

**RESOLUTION NO. 13-19**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF COOLIDGE, ARIZONA, APPROVING THE CITY OF COOLIDGE SENATE BILL 1598 COMPLIANCE REVIEW POLICY AND WAIVER AND DECLARING AN EMERGENCY.**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COOLIDGE, ARIZONA, as follows:**

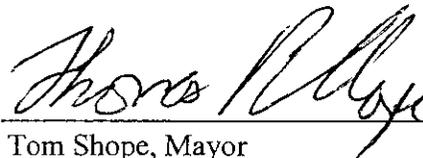
Section 1. The City of Coolidge Senate Bill 1598 Compliance Review Policy and Waiver is hereby approved as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of the SB 1598 Compliance Review Policy and Waiver adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3. The immediate operation of the provision hereof is necessary for the preservation of the public peace, health and safety and an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the Mayor and Council and it is hereby exempt from the referendum provisions of the constitution and laws of the State of Arizona.

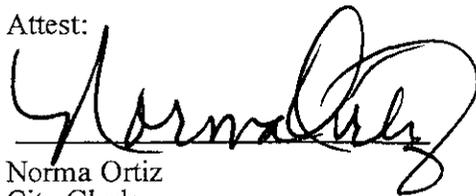
Section 4. The Mayor, the City Manager, the City Clerk and City Attorney are hereby authorized and directed to take all steps necessary to proceed with implementation of the Senate Bill 1598 compliance Review Policy and Waiver and to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASS AND ADOPTED** by the Mayor and City Council of the City of Coolidge, Arizona, this 24<sup>th</sup> day of June 2013.



Tom Shope, Mayor  
City of Coolidge

Attest:



Norma Ortiz  
City Clerk

Approved as to form:



Denis Fitzgibbons  
City Attorney

**EXHIBIT A**  
**TO**  
**RESOLUTION #13-19**  
(City of Coolidge Senate Bill 1598 Compliance Review Policy)

(see the following pages)

**City of Coolidge**  
**Senate Bill 1598 Compliance Review Policy**

1. PURPOSE

1.1. The Arizona Legislature, in 2011 codified Arizona Revised Statutes Section §9-831 *et seq.* that applied to all Arizona municipalities and counties. The purpose of this policy is to bring City review and application processing procedures into compliance with applicable State law.

2. APPLICABILITY

2.1. This policy applies to the various City of Coolidge application review procedures that produces outcome that qualify as “licenses”, defined in A.R.S. §9-831(2) as “the whole or part of any municipal permit, certification, approval registration, charter or similar permission required by law.”

2.2. As required by A.R.S. §9-831 *et seq.* this Compliance Review Policy supersedes over any timeline as outlined in the City code, subdivision code or zoning code.

2.3. As required by A.R.S. §9-833, inspections required for any regulated person will be conducted only after proper notice, identification, explanation, and documentation has been presented.

2.4. The procedures outlined below involve a variety of license application types. Some requirements are the same for all applications, and some application procedures have unique requirements. In addition, most procedures have detailed instructions prepared and provided by the appropriate department. The procedures should be read carefully to ensure a complete application is prepared.

3. EXEMPTIONS – SHORT TERM EXEMPT LICENSES

3.1. An application or permit that is issued within 7 days of application and that expires within 21 days of issuance is exempt from the provision of this policy.

4. REVIEW OPTIONS

4.1. Two choices are available;

4.1.1. SB 1598 Compliance Review Policy (A.R.S. §9-831 *et seq.*)

4.1.2. City of Coolidge Review Policy “Streamlined Application Process” (The City’s alternative to A.R.S. §9-831 *et seq.*)

4.2. 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 City will continue to engage in process improvement to review various applications in the most expeditious way possible and will continue to work with the customers to review their applications in a manner that provides the following:

