

#8

DEC 08 2014

**ORDINANCE NO. 4584**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING A DECREASE IN THE PERMIT SETBACK AREA ESTABLISHED IN ADEQ RULE R18-9-B201(I) FOR THE CITY'S OCOTILLO WATER RECLAMATION FACILITY ALONG OLD PRICE ROAD SOUTH OF QUEEN CREEK ROAD.**

WHEREAS, the City of Chandler has applied to the Arizona Department of Environmental Quality (ADEQ) for an Aquifer Protection Permit to allow the expansion of the City's Ocotillo Water Reclamation Facility (the "OWRF").

WHEREAS, the OWRF is situated on three (3) contiguous parcels of land which parcels run north to south from the southeast corner of the intersection of Old Price Road and Queen Creek Road in Chandler, Arizona; and

WHEREAS, ADEQ's permit setback requirement applicable to the OWRF expansion, as established under ADEQ Rule R18-9-B201(I), cannot be met unless the City either acquires title to portions of private land parcels adjacent to or near the OWRF or obtains written setback waivers (in the form of buffer easements) from the owners of the private land parcels; and

WHEREAS, ADEQ Rule R18-9-B201(I) also provides for the decrease in the permit setback requirement if allowed by local ordinance, and ADEQ staff has represented in writing that, with respect to the OWRF expansion, the City does have the option of meeting the permit setback requirement by adopting an ordinance that decreases the setback; and

WHEREAS, the City's Municipal Utilities Department, which is responsible for operation of the OWRF, recommends that the City utilize this option;

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

A. In compliance with ADEQ regulations and upon the written representation received from ADEQ staff, the setback area established in ADEQ Rule R18-9-B201(I) for the OWRF is decreased (i) to one hundred twenty feet (120') for the southernmost parcel, except for a portion of the northeast corner of the parcel extending south for approximately four hundred feet (400'), and (ii) to one hundred fifty feet (150') for the two northernmost parcels and for the portion of the northeast corner of the southernmost parcel extending south for approximately four hundred feet (400'), as measured from the treatment and disposal components installed at the OWRF to the nearest property line of any adjacent dwelling, workplace or private property. The setback area is further depicted in Exhibit A, attached hereto and incorporated herein by reference.

B. No disposal component, treatment component, or any other odor-emitting component of the OWRF shall encroach into the setback area.

C. As used in this Ordinance:

1. A *treatment component* means any part of a plant, device, unit process, or other treatment works used for treating, stabilizing, or holding municipal or domestic sewage at the OWRF; and

2. A *disposal component* means any part of the system for disposing of treated wastewater generated by any treatment works of the OWRF, whether by surface or subsurface methods, but does not include any related reclaimed water distribution system whose activities are regulated under ADEQ Rules found in the Arizona Administrative Code, Title 18, Chapter 9, Article 7.

D. The City shall not operate the OWRF so that it emits an offensive odor on a persistent basis beyond the setback distances stated herein.

E. This Ordinance applies only to the components of the OWRF associated with its function as a wastewater treatment facility, but does not include the components of any related reclaimed water distribution system or the components of any related sewage collection system. A *sewage collection system* means a system of pipelines, conduits, manholes, pumping stations, force mains, and all other structures, devices, and appurtenances that collect, contain, and convey sewage from its sources to the entry of the OWRF.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4584 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *GAB*

**Exhibit A to Ordinance No. 4584  
Depiction of Setbacks Requirements**



LEGAL DESCRIPTION  
City of Chandler Ocotillo Water Treatment Facility  
Aesthetic Setback

All that portion of the East half of Section 18, Township 2 South, Range 5 East of the Gila and Salt River Meridian described as follows:

COMMENCING at a 3" MCDOT Brass Cap in Handhole marking the Northwest Corner of said Section 18 from which a 1" Iron Pipe marking the West One-Quarter Corner of said Section 18 bears S 00°18'39" E, a distance of 2644.36 feet;

