

**AGENDA ITEM #3**

**ATTACHMENT C: SENATE BILL 1598  
“REGULATORY BILL OF RIGHTS”  
COMPLIANCE REVIEW POLICIES**



**3-02.0.0 CITY OF TUCSON DEVELOPMENT REVIEW TIME FRAME POLICY**

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**3-02.1.0 PURPOSE**

Senate Bill (SB) 1598 was adopted by the Arizona Legislature in 2011, and applies to all Arizona municipalities and counties. The purpose of the SB 1598 Compliance Policy is to bring city and county development review application processing procedures into compliance with the SB 1598 Regulatory Bill of Rights as adopted in A.R.S. Chapter, Article 4.

**3-02.2.0 APPLICABILITY**

- A. This policy applies to the various City of Tucson application review procedures that produce outcomes that qualify as “licenses,” defined in SB1598 as “the whole or part of any municipal permit, certification, approval, registration, charter or similar permission required by law.”
- B. As required by A.R.S. § 9-831 *et seq.* this Compliance Review Frames Policy will take precedent over any timeline in the UDC, Administrative Manual, or Technical Standards Manual.

**3-02.3.0 REVIEW CHOICES**

The City has consistently supported and practiced expeditious review of all applications, and will continue to do so under the time frames set forth in this Policy. The PDSD will continue to engage in process improvement to review various application in the most expeditious way possible and will continue to work with customers to review their applications in a manner that

- provides flexibility when needed;
- assures the public health and safety; and,
- allows a customer complying with the City’s development regulations to achieve their permitting and development goals in a timely manner.

To further this goal and to provide applicants with additional flexibility and choice, the City has also developed a City of Tucson Flexible Review Option, which an applicant may opt to choose in lieu of the requirements of the this Policy. The choice must be made at the time of application submittal, and the applicant must sign a clear waiver of the requirements of this Compliance Review Time Frame Policy on a form approved by the City Attorney.

May 2012

**3-02.4.0**

**DEFINITIONS**

The following City of Tucson development review applications would fall under the SB1598 definition of "license":

- A. Procedures requiring decision by the PDSO Director.
- B. Procedures requiring decision by the PDSO Director pursuant to the 50-foot notice procedure.
- C. Procedures requiring decision by the PDSO Director pursuant to the 300-foot notice procedure.
- D. Procedures requiring Zoning Administrator decision.
- E. Procedures in certain overlay districts requiring PDSO Director decision.
- F. Special exceptions requiring PDSO Director decision.
- G. Special exceptions requiring Zoning Examiner decision.
- H. Special exceptions requiring Mayor and Council decision

**3-02.5.0**

**EXEMPTIONS – SHORT TERM EXEMPT LICENSES**

A development review application or permit that is issued within 7 days of application and that expires within 21 days of issuance is exempt from the provisions of this policy.

**3-02.6.0**

**APPLICATION FORM CONTENTS**

City of Tucson development review applications shall include the following information as required by SB 1598 (ARS 9-836):

- A. A list of all required steps in the application/approval process;
- B. Applicable time frames;
- C. Contact person (name and telephone number);
- D. Website address; and,
- E. Notice for opportunity to clarify ordinances/regulations.

**3-02.7.0**

**REGULATORY CLARIFICATIONS**

An applicant may request from the City clarification of a regulation pertaining to the application. A request must be in writing and include all information required by A.R.S. 9-839. The City may provide the requestor with an opportunity to meet and discuss the request. In compliance with ARS 9-839, the City shall provide a written response within 30 days of receipt of the request.

**3-02.8.0**

**REVIEW TIME FRAME REQUIREMENTS**

- A. A.R.S. § 9-835 requires the City to have in place an overall timeframe during which the City will either grant or deny license applications subject to SB 1598 requirements. A.R.S. § 9-835(C) provides for flexibility in structuring the license process for certain types of "licensing". The time frame requirements for application review for applicable procedures are listed in Table 3-02 provided below.
- B. Existing zoning application review provisions adopted shall comply with the SB1598 Compliance Policy by December 31, 2012.
- C. Any new zoning application review provisions shall comply with the SB1598 Compliance Policy.

**3-02.9.0**

**TIME FRAME SUSPENSIONS**

## May 2012

The overall time frames listed in the Table below are suspended for the following time periods:

- A. From the date of a notice to the applicant of specific deficiencies in an application, whether on review for completeness of application or substantive review, and the date that the City receives the missing information from the applicant.
- B. Time for completion of certain purposes, such including public hearings or state or federal licenses.

### 3-02.10.0 TIME FRAME EXTENSION PROCESS

- A. For substantive reviews of an SB 1598 license application, the City shall request no more than one comprehensive request for additional materials and corrections.
- B. If the re-submittal after the one comprehensive request is still not in compliance with the City regulations and policies, the application shall be denied. The City shall give notice of approval or denial by either electronic or written mail. The notice shall include citations of the pertinent regulations justifying an application denial and shall explain the applicant's rights to appeal.
- C. Upon receiving an application denial, the applicant may submit a new application to the City for further reviews.
- D. Under ARS § 9-835(H), by mutual written or electronic agreement, the City may extend the substantive review time frame and the overall time frame. The extensions shall not exceed 25% of the overall time frame. An application requiring more time must submit a new application. A.R.S. §§ 9-835(H), 9-834 and 9-835(I)

### 3-02.11.0 NOTICE OF COMPLETENESS

The City shall review applications for both application completeness and substantive compliance. The City shall send notice to the applicant of the application's status within the mandatory timeframes. The notice shall cite a list of all deficiencies and reference the applicable regulation or policy, inform the applicant that the City's mandatory timeframe is suspended pending receipt of requested corrections or any missing information and note that if the City fails to provide notice to the applicant the application is then deemed complete in accordance with the SB 1598 Compliance Policy. (A.R.S. §§9-835(D), 9-835(E), 9-835(F))

### 3-02.12.0 REFUNDS

If the City does not send notice to an applicant regarding approval or denial within the overall time frame or any mutually agreed extension thereof, the City shall refund the application fees within 30 days of the expiration of the overall time frame or any mutually agreed extension thereof and waive any additional fees for the application. A.R.S. §9-835(J)

**TABLE 3-02: REVIEW TIMEFRAME REQUIREMENTS**

<b>COMPLIANCE REVIEW TIMEFRAMES</b>	
<b>PDSD DIRECTOR APPROVAL PROCESS</b>	
<b>APPLICATION TYPES</b>	
<ol style="list-style-type: none"> <li>1. Business licenses;</li> <li>2. Changes of use;</li> <li>3. Downtown Area Infill Incentive District – projects within the Downtown Core Sub-district requesting a modification of development regulations (Note: projects within the Greater Infill Incentive Sub district are processed in accordance with the 300' Notice Procedure below);</li> <li>4. Electrical connections (certain types);</li> <li>5. Expansion of existing premises;</li> <li>6. Home occupations;</li> <li>7. Individual Parking Plans for projects greater than 300' from R-3 or more restrictive zoning districts;</li> <li>8. New construction;</li> <li>9. Nonconforming same Land Use Class substitution;</li> <li>10. Nonconforming parking areas;</li> <li>11. Parking Design Modification Requests (except requests to modify the number of bicycle or motor vehicle parking spaces);</li> <li>12. Projects within certain overlay zones;</li> <li>13. Restricted adult activities;</li> <li>14. Temporary uses or structures;</li> <li>15. Tenant improvements;</li> <li>16. Wireless Communication uses (certain types);</li> <li>17. Rio Nuevo District Zone Minor Modifications of Development Regulations (MDR);</li> <li>18. Zoning Compliance for Site Improvements in Existence on May 1, 2005;</li> <li>19. Other applications, such as blood donor centers and circus, carnival and tent shows;</li> <li>20. Site plans (Site plans in Overlay Districts require different time frames for review).</li> <li>21. Subdivision tentative plat</li> <li>22. Subdivision final plat</li> </ol>	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 days
SUBSTANTIVE REVIEW	70 days
OVERALL TIME FRAME	85 days. Note: This time period includes a second review after return of comments on the first review. Total time is less if only one review is needed for a particular approval.

<b>PDSD DIRECTOR APPROVAL PROCEDURE 50' NOTICE PROCEDURE</b>	
<b>APPLICATION TYPES</b>	
<ol style="list-style-type: none"> <li>1. Design Development Options (DDO) in accordance;</li> <li>2. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces;</li> <li>3. PDSD Director Special Exception applications;</li> <li>4. Approval of resident artisan uses in the Historic Preservation Zone;</li> <li>5. Certain wireless facilities;</li> <li>6. Requests for demolition of contributing, non-historic structures in the HPZ</li> </ol>	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 day
SUBSTANTIVE REVIEW	40 days
OVERALL TIME FRAME	55 days
<b>PDSD DIRECTOR APPROVAL PROCEDURE – 300' NOTICE PROCEDURE</b>	
<b>APPLICATION TYPES</b>	
<ol style="list-style-type: none"> <li>1. Mitigation plans for certain restaurants serving alcohol within 300 feet of R-3 or more restrictive zoning.</li> <li>2. Projects within the Greater Infill Incentive Sub district of the Downtown Area Infill Incentive District requesting a Modification of Development Regulations; and,</li> <li>3. Individual Parking Plans for projects within 300 feet of R-3 or more restrictive zoning districts.</li> </ol>	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 day
SUBSTANTIVE REVIEW	50 days
OVERALL TIME FRAME	65 days

<b>ZONING ADMINISTRATOR APPROVAL</b>		
<b>APPLICATION TYPES</b>		
<ol style="list-style-type: none"> <li>1. Compliance with certification of existing premises.</li> <li>2. Interpretations of the UDC.</li> <li>3. Planned Area Development interpretations.</li> <li>4. Zone boundary conflicts</li> </ol>		
<b>TIMELINE</b>		
		For complex issues requiring additional research or a City Attorney opinion:
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 day	15 days
SUBSTANTIVE REVIEW	10 days	30 days
OVERALL TIME FRAME	25 days.	45 days
<b>PDSD DIRECTOR APPROVAL IN CERTAIN OVERLAY ZONES</b>		
<b>APPLICATION TYPE</b>		
Historic Preservation Zone Design Review		
<b>TIMELINE</b>		
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 days	
SUBSTANTIVE REVIEW		
Full Review	45 days	
Minor Review	30 days	
OVERALL TIME FRAME		
Full Review	60 days	
Minor Review	45 days	

May 2012

APPLICATION TYPE	
Rio Nuevo District Design Review	
TIMELINE	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 days
SUBSTANTIVE REVIEW	
Full Review	70 days
Minor Review	55 days
OVERALL TIME FRAME	
Full Review	85 days
Minor Review	70 days
APPLICATION TYPE	
Neighborhood Preservation Zone Design Review	
TIMELINE	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 days
SUBSTANTIVE REVIEW	25 days
OVERALL TIME FRAME	35 days
PDS D DIRECTOR SPECIAL EXCEPTION PROCEDURE	
APPLICATION TYPE	
Special Exceptions requiring PDS D Director approval	
TIMELINE	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 days
SUBSTANTIVE REVIEW	30 days
OVERALL TIME FRAME	45 days

<b>ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE</b>	
<b>APPLICATION TYPE</b>	
1. Special Exceptions requiring ZE decision under the UDC. 2. Substitution of nonconforming uses (uses not in the same land use class) 3. Expansion of nonconforming uses	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 days
SUBSTANTIVE REVIEW	45 days for administrative review
OVERALL TIME FRAME	60 days for administrative review  ZE Public Hearing time frame is suspended from overall time frame under A.R.S. § 9-835(C)(8)(c)
<b>MAYOR AND COUNCIL SPECIAL EXCEPTION PROCEDURE</b>	
<b>APPLICATION TYPE</b>	
Special Exceptions requiring Mayor and Council decision	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	15 days
SUBSTANTIVE REVIEW	45 days for administrative review
OVERALL TIME FRAME	60 days  M/C Public Hearing is time frame is suspended from overall time frame under A.R.S. § 9-835(C)(8)(c)

**3-03.0.0 CITY OF TUCSON PDSO FLEXIBLE OPTION**

**3-03.1.0 GENERAL**  
**3-03.2.0 DESCRIPTION OF PROCESSES**  
**TABLE 3-03 TYPICAL TIME FRAMES FOR COMPLIANCE REVIEW/FLEXIBLE OPTION**

**3-03.1.0 GENERAL**

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:

**3-03.2.0 DESCRIPTION OF PROCESSES**

**2.1 "Regulatory Limits Application Process"**

- A. A limited number of opportunities to confer with staff and supply necessary information and materials. PDSO may request additional information only once after the application is deemed administratively complete.

- B. 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.
- C. During review period applicant may lose opportunity to propose alterations to support permit approval or changes in circumstance during development.
- D. If permit properly denied after PSD one-time request for more information, applicant must reapply and pay new fee.
- E. Denials must be explained and the applicable code provisions identified
- F. Applicant may request code clarification.

2.2 "Flexible Application Process"

- A. Multiple application conferences available before submittal and during process.
- B. During review period applicant may propose changes to support permit approval and substantial and multiple changes may be made without reapplication.
- C. Same review timeframes as currently applied for the different application types. (see Table 3-03 below).
- D. No refund for a review period longer than the established timeline. However, PSD meets or exceeds established permit review period in 85-90% of applications. Complex applications or substantial changes may take longer.
- E. Denials will be explained and the applicable code provisions identified
- F. Applicant may request code clarification.

**TABLE 3-03 TYPICAL TIME FRAMES FOR COMPLIANCE REVIEW/FLEXIBLE OPTION**

<b>PDSD DIRECTOR APPROVAL PROCEDURE</b>	
<b>APPLICATION TYPES</b>	
<ol style="list-style-type: none"> <li>1. Business licenses;</li> <li>2. Changes of use;</li> <li>3. Downtown Area Infill Incentive District – projects within the Downtown Core Sub-district requesting a modification of development regulations (Note: projects within the Greater Infill Incentive Sub district are processed in accordance with the 300' Notice Procedure below);</li> <li>4. Electrical connections (certain types);</li> <li>5. Expansion of existing premises;</li> <li>6. Home occupations;</li> <li>7. Individual Parking Plans for projects greater than 300' from R-3 or more restrictive zoning districts;</li> <li>8. New construction;</li> <li>9. Nonconforming same Land Use Class substitution;</li> <li>10. Nonconforming parking areas;</li> <li>11. Parking Design Modification Requests (except requests to modify the number of bicycle or motor vehicle parking spaces);</li> <li>12. Projects within certain overlay zones;</li> <li>13. Restricted adult activities;</li> <li>14. Temporary uses or structures;</li> <li>15. Tenant improvements;</li> <li>16. Wireless Communication uses (certain types);</li> <li>17. Rio Nuevo District Zone Minor Modifications of Development Regulations (MDR);</li> <li>18. Zoning Compliance for Site Improvements in Existence on May 1, 2005;</li> <li>19. Other applications, such as blood donor centers and circus, carnival and tent shows;</li> <li>20. Site plans (Site plans in Overlay Districts require different time frames for review).</li> <li>21. Subdivision tentative plat Subdivision final plat</li> </ol>	
<b>TIMELINE</b>	
<b>ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS</b>	<b>10 days</b>

<p>SUBSTANTIVE REVIEW</p>	<p>For applications that do not require a site plan or a subdivision plat : 10 days, or 5 days after the date of submittal of a required recommendation by a special reviewer, board or committee.</p> <p>Thereafter, the same review period after each re-submittal.</p> <p>For applications that require a site plan or subdivision plat: 20 days.</p> <p>Thereafter 20 days for each re-submittal.</p>
<p>OVERALL TIME FRAME</p>	<p>For application that do not require a site plan or subdivision plat: 14 days</p> <p>For applications that require a site plan or subdivision plat:  20 to 60 days or more, depending upon the number of re-submittals</p>

**PDSD DIRECTOR APPROVAL PROCEDURE –  
50' NOTICE PROCEDURE**

**APPLICATION TYPES**

1. Design Development Options (DDO) in accordance;
2. Parking Design Modification Requests to the required number of bicycle and motor vehicle parking spaces;
3. PSDS Director Special Exception applications;
4. Approval of resident artisan uses in the Historic Preservation Zone;
5. Certain wireless facilities;
6. Requests for demolition of contributing, non-historic structures in the HPZ

**TIMELINE**

<p>ADMINISTRATIVE COMPLIANCE REVIEW</p>	<p>10 days</p>
<p>SUBSTANTIVE REVIEW</p>	<p>30 days</p>
<p>OVERALL TIME FRAME</p>	<p>40 days</p>

<b>PDSD DIRECTOR APPROVAL PROCEDURE 300' NOTICE PROCEDURE</b>	
<b>APPLICATION TYPES</b>	
<ol style="list-style-type: none"> <li>1. Mitigation plans for certain restaurants serving alcohol within 300 feet of R-3 or more restrictive zoning</li> <li>2. Projects within the Greater Infill Incentive Subdistrict of the Downtown Area Infill Incentive District requesting a Modification of Development Regulations; and,</li> <li>3. Individual Parking Plans for projects within 300 feet of R-3 or more restrictive zoning districts.</li> </ol>	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW	10 days
SUBSTANTIVE REVIEW	45 days
OVERALL TIME FRAME	55 days
<b>ZONING ADMINISTRATOR APPROVAL PROCEDURE</b>	
<b>APPLICATION TYPES</b>	
<ol style="list-style-type: none"> <li>1. Compliance with certification of existing premises.</li> <li>2. Interpretations of the UDC.</li> <li>3. Planned Area Development interpretations.</li> <li>4. Zone boundary conflicts</li> </ol>	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW	10 days
SUBSTANTIVE REVIEW	5 days for most applications  Additional time is required for complex issues or interpretations that require a City Attorney legal opinion.  20-30 days
OVERALL TIME FRAME	10 days for most applications  For complex issues of interpretations that require a City Attorney legal opinion,  30 -40 days

<b>PDS D DIRECTOR APPROVAL IN CERTAIN OVERLAY ZONES</b>	
<b>APPLICATION TYPE</b>	
Historic Preservation Zone Design Review	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	10 days
SUBSTANTIVE REVIEW	
Full Review	45 days
Minor Review	30 days
OVERALL TIME FRAME	
Full Review	55 days
Minor Review	40 days
<b>APPLICATION TYPE</b>	
Rio Nuevo District Design Review	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	10 days
SUBSTANTIVE REVIEW	
Major	70 days
Minor	55 days
OVERALL TIME FRAME	
Major Review	80 days
Minor Review	55 days
<b>APPLICATION TYPE</b>	
Neighborhood Preservation Zone Design Review	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	10 day
SUBSTANTIVE REVIEW	20 days
OVERALL TIME FRAME	30 days

<b>PDSD DIRECTOR SPECIAL EXCEPTION PROCEDURE</b>	
<b>APPLICATION TYPE</b>	
Special Exceptions requiring PDSD Director decision	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	10 days
SUBSTANTIVE REVIEW	15 days
OVERALL TIME FRAME	25 days
<b>ZONING EXAMINER SPECIAL EXCEPTION PROCEDURE</b>	
<b>APPLICATION TYPE</b>	
<ol style="list-style-type: none"> <li>1. Special Exceptions requiring ZE decision</li> <li>2. Substitution of nonconforming uses (uses not in the same land use class)</li> <li>3. Expansion of nonconforming uses</li> </ol>	
<b>TIMELINE</b>	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	10 days
SUBSTANTIVE REVIEW	35 days for administrative review
OVERALL TIME FRAME	45 days  ZE Public Hearing is timeframe is suspended from overall timeframe under A.R.S. § 9-835(C)(8)(c)

MAYOR AND COUNCIL SPECIAL EXCEPTION PROCEDURE	
APPLICATION TYPE	
Special Exceptions requiring Mayor and Council decision	
TIMELINE	
ADMINISTRATIVE COMPLIANCE REVIEW FOR APPLICATION COMPLETENESS	10 days
SUBSTANTIVE REVIEW	45 days for administrative review
OVERALL TIME FRAME	55 days M/C Public Hearing is timeframe is suspended from overall timeframe under A.R.S. § 9-835(C)(8)(c)

DRAFT

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**") Case No. \_\_\_\_\_ as  
required by the City of Tucson and the City of Tucson ("**City**"). 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 plan, plat, contemplated use, development  
or action described in Exhibit A. 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. Applicant acknowledges prior receipt and review of Exhibit B. 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. 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 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)

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

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

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

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_  
(Title of Individual Signing in Representative Capacity)

State of Arizona )  
 )  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:  
\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_  
Planning & Development Services Department

This form has been approved by the City Attorney.

**EXHIBIT A**  
**CASE NO. \_\_\_\_\_**

Address or Description of Property:

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

DRAFT

**EXHIBIT B**  
**CASE NO. \_\_\_\_\_**

**SB 1598 REQUIREMENTS AND  
CITY OF TUCSON PDSO FLEXIBLE OPTION PROPOSAL**

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 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, 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.

