applicants mentioned in their narrative). We will also request input from the City Engineer regarding his recommendation for language relative to infrastructure and road improvements and dedications, among other things.

The issue of height is really one for the policy makers to decide. As a land use matter and with a nod towards the most efficient use of the landfill design and capacity, there probably is not that much of a discernable difference between a final closure height of 1723' above mean sea level ("MSL") versus the current existing operating height of 1700' above MSL.

Post-closure treatment of the property (landscaping, slope design, enclosure, buffers, re-use, maintenance, etc.) is probably what will significantly define it in the end.

With regard to possible re-use, please see the three concept plans attached. They are simply conceptual examples of what could be done with the landfill property in the future, depending on the level of investment that the community desires at the time. Please keep in mind that investment means initial development expense as well as long term maintenance of whatever facilities are ultimately installed. From a plan for basic landscaping and a simple hiking trail, to a plan with hiking and horse trails and parking accommodation, to a plan with extensive facilities for both active and passive recreational uses, we can begin to visualize and plan for the future.

#### **PUBLIC PARTICIPATION:**

The applicants held a neighborhood open house meeting on February 11 at the city's multi-gen center (see meeting notice, summary report and follow-up information attached). The applicants went way above and beyond their 500-foot boundary in notifying neighbors. They notified all property owners ¼-mile east and west of Tomahawk, and from Baseline to US60. One person, aside from City staff and a couple of Councilmembers attended the open house. City staff has received one phone call and letter (attached) from residents in the notification area. AJLC also responded directly to those residents. The P&Z and City Council public hearings have also been advertised in the Mesa Republic and by direct mail to property owners within 500 feet of the property. Staff has not received any additional public inquiry or comments as of the date of this report.

#### **PLANNING AND ZONING COMMISSION WORK SESSION:**

At their work session on March 8, Commissioners basically had two questions: 1) what will happen when the landfill closes in terms of garbage pick-up services and costs?; and 2) what is the significance of the 1723' maximum height that is being requested? With regard to the three concept plans in the staff report, Commissioners also opined that the third option (i.e., the most developed concept) was the most desirable. Staff has asked the applicants to address the Commissioners' questions at the public hearing on March 22.

### **PLANNING DIVISION COMMENTS**

The future of Apache Junction lies south of Baseline. Future development will take place all around the landfill property. Staff believes that having a closure date and a plan (even a conceptual one) for post-closure will give prospective developers a comfort level which has been missing in the past. Staff recommends approval of the PD amendment request and we believe that it is for the benefit of both parties. The following recommended conditions reflect most of the applicant's suggestions, as well as suggestions made by Planning, Public works and City Attorney staff.

### **RECOMMENDED MOTION**

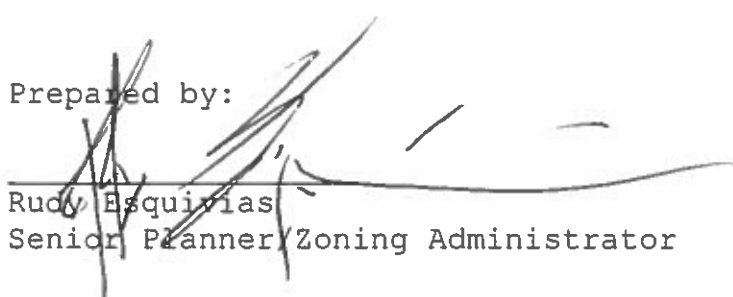
I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of planned development major amendment case PZ-2-16, a request by Apache Junction Landfill Corporation, represented by Stephen Anderson and Lindsay Schube of Gammage and Burnham PLC, for the B-5/PD (Heavy Industrial by Planned Development with a Special Use Permit for a municipal solid waste landfill)-zoned Apache Junction Landfill property, located at 4050 S. Tomahawk Road, amending and rewriting the conditions of approval of Ordinance No. 1034 to read as follows:

- 1) At all times the property owner/applicant or operator shall be in full compliance with the terms and conditions of the vesting deed from Allied Waste Industries, Inc., to Apache Junction Landfill Corporation ("property owner/applicant"), recorded in the Office of the Pinal County Recorder on October 3, 1996, in Docket No. 1996-033326. At all times property owner/applicant shall be in full compliance with the terms and conditions of the State of Arizona Land Patent No. 53-100817-01.
- 2) At no time during the use of this land as a municipal solid waste landfill shall any area used for solid waste storage exceed one thousand seven hundred twenty feet (1720') above mean sea level. However, upon closure of the municipal solid waste landfill, the maximum height of any area used for solid waste storage shall not exceed one thousand seven hundred twenty-three feet (1723') above mean sea level.

- 3) Property owner/applicant shall provide to the City of Apache Junction ("City") copies of any notices of deficiency or problems, or other correspondence from any county, state or federal agency relating in any way to the operation of the solid waste landfill. Such documentation must be received by the City within ten (10) calendar days from the date property owner/applicant receives such notices, correspondence or other compliance orders/consent decrees.
- 4) The landfill shall cease accepting solid waste on or before December 31, 2035, closure being pursuant to Arizona solid waste management Laws, A.R.S. § 49-701, *et seq.*
- 5) Property owner/applicant shall maintain the property in accordance with state and federal regulations after all municipal solid waste landfill operations have terminated.
- 6) The Special Use Permit issued herein does not include the use of the parcel for the operation of either a waste tire collection site or a transfer station nor does it authorize any other use allowed in the B-5 zoning district, except for storage of solid waste hauling vehicles, equipment, and machinery, as well as the repairing thereof in a fully-enclosed structure as approved by City.
- 7) Property owner/applicant shall submit to City within twelve (12) months of Council approval of this Amendment to the Plan of Development confirmation in manner acceptable to the City confirming the location and construction of a twelve inch (12") water utility line extension, and other related water utilities.
- 8) Prior to closure as set forth above, Property owner/applicant shall submit to the City the location and construction schedule for all necessary roadways and roadway realignments/improvements on Tomahawk Road between Baseline Road and the subject property, said improvements to include full title to right-of-way width as determined at such time by the City Engineer, plus lanes of asphalt in both directions, with full curb, gutter and sidewalk within said right-of-way, all of which engineered standards shall also be determined by the City Engineer.

- 9) Prior to closure as set forth above, Property owner/applicant shall submit to the City a current site plan and final topographical survey, said site plan clearly delineating any structures, monitoring wells, methane collection systems, retaining structures, ancillary facilities, work shops, offices, gatehouses, weigh scales, and other accessory structures related to municipal solid waste landfill operations, and the storing and repairing of solid waste hauling vehicles, equipment and machinery; and clearly delineating the drainage control structures for onsite retention, and other onsite improvements which City deems necessary.
- 10) The Landfill shall operate in general conformance to the site plan presented to City by property owner/applicant in January of 2016, and in accordance with normal procedures for the development, construction, filling, maintenance and monitoring of cells.
- 11) Within one year of the effective date of this planned development amendment approval, the property owners shall present to the city's Development Services Department Planning Division, proof of the combination of the 40 and 89-acre properties into one parcel, as evidenced by a recorded warranty deed or other acceptable proof of lot combination.

Prepared by:

  
Rudy Esquivias  
Senior Planner/Zoning Administrator

Attachments:

|                                                       |                        |
|-------------------------------------------------------|------------------------|
| Exhibit #1 - PZ-2-16 application.....                 | pages 1-3              |
| Exhibit #2 - Applicant's Narrative.....               | pgs. 4-6               |
| Exhibit #3 - AJLC proposed draft ordinance.....       | pgs. 7-10              |
| Exhibit #4 - Ordinance No. 1034 w/exhibits.....       | pgs. 11-39             |
| Exhibit #5 - Neighborhood Open House Letter.....      | pgs. 40-42             |
| Exhibit #6 - Map of open house notification area..... | pg. 43                 |
| Exhibit #7 - Public Participation Summary Report..... | pgs. 44-49             |
| Exhibit #8 - PZ-2-16 Vicinity Aerial.....             | pg. 50                 |
| Exhibit #9 - "40-89" Landfill property diagram.....   | pg. 51                 |
| Exhibit #10- Conceptual Re-Use Plans 1,2 and 3.....   | pgs. 52-55             |
| Exhibit #11- Current cell locations exhibit.....      | (large format drawing) |

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**APPLICATION FOR  
PLANNED DEVELOPMENT AMENDMENTS / TIME EXTENSION / PRELIMINARY  
PLANNED DEVELOPMENT PLAN REVIEW, CITY OF APACHE JUNCTION**

I/We hereby request an Amendment/Time Extension/Pre-Plan Review for my/our Planned Development zoned property. The request is as follows:

Planned Development Amendment on the approximate 129 acres of property generally located south of  
the southwest corner of Baseline and Tomahawk Roads.

The case number of the original Planned Development zoning was: PZ-14-96, Ordinance No. 1034

Please check appropriate letter:

- ☒ I have submitted site plans an/or elevations for a Preliminary Plan or an Amendment Request  
☐ I have submitted a new development schedule for a Time Extension request.

Legal Description of Property (found on County Tax Bill Notices): See attached.

County Assessor's Tax Parcel Number: 104-07-0020

Describe the reason for the Amendment / Time Extension / Pre-Plan Review for the property:

To establish a closure date for the landfill, and establish certain development standards and infrastructure  
obligations related to the design and financing of the closure and related post-closure activities.

Submit the following forms with your application:

- ✓ Affidavit Establishment Posting Notice
- ✓ Planning & Zoning Legal Advertising Fees
- ✓ Proposition 207 Claim Waiver (1 for each property owner)
- ✓ Planning Division Fees

I/We certify that:

I/We are the owner(s) of the property described in this Planned Development Amendment/Time Extension/Pre-Plan Review application and have submitted copies of deeds or title reports as proof of ownership.

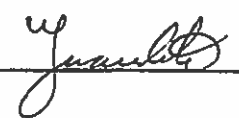
I/We have read the application instructions and have truthfully completed this application and understand that the City has the option of either approval or denial of this request following conduct of a Public Hearing.

I/We being the owner(s) of the property in this application, have appointed Gammage & Burnham PLC as my/our representative agent. I/We have authorized him/her to do whatever is necessary to have this request considered favorably by the City of Apache Junction and agree that all correspondence relating to this matter should be delivered to him/her.

PLEASE PRINT

Apache Junction Landfill Corporation

Property Owner Name

   
Signature

PO Box 29246

Street Address

Phoenix, Arizona 85038

City, State, Zip

Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Gammage & Burnham c/o Stephen W. Anderson

Agent Name

  
Signature

Two North Central Avenue, 15th Floor

Street Address

Phoenix, Arizona 85004

City, State, Zip

(602) 256.4422 / sanderson@gbllaw.com

Telephone

STATE OF ARIZONA)  
COUNTY OF PINAL ) SS

The foregoing instrument was acknowledged before  
me this 14<sup>th</sup> day of January, 2016.

Nancy L Leahy  
Notary Public



NANCY L LEAHY  
Notary Public—Arizona  
Maricopa County  
Expires 07/31/2016

My Commission Expires: \_\_\_\_\_

# AJLC NARRATIVE

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The Apache Junction Landfill ("Landfill") is located at the end of Tomahawk Road about one mile south of US 60. It covers 128.9 acres.

The Landfill is currently zoned B-5 Planned Development, with a Special Use Permit for a municipal solid waste landfill. The City Council approved this zoning in City Ordinance No. 1034 on May 19, 1998, almost eighteen years ago. The relevant zoning category at that time was CI-2; B-5 is the equivalent zoning under the City's current Zoning Ordinance.

Apache Junction Landfill Corporation owned and operated the landfill at the time of the 1998 Ordinance, and still does so today. AJLC intends to continue to own and operate the Landfill until its closure, and then to manage the closed facility.

Land use planning for landfills occurs over unusually long time horizons, covering decades. A landfill is a community service that involves a significant initial and ongoing investment to responsibly operate. When a landfill reaches capacity and closes, the landfill operator then has continuing obligations to safely manage the closed facility. Thus, planning for the closure of a landfill is a milestone moment as significant as the land use decision to open or operate such a facility.

Within these broad time spans, the Apache Junction Landfill is now approaching the end of its active service life. AJLC is filing this application to establish parameters for closure of the Landfill. AJLC is specifically seeking to amend certain portions of Ordinance No. 1034 in anticipation of that closure. In particular, we propose the following changes to Ordinance No. 1034.

