

ORDINANCE NO. 2026-974

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE TOWN ZONING MAP BY CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY FORTY (39.07) ACRES (APN 402-14-004) IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, T14N, R1E, G&SRB&M (GOVERNMENT TANK ROCK HARVEST SITE) FROM RL-70 (RESIDENTIAL; SINGLE FAMILY LIMITED) ZONING TO IG (INDUSTRIAL; GENERAL LIMITED) ZONING FOR PURPOSES OF A SAND AND GRAVEL OPERATION; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Prescott Valley annexed by Ordinance No. 332, dated September 15, 1994, certain real property located in §§19, 29, 30, 31 and 32, T14N, R1E, G&SRB&M, and in §§25, T14N, R1W, G&SRB&M; and

WHEREAS, as required by law Ordinance No. 332 gave the annexed property a zoning district classification of R1L-70 (today RL-70), being the zoning classification most comparable to its former Yavapai County zoning classification of RCU-2A; and

WHEREAS, on October 24, 2023, the property owner filed an application with the Town for a General Plan Amendment (GPA23-024) and Zoning Map Change (ZMC23-024) for approximately 40 acres located in the annexation area (APN 402-14-004) to be a sand and gravel operation (Government Tank Rock Harvest Site). GPA23-024 would have changed the General Plan designation from Village PAD A-1 to Industrial, and ZMC23-024 would have changed the district from what is today RL-70 (Residential; Single Family Limited) to IG (Industrial; General Limited"; and

WHEREAS, GPA23-024 eventually lapsed and ZMC23-024 did not go forward; and

WHEREAS, in anticipation of a development agreement that encouraged again considering the Government Tank Rock Harvest Site, on August 15, 2025, the property owner again applied for what would now be a Major General Plan Amendment (GPA25-001) and Zoning Map Change (ZMC25-008) for the same Government Tank Rock Harvest Site (APN 402-14-004) to have a sand and gravel operation. The General Plan designation again changed from Village PAD A-1 to Industrial, and the zoning district again changed from RL-70 (Residential; Single Family Limited) to IG (Industrial; General Limited). ZMC25-008 would include a request for a Conditional Use Permit for mining in accordance with Town Code 13-13-090 and 13-13-110); and

WHEREAS, at its regular meeting on December 8, 2025, the Prescott Valley Planning and Zoning Commission (P&Z) held public hearings on both GPA25-001 and ZMC25-008 and then voted to make a recommendations to the Town Council about each (as to whether it should ultimately approve them); and

WHEREAS, the Town Council has now held its own public hearings on both GPA25-001 and ZMC25-008 at its regular meeting on December 11, 2025. Regarding ZMC25-008 it determined to read this Ordinance No. 2026-974 twice by title only, then place the same on final action.

Subsequently, at its January 8, 2026, regular meeting it voted to adopt Ordinance No. 2026-974 approving ZMC25-008, with conditions; and

WHEREAS, the Town Council finds that the procedures required by ARS §§9-462.03 and 9-462.04 (and by Article 13-14 of the Prescott Valley Town Code) have been complied with in connection with this zoning action; and

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

SECTION 1. That the Zoning Map of the Town of Prescott Valley be hereby amended from RL-70 (Residential; Single Family Limited) zoning to IG (Industrial; General Limited) zoning (as conditioned herein) for the real property identified in Exhibit "A" (attached hereto and expressly made a part hereof).

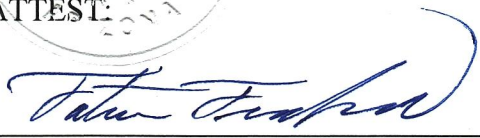
SECTION 2. That this amendment is hereby expressly conditioned as follows:

- A. The project shall remain in substantial conformance with the approved site plan and all State and Town Code requirements.
- B. The Developer shall meet the Town Code noise ordinance.
- C. In accordance with Town Code §13-13-110(G), the use of a sand and gravel mine operation (allowed by conditional use permit) is expressly authorized at this location as a condition of this re-zoning (being included in the approved site plan/preliminary development plan). The use shall comply with these conditions and with the mitigation measures set forth in the Development Agreement between the Town and Fain Family Limited Partnership, Fain Marital Non-exempt Trust, Fain Nancy L. Survivor's Trust, Fain Enterprises, Inc., and Asphalt Paving and Supply, Inc. approved by Resolution No. 2025-2440 on December 11, 2025.

SECTION 3. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8th day of January, 2026.





Fatima Fernandez, Town Clerk



Kell Palguta, Mayor

APPROVED AS TO FORM:


Ivan Legler, Town Attorney

EXHIBIT “A”

ZMC25-008 Government Tank Rock Harvest Site



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



FAIN LAND AND CATTLE CO.
APN 103-60-001C

S88°43'09"E 1289.63'

FAIN LAND AND
CATTLE CO.
APN 103-60-001C

STATE OF ARIZONA
APN 800-20-036X

N0°54'12"E 1312.49'

FAIN ENTERPRISES, INC.
APN 402-14-004
BOOK 1543, PAGE 280, YCOR
38.95 ACRES MORE OR LESS

S0°55'56"W 1314.46'

FAIN LAND AND CATTLE CO.
APN 103-60-001C

POINT OF BEGINNING

SEC 36
T14N
R1W

SEC 31
T14N
R1E

20' EASEMENT
BOOK 2228, PAGE 915 YCOR.

SEC 1
T13N
R1W

SEC 6
T13N
R1E

N88°37'54"W 1288.98'

60' EASEMENT
REC. #2015-0005065, YCOR

STATE OF ARIZONA
APN 800-20-005

PRESCOTT
NATIONAL FOREST
APN 800-01-030W

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

DATE: 7/6/2023

DRAWN BY: TL/LH

NOT TO SCALE

DATUM
NAD 1983
AZ SPF
CENTRAL