

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**



113468

113468
2 01090761
12/21/2017 PLN-1STOP
KWHEELER HPTC600512
12/21/2017 2:20 PM
\$1,515.00

Received From :

LAND RESEARCH AND DEVELOPMENT INC
16420 N 92ST ST STE 115
SCOTTSDALE, AZ 85260-1523
480-538-5474

Bill To :

George Bell
10105 N 116th St
Scottsdale, AZ 85259
(480) 240-5651

Reference # 357-pa-2017

Issued Date 12/21/2017

Address E SHEA BL/N 116TH ST (SE)

Paid Date 12/21/2017

Subdivision

Payment Type CHECK

Marketing Name

Lot Number

Cost Center

MCR

Metes/Bounds No

Jurisdiction SCOTTSDALE

APN

Gross Lot Area 0

Water Zone

Owner Information

NAOS Lot Area 0

Water Type

Miracle Crossing Office LLC

Net Lot Area 0

Sewer Type

PO Box 317

Number of Units 1

Meter Size

Tiburon, CA 94920

Density

QS

(480) 240-5651

Code	Description	Additional	Qty	Amount	Account Number
3165	DEVELOP REVIEW APPLICATION		1	\$1,515.00	100-21300-44221

50 - DR - 2017

SIGNED BY MICHELLE HASLER ON 12/21/2017

Total Amount

\$1,515.00

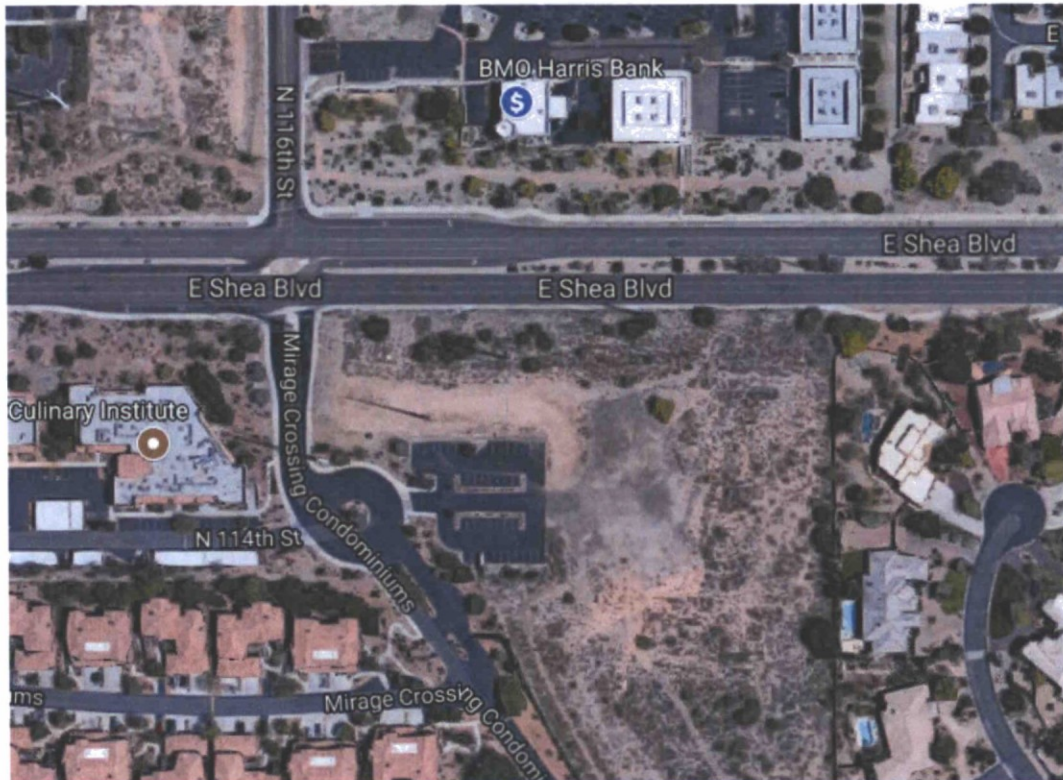
(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

3" and larger water meter fees are based on cost recovery. The city will contact the owner of the construction permit if additional funds are due. Payment will be due within 30 days notification.

Storage at Shea Internalized Community Storage

Location:

10105 N. 116th St.
SEC 116th St. and Shea Boulevard
Scottsdale, Arizona



Pre-Application Review
July 20, 2017
Development Review
December 21, 2017



Arizona Office
2233 East Thomas Road
Phoenix, AZ 85016
Office: (602) 955-3900
rkaa.com

California Office
26591 La Roda
Mission Viejo, CA 92691
Office: (949) 954-8785

Licensed in:

Arizona
Arkansas
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Indiana
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North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
South Dakota
Tennessee
Texas
Utah
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Principals:

Robert W. Kubicek, AIA
Jorge A. Calderon, Assoc. AIA
Kathleen D. Rieger, VP
Steve A. Nosal, VP
Neil A. Feaser, VP
Edgar Felix



I. Summary of Request & Background

On the behalf of the property owner and developer, RCAA Architects, Inc. has prepared this Development Review to submit for approval of a 2-story with a basement, approximately 106,464 gross square foot, internalized community self-storage facility. The site is located at SEC of 116th Street and Shea Boulevard. It is approximately 3.78 net acres and is currently zoned C-1; APN: 217-33-985 and 217-33-004C.

II. Design & Development Plan Summary

The site is currently vacant land with challenging developmental constraints. There is a WAPA transmission line easement that cuts through the property on a diagonal with 3 massive kv towers. Additionally, the property's northern border is Shea Boulevard and is a part of the Shea Scenic Corridor. These existing constraints create difficulties in designing and developing this site for its highest and best use.

The project consists of a new self-storage facility and associated site improvements. The building will consist of one two-story with one basement level of climate controlled building at 106,464 gross square feet. It is the intent to create an attractive, high quality designed facility incorporating a variety of architectural styles. The colors chosen for the project site will be consistent and aesthetically compatible with the neighboring developments. The mechanical equipment will be located on the ground and fully screened from street frontage and pedestrian activity. Screening will be integral to our design of the building.

Other Surrounding Land Uses within the Vicinity of the Site

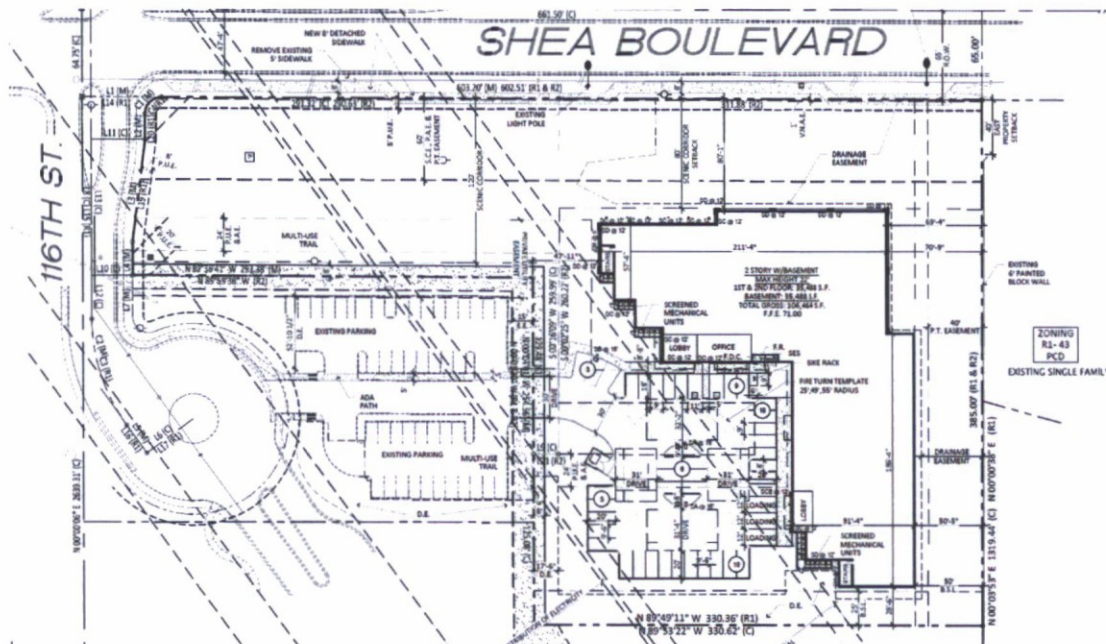
Much of the property within the vicinity of the site consists of existing residential communities including Montana Ranch (single family residential), Mirage Crossing Resort Casitas and Scottsdale Adobe Townhomes. Additionally, the Mirage Crossing Office condominiums are located directly west of the site and include commercial uses such as Realty Executives, Allstate Insurance, East Scottsdale Medical Care, Primeau Funding as well as the Arizona Culinary Institute. Mountainside Fitness is located directly north of the subject site across Shea Boulevard. There are also strip mall retail uses located in the Mountainside plaza that includes shops, restaurants, and banks.

