



Maricopa County

Planning & Development Department

Department Directive

Department Directive:

DD-2012-14

Supersedes:

Effective: 12/10/12

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 applicant driven text amendments. 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 a single process outlined in the attached flowchart, which meets or exceeds all statutory requirements. No rule, regulation, ordinance or amendment thereto can be enforced without substantial compliance with this policy except those that were approved by the Board of Supervisors before January 9, 2013.

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). 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 of any proposed regulatory change or amendment;

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

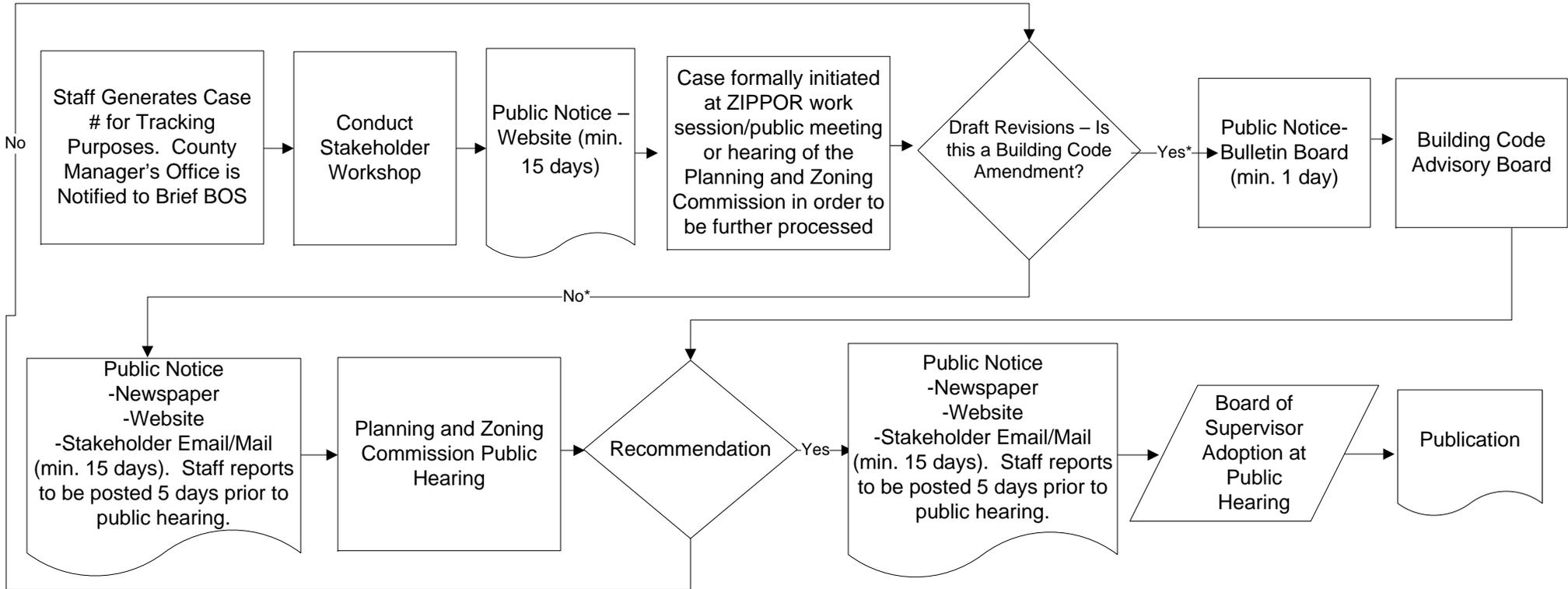
In addition to the required staff report, an executive summary of the report including an overview of stakeholder input and staff responses will be provided to the Board of Supervisors (BOS) at least one week prior to any BOS public hearing. Stakeholder comments received after public distribution of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

- D. Process Flow Chart – 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.
- 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 Regulations, Guidelines and Policies along with an index, organized by department or district, listing all documents that meet these definitions and a link to each.
- 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 Department initiating or recommending the regulation or ordinance. The complaint shall contain, at a minimum, the name of the Department initiating or recommending the rule; the specific rule being initiated or recommended; and an explanation specifying the failure of a process or procedure of this policy that lead to the complaint. Within fifteen business days after the date of submission, the Department 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 Department, 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. In the event of an appeal, the appealed portion of the regulation or ordinance will not be enforced until the Board of Supervisors rules on the appeal.

- 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.

Not later than sixty days after the adoption of an emergency measure according to this policy, the regulation or ordinance shall be reviewed by the Board to determine if it should continue or be terminated.

Maricopa County Planning & Development Department Regulatory Action Process Flowchart



*If “yes”, route to both the Building Code Advisory Board and the Planning and Zoning Commission. If “no”, route only to the Planning and Zoning Commission.

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.

November 2012