

AGENDA ITEM #: \_\_\_\_\_

DATE: March 27, 2017

COAC #: 17-6020

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

<b>SUBJECT: Zoning Ordinance Text Amendment to allow inert material landfills as a Special Use in any zoning district</b>	<b>STAFF PRESENTER:</b> Katie Wilken, Planning Manager  <b>CASE NUMBER:</b> 17-220-00001  <b>OTHER PRESENTER:</b> None
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**PROPOSED ACTION:**

1. Conduct a public hearing to consider approval of a text amendment to Article 2 (Definitions) and Article 4 (Special Uses) of the City of Goodyear Zoning Ordinance, as amended, to allow inert material landfills in any zoning district by Special Use Permit.
  - a. Open public hearing
  - b. Staff presentation
  - c. Receive public comment
  - d. Close public hearing
2. ADOPT ORDINANCE 17-1342 AMENDING ARTICLE 2 (DEFINITIONS) AND ARTICLE 4-1-2 (SPECIAL USES) OF THE ZONING ORDINANCE, AS AMENDED, TO ADD INERT MATERIAL LANDFILL AS A USE THAT MAY BE CONSIDERED THROUGH A SPECIAL USE PERMIT AND CREATE DEFINITIONS; PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

**BACKGROUND AND PREVIOUS ACTIONS:**

This item has not previously been before the City Council. Currently, the Zoning Ordinance is silent regarding inert material landfills and sanitary landfills are only allowed in industrial zoning districts with a Special Use Permit.

**STAFF ANALYSIS:**

Large public construction projects often obtain construction materials by extracting materials from nearby vacant properties. The hole that is left after the material is extracted is known as a borrow pit. There are two public project borrow pits in Goodyear left from the construction of Interstate 10. Leaving these public project borrow pits can create an attractive nuisance. It is beneficial to the community to allow reclamation of these pits, subject to regulation, to remove the attractive nuisance and create new developable property.

A typical way that these public project borrow pits are reclaimed is to allow an inert material or construction debris landfill to be conducted which will fill in the pit and create a developable property. Inert material is non-biodegradable and so it does not create the obnoxious odors and

gasses associated with sanitary landfills. Inert materials typically include concrete, dirt, sand, and brick. Organic materials such as tree limbs would not be permitted. A definition for inert material landfill is proposed with this zoning ordinance text amendment. A definition has also been created for a public project borrow pit to clarify that a borrow pit that may conduct an inert material landfill results only from a public construction project. A property owner could not sell dirt & create a pit for the purpose of creating an inert material landfill.

The proposed zoning ordinance text amendment would allow for inert material landfills to be permitted in any zoning district if a Special Use Permit is obtained. The Special Use Permit could only be granted if it meets the following criteria as detailed in Section 1-3-4 of the Zoning Ordinance:

1. [The inert material landfill] will be desirable or necessary to the public convenience or welfare; and,  
*Typically, it is necessary to reclaim public project borrow pits so this criteria is anticipated to be able to be met.*
2. [The inert material landfill] will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites;  
*Through the evaluation of the Special Use Permit, the application and staff will work together to create development regulations unique to a particular site to ensure the use is harmonious and compatible with adjacent uses. A Special Use Permit goes through a public review process and so surrounding community members will be invited to participate.*
3. [The inert material landfill] is in conformance with the adopted General Plan and any adopted Area Plans; and,  
*Each site will be reviewed against the General Plan and any other adopted area plans.*
4. [The inert material landfill] will not be detrimental to surrounding properties or persons in the area due to:
  - a. Impact on the circulation system of the adjacent neighborhood;
  - b. Excessive noise or light generated from within the site;
  - c. Excessive scale or height in relationship to surrounding properties;
  - d. Hours of operation;
  - e. Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties;
  - f. Inconsistency with the development character or architecture of the adjacent properties.

*Through the evaluation of the Special Use Permit, unique stipulations can be placed on the use to mitigate any potential impacts on the community. These stipulations can include restrictions on hours of operation, a time limit on the Special Use Permit, buffering requirements, inspections and reporting, and any other stipulations deemed necessary to mitigate potential impacts of the proposed use.*

**RECOMMENDATION:**

The Special Use Permit criteria allows staff, the Planning and Zoning Commission, and City Council to create stipulations of approval to mitigate potential impacts of noise, aesthetics, traffic, and dust that may be created by an inert material landfill. By approving the zoning ordinance text amendment, it will allow for these public project borrow pits to be reclaimed while being able to impose stipulations consistent with State Law and Article 1 of the Zoning Ordinance.

**ATTACHMENTS:**

1. Ordinance 17-1342
2. Proposed Zoning Ordinance Text Amendment Redlines
3. Presentation