## 1. Consolidation from Two Parcels into a Single Parcel

First, Ordinance No. 1034 is divided into two sections, Section I for a 40 acre portion of the Landfill, and Section II for the 88.9 acre balance of the Landfill. We propose to unify the site for zoning governance purposes into a single parcel of 128.9 acres, covered by a single set of zoning conditions. AJLC believes this will ease governance of the Landfill. AJLC has operated the Landfill as a single entity anyway, in conformance with all of the conditions of Ordinance No. 1034 anyway. Thus, this change will simply make the governing Ordinance consistent with actual conditions at the Landfill.

In consolidating Ordinance No. 1034 from two Sections governing different parts of the Landfill into a single Section, AJLC has attempted to eliminate duplicative provisions, while preserving non-duplicative provisions and incorporating into the consolidated conditions. In particular, Section II(C), establishing and limiting the scope of waste disposal activities at the Landfill has been retained in its entirety, and is now set forth as Section I(F).

## 2. Height Modification

Second, Sections I(B) and II(B) of Ordinance No. 1034 establishes two height limits for the landfill, one of 1,700 feet above mean sea level “for solid waste storage ... during the use,” and one of 1,685 feet above mean sea level “upon closure” of the Landfill. The Landfill currently is at its maximum height of 1,700 feet above mean sea level. AJLC is now proposing to adjust the operating height limit to 1,720 feet above mean sea level “during the use” and 1,723 feet above mean sea level “upon closure,” that is with a soil cap. These adjusted levels represent the maximum functionality of the Landfill given the Landfill’s design and capacity. AJLC and the City have reached a separate agreement to generate and divert revenues from this increase in capacity to be spent by the City to aesthetically improve the site after the Landfill closes.

## 3. Specified Closure Date and Closure Planning

Third, Sections I(D) and (E) and Sections II(E), (F) and (G) each and all reference closure of the Landfill and the potential post-closure plans. AJLC is now proposing to establish actual closure dates of December 31, 2037, to stop receiving solid waste, and June 30, 2038, for the completion of closure procedures as defined by ADEQ. It should be noted that the AJLC and the City believe that it is possible to close the Landfill even earlier than this date and they plan on trying to do so, but that these dates represent the absolute final possible closure dates.

As for post-closure plans, AJLC and the City have now agreed that the City will be responsible for the development of post-closure plans, using funds provided by AJLC from operation of the Landfill. In this manner, AJLC and the City have agreed that the better course is to have the City directly control and direct the design,

rather than serving as a reviewer of plans developed by AJLC. AJLC and the City are documenting their mutual commitments regarding closure planning in a separate Amendment to the Development Agreement that covers the Landfill.

In modifying Section I(E), AJLC is not proposing to modify the final sentence of that clause, which requires AJLC to maintain the site after closure in accordance with relevant federal and state regulations for a period of thirty years.

In modifying Section II(E), AJLC retained separate language and commitments regarding the provision of infrastructure, specifically relating to a water line, Tomahawk Road improvements, and drainage. These items are now addressed in Sections I(G), (H) and (I).

### Conclusion

AJLC has enjoyed its long stewardship of the Apache Junction Landfill, its provision of a necessary community service to residents of Apache Junction, and its partnership with the City of Apache Junction. We believe that this Amendment to the existing Planned Development will ensure an orderly wind-down of waste disposal activities at the Landfill, and set a clear closure deadline for the Landfill. AJLC remains committed to its obligation to manage the Landfill responsibly in its post-closure life.

# AJLC PROPOSED DRAFT CHANGES ⑦

ORDINANCE NO. ~~1034~~

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA. CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-14-96 FROM GR (GENERAL RURAL) TO CI-2/PD (HEAVY INDUSTRIAL BY PLANNED DEVELOPMENT), AND GRANTING A SPECIAL USE PERMIT FOR A MUNICIPAL SOLID WASTE LANDFILL; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

## **SECTION 1. IN GENERAL – 128.9 ACRES, APACHE JUNCTION LANDFILL CORPORATION**

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land described as 128.9 acres as set forth in attached Exhibit 1, is hereby amended from GR (General Rural) to B-5/PD (Heavy Industrial by Planned Development) with a Special Use Permit for a municipal solid waste landfill, subject to the following conditions:

- A. At all times the property owner/applicant or operator shall be in full compliance with the terms and conditions of the vesting deed from Allied Waste Industries, Inc., to Apache Junction Landfill Corporation ("property owner/applicant"), recorded in the Office of the Pinal County Recorder on October 3, 1996, in Docket No. 1996-033326 (see Exhibit 1). At all times property owner/applicant shall be in full compliance with the terms and conditions of the State of Arizona Land Patent No. 53-100817-01 (see Exhibit 2).
- B. At no time during the use of this land as a municipal solid waste landfill shall any area used for solid waste storage exceed one thousand seven hundred twenty feet (1720') above mean sea level. However, upon closure of the municipal solid waste landfill, the maximum height of any area used for solid waste storage shall not

exceed one thousand seven hundred twenty-three feet (1723') above mean sea level.

- C. Property owner/applicant shall provide to the City of Apache Junction ("City") copies of any notices of deficiency or problems, or other correspondence from any County, State or Federal Agency relating in any way to the operation of the solid waste landfill. Such documentation must be received by the City within ten (10) calendar days from the date property owner/applicant receives such notices, correspondence or other compliance orders/consent decrees.
- D. The landfill shall cease accepting solid waste on or before December 31, 2037, and shall close on or before June 30, 2038, closure being pursuant to Arizona solid waste management Laws, A.R.S. § 49-701, et seq. and the rules promulgated thereunder, as may be amended from time to time after the Final Waste Date.
- E. Property owner/applicant shall maintain the property in accordance with state and federal regulations after all municipal solid waste landfill operations have terminated.
- F. The Special Use Permit issued herein does not include the use of the parcel for the operation of either a waste tire collection site or a transfer station nor does it authorize any other use allowed in the CI-2 zoning district, except for storage of solid waste hauling vehicles, equipment, and machinery, as well as the repairing thereof in a fully-enclosed structure as approved by City.
- G. Property owner/applicant shall submit to City within twelve (12) months of Council approval of this Amendment to the Plan of Development confirmation in manner acceptable to the City confirming the location and construction of a twelve inch (12") water utility line extension, and other related water utilities.
- H. Prior to closure as set forth above, Property owner/applicant shall submit to the City the location and construction schedule for all necessary roadways and roadway realignments/improvements on Tomahawk Road between Baseline Road and the subject property, said improvements to include full title to right-of-way of \_\_ feet, plus

two lanes of asphalt, one in each direction, with full curb, gutter and sidewalk within said right-of-way.

- I. Prior to closure as set forth above, Property owner/applicant shall submit to the City a current site plan and final topographical survey, said site plan clearly delineating any structures, monitoring wells, methane collection systems, retaining structures, ancillary facilities, work shops, offices, gatehouses, weigh scales, and other accessory structures related to municipal solid waste landfill operations, and the storing and repairing of solid waste hauling vehicles, equipment and machinery; and clearly delineating the drainage control structures for onsite retention, and other onsite improvements which City deems necessary.
- J. The Landfill shall operate in general conformance to the site plan presented to City by property owner/applicant on January \_\_, 2016 (see Exhibit 3).

## **SECTION II. REPEALING ANY CONFLICTING PROVISIONS**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

## **SECTION III PROVIDING FOR SEVERABILITY**

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

SIGNED AND ATTESTED TO THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

---

JOHN INSALACO  
Mayor

ATTEST:

---

KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

---

JOEL STERN  
City Attorney



ORDINANCE NO. 1034

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-14-96 FROM GR (GENERAL RURAL) TO CI-2/PD (HEAVY INDUSTRIAL BY PLANNED DEVELOPMENT), AND GRANTING A SPECIAL USE PERMIT FOR A MUNICIPAL SOLID WASTE LANDFILL; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I. IN GENERAL - PARCEL 1. 40 ACRES. APACHE JUNCTION LANDFILL CORPORATION

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land described as Parcel 1 (40 acres as set forth in attached Exhibit 1), is hereby amended from GR (General Rural) to CI-2/PD (Heavy Industrial by Planned Development) with a Special Use Permit for a municipal solid waste landfill, subject to the following conditions:

- A. At all times the property owner/applicant or operator shall be in full compliance with the terms and conditions of the vesting deed from Allied Waste Industries, Inc., to Apache Junction Landfill Corporation ("property owner/applicant"), recorded in the Office of the Pinal County Recorder on October 3, 1996, in Docket No. 1996-033326 (see Exhibit 1).
- B. At no time during the use of this land as a municipal solid waste landfill shall any area used for solid waste storage exceed one thousand seven hundred feet (1700') above mean sea level. However, upon closure of the municipal solid waste landfill, the maximum height of any area used for solid waste storage shall not exceed one thousand six hundred eighty-five feet (1685') above mean sea level.

- C. Property owner/applicant shall provide to the City of Apache Junction ("City") copies of any notices of deficiency or problems, or other correspondence from any County, State or Federal Agency relating in any way to the operation of the solid waste landfill. Such documentation must be received by the City within ten (10) calendar days from the date property owner/applicant receives such notices, correspondence or other compliance orders/consent decrees.
- D. Property owner/applicant shall submit to City within six (6) months of ADEQ approval for the operation of the municipal solid waste landfill a Preliminary Planned Development Amendment Application which shall include a closure phasing schedule.
- E. By July 1, 2004, City shall advise owner/applicant of the property's recommended post-closure use. Property owner/applicant shall submit to City within twelve (12) months after July 1, 2004, a Final Planned Development Plan Application which shall include the item listed in the Preliminary Planned Development Amendment Application referenced above. Property owner/applicant shall maintain the property in accordance with state and federal regulations for a thirty (30) year period after all municipal solid waste landfill operations have terminated.

SECTION II. IN GENERAL - PARCEL 2. 88.9 ACRES. APACHE JUNCTION LANDFILL CORPORATION

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land described as Parcel 2 (89 acre parcel as set forth in Exhibit 2), is hereby amended from GR (General Rural) to CI-2/PD (Heavy Industrial by Planned Development) with a Special Use Permit for a municipal solid waste landfill, subject to the following conditions:

- A. At all times property owner/applicant shall be in full compliance with the terms and conditions of the State of Arizona Land Patent No. 53-100817-01 (see Exhibit 2).
- B. At no time during the use of this land as a municipal solid waste landfill shall any area used for solid waste storage exceed one

thousand seven hundred feet (1700') above mean sea level. However, upon closure of the municipal solid waste landfill, the maximum height of any area used for solid waste storage shall not exceed one thousand six hundred eighty-five feet (1685') above mean sea level.

- C. The Special Use Permit issued herein does not include the use of the parcel for the operation of either a waste tire collection site or a transfer station nor does it authorize any other use allowed in the CI-2 zoning district, except for storage of solid waste hauling vehicles, equipment, and machinery, as well as the repairing thereof in a fully-enclosed structure as approved by City.
- D. Property owner/applicant shall provide to City copies of any notices of deficiency or problems, or other correspondence from any County, State or Federal Agency relating in any way to the operation of the solid waste landfill. Such documentation must be received by City within ten (10) calendar days from the date property owner/applicant receives such notices, correspondence or other compliance orders/consent decrees.
- E. City shall advise property owner/applicant of its recommended post-closure use for the municipal solid waste landfill site no later than July 1, 2004. Property owner/applicant shall submit to City within twelve (12) months after July 1, 2004, a Final Planned Development Plan Application for the use of the site, which shall include the following: (1) construction schedule and expected location of the required six foot (6') decorative masonry perimeter wall for the entire site; (2) post-closure landscaping plans for the entire site, including the configuration of the one hundred fifty foot (150') buffer zone within the enclosed area; (3) location and construction schedule of twelve inch (12") water utility line extension, and other necessary utilities; (4) location and construction schedule for all necessary roadways and roadway realignments/improvements; (5) a site plan clearly delineating any proposed structures, ancillary facilities, work shops, offices, gatehouses, weigh scales, and other accessory structures related to municipal solid waste landfill operations, and the storing and repairing of solid waste hauling vehicles, equipment and machinery;

(6) a site plan clearly delineating the drainage control structures for onsite retention, and other onsite improvements which City deems necessary; and (7) a closure phasing schedule. Should the improvements mentioned herein, except for the landscaping plans for the one hundred fifty-foot (150') buffer zone, not be completed within one (1) year of closure of the site, owner/applicant shall post a cash bond or other form of security approved by City in an amount sufficient to pay for the installation of such improvements. The Final Planned Development Plan shall also include provisions for offering the site for City's use as negotiated between the parties and shall provide for maintenance by property owner/applicant for a period of thirty (30) years after closure as required by Federal and State law.

