



**MEETING OF THE
TAYLOR PLANNING & ZONING COMMISSION
ON TUESDAY JANUARY 4, 2011
AT 7:00 P.M. AT
TAYLOR TOWN HALL
425 W. PAPER MILL ROAD**

Commission Members Present: Chairperson Merry Nutter, Vice-Chair Eric Ritz, Jack Babb, Loretta Whitlow

Commission Members Absent: Harold Meservey

Staff Present: Planning & Zoning Administrator Jeff Johnson, Administrative Assistant Kathy Hancock

Town Attorney: Sterling Solomon

Visitors: See list.

1. **Regular Meeting Called to Order:** Chairperson Merry Nutter called the meeting to order at 7:00 p.m.
2. **Open Call to the Public:** There were no comments from the public.
3. **Approval of Minutes: December 7, 2010 Planning & Zoning Commission Meeting.**—Motion made by Jack Babb, seconded by Loretta Whitlow, to approve the minutes of the December 7, 2010 Planning & Zoning Commission meeting as read. Motion passes.

Action; Approve, Deny, or Table New Business

4. **Old Business: Discussion and possible approval of a Conditional Use permit for a sand and gravel operation on parcel 202-22-003B.**—Bruce Ironside of Ironside Engineering is here representing Taylor Sand and Gravel regarding a request for a Conditional Use Permit (CUP), more of a continuing use for sand and gravel operation in Taylor. They have presented additional mapping and a narrative to help answer questions the commission might have. Eddie Hall and Renea Isaacs are also here as owners and operators to answer questions.

Merry Nutter had a concern with the location of the proposed access road with relation to nearby residents. Mr. Bruce said the property owners also own the property where the easement is coming through, it is an existing road and they are trying to minimize the impact to the existing neighborhood. The biggest issue they have with this operation that has been going on for years, is they are trying to get the access away from the new Lyon Crest Village subdivision over to the more industrial Paper Mill Rd. and thought it would be better to put the road where the existing gravel road is.

Eric Ritz asked staff if any neighbors that were at the previous meeting expressed concerns about dust or noise, etc. There have been no comments from public since the last meeting.

Renea Isaacs of South West Rock Products said the property is all fenced. There are two different entrances; the one off Paper Mill would be left open for trucks to move on to the road. There will be another gate where the barbed wire fences start so it can be locked to prevent access from anyone wanting to drive into other areas. The proposed hours of the operation are 7:00 a.m. to 5:00 p.m., Monday thru Friday. The road from Paper Mill will be gravel with the need for some additional gravel and minimal improvement. The applicants will add a tire scrub so mud is not tracked onto Paper Mill Rd. The scrub will

be set back a ways to keep down truck congestion and not block traffic. Mr. Bruce said they would commit to upgrade and maintain this road; this is also an ADEQ requirement. Lyon Crest Village is the closest residence from the proposed operation and it is about 1500' away.

Mr. Ritz asked for more explanation on what Mr. Hall is proposing in relation to the continuous operation since the 1970's and what that means. If this is a continuous operation, why are you here tonight for a CUP and what are you proposing to expand that is requiring a CUP? Mr. Bruce believes the main reason they are here and why they need a CUP is for the relocation of the access to Paper Mill Rd. Eddie Hall said the last time crushing operations were done was about 6 years ago. We still have inventory there, so it is fair to say we are restarting the crushing operation. There are two existing gravel pits, the west side will be the active pit, and the east side will be closed and not used at all. That area has been proposed for a housing development somewhere down the line. One of the reasons we want to open the pit would be to provide material for that development if and when the economy turns around. Mr. Hall said they do not want to use the road by the church on Casa Linda and they need another access. There is an existing fence by the gravel road that needs to be repaired, and they will do that.

Renea Isaacs said the economy would play a part as to how long the operation will last, she estimates about 5 to 10 years. If the economy picks up, they would be able to move it sooner. There will be no material brought in from other areas.

Mr. Ritz pointed out that sometime ago there was a crushing operation on this location. Since then there has been some significant development so now we have a parcel that is in city limits and is bounded on three sides by residential properties. While this parcel is zoned mixed use, we have a proposed subdivision going in right next to it. There are some concerns with an industrial operation in fairly close proximity to a residential development. It is curious that owners of both parcels have petitioned the town for both Industrial and Residential applications on the same property. The owners are bound by the Arizona Department of Environmental Quality (ADEQ), and state mining offices, but he takes no comfort in federal or state agencies trying to protect our town. He is interested in protecting the owners' opportunities and rights as well the neighbors. How do we give you the right to remove gravel without impinging on neighbor's rights to keep down the dust and noise?

Mr. Bruce replied that since this is not a master planned item with the town, we are in a unique situation. We do not necessarily want to develop the subdivision while the crushing operation is going on either. We are trying to get some of the material out of there, but if we can save \$5,000 per lot by producing material for our subdivision that we already have on site, that is significance.

Mr. Ritz said you are asking for a 10-year permit because you have other customers, not Pioneer Crossing. If you were asking for a permit to develop your subdivision, you would probably ask for a 1-year permit. If you are acknowledging that an adjacent sand and gravel operation would have an adverse impact on your sales of a new development, then it is also equally going to have an adverse effect on surrounding subdivisions. The neighbors that were here a few months ago voiced concerns about noise, dust, and access. Mr. Bruce answered that maybe the reason those people aren't here tonight is that when they found out what is going on with a little more clarification, it cleared up a lot of those issues.

Mr. Hall said the master plan is all one development and Pioneer Crossing will be the whole property. Right now Pioneer Crossing is not moving due to the economy. In the master plan, the rest of the pit will be an amphitheater and a lake. When the economy turns around, then it is a lot more enticing and beneficial for us to sell homes. Since 1970, no one has complained to us about dust. If you want to add a condition saying that when we are able, we must move the crusher into the hole, we will do that. We will follow and abide by the laws. If we get complaints, we will take care of them because if we do not, we will be fined. We eventually hope to have a 6' chain-link fence all the way around the operation to keep vandalism down.

