

PZ-2-16 Apache Junction Landfill Corporation Proposed Planned Development Major Amendment



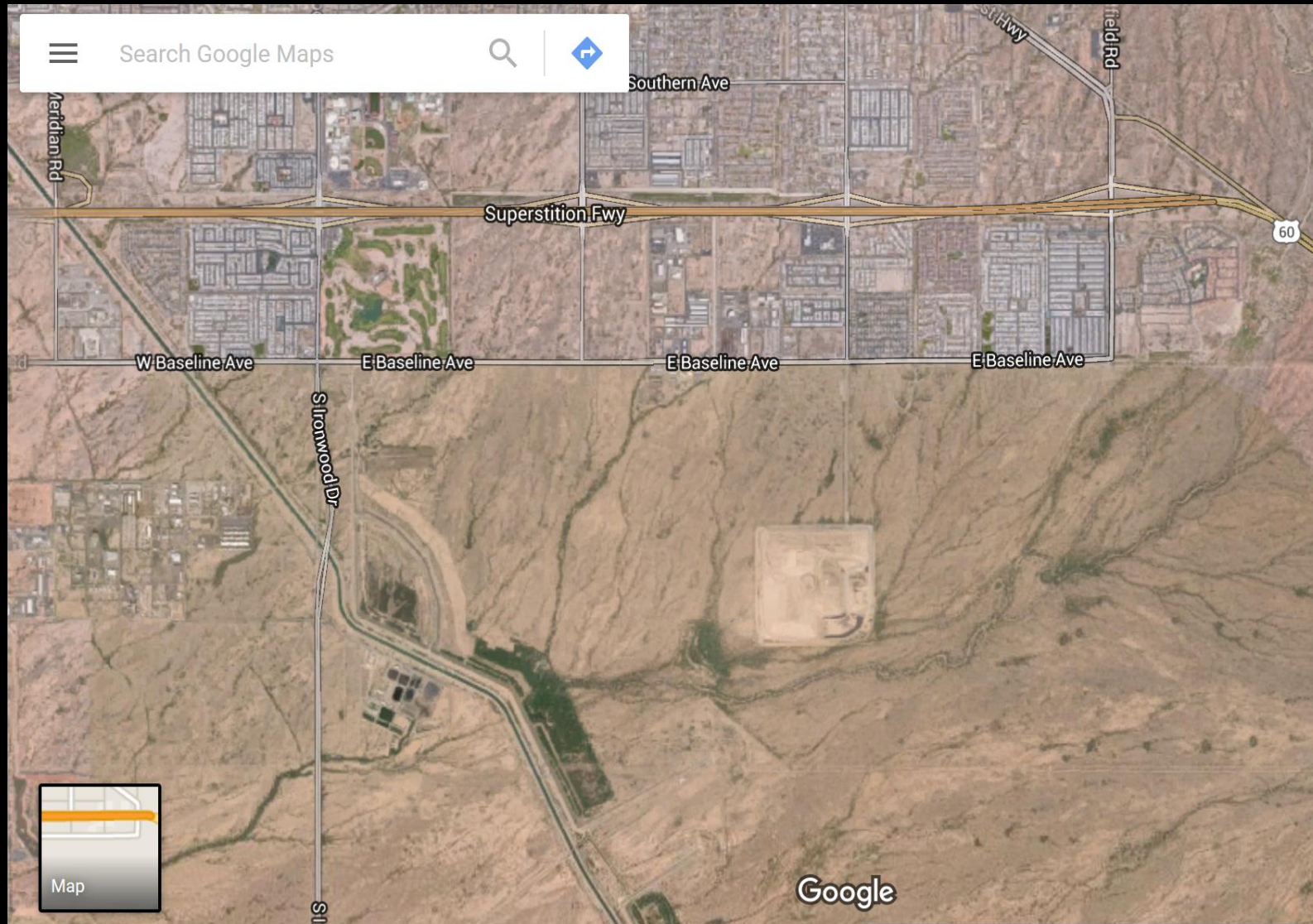
**City of Apache Junction
City Council Public Hearing
December 6, 2016**



Background

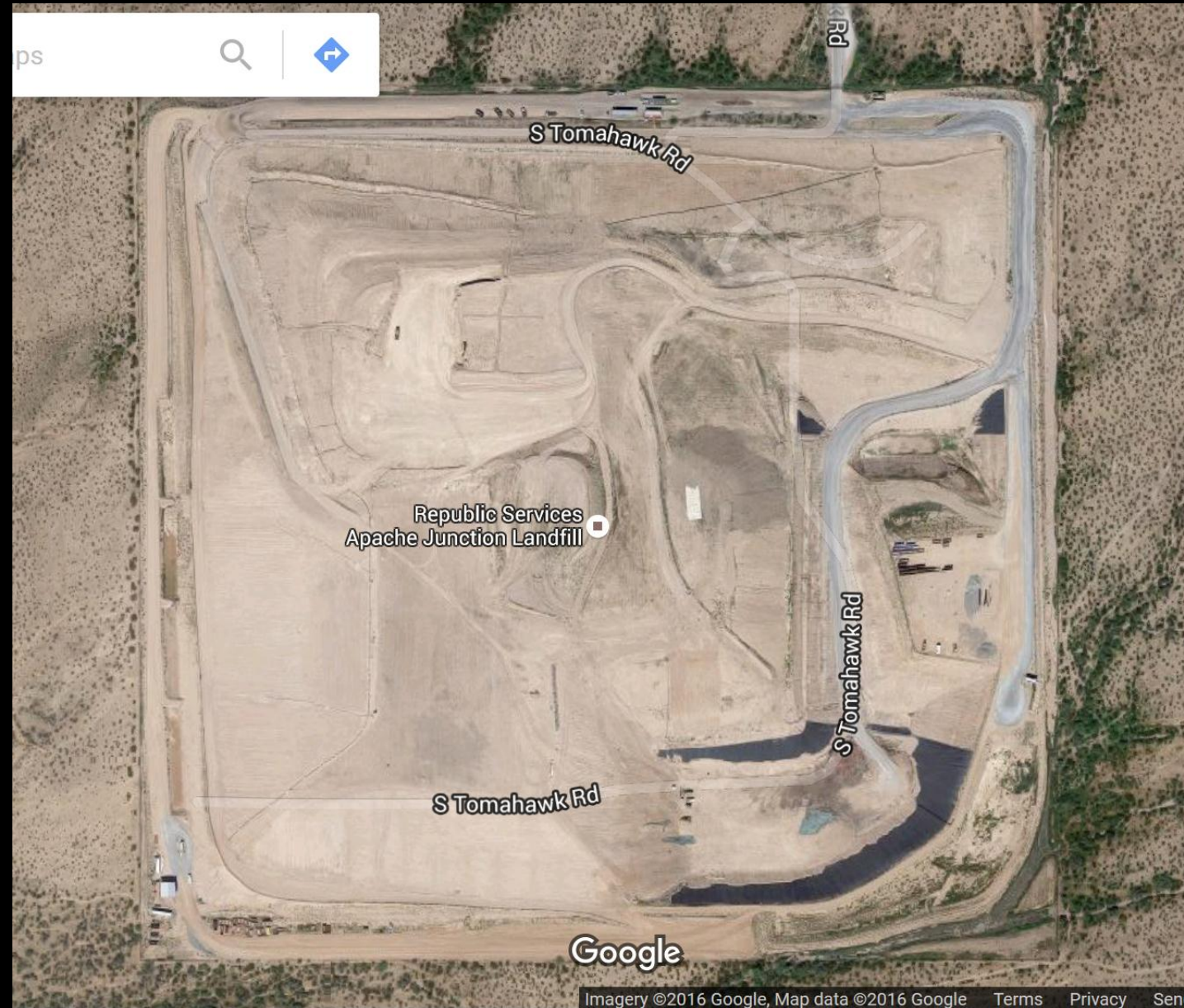
- Landfill opens in late 1950s as private dump, converted to county ownership, then private ownership by Allied Waste Industries
- Under Pinal County jurisdiction until 1988 when annexed to the City
- Allied Waste purchased the 40 acre landfill in 1993
- 1996 Allied Waste purchase surrounding 89 acres from the State Land Department
- Allied Waste sought rezoning of combined +/- 129 acres to bring the property into zoning compliance and to expand the landfill
- Property ownership “transferred” from Allied Waste to Apache Junction Landfill Corporation (current ownership entity)

Location



Location

- Recent aerial of landfill and current location of areas being filled



Current zoning parameters

- July 1997 - Ordinance No. 1034 – Rezoned landfill property from GR (General Rural) to CI-2/PD (Heavy Industrial by Planned Development)
- Ordinance No. 1034 provided:
 - No specific closure date
 - Solid waste storage cannot exceed 1,700 feet above mean sea level (msl)
 - At closure solid waste storage cannot exceed 1,685 above msl
 - Compliance with County, State, Federal agencies
 - Cannot use the site for waste tire disposal or waste transfer site or any other CI-2 use unless related to solid waste landfill uses

Current zoning parameters

- Additional Ordinance No. 1034 provisions:
 - Eventual planned development amendment for:
 - A required six (6) foot decorative masonry fence at closure
 - Post-closure landscaping plans
 - Water utility line (installed)
 - Roadway improvement plans
 - Site plan depicting structures, work shops, offices, gatehouses, weigh scales, etc.
 - Site plan delineating drainage controls
 - Closure phasing schedule
 - Surety for improvements at closure
 - City use at end of active landfill life
 - Future transportation dedications and/or realignments, sight triangles etc.
- City and Republic have/had obligations contained in Ordinance No. 1034
 - Both City and Republic in compliance with existing Ordinance No. 1034

Public Participation up to April 19th 2016

- One neighbor within notification radius – State Land Department
- Notification radius is automatically increased for Industrial Rezonings – from 300' to 500' by city ordinance
- Notified property owners north of Baseline Ave. to U.S. 60 within ¼ mile on each side of Tomahawk
- Held neighborhood meeting on Feb. 11, 2016; 1 person attended
- Staff has received letters from residents in expanded notification area, most letters in opposition, some containing questions, which have been answered by AJLC
- On April 19, approximately 35 signed form letters/comments were sent to City Clerk, just before Council meeting