- F. Landscaping plans for the one hundred fifty-foot (150') buffer zone shall be submitted to City within six (6) months after ADEQ approval for the operation of the municipal solid waste landfill. Should the landscaping not be installed within one (1) year of ADEQ approval, property owner/applicant shall post a cash bond or other form of security approved by City in an amount sufficient to pay for the installation of such improvements. Such buffer area may be used for access roads or other landfill operations consistent with ADEQ's rules and regulations.
- G. The Preliminary Planned Development Plan presented to City by property owner/applicant on March 24, 1998 (see Exhibit 3), the Final Planned Development Plan and all amendments thereto, and all permits and actual construction thereof, shall be conditioned upon site plan approval as per the provisions of Article 19 of City's Zoning Ordinance, including but not limited to, the dedication and/or realignment of all rights-of-ways and easements (including Tomahawk Road, Guadalupe Avenue and any necessary turning radius and sight visibility cut-off corners) deemed necessary by City, and constructed to City standards.

SECTION III. REPEALING ANY CONFLICTING PROVISIONS

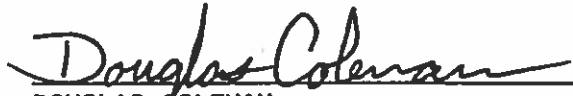
All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION IV. PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 19TH DAY OF MAY, 1998.

SIGNED AND ATTESTED TO THIS 19TH DAY OF MAY, 1998.

  
DOUGLAS COLEMAN  
Mayor

ATTEST:

  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

  
RICHARD J. STERN  
City Attorney

# EXHIBIT 1

WHEN RECORDED, RETURN TO:

Allied Waste Industries, Inc.  
7201 East Camelback Road, Suite 375  
Scottsdale, Arizona 85251  
Attention: Thomas K. Kehoe



OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER

KATHLEEN C. FELIX

DATE: 10/03/96 TIME:  
FEE : 10.00  
PAGES: 5  
FEE NO: 1996-033326

16

EXEMPT PURSUANT TO A.R.S. § 42-1614(B)(7)

## LIMITED WARRANTY DEED

For TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **ALLIED WASTE INDUSTRIES, INC.**, a Delaware corporation ("Grantor"), does hereby convey to **APACHE JUNCTION LANDFILL CORPORATION**, an Arizona corporation ("Grantee"), fee simple in the real property described below located in Pinal County, Arizona (the "Property"), which constitutes all of Grantor's right, title and interest in the Property.

See Exhibit "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all and singular the appurtenances, rights, easements, rights of way, tenements and hereditaments incident or belonging thereto, and all of the estate, right, title, interest and claims, either at law or in equity or otherwise, of Grantor of, in, or out of the Property.

TO AND INCLUDING the recordation of that certain Special Warranty Deed recorded October 4, 1993, records of Pinal County, Arizona at Instrument No. 093492 (the "Warranty Period"), Grantor warrants the title against all persons whomsoever, subject to the exceptions and exclusions set forth on Grantor's title policy No. 74,359 issued by First American Title Insurance Company, dated October 4, 1993.

FROM AND AFTER the Warranty Period, Grantor warrants the title against the acts of Grantor and none other, subject to taxes not yet delinquent and other assessments, reservation in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

PATENT NO. 53-100817-01  
LEGAL DESCRIPTION  
EXHIBIT "A"

FOUR PARCELS OF LAND ADJACENT TO AND CONTIGUOUS WITH THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE4SE4) OF SECTION 4, LYING WITHIN THE SOUTHWEST QUARTER (SW4) OF SECTION 3, THE SOUTHEAST QUARTER (SE4) OF SECTION 4, THE NORTHEAST QUARTER (NE4) OF SECTION 9, AND THE NORTHWEST QUARTER (NW4) OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 8 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PRECISELY DESCRIBED AS FOLLOWS:

PARCEL 1 (SECTION 3)

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 4, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF SECTION 3;

THENCE NORTH ALONG THE WEST LINE OF SECTION 3, A DISTANCE OF 1820.51 FEET;

THENCE N89°59'08"E, A DISTANCE OF 600.00 FEET;

THENCE SOUTH ALONG A LINE PARALLEL TO AND 600.00 FEET EAST OF THE WEST LINE OF SECTION 3, A DISTANCE OF 1820.77 FEET;

THENCE N89°59'23"W, A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.08 ACRES MORE OR LESS.

PARCEL 2 (SECTION 4)

COMMENCING AT A POINT IN THE SOUTHEAST CORNER OF SECTION 4;

THENCE N89°59'23"W, ALONG THE SOUTH LINE OF SECTION 4, A DISTANCE OF 1821.30 FEET TO THE POINT OF BEGINNING;

THENCE N00°00'11"E, A DISTANCE OF 1819.72 FEET;

THENCE N89°59'08"E, A DISTANCE OF 1821.20 FEET;

THENCE SOUTH, A DISTANCE OF 500.00 FEET;

THENCE S89°59'08"W, A DISTANCE OF 1321.22 FEET;

THENCE S00°00'11"W, A DISTANCE OF 1319.94 FEET TO A POINT IN THE SOUTH LINE OF SECTION 4;

THENCE N89°59'23"W, ALONG THE SOUTH LINE OF SECTION 4, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 36.05 ACRES MORE OR LESS.

PARCEL 3 (SECTION 9)

BEGINNING A POINT IN THE SOUTHEAST CORNER OF SECTION 4, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF SECTION 9;

THENCE SOUTH, A DISTANCE OF 500.00 FEET;

THENCE N89°59'23"W, A DISTANCE OF 1821.32 FEET;

THENCE N00°00'11"E, A DISTANCE OF 500.00 FEET TO A POINT IN THE NORTH LINE OF SECTION 9, SAID LINE ALSO BEING THE SOUTH LINE OF SECTION 4;

THENCE S89°59'23"E, ALONG THE NORTH LINE OF SECTION 9, A DISTANCE OF 1821.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.91 ACRES MORE OR LESS.

PARCEL 4 (SECTION 10)

BEGINNING AT A POINT IN THE SOUTHEAST CORNER OF SECTION 4, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF SECTION 10;

THENCE S89°59'23"E, A DISTANCE OF 600.00 FEET;

THENCE SOUTH, A DISTANCE OF 500.00 FEET;

THENCE N89°59'23"W, A DISTANCE OF 600.00 FEET;

THENCE NORTH, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.89 ACRES MORE OR LESS.

FOUR PARCELS CONTAINING A TOTAL OF 88.93 ACRES MORE OR LESS.

**PATENT 53-100817-01  
ADDITIONAL CONDITIONS  
EXHIBIT B**

(1) The successful bidder covenants and agrees that if this property is utilized as a solid waste landfill, then waste burial shall not take place within 150 feet of any exterior property boundary. If the successful bidder violates this covenant, it shall be responsible for the removal of solid waste causing the violation, and the restoration of the land. No other limitations are placed on the above referenced 150 feet.

FURTHER SUBJECT TO the commitment of Grantee to abide by and perform those certain covenants set forth in Exhibit "B" attached hereto comprised of two (2) pages and is, by reference, expressly incorporated herein as though set forth herein at length and which commitment shall run with the land and shall in like manner constitute a continuing obligation of each and every taker of title under this deed, and each and every taker from or through Grantee.

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed effective as of September 20, 1996.

GRANTOR

ALLIED WASTE INDUSTRIES, INC., a  
Delaware corporation

By: Thomas K. Kehoe  
Name: Thomas K. Kehoe  
Title: Assistant Secretary

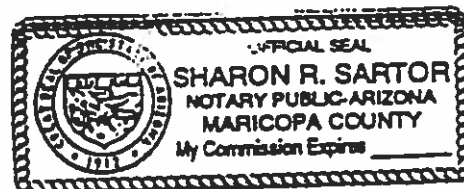
STATE OF ARIZONA       )  
                                      ) ss.  
County of Maricopa       )

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this 20th day of September, 1996, by Thomas K. Kehoe, in his capacity as Assistant Secretary of Allied Waste Industries, Inc., a Delaware corporation.

Sharon R. Sartor  
Notary Public

My Commission Expires:

\_\_\_\_\_



**EXHIBIT "A"**  
**TO**  
**LIMITED WARRANTY DEED**  
**(Legal Description)**

The Southeast Quarter of the Southeast Quarter of Section 4, Township 1 South, Range 8 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.

EXCEPT all gas, oil, metals and mineral rights as reserved in Patent from the State of Arizona recorded in Docket 1844, Page 606.

EXHIBIT 2



OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
KATHLEEN C. FELIX

DATE: 05/22/97 TIME: 1302  
FEE : 9.00  
PAGES: 4  
FEE NO: 1997-018034

(21)

(Issuance of following Patent recommended by Arizona State Land Commissioner to the Governor of Arizona on the  
11th day of October 19 96 Michael E. Lusk, Commissioner)

# State of Arizona



PATENT NO. 53-100817-01 to  
LAND SOLD AT PUBLIC AUCTION  
WITH FULL MINERAL RESERVATION  
(11b)

For 031 & 053 Lands  
(School, Institutional or University)

TO ALL UNTO WHOM THESE PRESENTS SHALL COME, GREETING:

**Whereas**, in accordance with the provisions of law, payment in full has been received by the State of Arizona through its State Land Department for the real property hereinafter described,

NOW, KNOW YE, That the State of Arizona in consideration of the premises, and in conformity with law hereby  
sells, grant and convey unto

## APACHE JUNCTION LANDFILL CORP.

of the County of **Maricopa**, State of **Arizona**,  
property situate in the County of **Pinal**, State of Arizona, to-wit: the following described real

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART OF PATENT NO. 53-100817-01.  
SEE EXHIBIT B ATTACHED HERETO AND MADE A PART OF PATENT NO. 53-100817-01.

containing 88.93 acres, more or less, subject to existing reservations, easements, or rights-of-way heretofore legally obtained and now in full force and effect.

77 Purchase from State of AZ (4 Parcels Adjacent to AJLF)

PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES 37-231, OF THE FOLLOWING SUBSTANCE NOT HERETOFORE RETAINED AND RESERVED BY A PREDECESSOR IN TITLE TO THE STATE OF ARIZONA, OIL, GAS, OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER SUBSTANCES OF A GASEOUS NATURE, COAL, METALS, MINERALS, FOSSILS, FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED BY THE LAWS OF THE UNITED STATES, OR OF THIS STATE, OR DECISIONS OF COURT, TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, AND THE EXCLUSIVE RIGHT THERETO, ON, IN, OR UNDER THE ABOVE DESCRIBED LANDS, SHALL BE AND REMAIN AND ARE HEREBY RESERVED IN AND RETAINED BY THE STATE OF ARIZONA, TOGETHER WITH THE RIGHT OF THE STATE OF ARIZONA, ITS LESSEES OR PERMITTEES TO ENTER UPON THOSE LANDS FOR THE PURPOSE OF EXPLORATION, DEVELOPMENT AND REMOVAL OF THE ABOVE DESCRIBED SUBSTANCES AS PROVIDED BY THE RULES AND REGULATIONS OF THE STATE LAND DEPARTMENT AND THE LAWS OF ARIZONA;

TO HAVE AND TO HOLD said property together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging unto said Patentee, its successors and assigns forever.

In Testimony Whereof, I, Fife Symington, Governor of the State

of Arizona, have caused these letters to be made patent, and the Great Seal of the State of Arizona to be hereunto attached.

