



**NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT**

STAFF REPORT

PLANNING & ZONING

HEARING DATE: August 20, 2015
CASE#: 15-20
ACTION: Special Use Permit - Amendment
PROJECT NAME: Pen-Rob, Inc. Painted Desert Landfill

PARCEL INFORMATION:

Owner/Applicant: Pen-Rob Inc.
Location: 9001 Porter Avenue, Joseph City, AZ
APN: 104-21-002A, 002B, & 002C
Legal Desc: A portion of Section 33, Township 19 North, Range 19 East, of the Gila & Salt River Meridian.
District: II
Parcel Size: 640 Acres

REQUEST: Pen-Rob, Inc. / Painted Desert Landfill is requesting a Special Use Permit Amendment for their Waste Management landfill in the Joseph City area. The Zoning Ordinance requires that any use which needs a building permit located in IND-2 Zoning shall be approved by the Board of Supervisors after report from the Commission.

GENERAL CHARACTER OF NEIGHBORHOOD:

ZONING DISTRICTS:

Current: A-General

Section 301 - Purpose.

The main purpose of this A-General Zone is to provide for all the unincorporated area of the County, except land within the boundary of a reservation and outside the authority of Navajo County not otherwise designated for some other specific zone, to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. **Other uses may be permitted as Special Uses under Article 20.**

Article 20: Special Uses

Section 2001 – Special Uses

36. Landfills with the following conditions:

Landfills may be permitted in Navajo County in the rural, industrial and A-General districts only subject to securing a Special Use Permit and the development standards listed below. Landfills shall be classified according to the type(s) of waste(s) they may accept for disposal. Surface impoundments, including but not limited to evaporation ponds, settling ponds, storm water retention ponds, and sewage treatment ponds are not landfills. Fill material approved by the Building Department consisting primarily of inert materials as defined by the State of Arizona and intended for construction grading may be exempt from this section subject to receiving a grading permit from the Building Department.

Section 2003 - Special Requirements Applicable To Landfills.

Applications for a Special Use Permit for landfills must be submitted and reviewed in accordance with Article 20. In addition, the following information must be provided:

1. A listing of all applicable Federal, State and local regulations that govern the proposed use.
2. A proposed "Health and Safety Plan" (Plan) as described in Appendix A of this ordinance.
3. The method(s) of land-filling proposed.
4. The proposed hours of operation and delivery of waste shipments.
5. The petitioner must provide the documents necessary to support compliance with Section 2001.28 & 2002.

FINDINGS OF FACT:

1. The legal notice for this item has been printed in the Holbrook Tribune, in compliance with Arizona Revised Statutes and Article 29.

2. The applicant has submitted supporting documents required by Section 1902, and said plans and supporting documents are complete and adequate for the Commission's purposes.
3. The subject property is Zoned A-General, an area that allows the requested use subject to securing a Site Plan Review.
4. Staff has reviewed the submitted materials, site plans and related exhibits in accordance with the Navajo County Zoning Ordinance requirements for a Site Plan Review. Staff finds that the submitted documentation conforms to the requirements of the Ordinance and the promotion of the health, safety and welfare of the public.

PUBLIC COMMENTS & CONCERNS:

As of the date of preparation of this staff report, 0 comments in favor and 0 opposed have been expressed by the public.

DEPARTMENT COMMENTS:

COUNTY ATTORNEY'S OFFICE: "No legal issues with this request."

Initial: B.C.

ENGINEERING COMMENTS: No issues with this request.

Initial: B.B.

FLOOD CONTROL COMMENTS: No issues with this request.

Initial: B.B.

PLANNING & ZONING DEPARTMENT: Staff recommends approval.

Initial: D.W.

PLANNING AND ZONING RECOMMENDATION: Should the Commission approve this Special Use Permit Amendment, staff recommends the following changes be applied:

Resolution 09-01, Stipulation 3 currently reads:

- "This Special Use Permit shall run with the land for an initial period of 40 years, during which compliance shall be reviewed by the Board of Supervisors each ten years. Thereafter, the Board of Supervisors may, at its discretion extend the permit for one or more additional period(s) of ten years each."

Resolution 09-01, Stipulation 3, to be amended to read:

- “This Special Use Permit shall expire at the time when all conditions listed in the existing or amended solid waste facility plan as approved by ADEQ have been complied with and ADEQ has issued an approval to close the landfill.”

Resolution 64-91, Stipulation 26 currently reads:

- “The Pen-Rob Special Use Permit application will include provisions that the landfill be closed to the public.”

Resolution 64-91, Stipulation 26, to be amended to read:

- “The Pen-Rob landfill is open to the public.”



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive

Holbrook, Arizona 86025

(928) 524-4100 FAX (928) 524-4122

www.navajocountyaz.gov

SPECIAL USE PERMIT APPLICATION

(also to be used for an Amendment to an approved/existing Special Use Permit)

SITE & PROPOSAL INFORMATION:

PROJECT NAME: Painted Desert Landfill - 2015 SUP Modification Request

PROPOSED USE OF PROPERTY: municipal solid waste landfill

SPECIAL USE CATEGORY: landfill

LOCATION (include nearest town/community): Joseph City

GENERAL DIRECTIONS TO PARCEL: from SR 66 head north on Porter for approximate 3 miles

ADDRESS (if known): 9001 N Porter Ave, Joseph City, AZ 86032

PROPERTY SIZE: 640 acres; 27,878,400 square feet

LEGAL DESCRIPTION: Township 19N North, Range 19E East, Section(s) 33

ASSESSOR PARCEL NO.: 104-01-002A, 104-01-002B, 104-0-002C

SUBDIVISION NAME: _____ LOT #: _____

PRESENT USE OF PROPERTY: municipal solid waste landfill

CURRENT ZONING: Industrial-II

PROPOSED ZONING: Industrial-II

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Pen-Rob, Inc.

OWNER PHONE NO.: 480-457-4700 FAX #: _____

OWNER EMAIL ADDRESS: ddiemer@wm.com

OWNER MAILING ADDRESS: 222 S Mill Ave, Suite 333

CITY: Tempe STATE: AZ ZIP CODE: 85281

DATE OF OWNERSHIP: July 16, 1998

CONTACT NAME: Gary Hunt

COMPANY NAME: Pen-Rob, Inc.

CONTACT PHONE NO.: 928-288-3605 FAX #: _____

CONTACT EMAIL ADDRESS: ghunt@wm.com

CONTACT MAILING ADDRESS: 9001 N Porter Ave

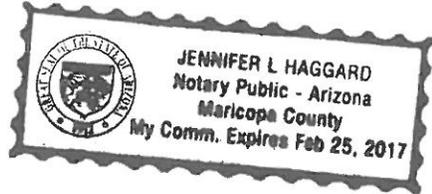
CITY: Joseph City STATE: AZ ZIP CODE: 86032

OWNER'S AFFIDAVIT:

I, (print name) S. H. A. Bradley, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

[Signature]
Owner's Signature

STATE OF _____)
COUNTY OF _____) SS



Sworn and subscribed before me on this 1st Day of JUNE, 2015

[Signature]
Notary Public

February 25, 2017
My Commission Expires

For Staff use only:

Accepted by: _____

Date: _____

Submittal Approved: _____

Date: _____

Fee: _____

Case #: _____

Planning Commission: _____

Action: _____

Board of Supervisors: _____

Action: _____

Notes / Stipulations: _____



Waste Management of Arizona, Inc.
222 South Mill Avenue, Suite 333
Tempe, Arizona 85281
(480) 457-4705

June 19, 2015

Homero Vela
Public Works Department
Navajo County Planning & Zoning Department
P.O. Box 668
100 East Code Talkers Drive
Holbrook, Arizona 86025

Subject: Request for Special Use Permit Modification – Project Narrative
Painted Desert Landfill
Navajo County Resolution Nos.: 28-83, 64-91, 09-01, and 80-02

Dear Mr. Vela:

Waste Management of Arizona, Inc. (WMA) and the Painted Desert Landfill (PDL) located in Joseph City, Arizona, have an approved Special Waste Permit through Navajo County to operate a Class II waste disposal facility located at 9000 Porter Avenue in Joseph City. The Special Use Permit (SUP) was reviewed and approved by Navajo County originally under the name of Pen-Rob Landfill and then later under WMA. The County findings are detailed in Navajo County Resolution numbers 28-83, 64-91, 09-01, and 80-02.

