

Seven Years After the Aggregate Protection Act: Have We Done Enough?

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Passed in 2011, the Arizona Aggregate Protection Act (APA) had lofty goals of reducing land use conflicts

APA requires *Planning Agencies* to amend *General Plans* to address sources of aggregates in their communities by:



Including sources of currently identified aggregates from existing mapping

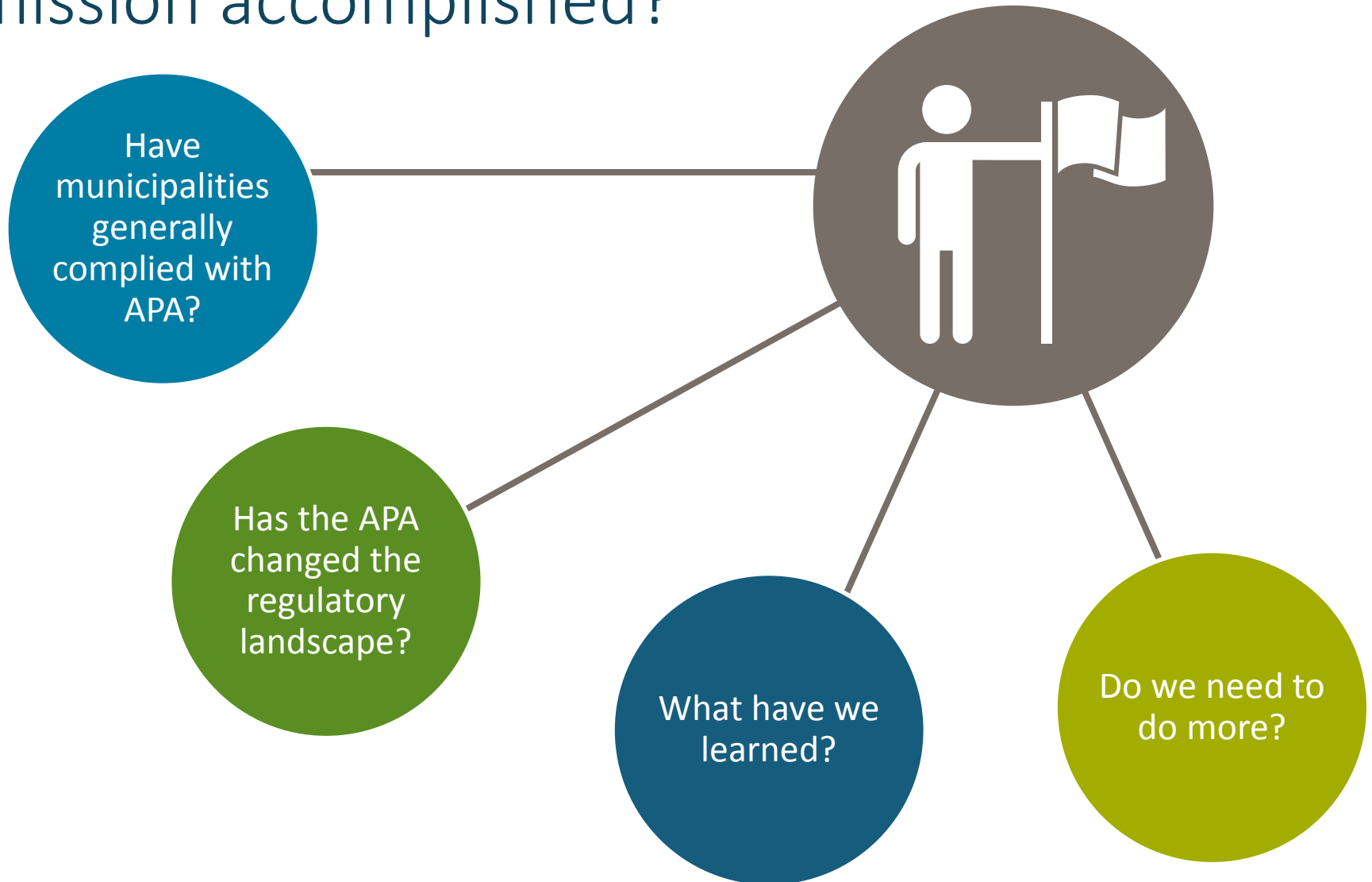


Enacting measures to preserve currently identified aggregates for future development



Enacting policies to avoid incompatible land uses

Now in 2018, can we declare mission accomplished?



We reviewed General Plans of the largest 28 municipalities and 5 counties in Arizona

Only **13 of 28** municipalities have any substantive compliance with APA

Only 9 have identified aggregate sources **and** implemented policies protecting those resources

At least 8 municipalities (notably Casa Grande, Marana, Queen Creek, and Kingman) basically failed to comply

We reviewed General Plans of the largest 28 municipalities and 5 counties in Arizona

Interestingly, the 5 biggest counties generally comply with APA*

*Although counties can't regulate mining, most have considered policies for protecting aggregate resources and operations

Top 5 reasons for non-compliance

5.