THENCE along said West line S 00°18'39" E, a distance of 65.01 feet to the South Right-of-Way line of Queen Creek Road and the POINT OF BEGINNING;

THENCE along said South Right-of-Way line the following courses:

THENCE N 88°56'24" E, a distance of 724.36 feet;

THENCE S 87°20'26" E, a distance of 92.49 feet;

THENCE N 88°56'24" E, a distance of 177.27 feet;

THENCE S 01°03'36" E, a distance of 4.00 feet;

THENCE N 88°56'24" E, a distance of 46.05 feet;

THENCE leaving the South Right-of-Way line S 01°03'37" E, a distance of 131.29 feet;

THENCE S 88°56'23" W, a distance of 11.75 feet;

THENCE S 01°03'37" E, a distance of 136.36 feet;

THENCE N 88°56'23" E, a distance of 209.00 feet;

THENCE N 01°03'37" W, a distance of 11.75 feet;

THENCE N 88°56'23" E, a distance of 85.70 feet to the West Right-of-Way line of Price Road;

THENCE along said West Right-of-Way line the following courses:

THENCE S 01°03'37" E, a distance of 72.10 feet;

THENCE N 88°56'23" E, a distance of 6.00 feet;

THENCE S 01°03'37" E, a distance of 241.08 feet to the beginning of a tangent curve concave northeasterly having a radius of 1315.00 feet and a chord bearing S 16°32'47" E;

THENCE Southeasterly along the arc of said curve through a central angle of  $30^{\circ}58'20''$  for an arc distance of 710.85 feet to a point of non-tangency;

THENCE leaving said West Right-of-Way line  $S 88^{\circ}54'26'' W$ , a distance of 206.27 feet to the Northeast corner of Lot 2 of said Section 18;

THENCE along the East line of said Lot 2,  $S 00^{\circ}14'29'' E$ , a distance of 1321.53 feet to the Northeast corner of Lot 3 of said Section 18;

THENCE along the East line of said Lot 3,  $S 01^{\circ}11'13'' E$  a distance of 1329.03 feet; to the Southeast corner of said Lot 3;

THENCE along the South line of said Lot 3,  $S 89^{\circ}01'48'' W$ , a distance of 1324.58 feet to the Southwest corner of said Lot 3;

THENCE along the West line of said Lot 3,  $N 00^{\circ}12'08'' W$ , a distance of 1325.12 feet to the Southwest corner of said Lot 2;

THENCE along the West line of said Lot 2,  $N 00^{\circ}18'39'' W$ , a distance of 1322.56 feet to the Northwest corner of said Lot 2, said point hereinafter referred to as Point "A";

THENCE  $N 00^{\circ}18'39'' W$ , a distance of 1256.80 feet to the POINT OF BEGINNING

Excepting therefrom the following described parcel:

COMMENCING at the above mentioned Point "A";

THENCE  $N 88^{\circ}54'26'' E$ , a distance of 150.00 feet to the POINT OF BEGINNING;

THENCE  $N 00^{\circ}18'39'' W$ , a distance of 1108.74 feet;

THENCE  $N 88^{\circ}56'24'' E$ , a distance of 571.43 feet;

THENCE  $S 87^{\circ}20'26'' E$ , a distance of 92.49 feet;

THENCE  $N 88^{\circ}56'24'' E$ , a distance of 66.44 feet;

THENCE  $S 01^{\circ}03'37'' E$ , a distance of 121.65 feet to the beginning of a tangent curve concave northeasterly, having a radius of 150.00 feet and a chord bearing  $S 46^{\circ}03'37'' E$ ;

THENCE Southeasterly along the arc of said curve through a central angle of  $90^{\circ}00'00''$  for an arc distance of 235.62 feet, to a point of tangency;

THENCE  $N 88^{\circ}56'23'' E$ , a distance of 150.70 feet;

THENCE S 01°03'37" E, a distance of 151.43 feet to the beginning of a tangent curve concave Northeasterly having a radius of 1465.00 feet and a chord bearing S 11°35'57" E;

THENCE Southeasterly along the arc of said curve through a central angle of 21°04'40" for an arc distance of 538.94 feet, to a point of non-tangency;

THENCE S 88°54'26" W, a distance of 114.66 feet;

THENCE S 00°14'29" E, a distance of 1469.24 feet;

THENCE 01°11'13" E, a distance of 343.99 feet;

THENCE N 88°48'47" E, a distance of 30.00 feet;

THENCE S 01°11'13" E, a distance of 866.59 feet;

THENCE S 89°01'48" W, a distance of 1084.59 feet;

THENCE N 00°12'08" W, a distance of 1205.47 feet;

THENCE S 88°51'41" W, a distance of 30.00 feet;

THENCE N 00°18'39" W, a distance of 1320.39 feet to the POINT OF BEGINNING

Said Parcel Contains 1,409,953 Sq. Ft. (32.37 acres), more or less.



Expires 3/31/2016



POINT "A"  
 NW CORNER LOT 2  
 SECTION 18, T2S, R5E  
 FD. 2" ALUMINUM CAP  
 "PS 32222"

MATCH LINE SHEET 1

L16

POB  
 EXCEPTION PARCEL

AESTHETIC SETBACK  
 BOUNDARY

LOT 2, SECTION 18  
 APN: 303-37-001H

AESTHETIC SETBACK  
 BOUNDARY

OLD PRICE ROAD N00°18'39"W 1322.56'

N00°18'39"W 1320.39'

150'

S00°14'29"E 1469.24'

150'

S00°14'29"E 1321.53'

L27

MATCH LINE SHEET 3

W 1/4 CORNER  
 SECTION 18, T2S, R5E  
 FD. 1" IRON PIPE

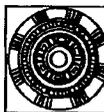
LEGEND

-  AESTHETIC SETBACK AREA
-  MCDOT
-  COC
-  BCHH
-  POB
- MARICOPA DEPARTMENT OF TRANSPORTATION
- CITY OF CHANDLER
- BRASS CAP IN HANDHOLE
- POINT OF BEGINNING