Given under my hand at the City of Phoenix, Arizona, this 18 day of October A.D. 1996

Fife Symington  
Governor of the State of Arizona

Attest:  
Jane Lee Hull  
Secretary of State of the State of Arizona

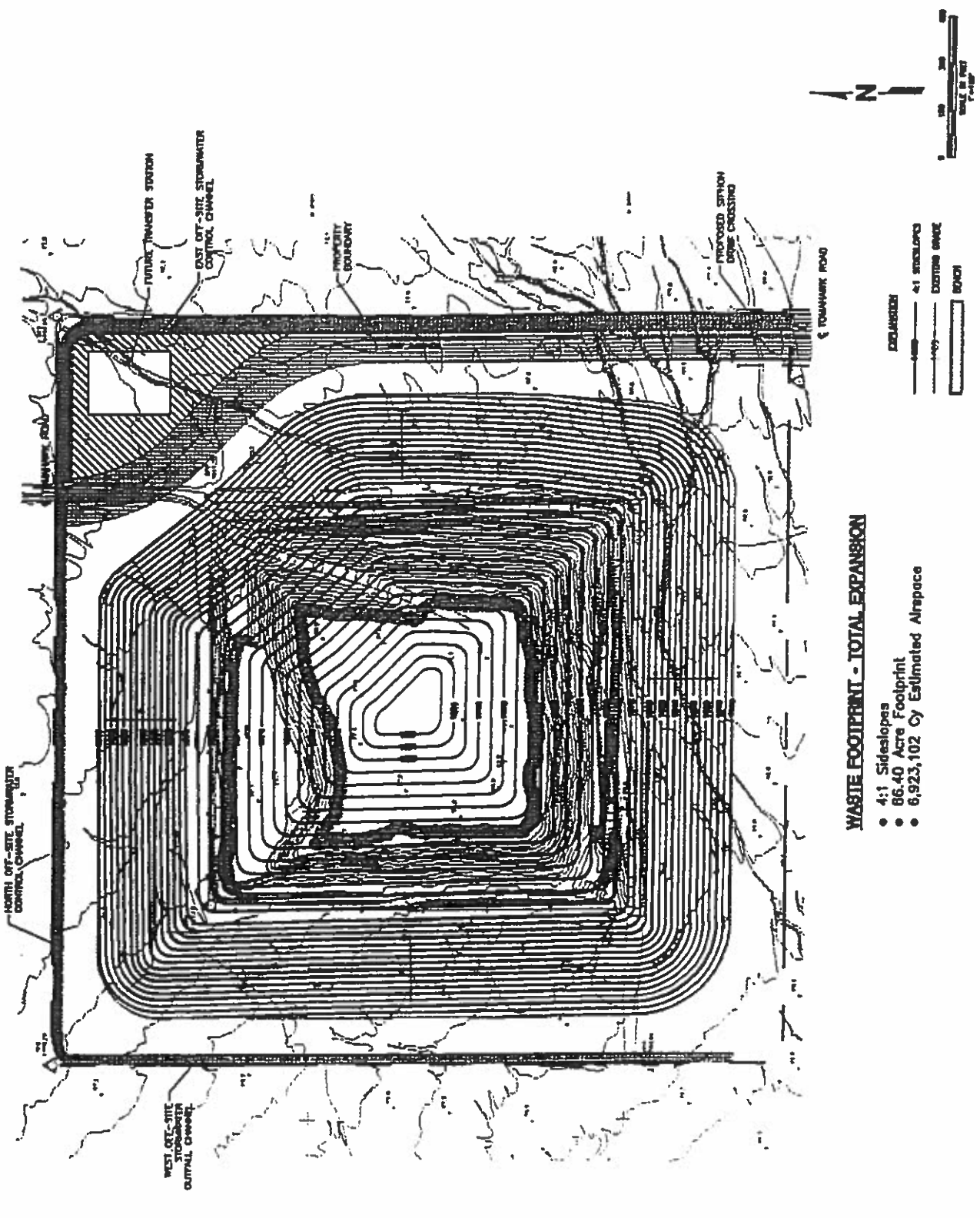


**EXHIBIT B**

**Covenants Regarding Social Responsibility.** This Exhibit is appurtenant to a Deed, which Deed conveys a certain premises (the "Premises"). Each of the obligations set forth within this Exhibit shall constitute continuing obligations of each and every taker or holder of title under the Deed (hereinafter "Title Holder"), to which this Exhibit is an accessory, as those obligations are defined herein:

- I. **Existing Environmental Liability Commitment.** At any time prior to the inception of any Title Holder's obligations under the subsequent paragraph entitled "Expansion Environmental Liability Commitment", Title Holder does hereby agree to share equally with Pinal County all past, present and future environmental liabilities associated with the Premises, which liabilities may have arisen in any part from the operation of a landfill upon the Premises at any time prior to the execution of the Deed to which this Exhibit is an accessory.
- II. **Expansion Environmental Liability Commitment.** Upon receipt by any Title Holder of all necessary approvals and permits required to commence landfill operations upon any parcel of real estate adjoining either the premises or any right-of-way adjoining the Premises, Title Holder agrees to:
  - A. Accept all past, present and future environmental liabilities and thereby relieve Pinal County, the Pinal County Board of Supervisors, and any officers, administrators, employees and assigns of Pinal County, with respect to such environmental liabilities, insofar as those liabilities are:
    1. Associated with the Premises; or
    2. Arise from the past, present or future operation of a landfill at, on or adjoining the Premises; and
  - B. Indemnify, hold harmless and defend Pinal County, the Pinal County Board of Supervisors, and any officers, administrators, employees or assigns of Pinal County, with respect to any federal, state, local or private claim, suit or action arising from or based on Pinal County's operation of a landfill on the Premises.

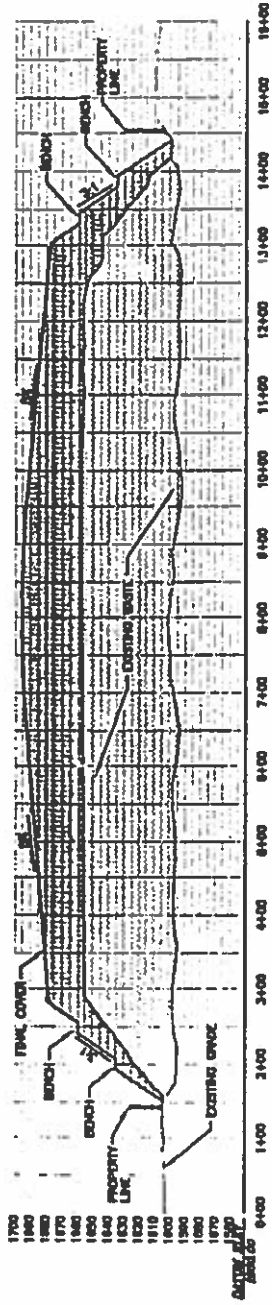
- III. **Public Access Commitment.** For such period of time as Title Holder, or any subsidiary of Title Holder, or any company controlled in whole or in part by Title Holder, continues to operate a landfill upon the Premises, Title Holder warrants that individual residents of Pinal County may continue to use the Premises for landfill purposes, provided that Title Holder or its assigns shall be entitled to charge such users at the posted rates. Title Holder agrees to obligate any assignee, sub-assignee, buyer, or other operator of a landfill facility upon the premises to respect and continue the commitment set forth in this paragraph.
- IV. **Existing Site Operation of Closure.** Title Holder agrees that upon taking of title to the Premises, Title Holder will assume and bear all expenses associated with the continued operations and ultimate closure of the Premises as a landfill facility in compliance with local, state and federal regulations.
- V. **Financial Reporting.** Title Holder agrees, on an annual basis, to furnish to the Pinal County Board of Supervisors a copy of such reports and information as may be required to affirmatively demonstrate Title Holder's continuing ability to honor the indemnification obligation set forth in this Exhibit, including an annual report of Title Holder's financial situation and an accounting of reserves held to address any pending or future claims regarding environmental liabilities. Such report may be in the form of a copy of such written demonstration, on behalf of a solid waste facility operator of the continuation of a financial assurance mechanism, as may be acceptable to either the Arizona Department of Environmental Quality or the United States Environmental Protection Agency ("EPA").
- VI. **Limited Termination of Covenant Obligations.** Title Holder shall be relieved of the closure and reporting obligations set forth in Paragraphs "IV" AND "V" above, upon certification by the EPA, or agency holding an appropriate delegation of authority from the EPA, that all requirements for closure and all requirements triggered by closure have been completely fulfilled.



