



Development Services

7501 E. Skoog Blvd.

Prescott Valley, Arizona 86314

Phone (928)759-3050

Fax (928)772-7829

email: devserv@prescottvalley-az.gov

GENERAL PLAN AMENDMENT APPLICATION SUBMITTAL CHECKLIST

Application #: _____ Site Address: see attached

We do not accept any application via facsimile. Also, no incomplete applications will be accepted. All complete applications must contain the following:

- ☐ A mandatory pre-application meeting with the Development Services Department Planner on (date) _____.
- ☐ Persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section (See Attached Neighborhood Meeting Requirements).
- ☐ Request clearly outlined.
- ☐ List of property owners within radius of three hundred (300) feet of subject property attached.
- ☐ Application signed and dated.
- ☐ A legal description of the property identified on the application in electronic word format.
- ☐ Owner/Agent information provided.
- ☐ If agent, letter of authorization from property owner attached.
- ☐ A PDF electronic image of the site plan is also required for distribution purposes.
- ☐ Permission to enter property statement signed and notarized.
- ☐ Proposition 207 Waiver Form signed. (On Page 19 of the attached Waiver document, the Owner, or Agent needs to just state their name, and title if applicable, and have the signature Notarized. Staff will complete the remainder of the Waiver.
- ☐ A filing fee in the amount of:
 - ☐ \$321.00 for a **minor amendment** to the General Plan.
 - ☐ \$535.00 for a **major amendment** to the General Plan.



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**PLANNING DIVISION - HEARING APPLICATION
GENERAL PLAN AMENDMENT**

☒ **COMMERCIAL**
☐ **RESIDENTIAL**

☐ **MINOR** ☒ **MAJOR**

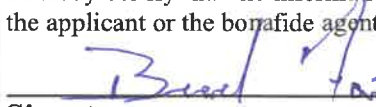
Corresponding Development Agreement? ☐ Yes ☒ No

Project Name: Government Tank Borrow Pit

Assessor's Parcel #: 402-14-004

Site Address: see attached

Unit: **Lot:**

Applicant/Owner: Fain Enterprises, Inc. Mailing Address: 3001 N. Main St. Suite 2B Prescott Valley, AZ 86314 Phone: 928-772-8844 Fax: 928-772-8650 Email: brad@fainsignaturegroup.com	For Staff Use Only Meeting Date: / / Application No.: _____ Township _____ Section _____ Range _____ Date Received: _____ Zoning: _____ Fees & Charges: _____ Receipt #/Date: _____ Assigned To: _____ Taken By: _____
Agent (If different than property owner. Agent letter must accompany submittal): N/A	Mailing Address: _____ Phone: _____ Fax: _____ Email: _____
Detailed Request (or attached detailed narrative): Rock and gravel borrow pit to source hard rock aggregate materials for use in roads, highways, and constructino purposes. Detailed narrative attached. I hereby certify that the information submitted for this application is complete and accurate to the best of my knowledge; and that I am the applicant or the bonafide agent of same as stated in the attached documentation.  Signature Brad Fain  Date Print Name	



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What is a General Plan?

In simple terms, a General Plan can be best described as a community's blueprint for future development. It represents a community's vision for the future. It is a constitution comprised of goals and policies used by a community's Planning and Zoning Commission and Town Council to make land use and development related decisions.

The adoption or re-adoption of the General Plan shall be by resolution of the Town Council. Adoption or re-adoption of the General Plan must be approved by an affirmative of at least two-thirds of Town Council and be ratified by a majority of the community's citizens voting in the election of the plan.

The General Plan must be submitted for voter approval every ten (10) years. This requirement provides the opportunity for the Town to assess progress that has been made toward meeting the Town's goals and policies, and to respond to the changes in the community.

Prior to adoption or re-adoption of the General Plan, the Planning and Zoning Commission shall hold at least two (2) public hearings in two (2) different locations before forwarding a recommendation to the Town Council. Prior to adoption or re-adoption of the General Plan, the Town Council shall hold at least one (1) public hearing to consider the matter. Public and jurisdictional notice of the public hearings shall comply with all applicable State and Town regulations.

General Plan Amendments

To ensure adequate review of proposed amendments, the Arizona State Legislature has mandated that at least sixty (60) days before a plan amendment is adopted, the planning agency shall transmit the proposal to the Prescott Valley Town Council and submit a review copy to:

- The planning agency of the County in which the municipality is located.
- Each County or municipality that is contiguous to the corporate limits of the municipality or its areas of extraterritorial jurisdiction.
- The regional planning agency within which the municipality is located.
- The Department of Commerce or any other State agency that is subsequently designated as the General Plan agency for the state.
- Any person or entity that requests in writing to receive a copy of the proposal.
- Plan amendments shall be adopted in accordance with the procedures established in the Arizona Revised Statutes, which specifies the number of public hearings, acceptable notification prior to the public hearings, and the requirement that major amendments to the General Plan can only be approved by the affirmative vote of at least two-thirds (2/3) of the members of the Prescott Valley Town Council.

