



November 2, 2016

Ron Gross

[Sent via Email: rongrossltd@cox.net]

RE: Zoning Interpretation (16-06) re: Resource Extraction on APNs 504-03-003B, 003D, 003E, and 003F

Dear Mr. Gross,

I have reviewed your email correspondence and request for formal interpretation dated October 19, 2016 and the following summarizes my determination.

For background, the property was annexed into the town of Buckeye on January 17, 1990 as part of Ordinance 11-89. In keeping with A.R.S. 9-471.L, the town correctly adopted the Agricultural zoning classification in place at that time which permitted a density and use no greater than permitted with the county Rural-43 zoning. At that time, resource extraction, which was not occurring on the site, would have required the Industrial-3 zoning classification with a conditional use permit, and if classified as such would not have allowed a single family dwelling but would have allowed much greater use allowances. Subsequently, in the mid 1990's, the town adopted new zoning classifications and the property was reclassified to Rural Residential still in keeping with the statutory requirement.

At this time, the property is still zoned Rural Residential and resource extraction is not an allowable use. There are other zones in the 2005 code that may be suitable for resource extraction such as General Commerce or Special Use with a conditional use permit. However, the current code does not permit rezoning to these "obsolete zones". Nevertheless, the current 2010 code does permit resource extraction in both the Agricultural and Industrial-2 zoning classifications with a conditional use permit and, if you chose to rezone your property to a new zoning classification, the current fee schedule waives zoning fees when applied with a development project. If this is the direction you chose to go, a pre application conference is required (see attached guidelines).

If you disagree with this determination, you may appeal. Such appeal requires an application and will be forwarded to City Council acting as Board of Adjustment.

Sincerely,

Terri S. Hogan, AICP
Deputy Director / Zoning Administrator

Cc: George Flores, Development Services Director
Andrea Marquez, Planner II