



Report to the Building Code Advisory Board

Prepared by the Maricopa County Planning and Development Department

Cases:	TA2013004 – Exemption for buildings/structures existing prior to 1/1/2000
Meeting Date:	January 28, 2014
Agenda Item:	2
Supervisor District:	All
Applicant:	Staff
Request:	Initiate and Consider a Recommendation for a Text Amendment to the Maricopa County Local Additions & Addenda to adopt a new paragraph to Section 205.
Support/Opposition:	No known opposition. One email of support. General recommendation of support by the Maricopa County Planning and Development Department Ad Hoc Task Force on Process Improvements.
Recommendation:	Initiate and Recommend Approval

Discussion:

TA2013004 – Exemption for building/structures existing prior to 1/1/2000: This is a text amendment to the Maricopa County Local Additions & Addenda, Sec. 205, Building Permit Exceptions to exempt construction of buildings and other structures that have been in existence prior to January 1, 2000, from the requirement to obtain a Building Permit. This is intended to improve customer service and reduce regulatory burden. It will bring the critical date for a building permit requirement in alignment with that for drainage clearance and zoning clearance in the Maricopa County Zoning Ordinance, January 1, 2000.

Maricopa County began issuing building permits in 1975. Prior to that time only zoning certification permits were issued. In accordance with its approved State Records Retention Plan, the Planning and Development Department is required to retain copies of paper permits for 180 days from the date the project receives final inspection approval. As a result, the department has some paper records dating back to 1975, but they are not all inclusive. The department's electronic records are very complete back to the year 2000. Prior to the year 2000, the department's records are not complete.

During a permit review, questions can arise about existing buildings on a site, including whether or not they were built with a proper permit. If no record of a permit can be found, the department has been compelled to request that an applicant obtain a new permit. The existing structure would often need to be brought up to current code, which could be an expensive undertaking.

The proposed code amendment will relieve customers of the responsibility to obtain permits for structures built prior to 2000, which can be verified by aerial photographs. However, if there are visible signs of defects or unsafe conditions, the department will still have the authority to require proper plans and permits to ensure necessary safety corrections.

The proposed language is:

A building permit shall not be required for a building or structure that was existing, or any use of land that was lawfully existing, as of January 1, 2000 or as of the effective date of subsequent amendments to this regulation provided there are no visible signs of defects or unsafe conditions. When verification is required by the Building Official a Certificate of Observable Compliance from a third party Registered Architect or Structural Engineer must be submitted.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on October 25, 2013. This item will be presented on January 28, 2014 for initiation and possible recommendation. At the January 28th meeting, the BCAB may recommend that the text amendment process be expedited. An expedited process recommendation means that the BCAB would both initiate and make a recommendation regarding the text amendment at the same meeting. To be considered for the expedited process, the following three criteria must be met: (1) the amendment has been the subject of at least one Stakeholder Workshop (posted on the County's web site at least two weeks in advance); (2) a draft of the regulatory change was available on the EROP web site at least two weeks prior to the Board hearing; and (3) the BCAB has received no opposition to the proposed text amendment and is recommending approval of the proposed language. If the BCAB does not make a recommendation for expedited processing, an additional hearing date must be scheduled.

In accordance with state statutes, this text amendment is also scheduled to be heard by the Maricopa County Planning and Zoning Commission (Commission) at their January 30, 2014 Commission meeting. If positively acted upon, this amendment will be scheduled for a hearing before the Board of Supervisors (BOS) this spring. This schedule is subject to change depending on information and recommendations received by the public and by the actions of the BCAB, Planning and Zoning Commission and BOS.

The initial October 25th Stakeholder Meeting was attended by one party and this matter was discussed. (No minutes of the meeting were prepared.) The stakeholders indicated no opposition to the proposed text amendment. An email in support from the New River/Desert Hills Community Association is attached.

This matter was also discussed by the Maricopa County Planning and Development Department Ad Hoc Task Force on Process Improvements. This citizen committee appointed by the County Manager convened August 26, 2013 and held a series of meetings to discuss opportunities to improve Planning and Development Department processes. The Task Force suggested that the department simplify approaches to the plan review process and improve consistency with its permit reviews. The subcommittee was briefed regarding the EROP process. A text amendment that would exempt construction in existence prior to 1/1/2000 from permitting requirements unless visibly unsafe conditions are present was discussed at the subcommittee's September 18, 2013 and October 2, 2013 meetings.

The Task Force recommended that an amendment to exempt pre-2000 construction from building permit requirements, unless visibly unsafe, be pursued through the EROP process and approved by the Board of Supervisors. This Task Force recommendation will be presented by the Task Force as part of their final report to the Board of Supervisors at the January 27, 2014 Board of Supervisor meeting.

Recommendation:

Staff recommends that the BCAB initiate TA2013004.

Staff further recommends, if the EROP criteria are met, that the BCAB recommend that TA2013004 be approved for expedited EROP processing and that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt TA2013004.

Prepared by Tom Ewers, Plan Review Manager

Attachments: New River/Desert Hills Association email (1 page).

From: Darren Gerard - PLANDEVX
Sent: Wednesday, January 08, 2014 6:45 PM
To: 'plan-dev@nrdhca.com'
Subject: RE: Regulatory Outreach TA2013004

Ann: Thank you for your comment. Darren

From: plan-dev@nrdhca.com [<mailto:plan-dev@nrdhca.com>]
Sent: Saturday, December 21, 2013 5:42 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2013004 – Exemption for Building/Structures Existing Prior to 1/1/2000

Citizen's Name: Ann Hutchinson
Organization: New River Desert Hills Community Association
City: New River
Zip: 85087
Phone Number: 623-742-6514
Phone Type: home
Email: plan-dev@nrdhca.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

New River/Desert Hills Community Association (NR/DHCA) has no objections or concerns for this TA.

Time of Request: 12/21/2013 5:41:59 PM



Report to the Building Code Advisory Board

Prepared by the Maricopa County Planning and Development Department

Cases:	TA2013005 – Annual Facilities Permit
Meeting Date:	January 28, 2014
Agenda Item:	3
Supervisor District:	All
Applicant:	Staff
Request:	Initiate and Consider a Recommendation for a Text Amendment to the Maricopa County Local Additions & Addenda to adopt a text amendment revising Section 301 (with reference to Sections 105.1.1 & 105.1.2 of the 2012 International Building Code regarding an annual permit and annual permit records) to create a process for an Annual Facilities Permit (AFP) and adoption of related fees in Section 208.
Support/Opposition:	No known opposition. One email of support. General recommendation of support by the Maricopa County Planning and Development Department Ad Hoc Task Force on Process Improvements.
Recommendation:	Initiate and Recommend Approval

Discussion:

TA2013005 – Annual Facilities Permit (AFP): This is a text amendment to the Maricopa County Local Additions & Addenda revising Section 301 (with reference to Sections 105.1.1 & 105.1.2 of the 2012 International Building Code regarding an annual permit and annual permit records) to create a process for an Annual Facilities Permit (AFP) and adoption of related fees in Section 208. This is intended to improve customer service, reduce regulatory burden, and streamline the permitting process for qualifying facilities.

This amendment would allow a facility, such as a hospital, to register as a Qualified AFP Facility and obtain a one-year facility permit for qualifying construction – generally small-scale remodeling work. For each facility, the AFP permit holder will have a Registered Architect or Engineer Agent who will prepare plans and supervise the work and keep a record for the Building Official. Before any work is covered from view it will be inspected by County Inspectors who will charge an hourly rate for inspections. This will provide an opportunity for a Qualified Facility to do work without waiting for individual plan reviews and permits, thereby saving time and money, while also receiving all necessary safety inspections.

The proposed language is shown below with changes since the 10/25/13 stakeholder meeting shown as grey, or for color copies, as yellow highlighted:

Section 301 – 2012 International Building Code:

The 2012 International Building Code has been adopted as the building code for Maricopa County along with the following amendments:

Delete Sections 105.1.1 and 105.1.2 and replace with:

105.1 Annual Facility Permits.

105.1.1. General. The Annual Facilities Permit is an administrative system intended to simplify the permitting and inspection process for qualified facilities by allowing inspectors to review plans and maintaining inspectors familiar with the construction history of such facilities. Qualified facilities electing to participate in this program are exempt from the requirement to obtain individual permits for the work regulated by this code when such work does not increase the floor area, does not constitute a change of use or occupancy classification, and is performed on existing buildings, structures, and utilities associated with that qualified facility. This alternative permit process shall not exempt compliance with the technical requirements of this code, the technical codes, or with other County, State, or Federal laws, nor exempt work from inspection prior to concealment.

105.1.2. Definitions. For purposes of this Section, the following terms shall apply:

AGENT: A full-time or contract employee of a Qualified Facility, who is An architect or engineer registered and residing in the State of Arizona and who is responsible for complying with the substantive provisions of this Chapter. The agent, as authorized by rules established by the Arizona Board of Technical Registration, shall assure work has been performed in accordance with this code and the technical codes.

QUALIFIED FACILITY: A firm, corporation, or political entity engaged in manufacturing, processing, service, or property management that occupies and controls specialized buildings and building service equipment to the extent that full-time personnel are required to manage, operate, or maintain such buildings and equipment in compliance with all the provisions of this code and the technical codes.

105.1.3. Annual Facilities Permit Transferability. An Annual Facilities Permit is not transferable.

105.1.4. Annual Facilities Permit Renewal. An Annual Facilities Permit may be renewed every twelve (12) months by payment of a renewal fee as set forth in the Maricopa County Schedule of Fees. Additional hourly charges will be assessed for each work project. Renewal fees shall be due and payable prior to the permit expiration date, or a new initial application shall be required. Work performed after the permit expiration date shall be in violation of this code and subject to penalty.