EXPIRES: 3/31/2016

LEGAL EXHIBIT  
 AESTHETIC SETBACK



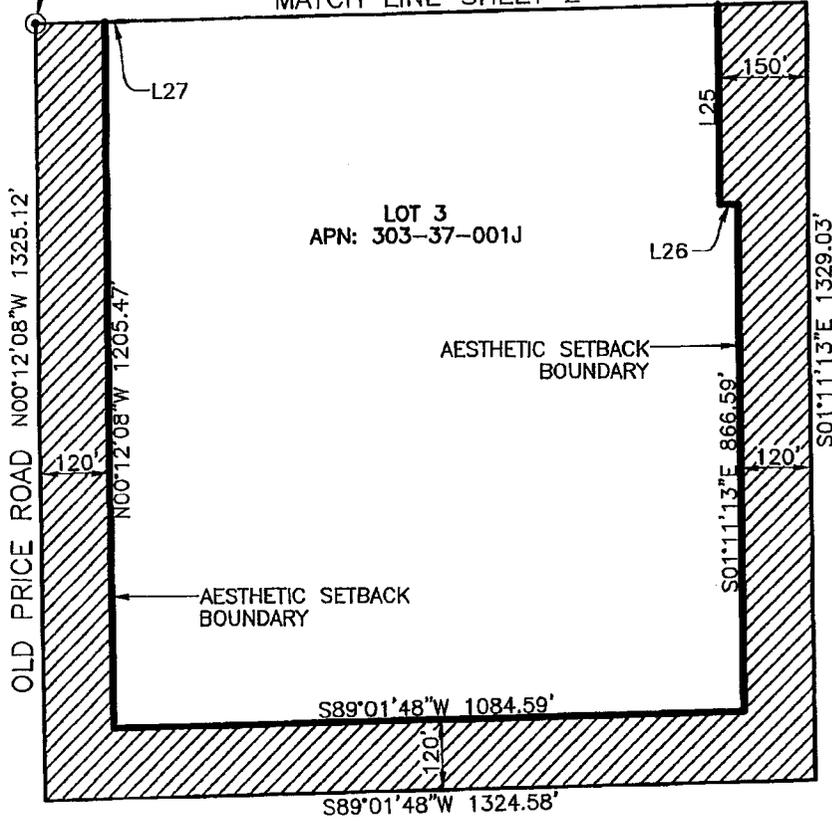
**AZTEC ENGINEERING**

4561 E. McDowell Rd., Phoenix, AZ 85008  
 Tel:(602)454-0402 Fax:(602)454-0403  
 website: www.aztec.us

DR: CWH	CK: ADR	SHEET NO.	TOTAL SHEETS
DATE: 9-10-14		2	4
SCALE: N.T.S			

W 1/4 CORNER  
SECTION 18, T2S, R5E  
FD. 1" IRON PIPE

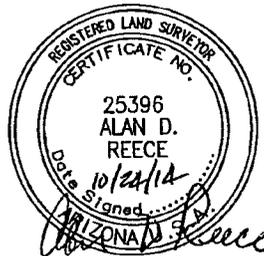
MATCH LINE SHEET 2



NOTE: LOT 3 IS SHOWN BASED ON RECORD DATA. NO FIELD SURVEY WAS PERFORMED FOR LOT 3.

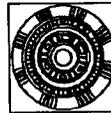
**LEGEND**

- AESTHETIC SETBACK AREA
- MCDOT
- MARICOPA DEPARTMENT OF TRANSPORTATION
- CITY OF CHANDLER
- BRASS CAP IN HANDHOLE
- POINT OF BEGINNING



EXPIRES: 3/31/2016

**LEGAL EXHIBIT  
AESTHETIC SETBACK**



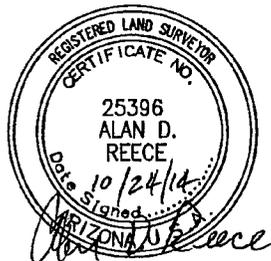
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DR: TFR	CK: ADR	SHEET NO.	TOTAL SHEETS
DATE: 10-20-14		3	4
SCALE: N.T.S			

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°18'39"E	65.01'
L2	N88°56'24"E	724.36'
L3	S87°20'26"E	92.49'
L4	N88°56'24"E	177.27'
L5	S01°03'36"E	4.00'
L6	N88°56'24"E	46.05'
L7	S01°03'37"E	131.29'
L8	S88°56'23"W	11.75'
L9	S01°03'37"E	136.36'
L10	N88°56'23"E	209.00'
L11	N01°03'37"W	11.75'
L12	N88°56'23"E	85.70'
L13	S01°03'37"E	72.10'
L14	N88°56'23"E	6.00'
L15	S01°03'37"E	241.08'
L16	S88°54'26"W	206.27'
L17	N88°54'26"E	150.00'
L18	S87°20'26"E	92.49'
L19	N88°56'24"E	66.44'
L20	S01°03'37"E	121.65'
L21	N88°56'23"E	150.70'
L22	S01°03'37"E	151.43'
L23	S88°54'26"W	114.66'
L24	S00°14'29"E	1469.24'
L25	S01°11'13"E	343.99'
L26	N88°48'47"E	30.00'
L27	S88°51'41"W	30.00'

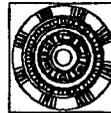
CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	30°58'20"	1315.00'	710.85'	S16°32'47"E	702.22'
C2	90°00'00"	150.00'	235.62'	S46°03'37"E	212.13'
C3	21°04'40"	1465.00'	538.94'	S11°35'57"E	535.91'

AESTHETIC SETBACK  
 AREA = 1,409,953 SQ.FT. (32.37 ACRES)



EXPIRES: 3/31/2016

**LEGAL EXHIBIT  
 AESTHETIC SETBACK**



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