The noise levels will not exceed OSHA and MSHA levels and they will monitor the decibels. South West Rock Products already has a plan set forward to take care of dust and noise.

Lonnie Sherwood made comment as a neighbor saying he lived there when the crusher was operating and they never remember hearing it, and there was no dust. As far as developments since then, there is none closer now than there was when the crusher was there before.

Motion made by Merry Nutter to approve with some conditions.

Before a second was made to Merry's motion, Mr. Ritz began to speak and then Sterling Solomon interrupted and clarified that no further discussion should take place until a second is made, the motion dies for lack of a second, or Merry rescinds her motion.

Merry Nutter rescinded the motion.

Mr. Ritz continued saying if dust has not been a concern historically, and people that were here before are not concerned about dust, either their concerns are unfounded or they have not experienced your crushing operation historically. You seem to be confident that there will not be dust complaints. I would like to discuss a CUP that incorporates that kind of confidence into the permit itself that says if a dust concern develops and there is an appreciable amount of concern about dust, what do we do at that point. The permit is conditional with an annual renewal or inspections that could be incorporated into the CUP. Eddie Hall said at all times, one employee has to be on the job site that has been to smoke school and certified for smoke, dust and pollution control. They have to record all of test and incidences so if the Environmental Protection Agency comes and looks at records and if there is excessive dust, etc. it has to be reported. If there are high winds, the operation usually shuts down.

Bruce Ironside added that the secondary access on Casa Linda was left on the map just to show that there is an access, but they do not intend to use it at all for commercial access.

Sterling Solomon informed the commission that the CUP expires every year, but it does have to be brought back by the Halls for renewal each year. New conditions can be added after the first year. Jeff Johnson will inform the commission of any complaints or inspections that have been done and give possible suggestions for new conditions.

Mr. Ritz mentioned that there was a fairly significant show of opposition when last discussed and wondered if letters were not sent to the neighbors this time, or if those concerns had been addressed. Given the CUP requirements to renew in a year, if during that year's timeframe there were expanded concern expressed by neighbors, at that point there would be a significant investment by the owners to operate the place. If we issue a

CUP it becomes doubly difficult to not renew it, and more painful perhaps for the owner. From a legal prospective, what does that look like for the town?

Sterling replied saying as far as the number of people that were here in November and your speculation that that might be because no letters went out, that was when the public hearing was scheduled. There is only one public hearing required, it was tabled at that time and brought back to this subsequent P&Z Commission meeting and that is why there isn't the significant show of opposition that there was before. That said, the record was made during that public hearing, that opposition is on record. As far as the one-year term, and appreciating the investment the Halls would have to make, which is an investment on a CUP that only lasts one year. This is something Halls as a business owner will have to go into with their eyes wide open, because from a business perspective, they could lose their permission for this conditional use in one year.

Motion made by Merry Nutter that we approve this Conditional Use Permit with the following conditions. Some of these conditions have to do with:

- **Fencing: The fencing that is currently there is to be brought up to standard with gates that latch and are locked.**
- **Within a year, we would like to see that 6' chain link fence up with all the trucks currently that are left there and equipment that is left there to have a secure locked area.**

At this time, Mr. Hall pointed out that they could have a 6' fence up in the area around the plant. He is talking about an area that when the trucks are parked, it would all be secured. He then indicated on the map where that area would be.

Merry continued with the motion saying the 6' fence as so indicated by the owner.

- **We would like to see the secure area for equipment completed within a year and the fence line by the neighborhood.**
- **Maintain and repair the existing fence as soon as possible.**
- **Maintain the boundary fence continually.**
- **We have already discussed that no other materials except for the materials that you are producing there will be used.**
- **The Casa Linda access shall be used for utility, passenger, and emergency vehicle access only, no heavy equipment.**
- **We would like to address the dust so if it is noticed that the dust is leaving the boundaries of your property, you will water down as soon as possible so that makes you a good neighbor as well as keeps complaints down.**
- **In a reasonable amount of time, you will provide weekend security.**
- **You will put the crusher into the pit as soon as possible.**
- **We would like to see compliance records be given to Jeff so that he knows that you are staying in compliance with your federal regulations and that he doesn't have to come over and ask somebody when he notices he hasn't got something. That eliminates time for you and time for him. If it readily available, then no one has to do a bunch of follow up.**
- **The time frame of your crushing activities will be 7:00 a.m. to 5:00 p.m., Monday through Friday.**
- **You will maintain a no track-out on the trucks. If they start tracking out, you will move them to another area.**

Mr. Hall said they would gravel the road to where any mud that comes off there should catch it in gravel.

- **We are maintaining that the operation is an aggregate mining and crushing operation and the aggregate operation is going to be maintained within the red boundaries so marked on your map as noted by Mr. Hall.**

Motion seconded by Jack Babb. Voting in favor; Jack Babb, Merry Nutter, and Loretta Whitlow. Opposed; Eric Ritz. Motion passes.

Action; Discuss, Approve, Deny or Table

- 5. Adjournment—Motion to adjourn the meeting made by Eric Ritz, seconded by Jack Babb. Voting was unanimous**

Meeting adjourned at 8:05 p.m.

Certification of Minutes: I hereby certify that the foregoing minutes are a true and correct copy of the Taylor Planning/Zoning Commission Public Hearings and Meeting held January 4, 2011. I further certify that the meeting was duly called to order and that a quorum was present.

Dated this 4th day of January, 2011

Kathy Hancock
Administrative Assistant