MICHAEL K. JEANES
Clerk of the Superior Court
By Rasheema Maxwell, Deputy
Date 04/22/2014 Time 14:52:48

Description	Amount
CASE# CV2014-093028	
CIVIL NEW COMPLAINT	304.00
TOTAL AMOUNT	304.00

Receipt# 23709733

Howard M. Shanker (#015547)
THE SHANKER LAW FIRM, PLC.
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Phone: (480) 838-9300
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Richard L. Strohm (#004622)
RICHARD L. STROHM, P.C.
11 W. Jefferson St., Suite 1000
Phoenix, Arizona 85003
Phone: (602) 616-7094
Facsimile: (877) 297-7386
rstrohm@strohmlaw.com

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Tonopah Community Council, STOPP Committee; Julie Park; Camilla Van Sickle; Bill Pennington; Plaintiffs, v. Maricopa County; Maricopa County Board of Supervisors; Maricopa County Department of Planning and Development; Maricopa County Assessor's Office; Hickman's Egg Ranch, Inc.; John Does 1-10, Defendants.	CV2014-093028 No. **VERIFIED COMPLAINT** (Special Action) (Expedited Consideration Requested)

Plaintiff, by its undersigned attorneys for its complaint, allege upon personal knowledge and upon information and belief as follows:

NATURE OF THIS ACTION

1. Defendant Hickman's Egg Ranch, Inc. ("Hickman") has begun construction of its Desert Pride Farms "agri-industrial" egg facility located at or about 41625 W. Indian School Road in Tonopah, Arizona (Parcel Nos. 506-34-039A, 506-34-039B, 506-34-046, 506-34-042, 506-34-045B) (hereinafter referred to as the "Property").

2. Without independent investigation of Hickman's proposed use of the Property, the County Assessor categorized the Property as "Agricultural." Based on this categorization, the County Department of Planning and Development, again without independent investigation or notice to the public, granted Hickman an "Agricultural Exemption." This means, in pertinent part, that the entire Property is exempt from the requirements of the Maricopa County Zoning Ordinance including drainage regulations and the County's building safety codes.

3. The U.S. EPA defines a large concentrated animal feed operation ("CAFO") as 82,000 laying hens if a dry manure handling system is used and 30,000 laying hens if a wet system is used. 40 C.F.R. § 122.23(b)(4)((ix) and (xi). The Property will have approximately 2,200,000 (2.2 million) laying hens in its first phase of operation and will subsequently house approximately 12,000,000 (12 million) laying hens in a confined area.

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4. The Property will also have a 35,000 sq. ft. processing plant SIC Code 2015 ("manufacturing"). Hickman will also use the Property to manufacture egg products, including hard boiled eggs and liquid eggs. The Property will also, at a minimum, be manufacturing components of commercial fertilizers – in a best case – for warehousing/drying prior to transportation off site by a fleet of commercial trucks. None of these buildings/operations is "customarily incidental" to an agricultural purpose or use.

5. In granting the above referenced agricultural "categorization" and "exemption," the County Defendants have "proceeded . . . without or in excess of jurisdiction or legal authority," and/or the County Defendants' "determination was arbitrary and capricious or an abuse of discretion." *See*, Rule 3, Ariz. R. Special Actions.

6. Expedited consideration is necessary because construction is ongoing.

PARTIES

7. Plaintiff Tonopah Community Council, STOPP Committee is a not-for-profit community organization whose membership consists of neighboring and adjoining property owners and users all of whom will be specially damaged by the violations asserted herein and all of whom would have standing in their own right. The organizational purpose of "STOPP" is to protect the safety of the community as well as the quiet use and enjoyment of residents' property; to protect and enhance real property values; to encourage and maintain the financial health and growth of businesses in the Tonopah community.

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8. Plaintiffs Camilla Van Sickle and Bill Pennington live on neighboring property directly to the east of the Property. Ms. Van Sickle and Mr. Pennington will be specially damaged by the violations asserted herein. Ms. Van Sickle and Mr. Pennington are members of STOPP.

9. Plaintiff Julie Park owns "El Dorado Hot Springs." El Dorado Hot Springs is located in a Known Geothermal Resource Area, less than 3,000 feet from the Property. It caters to guests from all over the world who come to soak in (and drink) the hot mineral water. Ms. Park will be specially damaged by the violations asserted herein. Ms. Park is a member of STOPP.

10. Defendant, Maricopa County and the Maricopa County Board of Supervisors are a political subdivision of the State of Arizona.

11. Defendants Maricopa County Department of Planning and Development and the Maricopa County Assessor Office are departments and/or offices of Maricopa County. Maricopa County, the Board of Supervisors, the Department of Planning and Development, and the Assessor Office are collectively referred to herein as the "County Defendants."

12. Defendant Hickman's Egg Ranch, Inc. is an Arizona corporation with its headquarters at 6515 South Jackrabbit Trail, in Buckeye, Arizona ("Hickman"). Hickman was the applicant for the Agricultural Classification and the Agricultural Exemption at issue herein. Hickman is the real party in interest and/or person against whom relief is sought. *See*, Rule 2(a)(1), Ariz. R. Special Actions.

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13. Defendants John & Jane Does 1-10 are fictitious names of real persons or entities whose true identities are presently unknown to Plaintiff. Plaintiff believes that at all times pertinent hereto, the fictitiously named defendants were acting as duly authorized agents or servants of the other defendants, or stand in some relationship to them, so as to impute liability upon them. In the alternative, these fictitiously named defendants committed independent acts or omissions that caused plaintiffs' injuries and damages, as set forth herein.

14. Pursuant to Rule 10(f) of the Arizona Rules of Civil Procedure, Plaintiff will move to amend the Complaint once the true identities of those individuals and/or entities named fictitiously are ascertained.

JURISDICTION AND VENUE

15. Jurisdiction is proper pursuant to A.R.S. § 12-122, A.R.S. § 12-123 and Rule 4, Ariz. R. Special Actions; *see also, e.g.*, Maricopa County Zoning Ordinance Article 1503.3 ("If any building or structure is . . . erected, constructed . . . used or any land is . . . used in violation of any Ordinance, regulation . . . any adjacent or neighboring property owner who is specially damaged by the violation . . . may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove the unlawful construction . . .").

16. Venue is proper in Maricopa County, Arizona pursuant to Rule 4, Ariz. R. Special Actions; A.R.S. § 12-401(15) and (16).

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17. A Special Action is appropriate as there is no other equally plain, speedy and adequate remedy by appeal. *See,* Rule 1, Ariz. R. Special Actions.

ALLEGATIONS COMMON TO ALL COUNTS

18. The U.S. EPA defines a large concentrated animal feed operation ("CAFO") as 82,000 laying hens if a dry manure handling system is used and 30,000 laying hens if a wet system is used. 40 C.F.R. § 122.23(b)(4)((ix) and (xi). The Property will have approximately 2,200,000 (2.2 million) laying hens in its first phase of operation and will subsequently house approximately 12,000,000 (12 million) laying hens in a confined area.

19. Notwithstanding, Hickman, with no prior notice or community involvement, began construction on the Property in an environmentally sensitive area – above pristine geothermal hot springs and a sole source drinking water aquifer, in close proximity to (if not in) a floodplain and abutting a series of washes that feed jurisdictional waters of the United States. The Property is also in close proximity to preexisting residential areas, small businesses and a school.

20. Clinton Hickman is Tonopah's District (District 4) Supervisor on the Maricopa County Board of Supervisors. He is also identified as the Secretary of Defendant Hickman's Egg Ranch, Inc. in documents maintained by the Arizona Corporation Commission.

21. On or about January 27, 2014, Hickman submitted a request to the County Assessor's Office to have the Property categorized as "Agricultural." The request was granted shortly thereafter. *See*, Ex. 1.

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22. Hickman provided no information to the Assessor's Office regarding the significant non-agricultural uses that will take place on the Property.

23. The County Assessor's Office did no independent investigation or verification of the operations that were to take place on the Property and provided no notice of its actions to neighboring property owners.

24. Based on the Agricultural Categorization provided by the Assessor's Office, on or about January 31, 2014, Hickman submitted a request for an "Agricultural Exemption" to the County Department of Planning and Development. *See, Id.*

25. On or about February 6, 2014 the Department of Planning & Development granted Hickman the requested "Agricultural Exemption" for Reference Application LU20140004. *Id.*

26. The County Department of Planning and Development did no independent investigation or verification of the operations that were to take place on the Property and provided no notice of its actions to neighboring property owners.

27. The Property will include a 35,000 sq. ft. processing plant SIC Code 2015 ("manufacturing"). Hickman will also manufacture egg products, including hard boiled eggs and liquid eggs. *See*, Ex. 2 (Article); Ex. 3 (Excerpts of Transcript of Public Meeting).

28. The Property will also, at a minimum, include manufacturing components of commercial fertilizers – in a best case – for warehousing/drying prior to transportation off

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site. Industrial use categories are defined as including "general warehousing, storage, distribution activities and general manufacturing." *See*, Tonopah/Arlington Area Plan at 14.

29. In Hickman's application to amend the existing Rural Residential land use designation on its Arlington site to an Industrial land use designation, Hickman states, in part, that the amendment is necessary "in order to preserve and protect the following existing land uses: (1) chicken egg production and processing; and (2) related feed and fertilizer manufacturing." Ex. 4 (Cover page/application).

30. Hickman consistently refers to itself as "agri-industry." Indeed, according to Hickman, "[t]he Hickman's agri-industrial operations also require the use of heavy machinery, outdoor storage, composting fields, and warehouse structures. Organic fertilizer is manufactured on-site and eggs are homogenized and processed to create liquid and hard-cooked egg products. The Hickman's distribute their products from the Arlington site to 7 states. These agri-industrial uses are not consistent with a Rural Residential land use. The Hickman's existing and proposed uses require and Industrial land use designation." *Id.*

31. Indeed, according to Hickman, "The Hickman's operation is more than an agricultural use. It is an agri-industrial business that warrants an Industrial land use designation. Only an Industrial designation will truly preserve and protect all elements of the Hickman's agri-industrial business . . ." *Id.* at 7.

32. Many, if not all, of these same industrial uses will take place on the Property.

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33. A.R.S. 11-865(A)(1), which deals specifically with building codes, exempts "[c]onstruction or operation incidental to . . . farming, dairying, agriculture . . . or stock or poultry raising . . ."

