

	STANDARD OPERATING PROCEDURE BUILDING & SITE DEVELOPMENT	Number: 220.0
Approval: Yves Khawam 		Effective Date: January 1, 2013
Subject: Regulatory bill of rights compliance		Page 1 of 8

1.0 PURPOSE:

This document delineates requirements for building and site development compliance as imposed by A.R.S. §§ 11-1605 and 11-1606.

2.0 REVISION HISTORY:

New standard operating procedure. Revised 8/06/2013 to reflect HB 2443 modifications to A.R.S. and addition of site development instruments.

3.0 PERSONS AFFECTED:

Building & Site Development staff and the public at large.

4.0 ADMINISTRATIVE POLICY:

4.1 Applicant steps

The list of steps the applicant is required to take per A.R.S. § 11-1606 (1) are listed in section 7.0 of this document.

4.2 Timeframes

Licensing timeframes required per A.R.S. § 11-1606 (2) shall be as follows:

4.2.1 Building permits

- Administrative completeness review: 10 days
- Substantive review: 10 days
- Overall timeframe: 20 days

4.2.2 Development instruments

- Administrative completeness review: 5 days
- Substantive review: 35 days
- Overall timeframe: 40 days



Note that operational review timeframes for instruments published at www.pima.gov/developmentservices are shorter than the licensing timeframes.

4.3 Contact and website

Per A.R.S. § 11-1606 (2) & (3), should questions arise during the application process, any member of our plans examining staff may be contacted in person or at 520-740-6490. If unable to receive assistance, Mark Masek, Plans Examining Supervisor may be contacted at the above number for building permit questions and Jim Cunningham, Site Review Manager, for other development instruments. The following website address and e-mail address provides for electronic communication with the County:

www.pima.gov/developmentservices or site@pima.gov.

4.4 Clarification and interpretation

Under A.R.S. §§ 11-1606 (5) and 11-1609, applicants may request that the County clarify its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement that affects the issuance of a building permit by providing the County with a written request that states: (1) Applicant name and address;(2) The statute, ordinance, regulation, delegation agreement or authorized substantive policy statement or part of the statute, ordinance, regulation, delegation agreement or authorized substantive policy statement that requires clarification; (3) Any facts relevant to the requested ruling (4) Applicant's proposed interpretation of the applicable statute, ordinance, regulation, delegation agreement or authorized substantive policy statement or part of the statute, ordinance, regulation, delegation agreement or authorized substantive policy statement that requires clarification; (5) Whether, to the best of the applicant's knowledge, the issues or related issues are being considered by the County in connection with an existing license or license application.

Applicants may request clarification or interpretations of the plans examining staff member reviewing the project. Written interpretations are subject to the "written certification" fee per adopted schedule posted on our web site. If applicant disagrees with a staff interpretation, the interpretation may be appealed to the Building Official in accordance with P.C.C. §15.04.060 by submitting the form posted on our web site with payment of appeal fee prior to permit application expiration. Building Official decisions may be appealed to the Building Code Board of Appeals, and Building Code Board of Appeals decisions may be appealed to Superior Court. Disputes about the interpretation of the Zoning Code may be appealed to a Pima County Board of Adjustment under A.R.S. § 11-816 and P.C.C. § 18.93.060.



5.0 DEFINITIONS:

Not applicable.

6.0 RESPONSIBILITIES:

It shall be the responsibility of both applicants and building & site development staff to adhere to provisions of this document.

7.0 PROCEDURES:

7.1 Application package

Applicant shall:

- Prepare a complete submittal package conforming to the appropriate submittal checklist posted under “Building Permitting Process” or under the appropriate site development instrument at www.pima.gov/developmentservices.
- Complete an application online at above listed web site or request that building staff process an application at 201 N. Stone Avenue, Tucson.
- View our web site for more detailed application process related information.

7.2 Administrative completeness review (copies of notices referenced in italics below are included in this procedure for reference purposes)

- DSD shall conduct an administrative completeness review of the project for regulation administered by DSD based on published checklists.
- DSD shall identify which external agency reviews may be required for County approval.
- If administratively incomplete, DSD shall provide applicant *Notice of Administrative Review Deficiency* letter identifying missing checklist items and/or other department required approvals for building permits. This stops the DSD administrative completeness review time clock.
- Following issuance of *Notice of Administrative Review Deficiency*, DSD shall not begin the substantive review until the application is administratively complete.
- Once package is administratively complete, DSD shall perform or schedule the substantive review.

7.3 Substantive review (copies of notices referenced in italics below are included in this procedure for reference purposes)



7.3.1 Initial Review

- DSD and other County agencies shall perform the substantive project review and identify all deficiencies.
- DSD shall complete and provide applicant a *Notice of Request for Corrections* itemizing the deficiencies. This stops the DSD substantive review time clock.
- If application contains no deficiencies, application shall be approved.