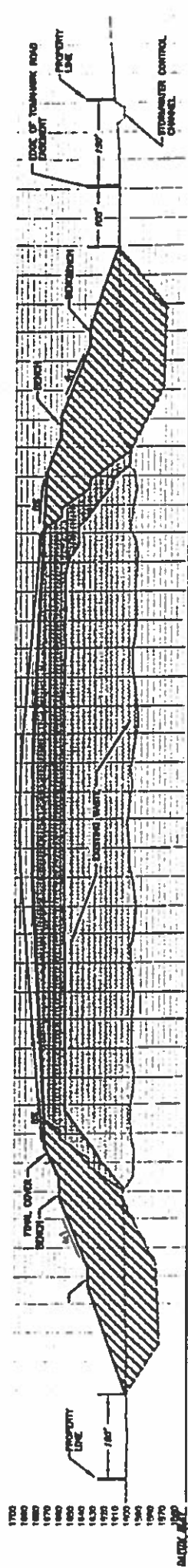
**WASTE FOOTPRINT - TOTAL EXPANSION**

- 4:1 Sidelopes
- 86.40 Acre Footprint
- 6,923,102 Cy Estimated Airspace

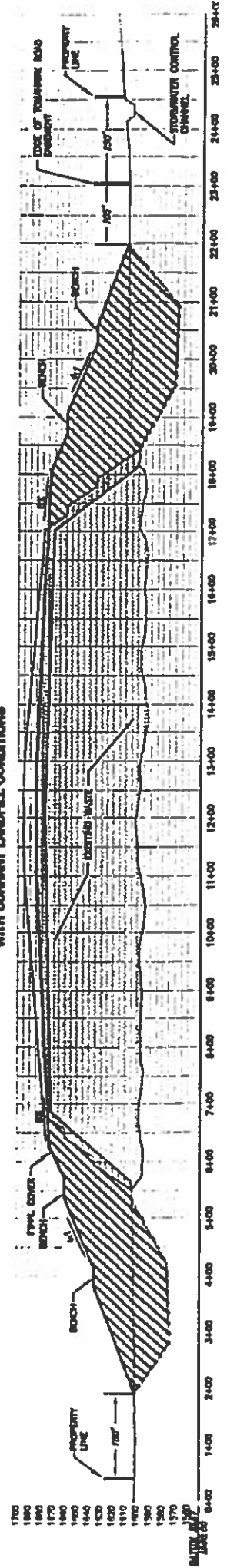
# ADDED SOLIDWASTE FACILITY PLAN CLOSURE GRADE

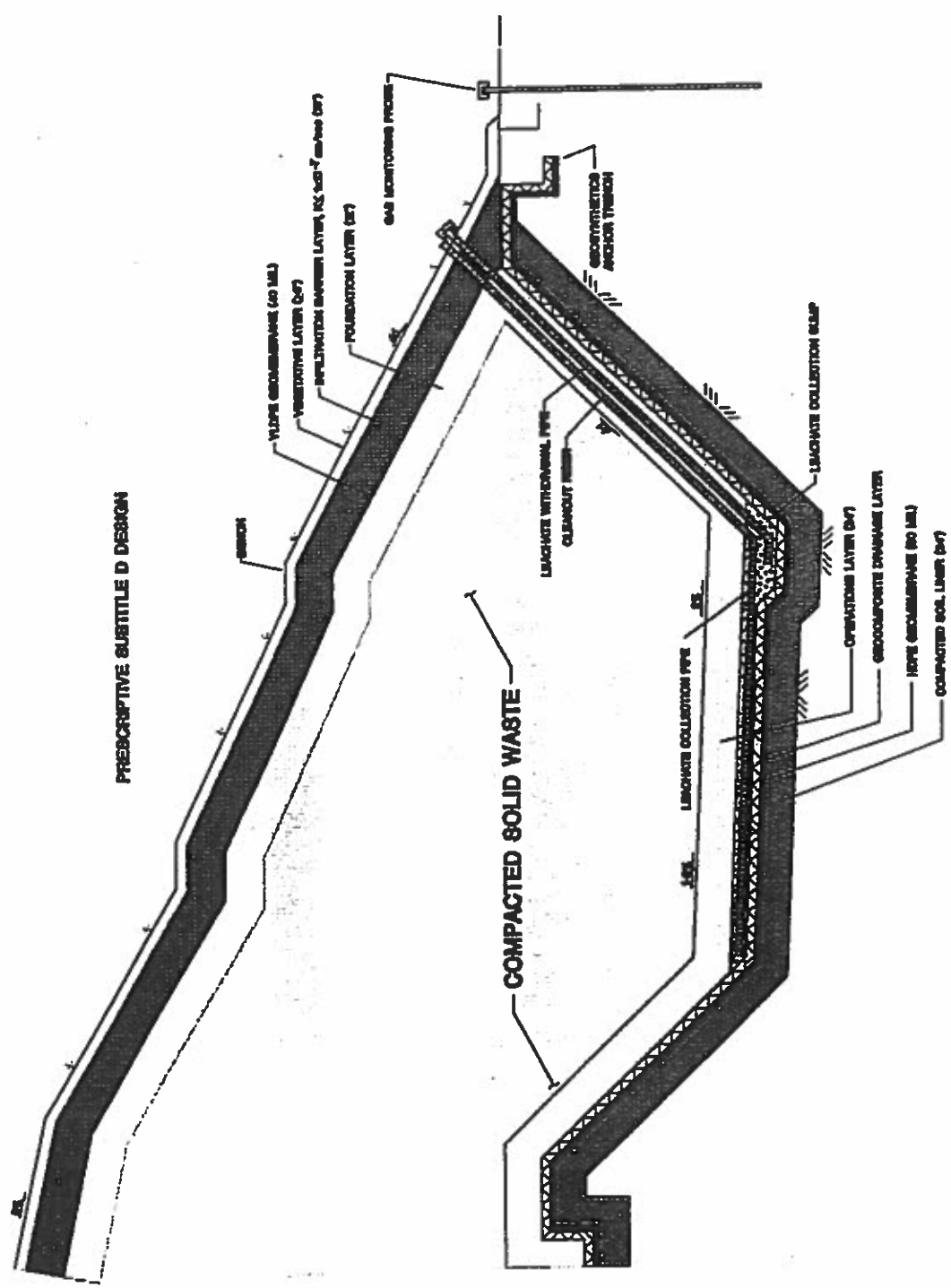


## PROPOSED CLOSURE GRADE



## PROPOSED CLOSURE GRADE WITH CURRENT LANDFILL CONDITIONS





# Permitting Requirements

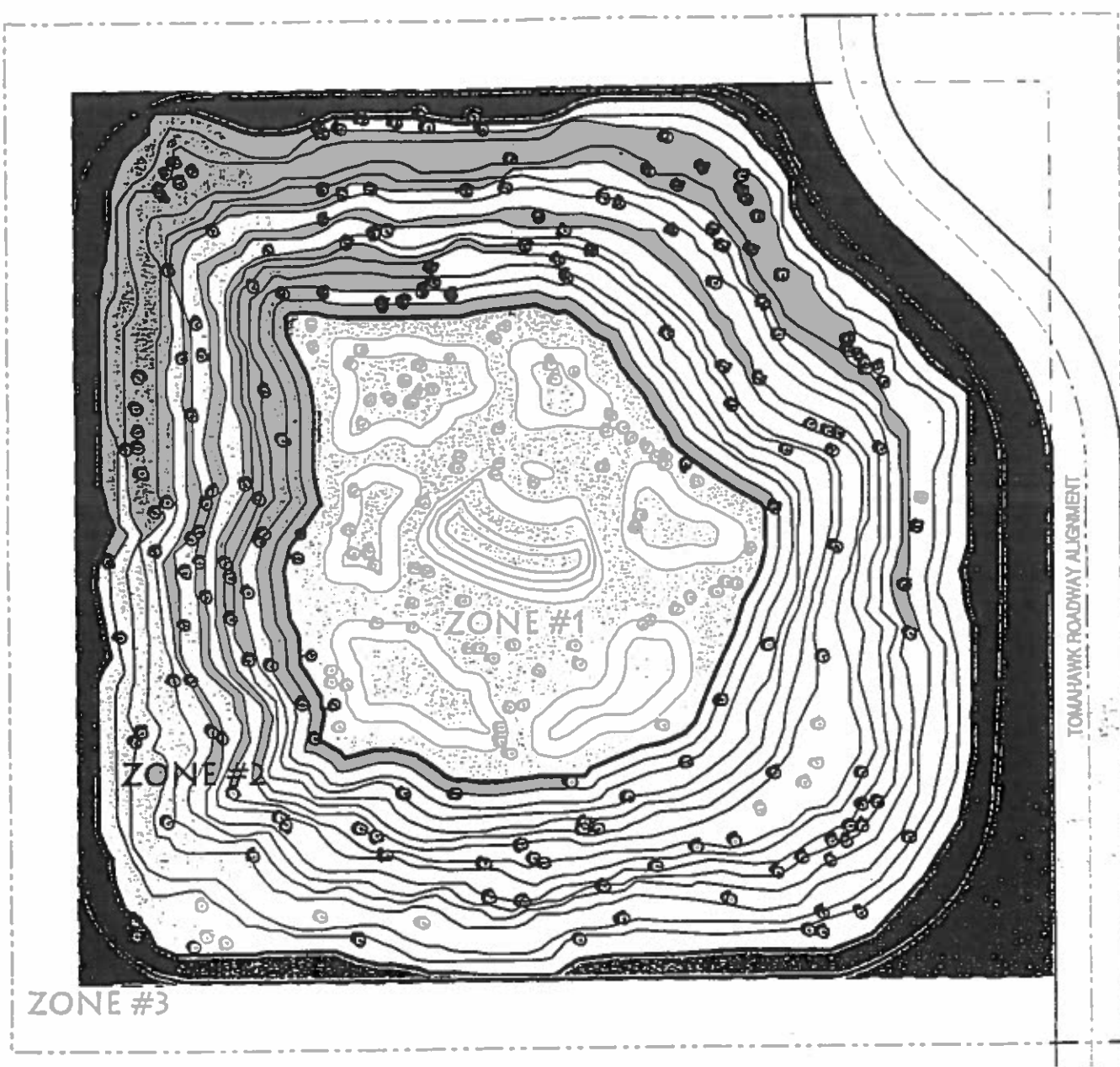
- **Solid waste facility plan approval - ADEQ**
  - Administrative (including zoning) and technical review, public notice and hearing, decision
- **Type IV change approval (expansion) - ADEQ**
  - Administrative (including zoning) and technical review, public notice and hearing, decision
  - U.S. fish and wildlife clearance
  - Arizona game and fish clearance
  - Secured financial assurance fund (controlled by ADEQ)
- **Jurisdictional waters (section 404/401 permits) - US Army Corps of Engineers, ADEQ**
  - Review and approval

# Permitting Requirements

- **Floodplain development (optional) - Federal Emergency Management Agency, Arizona Department of Water Resources, local floodplain administrator**
  - Review and approval
- **Air permits - US EPA Region IX, Pinal County**
  - Review and approval
- **Closure and post-closure maintenance plan approval - ADEQ**
  - Review, public notice and hearing, decision
- **Local permits**
  - Development, engineering, etc.

# Closure/Final Use Plan

- **Phased closure**
- **Landscaping plan**
- **Total closure 7-15 years from today**
- **Maximum height established**



**LANDSCAPE ZONES**

- ZONE #1** Low water grasses, hillside vegetation, & pedestrian landscaping
- ZONE #2** Upland/ Hillside desert revegetation, slope stabilization
- ZONE #3** Lowland/Valley desert revegetation



DATE: 4/1/97  
JOB#:9528

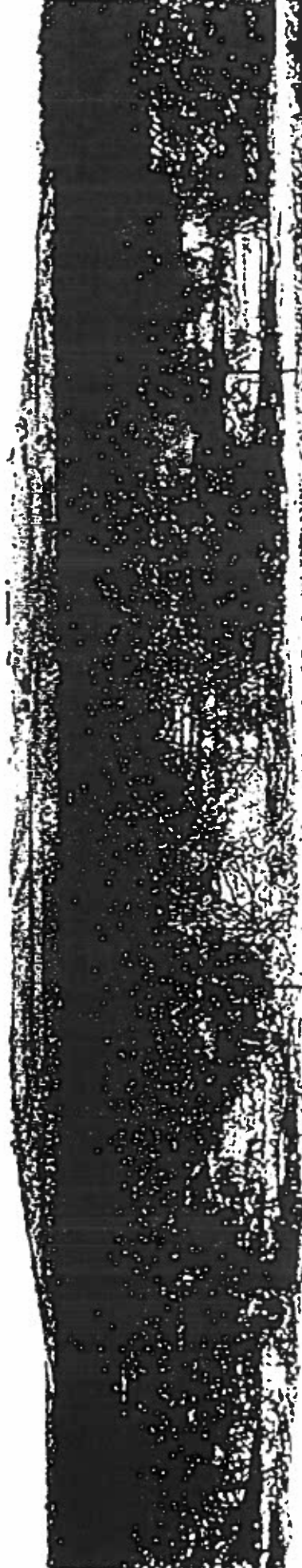
EXPANSION SIMULATION  
**APACHE JUNCTION LANDFILL**  
ALLIED WASTE INDUSTRIES

LARSON, VOSS ASSOC. INC  
7502 EAST MAIN STREET  
SCOTTSDALE, ARIZONA 85251  
(602)994-0994

**EXISTING LANDFILL DESIGN**

**EXISTING LANDFILL**

**LANDFILL DESIGN COMPARISON**



**EXISTING LANDFILL DESIGN SIMULATION**

**Present Design Conditions**  
**APACHE JUNCTION LANDFILL**

**Allied Waste Industries**

DATE: 3/31/97  
JOB#: 9528

Imaging By  
Larson, Voss Assoc. Inc  
7502 East Main Street  
Scottsdale, Arizona 85251  
(602)994-0994

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**EXHIBIT 3****Presentation**

To The

**Apache Junction  
Planning & Zoning Commission**

**March 24, 1998**

**Zoning Request PZ-14-96**

**Applicant : Apache Junction Landfill Corporation,  
an Allied Waste Company**

**Presenters:**

**Brad Dugas      Allied Waste Industries  
Landfill General Manager  
(602) 596-5314 ext. 276**

**Steven Voss      LVA Urban Design Studios LLC.  
Land Planning & Environmental Design  
(602) 994-0994**



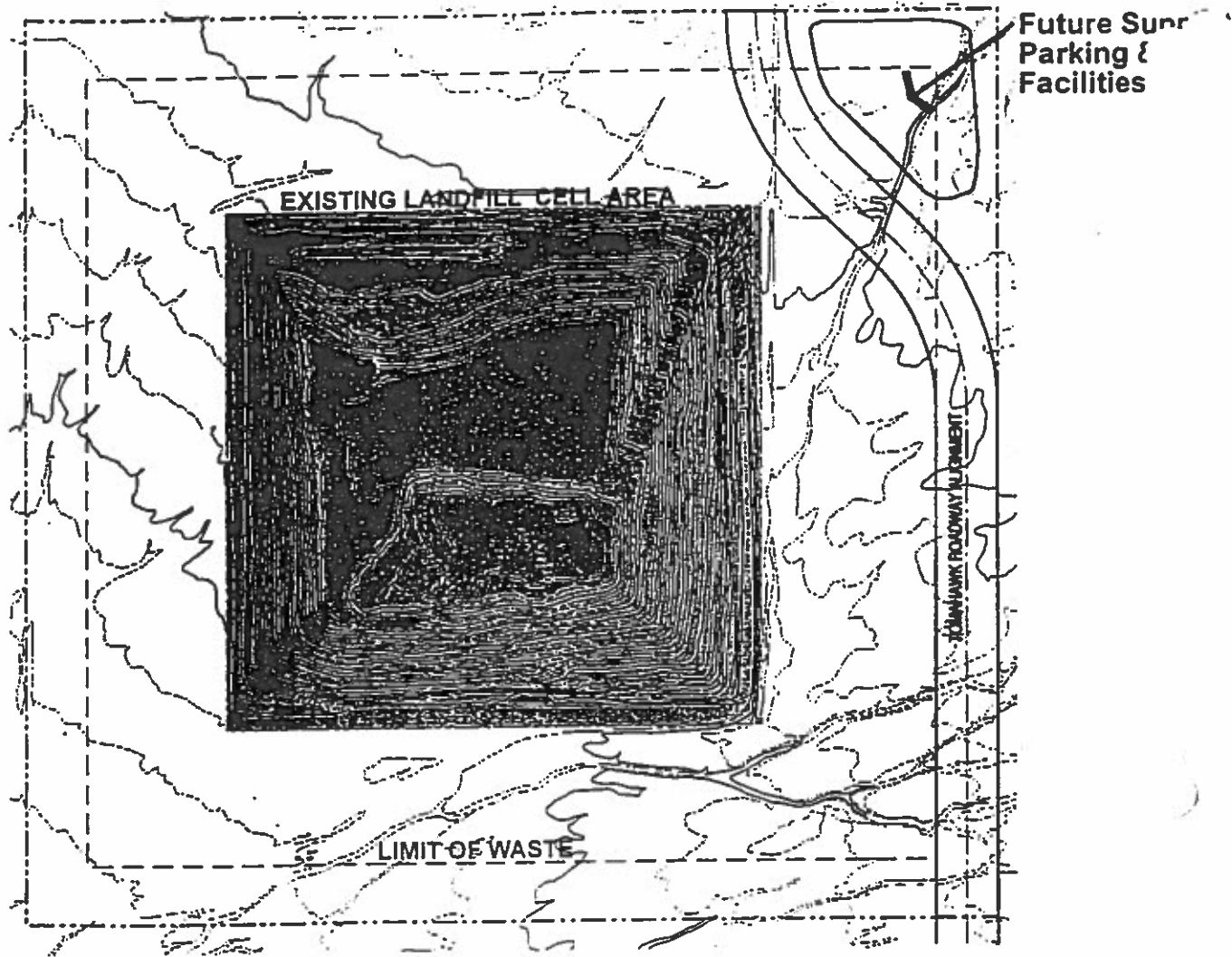
**ALLIED WASTE**  
INDUSTRIES, INC.

# **Our Request for Approval**

**Rezone 129 acres to CI-2/PD heavy industrial. Why?**

- **Reduce steep slopes and implement landscape plan**
- **Establish a maximum height**
- **Develop more aesthetically pleasing final use**
- **Additional environmental protection**
- **Provide Apache Junction area with disposal capacity**

(35)



Request: Rezone To CI-2/P.D.  
Heavy Industrial



NORTH

DATE: 4/1/97  
JOB#:9528

EXISTING CONDITIONS & REQUEST

# APACHE JUNCTION LANDFILL

ALLIED WASTE INDUSTRIES

LARSON, VOSS ASSC  
7502 EAST MAIN ST  
SCOTTSDALE, ARIZONA 85251  
(602)994-0951

# Existing Landfill

(Aerial Photo Taken 1-16-98)



# Environmental Protection

- **Environmental monitoring**
- **Stormwater control - run on/run off**
- **Vector/litter control by buffer and fencing**
- **Slope stability - improved vegetative cover**
- **Enhanced final grading - reduce erosion**

## PROPOSED LANDFILL DESIGN



## LANDFILL DESIGN COMPARISON



## PROPOSED LANDFILL DESIGN SIMULATION

# PROPOSED DESIGN CONDITIONS APACHE JUNCTION LANDFILL

Allied Waste Industries

DATE: 3/31/97  
JOB#: 9528

Imaging By:  
Larson, Voss Assoc. Inc.  
7502 East Main Street  
Scottsdale, Arizona 85251  
(602)994-0994

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**GAMMAGE & BURNHAM**  
A PROFESSIONAL LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW  
TWO NORTH CENTRAL AVENUE  
FIFTEENTH FLOOR  
PHOENIX, ARIZONA 85004-4470

TELEPHONE (602) 256-0366  
FACSIMILE (602) 256-4476

January 29, 2016

WRITER'S DIRECT LINE

Nicholas A. Sobraske  
nsobraske@gblaw.com

(602) 256-4449

### NOTICE OF NEIGHBORHOOD OPEN HOUSE

Dear Property Owner or Neighborhood Association President:

We represent Republic Services ("Republic"), the owner and operator of the Apache Junction Landfill ("Landfill"), located at the end of Tomahawk Road approximately one mile south of US 60 ("Property") as shown on the enclosed aerial map. Republic has owned and operated the Landfill for many years through a wholly owned subsidiary, Apache Junction Landfill LLC. The Landfill covers approximately 129 acres.

The purpose of this letter is to inform you that we have a filed a request to amend the zoning for the Landfill in an effort to lay the groundwork for ultimate closure of the Landfill. Our proposal seeks a closure date for the Landfill no later than June 30, 2038. At the moment, there is no set closure date for the Landfill. Should market conditions cause Republic to fill the Landfill more quickly, than we will close the Landfill sooner.

Republic's proposal will also establish plans and financing for what happens at the Landfill after it closes. The basic idea is that Republic will finance the plans, and the City will create and implement those plans. Republic has committed to provide the City with \$1.5 million to plan and implement post-closure improvements such as landscaping and passive park uses, as well as to pay for and construct a permanent fence or other enclosure, as designed by the City and Republic. These plans won't be developed now; instead, they will be developed in the future by those who will enjoy whatever is agreed upon then. Of course, Republic will continue to own and manage the Landfill after its closure, in accordance with relevant federal and State regulations.

The proposal also calls for a 23 foot height increase in the permitted height of the Landfill. This additional storage capacity is the primary source for Republic's financial commitments to the post-closure planning.

A copy of the Application containing the details of this request is on file with the City of Apache Junction Development Services Department.

If you would like to meet the development team or have any questions about the proposal, we have scheduled the following Open House:

Day/Date: Thursday, February 11, 2016  
Time: 6:00 – 7:30 PM  
Location: Apache Junction Parks & Recreation Multi-Generational Center  
Address: 1035 North Idaho Road, Apache Junction, Arizona 85119

January 29, 2016  
Page 2

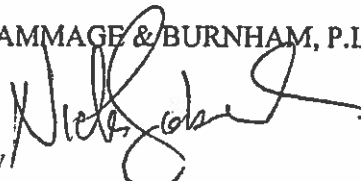
Because this will be an Open House, that means you can arrive anytime between 6 PM and 7:30 PM – you do not need to rush home to be there right at 6 PM. Please come at a time that is convenient for you. Representatives of the City's Planning staff have also agreed to be present at the Open House.

Please be advised that meetings and hearings before the Apache Junction Planning & Zoning Commission and City Council are planned to review this case. Specific meeting and hearing dates have not yet been set. Please confirm the meeting details with the City of Apache Junction before attending as they are subject to change. The City of Apache Junction Planner assigned to this case is Rudy Esquivias; he can be reached at (480) 474-2645. You may also make your feelings known on this case by writing to the City of Apache Junction Development Services Department, 300 East Superstition Boulevard, Apache Junction, Arizona 85119 and referencing the case number. Your letter will be made part of the case file.

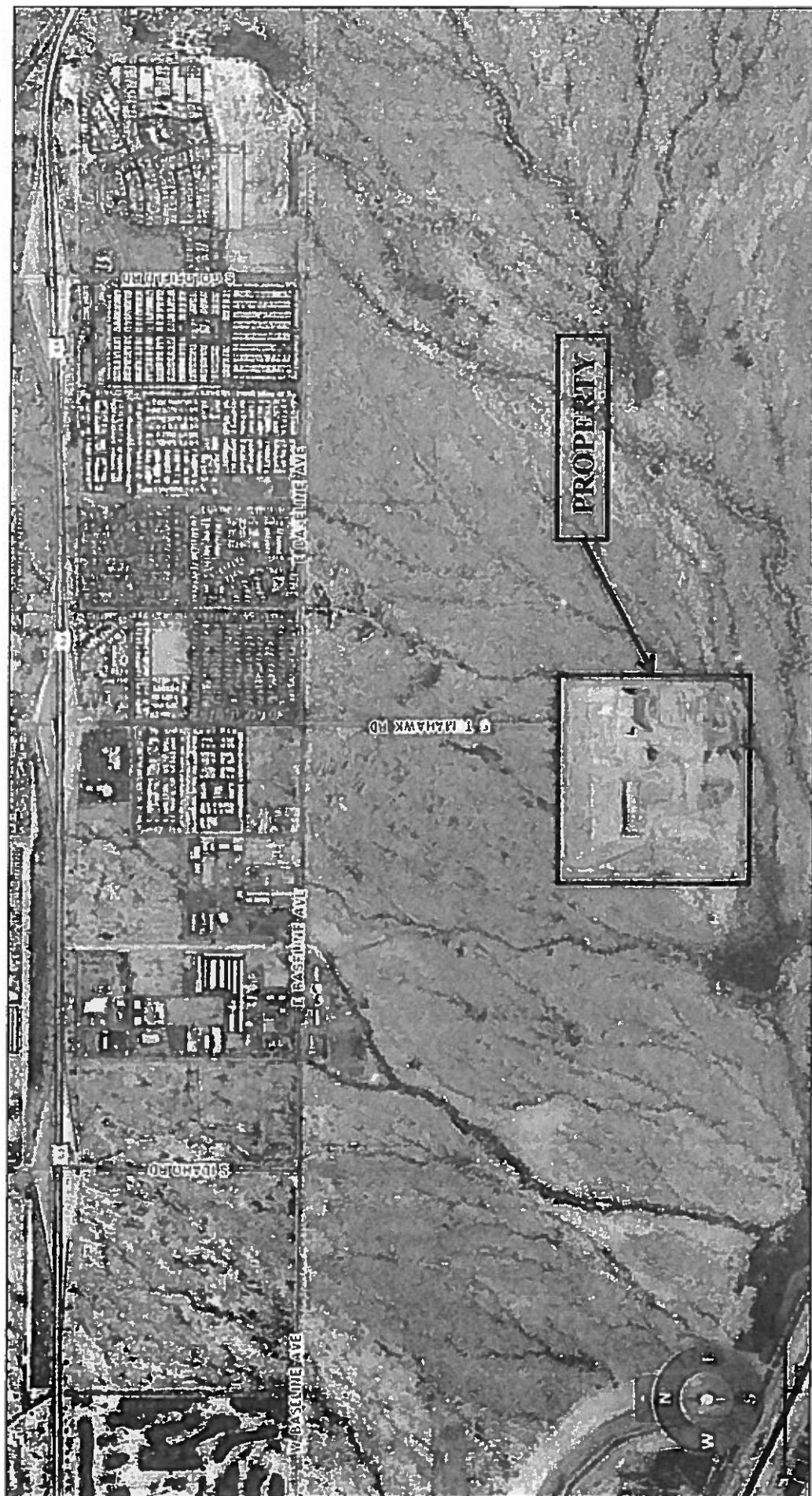
If you cannot attend the neighborhood meeting or have any questions regarding the development proposal, please contact me directly at (602) 256-4449 or [nsobraske@gblaw.com](mailto:nsobraske@gblaw.com).

Sincerely,

GAMMAGE & BURNHAM, P.L.C.

By 

Nicholas A. Sobraske



NOTIFICATION AREA



NOTIFICATION AREA



PARCEL 104-07-002-0

APACHE JUNCTION LANDFILL  
PLANNED DEVELOPMENT AMENDMENT  
CASE NO. PLN2016-00002  
CITIZEN PARTICIPATION REPORT  
March 1, 2016

Apache Junction Landfill Corporation ("AJLC") conducted citizen participation in the following manner, in accordance with and beyond the requirements of Section 1-16-7 of the City Zoning Ordinance. This Citizen Participation Report is being submitted to City staff at least ten days prior to its Planning and Zoning Commission hearing, as required by Section 1-16-7(B)(3) of the City Zoning Ordinance. This Citizen Participation Report also contains each of the enumerated items set forth in the City Zoning Ordinance.

Neighborhood Meeting

AJLC hosted a neighborhood Open House on Thursday, February 11, 2016, from 6:00 pm to 7:30 pm at the Apache Junction Parks & Recreation Multi-Generational Center. At the Open House, representatives of AJLC and Mr. Rudy Esquivias, City of Apache Junction Senior Planner/Zoning Administrator, were available to describe and discuss the proposed PD Amendment.

AJLC maintained a sign-in sheet and provided comment cards to interested attendees. Four (4) individuals, including Apache Junction City Councilmembers Gail Evans and Christa Rizzi, Assistant City Manager Matt Busby, and Maricopa County Board of Supervisor Andy Kunasek attended. No members from the general public attended. The sign-in sheet is attached at Tab A.

Representatives of AJLC provided Supervisor Kunasek an overview of the PD Amendment proposal and clarified the location of the original 40 acre landfill from the “newer” 80 acre landfill that wraps the original landfill. (Both the 40 acre and 80 acre are existing landfills.) Supervisor Kunasek inquired about the technology and improvements in the 80 acre landfill versus the 40 acre landfill. Mr. Chris Coyle, General Manager of AJLC, explained that the 40 acre landfill lacks the technology that would be required in a current day landfill; however, because of this reason, the “outer loop” (i.e., the 80 acres) is specifically excavated to a lower level to capture any contaminants from the original 40 acres. Mr. Coyle also explained that the “outer loop” has the same level of controls and technology that a new landfill would be required to provide. Representatives of AJLC also discussed the waste storage capacity with and without the approval of the PD proposal. Supervisor Kunasek and representatives of AJLC also discussed the locations of other landfills in the east Valley.

#### Scope of Notice

AJLC notified approximately 216 property owners of the Open House. The notice is attached at Tab B. The mailing list, including the addresses of residents, property owners and interested parties, is attached at Tab C.

