



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2013-04
Supersedes: DD-2013-02

Effective: 03/25/2013

Initiator: Darren Gerard

Director: *Debra Stark*

PURPOSE: Implementation of Maricopa County's Enhanced Regulatory Outreach Program by the Planning and Development Department

REFERENCE: Arizona Revised Statutes, §§ 11-241, 11-811, 11-813, 11-814, 11-821, 11-822, 11-861, 11-862, 11-863, 11-864, 11-1601, 28-8481, 28-8482, 49-112

Maricopa County Abatement Ordinance
Maricopa County Adult Oriented Facility Ordinance
Maricopa County Enhanced Regulatory Outreach Program Policy
Maricopa County Hours of Construction Ordinance
Maricopa County Local Additions and Addenda
Maricopa County Noise Ordinance
Maricopa County Subdivision Regulations
Maricopa County Zoning Ordinance
Maricopa County Licensing Time Frames Ordinance

POLICY/PROCEDURE:

Regulatory amendments shall be processed in a consistent manner to ensure opportunity for public input. This includes fee amendments related to licenses, as defined in ARS 11-1601 issued by Maricopa County. All regulatory documents administered by the Department shall be amended per one of three processes (depending upon whether or not the proposed change involves construction safety codes, and whether or not the proposed change can be expedited as explained below), outlined in the attached flowcharts, which meets or exceeds all statutory requirements.

A web site will be created and accessible from the County main web page, with a distinct URL, that can be found on the web pages of all departments and districts engaged in regulation adoption or amendment. Designated Planning and Development staff will submit items relating to various components of this web site.

This site will serve as a central place for interested parties to participate in all County regulatory changes. At a minimum, this new site will contain the following information:

- A. Calendar – A calendar notifying the public of all major milestones and opportunities for public input on all current regulatory adoptions and amendments.
- B. Information about where comments can be submitted electronically or in writing.
- C. Staff Reports – Staff reports on all regulatory changes will be prepared and linked to the web site at least one week prior to any public meeting or hearing (citizens' advisory board, commission or Board of Supervisors). If expedited, the staff report must be linked to the web site at least two weeks prior to any public meeting or hearing. These staff reports will include:
 - (i) A summary of the proposed regulatory change;
 - (ii) An analysis of the input received during the process and how that input was responded to;
 - (iii) Language (verbatim language if to be expedited) of any proposed regulatory change or amendment;



- (iv) Minutes from all public meetings; and,
- (v) Copies of all written and electronic stakeholder input.

In addition to the required staff report, an executive summary of the report including an overview of stakeholder input and staff responses will be provided to the Board of Supervisors (BOS) at least one week prior to any BOS public hearing. Stakeholder comments received after public distribution of the staff report will be included on the Enhanced Regulatory Outreach site and noted as such.

- D. Process Flow Charts – All new ordinances and regulatory amendments to be administered by the Planning and Development Department will be initiated by the Planning and Zoning Commission who will make recommendation to the Board of Supervisors. See the attached process flow chart that outlines the regulatory adoption / amendment process for the Planning and Development Department.

All new ordinances and regulatory amendments administered by the Planning and Development Department involving construction safety codes will also be reviewed by the Building Code Advisory Board who will make recommendation to the Board of Supervisors. See the attached flow chart.

The process may be expedited so that an item is initiated and recommended at the same Commission/Board hearing, but only if the following criteria have been met:

- (i) The proposed amendment has been the subject of at least one Stakeholder Workshop (posted on the County's web site at least two weeks in advance);
- (ii) A draft of the regulatory change was available on the EROP web site at least two weeks prior to the Commission hearing; and
- (iii) Staff has received no opposition to the proposed language, and is recommending approval of the proposed language.

See the attached flow chart.

- E. Stakeholder Notification Sign-up - The Enhanced Regulatory Outreach site will include an opportunity for any interested person to sign up to receive notices of all proposed regulatory changes, including opportunities to participate in the process. Citizens will have the option of receiving notices regarding all regulation changes or only those involving specific departments.
- F. Index of Current Regulations - Organized by implementing department or district, the index will list all County regulations and a link to each.
- G. Index of Substantive Policy Statements – As required by ARS § 11-1607, an index, organized by department or district, listing all departmental substantive policy statements and a link to each.
- H. A standardized County definition of the terms Guidelines, Policies and Best Practices along with an index, organized by department or district, listing all documents that meet these definitions and a link to each.



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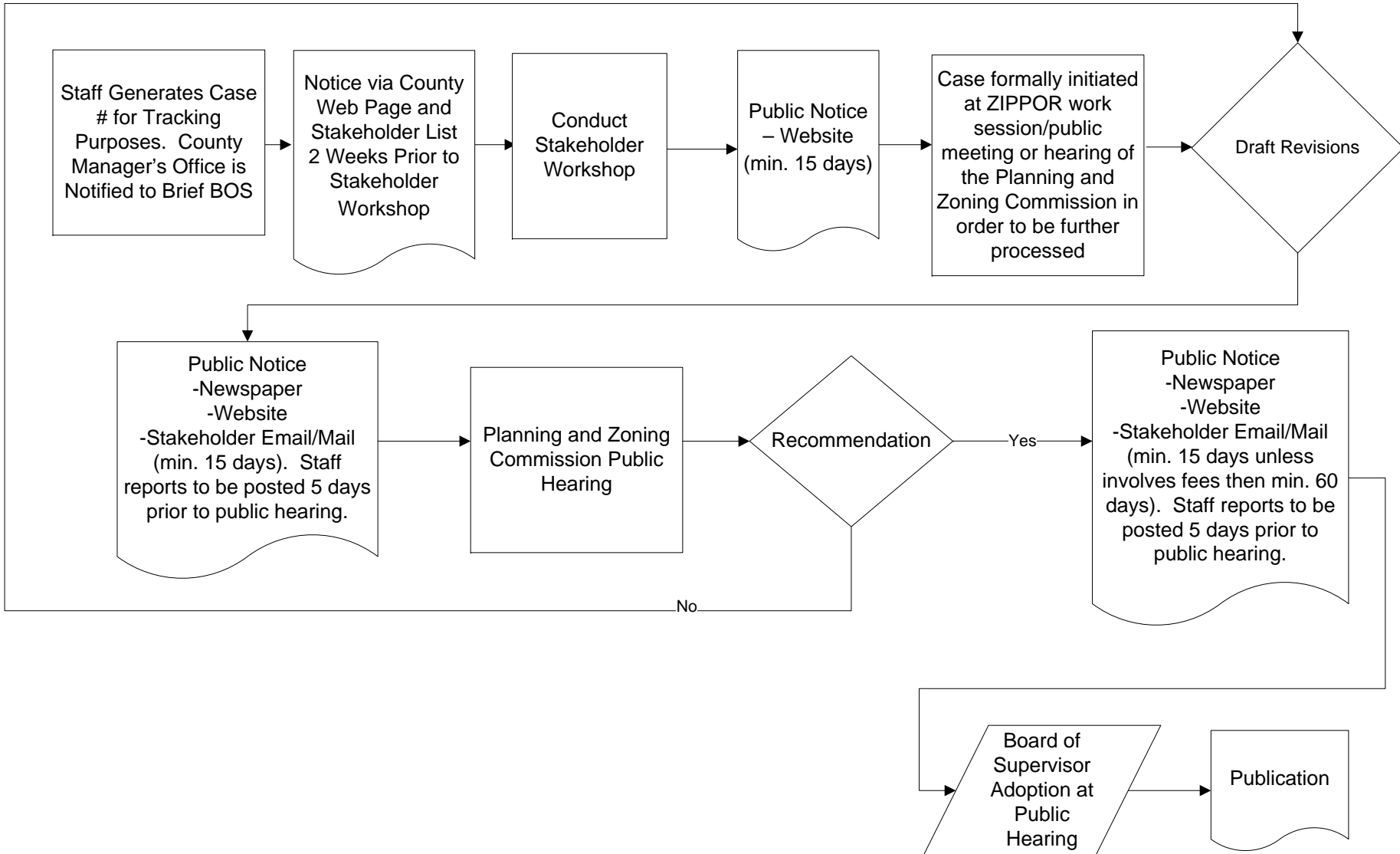
Page 3

- I. Process for Review Complaints Re: Failure to Observe Adoption Procedure - If an affected person has a complaint concerning a failure to observe the requirements of this policy, it shall be submitted to the Board or Commission initiating or recommending the regulation or ordinance. The complaint shall contain, at a minimum, the name of the Department adopting or amending the rule; the specific rule being adopted or amended; and an explanation specifying the failure of a process or procedure of this policy that lead to the complaint. Within forty-five days after the date of submission, the Board or Commission shall, in writing, respond to the complaint and recommend action. The affected person may appeal the decision by filing with the Clerk of the Board within thirty days after the date of the written decision of the Board or Commission, a written appeal to the Board of Supervisors. The Board shall place the complaint on its agenda within thirty days and provide a response to the complaint at the meeting.
- J. Emergency Adoption of Regulations and Ordinances - The Board of Supervisors may adopt regulations or ordinances without complying with the procedures of this policy if it makes a finding of an emergency requiring the adoption of the regulation and ordinance and records the nature of the emergency and the reason for the adoption in its minutes. The ordinance or regulation shall terminate when the Board determines the emergency no longer exists.

