

RESOLUTION NO. 2024-1271

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING CONDITIONAL USE PERMIT 2024-02 FOR INSTALLATION OF A SOIL REMEDIATION SYSTEM FOR THREE YEARS, SUBJECT TO CONDITIONS, AT THE CIRCLE K STORE LOCATED AT 1910 N STATE ROUTE 89, CHINO VALLEY, ARIZONA.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) is responsible for reviewing and approving conditional use permits for land use and development within the Town; and

WHEREAS, the applicant, Lynn Niewiadomski, on behalf of PD 2 Limited Partnership for Circle K (tenants), applied for a conditional use permit to install a temporary soil remediation system and related equipment to address soil and groundwater concentrations of petroleum; and

WHEREAS, the proposed remediation staging area is subject to the conditional use permitting process set forth in Section 1.9.3 of the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); and

WHEREAS, the Chino Valley Planning and Zoning Commission (the “Commission”) conducted a public hearing to consider the applicant’s request, including reviewing the site plan, proposed operational procedures, and findings of fact, and recommended approval of the conditional use permit subject to certain conditions; and

WHEREAS, the Town Council has reviewed the Commission’s recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Conditional use permit (“CUP-2024-02”) to install a temporary soil remediation system and related equipment to address soil and groundwater concentrations of petroleum in an approximately 1600 square foot area within the 3.49-acre parcel of land generally located at 1910 N State Route 89, Chino Valley, Arizona (Yavapai County Assessor Parcel No. 306-06-030F), as described in the application submitted, is hereby approved, subject to the requirements of Ariz. Rev. Stat. §§ 28-7201 *et seq.*, the Chino Valley Town Code, and the following conditions:

1. Compliance: The Owner/applicant shall comply with all conditions, codes, rules, fees, and regulations applicable to this action.
2. Waiver: The Owner/applicant shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder’s Office, prior to the public hearing and final decision of this item by the Town Council.
3. Site Improvements: The Owner/applicant shall make the necessary site improvements and shall submit plans for review to include installation of a 7’ CMU wall enclosure matching the primary adjacent building, lighting, signage, underground trenching, utility connections, and any other permits, as needed, for review and approval by the

Development Services Department. Any and all site improvements shall be to the satisfaction of the Director of Development Services or designee thereof.

4. Security and Maintenance Measures: The Owner/applicant shall implement and maintain adequate security measures to ensure the safety and security of the facility, users, and neighbors. The property shall be monitored regularly by a qualified technician to verify that the system is operating in an acceptable manner. Permanent on-site signage shall be installed identifying the responsible contact and phone number in case of an emergency or complaint with the system and remediation activities on site. The property shall be further maintained in a clean and orderly condition at all times.
5. Deviations; Noncompliance: Deviations from the site plan and/or non-compliance with any of the prescribed conditions of CUP-2024-02 shall be grounds for revocation and/or reconsideration by both the Planning and Zoning Commission and the Town Council.
6. Semi-Annual Update: The Owner/applicant shall come before and provide an update to the Development Services Department every three to six months, commencing within three to six months of September 24, 2024, demonstrating clean-up progress and monitoring efforts in addition to all of ADEQ's reporting requirements.
7. Jurisdictional Compliance: The Owner/applicant shall satisfy all the requirements and provide copies of all permits by respective local, county, and state agencies, including but not limited to, Central Arizona Fire and Medical Authority (CAFMA), Yavapai County, ADWR, ADEQ, and any other stakeholders, as needed.
8. Parking: The Owner/applicant shall re-strip the parking areas and be responsible for any area surface repairs if the parking area is not maintained in good condition during and after the time of the remediation activity.
9. Time Limitation: The Owner/applicant shall remove the remediation system and related equipment within three years of September 24, 2024, or apply for an extension of CUP-2024-02 six months prior to its expiration.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

(SIGNATURES FOLLOW)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 24th day of September 2024.



Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld PLC

I hereby certify that the above foregoing Resolution No. 2024-1271 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 24, 2024, and that quorum was present thereat and that the vote thereon was 7 ayes, 0 nays, and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk