



Planning & Development  
Department

MINING EXEMPTION



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**Note: As of December 31, 2012, all Land Use applications are subject to ARS § 1605.  
- As of September 13, 2013 all Residential uses are excluded per ARS §11-1605 M.2**



**Planning & Development  
Department**  
**MINING EXEMPTION  
APPLICATION INSTRUCTIONS & CHECKLIST**



Applications submitted to the Maricopa County Planning and Development Department shall include all of the exhibits, items and information listed in this checklist. An application will only be accepted by the Department when all of the items listed below are submitted, unless otherwise deemed unnecessary by staff. Applications determined to be incomplete shall not be processed by staff. Additional information, detail, and/or copies may be required after review by the assigned planner.

After it has been determined that the initial submittal is complete, the filing fee per Zoning Ordinance requirement is to be paid by the owner or owner's authorized agent (checks should be made payable to "Maricopa County Planning and Development"). A receipt will then be issued and a case number assigned.

As of September 13, 2013, the Land Use application process shall be subject ARS § 1605, a State statute that mandates establishment of timeframes to either approve or deny a "license" as defined by the statute. The full statute may be viewed at:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

The statute sets up two types of review timeframes: Administrative and Substantive. The Board of Supervisors (BOS) through the P-30 Licensing Timeframes Ordinance has adopted a 25 day administrative timeframe and a 75 substantive timeframe for Land Use applications. An application related to a residential use is not subject to the statute. An application that is part of design build project may establish negotiated time process during the pre-application meeting.

**Administrative Review Period**

The statutes allow for multiple reviews during the administrative review period.

**Substantive Review Period**

Only one review is allowed for the substantive review period. The County can amend the substantive review comments to address legal requirements not identified on the original substantive review comments.

The applicant can authorize a 50% time increase. This authorization can be given at time of application or at any time during the process.

After receipt of an application, the administrative review period begins and staff will review for administrative completeness. The applicant will receive a formal response from their assigned planner and may be required to submit additional information. Once administrative comments have been given to the applicant, the timeframe clock will stop and will resume upon resubmittal of the application materials. Once the application is deemed administratively complete, the planner will formally notify the applicant that the project has entered the substantive review period and technical comments will be given to the applicant within a reasonable timeframe. The substantive timeframe clock stops from receipt of comments until the applicant makes a formal resubmittal.

At any time during the process, an applicant can check the status of their application by viewing the Online Permit Manager on the Planning and Developments website:

<http://www.maricopa.gov/planning/OnlineServices/OnlinePermitManager.aspx>

The applicant's assigned planner can also be utilized as a resource for checking application status. If at any time comments are given to the applicant, a notation will be made as to the administrative or substantive timeframe remaining which will not resume until a resubmittal is made. **Note:** It is very important to return the planner's comment memo upon resubmittal so that the appropriate statutory timeframe can resume.

Depending on the comments received, the application materials may need revisions. The owner or authorized agent must submit revised materials to the OSS. The applicant's resubmittal must meet the County's technical requirement or it will be denied. Additionally, an administrative decision of denial can be made if the Director finds that it is not possible to grant the application within the timeframe or the applicant has not provided additional or supplemental information within 180 days (not working days) of a written or electronic request for said information.

Once staff is satisfied that technical requirements have been met, staff may approve or deny the request. At this time, the substantive timeframe clock will stop. After a decision has been made, a decision letter will be issued.

The conditions of approval of this Mining Exemption may be appealed to the Hearing Officer pursuant to ARS § 11-832. Provide request for appeal to the Hearing Officer Liaison at this address within 30 calendar days of the administrative/ministerial approval date to schedule an administrative hearing.

**Note:** If an applicant has not made a resubmittal of application materials in either administrative or substantive review periods after six (6) months, the application will be closed due to inactivity.

### **INFORMATION REQUIRED FOR SUBMITTAL**

1. Application – completed and signed – **2 copies**
2. Proof of ownership (recorded deed, unofficial copy acceptable etc.) – **1 copy**. If applicable, lease agreement. If the subject property is part of a land lease, the Lease Agreement should include the terms of the lease, and the proposed use of the leased land. Additional information may be required after reviewing the Lease Agreement.
3. Affidavit of General Mining Use – completed, signed and notarized by the mining operator/property owner, or property owner agent – **1 copy**

4. Provide a copy of the Arizona State Mine Inspector's ASMI INSP form, showing the intent to start or move a mining operation in the unincorporated areas of Maricopa County. The State Mine Inspector's office is located at 1700 W. Washington, Ste. 400, Phoenix, AZ 85007-2805.
5. Site Plan – **2 copies** (11"x17" or 8 1/2" x 14") of the property, indicating the following:
  - a) The site plan must be drawn to a recognizable scale, i.e. 1" = 20'.
  - b) North arrow and scale (written and graphic scale) shown on plan.
  - c) All property lines must be clearly shown and dimensions indicated.
  - d) Location and dimensions of all existing and proposed structures (including fences, signs and pools) from property lines and distance between structures.
  - e) Location and width of dedicated streets, recorded easements, (provide recording number) and patent easements on or adjacent to property (include names of streets if applicable).
  - f) All existing and proposed structures must be shown and dimensioned on the site plan.
6. Narrative – **2 copies** describing use in detail.
7. Photographs. Submit photographs of the site, taken on all four corners of the property and looking inward to the property (minimum of four photographs). Please label each photograph with the view, direction and date. A site plan or key map may also be used in conjunction with the photographs with notations showing what direction the photograph faces and where it is taken.
8. Provide a copy of the Patent Easement Deed (when applicable) which may be acquired at the Bureau of Land Management, 1 N. Central, Phoenix, (602) 417-9200.
9. Fees:
  - Zoning Clearance (Commercial) - **\$250**
  - Addressing Review Fee of **\$10** to verify an existing address or **\$50** to assign an address (This fee is a separate fee but can be combined with the zoning clearance fee)
  - Change to an application for a license in progress - **\$50**
  - For an application to be added to an application for a license in progress - **\$50**
  - To re-initiate application for a license administratively denied due to time (within 180 days) - **\$50**
  - Appeal of administrative denial of a license due to time (within 30 days) - **\$150**

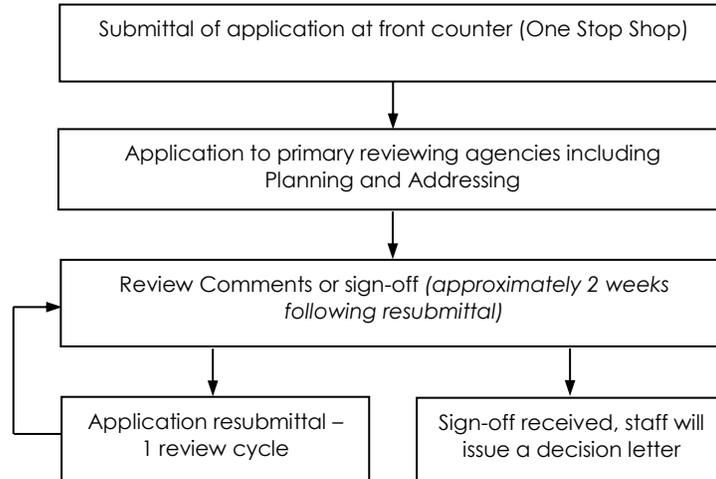


# Planning & Development Department



## MINING EXEMPTION PROCESS & TIMEFRAME

### PROCESS FLOW CHART & PROJECTED TIMEFRAME



Approximate timeframe of 1 month



**Planning & Development Department**  
**MINING EXEMPTION LAND USE APPLICATION**  
 ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE



Mining Exemption	Is this Design Build?	Yes	No	
<b>REQUEST</b>				
Title of Project:				
Description of Request:				
Existing Use of Property:				
Existing Zoning District:				
Related Case Number:				
<b>PROPERTY INFORMATION</b>				
Address (if known):				
General location (include nearest city/town):				
Size in Acres:	Square Feet:	Assessor's Parcel Number:		
Legal Description Section:	Township:	Range:		
<b>OWNER'S AUTHORIZED AGENT INFORMATION</b>				
Name:		Contact:		
Address:				
City:		State:	Zip:	
Phone #:		Fax#:		
E-mail Address:				
<b>PROPERTY OWNER INFORMATION</b>				
Name:		Contact:		
Address:				
City:		State:	Zip:	
Phone #:		Fax#:		
E-mail Address:				
<b>PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION</b>				
<p>I (property owner) _____ authorize (owner's agent) _____ 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 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.</p>				
<b>INSPECTIONS</b>				
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.				
<b>PROPOSITION 207 WAIVER</b>				
<p>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.</p>				
Property Owner Signature: _____		Date: _____		
<b>VERIFICATION OF APPLICATION INFORMATION</b>				
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: _____		Date: _____		
<b>ARS § 1605 TIMEFRAME EXTENSION</b>				
I authorize a <b>50% timeframe extension</b> for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.				
Property Owner Signature: _____		Date: _____		



# Planning & Development Department



## Affidavit of General Mining Use

If approved, the Certificate of Exemption for Mining is an exemption from portions of the Maricopa County Zoning Ordinance, and the County's Building Code Authority, for the use of the land for the approved mining activities. Any use not incidental to the approved mining operation will be required to comply with the current regulations imposed upon said land by the underlying zoning district. The primary use of land shall be the mining operation. If the mining operation use is abandoned or is not the primary use of the land, then the appropriate zoning regulations shall apply.

Each time the property owner wishes to expand the use or construct, alter, modify or demolish any structure or improvement on the subject parcel, a revised land use application is required. At that time, the Department shall re-evaluate the exemption status to ensure that the current zoning exemption is valid.

Date: _____		Project Name: _____	
Type of Mining Operation: _____		In Existence Since: _____	
Name of Operator: _____			
Location: _____			

I hereby certify that I have been authorized by the owner to act as his agent to make this exemption request.			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
I, _____ hereby acknowledge that I have read and understand the information provided on form 423, which recites ARS § 11-830 and Article XXIII, General Provisions, Section 2302, Exempted Uses, from the Maricopa County Zoning Ordinance.			

\_\_\_\_\_  
Owner's/Agent's Signature \_\_\_\_\_  
Date

Subscribed and sworn to before me, on \_\_\_\_\_

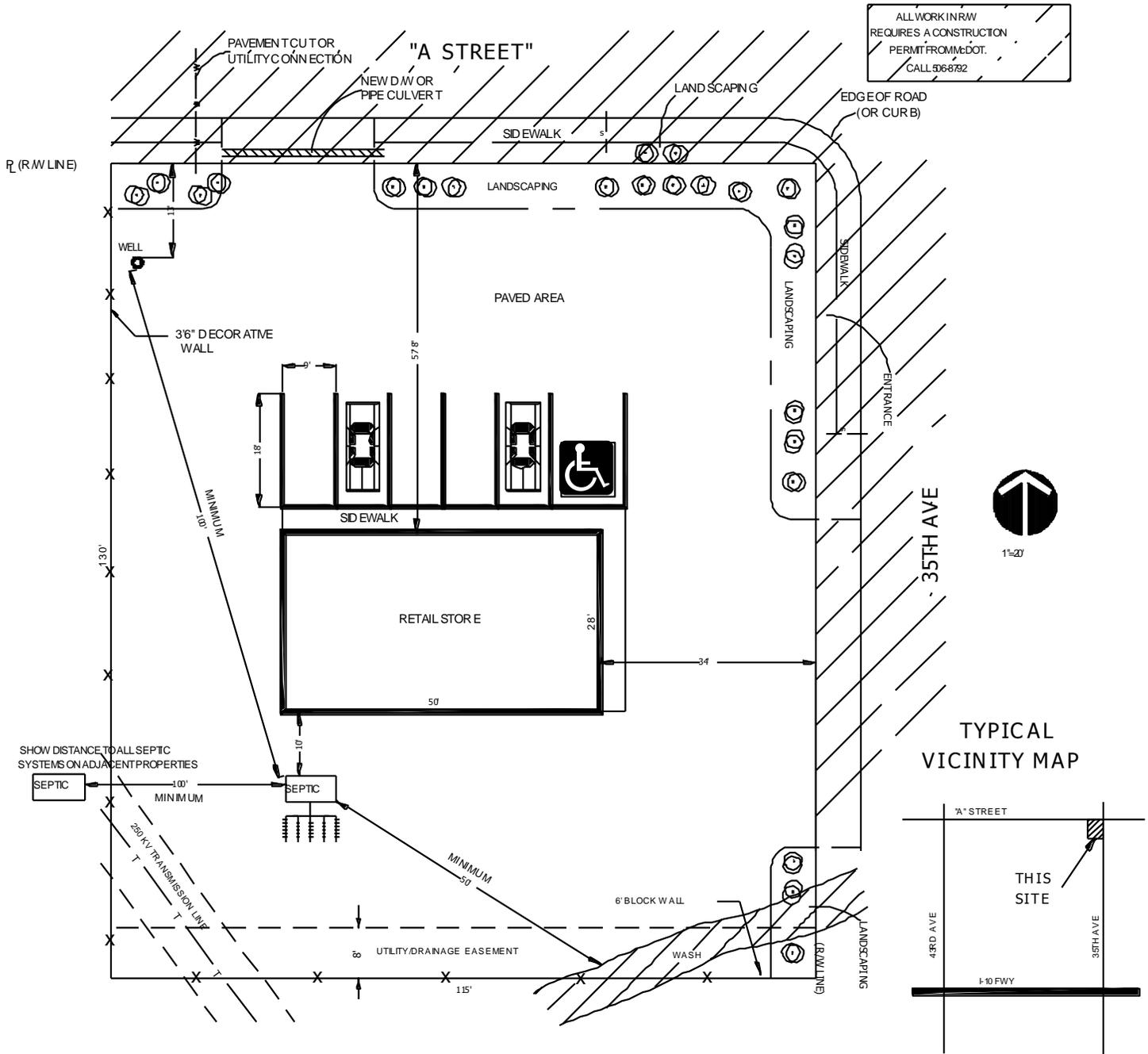
Notary Public \_\_\_\_\_ Commission Expiration \_\_\_\_\_



# Planning & Development Department



## TYPICAL COMMERCIAL SITE PLAN



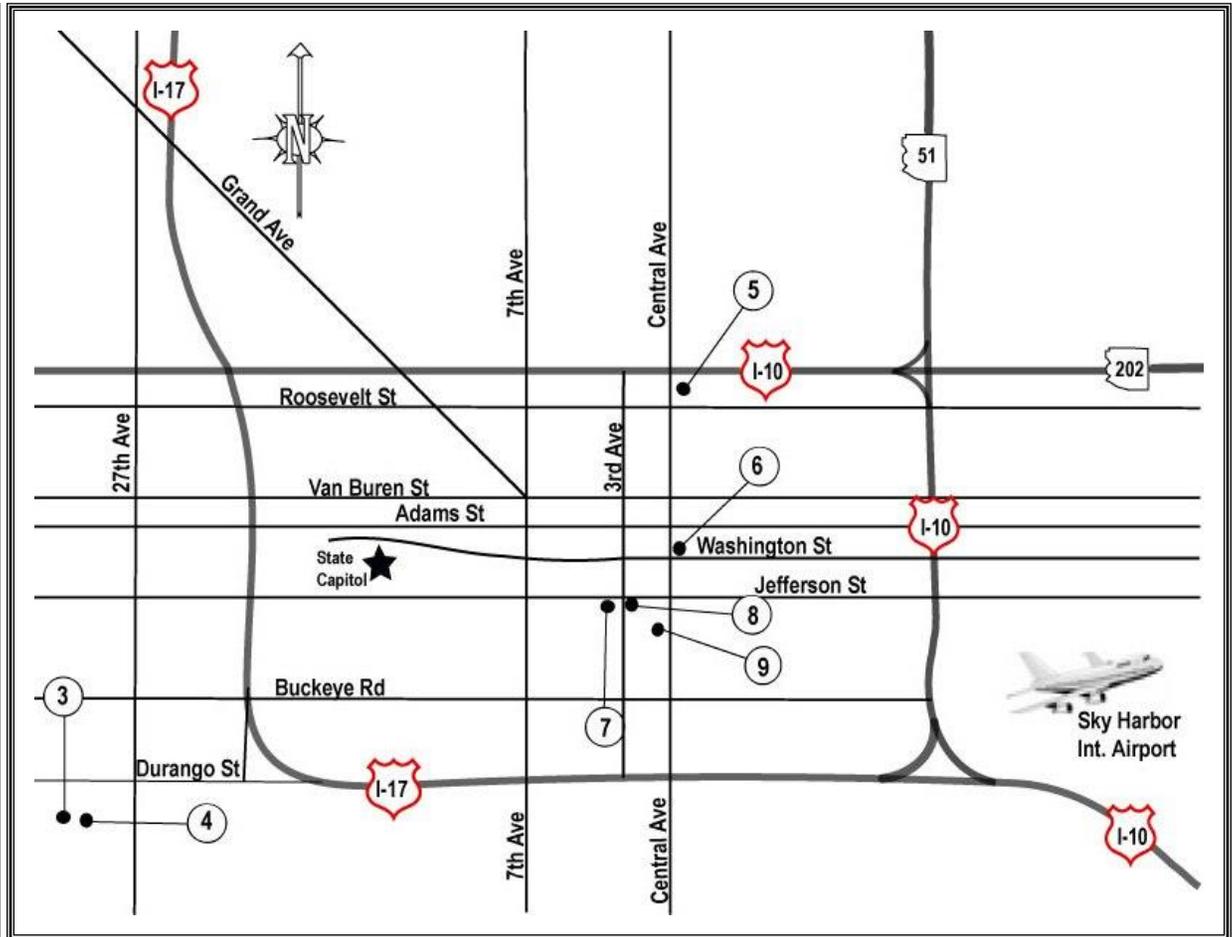
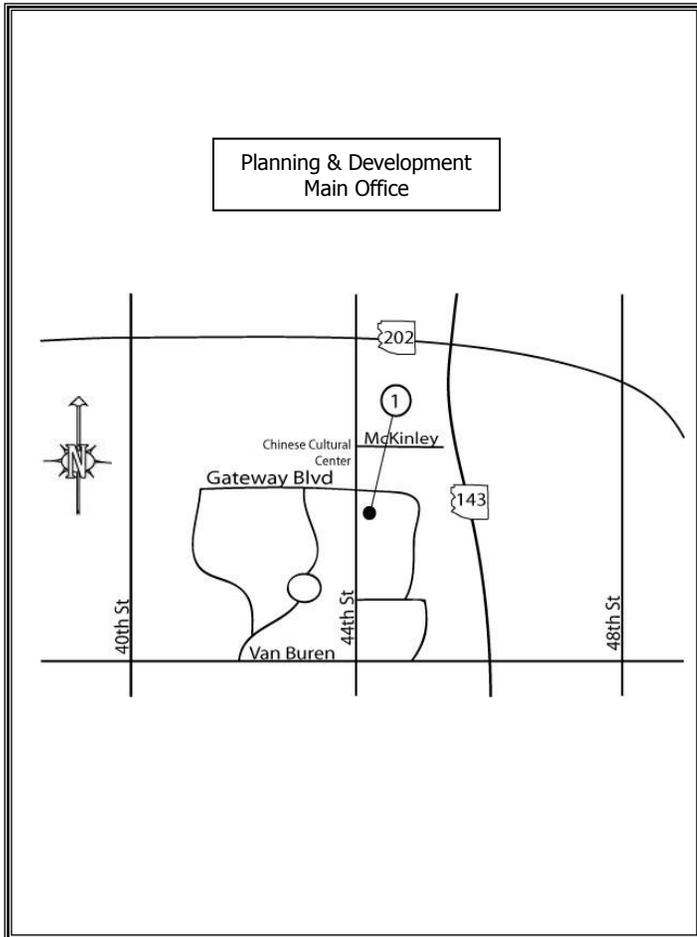
PLEASE VERIFY ALL REQUIREMENTS FROM THE FOLLOWING MARICOPA COUNTY AGENCIES PRIOR TO DRAWING SITE PLAN: PLANNING AND DEVELOPMENT, ENVIRONMENTAL SERVICES, DRAINAGE REVIEW AND DEPARTMENT OF TRANSPORTATION.

**SAMPLE ONLY (DRAWING SHOWN IS NOT TO SCALE)  
ADDITIONAL DETAILED PLANS MAY BE REQUIRED**



# Planning & Development Department

## PERMITS FACILITIES DIRECTORY



- 1.) Planning & Development** (602) 506-3301  
501 N. 44<sup>th</sup> St, Suite 200 Fax: (602) 506-3711
- 3.) Department of Transportation** (602) 506-8600  
2901 W. Durango St.

- 4.) Flood Control District** (602) 506-1501  
2801 W. Durango St.
- 5.) Environmental Services** (602) 506-6666  
1001 N. Central Ave
- 6.) B.L.M.** (602) 417-9200  
1 N. Central Ave

- 7.) Assessor's Office** (602) 506-3406  
301 W. Jefferson St.
- 8.) Recorder's Office** (602) 506-3535  
111 S. 3<sup>rd</sup> Ave
- 9.) Sheriff's Office** (602) 876-1070  
201 W. Jefferson St.  
(Records & ID)



# One Stop Shop - Planning Application Submittal – What to Expect at the One Stop Shop



**Purpose:** Provide customers with information about what to expect when submitting a land use application for a mining exemption. This information sheet includes the application material checklist, fee schedule, and a three step process for application submittal.

**Location:** Maricopa County Planning & Development Department  
501 N. 44<sup>th</sup> Street, Suite 200 Phoenix, AZ 85008

**Business Hours:** 8:00 a.m. – 5:00 p.m. Monday through Friday, except holidays (to ensure adequate time for application submittal, projects should be submitted no later than 4:30 p.m.)

**STEP 1 - Reception:** Proceed to the One Stop Shop Reception desk to obtain a call ticket for the application submittal. Provide the receptionist your name and specify the type of planning application.

**STEP 2 - Intake Counter:** One Stop Shop customer service will call your ticket number and evaluate the application materials for completeness. Once the application materials are accepted a tracking number will be provided and staff will advise you to proceed to the cashier to process application payment. The following is a list of required application materials: **(Please note, if any documentation is missing your application may not be accepted during the intake process, please be sure to follow this checklist).**

<b>Mining Exemption Application Submittal Documents</b>	
	<b>2 copies</b> – Land Use Application – completed & signed
	<b>1 copy</b> – Recorded deed or unofficial copy is acceptable
	<b>1 copy-</b> Completed, signed and notarized 'Affidavit of General Mining Use'
	<b>1 copy</b> – Arizona State Mine Inspector's ASMI INSP Form
	<b>2 copies</b> – Site Plan 11" x 17" or 8 1/2" x 14"
	<b>2 copies</b> – Narrative
	<b>1 copy</b> – Photographs
	<b>1 copy</b> – Patent Easement Deed (if applicable)

**STEP 3 - Cashier - Processing Payment:** The cashier will call your ticket number, request your application tracking number, advise you of the total application fees and request your method of payment. Maricopa County accepts cash, check, or credit card. Please make checks payable to: **MARICOPA COUNTY**. We currently accept Visa and MasterCard for credit card payment. In August 2013, the County will also accept Discover and American Express. **Please note that proper payment in full, based upon the following fee schedule, is required at the time of application:**

<b>Mining Exemption Application Fee Schedule</b>	
<b>Zoning Clearance (Commercial)</b>	Commercial <b>\$250</b>
<b>Addressing</b>	<b>\$10</b> verify existing address <b>or \$50</b> to assign address