7.3.2 Resubmittal

- Application package shall be reviewed against items identified in the *Notice of Request for Corrections*.
- If deficient items have been addressed, application shall be approved.
- If deficient items have not been addressed, or if applicant changes result in newly identified deficiencies, applicant shall be issued a maximum of two additional *Notices of Request for Corrections* to provide opportunities for client to address deficient items. If after issuing three notices the deficient items are still not addressed, a *Notice of Application Denial* letter shall be issued. If applicant repeatedly does not address the same type of issues on subsequent projects, DSD shall reduce the number of *Notices of Request for Corrections* provided to a maximum of one notice prior to issuing a *Notice of Application Denial*.
- Staff may generate an amendment to a *Notice of Request for Corrections* only if a legal requirement was omitted from the first notice.

7.3.3 Applicant significant changes

If applicant requests significant changes, alterations, additions or amendments to an application, County may:

- Make one additional request for corrections
- Extend substantive review time frame by 50%

7.3.4 “Deemed” application withdrawal

If applicant does not follow up on issued *Notice of Administrative Review Deficiency* or *Notice of Request for Corrections* within three years of issuance for plats or within one year of issuance for all other development instruments, application shall be expired per Building & Site Development SOP 220.1, Permit Extensions and Reinstatement of Expired Permits.



7.3.5 Denied projects

Denied projects shall require applicant to resubmit a new application which shall only be accepted upon payment of the review fee for the prior denied permit application, if not yet paid. Per A.R.S. § 11-1605(L), fees for re-activating denied projects prior to one year from the *Notice of Application Denial* date shall be 50% of original application fee (in addition to the original amount, if not yet collected).



SAMPLE



Notice of Administrative Review Deficiency

Please view permit application process requirements at www.dsd.pima.gov/building.

Activity Number: P13CP00000

If you have any questions please call 520-724-6490 for an appointment to discuss this notice. If following discussions with the plans examining staff you still disagree with the below listed deficiencies, you may appeal to the Building Official in accordance with Pima County Code 15.04.060 by submitting the form posted on our web site with payment of appeal fee prior to permit application expiration. Disputes about the interpretation of the Zoning Code may be appealed to a Pima County Board of Adjustment under A.R.S. § 11-816 and P.C.C. § 18.93.060.

Please submit all calculations and specifications to us electronically, either on disk or email to Building.Safety@pima.gov.



Additional items required prior to conducting substantive review

Examiner:

Date:

Re-Submittal Procedures

Please submit the required above listed items so that we may begin the substantive review of your application in accordance with A.R.S. § 11-1605. For details on application process, please see "Permit application & inspection process" in the left banner at www.dsd.pima.gov/building.



SAMPLE

Notice of Request for Corrections

Please view permit application process and requirements at www.dsd.pima.gov/building.

Activity Number: P13CP00000

If you have any questions please call 520-724-6490 for an appointment to discuss this request for corrections. If following discussions with the plans examining staff you still disagree with the below listed deficiencies, you may appeal to the Building Official in accordance with Pima County Code 15.04.060 by submitting the form posted on our web site with payment of appeal fee prior to permit application expiration. Disputes about the interpretation of the Zoning Code may be appealed to a Pima County Board of Adjustment under A.R.S. § 11-816 and P.C.C. § 18.93.060.

Please submit all calculations and specifications to us electronically, either on disk or email to Building.Safety@pima.gov.



Additional information required prior to completing substantive review

Examiner:

Date:

Re-Submittal Procedures

In order to expedite plan review approval, please employ the following procedure when resubmitting information, drawings or data in response to Building Safety staff's review comments.

1. Read the review comments and if you don't understand them, contact the plans examiner.
2. Include a written response to the review comments with your resubmittal.
3. If new drawings are prepared for the re-submittal, please add these in the proper sequence and include the voided old drawings.

Should the resubmittal not completely address this request for corrections, the application may be denied requiring a new application and payment all applicable review fees in accordance with A.R.S. § 11-1605.



SAMPLE



Notice of Application Denial

Please view permit application process and requirements at www.dsd.pima.gov/building.

Activity Number: P13CP00000

If you have any questions please call 520-724-6490 for an appointment to discuss this denial.

Building Code due process: If you disagree with the building code related below listed reasons for denial, you may appeal to the Building Official in accordance with Pima County Code 15.04.060 by submitting the form posted on our web site with payment of appeal fee prior to permit application expiration. Should you disagree with the decision of the Building Official, you may appeal to the Building Code Board of Appeals within thirty days of the Building Official decision. Details on the appeal process are available in the left banner at www.dsd.pima.gov/building.

Zoning Code due process: Disputes about the interpretation of the Zoning Code may be appealed to a Pima County Board of Adjustment under A.R.S. § 11-816 and P.C.C. § 18.93.060.

Re-submission and fees: You may submit a new application for this project. Per A.R.S. § 11-1605(L), fees for re-activating denied projects prior to one year from the date of this notice shall be 50% of original application fee (in addition to the original amount, if not yet collected).



Denial Comments
Examiner:

Date: