



MEMORANDUM **Transportation & Development – CC Memo No. 12-078**

DATE: JUNE 28, 2012

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
 JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
 KEVIN MAYO, PLANNING MANAGER *KM*

FROM: DAVID DE LA TORRE, AICP, PRINCIPAL PLANNER *DDLT*

SUBJECT: GPA12-0001 AGGREGATE SOURCES
 Adoption of Resolution No. 4624

Request: Amend the Land Use Element of the Chandler General Plan to address aggregate sources as required by Arizona Revised Statutes

Applicant: City Initiative

RECOMMENDATION

Planning Commission and Staff recommend approval of the proposed text amendment to address a new requirement from Arizona Revised Statutes regarding aggregate sources.

BACKGROUND

Arizona Senate Bill 1598, passed during the 2011 legislative session, applied a number of new regulations to local governments. One of these new regulations requires the Land Use Element of the General Plan to identify sources of aggregates and establish policies to preserve those resources and avoid incompatible land uses.

Aggregates are particulate materials such as sand, gravel and crushed stone, used in construction to make concrete and are typically mined from riverbeds. The law was adopted to minimize conflicts between aggregate mining and nearby residents which may be affected by noise, dust or other impacts associated with mining activities.

As adopted, Arizona Revised Statute 9-461.05.C.1(g) requires the Land Use Element of the General Plan to:

“include sources of currently identified aggregates from maps that are available from state agencies, policies to preserve currently identified aggregates sufficient for future development and policies to avoid incompatible land uses, except that this subdivision shall not be construed to affect any permitted underground storage facility or limit any person’s right to obtain a permit for an underground storage facility pursuant to Title 45, Chapter 3.1.”

Staff obtained maps from Arizona Geological Survey, Arizona Department of Transportation and the Arizona Department of Mines and Mineral Resources, all of which indicate there are no currently identified sources of aggregate within the City of Chandler’s municipal planning boundaries.

DISCUSSION

In order to eliminate any ambiguity whether this requirement has been addressed, the proposed text amendment simply states that there are no currently identified sources of aggregate in Chandler.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- As required by Arizona Revised Statutes, hearing dates for Planning Commission and City Council as well as availability of a summary related to the hearing has been published in the newspaper at least fifteen and not more than thirty calendar days before each hearing.
- As required by Arizona Revised Statutes, notices were sent to the following agencies to advise and provide an opportunity to comment: Maricopa County, Chandler Unified School District, Gilbert Unified School District, Mesa Unified School District, Kyrene Elementary School District, Maricopa Association of Governments, City of Phoenix, City of Tempe, City of Mesa, Town of Gilbert, APS, SRP, Gila River Indian Community, Arizona Department of Transportation, Arizona Department of Mines and Mineral Resources and the Arizona Geological Survey, Chandler Chamber of Commerce, and Valley Partnership.

PLANNING COMMISSION VOTE REPORT

Motion to approve:

In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Planning Commission and Staff recommend approval of the proposed text amendment to address a new requirement from Arizona Revised Statutes regarding aggregate sources.

PROPOSED MOTION

Move to adopt Resolution No. 4624 approving General Plan amendment GPA12-0001 AGGREGATE SOURCES, as recommended by Planning Commission and Staff.

Attachments

1. Resolution No. 4624

RESOLUTION 4624

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN ADOPTED BY CITY COUNCIL ON JUNE 26, 2008 AND RATIFIED BY VOTERS ON NOVEMBER 4, 2008 BY ADDRESSING SOURCES OF AGGREGATE IN COMPLIANCE WITH TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES.

WHEREAS, the Chandler City Council has resolved by previous resolution that it expects to expand, modify, or otherwise update the General Plan as provided for by law or as deemed appropriate in the opinion of the City Council; and

WHEREAS, in accordance with Arizona Revised Statutes, the Land Use Element of the General Plan is required to include sources of currently identified aggregates from maps that are available from state agencies, policies to preserve currently identified aggregates sufficient for future development and policies to avoid incompatible land uses; and

WHEREAS, this amendment does not meet the criteria for a major general plan amendment; and

WHEREAS, all State of Arizona legal requirements for a non-major amendment to the General Plan have been met, including a public hearing held by the Planning Commission on June 20, 2012;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

SECTION 1. Page 30 of the Land Use Element of the General Plan adopted by Council on June 26, 2008 and ratified by voters on November 4, 2008, is hereby amended by adding the following text immediately above the section titled Build-Out Policies:

Sources of Aggregates

Arizona Revised Statutes Section 9-461.05.C.1(g) requires the Land Use Element to include sources of currently identified aggregates from maps that are available from state agencies, policies to preserve currently identified aggregates sufficient for future development and policies to avoid incompatible land uses.

Maps obtained from the Arizona Geological Survey, the Arizona Department of Transportation and the Arizona Department of Mines and Mineral Resources that identify the location of aggregate mining operations indicate there are no currently identified sources of aggregate within the City of Chandler's municipal planning.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2012.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4624 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2012, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY GAB