Minor Amendments:

Changes that are not considered major amendments to the General Plan shall be processed in accordance with State and Town of Prescott Valley regulations concerning timing, notice, public hearing and action. In

addition, any change mandated by initiatives for State law shall utilize the minor amendment process, regardless of the above guidelines.

Major Amendments:

A major amendment to the General Plan is any proposal that would result in a change to the Land Use Plan that would substantially alter the Town's planned mixture or balance of land uses. The following criteria are to be used to determine whether a proposed amendment to the General Plan substantially alters the mixture or balance of land uses. The term amendment shall apply to both text and map revisions. Major amendments are considered on an annual basis by the Town Council and require a two-thirds (2/3) majority approval. They cannot be enacted as emergency measures and are subject to public referendum and they require two (2) public hearings, one before the Planning and Zoning Commission and one before the Town Council.

A major amendment is any proposal that meets any one (1) of the following criteria:

- A change from a residential land use classification to a non-residential land use classification on one hundred (100) or more acres, except for Open Space and Public/Quasi-Public classifications.
- A proposal on one hundred (100) or more acres that increases the maximum number of allowable residential units by more than two hundred fifty (250).
- Any proposal that in aggregate includes changes in land use designations exceeding three hundred twenty (320) acres.
- A proposal that results in a significant alteration, displacement or diversion of a road alignment from the Circulation Plan, including, but not limited to, a change in functional classification.

Amendments to the General Plan shall only occur after careful review of the request, findings of fact in support of the amendment, and public hearings by the Planning and Zoning Commission and Town Council.

The Findings of Fact required shall include, but are not limited to:

- That the amendment will result in acceptable means of mitigating impacts through subsequent zoning action of the development process, so as to not adversely impact the community as a whole, or a portion of the community.
- That the amendment is consistent with the Vision, Guiding Principles, Goals and Policies of the General Plan.

Amendments to the General Plan may be initiated by the Town or by formal application by the owner(s) or their agents of real property within the Town's incorporated boundaries and sphere of influence. Such amendments shall be in conformance with the procedures set forth in the Arizona Revised Statutes. Prior to any approval of any land development authority that is in conflict with the General Plan, an amendment to the General Plan showing the proposal to be in conformance with the General Plan must be completed. Applicants requesting an amendment to the General Plan must prove that the proposed change is an improvement to the General Plan.



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SURROUNDING PROPERTY OWNERS LIST

Ownership of surrounding properties shall be determined from the latest equalized tax assessment roll.

To the best of my knowledge, the enclosed list contains the names and addresses of all property owners within 300 feet from the exterior boundaries of the project property perimeter.

Signature Bruce A. For

Date 8/15/25

Sample: This list will be reproduced; therefore, please type or print legibly.

ASSESSOR'S PARCEL NUMBER:	103-03-089
NAME:	JOHN DOE
ADDRESS:	653 OUTSIDE LANE
CITY, STATE, ZIP CODE:	NOWHERE AZ 85764

Note: No punctuation should be placed on the last line of the address (City, State, and Zip Code)

Please provide two (2) sets of the property owners listing on self adhesive mailing labels.

Use the County Assessor's office, a Title Company or other service companies to garner this information.

***THIS FORM AND PROPERTY OWNERS LISTS MUST BE RETURNED WITH APPLICATION SUBMITTAL.**

Government Tank Borrow Pit Project Neighbors List

Application #

Parcel 402-14-004

All property owners within 1000 feet of the project property perimeter:

1. 800-20-005
State of Arizona
1110 W. Washington St.
Phoenix AZ 85007
2. 800-20-036X
State of Arizona
1110 W. Washington St.
Phoenix AZ 85007
3. 800-20-004
State of Arizona
1110 W. Washington St.
Phoenix AZ 85007
4. 103-60-001C
Fain Land & Cattle Company
3001 N. Main St. Ste 2B
Prescott Valley AZ 86314
5. 800-01-030W
Prescott National Forest
344 S. Cortez St.
Prescott AZ 86303

800-20-005
State of Arizona
1110 W. Washington St.
Phoenix AZ 85007

800-20-036X
State of Arizona
1110 W. Washington St.
Phoenix AZ 85007

800-20-004
State of Arizona
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AUTHORIZATION TO ENTER PROPERTY

APPLICATION #: _____ Parcel #: 402-14-004 Unit/Lot #: _____

Legal Description (see attached): see attached

APPLICANT(s): Fain Enterprises, Inc.

Address: 3001 N. Main St. Ste 2B, Prescott Valley, AZ 86314 Phone No.: 928-772-8844

I, the undersigned, hereby give permission to the Prescott Valley Zoning Inspector (or any Deputy Inspector) in the discharge of his/her duties as stated herein, and for good and probable cause, to enter the above described property to inspect same in connection with the enumerated application made under the terms of the Prescott Valley Town Code, or for any investigation as to whether or not any portion of such property, building or other structure is being placed, erected, maintained, constructed or used in violation of the Prescott Valley Town Code; or for any investigations for conditions, compliance and stipulations under the terms of the Prescott Valley Town Code and public hearings concerning this parcel. Such entry shall be within 60 days of the date of my signature (below) or within 60 days of the scheduled date of a public hearing for review, transfer or renewal of the application. Such entry shall be limited between the hours of 7 A.M. and 6 P.M. MST. I understand that this permission to enter property is OPTIONAL and VOLUNTARILY GIVEN and may be withdrawn or revoked (either in writing or verbally) at any time.

