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MEMORANDUM **Transportation & Development - PZ Memo No. 12-054**

DATE: JUNE 5, 2012

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER KM

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

SUBJECT: GPA12-0001 AGGREGATE SOURCES GENERAL PLAN AMENDMENT

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

Staff recommends approval of the proposed text amendment that addresses a new requirement in 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) reads:

> The general plan shall include a land use element that "includes 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

While Staff found no sources of aggregate identified within Chandler's municipal planning boundaries, the proposed text amendment would simply state so in order to eliminate any ambiguity whether this requirement has been addressed.

The proposed text amendment does not meet the criteria for a Major Amendment as defined on page 15 of the General Plan. Therefore, the proposal is being processed as a minor amendment, which requires only one hearing with the Planning Commission.

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.

RECOMMENDED ACTION

Staff recommends approval of the proposed text amendment that addresses a new requirement in Arizona Revised Statutes regarding aggregate sources.

PROPOSED MOTION

Move to recommend approval of GPA12-0001 AGGREGATE SOURCES GENERAL PLAN AMENDMENT, as recommended by Staff.

Attachments

1. Page 30 of the General Plan (proposed text amendment)

Maximum land utilization called for in the General Plan proves the greatest land use opportunity for certain locations. For example, a growth area or innovation zone designation invites creative ideas for developers to intensify property utilization (see "Growth Areas Toward Build-Out Element" for description and illustration of the innovation concept). Other sites may be considered if they meet qualifying criteria (such as adequacy of transportation access, among others).

Building heights, on judiciously selected sites, can create opportunity for land efficiency. Taller buildings that accommodate greater floor areas or more dwelling units represent savings in land costs -- which may be passed along to ultimate users. Building heights greater than forty-five (45) feet should be considered in accordance with the Mid-rise Development Policy and any subsequent amendments to the policy adopted by City Council.

There is also a teamwork advantage inherent in this land use planning approach. Cooperation among landowners, neighborhoods, City officials and staff intends to achieve consensus on highest and best use for all properties involved in Chandler's build-out.

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 area as of June 2012.

Build-Out Policies

Chandler's impending build-out puts greater emphasis on making the right land use decisions. All General Plan Elements contribute to land use principles, all helping to focus on the best ways for both public and private interests to deploy or reevaluate the City's remaining land resources. Strategically selective land use decisions are intended to produce sustainable economic benefits. Ways to assure continued prosperity suggest that the City should:

- Evaluate sustainability and municipal cost-benefit of proposed land uses.
- Resist attempts to convert acreage reserved for non-residential development into housing use, except when additional residential is needed to support existing commercial uses or when a property's potential for commercial development is limited by its size, shape, orientation, accessibility or visibility.
- Attract emerging businesses and employment that will utilize a highly compensated brainpower workforce.