Site Access & Circulation

Access to the site is from an existing driveway off of 116th street that will be shared with the Arizona Culinary Institute. All parking is located on the west half of the property. The circulation around the parking area has 31' minimum drives. Parking stalls are mix of nine (9) feet by eighteen (18) feet and nine and half (9.5) feet by twenty (20) feet. The double row of parking stalls in the center are nine (9) feet by eighteen (18) feet wide. The parking lot and drive aisles will be asphalt surface with proper fire truck turning clearance. There is a five (5) foot wide sidewalk planned to connect 116th street to the building entrance. The building has a main entrance located north of the parking area with an office and retail area and two additional lobby areas leading to interior elevator lobbies for easy loading.

Landscape/Outdoor Space

Landscape design shall be developed to have a consistent look and be cohesive with the desert uplands overlay district. The perimeter of the site shall incorporate the use of flowering desert shrubs, drought tolerant trees and groundcovers that will provide a sense of identity and be compatible with the environmental conditions of the area. Landscaping is provided around the site and along the Shea Boulevard right-of-way through the Shea scenic corridor which is an average of 100 feet wide along the northern area of the property. Plant species include a mixture of sonoran palo verde, willow acacia, mondel pine, mexican bird of paradise, blue palo verde, ironwoods, and native mesquite trees. A variety of compatible shrubs are proposed with 2" depth of decomposed granite in all landscaped areas.



III. Development Review Board Criteria (Sec. 1.904)

A. In considering any application for development, the Development Review Board shall be guided by the following criteria:

- 1. The Board shall examine the design and theme of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan.*

Response: Storage at Shea Internalized Community Storage will comply with the applicable guidelines, development standards, Design Standards & Policies Manual, General Plan and Zoning Ordinance. The Property has a Commercial General Plan land use designation and proposal is compliant with this land use designation as well as the C-1 zoning ordinance provisions.

The General Plan highlights the City's desire to maintain and expand the diversity of interconnected land uses and pedestrian synergy. The proposed site design maintains an average of 100' scenic corridor setback along Shea Boulevard, supplements the quantity and quality of landscaping, and enhances the pedestrian realm by improving and widening sidewalk connections. The proposed development accomplishes a range of goals and policies including the redevelopment of an underutilized property, integrating new, contemporary architecture and site planning to the area, and improving the pedestrian experience along Shea Boulevard which provides access to a range of uses in the surrounding area.



2. The architectural character, landscaping and site design of the proposed development shall:

- a. Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood;**

Response: The proposed architectural character is respectful of the existing built environment with heights and massing consistent with the surrounding SR and C-1 developments. The building design takes on a contemporary aesthetic and is intended to resemble an office building vs. a traditional storage facility.

The open space areas and landscape character of the proposed development include a wide variety of plants that will provide year-round color, shade, and texture for the site. The proposed plant palette incorporates hardy plants known to thrive in the intense heat and sun of the desert climate.

- b. Avoid excessive variety and monotonous repetition;**

Response: As mentioned above, one of the primary design goals was to create visually interesting architecture vs. a static building form typical found with storage buildings. The variety of building materials, architectural accents, metal panels, extending awnings and window placement create movement in the building façade avoiding monotonous repetition.

- c. Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles;**

Response: Please see the Scottsdale Sensitive Design Principle section below.

- d. Conform to the recommendations and guidelines in the Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District; and**

Response: Not applicable.

- e. Incorporate unique or characteristic architectural features, including building height, size, shape, color, texture, setback or architectural details, in the Historic Property Overlay District.**

Response: Not applicable.

3. *Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.*

Response:The Property is accessed via one curb cut on 116th street. This existing access point will be shared with the Arizona Culinary Institute. Pedestrian access will be enhanced along the street frontage with a landscape buffer and new streetscape vegetation. These pedestrian linkages will provide connectivity to adjacent property uses. The circulation around the parking area has 31' drives. Parking stalls are 9'x 18' and 9.5'x20'.

4. *If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.*

Response: Ground located mechanical equipment will be fully screened by cmu block walls painted to match the building and be in conformance with the zoning ordinance requirements. Screening is integral to the design of the building.

5. *Within the Downtown Area, the building and site design shall:* Not applicable

6. *The location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program shall address the following criteria:*

- a. Accessibility to the public;***
- b. Location near pedestrian circulation routes consistent with the existing or future development or natural features;***
- c. Location near the primary pedestrian or vehicular entrance of a development;***
- d. Location in conformance with the Design Standards and Policies Manual for locations affection existing utilities, public utility easements, and vehicular sight distance requirements; and***
- e. Location in conformance and to standards for public safety.***

Response: Not applicable.

