PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT
TECHNICAL PROCEDURE

POLICY NO.: Technical Procedure, TECH-109 **EFFECTIVE DATE: 3/14/2013**

POLICY TITLE: Licensing Procedure for Compliance with A.R.S. § 48-3645

PURPOSE: Provide applicants with time frames and requirements to obtain a District License.

BACKGROUND:
Arizona Revised Statute § 48-3645 requires the District to provide maximum licensing time frames for the issuance of any license (permit). These time frames include an initial review for administrative completeness and a subsequent substantive review. The time frames provided below, as established by Pima County Administrative Procedure 3-32, include the Districts review time and not the time the applicant takes to respond to the notices of deficiency for either the administrative or substantive review. The time frames are measured in business days.

License Type	Overall Time Frame	Administrative Completeness Review	Substantive Review
Floodplain Use Permit No engineering required	30 days	10 days	20 days
Floodplain Use Permit With Engineering	40 days	10 days	30 days
Floodplain Use Permit Amendment by Applicant	30 days	10 days	20 days
Floodplain Use Permit Sand and Gravel—Initial, Expansion or Modification	45 days	15 days	30 days
Floodplain Use Permit Sand and Gravel—Annual Renewal	25 days	15 days	10 days
Development Plan, Tentative Plat, Final Plat and Improvement Plan Review	40 days	5 days (Review performed by Development Services	35 days

District review of any project commences once an applicant has submitted a written request for review on a form approved by the District. The written request for review may be a Floodplain Use Permit (FPUP) application or a submittal made through the Development Review process. At the discretion of the District, the written request may be a Development Services Department (DSD) Activity Permit. Forms, checklists and guidance documents to assist applicants prepare permit applications are available at http://rfcd.pima.gov/permits/.

Floodplain Use Permit (FPUP): For projects being reviewed by DSD, the need for review of a project by the District will be determined by DSD using the criteria found in *Technical Procedure TECH-106* during the Administrative Completeness Review stage of the Building Permit. If District review is necessary, DSD will notify the applicant that the Activity Permit application is administratively deficient. The DSD Activity Permit will remain administratively deficient until the District approves the activity.

Development Review: DSD will be responsible for the Administrative Completeness Review and associated time frame. Upon a determination that an application is complete, the District's substantive review time frame will begin and will run concurrent with the DSD substantive review time frame.

PROCEDURE:

I. Floodplain Use Permits (Single Lot Permitting)

A. Administrative Completeness Review

The Administrative Completeness Review is a one-time review to check that all necessary documents have been submitted with the application. Accuracy and quality are not reviewed. If there are deficiencies in the application, the District will notify the applicant through a *Notice of Administrative Deficiency* letter (NAD). The District will not begin the substantive review until the application is administratively complete. However, as a courtesy, the District may provide substantive comments the applicant can expect to receive based on the available information.

1. The District shall conduct an administrative completeness review of the project based on checklists available at http://rfcd.pima.gov/permits/.
2. If administratively incomplete, the District shall notify applicant via an NAD that identifies missing items.
3. Following the issuance of an NAD, the District shall not accept the application package from the applicant for substantive review until all identified deficiencies are addressed.
4. Once the submittal package is administratively complete, the District shall perform the substantive review.

B. Substantive Review

The Substantive Review begins once an application is administratively complete. This review determines if a project conforms to federal and state requirements, the Floodplain Management Ordinance, Pima County Board of Supervisors adopted guidelines and any Substantive Policy Statements approved by the Chief Engineer. The District shall notify the applicant of any deficiencies via a *Notice of Substantive Deficiency* (NSD) letter. This letter will be a comprehensive review of all substantive deficiencies based on the administratively complete submittal. Deficiencies resulting from the alteration of documents in response to the NSD shall be addressed through informal discussions between the applicant and the District or through a *Notice of Denial* requiring the applicant to re-apply for an FPUP.

A.R.S. § 48-3645 allows for only a single formal response to the NSD by the applicant, after which, if deficiencies exist, the District is obligated to deny the FPUP. In order to clearly define the point at which the applicant considers all deficiencies as having been addressed and thus initiate District review of the resubmittal, the District requires the submittal of a *Notice of Substantive Deficiency Response Form* (*NSD Response Form*) to signify the formal response. This allows District staff to work with the applicant to resolve all deficiencies without the question of whether each response is considered the complete, formal response, which could otherwise lead to a premature review by the District ultimately requiring the unnecessary denial of the permit.

Initial Review

1. The District shall perform the substantive review of the application and proposed use to identify all deficiencies using the FPUP substantive review checklist available at http://rfcd.pima.gov/permits/.
2. If deficiencies are found, the District shall provide the applicant an NSD itemizing the deficiencies. Completion of the NSD shall stop the Substantive Review time frame clock.

Resubmittal

1. The applicant is encouraged to work with the Area Hydrologist to address and resolve each deficiency found in the NSD prior to the applicant submitting the *NSD Response Form*.
2. Any correspondence, submittal or response is not considered a formal response until the *NSD Response Form* has been submitted. This will restart the substantive review time frame clock.
3. The resubmitted application package shall be reviewed within the time remaining in the substantive review time frame.
4. If deficient items have been addressed, the FPUP application shall be approved.

