



**AGREEMENT TO WAIVE ANY CLAIMS AGAINST THE CITY
PURSUANT TO THE REGULATORY BILL OF RIGHTS
ARIZONA REVISED STATUTES § 9-831 ET. SEQ.**

This agreement (“**Agreement**”) is entered into between _____
_____, as the applicant (“**Applicant**”) seeking a licensing, permit,
approval registration or approval (“**Licensing**”) related to the use or development of
_____ (“**Property**”)

Activity No. _____ as required by the City of Tucson and the
City of Tucson (“**City**”). The Applicant hereby agrees to waive any and all claims for any
failure of the City of Tucson to comply with Licensing timeframes in conformance with the
provisions of the Regulatory Bill of Rights, A.R.S. §9-831 et. seq., in exchange for which the
City of Tucson (“**City**”) agrees to process licensing under its Flexible Application Process
(“**Process**”).

The Applicant or authorized agent of the Applicant, has submitted an application to the City
requesting that the City approve or permit a development package, plat, contemplated use,
development or action described in Exhibit A. The Applicant is aware that the under the
Process, he/she may be afforded multiple opportunities to alter or amend his application and to
confer with city staff for advice without constraint of limited reviews or timeframes for approval
imposed by the City pursuant to the requirements of A.R.S. §9-831 et. seq. The City’s
procedures under the regulatory-limits process imposed by A.R.S. §9-831 et. seq. are compared
to the City’s alternative flexible application process in Exhibit B. The Applicant acknowledges
prior receipt and review of Exhibit B. The Applicant desires to be afforded an opportunity to
adjust plans based on his own changing development circumstances over time or based upon
suggestions by staff. The 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, the Applicant waives any right or claim that may arise under The
Regulatory Bill of Rights, 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 City pursuant to the requirements of
A.R.S. §9-831 et. seq.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws
of the State of Arizona. The Applicant has agreed to the form of this Agreement provided and
approved by the City 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 under
A.R.S. §9-831 et. seq. 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 Exhibit A. The Applicant further agrees to indemnify and hold the City of Tucson, its officers, employees and agents 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.

Dated this _____ day of _____, 20____.

Applicant: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

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

Its: _____
(Title of Individual Signing in Representative Capacity)

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

EXHIBIT A
ACTIVITY NO. _____

Address or Description of Property:

License sought: (Insert brief description of approval, permit or authority sought. Alternatively a proposed plat, development package or other documentation describing the approval sought may be attached and identified as EXHIBIT A)

EXHIBIT B
ACTIVITY NO. _____

**SB 1598 REQUIREMENTS AND
CITY OF TUCSON PDSO FLEXIBLE APPLICATION PROCESS**

In 2011, the Arizona Legislature passed a “Regulatory Bill of Rights” (SB 1598) requiring 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 bill was to create faster, more uniform, and more transparent processes, goals which the City of Tucson Planning and Development Services Department share. However, the implementation of these time frames may have unforeseen consequences.

Under the SB 1598 regulatory-limits process, the city must determine whether a permit application is complete or not during the administrative completeness time frame. If the city 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.

The SB 1598 regulatory-limits process offers applicants very limited opportunities to supplement their application with additional material after submission. Moreover, changes to a permit application are limited to responses to a PDSO request. Development changes proposed by the applicant do not appear to be allowed. Upon proper denial, during either review period, applicants must reapply with new plans and pay another permit fee.

PDSO 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, PDSO offers applicants the opportunity to make permit applications according to either the SB 1598 regulatory-limits process or the more flexible process City of Tucson PDSO customers are familiar with.

Under the Flexible Application Process, applicants have multiple opportunities to alter or amend their application and to confer with city 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 many times as necessary during the process.

Applicants are encouraged to carefully consider which application process best meets their needs. Staff can explain the processes in more detail upon request as well as provide you a copy of SB 1598. The following points outline some of the highlights of each process:

“Regulatory Limits Application Process”

- A limited number of opportunities to confer with staff and supply necessary information and materials. PDSD may request additional information only once after the application is deemed administratively complete
- If city fails to meet established timeline for 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 review period applicant may lose opportunity to propose alterations to support permit approval or changes in circumstance during development.
- If permit properly denied after PDSD one-time request for more information, applicant must reapply and pay new fee.
- Denials must be explained and the applicable code provisions identified.
- Applicant may request code clarification.

“Flexible Application Process”

- Multiple application conferences available before submittal and during process.
- During the review period, the 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, PDSD meets or exceeds established permit review period in 85-90% of applications. Complex applications or substantial changes may take longer.
- Denials will be explained and the applicable code provisions identified.
- Applicant may request code clarification.