105.1.5. Annual Facilities Permit Operation. The agent shall notify the Building Official or his/her designee prior to the start of any work involving alteration of the building structure system, alteration of any fire-resistive wall, floor, or ceiling assembly, alteration of any fire corridor

system, or installation of any structural, mechanical, plumbing, or electrical work intended to be enclosed or concealed. The Building Official shall determine the nature and extent of plan reviews and/or inspections required. Maricopa County shall invoice the Qualified Facility and the Qualified Facility shall pay for the professional services rendered as set forth in the Maricopa County Schedule of Fees.

105.1.6 Annual Facilities Permit Records. The agent shall keep a detailed record of alterations made under an Annual Facilities Permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

Section 208 – Other Inspections and Fees:

14. Annual Facilities Permit Program:

<u>Registration Fee</u>	<u>\$750</u>
<u>Annual Facilities Permit</u>	<u>\$500 per year</u>
<u>Inspection Fee</u>	<u>\$190 per hour</u>

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on October 25, 2013. This item will be presented to the BCAB on January 28, 2014 for initiation and possible recommendation. At the January 28th meeting, the BCAB may recommend that the text amendment process be expedited. An expedited process recommendation means that the BCAB would both initiate and make a recommendation regarding the text amendment at the same meeting. To be considered for the expedited process, the following three criteria must be met: (1) the amendment has been the subject of at least one Stakeholder Workshop (posted on the County's web site at least two weeks in advance); (2) a draft of the regulatory change was available on the EROP web site at least two weeks prior to the Board hearing; and (3) the BCAB has received no opposition to the proposed text amendment and is recommending approval of the proposed language. If the BCAB does not make a recommendation for expedited processing, an additional hearing date must be scheduled.

In accordance with state statutes, this text amendment is also scheduled to be heard by the Maricopa County Planning and Zoning Commission (Commission) at their January 30, 2014 Commission meeting. If positively acted upon, this amendment will be scheduled for a hearing before the Board of Supervisors (BOS) this spring. This schedule is subject to change depending on information and recommendations received by the public and by the actions of the BCAB, Planning and Zoning Commission and BOS.

The initial October 25th Stakeholder Meeting was attended by one party and this matter was discussed. (No minutes of the meeting were prepared.) The stakeholders indicated no opposition to the proposed text amendment. An email in support from the New River/Desert Hills Community Association is attached.

This matter was also discussed by the Maricopa County Planning and Development Department Ad Hoc Task Force on Process Improvements. This citizen committee appointed by the County Manager convened August 26, 2013 and held a series of meetings to discuss opportunities to improve Planning and Development Department processes. The Task Force suggested that an AFP Program, similar to the one offered by the city of Phoenix, would greatly assist customers with large commercial facilities that require frequent small-scale building modifications for business purposes, such as hospitals. The subcommittee was briefed

regarding the EROP process. Draft language for an AFP program, modeled upon that adopted by the city of Phoenix, was discussed by the Permitting/Inspections/One Stop Shop Subcommittee at their October 16, 2013 meeting. A subcommittee member requested the removal of the following phrase from the definition of "Agent" in the proposed text to avoid legal concerns with the Internal Revenue Service: "A full-time or contract employee or a Qualified Facility, who is..." The definition would instead start with, "An architect or engineer registered..." This change to the text was discussed by staff at the October 25, 2013 EROP stakeholder meeting and the language modified accordingly. The Task Force recommended that the adoption of an AFP Program, and related regulatory amendments, be pursued through the EROP process and approved by the Board of Supervisors. This Task Force recommendation will be presented by the Task Force as part of their final report to the Board of Supervisors at the January 27, 2014 Board of Supervisor meeting.

Recommendation:

Staff recommends that the BCAB initiate TA2013005.

Staff further recommends, if the EROP criteria are met, that the BCAB recommend that TA2013005 be approved for expedited EROP processing and that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt TA2013005.

Prepared by Tom Ewers, Plan Review Manager

Attachments: New River/Desert Hills Community Association email (1 page).

From: Darren Gerard - PLANDEVX
Sent: Wednesday, January 08, 2014 6:55 PM
To: 'Plan-Dev@nrhca.com'
Subject: RE: Regulatory Outreach TA2013005

Ann: thanks for your comment. Darren

From: Plan-Dev@nrhca.com [<mailto:Plan-Dev@nrhca.com>]
Sent: Saturday, December 21, 2013 5:45 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: PD-TA2013005 – Annual Facilities Permit (AFP)

Citizen's Name: Ann Hutchinson
Organization: New River - Desert Hills Community Association
City: New River
Zip: 85087
Phone Number: 623-742-6514
Phone Type:
Email: Plan-Dev@nrhca.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

New River/Desert Hills Community Association (NR/DHCA) has no objections or concerns for this TA.

Time of Request: 12/21/2013 5:45:13 PM