B. *The burden is on the applicant to address all applicable criteria in this section.*

Response: Acknowledged above.

IV. Scottsdale Sensitive Design Principles

The Character and Design Element of the General Plan states that "Development should respect and enhance the unique climate, topography, vegetation and historical context of Scottsdale's Sonoran Desert environment, all of which are considered amenities that help sustain our community and its quality of life." The City has established a set of design principles, known as the Scottsdale's Sensitive Design Principles, to reinforce the quality of design in our community. The following Sensitive Design Principles are fundamental to the design and development of the Property.

1. ***The design character of any area should be enhanced and strengthened by new development.***

Response:The architectural character, range of building materials, enhanced pedestrian connectivity, and the quality and amount of new landscaping provide a design that is in harmony with the southwestern character of Scottsdale while drawing from the surrounding context with respect to appropriate scale, massing and setbacks.

2. ***Development, through appropriate siting and orientation of buildings, should recognize and preserve established major vistas, as well as protect natural features.***

Response: Although the setting of this site is residential in character and does not have natural features such as washes and natural area open space, the developer is proposing to increase the amount of open space on site, predominately along the street frontage and eastern property line, providing an improved pedestrian experience along Shea Boulevard and creating a visually pleasing setting for the new building.

3. ***Development should be sensitive to existing topography and landscaping.***

Response: The property is a redevelopment site. All landscaping will consist of low-water use desert appropriate landscaping materials. See Landscape Plan.

4. ***Development should protect the character of the Sonoran Desert by preserving and restoring natural habitats and ecological processes.***

Response: The proposed development will preserve and restore natural habitats and ecological processes through the inclusion of additional desert appropriate landscaping. Additional landscaping will contribute to the suburban habitat for wildlife and improved air quality. Also, desert appropriate plants will be able to withstand the variations of the local climate and as they mature they will become self-sustaining relative to water demand. See Landscape Plan.

5. ***The design of the public realm, including streetscapes, parks, plazas and civic amenities, is an opportunity to provide identity to the community and to convey its design expectations.***

Response:The site falls within the Shea Scenic Corridor per the Streetscape Map in the General Plan. The proposed landscape setting is consistent with the Shea Scenic Corridor and the Desert Overlay district plant palette. The pedestrian experience along both the perimeter and internal to the site will be enhanced with the redevelopment as numerous retail and restaurant uses are within walking distances from this site.

6. ***Developments should integrate alternative modes of transportation, including bicycles and bus access, within the pedestrian network that encourage social contact and interaction within the community.***

Response:The site is located along Shea Boulevard, a major arterial. The Shea Boulevard corridor is flanked with commercial and residential development, which provide both a local and regional draw to our site. This Property is nestled between service residential,



commercial and residential uses on the west, north, and east and multifamily on the south. Bicycle racks will be provided onsite in conformance to City Code.



- 7. Development should show consideration for the pedestrian by providing landscaping and shading elements as well as inviting access connections to adjacent developments.***

Response: The proposed development will incorporate design elements that respect human-scale, providing shade and relief through building, site and landscape design. Pedestrian linkages internal to the site and along the street frontage will provide connectivity to adjacent retail and restaurant establishments around the Property.

- 8. Buildings should be designed with a logical hierarchy of masses.***

Response: The proposed architectural character is respectful of the surrounding built environment with heights and massing consistent with the surrounding C-1 and SR developments. The building design takes on a contemporary aesthetic and is intended to resemble an office building vs. a traditional storage facility.

- 9. The design of the built environment should respond to the desert environment.***

Response: The proposed development will utilize a variety of desert appropriate textures and building finishes, incorporate architectural elements that provide solar shading and overhangs, and celebrate the Southwestern climate.

- 10. Developments should strive to incorporate sustainable and healthy building practices and products.***

Response: Sustainable strategies and building techniques, which minimize environmental impact and reduce energy consumption, will be emphasized.

- 11. Landscape design should respond to the desert environment by utilizing a variety of mature landscape materials indigenous to the arid region.***

Response: Context appropriate, arid-region plant materials will be utilized with the proposed development. The desert character will be upheld through the careful selection of plant materials in terms of scale, density, and arrangement. See Landscape plan.