34. None of the facilities/activities complained of herein are "incidental to" poultry raising or any other agricultural purpose.

35. Article 1304.2 of the Maricopa County Zoning Ordinance provides, in pertinent part, that [i]f property [is classified as Agricultural by the Assessor's Office] the property is exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance, unless the Planning and Development Director independently determines that all or part of the property is not used primarily for [general agricultural purposes]. *Id.*

36. All or part of the Property is "not used primarily" for "general agricultural" purposes.

37. Prior to filing this special action, Plaintiffs repeatedly attempted to communicate with the County Defendants regarding the allegations contained herein. County Defendants were not responsive.

COUNT 1

(The County Defendants' Decision to Categorize the Property as "Agricultural" was Contrary to Law, Arbitrary, Capricious, and in Excess of Their Legal Authority)

38. Plaintiffs re-allege and incorporate the preceding paragraphs as if fully set forth herein.

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39. In categorizing the Property as "Agricultural," County Defendants (especially Defendant County Assessor's Office) proceeded without or in excess of [their] legal authority and/or the determination was arbitrary and capricious or an abuse of discretion. *See,* Rule 3 Ariz. R. Special Actions.

COUNT 2

(The County Defendants' Decision to Grant Hickman an "Agricultural Exemption" for the Property was Contrary to Law, Arbitrary, Capricious, and in Excess of Their Legal Authority)

40. Plaintiffs re-allege and incorporate the preceding paragraphs as if fully set forth herein.

41. In granting Hickman's "Agricultural Exemption," County Defendants (especially the Department of Planning and Development) proceeded without or in excess of [their] legal authority and/or the determination was arbitrary and capricious or an abuse of discretion. *See,* Rule 3 Ariz. R. Special Actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. Find that the County Defendants proceeded without or in excess of jurisdiction or legal authority, and/or such action of the County Defendants was arbitrary and capricious or an abuse of discretion. *See*, Rule 3(b) and (c), Ariz. R. Special Actions;

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2. Reverse/annul the County Defendants' categorization of the Property as "Agricultural;"

3. Reverse/annul the County Defendants' granting of an "Agricultural Exemption." *See*, Rule 6, Ariz. R. Special Actions;

4. Award to Plaintiffs their reasonable attorneys' fees and costs pursuant A.R.S. § 12-2030;

5. Immediately enjoin construction on the Property until (and unless) Hickman can comply with zoning, building and any other applicable code or ordinance;

6. Declare the construction a "public nuisance" pursuant to Article 1502.3 of the Maricopa County Zoning Ordinance;

7. Assess criminal and civil penalties against Hickman pursuant to Article 1503 of the Maricopa County Zoning Ordinance;

8. Grant to Plaintiffs such other and further relief as this Court may deem just, equitable or proper.

DATED: April 22, 2014

THE SHANKER LAW FIRM, P.L.C.

By_____

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Counsel for Plaintiffs

VERIFICATION

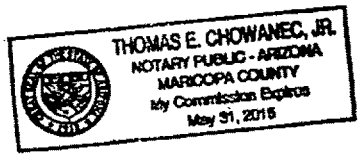
STATE OF ARIZONA)
County of Maricopa)

Tonopah Community Council, STOPP Committee, Plaintiff in the above-entitled action, affirms that the allegations of the Verified Complaint are true in substance and in fact. This verification is knowingly submitted under penalty of perjury.

DATED this 21 day of April, 2014.

Linda Butler
Linda Butler, President

SUBSCRIBED AND SWORN before me this 21st day of April, 2014.



T E Chowanec
Notary Public

My Commission Expires: May 31 2015

VERIFICATION

STATE OF ARIZONA)
)
County of Maricopa)

Julie Park, Plaintiff in the above-entitled action, affirms that the allegations of the Verified Complaint are true in substance and in fact. This verification is knowingly submitted under penalty of perjury.

DATED this 21 day of April, 2014.

Julie Park

Julie Park

SUBSCRIBED AND SWORN before me this 21st day of April, 2014.

OFFICIAL SEAL
ROSEMARY TORRES
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires May 11, 2016

Rosemary Torres

Notary Public

My Commission Expires: May 11, 2016

VERIFICATION

STATE OF ARIZONA)
)
County of Maricopa)

Camilla Van Sickle, Plaintiff in the above-entitled action, affirms that the allegations of the Verified Complaint are true in substance and in fact. This verification is knowingly submitted under penalty of perjury.

DATED this 21 day of April, 2014.

Camilla Van Sickle
Camilla Van Sickle

SUBSCRIBED AND SWORN before me this 21st day of April, 2014.

THOMAS E. CHOWANEC, JR.
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
May 31, 2015

T E Chowanec
Notary Public

My Commission Expires: May 31 2015

VERIFICATION

STATE OF ARIZONA)
)
County of Maricopa)

Bill Pennington, Plaintiff in the above-entitled action, affirms that the allegations of the Verified Complaint are true in substance and in fact. This verification is knowingly submitted under penalty of perjury.

DATED this 21 day of April, 2014.

Bill Pennington

SUBSCRIBED AND SWORN before me this 21st day of April, 2014.

THOMAS E. CHOWANEC, JR.
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
May 31, 2015

T E Chowanec
Notary Public

My Commission Expires: May 31 2015

EXHIBIT 1

Maricopa County
Planning & Development Department

501 N 44th Street, Ste. 200
Phoenix, Arizona 85008
Phone: (602) 506-8150
carolhu@mail.maricopa.gov

February 6, 2014

Paul Yeatts
6515 S Jackrabbit Trail
Buckeye, Arizona

Reference Application: **LU20140004** Agricultural Exemption
Tax Parcel Number: 506-34-039A, 506-34-039B, 506-34-046, 506-34-042, 506-34-045B

Dear Mr. Yeatts,

Your request for an Agricultural Exemption under LU20140004 has been approved. The approval allows for an egg farm in the Rural-43 zoning district. Approval is subject to the site plan consisting of one full-size sheet, stamped LU20140004 received January 31, 2014.

You must maintain Agricultural status with the Maricopa County Assessor's Office for this agricultural exempt status to remain valid. Provide an annual site plan update to this office if any changes are made or proposed to the layout of the subject parcel, or if there is a change in agricultural status.

Agricultural developments of the subject parcels are exempt from the requirements of the Maricopa County Zoning Ordinance including Drainage Regulations, and the county's building safety codes. Any structures built under this exemption that do not meet the underlying zoning district standards, building safety code and/or drainage regulations will be required to comply with said regulations if, at a future date, the exemption is no longer valid or applicable.

Revised site plan submittals to this office are still necessary when improving or developing the agricultural use. Please provide a copy of this letter with each submittal. You are required to submit revisions to the land use file if there is any change to the use of the subject property, any alteration of the approved structures, and construction or installation of new improvements under this land use, or a change in ownership.

If the subject parcel has any structures, alterations or modifications, or any change of use that is not reflected on the approved site plan or noted in the land use file demonstrating that the item in question was part of the approved agricultural exempt land use, this office will not recognize the item in question to be part of the exemption and it shall be subject to all code requirements. In order to request the item in question be added and included in the exemption, the property owner or representative will need to provide revised plans and support documentation for update of the land use file. After a review has been completed, you will be notified of any change to the current agricultural exempt status.

Maricopa County
Planning & Development
Department
411 N. Central St., 3rd Floor
Phoenix, Arizona 85004-2191
Phone: (602) 506-6150
Fax: (602) 506-8510

Please note the subject parcel is still subject to requirements of the Flood Control District of Maricopa County and the Maricopa County Environmental Services Department. The property owner is responsible to meet the requirements of any other regulatory authority. Otherwise, any improvements principal or incidental to the exempted agricultural use (egg farm) are exempt from the county's zoning, drainage and building safety codes. Notwithstanding, development of the agricultural exempt use may not adversely impact neighboring, surrounding downstream or upstream properties.

A copy of the staff review memorandum is attached for your reference. If you have any questions, please contact me at 602-506-8150.

Sincerely,

Carol Hu
Planner

Attachments: Staff Review Memorandum

Planning & Development Department

Zoning Adjudication Division

ONE STOP SHOP

Land Use Application Memorandum

Date:	January 31, 2014
From:	Carol Hu, Planner
Case:	**LU20140004**
APN:	506-34-039A, 506-34-039B, 506-34-046, 506-34-042, 506-34-045B
Location:	41625 W. Indian School Rd, Tonopah, AZ, 85354
Zoning:	Rural-43
Applicant &Owner:	Paul Yeatts
Request:	Agricultural Exemption

Summary:

The applicant of Hickman Eggs Ranch, Paul Yeatts, submitted a request on January 31, 2014 for Agricultural Exemption status to allow an egg ranch in the Rural-43 zoning district. The parcels referenced above are classified Agricultural by the Maricopa County Assessor Office. There is an existing Agricultural Exemption application filed under LU20080038 from a previous owner this property and there are no outstanding fees at this time.

Recommendation:

Staff recommends administrative approval of this request subject to the site plan consisting of one full sheet stamped received January 31, 2014.

I concur with the recommendation as noted.

Terri S. Hogan, AICP, Current Planning Supervisor — 2/5/14 Date

Attachments: Site Plan (1 sheet)

501 N. 44th Street, Suite 200 • Phoenix, AZ 85005-6526 • (602) 506-8150 • (602) 506-8369 fax
carolhu@mail.maricopa.gov
Internet: www.maricopa.gov/planning

Planning & Development Department
AGRICULTURAL EXEMPTION LAND USE APPLICATION

ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

ONE STOP SHOP

☒ Agricultural Exemption Is this Design Build? ☒ Yes ☐ No Is this Residential? ☐ Yes ☒ No

REQUEST

Title of Project: DESERT PRIDE

Description of Request:

Existing Use of Property: FARMLAND

Existing Zoning District:

Related Case Number:

PROPERTY INFORMATION

Address (if known):

General location (include nearest city/town): NEAR 420th Ave & Indian School Rd Tonopah, AZ

Size in Acres: 353 Square Feet:

Legal Description Section: 23 Township: 2N Range: 7W

Assessor's Parcel Number: 506-34-007B, 506-34-007A, 506-34-045B, 506-34-045A, 506-34-004

OWNER'S AUTHORIZED AGENT INFORMATION

Name: Hickman's Egg Ranch Inc Contact: Paul Yeatts

Address: 6515 S Jackrabbit Tr

City: Buckeye State: AZ Zip: 85326

Phone #: 623-872-2354 Fax#: 623-872-9220

E-mail Address: pyeatts@hickmanseggs.com

PROPERTY OWNER INFORMATION

Name: Hickman's Egg Ranch Contact: Jim Manes

Address: 6515 S Jackrabbit

City: Buckeye State: AZ Zip: 85326

Phone #: 623-872-2315 Fax#: 623-872-9220

E-mail Address: jmanes@hickmanseggs.com

PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION

I **(property owner)** Hickman's Egg Ranch authorize **(owner's agent)** Paul Yeatts to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

INSPECTIONS

By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.

PROPOSITION 207 WAIVER

The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, pursuant to A.R.S.§12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.

Property Owner Signature: [signature] Date: 1/6/14

VERIFICATION OF APPLICATION INFORMATION

I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.

Property Owner Signature: [signature] Date: 1/6/14

ARS § 1605 TIMEFRAME EXTENSION

I authorize a **50% timeframe extension** for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.

Property Owner Signature: [signature] Date: 1/6/14

LU2014-0004

Paul D. Petersen
Assessor

301 West Jefferson Street
Phoenix, Arizona 85003
Phone: (602) 506-3406
www.maricopa.gov/assessor

Maricopa County

Request for Real Property Classification Verification

Notice to Requestor: Adequate background research, (including proper applications being on file) as well as possible on site inspection of the parcel(s) will be required which can take up to several weeks to complete, prior to the Assessor's Office being able to complete this request.

RECEIVED
JAN 27 2014
COUNTY ASSESSOR

Send Request To: Maricopa County Assessor's Office
Attn: Ms. Marita Lammie
Agricultural Division
301 W. Jefferson, Suite 330
Phoenix, Arizona 85003-2196
Telephone: (602) 506-2972

Requested by: Property Owner [X] Representative [ ] Request Date: 1/28/14
Name: Hickman's Egg Ranch, Inc
Address: 6515 S Jackrabbit Trail
City: Buckeye
Telephone: 623-872-2315

I/We are requesting a classification verification on the following parcel(s).

Parcel No.	Use Code	Ag. Dist.	Farm No.	Remarks
504-34-039H	4110	1Z	573	FIELD CROP
504-34-039B	4110	1Z	573	FIELD CROP
504-34-046	4110	1Z	573	FIELD CROP
504-34-042	4110	1Z	573	FIELD CROP
504-34-045B	4117	1Z	573	FIELD CROP W/ STRUCTURE
	Information in this box is completed by Assessor			

Below for Assessor Use Only

I Jeannine Bell, hereby certify that the above information to be a true and correct classification status as of 1/28/2014.

Jeannine Bell	APPRAISER	7795
Signature	Title	Employee No.

NEW OWNER HAS SUBMITTED APPLICATION.

AG/class.verif. LU 2014 0004 08/25/2009

RECEIVED JAN 31 2014

EXHIBIT 2

Introducing Victory at Verrado.
You've waited 55 years for this.
explore Victory 2015

from:

AZ.Central.com

see page 2 (35,000 sq. ft. processing plant)

Same day primary care appointments.
Banner Health Center
Near W. Elliot Rd. and S. Estrella Pkwy

Hickman's Family Farms will build a farm factory in Tonopah that will open with 2.2 million chickens, and could grow to four times that, despite opposition from residents who say the project blindsided them.

Residents want an environmental-impact study to determine the farm's impact on health and natural resources in the community, which is about 20 miles west of Buckeye.

However, because the land is zoned for agriculture, state agricultural laws allow Hickman's to build the 360-acre farm with few permit requirements and virtually no oversight from the state or Maricopa County.

The District 4 County Supervisor whom residents of the unincorporated area would typically turn to is Clint Hickman, who is part of the family and a co-owner of the business. Hickman said there are four other supervisors residents can contact with concerns about the egg and fertilizer facility.

Signs of opposition line properties along Indian School Road, where

Get the care you need when you need it.
Banner Health Center
Learn more.
Near W. Elliot Rd. and S. Estrella Pkwy

the farm will be built. A public meeting last month with the Hickmans drew about 400 residents, most of whom were angry and opposed to the plant.

The residents fear their dream lifestyle become a nightmare that includes chicken feces, flies, dead chickens, truck traffic, noise and air pollution. They worry the giant farm could endanger underground water supplies and hot springs, and about the Hickman's use of prison labor.

The rural community's downtown, with a dozen or so businesses, is just off Interstate 10 at Indian School Road and 411th Avenue. The farm will be at Indian School Road between 415th and 419th avenues.

Billy Hickman, a Hickman's co-owner and vice president of operations, said the company has been responsive to residents' concerns, but it appears nothing can appease them except the farm changing locations, which he said isn't going to happen.

Hickman's will break ground on the $40 million first phase any day, he said.

The property was selected because of its proximity to the interstate, making it easier and more cost-effective to ship eggs west to California and east to Phoenix and beyond. It also is near a supply of workers, he said.

The company's first phase will include 2.2 million chickens in seven 30-foot-tall buildings, each with a 45,920-square-foot footprint, and a 35,000-square-foot processing plant. Future phases would each have seven buildings that house 300,000 chickens in each, and would boost the farm's chickens to more than 8 million if there are four phases.

Whether those four phases will be built will depend on the demand for eggs, Billy Hickman said.

Prisoners from the Arizona State Prison Complex-Lewis in Buckeye will do some work at the farm. Hickman said he isn't sure how many prisoners will work in Tonopah because they work with baby chicks, and the babies will be born and raised at Hickman's facility in Arlington before being sent to Tonopah.

The company has two other chicken farms, one in Maricopa, south of Phoenix, and another in Arlington, southwest of Buckeye, near the Palo Verde Nuclear Plant.

The first phase of the Tonopah facility would require about 18 trucks per 10-hour day, seven days a week. The trucks would haul feed to the Tonopah facility, and transport out eggs, euthanized chickens and manure. Billy Hickman said that would be fewer than two trucks per hour during the workday, and the truck traffic would benefit a nearby truck stop, one of Tonopah's businesses.

At the contentious public meeting in January, many residents were outraged that they weren't given notice and that there weren't public meetings until after the plan was finalized.

Tonopah leaders say they found out about the project in October when someone asked about the project in a Tonopah Valley Community Council meeting, but they were unable to get details until the Hickmans agreed to meet with them in November.

Billy Hickman said company officials closed on the parcel, for which they paid $10,000 an acre, in November, and informed community leaders nine days later.

Business and land owners say their livelihoods and investments could be destroyed. They point to the Hickmans' chicken and egg farm operation in Arlington, where there have been complaints to the county Air Quality Department about odor and dust.

The Hickmans acknowledge the Arlington plant has problems, but say they will use a different method of chicken farming at the Tonopah farm.

There will be no manure piles outside the Tonopah facility, Billy Hickman said. Chicken feces will be kept inside and shipped out. Chickens past their egg-laying prime will be euthanized and shipped off-site daily to be composted.

He said Hickman's had not commissioned an environmental study, but the facilities will sit on concrete and will not harm water supplies.

Locals oppose farm

The Tonopah Valley Community Council and Tonopah Valley Association, made up of residents, farmers and business owners, oppose the Hickman's operation being placed in Tonopah, which they say is a unique community.

Tonopah is said to mean "hot water under the bush," which refers to its geothermal water heated from the Earth's interior. A subterranean fault is the heat source that provides water to El Dorado Hot Springs, a business half a mile east of the proposed Hickman's facility, manager Matt Kamowski said.

Visitors travel there to soak in the healing waters while taking in the views of Saddle Mountain and the Palo Verde Hills, he said.

Banner Health Center
Learn more.
Near W. Elliot Rd. and S. Estrella Pkwy

Teach your kids how to stop bullying and be more than a bystander.
Learn How
Ad Council
FREE TO BE... YOU AND ME

"Some people have arthritis problems. Some people have back problems. Some people have joint problems, and they come here to heal," Kamowski said.

He called the mere presence of a giant egg and fertilizer farm a threat to his business. He's concerned about the odor and aesthetics, as well as impact on the water.

Oscar Lopez owns Tonopah Family Restaurant, which is three-quarters of a mile east of the proposed farm. Lopez said customers and truckers from the interstate will bypass the area once word is out about the farm.

"We're going to lose a lot of business," Lopez said, adding that about 70 percent of his business comes from outside Tonopah.

Mike Wirth is a co-owner of the Saddle Mountain RV Park, which was built in 1980 and is home to part-time and permanent residents. Wirth said he and his brother invested millions into the park with 344 RV spaces, 28 apartments, an 11,000-square-foot clubhouse and other amenities.

"I just cannot see how you can have 6 (million) to 8 million chickens within three-quarters of a mile of me and not create an odor or fly problem of some kind," he said.

Wirth's attorney sent letters to the Hickmans and the county Board of Supervisors warning that the farm could be a nuisance and damage the RV park business.

Clint Hickman, who was appointed to the county Board of Supervisors in 2013, said he has been careful to avoid a conflict of interest. He said that he has made it clear to the county that he isn't involved in any county issues concerning the facility.

"I'm more than happy to talk about issues of all sorts and types in the Tonopah area as they come to me, but on something like this where my family and my family company is investing money in the West Valley to expand our operations, I'm very proud of that," Clint Hickman said.

"However I have a role with the county and on something like this that hits so close to home, what I can do is make sure that anyone with any complaints or suggestions needs to talk to the people that will regulate us," he said. "If they have particular questions when it comes to the county, like air quality or something, there are agency heads that exist just for that purpose."

However, until the facility is built and there are complaints, there is no one to regulate the facility.

Few permits required

There are two permits required of Hickman's Family Farms. The company must apply for a floodplain-use permit from the Flood Control District of Maricopa County, because the parcel is affected minimally by a floodplain, said Cari Gerchick, a county spokeswoman.

Based on a preliminary review, none of the proposed structures are affected by the floodplain, so the use permit will be issued, and a final inspection will be done to ensure that the buildings do not affect the floodplain, she said.

The Hickmans also applied for a dust-control permit, which the county Air Quality Department approved Jan. 30. The permit requires the company to keep dust to a minimum when building the facility.

There are no other permits required, according to the state and county.

Billy Hickman said the facility has support among some Tonopah residents, including those who have applied for jobs.

"I don't know that I can please everybody," he said. "Hopefully, we can perform at a level that they're satisfied that ... we're not disrupting their lives."

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YOU MAY LIKE

FROM AROUND THE WEB

Snake Visits Chicken 2 teens dead in

'Warren Buffett 20 Athletes that Died

EXHIBIT 3

HICKMAN'S FAMILY FARMS

Desert Pride Farm - Tonopah, Arizona

COMMUNITY INFORMATION MEETING

Saddle Mountain RV Park
3607 N. 411th Avenue
Tonopah, Arizona

January 9, 2014
6:00 p.m.

PREPARED FOR:

Mr. Michael Wirth

Reported by:
Sheryl L. Henke, RPR
Arizona CCR No. 50745

1 So we hope to give you guys some
2 knowledge. We hope to answer every question that we
3 can possibly answer as truthfully and transparently as
4 we can. We ask for you guys to listen with an open
5 mind. And if you -- if you have some concerns, we'll
6 try to address them. This is the time to do it.
7 So -- did you have a statement that we
8 needed to -- let me get one of the white elephants out
9 of the room. And just so we don't screw this up, I'm
10 going to read this verbatim. So -- and then we can
11 talk about it afterwards if you'd like.
12 But my brother Clint handled the sales at
13 our business. And he has also been a lifelong employee
14 of the company. He's been at the county for the last
15 month. He has not been part of the day-to-day
16 management, nor the plan and purchasing of this land
17 for our company's growth. Because of the intentions of
18 some to try and make this a perceived conflict, we
19 asked my brother Clint to not be here tonight.
20 Let me state clearly, Maricopa County
21 government has no authority to regulate this
22 agricultural business. I assure you this is not a
23 political dodge by my brother of the issues. The
24 prohibition of the regulation of agriculture activities
25 is not a county regulation, but state law. Arizona

1 Revised Statute 11-812(A)(2) does not allow political
2 jurisdictions to prevent, restrict or otherwise
3 regulate the use for occupation of land or improvements
4 for railroad, mining, metallurgical or general
5 agricultural purposes.
6 The other thing -- the second thing, and
7 maybe Billy could like to address this so we can get
8 this out of the way as well. You don't have your
9 glasses, do you?
10 MR. BILLY HICKMAN: Do you want to
11 continue?
12 MR. GLENN HICKMAN: Do you want to do
13 that later?
14 MR. BILLY HICKMAN: I think so.
15 MR. GLENN HICKMAN: Okay. Anyway, so
16 that we want to -- we want to address -- again, that's
17 the elephant in the room. There is no conspiracy,
18 there is no issue. My brother's been my brother his
19 entire life. He's been a county supervisor for roughly
20 nine months. But if there's a perceived conflict of
21 interest, then we thought it would be best if he wasn't
22 here. So I just want to kind of clear that to begin
23 with.
24 MR. BILLY HICKMAN: Well, since we're --
25 since we're off the agenda anyway right out of the

1 gate, you know we might as well, if there's any general
2 questions that --
3 MR. WIRTH: Billy, would you just
4 explain, you know, the locations, the buildings, just
5 so we kind of get some generalities. Just give them a
6 basic rundown of how many buildings so they get a basic
7 feel for it. And they can go --
8 MR. BILLY HICKMAN: Okay. So we bought
9 the 360 acres from O&E Farms. And I first met with the
10 two principal owners of O&E Farms in October at Tonopah
11 Joe's. And just to give you the entire timeline, that
12 was in October of 2013, just a few months ago.
13 The land deal closed in November of 2013.
14 And that's when we put the sign up. And that location
15 is on the 419th Avenue and Indian School, the half-mile
16 mark. And, of course, it runs -- it runs south for one
17 mile. And then there's a 40-acre piece -- 40-acre
18 piece on the north side of the road.
19 We originally were looking at putting
20 some pullet houses where we raise the baby chicks to
21 the pullet stage, which gets moved into a lay house.
22 But we have decided not to build over there. There's a
23 couple reasons. So that land will stay farm ground on
24 the north side of Indian School.
25 We are -- the 320-acre parcel that is on

about 560-foot long. They are about approximately 30-foot side wall, 82 feet across.

So -- and Paul Yeatts, who is our project coordinator, and he can correct me or come up here if I'm wrong. He's waving me off.

Anyway, so the processing plant is approximately 200 feet, 200 feet by 220. I might be wrong on that, because I'm just trying to go off memory. And that will have -- that will have two state-of-the-art egg graders that do everything. And at a later date, actually package the eggs and put them into the case, which I think is in one of the videos over, I think, behind -- behind Shari. It shows the robotics.

So that is -- that is the first phase. The processing plant and seven houses, per 2.2 million birds.

AUDIENCE SPEAKER: You are going to put that raw sewage on the farmland, right? The egg wash and the sewage, some of that is going to go directly without being treated on the farmland, right?

MR. BILLY HICKMAN: No. I think we already talked about this when I stopped in and talked to you. So --

AUDIENCE SPEAKER: Oh --

1 about 560-foot long. They are about approximately
2 30-foot side wall, 82 feet across.
3 So -- and Paul Yeatts, who is our project
4 coordinator, and he can correct me or come up here if
5 I'm wrong. He's waving me off.
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16 The processing plant and seven houses, per 2.2 million
17 birds.
18 AUDIENCE SPEAKER: You are going to put
19 that raw sewage on the farmland, right? The egg wash
20 and the sewage, some of that is going to go directly
21 without being treated on the farmland, right?
22 MR. BILLY HICKMAN: No. I think we
23 already talked about this when I stopped in and talked
24 to you. So --
25 AUDIENCE SPEAKER: Oh --

1 Road is right there.
2 AUDIENCE SPEAKER: Okay.
3 MR. BILLY HICKMAN: Which would be right
4 here, Indian School Road. There is a -- there is a
5 portion of this that will be landscaped and the visual
6 blockage with the landscape.
7 AUDIENCE SPEAKER: Those aren't the maps.
8 MR. BILLY HICKMAN: Well, Rick, this is
9 about the best we can do on short notice. So I'm
10 trying to --
11 AUDIENCE SPEAKER: How much notice have
12 you had?
13 MR. BILLY HICKMAN: Well, like I said, we
14 bought the property -- and I'm sorry, we're going to
15 jump around here pretty quick. But we bought the
16 property and closed in November. And put the sign up
17 two days later. So that we would not think that
18 anybody -- so we notify everybody.
19 I put my personal e-mail on there, and I
20 put Paul Yeatts along with a phone number to contact.
21 So I haven't been without taking everybody's e-mails or
22 phone numbers.
23 AUDIENCE SPEAKER: You brought a better
24 map to the meeting with us earlier.
25 MR. BILLY HICKMAN: Okay. You know, I

1 AUDIENCE SPEAKER: So what about Salome?
2 There's an off-ramp and on-ramp on Salome. There's all
3 kinds of property where nobody is even there.
4 MR. BILLY HICKMAN: Okay. I'm going
5 to have to --
6 AUDIENCE SPEAKER: All manure stinks.
7 And of all manure, chicken manure stinks the worst.
8 And the reason is very simple. It has a high ammonia
9 content which gives off nitrogen. And it can cause
10 harm to human and animals. And 26.4 per cent of all
11 nitrogen released in the atmosphere comes from
12 chickens, from all forms and sources.
13 MR. WIRTH: You've got to have a
14 question.
15 AUDIENCE SPEAKER: Why -- the question
16 is, why are you bringing a stench factory in the middle
17 of a residential neighborhood?
18 MR. BILLY HICKMAN: Okay. Let me answer
19 that. Number one, I have been told by different
20 people, leaders of the community, that's a commercial
21 corridor. So when you're saying it's a residential,
22 and I have been hearing from others that's a commercial
23 corridor. So what I'm --
24 AUDIENCE SPEAKER: Do you live here? I
25 can have --

1 MR. BILLY HICKMAN: Okay. Sir, can I
2 ask -- can I answer some questions about -- you made a
3 statement about -- you're probably using some old data.
4 And I understand that, but that's okay.
5 AUDIENCE SPEAKER: It's data from 2012.
6 MR. BILLY HICKMAN: Okay. But when we
7 feed chickens -- and you're saying nitrogen. But we
8 feed on, instead of a pure protein level, we feed on an
9 amino acid profile. So we don't put out -- we try very
10 hard to sit there and lower the emissions, period.
11 So I'm not trying to -- that's just our
12 -- that's just our way of feeding chickens. So I'm not
13 saying that we don't put off an odor. I'm not going to
14 say that I'm going to satisfy everybody. But we bought
15 this property because of the proximity to I-10.
16 AUDIENCE SPEAKER: You didn't answer my
17 question.
18 MR. BILLY HICKMAN: I'm sorry. What was
19 your question?
20 AUDIENCE SPEAKER: Why would you put a
21 stench factory in the middle of a residential
22 neighborhood?
23 MR. BILLY HICKMAN: Because --
24 because this -- I'm sorry, this property was zoned
25 agriculture.

EXHIBIT 4

COMPREHENSIVE PLAN AMENDMENT GUIDELINES

Supplement for Comprehensive Plan And Area Plan Amendments

(To be completed by the Applicant and filed with the application)

(Additional sheets may be attached)

Location of Property: 32425 West Salome Highway, Arlington, Arizona 85322
South of Salome Highway between 331st Avenue and the Salome Highway / Southern Pacific Railroad Intersection

Land Use Plan to be Amended: Old U.S. Highway 80 Area Plan

Current Land Use Designation: Rural Residential (0-1 d.u./acre)

Proposed Use of Property by Applicant: This application is submitted to amend the existing Rural Residential land use designation on the subject property to an Industrial land use designation in order to preserve and protect the following existing land uses: 1)chicken egg production and processing and 2)related feed and fertilizer manufacturing

Summary of features in the project request that do not conform with the Land Use Plan: The current Rural Residential land use classification on the subject property allows for the development of residential uses with densities less than 1 d.u./acre. Primary uses in the Rural Residential category include agricultural and single family residential. The Hickman's Egg Ranch operates its Arlington facilities under a statutory agricultural exemption.

The Hickman's agri-industrial operations also require the use of heavy machinery, outdoor storage, composting fields, and warehouse structures. Organic fertilizer is manufactured on-site and eggs are homogenized and processed to create liquid and hard-cooked egg products. The Hickman's distribute their products from the Arlington site to 7 states. These agri-industrial uses are not consistent with a Rural Residential land use. The Hickman's existing and proposed uses require an Industrial land use designation.

