

Town of Sahuarita

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Frequently Asked Questions

Licensing Timeframes as Regulated by State Law A.R.S § 9-835

WHAT DOES THE LAW DO?

The law regulates licensing timeframes and requires the Town to publish processing timeframes and refund fees if those timeframes are not met. "Licensing," as defined by the law, includes all permits and approvals issued by a city or county. The law identifies and allows for an administrative review for application completeness and two substantive reviews for compliance. After two substantive reviews, the application must be approved or denied. If the applicant makes significant changes that are not a result of a request for corrections, an additional review is allowed. The law requires all notification from the Town be in writing (email is acceptable).

Additionally, the law requires the Town to identify all steps required of the applicant to obtain a license. The law also requires the applicant be informed about appeal procedures that may be followed upon denial of an application. These appeal procedures will be identified in an application denial letter.

WHAT DID THIS LAW CHANGE?

Administrative Review of Plans- The law requires an administrative review for completeness. This administrative review process requires the jurisdiction to take in complete applications only. The Town will no longer accept incomplete plans for review. The administrative review period begins upon application submittal through the online permitting system or drop-off at the front counter. Staff will ensure that all necessary documents are included in the application. After this administrative review, staff will send the applicant a list of any missing items that are required for a complete application submittal. If the applicant does not provide a complete application after two deficiency notices, the application will be rejected and fees refunded.

Substantive Review of Plans - The law also regulates the substantive plan review after acceptance for review. The Town is allowed only two reviews unless the applicant makes significant changes that were not the result of a request for corrections. In this case an additional review would be allowed. The first review is a comprehensive review, and the subsequent review is a review of corrections required from the first review. After two reviews, the Town must approve or deny the permit.

If any part of the application is significantly revised or redesigned after the first comprehensive plan review NOT as a response to a request for corrections:

- The Town has the opportunity for an additional review; and
- The substantive timeframe is automatically extended by 50%.

Denial of Application – The Law requires the Town to approve or deny an application after the second review (or third review if the application has been significantly revised). If all methods of relief (see below) are exhausted and the application is not compliant with Town codes or ordinances, the application will be denied. The Town is committed to partnering with applicants for successful projects and will do its part to avoid procedural denials of applications.

GUARANTEED (OVERALL) TIMEFRAMES

The new law requires the Town to publish timeframes for every license process and refund the applicant's fees if those timeframes are not met. The published timeframes are working days in which the Town has control of the application. The time in between the Town's reviews constitutes applicant time. Applicant time is the time during which the applicant makes corrections, obtains required information, or participates in another related licensing process necessary for the approval of this license. Applicant time is not counted as Town time in regard to the published timeframe.

The guaranteed timeframe is a maximum timeframe. The Town's standard operational turnaround goals remain the same with a 10-day first review for Building Plans and a 4-week first review for Development Plans and Plats; however, during periods of high activity, please anticipate that the longer maximum timeframes will be required.

IS THERE ANY RELIEF TO ALLOW TOWN STAFF AND DESIGN PROFESSIONALS TO WORK THROUGH MINOR ISSUES?

The applicant and the Town can mutually agree to a time extension. The extension allows the Town to extend the substantive review timeframe and the overall timeframe. The extension cannot exceed 50% of the overall timeframe. This is useful in cases in which the Town must deny the application because it cannot be approved in the guaranteed timeframe.

WHAT IS THE APPEAL PROCESS FOR APPLICATION DENIALS?

If, at the end of the substantive review, an application is not compliant with Town codes, ordinances, or policies, the application will be denied. The Town is committed to working with customers and using all relief possible under this state law prior to denying an application.

However, once an application is denied, the applicant will have two options:

1. Appeal the Town's application or interpretation of code. Items not in compliance with code will be listed on the application denial letter; or
2. Resubmit the application for another substantive review.

In the event of denial, a written letter of application denial will be sent to the applicant. This letter will identify the items that are not compliant with the code, ordinance or policy and

provide the options listed above. Appeals of code application or interpretation will follow existing appeal processes.

DOES THE TOWN OFFER A WAIVER OF THIS LAW?

A waiver is available, but the law prohibits the Town from requesting or initiating discussions with applicants about waiving rights prescribed in the Regulatory Bill of Rights. Applicants interested in a waiver are responsible to request information from Town staff regarding the waiver process.