- 12. Site design should incorporate techniques for efficient water use by providing desert adapted landscaping and preserving native plants.***

Response: The proposed development will maintain a low-water use plant palette. Context appropriate desert plant materials will be utilized with the development of the Property, consistent with the established vegetative pattern in the area.

- 13. The extent and quality of lighting should be integrally designed as part of the built environment.***

Response: Lighting has been designed in a manner that is respectful of the surrounding context while maintaining safety for future residents. See Lighting Plan and Photometric Plan.



14. *Signage should consider the distinctive qualities and character of the surrounding context in terms of size, color, location and illumination.*

Response: Signage will be respectful of the surrounding context in terms of size, color and location and will be consistent with the City's sign code.

Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting:

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: Storage at Shea

Property's Address: 10105 N. 116th St.

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>Mirage Crossing Office LLC</u>	Agent/Applicant: <u>Michelle Hassler</u>
Company:	Company: <u>RKAA Architects, Inc.</u>
Address: <u>P.O. Box 317 Tiburon, CA 94920</u>	Address: <u>2233 E. Thomas Rd, Phoenix</u>
Phone: <u>775 722 3927</u> Fax:	Phone: <u>602-955-3900</u> Fax:
E-mail: <u>jsimbuster@yahoo.com</u>	E-mail: <u>mhassler@rkaa.com</u>
Designer: <u>Robert Kubicek</u>	Engineer: <u>Ken Erie</u>
Company: <u>RKAA Architects, Inc.</u>	Company: <u>Erie & Associates, Inc.</u>
Address: <u>2233 E. Thomas Rd, Phoenix</u>	Address: <u>3120 N. 24th St., Phoenix</u>
Phone: <u>602-955-3900</u> Fax:	Phone: <u>602-954-6399</u> Fax:
E-mail: <u>rkubicek@rkaa.com</u>	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications will be reviewed in a format similar to the Enhanced Application Review methodology.

Enhanced Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

Standard Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

John L. Simmons
Owner Signature Managing Member

Michelle Hassler
Agent/Applicant Signature

Official Use Only

Submission Date:

Development Application No.:

Planning and Development Services
7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov

Development Application



Development Application Type:
Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: Storage at Shea

Property's Address: 10105th N. 116th St.

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>George Bell</u>	Agent/Applicant: <u>Michelle Hassler</u>
Company: <u>The Bell Group, LLC</u>	Company: <u>RKAA Architects, Inc</u>
Address: <u>18861 N. 99th St., Scottsdale</u>	Address: <u>2233 E. Thomas Rd, Phoenix</u>
Phone: <u>480-538-5174</u> Fax:	Phone: <u>602-955-3900</u> Fax:
E-mail: <u>ghbell@landrd.com</u>	E-mail: <u>mhassler@rkaa.com</u>
Designer: <u>Robert Kubicek</u>	Engineer: <u>Len Erie</u>
Company: <u>RKAA Architects, Inc</u>	Company: <u>Erie & Associates, Inc.</u>
Address: <u>2233 E. Thomas Rd</u>	Address: <u>3120 N. 24th St., Phoenix</u>
Phone: <u>602-955-3900</u> Fax:	Phone: <u>602-954-6399</u> Fax:
E-mail: <u>rkubicek@rkaa.com</u>	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.

- Enhanced Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
- Standard Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

George H Bell
Owner Signature

Michelle Hassler
Agent/Applicant Signature

Official Use Only Submittal Date: Development Application No.:

Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 357-PA-2017

Project Name: Storage at Shea

Project Address: 10105 N. 116th St. / SEC 116th St. + Shea Blvd

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: George H. Bell
Print Name

George H. Bell
Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____

at the following number _____

Signature: George H. Bell Date: 12/20/17

Printed Name: George H. Bell

Check box if signature refused

Copy of Bill of Rights left at: _____

50-DR-2017
12/21/17

A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
1. Present photo identification on entry of the premises.
 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
 3. Disclose any applicable inspection fees.
 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
 5. Provide notice of the right to have:
 - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
 - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - (c) Copies of any analysis performed on samples taken during the inspection.
 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
1. The rights described in subsection A of this section.
 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
1. At the time of the inspection.
 2. Notwithstanding any other state law, within thirty working days after the inspection.
 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
 - 1. Committed intentionally.
 - 2. Not correctable within a reasonable period of time as determined by the municipality.
 - 3. Evidence of a pattern of noncompliance.
 - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
 - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
 - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
 - 1. Shall not be used to exclude evidence in a criminal proceeding.
 - 2. Does not apply to a municipal inspection that is requested by the regulated person.