Why should this plan be amended as requested? The Old U.S. Highway 80 Area Plan should be amended to conform with the Industrial land use designation previously established by the 2000 Tonopah/Arlington Area Plan. The Hickman's developed their agri-industrial use under this former Industrial land use designation and request that the Industrial land use be re-established under the Old U.S. Highway 80 Area Plan. Furthermore, the area's existing and proposed transportation system, natural washes, State land and nearby Hassayampa Landfill create a protected area well-suited for industrial development.

Case Number: _____

CPA200911

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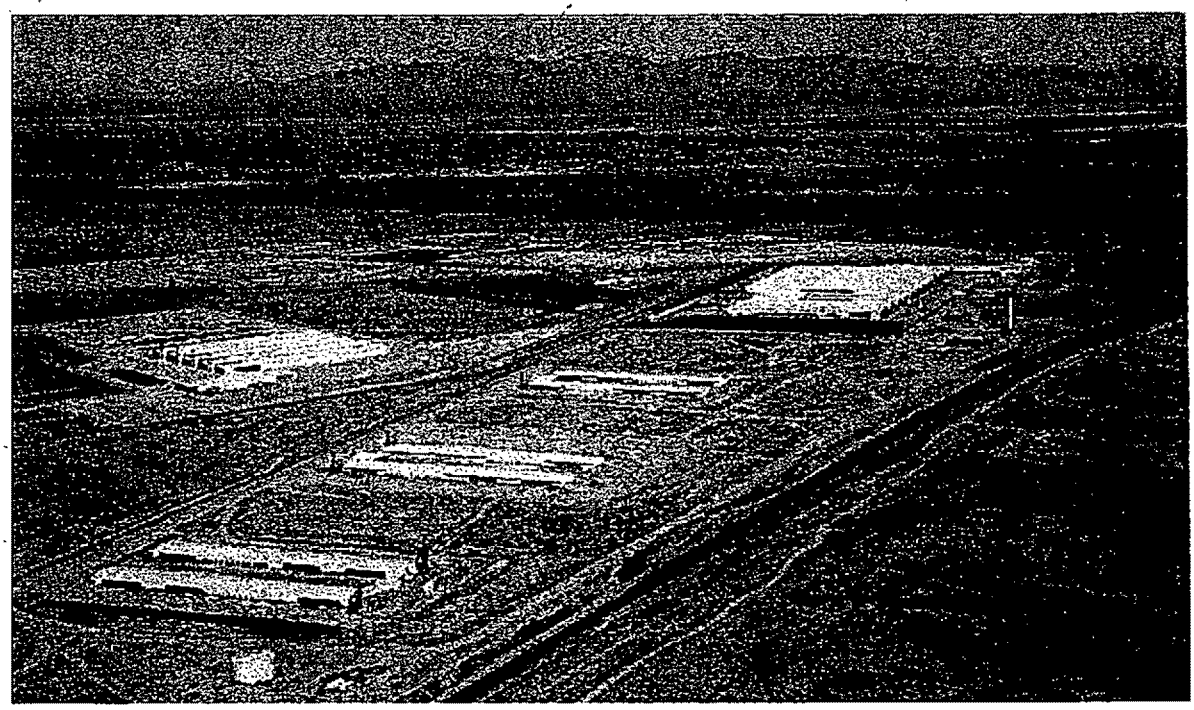
HICKMAN'S family farms

ARLINGTON NORTH AND SOUTH COMPREHENSIVE PLAN AMENDMENT



Applicant

Francis J. Slavin, P.C.
2198 East Camelback Road, Suite 285
Phoenix, Arizona 85016
(602)381-8700

Owner

Hickman's Egg Ranch, Inc.
6515 South Jackrabbit Trail
Buckeye, Arizona 85326
(623)872-1120

CPA200911

RECEIVED JUN 1 9 2009

June 19, 2009

1. INTRODUCTION

In 1944, Hickman's Egg Ranch was established in Glendale, Arizona when Gertie Hickman and her mother-in-law began selling eggs from their back porch at 67th Avenue and Missouri. Starting with 50 hens in 1944, the Hickman's have expanded their egg operations to include approximately 5 million chickens and 1 million chicks, or pullets. Today, the Hickman's are the only egg producer in Arizona and remain a family-owned and operated business. Their eggs are sold in Arizona, California, New Mexico, Nevada, Colorado, Texas and Hawaii. For a more detailed history of the Hickman's Egg Ranch business, please see pages 37 and 38 of the March 2009 issue of *Phoenix Magazine* attached hereto as **Exhibit "12"**.

Hickman's Egg Ranch currently owns 5 farms in 3 states. Two of the Hickman's largest farm facilities are located in an unincorporated area of Arlington, Arizona. A third farm is located on the Ak-Chin Indian reservation in Maricopa, Arizona. The Hickman's also have farms in Grand Junction, Colorado and a free-range flock in Valley Center, California.

The Arlington location is divided into 2 sites known as Arlington South and Arlington North. Arlington South was first established in 1998 and Arlington North was developed a decade later in 2008. The Arlington South location consists of 12 hen houses, 6 pullet houses, a main production/breaker plant production structure and an organic composting field. The Arlington North location contains 5 hen houses, a main production structure, a large field reserved for drying chicken manure, and a fertilizer pellet mill production area. Approximately 2.6 million chickens are housed at the Arlington Property. The Arlington chickens lay approximately 2.2 million eggs per day. Together, the Arlington South and North facilities employ approximately 200 employees.

The Hickman's business has evolved over the years from selling shelled eggs to include the following agri-industrial operations:

- Pullet houses which allow the Hickman's to raise their own pullets,
- Chicken manure composting fields,
- A fertilizer pelletizing mill producing 50,000 tons of organic fertilizer per year. The high-quality, organic fertilizer is sold to farmers and golf courses,
- A breaking plant which produces liquid egg for sale to commercial users of eggs, and
- A hard cooked plant producing hard boiled eggs for restaurants.

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The Hickman's Arlington location is more than an egg ranch. It is also the home of their processing, composting, packaging and shipping operations that have helped spur the growth of Arizona's sole egg producer. In many ways, Hickman's Egg Ranch remains a hometown agricultural business committed to providing quality products and service to its customers. At the same time, the Hickman's Arlington operations are industrial in nature fitting of an Industrial land use category under the Old U.S. Highway 80 Area Plan. Revising the existing Rural Residential land use designation to a more regionally appropriate Industrial category will promote and achieve many of the goals, objectives and policies of the Old U.S. Highway 80 Area Plan and Maricopa County Comprehensive Plan. Adjacent industrial uses, such as the Hassayampa Landfill and proposed Hassayampa Tire Waste Recycling Facility to the north, further support an Industrial designation for the Hickman's Arlington Property. The site also has access to several major roadways and highways within close proximity to the Arlington Property, such as: 1) the Interstate-10 and Salome Highway to the north; 2) the Southern Pacific Railroad, Old U.S. Highway 80 and Interstate-8 to the south; and 3) the SR-85 to the east. Furthermore, Hickman's Egg Ranch submits this Industrial Major Comprehensive Plan Amendment in order to preserve and protect its current investment, operations and employment base and to enable future expansion of the Hickman's agri-industrial business.

2. EXECUTIVE SUMMARY

2.1 Location

The Hickman's Arlington site is located in Sections 3 and 10, Township 1 South, Range 5 West of the Gila & Salt River Base & Meridian. The property is situated in the western portion of Maricopa County approximately 40 miles west of downtown Phoenix. The proposed Comprehensive Plan Amendment area consists of 4 parcels totaling approximately 367 gross acres and 358 net acres (hereinafter the **"Arlington Property"**). The Arlington Property is located along the southern boundary of the Salome Highway, approximately 6 miles south of Interstate-10. The site is bounded by 331st Avenue to the west and the Salome Highway/Southern Pacific Railroad intersection to the east (See **Exhibit "1"** attached hereto).

Arlington South is located south of Ward Road and consists of 3 parcels – APNs 401-30-004E, 401-30-005B and 40-30-005C. Arlington North is located on 1 parcel north of Ward Road, APN 401-30-004D.

2.2 Current Zoning and Land Use Designations

The following table provides parcel and current land use information for the Arlington properties:

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PARCEL APN.	ARLINGTON NORTH OR SOUTH	APPROXIMATE ACREAGE	Land Use Designation According to Tonopah/Arlington Area Plan (9/6/2000)	Land Use Designation According to Old U.S. Highway 80 Area Plan (May 2007)	Current Zoning District
401-30-004D	North	168.6 acres	Industrial	Rural Residential	Rural-43
401-30-004E	South	14.9 acres	Industrial	Rural Residential	Rural-43
401-30-005B	South	91.6 acres	Industrial	Rural Residential	Rural-43
401-30-005C	South	63.4 acres	Industrial	Rural Residential	Rural-43

The Hickman's constructed the first 3 hen houses at Arlington South in 1998. When the Maricopa County Planning Department drafted the original Tonopah/Arlington Area Plan in 1998 and 1999, the County asked property owners within the area plan boundary for their input regarding appropriate land use designations for their properties. The Hickman's requested an Industrial land use designation to be placed on their Arlington Property and the County agreed to their request. On September 6, 2000, Maricopa County adopted the Tonopah/Arlington Area Plan which covered approximately 403 square miles. The Tonopah/Arlington Area Plan formally designated the Hickman's Arlington Property as Industrial land use. A copy of the Tonopah/Arlington Land Use Map is attached hereto as **Exhibit "4"**.

With an Industrial land use designation in place, Hickman's Egg Ranch spent millions of dollars constructing several new processing and manufacturing plants. An organic fertilizer pelletizing mill was added in 2005. The Hickman's began drying and composting chicken manure into high quality, organic fertilizer to be sold to farmers and golf courses. In 2006, a new breaking plant facility was completed on the Arlington South property. The breaking plant produces several liquid and frozen egg products. In 2008, a hard cooked facility was added, producing hard cooked eggs for commercial and retail customers.

Then, in May of 2007, Maricopa County adopted the Old U.S. Highway 80 Area Plan, which removed portions of the State Route 85 Area Plan and the Tonopah/Arlington Area Plan. The Hickman's Arlington Property was removed from the former Tonopah/Arlington Area Plan and was given a new Rural Residential land use designation

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under the Old U.S. Highway 80 Area Plan. A copy of the Old U.S. Highway 80 Land Use Map is attached hereto as **Exhibit "5"**. The Hickman's were not notified that their Industrial land use designation would be replaced by a Rural Residential designation under the new area plan. The Old U.S. Highway 80 Area Plan states that "residents expressed their concern for preserving agricultural uses like the Hickman's Egg Ranch." Based upon this statement, the Arlington Property land use designation was changed at the request of residents in order to preserve agricultural uses. The Hickman's operation is more than an agricultural use. It is an agri-industrial business that warrants an Industrial land use designation. Only an Industrial designation will truly preserve and protect all elements of the Hickman's agri-industrial business.

Currently, the Arlington Property is zoned Rural-43 (RU-43) zoning district and is designated as Rural Residential (0-1 du/acre) under the Old U.S. Highway 80 Area Plan. **Exhibit "6"** attached hereto shows the existing zoning for the Hickman's property and its surroundings.

2.3 Buckeye Land Use Map and Planning Area

The Buckeye Planning Area boundary is located to the east of the Hickman's Arlington site. The Buckeye Planning Area boundary runs north and south along 323rd Avenue. The Town of Buckeye designates the land east of 323rd Avenue and north of the Southern Pacific Railroad as Rural Residential (1.01 – 3 du/acre). The Town of Buckeye General Plan Land Use Map, ratified on May 20, 2008, is attached hereto as **Exhibit "7"**.

2.4 Existing Land Use

Together, the Arlington South and North properties contain 17 hen houses, 6 pullet houses, 2 main production plants, a breaker plant production area, a hard-cooked egg plant area, a dry storage area, fertilizer composting fields, a fertilizer pellet mill, several feeding silos, and evaporation ponds. Pictures of the Arlington Property are attached as **Exhibit "9"**.

Approximately 2 million hens are housed within Arlington's 17 barns. Each barn contains double-sided aisles of chicken cages that rise to 6 levels high. Approximately 150,000 chickens nest in each barn. Automatic conveyor belts move feed from the feed silos to the chickens. Other conveyor belts remove the chicken waste from under the cages to transport trucks that haul the waste to an open field where it is spread into rows and is composted and dried. Separate conveyor belts transport the eggs to the production plants. The eggs move through automatic washers to an inspection station where they are tested for quality and sorted by an egg grading machine that deposits them into cartons. The cartoned eggs are packed into cases, loaded onto pallets and are moved to the cooler

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from where they will be loaded onto trucks to be shipped to Hickman's customers and retail stores. Some eggs are transported to either the breaking facility or hard-cooked facility where they are processed into liquid or hard boiled product. The water used for the egg processing machines is stored in evaporation ponds located south of the Arlington South hen houses and re-used in the fertilizer composting fields.

The Hickman's operate 2 types of manure processing. For the first operation, the chicken manure is dried in windrows and turned by a compost-cat every other day. The dried manure is then packaged and sold. The second operation entails composting the chicken manure with an organic substance. The organic compost is then ground and pelletized to be packaged, sold and shipped to farmers and golf courses throughout Arizona and California. The Hickman's comply with all Hazard Analysis and Critical Control Point (HACCP) guidelines. Pictures of the Hickman's fertilizer manufacturing operations are attached hereto as **Exhibit "10"**.

The Hickman Arlington facilities are operated approximately 20 hours per day by 2 shifts of employees. The first shift starts at 6:00 am and works approximately 10 hours. The cleaning crew works the second shift until approximately 2:00 am. The Arlington facilities are manpowered by approximately 200 employees.

2.5 Surrounding Land Uses

The Hickman's Arlington Property is surrounded by existing and proposed industrial uses, the former Hassayampa Landfill, State Land, and privately-owned parcels with scattered residential development. An aerial photograph of the Hickman Arlington Property and its surroundings is attached hereto as **Exhibit "2"**.

The Hickman's Arlington Property abuts the Salome Highway on the south. The former Hassayampa Landfill is located on the north side of the Salome Highway, directly across from the Hickman's property. The former Hassayampa Landfill was located on approximately 77 acres owned by Maricopa County. The landfill was operational for 36 years between 1961 and 1997. Of the total 77 acres, 47 acres were utilized for municipal and domestic waste disposal. A 10-acre portion of the 77 acres was used as a Hazardous Waste Disposal Area. The closed landfill was designated as a Superfund cleanup site in 1987 after hazardous wastes were disposed at the landfill during an 18-month period from April 1979 to October 1980. The Environmental Protection Agency and the Arizona Department of Environmental Quality have performed preliminary investigations at the landfill and are taking measures to clean up the site. The southwest portion of the landfill site is currently used as a solid waste transfer facility. According to Maricopa County

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Planning Staff, residential development at the former landfill site is unlikely to occur due to deed and access restrictions recorded against the property.[1]

In June of 2008, Maricopa County sold to CRM of America Holdings, LLC (hereinafter **"CRM"**) approximately 63 acres located north of the Salome Highway and adjacent to the Hassayampa Landfill to the west. The 63-acre site is located directly north of the Hickman Arlington Property being separated by Salome Highway. In November of 2008 and January of 2009, CRM submitted a Special Use Permit application and a Major Comprehensive Plan Amendment (**"CPA"**) application, respectively, in order to allow the development of the Hassayampa Waste Tire Recycling Facility. The Maricopa County Planning Department assigned CRM's Major CPA Case No. CPA2008-13 and Special Use Permit Case No. Z2008119.

Within its CPA narrative, CRM states that the Maricopa County Waste Tire Recycling Program will be managed and operated under a 20-year contract with CRM to collect, recycle, and dispose of County residential and private waste tires. The proposed waste tire recycling facility will collect and process tires to produce a crumb rubber used in rubberized asphalt, synthetic turf applications and rubber molded products. CRM's CPA application requests that its 63-acre site be changed from Rural Residential to an Industrial land use category under the Old U.S. Highway 80 Area Plan. CRM also emphasizes that its tire recycling operation requires the use of heavy machinery, outdoor storage, and warehouse structures that are not permissible under the current Rural Residential land use designation. As shown by the pictures attached hereto as **Exhibits "9"** and **"10"**, the Hickman's Egg Ranch operations require heavy machinery, outdoor storage, and warehouse structures of an agricultural nature, but industrial in nature under CRM's description nonetheless. The proposed Hassayampa Waste Tire Recycling Facility and the Hickman's Egg Ranch are compatible uses fitting of an Industrial land use category.

In addition to the Hassayampa Landfill and proposed waste tire recycling facility to the north, a parcel with Industrial-3 zoning lies immediately southeast of the Hickman's Arlington property. The approximately 16-acre parcel is owned by Drew Equipment Rental, LLC. The site contains a warehouse structure and outdoor storage.

A small Rural-43 subdivision is located west of the Hickman's Arlington Property and 331st Avenue. The Phoenix Valley West Unit 2 subdivision plat was recorded on July 6, 1971 at Book 139 of Maps, Page 29, Official Records of the Maricopa County Recorder's Office. As shown by **Exhibit "2"**, many of the lots within Phoenix Valley West Unit 2 remain vacant. When the Hickman's began construction of their egg production

[1] The Hassayampa Landfill information was obtained from the Maricopa County Planning Department's Staff Report to the Planning and Zoning Commission, dated April 2, 2009, for Case No. CPA200813.

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and processing facilities in 1998, one home was being constructed within the Phoenix Valley West Unit 2 subdivision. The rest of the subdivision was vacant land. After the Hickman's erected several hen houses and the egg processing plant, a handful of scattered homesteads were established throughout the subdivision. The Hickman's have maintained a good working relationship with its surrounding residential property owners and will continue to mitigate the effects of its agri-industrial operation on surrounding properties. By the end of this year, the Hickman's plan to install landscaping along their western Arlington property boundary.

State land is located north, south and further west of the Phoenix Valley West Unit 2 subdivision. State land abuts the Hickman's Arlington Property along the south 2,000 feet of its western boundary.

The south Arlington Property boundary is traversed by the Southern Pacific railroad. To the south of the railroad, private residences are scattered within small, irregular shaped parcels. State land surrounds the residential parcels to the south.

2.6 Proposed Land Use

At this time, Hickman's Egg Ranch plans to continue operating their Arlington farms as described above under an existing statutory agricultural exemption. In the future, the Hickman's will construct additional hen houses on the Arlington North site. Plans to develop a feed mill within the Arlington South property are underway. Additional protein processing operations may be developed on the northern portion of the Arlington property. Future business opportunities that will augment the Hickman's egg operations will be explored. Further development of the Hickman's Arlington Property will require additional employees and will provide employment opportunities for the area.

2.7 Existing and Proposed Transportation Systems

The Hickman's Arlington Property has access to a well-established transportation system in the West Valley. The existing and proposed freeway systems surrounding the Hickman's Arlington site support the Hickman's ability to ship egg products and fertilizer to all areas of Arizona and several states. Shipments to and from the Arlington Property travel along the Salome Highway, located along the north Arlington Property boundary. The Salome Highway is considered a future principal arterial street within the Old U.S. Highway 80 Area Plan and is designed to handle ultimate future traffic demand. From the Salome Highway, the Hickman's shipment trucks may access the Interstate-10 or the Old U.S. Highway 80. The Old U.S. Highway 80, between the Salome Highway and Oglesby Road, is also considered a future principal arterial road. Hickman shipments may travel east on the Old U.S. Highway 80 to connect to the SR-85 and from the SR-85 to the

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Interstate-8. Examples of the Hickman's shipment routes are provided below to exemplify the substantial surface access to and from the Arlington site:

- Shipments to Phoenix exit the Arlington Property and head west on the Salome Highway. The shipment trucks then travel north on 331st Avenue to Baseline Road. Heading eastbound on Baseline Road, shipments turn north on Palo Verde Road until they connect to the I-10 East to Phoenix.

- Shipments to Tucson exit the Arlington Property and head east on the Salome Highway. The shipment trucks connect to the SR-85 and head south to the Interstate-8 East. From the Interstate-8, the trucks then connect to the I-10 East to Tucson.

- Shipments to Flagstaff exit the Arlington Property and head west on the Salome Highway to 331st Avenue. At 331st Avenue, the shipment trucks head north to Baseline Road. The shipments then travel east on Baseline Road and turn north onto Palo Verde Road. From Palo Verde Road, the shipment trucks turn east onto I-10, then north on the Loop 101 and north onto the I-17 to Flagstaff.

