



Development and Infrastructure Services

Development and Permit Review Policy

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1. Purpose

This Development and Permit Review Policy is a statement of Town compliance 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 applies to all Arizona municipalities and counties.

A portion of the law requires the Town to publish processing timeframes for development and permit review. Additionally, the law identifies and allows for an application Completeness Review and a Substantive Review for compliance with Town Codes, Policies and Ordinances. After the Substantive Review, the application must be approved or denied. The law also requires the applicant be informed about procedures to be followed upon denial, including applicable appeal processes.

2. Applicability

This Development and Permit Review Policy applies to all Development & Infrastructure Services (DIS) application review procedures outlined in Section 5 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 seven (7) days of application or expires within twenty-one (21) days of issuance. For Oro Valley DIS, this exemption applies to temporary sign permits, zoning compliance letters, over the counter permits, permits by inspector, permits by appointment, and special use permits.

4. Review Timeframe Requirements

A.R.S. §9-835 requires the Town to establish and publish the overall timeframe during which the Town will either grant or deny permits or applications. The overall timeframe is comprised of the Completeness Review and Substantive Review periods, outlined further in this policy. The timeframes for application review and applicable procedures are listed on the DIS website.

It should be noted that the published timeframes are intended to provide ample time for review and approval of an application, without necessitating denial of a project to meet a published timeframe. The Town of Oro Valley is committed to expeditiously review and process applications quicker than the published timeframes. To this end, the Town has adopted Internal Performance Measures to ensure applications are reviewed and processed in a timely manner. These Internal Performance Goals are included at the end of the published timeframe document.

5. Process

Completeness Review – The Completeness Review is designed to ensure that an application does not get delayed during the subsequent Substantive Review due to missing or incomplete material. This review will occur at the DIS front counter prior to logging in any plans for Substantive Review. Checklists for Completeness Review will be used by staff to verify a complete submittal. At the conclusion of the Completeness Review, staff will accept the plans as administratively complete and log them in for Substantive Review, or the plans will be rejected with deficiencies in the submittal elements noted.

The following development review and permit applications are subject to this policy:

- All construction plans submitted with the goal of obtaining a permit,
- All site plan reviews submitted with the goal of obtaining an approval,
- Other processes or plans submitted with the goal of obtaining an approval including, but not limited to: conditional use permits, lot splits, planned area developments, rezoning, and variances,
- Processes requiring Zoning Administrator decision,
- Appeals, Code Modifications, Code Interpretations,
- All other applications submitted with the goal of obtaining a “license” as defined in A.R.S. §9-831(2).

Notice of Application Completeness – If the application is complete, the applicant will receive a completeness notice within the mandatory completeness review timeframe of five (5) days. If the application is incomplete, the Town will note all submittal deficiencies. The Town’s completeness review timeframe is suspended pending receipt of requested corrections or any

missing information.

Substantive Review – After an application is deemed complete, the Town staff will conduct a Substantive Review within the Town’s published timeframes. The Substantive Review is designed to be an in-depth analysis of the development application material. This review is intended to determine compliance with all Town requirements.

In an effort to prevent delay during a subsequent public hearing or an administrative approval, the Town staff may request additional information. A.R.S. §9-835 (G) provides for one comprehensive request for additional materials by the Town and/or corrections to be submitted after the first Substantive Review. Subsequent substantive reviews will consist of reviewing all additional information and/or corrections made to the first submittal. If subsequent reviews fail to bring the application to an approvable form within the published timeframes, the application will be denied. Prior to denial, the customer has the options to:

- Enter into an agreement for time extension (see Section 7, Time Frame Extension Process).
- Enter into an agreement to allow the Town to request additional information.

At the conclusion of the Substantive Review timeframe, the Town must either approve the application, issue the permit or issue a denial. Upon denial, the customer has the option to do one of the following:

1. If applicable, Appeal the Town’s decision in accordance with Town procedures. Items not in compliance with code will be listed on the Application Denial Letter.
2. Resubmit a new application and payment of new application fees.

6. Time Frame Suspensions

The overall published timeframes by Oro Valley do not include the following time periods:

- From the date of notice to the applicant of specific deficiencies in an application to the date that the Town receives the missing information from the applicant (this applies to both the Completeness Review and Substantive Review).
- The time between delivery of review comments to the applicant until resubmittal.
- Time for completion of processes, such as: public hearings, permits or approvals from other town departments, Town Council, state, or federal agency approval (for example, the overall timeframe does not include the time for public notice, preparation of staff report, and conducting required public hearings).

7. Time Frame Extension Process

- Under ARS §9-835(H), by mutual written or electronic agreement, between the Town and an applicant, the overall timeframe may be extended.
- Timeframe extensions shall not exceed 25% of the applicable overall timeframe. An applicant requiring more time must submit a new application.

8. Required Information

With every project, the following information is available as required by A.R.S. §9-836:

- A. List of all required steps in the application/approval process (Process Guides);
- B. Applicable time frames;
- C. Contact person (name and telephone number);
- D. Website address;
- E. Notice for opportunity to clarify ordinances/regulations; and
- F. Appeal process for denial of license, if applicable.

9. Regulatory Clarifications

An applicant may request from the Town clarification of a regulation affecting approval of an application. In compliance with A.R.S. §9-839, the Town will provide a written response within thirty (30) days of receipt of the request.