General Plans identify active operations but enact no goals or policies to protect them

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Ignored APA requirements

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2.

Ignored APA requirements

1.

Have not updated General Plans since enactment

Best Practices: City of Phoenix

GOAL:

To provide **equal protection** for residential development and aggregate mining operations by promoting compatible land uses in areas of close proximity to existing or planned aggregate and mineral mining operations

POLICIES:

- **Discourage new residential** zoning where future residences would be adjacent to an existing or planned aggregate/mineral mining operation.
- **Discourage new mining operations** adjacent to or in close proximity to existing residential development, schools, or existing or planned city recreation areas.
- Promote non-residential development such as business parks and industrial uses adjacent to existing mining operations.
- Update the General Plan Land Use Map to recognize existing mining sites and as needed when new potential mining sites are identified.



*“A report prepared for the **Arizona Rock Products Association** estimates that In 2006, Arizona produced 109 million tons of aggregates and crushed stone. Transportation of these materials generated 8.73 million truck trips traveling more than 174 million miles. This required more than 26.7 million gallons of diesel fuel and generated over 506.9 tons of truck emissions.”*

[Click here to read the report.](#)

Best Practices: City of Peoria

GOAL:

To promote compatible land uses in areas of close proximity to existing or planned aggregate/mineral mining locations

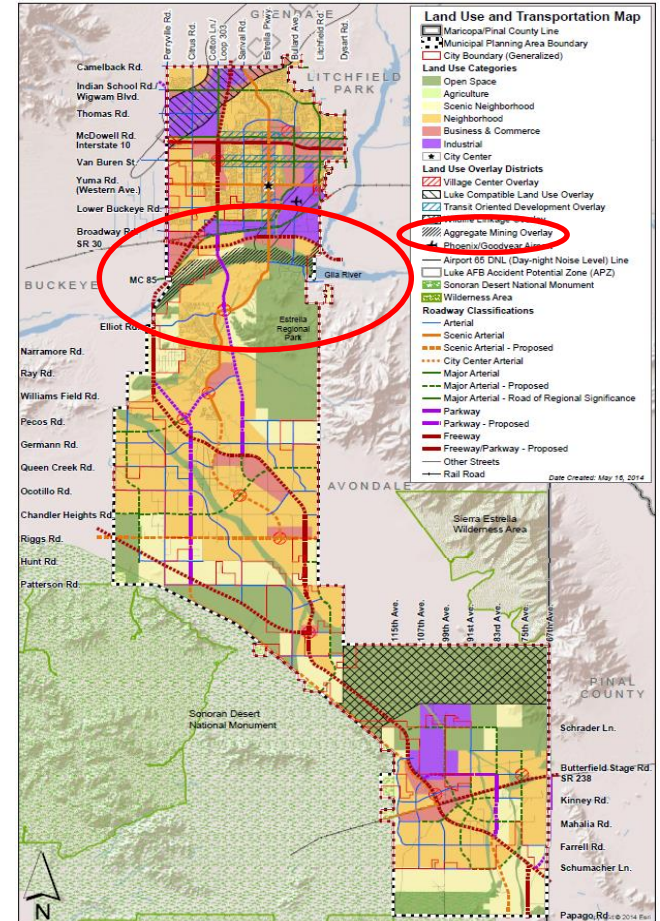
POLICIES:

- Provide **equal protection** for residential development and aggregate mining operations.
- **Discourage new residential development** adjacent to an existing or planned aggregate or mineral mining operation.
- **Discourage new mining operations** adjacent to or in close proximity to existing residential developments, schools, or existing or planned City recreation areas.
- Promote non-residential development such as business park and industrial uses adjacent to existing mining operations.



Best Practices: City of Goodyear

- Created an **Aggregate Mining Overlay** that denotes sources of currently identified aggregates as identified by state agencies and identifies general areas with the potential for future aggregate development.
- The purpose is to disclose to adjoining owners the presence of this resource and the potential for development
- Identification of these areas does not mean that they may be developed as aggregate mining operations by right. **The property must obtain the proper zoning, permits, and other required permissions.**
- Transportation of materials through the City are restricted to truck routes and may be further limited to protect existing uses. Not all sites within the overlay may be conducive to aggregate mining operations.



Although progress has been made, we still have significant issues to overcome

Aggregate resources still regularly conflict with many greenbelt, wildlife corridor, and open space designations shown on General Plans



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Arizona State Land Department
Annexation Agreements do not
ensure fair treatment



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Overlays are great, but not as great as overlays *with* conforming use designations



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Many entities are still not taking the APA seriously



Although progress has been made, we still have significant issues to overcome

Are we willing to engage in collaborative discussions with municipalities over operational and post-mining issues?



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