- Shipments to California exit the Arlington Property and travel west on the Salome Highway to 339th Avenue. The shipment trucks travel north along 339th Avenue to connect to the I-10 West.

- Shipments to Nevada exit the Arlington Property and travel west on the Salome Highway to 339th Avenue. The shipment trucks head north on 339th Avenue to the I-10 West.

- Shipments to New Mexico exit the Arlington Property and travel west on the Salome Highway. The shipment trucks head north on 331st Avenue to Baseline Road. At Baseline Road, the trucks head east and turn north onto Palo Verde Road. From Palo Verde Road, the shipment trucks connect to the I-10 East and then the Loop 101 North. The trucks then connect to the I-17 north from the Loop 101 to I-40 in Flagstaff.

- Shipments to Texas exit the Arlington Property and travel west on the Salome Highway. The shipment trucks head north on 331st Avenue to Baseline Road. At Baseline Road, the trucks head east and turn south on SR-85. The trucks travel south on the SR-85 until they connect to the Interstate-8 East. They then travel on the I-10 East onto Texas.

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- Shipments to Colorado exit the Arlington Property and head west on the Salome Highway to 331st Avenue. At 331st Avenue, the shipment trucks head north to Baseline Road. The shipments then travel east on Baseline Road and turn north onto Palo Verde Road. From Palo Verde Road, the shipment trucks turn east onto I-10, then north on the Loop 101 and north onto the I-17 to the I-40 in Flagstaff.

The Southern Pacific Railroad abuts the entire length of the Arlington Property on the south. According to the Old U.S. Highway 80 Area Plan Executive Summary, one of the main issues and concerns that affected the outcome of this area plan was to find suitable areas for industrial development. The Old U.S. Highway 80 residents, private and public stakeholders, and community work group members decided to promote employment and industrial land uses near the Palo Verde Nuclear Generating Station and along the railroad tracks. Due to the Hickman's immediate location along the Southern Pacific Railroad, it is puzzling that Maricopa County removed the Hickman's Industrial land use designation on the Tonopah/Arlington Area Plan when it transitioned to the Old U.S. Highway 80 Area Plan in 2007. The site's immediate access to several major freeways and the railroad makes it a prime location for industrial uses.

The Arizona Department of Transportation (**"ADOT"**) is also planning to construct 2 new freeways and a new parkway within 1 mile of the Arlington Property (See **Exhibit "1"** attached hereto). State Route (SR) 801 is a proposed east-west freeway corridor that would connect existing SR-85 to the proposed Loop 202 (South Mountain Freeway). ADOT is also planning a connection to the proposed Loop 303. State Route 801 West would connect SR 85 and the proposed Loop 303 in the southwest region of the Valley. Proposed construction of the State Route 801 will commence in 2020 and will proceed through 2025. The State Route 801 would be constructed immediately south of the Hickman's Arlington property and would provide an alternative route to the SR-85 and Loop 202 in the southeast valley.

The proposed Hassayampa Freeway will extend north and south approximately 1 mile west of the Hickman's Arlington Property. According to the MAG Interstate 10 – Hassayampa Valley Roadway Framework Study, the Hassayampa Freeway will be a potential Interstate and international trade route that would begin at 1-10 in Cochise County, bypass the Tucson and Phoenix Metropolitan areas, and carry traffic north to a junction with I-15 in Las Vegas. The Hassayampa Freeway could also serve a portion of the north-south CANAMEX International Trade Corridor in Arizona, due to its potential future junction with either I-8 or I-10 to its intersection with US 93 through Wickenburg. This freeway will continue south from I-10 to the Gila River and turn east at Riggs Road to serve the southeast area of Maricopa County and Pinal County. A copy of the Roadway Network Map from the February 2008 MAG study is attached hereto as **Exhibit "11"**.

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Based upon the proposed location of the Hassayampa Freeway, the Hickman's Arlington Property will have access to the Hassayampa Freeway from the Salome Highway and the proposed SR 801.

The February 2008 MAG Interstate 10 – Hassayampa Valley Roadway Framework Study shows a Hidden Waters Parkway to be constructed along 331st Avenue between I-10 and the proposed SR 801. The Hickman's Arlington Property abuts 331st Avenue to the east. The Parkway will allow Hickman's shipments to travel south to the future SR801 or north to I-10.

The proposed Hidden Waters Parkway will provide an additional buffer between the Hickman's property and the Rural-43 subdivision located to the west of 331st Avenue. In order to provide ample construction area for the future Hidden Waters Parkway, the Hickman's were requested at their pre-application meeting to leave a 100-foot setback from the centerline of 331st Avenue when planning future onsite structures and development. According to the Phoenix Valley West Unit 2 subdivision plat, the half-street width of 331st Avenue is 75 feet. By leaving a 100-foot setback from the centerline of 331st Avenue for the future Parkway, approximately 175 feet will separate the easternmost residential lots within the Phoenix Valley West Unit 2 subdivision from the nearest Hickman's structure.

2.8 Natural Preserve

The Arlington Property is essentially isolated from farmland to the east and additional residential homes to the west by natural washes. The Hassayampa River is located immediately east of the Arlington Property and flows south into the Gila River. The Hassayampa River separates the Hickman's Arlington site from agricultural farmland that follows the Gila River. The farmland is located on the north and west side of the Gila River as the River travels west and then south along the Interstate-8. To the northwest of the Arlington Property, the Old Camp Wash, Winters Wash and Coyote Wash flow south from the Belmont Mountains. The Old Camp Wash and Winters Wash merge south of the Salome Highway at approximately 391st Avenue. A portion of Coyote Wash runs directly west of the Phoenix Valley West Unit 2 subdivision. All 3 washes flow south to the Gila River. Together, the Hassayampa River, Gila River and natural washes to the west create a protective pocket that prevents further residential uses to be developed near the Arlington Property.

State land surrounds the Hickman's Arlington Property, the former landfill, the proposed tire recycling facility, and private land to the west, south and north. The State land is designated in blue on **Exhibit "1"**. Federal BLM land is located south of the Gila River and is designated in green on **Exhibit "1"**.

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Floodplains and floodways are marked along the washes to the east and west of the Arlington Property. A small portion along the southwest corner of the Hickman's South Arlington property is designated as lying within a 100-year floodplain by the Maricopa County Flood Control District and FEMA.

The Hickman's existing use does not adversely impact the natural environment of the area. Rather, the natural washes, floodplains, and State land surrounding the Arlington property create a natural preserve for establishing an industrial/employment base in western Maricopa County. Residential land uses cannot be developed within the confluence of these natural constraints, thus creating a protective pocket for a substantial amount of Industrial land.

2.9 Existing Water and Wastewater Systems

The Arlington Property is not located within the service area of an existing sewer utility company. Hickman's Egg Ranch utilizes an on-site sewage treatment system with satellite septic locations throughout the site. A majority of the agricultural wastewater generated by the Arlington egg processing machinery is reused for the composting and fertilizer pellet manufacturing systems. Egg processing wastewater not used for composting is stored in evaporation ponds.

The Arlington Property's potable water system consists of 4 private wells and a water tower located on-site. The Arlington site is not located within a certificated water company's service area at this time. The Hickman's have conducted preliminary discussions with the Maricopa County Environmental Services Department and the Subdivision and Infrastructure Planning Program as to whether the Arlington Property water system meets the criteria of a public water system. The Hickman's will be working to comply with Maricopa County's public water system requirements.

3.0 MARICOPA COUNTY COMPREHENSIVE PLAN AMENDMENT GUIDELINES

3.1 The Hickman's Comprehensive Plan Amendment Constitutes an Overall Improvement to the Comprehensive Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

Hickman's Egg Ranch has developed multi-million dollar agri-industrial facilities at its Arlington location over the past 10 years. They are a projected long-term use that has provided long-term benefits for the surrounding area and Maricopa County. With approximately 200 employees, Hickman's Egg Ranch offers diverse and irreplaceable job

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opportunities that are unique to the region's agricultural employment base. An Industrial land use designation for the subject property would constitute an overall improvement to the Comprehensive Plan and Old U.S. Highway 80 Area Plan for the following reasons:

- The Hickman's Egg Ranch operation complies with the Industrial land use definition in the Old U.S. Highway 80 Area Plan. The Area Plan defines appropriate uses within the Industrial land use category as "general warehousing, storage, distribution activities, and general manufacturing." As described under the "Existing Uses" subheading of this narrative, the Hickman's agri-industrial operations encompass all of these activities and uses.

- The Hickman's Egg Ranch operation is compatible with adjacent existing and future land uses. The former Hassayampa Landfill to the north is currently being used as a solid waste transfer facility. It is highly unlikely that the Landfill will be developed in the future as a residential land use due to deed restrictions recorded against the Landfill property. If approved, the proposed Hassayampa Waste Tire Recycle Facility to the north will be a compatible industrial use. The Industrial-3 zoned parcel to the southeast would be compatible with an Industrial land use designation on the Arlington Property. Natural washes and state land surround the Hickman's Arlington property, significantly restricting residential development in the area. The Southern Pacific Railroad traverses and creates a barrier between the Hickman's Arlington Property and scattered homesteads to the south. The proposed Hidden Waters Parkway will provide a 175-foot buffer between the Hickman's development and the Phoenix West Unit 2 subdivision. All of these elements create a large, natural island well suited for industrial development.

- An Industrial land use designation for the Hickman's Arlington Property would address one of the local issues addressed in the Old U.S. Highway 80 Area Plan. According to the Area Plan, industrial land uses should be promoted along the railroad tracks. In addition, the Town of Buckeye's General Plan designates land along the Southern Pacific Railroad as Heavy Industrial and Employment Center uses. Buckeye's goal is to keep heavy industrial uses concentrated along the rail line and separated from major residential uses. With the Southern Pacific Railroad located immediately south of the Arlington Property, an Industrial land use designation would promote the goals of the Old U.S. Highway 80 Area Plan and the neighboring Town of Buckeye's General Plan.

- As described under the "Existing and Proposed Transportation Systems" subheading, the Hickman's Arlington property is located in the midst of a major existing and emerging transportation system. An industrial land use typically

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requires access to major street or arterial roadways. The Arlington property currently has access to major streets and nearby freeways. The proposed SR801, Hassayampa Freeway and Hidden Waters Parkway will be constructed within a mile of the Arlington Property. Their construction will further enhance and expand the transportation system serving the area.