Section 1-16-7(B)(2)(a) only required AJLC to notify all property owners within 300 feet. By policy, the City extended that to 500 feet for a PD Amendment proposal. There is one property owner within 500 feet of the subject property: the ASLD. Because only one property owner would be notified under the 500 foot requirement, AJLC felt the 500 foot notification was inadequate. Therefore, on its own accord, AJLC voluntarily expanded the scope of its public notice to include the ASLD and all properties within one-quarter mile of Tomahawk Road (on the east and west) between the subject property and US 60. A map identifying these properties is attached at Tab D. The Development Services Director and Mr. Esquivias were also notified, as required by Section 1-16-7(B)(2)(d) of the City Zoning Ordinance

### Outreach to ASLD

Prior to filing its application, AJLC met with the ASLD Staff, including the Commissioner, on August 31, 2015. Upon submittal of its application, AJLC submitted a complete set of its application to the ASLD on January 22, 2016, and: (1) made itself available to meet with, or otherwise discuss, the PD Amendment proposal at any time; and (2) invited the ASLD to the February 11, 2016 Open House. The ASLD did not attend the Open House. See Tab E – January 22, 2016 Correspondence to ASLD.

On February 25, 2016, AJLC voluntarily informed the ASLD of the public hearing schedule and process, including the Planning and Zoning Commission and City Council Study Sessions, and again made itself available to meet with, or otherwise discuss, the PD Amendment proposal. See Tab F – February 25, 2016 Correspondence to ASLD.

### Other Inquiries

The City of Apache Junction forwarded an inquiry from a resident in Ironwood Estates II to the Applicant on February 2, 2016. The Applicant responded to this inquiry on February 5, 2016, in the letter attached at Tab G. The Applicant has received no other telephone calls, emails or other inquiries as of February 25, 2016.

### Public Hearing Notification

The City shall send notice by first class mail to each real property owner within 500-feet of the property, as required by 1-16-6(D)(5) of the City Zoning Ordinance. As stated above, the ASLD is the only property owner within 500-feet of the subject property. AJLC voluntarily notified the ASLD of the public hearings in its February 26, 2016 correspondence (Tab F).

In addition to the City's required public hearing notice, AJLC will be voluntarily mailing a second public hearing notice to the ASD, as well as noticing the four individuals that signed-in at the neighborhood meeting, the resident of Ironwood Estates II that expressed interest in the proposal, the Development Services Director, and Mr. Esquivias.

Tim & Lisa Roberts  
3850 S Descanso Rd  
Apache Junction AZ 85119

February 2, 2016

City of Apache Junction Development Services Department  
300 East Superstition Boulevard  
Apache Junction AZ 85119

**RECEIVED**  
FEB 08 2016  
City of Apache Junction  
**DEVELOPMENT SERVICES**  
**BUILDING DIVISION**

To Whom It May Concern;

I received a letter from an attorney representing Republic Services, the owner and operator at the Apache Junction Landfill at the end of Tomahawk Rd. I live in Ironwood Estates II. I bought my house around 2010 and at that time a worker at the landfill told me it would be open for about 5 more years.

Now 5 years have come and gone. I received this letter stating that Republic wants to make an amendment to their agreement to increase the height of this landfill. I know that the purpose of this is to keep the landfill open longer.

I have long awaited for this landfill to close for good. The trucks are noisy and start early in the morning. Sometimes when the wind is still there is the smell of rot in the air. Also I do not believe the ground barrier under the mound is meant to withstand the added height that Republic proposes.

Please do not allow Republic services to amend their agreement to increase the height of this landfill. Please let this landfill close sooner and not later. Thank you.

Sincerely,



Tim Roberts

**GAMMAGE & BURNHAM**  
A PROFESSIONAL LIMITED LIABILITY COMPANY  
 ATTORNEYS AT LAW  
 TWO NORTH CENTRAL AVENUE  
 FIFTEENTH FLOOR  
 PHOENIX, ARIZONA 85004-4470

TELEPHONE (602) 256-0568  
 FACSIMILE (602) 256-4475

WRITER'S DIRECT LINE

February 5, 2016

Nicholas A. Sobraske  
 nsobraske@gblaw.com

(602) 256-4449

Mr. Tim Roberts  
 3850 South Descanso Road  
 Apache Junction, Arizona 85119

Re: Apache Junction Landfill

Dear Tim:

We represent Republic Services, the owner and operator of the Apache Junction landfill located at the end of Tomahawk Road south of the US 60. We are writing in response to an inquiry we believe you made with the City of Apache Junction as to whether the existing liner could accommodate the additional requested storage capacity. If you did not make this inquiry, please disregard this correspondence.

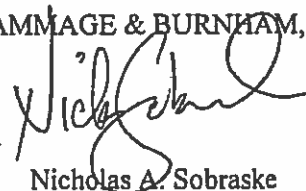
As a responsible landfill operator, Republic Services is required to comply with all applicable federal, State and local regulations. With the additional requested capacity, the existing liner will continue to comply with all applicable regulations. The liner performance will not be impacted by any additional weight of the waste. The liner is flexible and laying on a relatively flat surface. There are no additional waste loading forces that will cause the liner to "move" or slide or otherwise compromise the integrity of the environmental controls. Republic Services is committed to actively monitoring the landfill to ensure full compliance with all applicable regulations.

If you did make this inquiry and if you have any additional questions, please feel free to contact me at (602) 256-4449 or nsobraske@gblaw.com. Thank you.

Best regards,

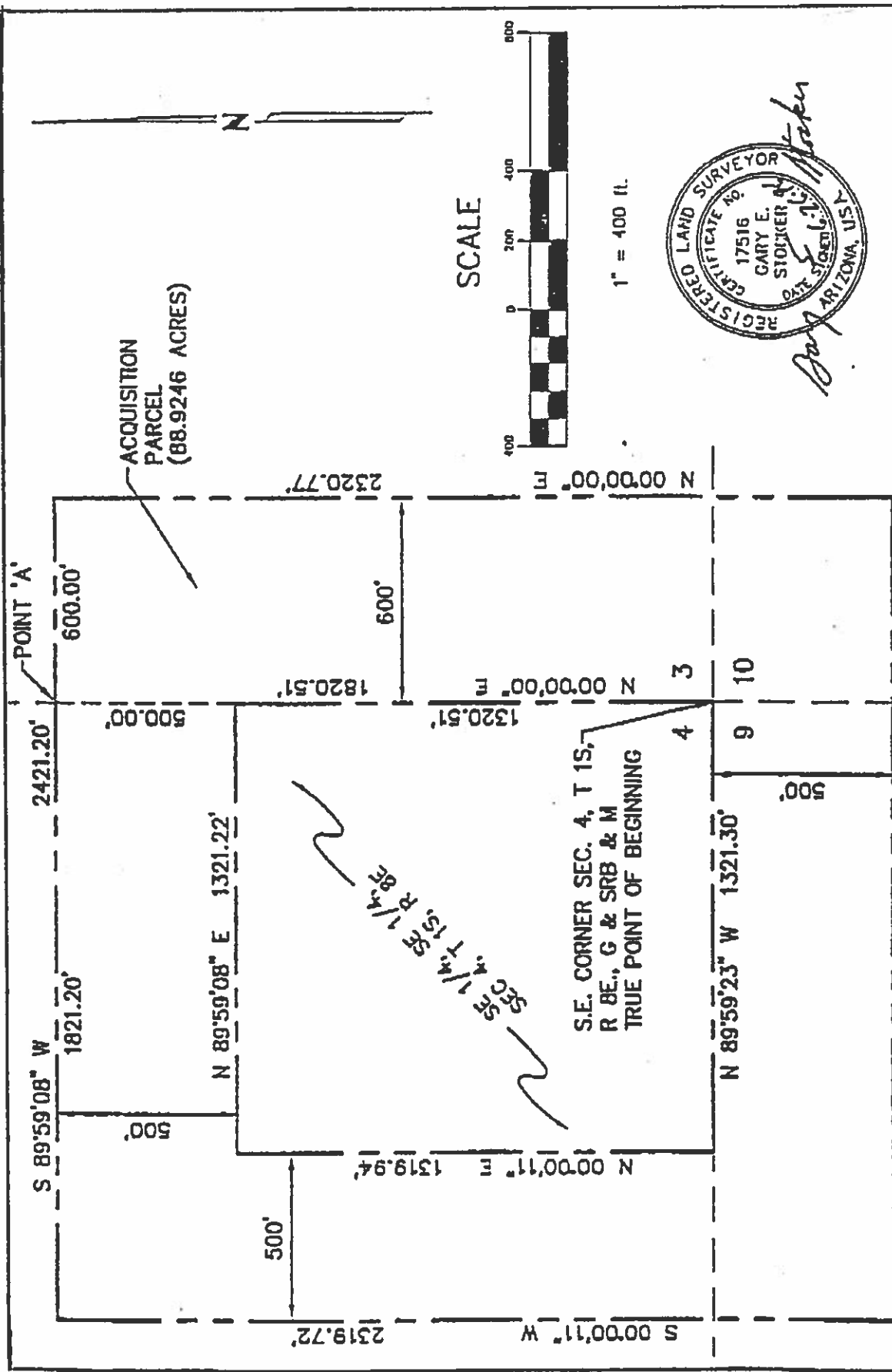
GAMMAGE & BURNHAM, P.L.C.

By

  
 Nicholas A. Sobraske



# PZ-2-16 LANDFILL VICINITY AERIAL



STATE LAND ACQUISITION PARCEL

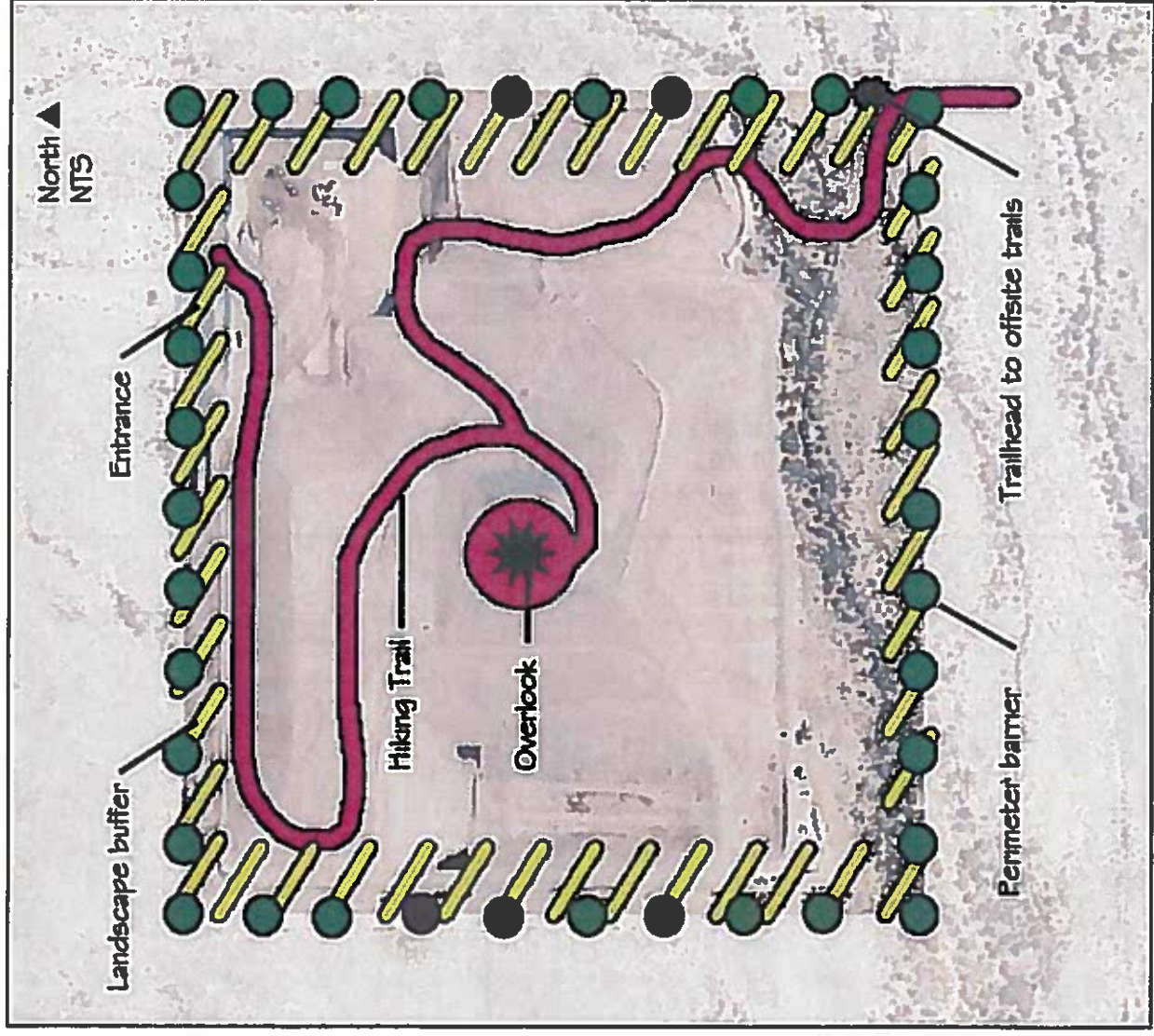
Site Consultants, Inc.

DATE: 6-26-96 DWG NAME: 1038PL PROJ. NO.: 1030

## Program Diagram

A program diagram accommodates the various activities and uses required for a specific site. The following programmatic elements will be included in the Landfill Closure Reuse Master Plan:

- Overlook with ramada
- Hiking trail to summit
- Pedestrian circulation
- Passive recreation
- Perimeter barrier to restrict access
- Educational/interpretive signage
- Cages for methane recapturing
- Trailhead to offsite trails
- Perimeter landscape treatment (150' from fence to waste footprint)

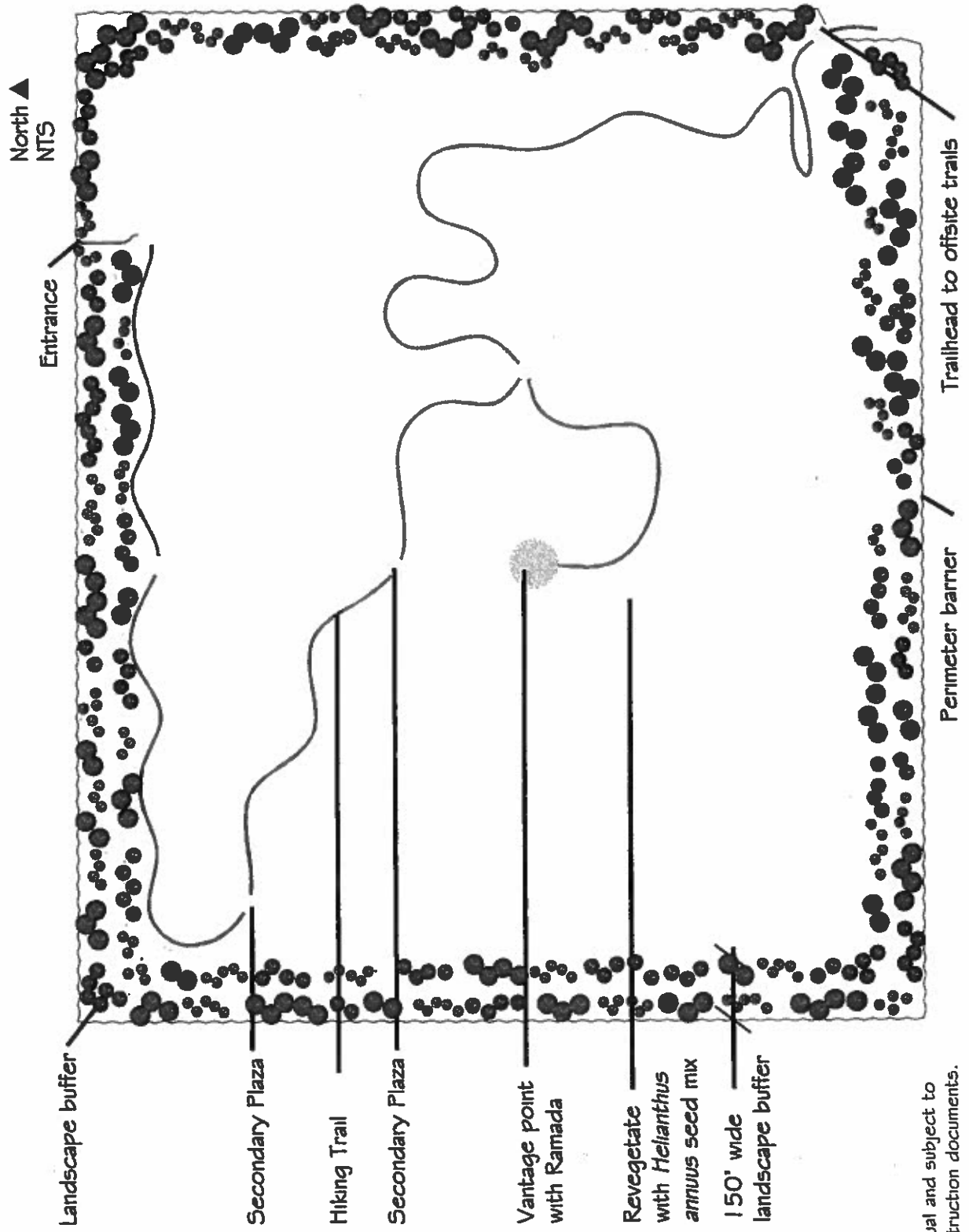


RE-USE PLAN #1

This image is conceptual and subject to change with final construction documents.

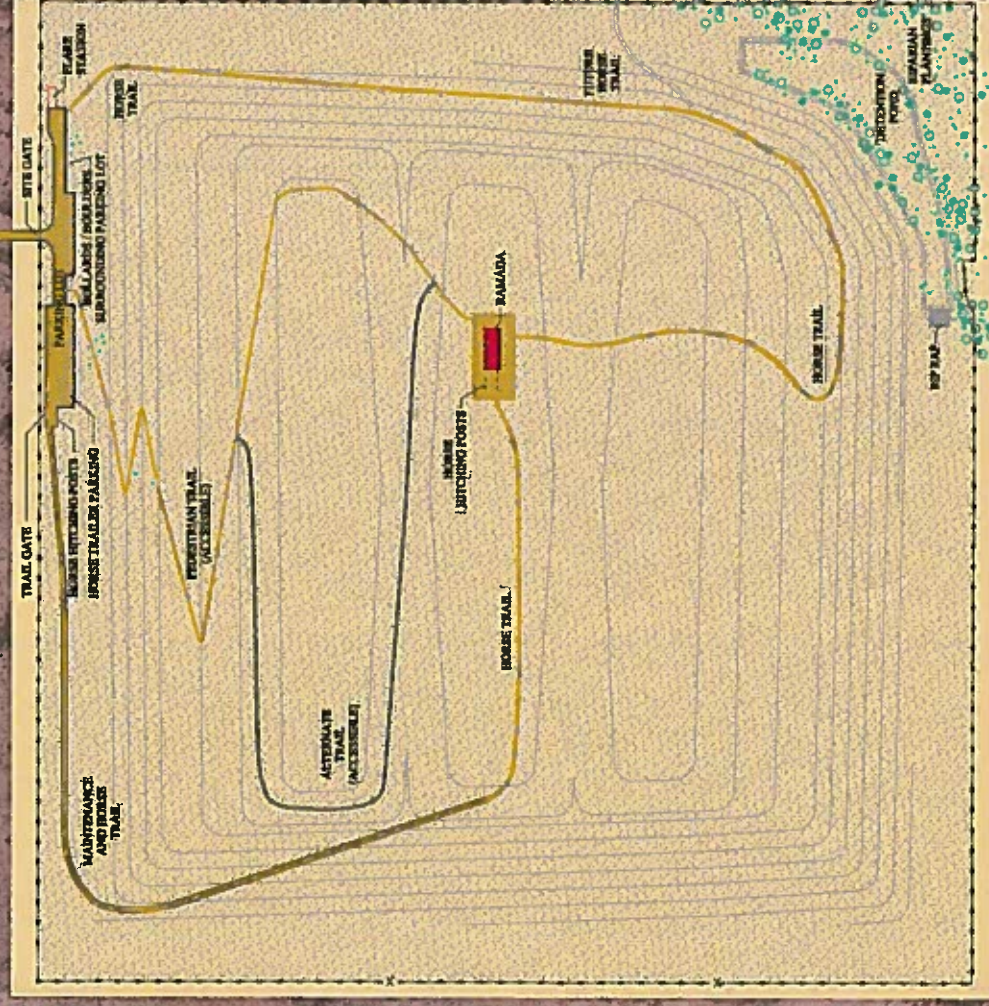
# Conceptual Master Plan

The Conceptual Master Plan assigns relative size, location and form to each of the programmatic elements.

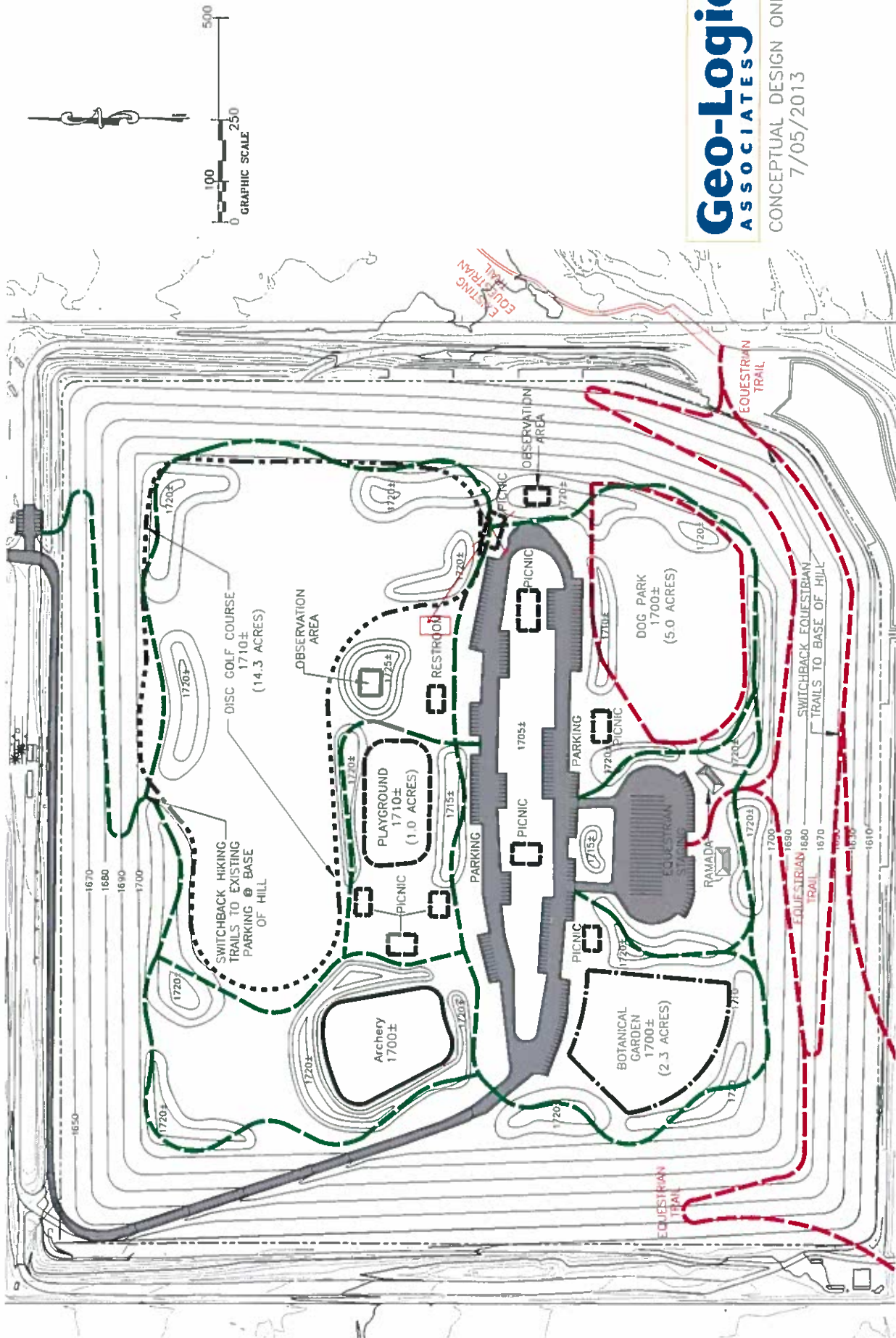


This image is conceptual and subject to change with final construction documents.

# APACHE JUNCTION LANDFILL



**Geo-Logic**  
ASSOCIATES



**Geo-Logic**  
ASSOCIATES

CONCEPTUAL DESIGN ONLY  
7/05/2013

RE-USE PLAN #3