5. If deficient items have not been addressed, applicant shall be issued a *Notice of Denial* and the project shall be denied.

Supplemental Information by Mutual Agreement
At the discretion of the District, the *Notice of Denial* may offer the opportunity for the applicant to avoid permit denial and extend the FPUP review time by up to 25% of the substantive review time frame. The Supplemental Information by Mutual Agreement option may be withheld by the District for the following reasons:

1. Repeated failure of an applicant to address the same type of issues on multiple projects.
2. Existence of significant deficiencies in the application submittal.

If the District provides the applicant a *Notice of Denial* containing a "Supplemental Information by Mutual Agreement" section, the applicant may sign the supplemental information request and submit it to the District along with an application package addressing outstanding items requiring additional information. Submittal of the signed letter shall restart the clock on the substantive review from the point at which the Notice of Denial stopped the clock with additional time for the time frame extension. Upon submittal of the signed supplemental information request:

1. If all deficiencies have been addressed, project shall be approved.
2. If all deficiencies have not been addressed, project shall be denied and a second *Notice of Denial* shall be issued without the "Supplemental Information by Mutual Agreement" section.

If the District provides the applicant a *Notice of Denial* not containing a "Supplemental Information by Mutual Agreement" section, the project is considered denied.

C. Denied projects
Denied FPUPs shall require applicant to submit a new FPUP application. The new FPUP application shall go through the Administrative Completeness Review and Substantive Review as described above.

D. Right of Appeal
An applicant may appeal a *Notice of Denial* to the Chief Engineer in accordance with Title 16.56 of the Pima County Code by submitting the form located at http://rfcd.pima.gov/permits/ within 30 days from the receipt of the written notice.

II. Development Review (Multi-Lot and Commercial Review)

A. Administrative Completeness Review
The Administrative Completeness Review is performed by DSD using criteria provided by the District.

B. Substantive Review
Once DSD determines the project is administratively complete, the project will be transmitted to the District for review. This review determines if a project conforms to federal and state requirements, the Floodplain Management Ordinance, Pima County Board of Supervisors adopted guidelines and any Substantive Policy Statements approved by the Chief Engineer. The District shall notify the Development Review Coordinator of any deficiencies via a *Notice of Request for Additional Information Memorandum*. This memorandum will be provided to the applicant as a courtesy, and will be a comprehensive review of all substantive deficiencies. A.R.S. § 48-3645 allows for only a single formal response by the applicant. The applicant is encouraged to work with the project reviewer prior to resubmittal to the Development Review Coordinator.

Initial Review

1. The District shall perform the substantive review of the project to identify all deficiencies using the Development Review substantive review checklists which are available at http://rfcd.pima.gov/permits/.
2. If deficiencies are found the District shall provide the Development Review Coordinator and the applicant a memorandum itemizing the deficiencies.

Resubmittal

1. The applicant is encouraged to work with the project reviewer to address and resolve each deficiency found in the *Notice of Request for Additional Information Memorandum*.
2. Any correspondence is not considered a formal response until the applicant formally resubmits the response to the Development Review Coordinator. This will restart the Substantive Review time frame clock.
3. The resubmitted application package shall be reviewed within the time remaining in the substantive review time frame.
4. If deficient items have been addressed, the application shall be approved.
5. If deficient items have not been addressed, applicant shall be issued a *Notice of Denial* and the project shall be denied.

Supplemental Information by Mutual Agreement

At the discretion of the DSD Development Review Coordinator, with input from the District, the *Notice of Denial* may offer the opportunity for the applicant to avoid permit denial and extend the review time by up to 25% of the substantive review time frame. The District may request that the option for Supplemental Information by Mutual Agreement may be withheld for the following reasons:

1. Repeated failure of an applicant to address the same type of issues on multiple projects.
2. Remainder of significant deficiencies in the application resubmittal.

If DSD provides the applicant a *Notice of Denial* containing a "Supplemental Information by Mutual Agreement" section, the applicant may sign the letter and resubmit to DSD along with an application package addressing outstanding items requiring additional information. Upon resubmittal:

1. If all deficiencies have been addressed, the District shall approve the District portion of the review.
2. If all deficiencies have not been addressed, the project shall be denied and a second *Notice of Denial* shall be issued without the "Supplemental Information by Mutual Agreement" section.

If DSD provides applicant *Notice of Denial* not containing a "Supplemental Information by Mutual Agreement" section, project is considered denied.

C. Denied projects

Denied projects require the applicant to submit a new project to DSD and pay new fees, as applicable. The new project shall go through the Administrative Completeness Review and Substantive Review as described above.

D. Right of Appeal

An applicant may appeal a *Notice of Denial* to the Chief Engineer in accordance with Title 16.56 of the Pima County Code by submitting the form located at http://rfcd.pima.gov/permits/ within 30 days from the receipt of the written notice.

APPROVED BY:

Suzanne Shields 4/3/13

Suzanne Shields — Date — Original Policy Approved: 3/14/2013
Director — Date(s) Revised: