



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 530**
Permit Applications and Rights Determinations Reviews

DATE: January 1, 2011/*Revised August 1, 2014*

CREATED BY: Land Development Division/Land Entitlements Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update Information Bulletin (IB) 530 on permit applications and rights determinations reviews. This bulletin has been updated to incorporate the department's new format for Information Bulletins. This IB was developed to describe the submittal process for permit applications that are related to an existing Rights Determination (RD).

Scope:

This IB provides guidance when submitting a permit application for development 1) that is within the boundaries of a previously approved RD, 2) that is within the boundaries of a previously approved but expired RD, or 3) within the boundaries of a MDP with a previously approved RD.

Throughout the development process there are multiple levels of reviews for permit applications that are associated with the construction of a project. In all cases in which an applicant claims rights in conjunction with a permit application, staff will conduct a review to verify continued recognition of rights pursuant to the following applicable processes:

A. Rights Determination Validation Process:

Each time an applicant submits an application for a permit and identifies that the proposed development is within the boundaries of a RD, the application must be accompanied by a completed request for validation that includes the previously approved RD/VRP file number and the applicable rights validation review fee (\$250.00 for site work, platting, and commercial building permits and \$35.00 for residential building permits). Pursuant to UDC 35-410 every application for a permit that is accompanied by a request for rights validation must include a previously accepted Fair Notice Form or establish Fair Notice at the time of submittal. This subsection applies to RDs in both single-phase and multi-phase development.

If the RD was issued less than five (5) years prior to the date of the request for validation, the staff will review the request for validation to determine if the RD continues to be valid and is applicable to the

permit application. If the RD continues to be valid and is applicable to the permit application, the permit will be issued with the rights associated with the RD. The validation does not extend the expiration date of the underlying RD. The underlying RD will continue to be valid for five (5) years from its issuance date or for so long as rights have not expired by operation of law, which ever occurs earlier.

B. Rights Determination Expedited Process:

Each time an applicant submits an application for a permit and identifies that the proposed development is within the boundaries of 1) an expired RD, or 2) a MDP with a previously approved RD, but in a phase with an expired RD or in a subsequent phase without an approved RD, the applicant must submit a new RD for the phase as required by UDC Subsection 35-712 (b)(1). The application for expedited RD review must be submitted as follows:

1. All VRPs approved prior to 2006 must submit a new RD application to Land Entitlements in accordance with Appendix B, Section 35-B128 with the \$1,000.00 application review fee.
2. If the RD/VRP was issued after 2005 but more than five (5) years prior to the date of the Request for Validation, the applicant must submit a new RD application to Land Entitlements in accordance with Appendix B, section 35-B128 with the \$700.00 application review fee.
3. If any RDs/VRPs for phase development within an MDP were issued after 2005 but more than five (5) years prior to the date of the Request for Validation, the applicant must submit a new RD application to Land Entitlements in accordance with Appendix B, Section 35-B128 with the \$700.00 application review fee.
4. If the RD/VRP is within the boundaries of a MDP with a previously approved RD, but in an expired RD or in a subsequent phase without an approved RD, the applicant must submit a request for an RD as required by UDC Subsection 35-712 (b)(1). The applicant must submit a new RD application to Land Entitlements in accordance with Appendix B, Section 35-B128 with the \$700.00 application review fee. The determination will be based on the initial RD for the first phase of development within the MDP. The applicant must demonstrate a consistent project for the new RD and provide any information necessary to establish the continuing validity of the initial RD.

C. Rights Determination Process:

All other requests for an RD not within the scope of this IB must comply with the requirements of Appendix B, Section 35-128 and be accompanied with the \$1,000.00 application review fee and comply with UDC Fair Notice provisions.

This IB is for informational purposes only. All permits must be submitted in accordance with all applicable City codes and other laws. If there is a conflict between this IB and the UDC, the UDC shall prevail. If you have any questions regarding this Information Bulletin or the procedures or processes for Rights Determinations, please call Melissa Ramirez at (210) 207-7038.

Summary:

This Information Bulletin is for informational purposes only.

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