

## Town of Sahuarita

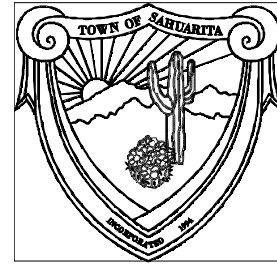
### Planning & Building Department

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## REVIEW TIMEFRAME POLICY

### 1. Purpose

The purpose of this Review Timeframe Policy is to ensure the Town's application processing procedures comply with the Regulatory Bill of Rights as codified in Title 9, Chapter 7, Article 4 of the Arizona Revised Statutes. The Regulatory Bill of Rights was signed into law in 2011 and amended in 2013. The new law applies to all Arizona municipalities and counties.

The law regulates licensing timeframes and requires cities and counties to publish processing timeframes and refund fees if those timeframes are not met. The law identifies and allows for an administrative review for application completeness and two substantive reviews for compliance. If the applicant makes significant changes to the request that are not in response to a request for correction, the municipality may make an additional comprehensive request for corrections. After these two substantive reviews, the application must be approved or denied. The law also requires the applicant be informed about procedures to be followed upon denial, including an appeal process.

### 2. Applicability

This policy applies to all of the Planning & Building Department (P&B) application review procedures which result in outcomes that qualify as "licenses" as defined in Section 5 of this policy and not otherwise exempted by Section 3 of this Policy.

### 3. Exemptions

A.R.S. §9-835(K) includes an exemption for any development review application or permit that is issued within 7 working days of application or expires within 21 days of issuance. For P&B the Planning and Building Department, this exemption applies to zoning clearances, home occupation clearances, and sign clearances that do not require a building permit. The 2013 amendment exempted licenses for permits that are necessary for the construction or development of a residential lot, including swimming pools, hardscape, and property walls. It also exempted residential subdivisions and master planned communities (Specific Plan applications).

#### **4. Expeditious Review**

P&B has consistently supported and practiced expeditious and concurrent review of applications and will continue to do so under the timeframes set forth in this Policy. P&B will continue to engage in process improvements to review various applications in the most expeditious way possible and will continue to work with customers to review their applications in a manner that:

- Assures the public health and safety;
- Provides flexibility when needed; and
- Allows a customer that complies with the Town's development regulations to achieve their permitting and development goals in a timely manner.

Consistent with past practice, the Town will allow first submittals of engineering and building plans "at risk" after the first set of development plan or subdivision plat comments have been addressed. A written request (email is acceptable) must be submitted to the director for such concurrent processing.

#### **5. Definitions**

**Administrative Review** – a preliminary review of an application to ensure all necessary information is submitted in order to provide a comprehensive substantive review. Checklists for administrative compliance will be used by staff to verify completeness. These checklists are provided to the applicant prior to application. At the conclusion of the administrative review, staff will issue an Administrative Review Form either accepting the submittal as administratively complete, or rejecting deficient submittals and providing a list of missing items. Accepted applications will then begin substantive review.

**License** - the following applications fall under the definition of "license":

- All construction plans which result in a permit
- All site plan reviews which result in an approval
- Other processes or plans which result in an approval including, but not limited to: abandonments, dedications, lot splits, plats, dustproofing, zoning, Planning and Zoning Commission actions, Town Council actions, and Board of Adjustment actions.
- Processes requiring staff decision but do not fall within over-the-counter review
- Appeals, Code Modifications, Code Interpretations
- All other applications that result in "license" as defined in A.R.S. §9-831(2).

**Substantive Review** – Only two substantive reviews are allowed under A.R.S. §9-835 provisions, unless the applicant makes significant changes that are not in response to a request for corrections. The first substantive review will result in a comprehensive request for additional materials and/or corrections. The second substantive review will consist of reviewing all additional information and/or corrections made to the first submittal. If the re-submittal is still not in compliance, or is missing information, or if the design has changed and requires additional corrections, the application will be denied. Prior to denial, customer has the following options: to

Enter into an agreement to allow the Town to request additional information; and/or

eEnter into an agreement for time extension (see Section 10, Time Frame Extension Process);  
At the conclusion of the Substantive Review, the Town must issue the permit or issue a denial.  
Upon denial, the customer has the option to do one of the following:

1. Appeal the Town's application or interpretation of code. Items not in compliance with code will be listed on the Application Denial Letter.
2. Resubmit the application as a new application.

## **6. Required Information**

With every project, P&B shall provide the following information as required by A.R.S. §9-836:

- List of all steps required of the applicant in the application/approval process;
- Applicable time frames;
- Contact person (name and telephone number);
- Website address;
- Notice for opportunity to clarify ordinances/regulations; and
- Appeal process for denial of license

## **7. Regulatory Clarifications**

An applicant may request from the Town clarification of a regulation affecting the procurement of a license. A request must be in writing, must identify the regulation, and include all information required by A.R.S. §9-839. In compliance with A.R.S. §9-839, the Town will provide a written response within 30 days of receipt of the request.

## **8. Review Timeframe Requirements**

A.R.S. § 9-835 requires the Town to have in place an overall timeframe during which the Town will either grant or deny license applications. The timeframe requirements for application review for applicable procedures are listed on the Town website.

## **9. Timeframe Suspensions**

The overall timeframes listed on the Town website are suspended for the following time periods:

- From the date of a notice to the applicant of specific deficiencies in an application to the date that the Town receives the missing information from the applicant
- Upon mutual agreement with the customer, the Town can make supplemental requests for information (after the first request) and the time frame will be suspended until the customer provides the requested information
- Time for completion of processes not controlled by the P&B Department staff. Such processes may include public hearings, permits or approvals from other Town departments, Town Council, state, or federal agency approval.

## **10. Timeframe Extension Process**

- A. For substantive reviews of a license application, the Town shall make no more than one comprehensive request for additional materials and corrections unless the applicant makes significant changes to the application that are not related to a request for

correction (unless the customer, in a separate agreement, allows the Town to make supplemental requests).

- B. If the re-submittal after the one allowed comprehensive requests is still not in compliance with the Town regulations and policies, the application shall be denied.
- C. The Town shall give notice of approval or denial by either electronic or written mail.
- D. The notice shall include citations of the pertinent regulations that justify an application denial and shall explain the applicant's rights to appeal.
- E. Unless otherwise prohibited by the Town Code, upon receiving an application denial, the applicant may appeal the denial or submit a new application to the Town for further reviews.
- F. Under ARS § 9-835(H), by mutual written or electronic agreement, the Town may extend the substantive review timeframe and the overall timeframe.
- G. The extensions shall not exceed 5025% of the overall timeframe. An applicant requiring more time beyond the 5025% extension must submit a new application.

### **11. Notice of Administrative Completeness**

The Town shall review applications for administrative completeness. If the application is administratively complete, the Town shall send the administrative completeness notice to the applicant within the mandatory timeframes. If the application is incomplete, the Town shall send a deficiency notice listing all deficiencies and reference the applicable regulation or policy, and inform the applicant that the Town's mandatory timeframe is suspended pending receipt of requested corrections or any missing information. If the Town fails to provide deficiency notice to the applicant within the mandatory timeframe, the application is then deemed administratively complete. A.R.S. §9-835(D) to (F)

### **12. Refunds**

If the Town does not send notice to an applicant regarding approval or denial within the overall timeframe or any mutually agreed extension thereof, the Town shall refund the application fees within 30 days of the expiration of the overall timeframe or any mutually agreed extension thereof and waive any additional fees to complete the application. The Town shall not require the applicant to submit an application for refund. The Town shall generate the refund and complete the review process for the application. A.R.S. §9-835(J)

No refunds shall be issued for applications that are approved or denied within the overall timeframe. The only exception to this is unused public notice fees for applications requiring a public hearing. Applications that are rejected during the administrative review timeframe will receive a full refund.

### **13. Waivers**

The 2013 amendment to the Regulatory Bill of Rights prohibits the Town from requesting or initiating discussions with applicants about waiving rights prescribed in the Regulatory Bill of Rights.