## ZONING INTERPRETATION RECORD

**Subject of Interpretation:**

| Exemptions for Batch Plants in Mining Operations |

**Zoning Ordinance Section Number:**

| Maricopa County Zoning Ordinance (Article XXIII, Section 2302) |

**Title of Section:**

| Exempt Uses |

**Cause for Interpretation:**

| The applicant wants to determine what are the batch plant processing uses when placed in conjunction with mining operations |

**Interpretation:**

| The issue of sand and gravel mining operations located within un-incorporated areas of Maricopa County has become a sensitive issue in Mesa. The recent opening of a sand and gravel mining facility has affected several residential property owners within the Mesa corporate limits as well as those land owners within the local County island that consider Mesa to be their home community.

The applicant believes the exemption for mining operations found in Section 2302 of the Maricopa County Zoning Ordinance also applies to concrete and asphalt batch plants. The County Planning staff has interpreted the section to exclude batch plants from the mining exemption, and required either a Special Use Permit or an IND-3 zoning district to be in place before the batch plant is constructed.

The Mesa Planning Division staff agrees with the Maricopa County Planning staff about the nature of the mining exemption found in Section 2302. As printed, the exemption regards agricultural, metallurgical, and railroad uses as well as mining. In the case of mining, the exemption is describing an extractive industry. It is not discussing a processing industry that would require the shipment of additional materials to the site. By its nature, asphalt and concrete are developed from several base materials mixed together to form a final product. Concrete and asphalt are not extracted as an original product from the ground. In addition, we believe a successful sand and gravel mining operation can be operated independently, without the need of a batch plant. The location of the batch plant on a mining site is a matter of convenience for the operator, not a matter of necessity.

The Mesa Planning Division staff believes it is important to note the flexibility inherent in determining where a batch plant may be sited. The location of a mining operation is based on the location of the material to be mined. It would be difficult to locate a sand and gravel operation at a location where no gravel or sand existed. However, the need to transport materials will allow a batch plant to be placed just... |
about anywhere. The land use requirements of Maricopa County recognize this by specifying the need for a legislative review by the Planning and Zoning Commission for a Special Use Permit, or mandating the batch plant site to be located in a IND-3 zoning district. In either circumstance, the location of the batch plant can be placed at a location that is suitable for that use, and isolated away from non-compatible uses such as single residence lots. The staff would then recommend that the Board of Adjustment uphold the staff interpretation of Section 2302, and maintain the existing requirements.