WMA has reviewed the SUP as currently approved and are providing this SUP Application to request modifications to the following stipulations:

- Resolution 09-01, Stipulation 3 – “This Special Use Permit shall run with the land for an initial period of 40 years, during which compliance shall be reviewed by the Board of Supervisors each ten years. Thereafter, the Board of Supervisors may, at its discretion, extend the permit for one or more additional period(s) of ten years each.”
- Resolution 64-91, Stipulation 26 – “The Pen-Rob Special Use Permit application will include provisions that the landfill be closed to the public.”

As required by the Navajo County Planning and Zoning Department, WMA is providing this Narrative along with copies of the Site Plan, Vicinity Map, Application Fee, and completed Application.

Resolution 09-01, Stipulation 3

Regional landfills typically have life spans in excess of 100 years from acceptance of the first waste to full closure. The site life is calculated from permitted excavation and final grades and the volume of incoming waste, which is affected by population, recycling rates, construction, and other economic factors. Currently, PDL is expecting a site life in excess of 150 years based on current waste volume projections and the permitted grades. Because of the longevity of the site, WMA would like to request that the SUP Stipulation be amended to be active for the life of site.

Modification of the Stipulation will not affect the Board’s ability to inspect the facility (Resolution 64-91, Stipulation 29 and Resolution 09-01, Stipulation 10). Modification of the Stipulation will not jeopardize

the County's ability to hold PDL to the County, State and Federal regulations for landfills (Resolution 64-91, Stipulation 27). This modification will bring the SUP for PDL in line with other landfills owned and operated by WMA in Arizona.

WMA would like to modify Resolution 09-01, Stipulation 3 to read:

"This Special Use Permit shall expire at the time when all conditions listed in the existing or amended solid waste facility plan as approved by ADEQ have been complied with and ADEQ has issued an approval to close the landfill."

Resolution 64-91, Stipulation 26

In an effort to ensure that residents of Joseph City used the local transfer station covered under their city solid waste fees, Stipulation 26 was added to Resolution 64-91. However, the site has had to turn away individuals coming from Holbrook, Winslow and the surrounding communities wishing to use the landfill. WMA would like to allow public access to the facility.

Residential customers would have their vehicle weighed entering and leaving the site to capture the waste tonnage received. Residential customers would be expected to follow the same safety requirements as our commercial drivers including speed limits, spacing, and use of reflective vests at the working face. New residential customers will be expected to use Lacy Lane as their access to the site and will be provided a handout showing the approved landfill access route.

WMA would like to modify Resolution 64-91, Stipulation 26 to read:

"The Pen-Rob landfill is open to the public."

A completed Special Use Permit Application and check for \$500 to cover the fee for Revisions to Conditions is attached to this Project Narrative. Per the application, one original and eleven copies of the submittal are provided. We appreciate your consideration of this request. If you should have any questions regarding the above narrative or the application attachments, please do not hesitate to contact me at 602-763-6218. We look forward to your response.

Very truly yours,

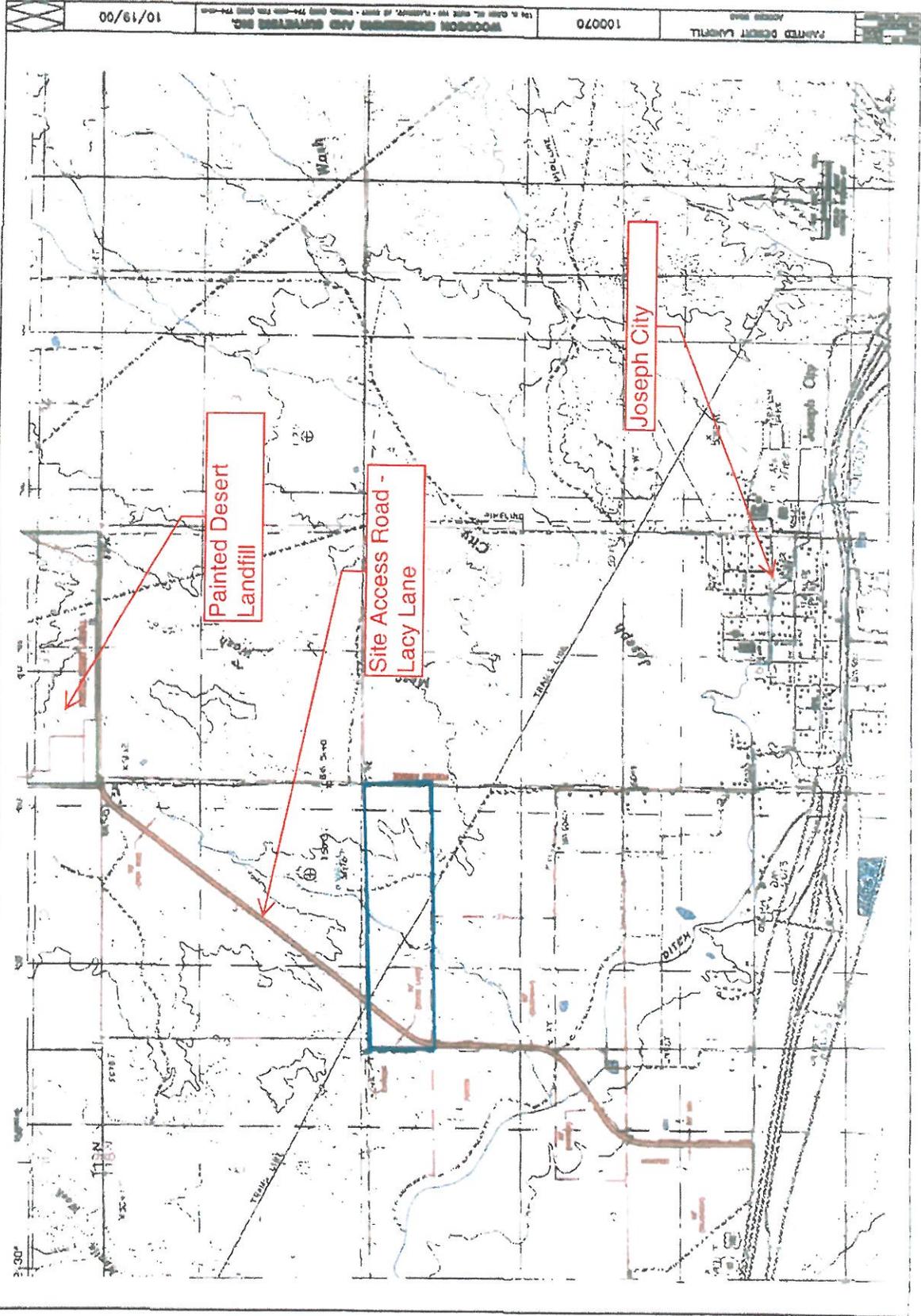
WASTE MANAGEMENT OF ARIZONA, INC.



Jessica Walko, P.E.
Engineer II

cc: Rodney Walter II, WMA
Jack Kolopanis, WMA
Gary Hunt, Painted Desert Landfill, WMA

