



PROJECT NAME: _____

Development Services Department
AUTHORIZED OPTIONS TO SB1598/HB2443

REGULATORY REFORM – A.R.S. 9-831, et seq

As of December 31, 2012, Town departments issuing permits/licenses will have an established timeframe to either approve or deny a permit application.

Departments shall make **ONE** comprehensive review and concurrently may make **ONE** request for additional information. One additional review is allowed if the applicant makes significant changes that are not in response to a request for corrections. After the resubmittal review, the permit application will either be approved or denied. If denied, the applicant will be notified of the reason(s) for denial.

Upon request, the Town of Sahuarita offers applicants a waiver of rights prescribed in this Regulatory Bill of Rights

The applicant may choose to opt out of the Town's SB1598/HB2443 Compliance Review Policy . and choose the Town's more flexible Review Policy by signing the below Waiver of Claim (see reverse for Waiver of Claim details).

ACKNOWLEDGEMENT

Applicant Name: _____
(Print Name: Applicant, Owner or Authorized Representative)

Applicant Name: _____
(Print Name: Applicant, Owner or Authorized Representative)

By: _____
(Signature of Applicant, Owner or Authorized Representative)

By: _____
(Signature of Applicant, Owner or Authorized Representative)

Its: _____
(Title of Applicant, Owner or Authorized Representative)

Its: _____
(Title of Applicant, Owner or Authorized Representative)

Town of Sahuarita, an Arizona Municipal Corporation:

By: _____
(Signature)

Printed Name / Title: _____

WAIVER OF CLAIM TO A.R.S. § 9-831 ET SEQ.

This agreement ("Agreement") is entered into between the Applicant, as the applicant ("Applicant") seeking a license, permit, approval registration or approval ("License") and the Town of Sahuarita related to the use development of the related Application as required by the Town of Sahuarita ("Town"). Applicant hereby agrees to waive any and all claims as established by A.R.S. §9-831 et seq. in exchange for which the Town agrees to process licensing under its Town of Sahuarita Review Policy Process ("Process").

The Applicant or authorized representative, has submitted an application to the Town requesting that the Town approve or permit a development plan, plat, contemplated use, development or action. Applicant is aware that under the Process, he/she may be afforded multiple opportunities to alter or amend the application and to confer with Town staff for advice without constraint of limited reviews or timeframe for approval imposed by the Town pursuant to requirements of A.R.S. §9-831 et seq. The Town's procedures under the regulatory-limits process imposed by A.R.S. §9-831 et seq. are compared to the Town's alternative application process below. Applicant understands the implication of the process comparison as shown below. Applicant desires to be afforded an opportunity to adjust plans based on its own changing development circumstances over time or based upon suggestions by staff. Applicant believes and acknowledges that these benefits outweigh any rights or remedies that may be obtained under A.R.S. §9-831 et seq.

By signing this Agreement, Applicant waives any right or claim that may arise under A.R.S. §9-831 et seq., including any claim that an application must be deemed complete or that fees must be returned by the Town pursuant to the requirements of A.R.S. §9-831 et seq.

This Agreement is entered into in Arizona and will be interpreted under the laws of the State of Arizona. The Applicant has agreed to the form of this Agreement provided and approved by the Town Attorney. The Applicant has had the opportunity to consult with an attorney of the Applicant's choice prior to entering this Agreement and enters it fully understanding that the Applicant is waiving the rights and remedies provided as set forth herein.

The Applicant warrants and represents that the person or persons listed herein as the Applicant is/are the owner in fee title of any Property identified in the license/permit application unless the Applicant assigns a representative to conduct business with the Town on behalf of said Applicant. The Applicant further agrees to indemnify and hold the Town, its officers, employees and representatives harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon any failure to comply with A.R.S. §9-831 et seq.

A.R.S. § 9-831 REQUIREMENTS AND TOWN OF SAHUARITA REVIEW POLICY OPTION PROPOSAL

A.R.S. § 9-831 requires municipalities to establish and adhere to time frames in a broad range of permitting processes. Under the law cities must create an overall permitting time frame for each process consisting of an "administrative completeness" time frame and a "substantive review" time frame. The aim of this statute was to create faster, more uniform, and more transparent processes, goals which the Town of Sahuarita Planning & Building Department and Public Works Department share. However, the implementation of these time frames may have unforeseen consequences.

A.R.S. § 9-831 states the Town must determine whether a permit application is complete or not during the administrative completeness time frame. If the Town fails to make this determination within established time limits, the permit is deemed complete regardless of deficiencies. Similarly during the substantive review period an application must be denied or approved within the established time frame or the permit fee will be refunded.

A.R.S. § 9-831 offers applicants very limited opportunities to supplement their application with additional material after submission. Upon proper denial, during either review period, applicants must reapply with new plans and pay another permit/submittal fee.

The Town of Sahuarita is committed to customer service and recognizes that applicants may not wish to be locked into formulaic standards which do not provide an adequate opportunity to submit additional requested materials and desired plan changes. Thus, the Town offers applicants the opportunity to make permit applications according to either A.R.S. § 9-831 process or the more flexible process Town of Sahuarita customers are familiar with.

Under a flexible application process, applicants have multiple opportunities to alter or amend their application and to confer with Town staff for advice. This allows the applicant to adjust plans based on their own changing development circumstances over time or on suggestions by staff. Additionally, applicants may alter their permit applications as necessary during the process.

Applicants are encouraged to carefully consider which application process best meets their needs. Staff can explain the process in more detail upon request as well as provide you a copy of A.R.S. § 9-831 et seq. The following points outline some of the highlights of each process.

“A.R.S. § 9-831 - SB1598/HB2443 Compliance Review Timeframe Application Process”

- A limited number of opportunities to supply necessary information and materials. The Town may request additional information a limited number of times after the application is deemed administratively complete.
- If Town fails to meet established timeline for administrative review, an application may be deemed complete although lacking essential materials. If an application is not timely approved or denied, fees are refunded to the applicant.
- During the review period the applicant may make significant changes to the application that are not in response to a request for corrections. In this event, the Town is allowed one additional request for corrections, and the timeframe is automatically extended by up to 50% of the substantive review timeframe.
- Applications are considered withdrawn if the applicant does not supply a response to the request for corrections within 30 days.
- If the permit is properly denied after the Town's allowed requests for more information, applicant must reapply and pay new fee.
- Denials must be explained and the applicable provisions identified.
- Applicant may request code clarification.
- Review timeframes are listed on the Town's website and at the Planning & Building front counters.

“Town of Sahuarita Flexible Review Policy Process”

- Multiple application conferences and opportunities to supply necessary information available before submittal and during process.
- During review period applicant may propose changes to support permit approval and substantial and multiple changes may be made without reapplication.
- No refund for a review period longer than the established timeline. However, the Town is committed to meeting established permit review periods. In most cases review times will be significantly shorter than the established review timeframes. Complex applications or substantial changes may take longer.
- Denials will be explained and the applicable provisions identified.
- Applicant may request code clarification.
- Review timeframes on the Town's website and at the Planning & Building front counters.