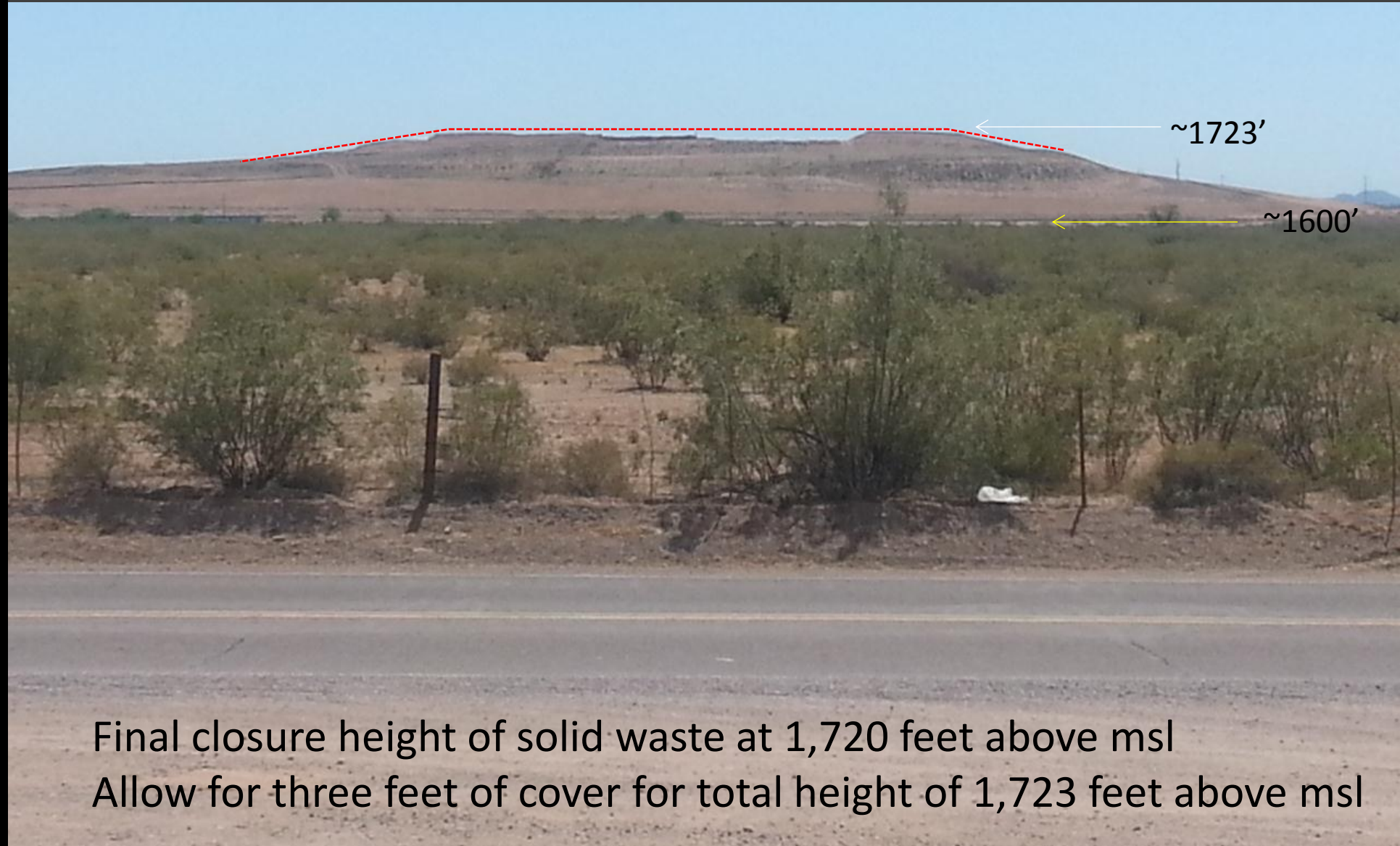
Public Participation Since April 19th 2016

- 2nd neighborhood meeting on Sept. 28, 2016 at Multi-gen Center from 5pm-7pm; open house format with AJLC
- In attendance: staff from Republic Services/AJLC;
- 28 people signed attendance roster
 - Including city staff, planning commission, and council members
- Summary of public participation efforts included in staff report

Proposed PD Zoning Amendment

- Major Amendment - B-5/PD is city's current equivalent zoning designation
 - Establishes firm closure date of December 31, 2035
 - Final closure height of solid waste at 1,720 feet above msl
 - Allow for three feet of cover for total height of 1,723 feet above msl
 - Provide funding to City for post-closure design and reuse plans
 - Continued ongoing environmental obligations by AJLC post-closure
 - Combine the two tax parcels (40 ac + 89 ac) into one legal description (done)
 - Commit to work with the city on infrastructure (water, road and drainage) improvements

Existing ground elevation – proposed final height



Final closure height of solid waste at 1,720 feet above msl
Allow for three feet of cover for total height of 1,723 feet above msl

Staff and P&Z Recommendation

- These recommendations went to City Council Meeting April 19th 2016
- Staff Recommendation – Approval subject to 11 conditions
- Planning and Zoning Commission Recommendation – Approval
 - Subject to same 11 conditions with amendment to condition #4 changing the closure date to **December 31, 2025**
 - Added 12th condition requiring that “AJLC will create a natural barrier between the landfill and all neighborhoods, such barrier to be in the form of trees or other natural landscaping to be agreed upon by the City and the Landfill.” (in particular improving the entrance to the landfill at Tomahawk and Baseline in the immediate future)

City Council meeting of April 19, 2016

- After Public Hearing, Council continued the PD amendment item to Nov. 14 for a work session discussion and to Dec. 6 for another public hearing
- Council further directed that staff work with AJLC on the following:
 - A new condition requiring groundwater monitoring wells
 - A new condition requiring early installation of landscaping
 - A new provision for payment “triggers” in case of early closure (contained in operating agreement)

City Council work session of Nov. 14

At their work session on November 14, councilmembers requested two additional items for the public hearing on December 6:

- 1) a “clean” version of proposed Ordinance No. 1428, with all possible changes and additions thereto shown (said clean version is in your packets); and
- 2) in new condition #12, councilmembers thought that we should request more landscaping at the entrance to the landfill; new condition #12 proposes to double the requested landscaping, to which the applicant is agreeable.

Conditions of Ordinance No. 1428

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.

Conditions continued.....

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.

Conditions continued.....

3. Property owner/applicant shall provide to the 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.

Conditions continued.....

4. The landfill shall cease accepting solid waste on or before December 31, 2025 (or 2035?), with closure being pursuant to Arizona solid waste management laws under 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.

Conditions continued.....

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.

Conditions continued.....

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 **and ADEQ or ADWR approval** of a twelve inch (12") water utility line extension, and other related water utilities.

Conditions continued.....

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.

Conditions continued.....

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.

Conditions continued.....

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 (delete) and renumber subsequent conditions appropriately

- Required the combination of two tax parcels (already completed)

Conditions continued.....

11. AJLC will create a natural barrier between the landfill and all neighborhoods, such barrier to be in the form of trees or natural landscaping to be agreed upon between the city and the landfill.

12. At the entrance drive to the landfill (intersection of S. Tomahawk Road and E. Baseline Avenue), on each side of the entry drive, AJLC shall install six (6) 36" box trees, twenty-four (24) 5-gallon shrubs, ½"-minus decomposed granite groundcover and entry monumentation no taller than six feet high. The entry drive landscaping and

Conditions continued.....

12. (continued).....monument improvements shall be contained within AJLC's easement drive area, be designed by a landscape architect, use xeriscape plant materials, include irrigation and shall be subject to city's Development Services Department's review, input and approval, which approval may not be unreasonably withheld by city. AJLC shall complete this landscaping no later than one year from the effective date of this amendment, and all continuing expenses, water and maintenance costs associated therewith shall be paid by AJLC until the closure date, as defined herein. At the closure date, the city shall assume all continuing expenses, water and maintenance costs associated therewith.

Conditions continued.....

13. No later than sixty (60) days after the effective date, AJLC shall submit a groundwater monitoring plan to ADEQ. Within ninety (90) days of approval by ADEQ of the groundwater monitoring plan, and in no event, in no more than one (1) year from the effective date, AJLC shall implement a groundwater monitoring plan. AJLC shall bear all costs associated with the creation, processing, implementation and management of a groundwater monitoring plan.

Conditions continued.....

14. AJLC shall submit a report to city annually, on the anniversary of the effective date, regarding the status and findings of the groundwater monitoring plan. AJLC may submit to city a copy of its most recent report to ADEQ to comply with this obligation. AJLC shall continue to submit its annual report for a period of thirty (30) years after the closure date, as defined herein, unless ADEQ determines at an earlier time that groundwater monitoring is no longer required, in which case AJLC's obligations under this section are terminated.

Questions for staff:

PZ-2-16 Apache Junction Landfill

Corporation

Proposed Planned Development Major Amendment