Painted Desert Landfill State Land



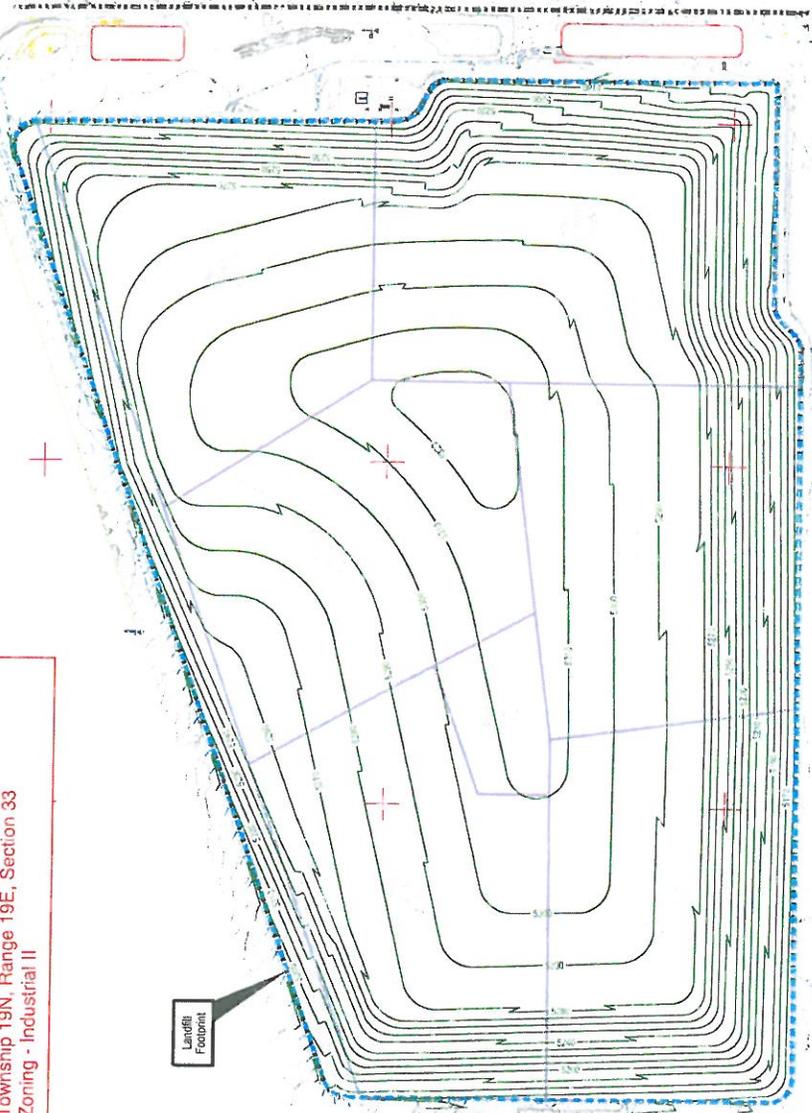


Painted Desert Landfill
 Municipal Solid Waste Landfill
 Site Size - 640 Acres
 Permitted Landfill - 275 Acres
 Address: 9001 N Porter Ave, Joseph City, AZ 86032
 Parcel # 104-01-002A, 002B, 002C
 Township 19N, Range 19E, Section 33
 Zoning - Industrial II

Utilities:
 Water - on site well water
 Septic - on site holding tank
 (pumped by WM Port-O-Let)
 Power - APS

Landfill
 Footprint

Property
 Boundary



WM
WASTE MANAGEMENT

SCALE: 1" = 50'
0 250 500

Permitted Final Grading Plan
 By Comeston, dated 2012

Project Location
 Painted Desert Landfill
 Joseph City, AZ

Approved By: [Signature] Date: [Blank]
 Checked By: [Signature] Date: [Blank]
 Drawn By: [Signature] Date: [Blank]

Revisions

No.	Description	Date

Dr. ing No.: 7772 - 061 - 48 - 03
 Sheet No.: AS Sheet
 Date: 4-1-15
 Sheet Number: 3

Joseph City Utilities
PO BOX 147
4504 1st North Joseph City, AZ 86032
Phone (928)288-3455
Fax (844)257-0248
Email jcuandrea@gmail.com



JUNE 18, 2015

Attn: To Whom it May Concern

In regards to your proposal to open your landfill to the public, we would like to inform you that you will not be in competition with Joseph City Utilities and the board of directors is aware and in consent of your intentions. We have been and will continue to have a good relationship with your company.

A handwritten signature in black ink, appearing to read 'Andrew Bushman', followed by a long horizontal line extending to the right.

Andrew Bushman
BOARD PRESIDENT

RESOLUTION NO. 15-13P

**A RESOLUTION OF THE NAVAJO COUNTY PLANNING &
ZONING COMMISSION RECOMMENDING APPROVAL OF A
SPECIAL USE PERMIT AMENDMENT FOR PEN-ROB, INC. –
PAINTED DESERT LANDFILL**

WHEREAS, an application for a Special Use Permit was duly filed by Pen-Rob Inc., - Painted Desert Landfill for an Amendment to Resolutions 09-01, Stipulation 3, and Resolution 64-91 Stipulation 26; and

WHEREAS the application concerns the following real property in Navajo County: APN: 104-21-002A, 002B, & 002C, a.k.a. a portion of Section 33, Township 19 North, Range 19 East of G&SRM in the Joseph City area; and

WHEREAS, the applicant has the legal right to use the above described property according to the owner's affidavit, dated June 1, 2015; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing as well as the recommendations of staff, finds that the Special Use Permit Amendment is consistent with the public health, safety and general welfare and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby recommends **APPROVAL** of the Special Use Permit Amendment as follows:

Resolution 09-01, Stipulation 3 currently reads:

“This Special Use Permit shall run with the land for an initial period of 40 years, during which compliance shall be reviewed by the Board of Supervisors each ten years. Thereafter, the Board of Supervisors may, at its discretion extend the permit for one or more additional period(s) of ten years each.”

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complied with and ADEQ has issued an approval to close the landfill.”

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- “The Pen-Rob landfill is open to the public.”

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on August 20, 2015.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Commission