Applicant's Signature: [Signature] Date: 8/15/2025

(check one)

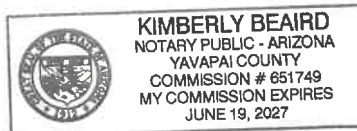


Owner



Agent for _____

STATE OF ARIZONA)
) ss
COUNTY OF YAVAPAI)



On this 15th day of August 2025 before me, the undersigned Notary Public, personally appeared who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal,

Notary Public: [Signature]

Date Commission Expires: June 19, 2027

PRIMARY CONSIDERATIONS RELATED TO PROPOSED DEVELOPMENTS

There are two (2) general focuses of consideration regarding any development project and change of zoning. They pertain to the appropriateness of proposed **LAND USE** and the nature of **PHYSICAL DEVELOPMENT**. The following discussion provides a synopsis of the major sources of those concerns:

LAND USE:

- 1) The Town of Prescott Valley Zoning Ordinance (established by the Town Council, 1979), implemented Town-wide zoning for control of land uses and development and density standards within the various districts. Adopted physical improvement standards are described by the Uniform Building Code.
- 2) The Town Council approved a *General Plan 2020* in 2002. The Plan is a series of goals and policies developed by the community. The purpose of the General Plan is to delineate goals for long range planning and development over the next twenty (20) years with strategy for their accomplishment. Guidelines pertaining to land usage and physical site development described by a General Plan would be considered in the evaluation of a request.

PHYSICAL DEVELOPMENT:

- 1) Development projects are reviewed by staff with concerns regarding potential impacts associated with the proposed use as addressed by the Town Zoning Ordinance and other adopted Codes, and land use guidelines of the General Plan. These guidelines address potential health, safety and welfare impacts (safe and controlled access, buffering of the use where needed, visibility of the site, outside storage, volatility of materials on-site, etc.). Depending on the manner of development, the degree of concern regarding each of these elements may vary.
- 2) Adopted Town Codes also regulate drainage and grading and building safety issues among others. Additional physical development guidelines may later be recommended by project reviewing agencies. It would benefit the developer to become familiar with those requirements before this request evolves into a hearing application. Information and/or copies of these codes are available from various town departments. These recommendations can sometimes delay or establish financially preclusive development requirements.

OTHER CONSIDERATIONS:

As part of the application process, you will be required to submit a list of names and addresses representing the land ownership within three hundred (300) feet of the proposal area. With that in mind, you should begin communicating directly with those property owners in order to develop some familiarity with local sentiments regarding your proposal.

PRE-APPLICATION MEETING:

Prior to the formal submittal of a completed application, you should schedule a meeting with the Planning Department to assess the feasibility of your proposed project.

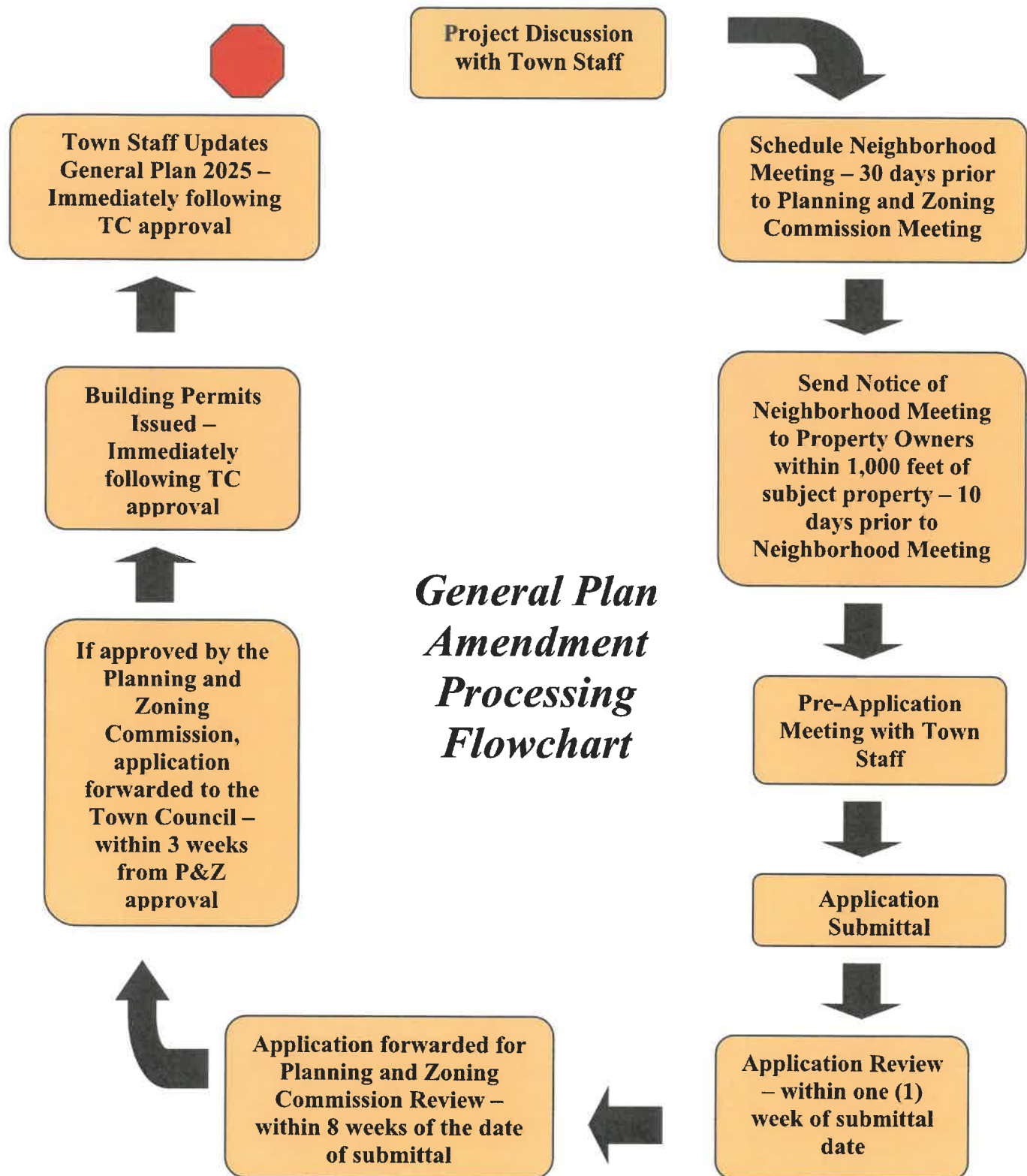
The initial meeting can be based on a conceptual sketch plan, or a more detailed plan if available. The level of detail and completeness will determine when the application is ready for submittal. The purpose of the initial meeting is to provide staff's opinion on the appropriateness of the proposal and identify the impacts and issues that may be associated with the projects. Some of the issues to be addressed are:

- Impacts on surrounding properties
- Traffic impacts on adjacent streets and neighborhoods

- Need for future right-of-ways and off-site improvements
- Impact on water, sewer and other infrastructure
- Availability of other services
- Flood, drainage patterns and detention

After initial review, continue with completion of application as outlined in the following instructions, incorporating any material deemed necessary. **The item will not be scheduled until all necessary information has been submitted and adequately reviewed by necessary agencies and departments.**

Note: The applicant or his representative should be present at scheduled meetings to answer questions. Any associated building permits will be issued after Public Hearing approvals and effective date of adopted Ordinances. If construction is planned, the applicants should obtain a Building Permit application and familiarize themselves with the building requirements.





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AFFIDAVIT OF NEIGHBORHOOD MEETING

I, _____ ☐ Agent, ☐ Applicant, ☐ Property Owner, do hereby certify that a Neighborhood Meeting was conducted in compliance with Section 13-30-012, "Neighborhood Meeting", in Chapter 13, "ZONING", of the Town Code of the Town of Prescott Valley, Arizona.

The meeting was conducted for the following project:

By: _____ On: _____

In accordance with Section 13-30-012(E) this Affidavit is accompanied by:

1. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings; and
2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section.

Applicant's Signature: _____ **Date:** _____

STATE OF ARIZONA)
) ss
COUNTY OF YAVAPAI)

On this ___ day of _____ 20___ before me, the undersigned Notary Public, personally appeared who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal,

Notary Public: _____

Date Commission Expires: _____

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NEIGHBORHOOD MEETING REQUIREMENTS

13-30-12 Neighborhood Meeting – Ordinance 637

- A. Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section.
- B. Neighborhood Meeting Schedule. The neighborhood meetings required herein shall be conducted for the purpose of receiving comments on proposed applications and shall be conducted at least thirty (30) days prior to any public hearing on the application.
- C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification shall be provided as follows:
1. Notification by first-class mail to all property owners of record within one thousand (1,000) feet of the property to be included in the application;
 2. Notification by first-class mail to all homeowners associations within one thousand (1,000) feet of the property to be included in the application;
 3. The Zoning Administrator may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;
 4. Notification by first-class mail to any persons who have specifically requested notice regarding proposed zoning applications by registering their names and addresses with the Town. Such registration may be accomplished by any writing addressed to the Zoning Administrator. Such registrations shall continue for one (1) year unless renewed by the person(s) requesting notice;
 5. The notice shall set forth the substance of the proposed application and shall include the time, date and place of the neighborhood meeting. A copy of the notice shall be submitted to the Zoning Administrator prior to the neighborhood meeting; and
 6. Posting of one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).
- D. Neighborhood Meeting Procedure. Neighborhood meetings shall be conducted at a location and time, and following a meeting format, approved by the Zoning Administrator. Town staff may or may not attend such

meetings (at their discretion) and may augment the meeting record described hereinafter as staff deems necessary.

- E. **Record of Proceedings.** Persons holding the neighborhood meetings required herein shall prepare the following for submittal prior to any public hearing on the application:
1. Certification, on a form established by the Zoning Administrator, that the neighborhood meetings were noticed and conducted in compliance with the requirements of this Section;
 2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section; and
 3. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings.
- F. **Additional Neighborhood Meetings.** The Zoning Administrator may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Zoning Administrator at his/her sole discretion. The same notification procedures prescribed herein shall be followed.
- G. **Other Required Meetings.** Where an application has already been filed and neighborhood meetings were not otherwise required, the Zoning Administrator may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.
- H. **Neighborhood Meeting Waivers.** The Zoning Administrator may waive the requirement for a neighborhood meeting where a person submits an application requesting amendments to Town zoning regulations or to the Town zoning map pursuant to a previously-approved General Plan Amendment which was subject to a previous neighborhood meeting and public hearing. In such cases, the Zoning Administrator shall prepare a written statement setting forth the reasons for approving the waiver.

13-30-15 Pre-Application Review.

- A. **Pre-Application Review.** All persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations, or the Town zoning map, or requesting review of Specific Area Plans shall first participate in a pre-application review with Town staff before submitting an application.
- B. **Requests for Pre-Application Review.** Requests for pre-application review shall be filed with the Development Services Department on a form established by the Zoning Administrator. The Zoning Administrator shall endeavor to arrange pre-application reviews with appropriate Town staff at a date, time and location convenient to all involved. Nothing herein shall preclude additional meetings being held as part of the pre-application review as mutually determined by the person or persons requesting the review and the Zoning Administrator.
- C. **Pre-Application Review Process.** Pre-application reviews are one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator. At such meetings, staff shall review the information that persons wishing to apply for amendments to Town zoning regulations or to the Town zoning map would include in their applications. At such meetings staff shall also review with the persons the record of proceedings for neighborhood meetings held under Section 13-30-012 or the requirements for

such neighborhood meetings if they have not yet been held. During such meetings, staff shall provide informal comments on the information provided. No later than fifteen (15) calendar days after the last meeting, staff shall also mail by first-class mail at the address indicated by the person or persons requesting the pre-application review a written summary of staff comments. A copy of said summary shall be included with any subsequent application filed with the Development Services Department.

Recorded at the request of:
Town of Prescott Valley
Town Clerk's Office
7501 East Skoog Boulevard
Prescott Valley, AZ 86314



**AGREEMENT
TO WAIVE CLAIM FOR DIMINUTION IN VALUE
REGARDING ACTION
PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER**

This Waiver is related to Proposition 207 (Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes) dealing with eminent domain and regulatory takings. The Waiver is as an agreement between the Town and the owners in conjunction with the land use law actions requested by the property owners. Each owner of a fee interest in the subject property is asked to sign the waiver agreement and have the signatures properly notarized. Extra sheets for the Owners signature can be made for multiple owners involved in an application. A legal description should be attached by the applicant. The Town will complete the application number when the application is processed and attach a copy of the completed application.

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this ____ day of _____, 20____, by and between the Town of Prescott Valley, a municipal corporation of Arizona ("Town") and

("Owner(s)");

WITNESSETH:

WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

WHEREAS, Proposition 207 added a new Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes (comprising §§12-1131 through 12-1138) dealing with eminent domain and regulatory takings; and

WHEREAS, ARS §12-1134 permits an owner of private real property to seek just compensation from the state or a political subdivision thereof that enacts or applies a land use law which (subject to certain exceptions) reduces existing rights to use, divide, sell or possess said property and thereby reduces the fair market value of the property; and

WHEREAS, "land use law" includes any statute, rule, ordinance, resolution, or law enacted by the state or political subdivision that regulates the use or division of land or any interest in land; and

WHEREAS, ARS §12-1134(I) recognizes that the state or political subdivisions may reach agreements with private property owners to waive claims for diminution in value resulting from land use law actions proposed by the state or political subdivision or requested by the property owners; and

WHEREAS, Arizona courts have recognized the inherent authority of municipal corporations to enter into agreements within the scope of their legislative powers, the same as individuals and other corporations, in matters that appertain to said municipal corporations [see, *Town of Tempe v. Corbell*, 17 Ariz. 1 (1915)]; and

WHEREAS, the Town (through its Common Council) has, on the date first-above written, duly considered and approved this Agreement with the Owner(s) to waive any claims said Owner(s) may have for diminution in value that may result, now or in the future, from the land use law action(s) proposed by the Town or requested by the Owner(s) as more fully set forth herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

SECTION ONE. This Agreement applies to that private real property described in Exhibit "A" attached hereto and expressly made a part hereof ("Property").

SECTION TWO. The land use law action(s) proposed by the Town or requested by the Owner(s) to which this Agreement applies have been designated as follows by the Town's Development Services Department: and are based on certain application(s), copies of which ("Application(s)) are shown as Exhibit "B" attached hereto and expressly made a part hereof ("Action(s)").

SECTION THREE. By signing this Agreement, the Owner(s) expressly agree(s) and acknowledge(s) that the Owner(s) hereby waive(s) any right to claim diminution in value or claim just compensation for diminution in value of the Property under ARS §12-1134, now or in the future, in relation to the Action(s). This includes (but is expressly not limited to) agreement and consent by the Owner(s) to all conditions that may ultimately be imposed as part of the Action(s).

SECTION FOUR. It is expressly understood by the parties that this Agreement does not add to, detract from, or otherwise modify any discretion, right, power, authority, obligation, or duty of the Town under applicable law with respect to any legislative, administrative, or quasi-judicial action(s).

SECTION FIVE. This Agreement (including any exhibits attached hereto and any addendum) constitutes the entire understanding and agreement of the Owner(s) and the Town and shall supersede all prior agreements or understandings between the Owner(s) and Town regarding the Property. This Agreement may not be modified or amended except by written agreement of the Owner(s) and the Town.

SECTION SIX. This Agreement is made and entered into in Yavapai County, Arizona, and will be construed and interpreted under the laws of the State of Arizona.

SECTION SEVEN. The parties agree that this Agreement may be filed in the Official Records of the County Recorder's Office, Yavapai County, Arizona.

SECTION EIGHT. This Agreement runs with the land and is binding upon all present and future owners of the Property.

SECTION NINE. This Agreement is subject to the cancellation provisions of ARS §38-511.

SECTION TEN. The Owner(s) warrant(s) and represent(s) that the Owner(s) is/are the owner(s) of fee title to the Property, and that no other person(s) has/have any ownership interest(s) in the Property. The person(s) who sign(s) on behalf of the Owner(s) personally warrant(s) and guarantee(s) to the Town that he/she/they have the legal authority to bind the Owner(s) to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

TOWN OF PRESCOTT VALLEY, a
municipal corporation of Arizona,
(Town)

Kell Palguta, Mayor

ATTEST:

Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

STATE OF ARIZONA)
) ss:
County of Yavapai)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Kell Palguta, Mayor of the Town of Prescott Valley, a municipal corporation of Arizona, on behalf of said municipal corporation.

Notary Signature

My Commission Expires:

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

_____, (Owner(s))

Owner(s) Signature

Owner(s) Signature

STATE OF ARIZONA)
) ss:
County of Yavapai)

On this ____ day of _____, 20__, _____
personally appeared before me,
_____ who is personally known to me,
_____ whose identity I verified on the basis of _____
_____ whose identity I verified on the oath/affirmation of _____
a credible witness,
to be the signer of the foregoing document, and he/she acknowledged that
he/she signed it.

Notary Signature

My Commission Expires:

EXHIBIT "A"

PROPERTY



RE-ZONE DESCRIPTION

GOVERNMENT LOT 4 OF SECTION 31, TOWNSHIP 14 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA AS DETAILED ON THAT GENERAL LAND OFFICE SURVEY MAP #00562 DATED OCTOBER 1871; SAID PARCEL ALSO BEING THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 14 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA, AS RECORDED IN BOOK 1543 AT PAGE 280 YAVAPAI COUNTY OFFICIAL RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 31, BEING A USGLO BRASS CAP, DATED 1925;

THENCE NORTH $00^{\circ}54'12''$ EAST, ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 1312.49 FEET, MORE OR LESS;

THENCE LEAVING SAID WEST LINE, SOUTH $88^{\circ}43'09''$ EAST, A DISTANCE OF 1289.63 FEET, MORE OR LESS;

THENCE SOUTH $00^{\circ}55'56''$ WEST, A DISTANCE OF 1314.46 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF SAID SECTION 31;

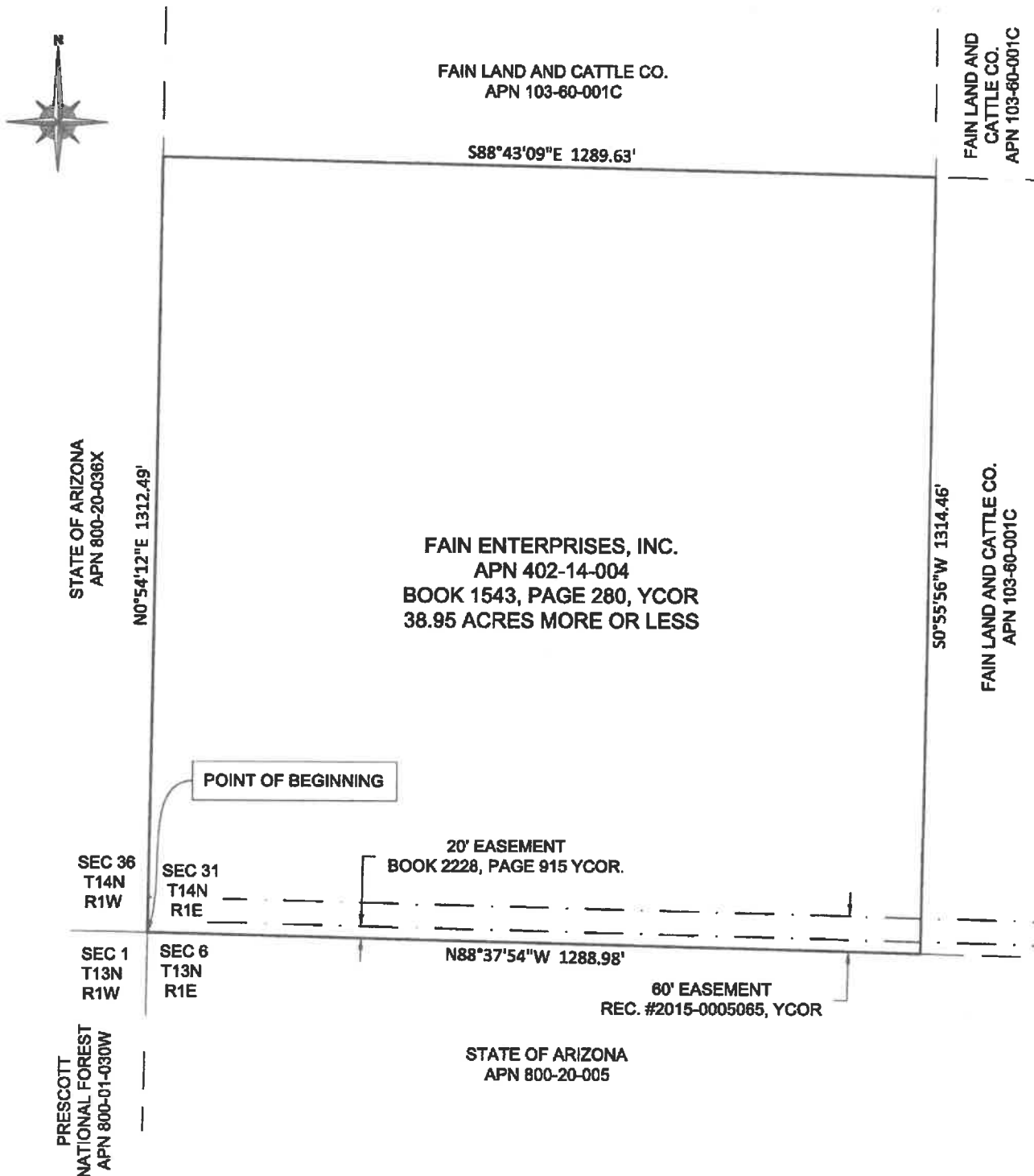
THENCE NORTH $88^{\circ}37'54''$ WEST, ALONG THE SOUTH LINE OF SAID SECTION 31, A DISTANCE OF 1288.98 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

CONTAINING 38.95 ACRE, MORE OR LESS.

TOGETHER WITH ALL EASEMENTS OF RECORD.

RE-ZONE EXHIBIT
APN 402-14-004

BEING GOVERNMENT LOT4 AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 31, TOWNSHIP 14 NORTH, RANGE 1 EAST
GILA AND SALT RIVER MERIDIAN, YAVAPAI COUNTY, ARIZONA



SURVEYOR INFORMATION
GRANITE BASIN ENGINEERING, INC.
1981 COMMERCE CENTER CIRCLE SUITE B
PRESCOTT, ARIZONA 86301

CLIENT INFORMATION
FAIN ENTERPRISES, INC.
3001 NORTH MAIN STREET, SUITE 2B
PRESCOTT VALLEY, ARIZONA 86314

GBE JOB #: 23050

DRAWN BY: TL/LH

DATUM
NAD 1983
AZ SPF
CENTRAL

DATE: 7/6/2023

NOT TO SCALE

EXHIBIT "B"

APPLICATION(S)

Government Tank Quarry Project Narrative

Application #

Fain Enterprises, Inc.

Asphalt Paving & Supply

INTRODUCTION

Fain Enterprises Inc., and Asphalt Paving & Supply Inc. have partnered to introduce rock harvesting on parcel 402-14-004. The parcel is approximately forty acres in size and has approximately five million tons of useable materials on it. The materials would be used as aggregate to produce asphalt at their plant located at 2400 North Glassford Hill Road in Prescott Valley. The intent is to provide local, aggregate materials for private and government projects for roads, highways, and construction.

To keep prices as economical as possible the best practice would be to drill, blast and crush the materials on site then haul with over-the-road trucks. We will build a road from the proposed quarry to our asphalt plant that will have to cross Old Black Canyon HWY .81 mile east of Stoneridge subdivision and 1.17 miles west of the Prescott Country Club at the gates that are located already on the Old Black Canyon HWY. The road would go into Lynx Creek valley and meet up with existing roads in the valley.

Crushing would take place for approximately three months per year. Usually in the spring. Hauling would be as needed for about three days at a time depending on needs. The other option would be to haul the excavated rock to our current location and crush it. That would take about six months of hauling with large off-road trucks and three months of crushing. The large trucks would be more expensive to run than the smaller trucks.

Only 10% of all rock available in Arizona is usable and of that only 5% is available due to logistics.

ZONING MAP CHANGE REQUEST

Fain Enterprises, Inc. is requesting a zoning map change for the parcel (402-14-004) from R1L-70 to M1 with a Special Use Permit for mining (details below).

GENERAL PLAN AMENDMENT REQUEST

Fain Enterprises, Inc. and Asphalt Paving & Supply Inc. are requesting a minor general plan amendment for land use of the parcel should the zoning change be approved concurrently. The location of parcel 402-14-004 is currently marked Village Pad A-1 Growth Tier One and we are requesting a change to Industrial Land Use in the General Plan.

USE PERMIT REQUEST

Requesting use permit for rock mining in parcel 402-14-004. The quarry is currently unimproved, vacant land. There is no development being proposed, only use for mining/rock harvesting. The property is not currently located in a special designation area. This proposal is compatible with surrounding land use as the neighboring parcels are state land and the area is vacant, a zoning request is submitted concurrently to change zoning. There are no unique design considerations for this proposal nor any unusual characteristics of the site that may restrict or

affect this project. We have met with the Development Service Department staff to discuss this proposal. Additional approval processes include the zoning map change, the general plan amendment, and state approval.

Ingress/Egress will occur via the access road proposed to be built from the current mine to the proposed quarry. Parking, loading, refuse, and service will all be encompassed on the parcel lot space.

SITE DETAILS

Blasting will occur occasionally in the quarry and will be conducted per all applicable local, state, and federal laws. Residents will be notified if blasting occurs within one thousand (1000) feet of their property via USPS letter. Approximately 5 blasts for 20,000 cubic yards of rock. Seismic monitors will be used throughout the process.

The hours of operation will typically occur between 7:00am and 7:00pm. While the actual work hours may vary, they will stay within those time frames. Lighting will be used with portable light plants only during dark hours. Portable restrooms will be on-site for crew use. A total of three (3) dumpsters will be on site: 1 for site generated waste, 1 for vegetation removed on the portion being worked, and 1 for recycling steel. No utility of any sort will be supplied to the quarry, no water, sewer, power, or gas.

The mining of the rock quarry will occur in multiple phases. The parcel will be worked in sections moving from one to another as the accessible rock is removed. The site plan attached to the application outlines each section and phase.

Signage will be posted at the gate to the proposed access road with company details including a phone number for noise complaints, public comments, questions, and concerns. Local residents will have the opportunity to contact AP&S if there is any issue with blasting, mining noise, etc. As applicants, we are aware that Lynx Creek has two flood plains. No development of any kind would occur in the flood plains.

ACCESS ROAD

Fain Enterprises Inc., and Asphalt Paving & Supply Inc are proposing building an access road from the current mining quarry to this one. The length of the road would span approximately four and a half (4.5) miles between the two locations.

The road would be made of gravel and maintained with dust control provided using water trucks. This road would only be useable through locked gates only available to the operation. The road would be entirely on private property except for crossing Old Black Canyon HWY. The speed limit on the gravel road would be 15mph.

We understand the location would require a respectful use of the areas impacted by residents. The only time AP&S vehicles would be on Old Black Canyon highway is exclusively for crossing between fence line to fence line with gates on either side that will close behind the trucks. Cattleguards will be installed to protect the cattle grazing on the lands. Signs at Old Black Canyon HWY would include Truck Crossing on the Old Black Canyon HWY and on the haul road would have (Authorized Entry Only No Trespassing) and (Yield for cross traffic) signs. The proposed road will cross a Town force main and easement. The roadway will be coordinated with utilities.

Without this quarry, we will continue to haul materials out of our Chino Valley Pit. It is over twenty-five miles away through Chino Valley, Prescott, and Prescott Valley to our pit. This year we have already hauled in over 20,000 tons of rock to crush, that is over 1,000 truckloads to

date. If we must haul all our rock products in from our Chino pit the loads will increase to over 4,000 loads a year and maybe eight hours a day five days a week fifty-two weeks a year. Approval would eliminate that altogether, resulting in a benefit to the town and county by removing that traffic.

This access road will be maintained by AP&S continuously throughout the year. The company is employing the use of water trucks for dust control. This is no cost to the town and maintains usable access for the company to remain off the main roads. The project also takes into consideration the UniSource Gas line located at the crossing intersection of the access road and Old Black Canyon Highway and will plan for the six (6) inch buffer.

OPERATIONAL TIMELINE

Once approved by the town, the project still requires state approval, which will take approximately 6 months. The road construction will take six (6) months to build, which may occur concurrently while waiting for state approval. Blasting, drilling, and crushing within two weeks of completion, hauling materials within 2-3 weeks of beginning operations.

Current Excavation Pit

Stoneridge Rd

Old Black Canyon Highway

Proposed Haul Road

402-14-004