Maricopa County Planning & Development Department

Regulatory Action Process Flowchart

(All regulation other than Construction Safety Codes)



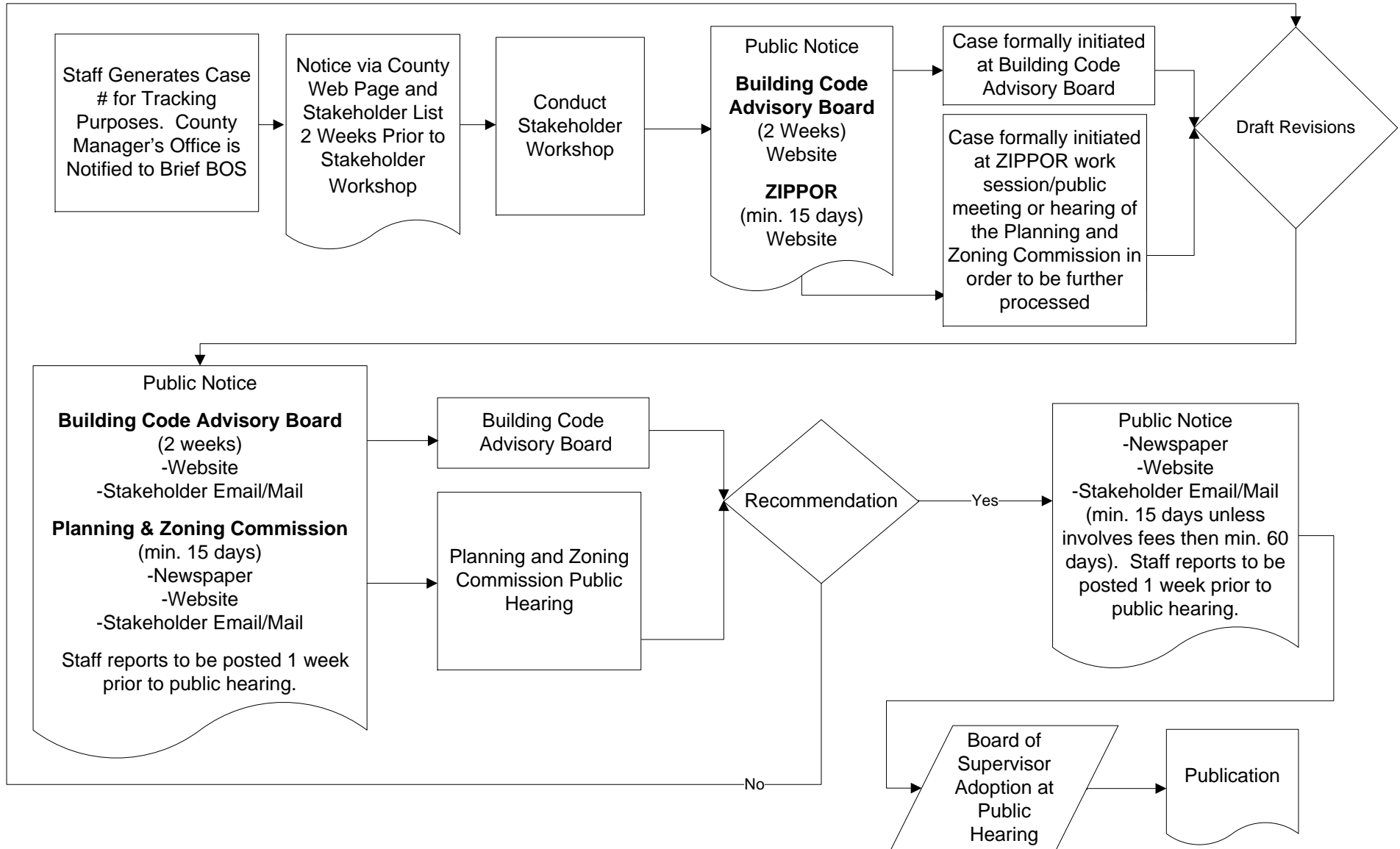
Per Arizona Revised Statutes

ARS §11-251, 11-811, 11-813 11-814, 11-821, 11-822, 11-861, 11-862, 11-863, 11-864, 28-8481, 28-8482.

April 2013

This flowchart refers to regulatory changes other than Construction Safety Codes, and that are routed only to the Planning and Zoning Commission.

Maricopa County Planning & Development Department Regulatory Action Process Flowchart (Construction Safety Codes)



Per Arizona Revised Statutes

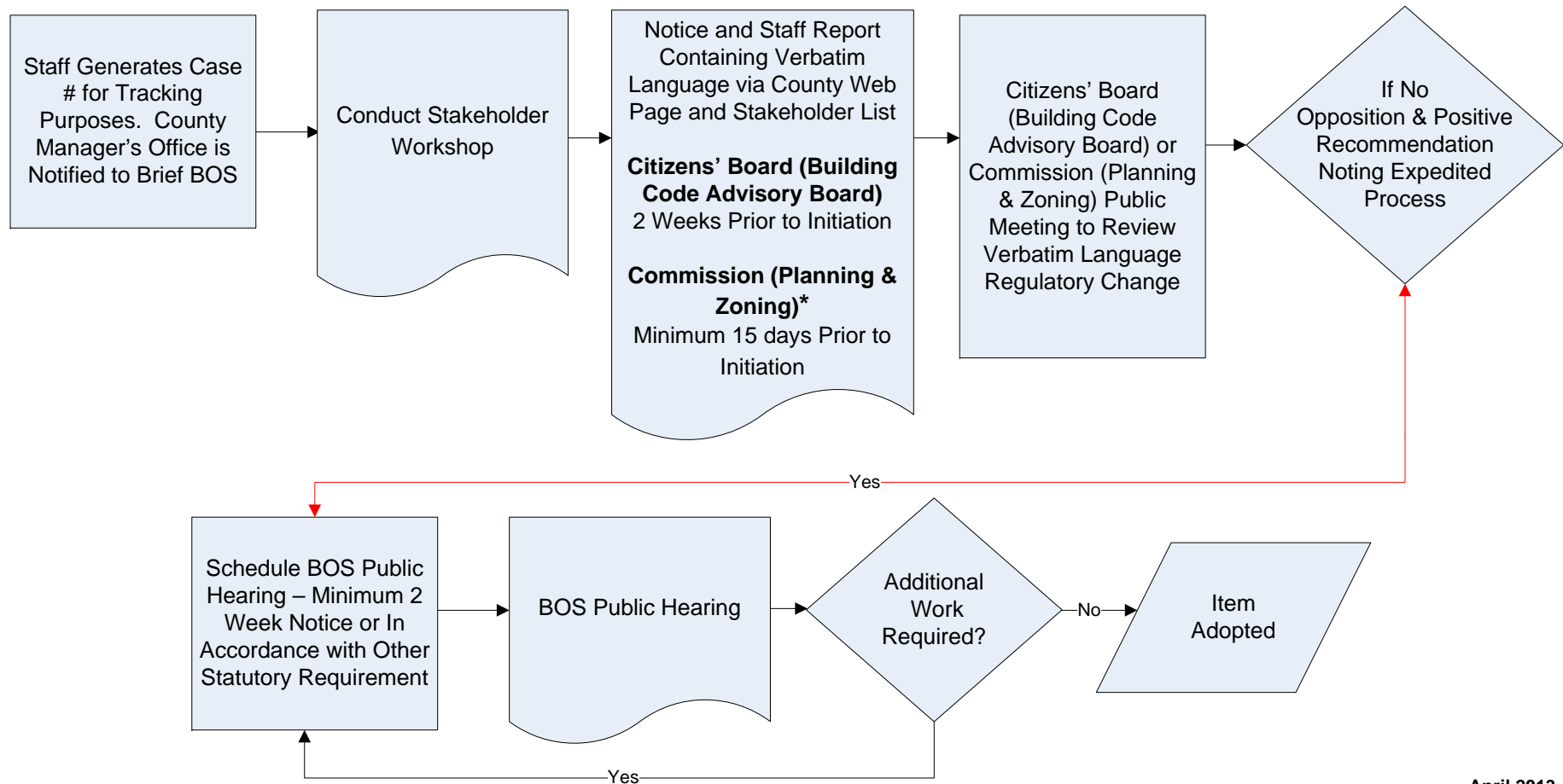
ARS §11-251, 11-811, 11-813 11-814, 11-821, 11-822, 11-861, 11-862, 11-863, 11-864, 28-8481, 28-8482.

April 2013

This flowchart refers to Construction Safety Codes that are routed to both the Planning and Zoning Commission and the Building Code Advisory Board (BCAB)

EXPEDITED

Maricopa County Planning and Development Regulatory Adoption / Amendment Process



April 2013

* Air Quality = Board of Health; Environmental Services = Board of Health; Flood Control = Flood Control Advisory Board; Planning & Development = Planning & Zoning Commission and Building Code Advisory Board; Transportation = Transportation Advisory Board