3.2 Whether the Hickman's Comprehensive Plan Amendment will adversely impact all or a portion of the planning area by:

Altering acceptable land use patterns to the detriment of the plan:

The Hickman's Major Comprehensive Plan Amendment will not alter land use patterns to the detriment of the Comprehensive Plan. As described above, the Hickman's Arlington Egg Ranch is surrounded by a former landfill, a proposed waste tire recycling facility, an Industrial-3 use, State land, and scattered private residences. The Arlington Property is also bounded to the north, south and east by the Salome Highway and Southern Pacific Railroad. The Hickman's request for an Industrial land use designation will not detrimentally alter the Maricopa County Comprehensive Plan or the Old U.S. Highway 80 Area Plan. To the contrary, an Industrial land use designation for the Hickman Arlington Property would spur growth and employment opportunities in the area without adversely affecting residential uses.

Requiring public expenditures for larger or more expensive infrastructure:

The amendment will not require public expenditures for larger and more expensive infrastructure. On average, approximately 25 shipment trucks access the Arlington site each day. A majority of the trucks use the Salome Highway to connect to the I-10, the Old U.S. Highway 80 and the SR-85. The number of trips generated by the Arlington Property will not require these freeways to be widened or extended. Hickman's has developed its own self contained water and wastewater system.

Requiring public improvements to roads, sewer, or water systems that are needed to support the planned land uses:

The amendment will not require public improvements to be extended from the Arlington Property to existing roads, sewer and water systems. As described above, the location of the Salome Highway allows the Hickman's shipments to connect to the I-10, SR-85, the Old U.S. Highway 80, and the I-8. The Hickman's will also have access to the proposed SR801, Hassayampa Freeway, and Hidden Waters Parkway. After conducting preliminary discussions with the Maricopa County Environmental Services Department, the Hickman's will be permitted to use their existing on-site septic system with an Industrial

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land use classification. The Hickman's are also establishing a public water system for their site. Their existing sewer and water systems will not require public improvements to be extended to the Arlington Property.

Adversely impacting planned uses because of increased traffic:

The amendment will not adversely impact planned uses because of increased traffic. The Hickman Arlington property is an existing use with major roadway and freeway access. The residences to the west and south are not affected by the Hickman's shipments as they are not located along the Salome Highway. The waste transfer facility and proposed waste tire recycling facility will also generate truck traffic. Any additional structures and future operations related to the Hickman's Egg Ranch use of the Arlington Property will not substantially increase traffic to the detriment of surrounding uses. The projected future employment will not generate any measurable impact on the arterial roadway system.

Affecting the livability of the area or health or safety of present and future residents:

The Hickman's amendment will not affect the livability of the area or health or safety of present and future residents. Over the years, the Hickman's have worked to mitigate any impact its Arlington operations may have on residences in the vicinity by working to resolve any concerns raised by its neighbors. There are relatively few complaints because Hickman's manages its operations to minimize flies and odors. Some additional landscaping will be installed within the 100-foot setback area along 331st Avenue so as to screen the Hickman's property from the residences within the Phoenix Valley West Unit 2 subdivision. Full landscaping cannot be installed on the Arlington Property due to the rodents and pests that are attracted by the landscaping. The Hickman's will preserve a large portion of their property as bald desert in order to control rodents in the area. Disinfectant chemicals are used to ensure that avian influenza and other bird diseases do not infect their flock. The hen houses are cleaned daily and the manure is spread in a field to compost. The composting field is located on the north and east side of the Arlington property, farthest away from any residential properties and closest to the former landfill. All egg and fertilizer operations comply with County health regulations and safety codes.

The Hickman's Arlington Property is screened from residential development due to the former landfill to the north, the Hassayampa River to the east, and the railroad to the south. The Southern Pacific Railroad provides a wide setback between the Hickman's agri-industrial uses and scattered homesteads to the south. The only feasible area for future residential development would be to the west of the Arlington Property. In 1998, the Phoenix Valley West Unit 2 subdivision was completely vacant with the exception of one home when the Hickman's began constructing the first hen houses at the Arlington site.

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3.4 The extent to which the amendment is consistent with the specific goals and policies contained within the plan.

The Hickman's Industrial Comprehensive Plan Amendment complies with several of the Maricopa County Comprehensive Plan and Old U.S. Highway 80 Area Plan elements and goals. The Arlington Property was formerly designated as an Industrial land use under the Tonopah/Arlington Area Plan in 2000. With a prior Industrial land use classification, the County has previously validated the Hickman's use as compliant with the Comprehensive Plan Industrial land use requirements.

The Comprehensive Plan elements applicable to the Arlington Property include land use, transportation, environment, and economic development. The following goals have been excerpted from the Comprehensive Plan in order to provide additional support for the Hickman's Industrial amendment and existing use:

Land Use

Promote efficient land development that is compatible with adjacent land uses, is well integrated with the transportation system, and is sensitive to the natural environment.

The Hickman's property is surrounded by the former Hassayampa landfill, the proposed Hassayampa Waste Tire Recycling Facility, an Industrial-3 use to the southeast, State land, and scattered private residences. Natural washes to the east and west and state land from all sides further isolate the Arlington Property from future major residential development. Both the Hickman's amendment and the Hassayampa Waste Tire Recycling Facility amendment request Industrial land use designations for complementary uses next to the former landfill. The Arlington Property is also bounded to the north, south and east by the Salome Highway and Southern Pacific Railroad. From the Salome Highway, the Hickman's shipping operations have access to an extensive arterial and freeway system that will be greatly expanded with the addition of 2 new freeways and a parkway. The Hickman's operation is both industrial and agricultural in nature, resulting in a use that is sensitive to the natural environment. An Industrial land use designation for the Arlington Property will protect the Hickman's Egg Ranch existing uses and facilities and will encourage future agricultural-industrial development.

Encourage innovative and varied approaches to development.

The Hickman's existing use is a truly innovative development. It combines the traditionally agricultural operation of egg production with the high-tech and industrialized operations of egg breaking, egg processing, and fertilizer pellet manufacturing. The Arlington Property contains state-of-the-art processing and manufacturing equipment and

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the latest technology to keep their chickens healthy, clean and safe in accordance with HAACP standards. An Industrial land use designation will promote and facilitate further innovative development at the Hickman's Egg Ranch.

Transportation

Identify and accommodate transportation corridors.

One of the objectives under the Comprehensive Plan Amendment Transportation element is to identify and accommodate transportation corridors. The Hickman's are aware of the proposed SR801, Hassayampa Freeway and Hidden Waters Parkway. The future Hidden Waters Parkway will be constructed along 331st Avenue, which is the western boundary of the Arlington Property. The Hickman's will provide a 100-foot setback from the center line of 331st Avenue in order to accommodate the Hidden Waters Parkway and the proposed transportation corridor for this area.

Environment

Encourage development that minimizes environmental hazards.

The Hickman's development minimizes environmental hazards by reusing wastewater and chicken waste to produce manure and fertilizer. Dust is also mitigated by spraying wastewater from the egg processing operations onsite. By managing their on-site waste and converting it into a profitable commodity, the Hickman's are also implementing environmentally sensitive business practices.

Economic Development

Promote a growing, balanced, efficient, and diversified economy, consistent with available resources, that enhances quality employment opportunities, improves quality of life, and is sensitive to the natural and cultural environment.

The Hickman's Egg Ranch operation is a unique land use that combines agricultural and industrial elements. The Hickman's Egg Ranch has been operating at the Arlington Property for over 10 years and continues to grow with new and evolving agri-industrial uses. The Hickman's business provides over 200 quality jobs to local residents, which in turn, improves the quality of life for the surrounding Arlington area. It is a long-term land use with invested, sustainable practices and an environmentally safe business model that are important to Maricopa County's growth and economy.

3.5 Arizona Revised Statutes Requirements

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Section 11-821 of the Arizona Revised Statutes regulates Comprehensive Plan requirements for counties in Arizona. Several provisions under Section 11-821 require counties to allow industrial development within their planning areas. Specifically, Section 11-821.B(1) requires the county plan to show the zoning districts designated as appropriate for various classes or residential, business and industrial uses. Under Section 11-821.C(1), the Maricopa County plan shall designated the "proposed general distribution and location and extent of uses of the land for housing, business, *industry*, agriculture, recreation, education, public buildings and grounds, open space and other categories of public and private uses of land appropriate to the county" (Emphasis added). Finally, Section 11-821.D(2) requires the county plan to include planning for growth areas that are particularly suitable for "planned multimodal transportation and infrastructure expansion and improvements designed to support a planned concentration of a variety of uses, such as residential, office, commercial, tourism and *industrial* uses" (Emphasis added).

The Maricopa County Comprehensive Plan amendment would fulfill the requirements of A.R.S. Section 11-821 by designating the Hickman's Arlington Property as an Industrial land use category. The majority of the Old U.S. Highway 80 Area Plan is designated with Rural Residential and Open Space land use classifications. The Arlington Property is located within an existing and proposed multimodal transportation area with extensive freeways, arterial roads and the Southern Pacific Railroad close by. Proposed infrastructure improvements, such as the SR801, Hassayampa Freeway and Hidden Waters Parkway will significantly expand the transportation area within a mile of the Hickman's Arlington Property. In evaluating A.R.S. Section 11-821.D(2), the Hickman's Arlington Property is an ideal location for industrial uses.

4.0 CONCLUSION

Over the last 60 years, Hickman's Egg Ranch has supplied quality eggs to Arizona families and restaurants. Its business has evolved from producing eggs, to selling liquefied and hard-cooked egg products and to manufacturing manure and organic fertilizer pellets. In order to preserve and protect the existing agri-industrial nature of the Hickman's operations, an Industrial land use classification must be obtained for the Arlington Property. The natural washes, surrounding state land and former landfill to the north limit residential development adjacent to the Arlington Property. The existing scattered residences are buffered from the Hickman's Egg Ranch by the Southern Pacific Railroad to the south and the 100-foot setback required for the future Hidden Waters Parkway along 331st Avenue. The former Tonopah/Arlington Area Plan recognized the Hickman's Arlington Property as an isolated and prime location for Industrial development. Hickman's Egg Ranch requests that Maricopa County reinstate their Industrial land use designation under the Comprehensive Plan Amendment and the Old U.S. Highway 80 Area Plan.

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