4.2.1. Flexibility when needed.

4.2.2. Assures the public health and safety.

- 4.2.3. Allows a customer complying with the City regulations to achieve their permitting/licensing in a timely manner.
  - 4.3. To further this goal and to provide applicants with additional flexibility and choice, an applicant will have the option of waiving the requirements of A.R.S. §9-831 *et seq.* This option must be initiated and chosen by the applicant and the waiver must be signed by the applicant, owner or authorized representative at the time of submittal. The City will not request that an applicant waive the requirements of A.R.S. §9-831 *et seq.* or initiate discussions with an applicant about waiving such requirements. Choosing this option affords the applicant and the City more opportunity to work through and resolve issues that may arise during the review process.
5. APPLICATION FORM CONTENTS
  - 5.1. City of Coolidge applications shall include the following information as required by A.R.S. §9-836;
    - 5.1.1. A list of all required steps in the application/approval process.
    - 5.1.2. Applicable time frames.
    - 5.1.3. City contact person name, telephone number and e-mail.
    - 5.1.4. City website address.
    - 5.1.5. Notice for opportunity to clarify ordinances/regulations.
6. REVIEW TIME FRAME REQUIREMENTS
  - 6.1. 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. 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 on applicable procedures are available on the City's website.
  - 6.2. Existing applicable license application review procedures shall comply with policy immediately.
  - 6.3. Any new applicable license application shall comply with the law and this policy.
7. NOTICE OF COMPLETENESS
  - 7.1. The City shall review applications for administrative completeness. The City shall send notice to the applicant of the application's status within the mandatory timeframe. The notice shall cite a list of all deficiencies, if any, and inform the applicant that the City's administrative completeness and overall timeframes are suspended pending receipt of requested corrections or any missing information.
  - 7.2. The City will accept all applications upon submittal and evaluate each application for administrative completeness. An application shall contain all information as identified by the appropriate department or as specified by the City code, subdivision code, zoning code, rule, or compliance review policy, and fee. An application must be made by the owner or authorized representative.

- 7.3. An applicant will be notified in electronic or written format if the application is incomplete and will be provided with a list of the specific deficiencies relative to all departments of the City. Upon resubmission of the required materials the City will notify the applicant whether the application is complete or remains incomplete.
  - 7.4. When an application is determined to be complete, it will be scheduled for Substantive Compliance Review, beginning the substantive review timeframe and/or scheduled for a public hearing as required by the applicable code provision or ordinance.
  - 7.5. The Substantive Compliance Review comments as shown on the redlined submittals may constitute notification to applicant under this policy.
8. TIME FRAME SUSPENSIONS
- 8.1. Overall time frames below are suspended for the following time periods;
    - 8.1.1. 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.
    - 8.1.2. Time for completion of certain purposes, such as: public hearings, or state, or federal licenses.
    - 8.1.3. During agreed upon supplemental information requests from the City during a substantive review time period.
9. SUBMITTAL HOLDING AND ABANDONMENTS
- 9.1. The City will not hold or store applications at the City offices while the applicant is securing missing information.
  - 9.2. Any application on which no action is taken by the applicant that exceeds 90 days will be deemed abandoned and applicant will be notified.
  - 9.3. If application is deemed abandoned, the applicant shall be required to submit a new application and associated fees.
10. TIME FRAME EXTENSION PROCESS
- 10.1. For substantive reviews of license applications, the City shall submit no more than one comprehensive request for additional materials and corrections to the applicant. Said request will provide notice of possible denial of the application and any basis for that denial in the event the request is not fully complied with.
  - 10.2. If re-submittal after the one comprehensive request is still not in compliance, based upon the applicable City code, regulation, or policies, the submittal shall be denied. The City shall give notice of denial by electronic or written format. The notice shall include citations to the pertinent City code, subdivision code, zoning code, statutes, regulations, ordinances, or policy statements justifying a submittal denial and shall explain the applicant's rights to appeal.
  - 10.3. Upon receiving an application denial, the applicant may submit a new application to the City.
  - 10.4. The City will not be extending the substantive review time frame and the overall time frame as noted under A.R.S. §9-835 (H). Prior to the end of the

substantive review, a license will either be granted or denied. If denied, applicant must resubmit a complete application including all fees, and the applicant can choose to select the City of Coolidge Review Policy Option "Streamlined Application Process" for the new application.

- 10.5. Upon first review, if the reviewing department determines additional information is required to adequately evaluate an application, any such additional information shall be submitted by the applicant no later than 90 days from notification of the applicant. Failure to provide additional information in the time specified will result in the application being denied as abandoned and incomplete under the applicable City provisions. No fees shall be refunded for an application that is denied.

#### 11. ACCEPTABLE PLAN SUBMITTAL PACKAGES

- 11.1. Applicants will use the information provided on the City of Coolidge website and the application forms to submit all applications.

#### 12. REFUNDS

- 12.1. 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).

**SB 1598 Compliance Review Timeframe Application Process**

**(All review time frames are City working days)**

REVIEW TIMEFRAMES			
When a submittal includes any plans set that exceeds 50 sheets, all timeframes shall be increased by 50% of the original time frames)			
	Timeframes***		
Application Type	Administrative Completeness**	Substantive Review**	Overall
Business License	30	60	90
<b>PERMIT CLASSIFICATIONS</b>			
New construction and Additions for Commercial, Industrial, Office, Public, Assembly and Multi-Family (3+) Structures	10	60	70
New Construction and Additions for Single-Family and Two-Family	10	60	70
Foundation Only	10	30	40
Swimming Pool	10	30	40
Site Development	10	30	40
Miscellaneous	10	30	40
Single Family w/ Standard Plan	10	20	30
Park Homes (New & Add)	10	20	30
Demolition	10	20	30
Interior Remodel & Tennant Finish	10	30	40
Mechanical, Electrical & Plumbing	10	30	40
Certificate of Occupancy	10	20	30
New Sign	10	20	30
Detached Accessory Structure & Fences	10	20	30
Promotional Sign/Banner	10	20	30
Manufactured Homes (New & Add)	10	20	30

Temporary Use	10	15	25
Home Occupation	10	10	20
<b>PROJECT CLASSIFICATION</b>			
Certificate of appropriateness	10	20	30
Clomr/Lomr	10	20	30
Comprehensive Sign Plan	10	20	30
Conditional Use Permit	10	30	40
Final Landscape Plan	10	20	30
Final Plat	10	30	40
Subdivision Improvement Plans	15	60	75
Final Plat Abandonment	10	30	40
General Plan Amendment Major	10	60	70
General Plan Amendment Minor	10	30	40
Housing Product Review	10	15	25
Legal Non-Conforming Use	10	15	25
Major Site Plan/Final	10	30	40
Major Site Plan/Final Extension	10	20	30
Major Site Plan - Minor Amendment	10	15	25
Map of Dedication	10	20	30
Minor Site Plan	10	20	30
PAD Preliminary (New & Major Amendment)	10	30	40
PAD Preliminary (Minor Amendment)	10	20	30
Preliminary Plat	10	30	40
Preliminary Plat Extension	10	20	30
Special Use Permit	10	15	25
Street Name	10	15	25
Temporary Use Permit	10	15	25
Variance	10	30	40
Zone Change	10	30	40

Zoning Compliance Letter	10	15	25
Zoning Verification Letter	10	15	25
Flood Determination Letter	10	15	25
Grading Permits	15	30	45
Utility Right-of-Way Permits	15	30	45
Non-Utility Right-of-Way Permits	15	30	45
ROW/Easement Abandonment	10	30	40
Sewer Pre-Treatment Permit	30	60	90
<b>PUBLIC HEARINGS P&amp;Z AND CITY COUNCIL</b>			
	<b>Timeframes***</b>		
<b>Application Type</b>	<b>Administrative Completeness**</b>	<b>Substantive Review**</b>	<b>Overall</b>
Conditional Use Permit	N/A	N/A	40
Rezoning	N/A	N/A	40
Planned Area Development	N/A	N/A	40
Major Site Plan	N/A	N/A	40
Sewer Pre-Treatment Permit-Public Hearing	15	45	60
<b>BOARD OF ADJUSTMENT</b>			
	<b>Timeframes***</b>		
<b>Application Type</b>	<b>Administrative Completeness**</b>	<b>Substantive Review**</b>	<b>Overall</b>
Appeal – Board of Adjustment	10	20	30
Appeal – Board of Appeals	10	20	30
Appeal – P&Z Decision to City Council	10	20	30

\*\*Timeframe suspended from notice to return of requested documents.

\*\*\*Timeframe is suspended from overall timeframe for all public hearings under A.R.S. 9-835(C)(8)(c).



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

This Agreement to Waive Any Claims Against the City (the "Agreement") is entered into between the City of Coolidge (the "City") and \_\_\_\_\_, as the Owner or authorized agent (the "Owner or Authorized Agent") seeking a licensing, permit approval registration or approval ("Licensing") related to the use or development as described in the listed Case/Permit number \_\_\_\_\_. In exchange for the City of Coolidge's agreement to process licensing under its Streamlined Application Process ("Process"), the Owner or Authorized Agent agrees to waive any and all claims for any failure of the City of Coolidge to comply with licensing timeframes in conformance with the provisions of the Regulatory Bill of Rights, A.R.S. 9-831, *et. seq.*

The Owner or authorized Agent has submitted an application requesting the City approve a license as described in the listed Case/Permit number. The Owner or Authorized Agent is aware that during the process, they may be afforded multiple opportunities to alter or amend the application and to confer with City staff for advice without constraint of limited reviews or timeframes for approval imposed pursuant to the requirements of A.R.S. 9-831, *et. seq.* the City's procedures under the regulatory compliance process imposed by A.R.S. 9-831, *et. seq.* are compared to the City's streamlined application process in Exhibit A of this document. The Owner or Authorized Agent acknowledges prior receipt and review of Exhibit A. The Owner or Authorized Agent desires to be afforded an opportunity to adjust plans based on their own changing development circumstances over time or based upon suggestions by staff. The Owner or Authorized Agent 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 Owner or Authorized Agent (1) acknowledges that the City did not initiate discussions regarding this waiver or request that Owner or its Authorized Agent enter into this Agreement; and (2) waives any right or claim that may arise under The Regulatory Bill of Rights, A.R.S. 9-831, *et. seq.*, including but not limited to 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 Owner or Authorized Agent has agreed to the form of this Agreement. The Owner or Authorized Agent has had the opportunity to consult with an attorney or his/her choice prior to entering this Agreement and enters the Agreement fully understanding that the owner or Authorized Agent waiving his/her rights and remedies proceed in A.R.S. 9-831, *et. seq.* The Owner or Authorized Agent warrants and represent that the person or persons listed in this Agreement is/are the owner in fee title of any property identified in Exhibit A or his/her/its authorized agent. The Owner or Authorized Agent further agrees to indemnify and hold the City of Coolidge, its councilmember's, officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expense based upon any failure to comply with A.R.S. 9-831, *et. seq.*

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_

Owner/Authorized Agent \_\_\_\_\_  
(Owner's signature, Name of Individual, Corporation, Partnership, or LLC)

By: \_\_\_\_\_  
(Signature of Authorized Agent, if applicable)

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

City of Coolidge

By: \_\_\_\_\_

Its: City Manager



EXHIBIT A  
(Continued)

SB 1598 REQUIREMENTS AND CITY OF COOLIDGE STREAMLINED  
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 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 Coolidge shares. However, the implementation of these time frames may have unforeseen consequences.

Under the SB 1598 regulatory application 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 application 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 City request. Development changes proposed by the applicant do not appear to be allowed. Upon proper denial, during either a review period, applicants must reapply with new plans and pay another permit fees.

The City of Coolidge is committed to customer service and recognized 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. Therefore, the City offers applicants the opportunity to make permit applications according to either SB 1598 regulatory application process or, at the request and initiation of Applicant, the streamlined process that City of Coolidge customers are familiar with.

Under the streamlines 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 suggestion 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. The following points outline some of the highlights of each process.

EXHIBIT A  
(Continued)

CASE NO. \_\_\_\_\_

A.R.S. §9-831 REQUIREMENTS AND CITY OF COOLIDGE REVIEW POLICY OPTION  
PROPOSAL

“A.R.S. §9-831 – SB 1598 Compliance Review Timeframe Application Process”

- A limited number of opportunities to confer with staff and supply necessary information and materials. City 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 loses opportunity to propose alterations to support permit approval or changes in circumstances during development.
- If permit properly denied after City’s one time request for more information, applicant must reapply and pay new fee.
- Denials must be explained and the applicable provisions identified.
- Applicant may request code clarification.
- Review timeframes on the City’s website.

City of Coolidge “Streamlined 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 review period longer than the established timeline. However, the City is committed to meeting or exceeding established review periods. Complex applications or substantial changes may take longer.
- Denials will be explained and the applicable provisions identified.
- Applicant may request code clarification.
- Review timeframes on the City’s website.

Review Times

	REGULATORY			STREAMLINED			Overall
	Administrative	Substantive	Overall	Administrative	Substantive	Overall	
Business License	30	60	90	15	15	30	30
PERMIT CLASSIFICATIONS							
New construction and Additions for Commercial, Industrial, Office, Public, Assembly and Multi-Family (3+) Structures	10	60	70	10	30	40	40
New Construction and Additions for Single-Family and Two-Family	10	60	70	10	30	40	40
Foundation Only	10	30	40	5	25	30	30
Swimming Pool	10	30	40	5	25	30	30
Site Development	10	30	40	5	25	30	30
Miscellaneous	10	30	40	5	25	30	30
Single Family w/ Standard Plan	10	20	30	5	15	20	20
Park Homes (New & Add)	10	20	30	5	15	20	20
Demolition	1	030	40	5	15	20	20
Interior Remodel & Tennant Finish	10	30	40	5	15	20	20
Mechanical, Electrical & Plumbing	10	30	40	5	15	20	20

Certificate of Occupancy	10	30	40	5	15	20
New sign	10	20	30	5	15	20
Detached Accessory Structure & Fences	10	20	30	5	15	20
Promotional Sign/Banner	10	20	30	5	5	10
Manufactured Homes (New & Add)	10	20	30	5	15	20
Temporary Use	10	15	25	5	10	15
Home Occupation	10	10	20	5	5	10
PROJECT CLASSIFICATION						
Certificate of appropriateness	10	20	30	10	10	20
Clomr/Lomr	10	20	30	5	15	20
Comprehensive Sign Plan	10	20	30	5	15	20
Conditional Use Permit	10	30	40	10	20	30
Final Landscape Plan	10	20	30	5	15	20
Final Plat	10	30	40	10	20	30
Subdivision Improvement Plan Review	15	60	75	15	40	55
Final Plat Abandonment	10	30	40	10	15	25
General Plan Amendment Major	10	60	70	10	40	50

General Plan Amendment	10	30	40	10	20	30
Minor						
Housing Product Review	10	15	25	5	15	20
Legal Non-Conforming Use	10	15	25	5	10	15
Major Site Plan/Final	10	30	40	10	20	30
Major Site Plan/Final Extension	10	20	30	10	20	30
Major Site Plan/Final Minor Amendment	10	15	25	10	10	20
Map of Dedication	10	20	30	10	15	25
Minor Site Plan	10	20	30	5	15	20
PAD Preliminary (New & Major Amendment)	10	30	40	10	20	30
PAD Preliminary (Minor Amendment)	10	20	30	10	15	25
Preliminary Plat	10	30	40	10	20	30
Preliminary Plat Extension	10	20	30	5	15	20
Special Use Permit	10	15	25	5	15	20
Street Name	10	15	25	5	15	20
Temporary Use Permit	10	15	25	5	15	20
Variance	10	30	40	10	20	30
Zone Change	10	30	40	10	20	30
Zoning Compliance Letter	10	15	25	5	10	15

Zoning Verification Letter	10	15	25	5	10	15
Flood Determination Letter	10	15	25	5	10	15
Grading Permits	15	30	45	10	20	30
Utility Right of Way Permits	15	30	45	10	20	30
Non-Utility Right of Way Permits	15	30	45	10	20	30
ROW/Easement Abandonment	10	30	40	10	20	30