

# Maricopa County Flood Control District Substantive Policy Statements

Flood Control District of Maricopa County  
2801 W. Durango Street  
Phoenix, AZ 85009

February 4, 2018



Maricopa County



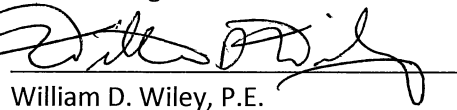
# Flood Control District of Maricopa County

2801 West Durango Street  
Phoenix, Arizona 85009  
Phone: (602) 506-4708  
Fax: (602) 372-0989

## **SUBSTANTIVE POLICY STATEMENT 2017-01**

Property Owner Acknowledgements

ISSUED BY:

  
William D. Wiley, P.E.

Chief Engineer and General Manager

10.6.17

Date

**ORIGINAL DATE:** 10/06/2017

### **PURPOSE:**

To inform the regulated community how a Floodplain Use Permit for the extraction of sand and gravel or other materials may allow for erosion of land not owned by the applicant.

### **REFERENCE:**

Floodplain Regulations for Maricopa County; Arizona Revised Statutes Title 44, Chapter 21.

### **POLICY:**

According to Floodplain Regulations for Maricopa County § 403(B)(1)(c), an Applicant for a Floodplain Use Permit shall include with the Application a signed acknowledgement from the property owner that a Floodplain Use Permit is being sought and, if applicable, designation of an operator authorized to mine the property.

It is the policy of the Flood Control District of Maricopa County that this requirement also applies to real property that may be eroded as a result of the mining operations.

Accordingly, the Flood Control District will accept such acknowledgments both from property owners whose property will be mined or on which other sand and gravel operations may occur and from property owners whose property may be eroded as a result of mining operations.

The Floodplain Use Permit issued to the Applicant will identify the specific parcels on which extraction and other sand and gravel operations may occur and the specific parcels subject only to erosion.



# Flood Control District of Maricopa County

## **Board of Directors**

Denny Barney, District 1  
Steve Chucri, District 2  
Andrew Kunasek, District 3  
Clint Hickman, District 4  
Mary Rose Wilcox, District 5

www.fcd.maricopa.gov

2801 West Durango Street  
Phoenix, Arizona 85009  
Phone: 602-506-1501  
Fax: 602-506-4601  
TT: 602-505-5897

## **SUBSTANTIVE POLICY STATEMENT 2012-01: POOL AND POOL EQUIPMENT REQUIREMENTS**

### **ISSUED BY:**

A handwritten signature in black ink, appearing to read "Timothy S. Phillips", is written over a horizontal line.

Timothy S. Phillips, P.E.  
Chief Engineer & General Manager

A handwritten date "8/9/13" is written in black ink over a horizontal line.

Date

**ORIGINAL DATE:** July 21, 2010  
**REVISION DATE:** August 8, 2013

### **PURPOSE**

This policy provides a consistent and reasonable interpretation of Sections 401 and 601 of the Floodplain Regulations as they apply to pools and pool equipment.

### **REFERENCE**

Floodplain Regulations for Maricopa County, Sections 401 and 601

### **POLICY**

All pool equipment breaker boxes shall be elevated a minimum 24 inches above natural grade in Zone AO (with depth = 1.0 foot), and 36 inches above natural grade in all other Zones, or at or above the Regulatory Flood Elevation for pool equipment in the floodplain.

For pool equipment breaker boxes in areas outside of the regulated floodplain there are no Floodplain Regulation requirements. Pool filter units are not required to be elevated.

While pools and pool equipment are considered development according to National Flood Insurance Program regulations, they may not be protected against flood damage during the one-percent chance flood. A permit should not be taken as a warranty of protection from flooding. Applicants are advised to consult their engineer or other expert regarding flood protection.

Pool barriers/fencing are required per county or community zoning ordinances. The property owner shall be responsible for maintaining all fencing and clearing any debris build-up caused by or from the fencing in the floodplain area to eliminate the possibilities of obstructed flows.



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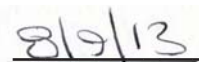
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## **SUBSTANTIVE POLICY STATEMENT 2013-02: ENHANCED REGULATORY OUTREACH**

### **ISSUED BY:**

  
\_\_\_\_\_  
Timothy S. Phillips, P.E.  
Chief Engineer & General Manager

  
\_\_\_\_\_  
Date

**ORIGINAL DATE:** January 8, 2013

**REVISION DATE:** August 8, 2013

### **PURPOSE**

This policy integrates Maricopa County's Enhanced Regulatory Outreach Program with the Flood Control District's processes for managing amendments to its regulatory documents. The program will be operational by January 9, 2013.

### **REFERENCE**

Arizona Revised Statutes (A.R.S.) §§ 48-3603, 48-3609, 48-3613 and 48-3615; Title 48, Chapter 21, Article 2  
Maricopa County Policy A1518 - Enhanced Regulatory Outreach  
Floodplain Regulations for Maricopa County

### **POLICY**

No code, rule, regulation or ordinance can be enforced without substantial compliance with this policy, except those that were approved by the Board of Directors before January 9, 2013.

Regulatory amendments, including amendments to associated fee schedules, shall be processed in a consistent manner to ensure the opportunity for public input. All regulatory documents administered by the District shall be amended per the processes outlined in the attached flowcharts, which meet or exceed all statutory requirements.

The District will provide, for the County's Enhanced Regulatory Outreach website, the following information at a minimum.

- 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 website at least one week prior to any public meeting or hearing (Flood Control Advisory Board or Board of Directors). These staff reports will include:
  - 1. A summary of the proposed regulatory change;
  - 2. An analysis of the input received during the process and how that input was responded to;
  - 3. Language of any proposed regulatory change or amendment;
  - 4. Minutes for all public meetings; and,
  - 5. Copies of all written and electronic stakeholder input.

Stakeholder comments received after public distribution of the staff report will be included on the Enhanced Regulatory Outreach site and noted as such.

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 Directors at least one week prior to the Board of Directors public hearing.

- D. Process Flow Chart – All new ordinances and regulatory amendments to be administered by the District will be processed per the attached flowcharts.

The Expedited Process flowchart may only be used in lieu of the standard flowchart if the following criteria have been met:

- 1. The proposed amendment has been the subject of at least one Stakeholder Workshop (posted on the County's website at least two weeks in advance) and one Flood Control Advisory Board meeting.
  - 2. A draft of the regulatory change was available on the Enhanced Regulatory Outreach Program website at least two weeks prior to the Flood Control Advisory Board meeting and was forwarded to the Flood Control Advisory Board at least one week in advance of its proposed review meeting.
  - 3. No comments of opposition to the amendment have been received from the public.
  - 4. The Flood Control Advisory Board recommends approval.
- 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.
  - F. Index of Current Regulations – The District will post all current regulations to the Enhanced Regulatory Outreach site.

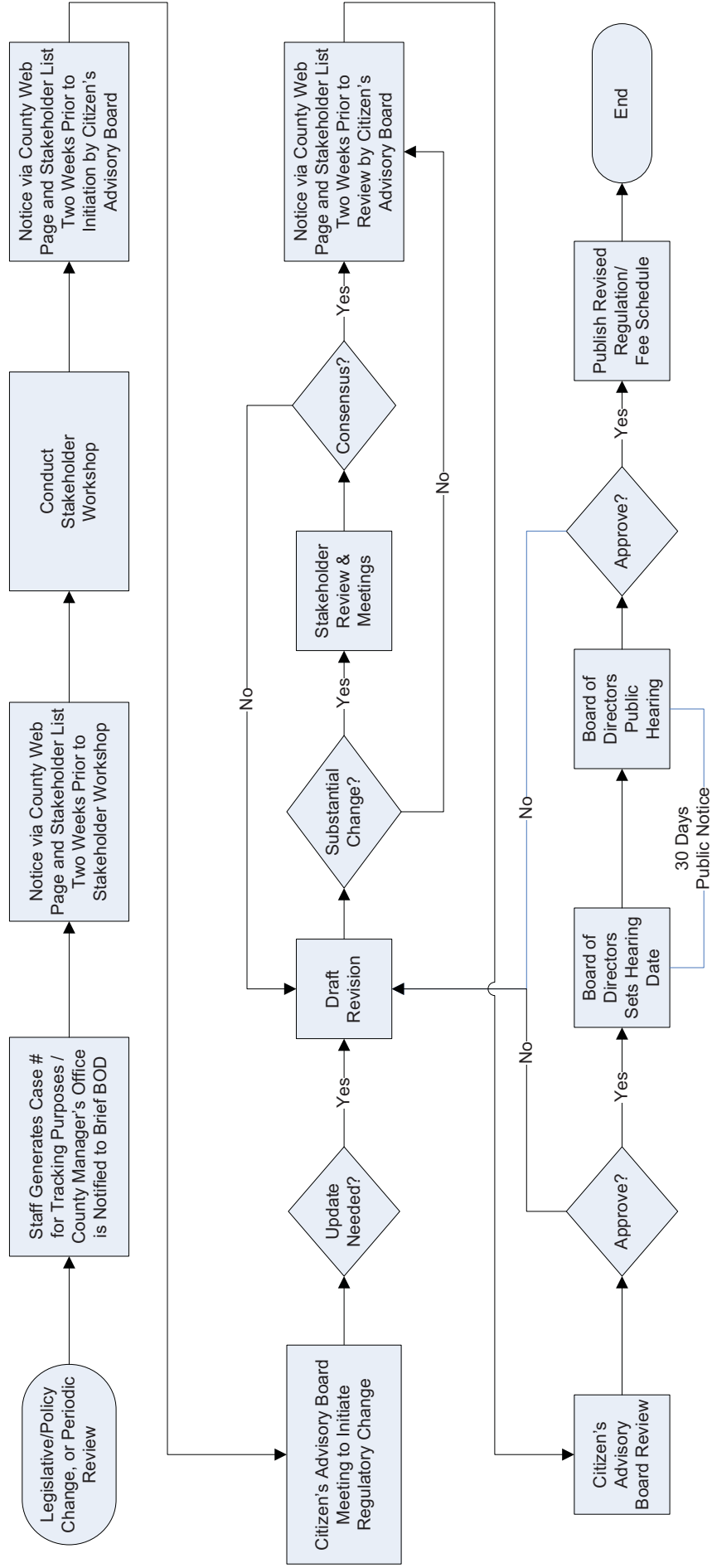
G. Index of Substantive Policy Statements – The District will post to the Enhanced Regulatory Outreach site all substantive policy statements as defined by ARS § 48-3641.

H. Other categorized regulatory and reference documents consistent with the content of the County's Enhanced Regulatory Outreach site.

If an affected person has a complaint concerning a failure of the District to observe the requirements of this policy, it shall be submitted to the District. The complaint shall contain, at a minimum, the specific rule being initiated or recommended; and an explanation specifying the perceived failure that led to the complaint. Within fifteen business days after the date of submission, the District 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 that written decision, a written appeal to the Board of Directors. The Board of Directors 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 Directors rules on the appeal.

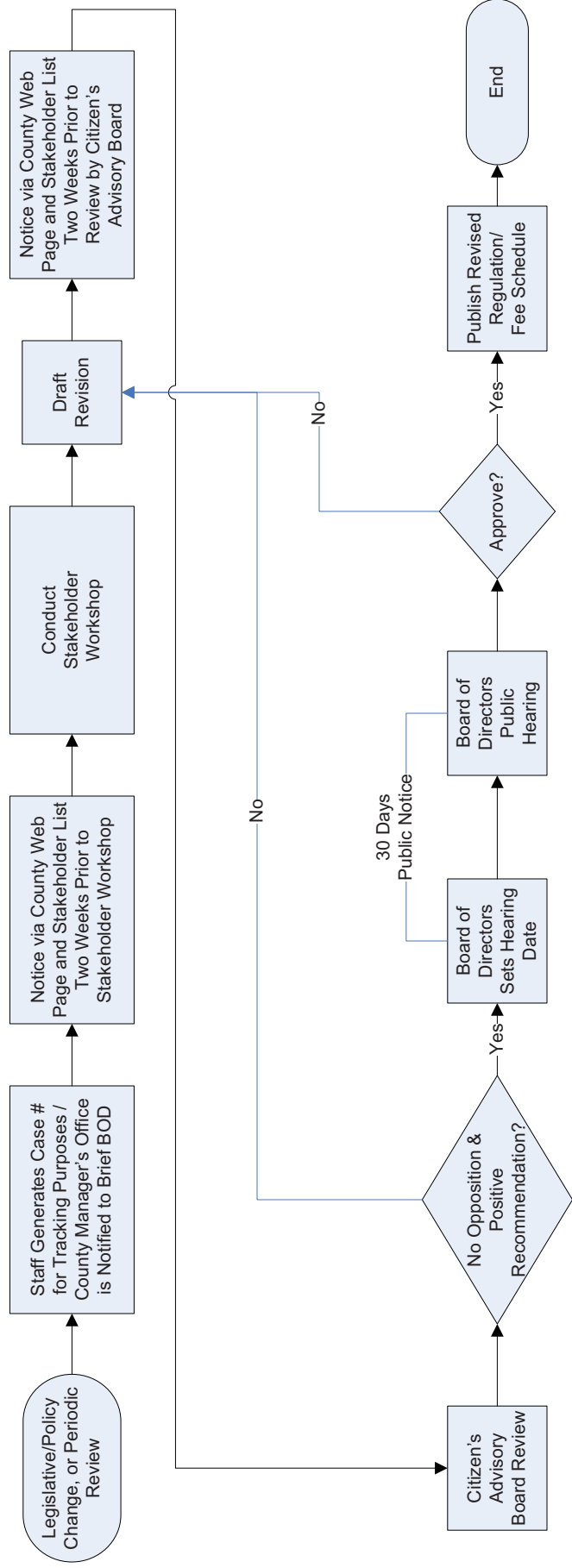
The Board of Directors may adopt regulations or ordinances without complying with the procedures of this policy if the Board makes a finding of an emergency requiring the adoption of the regulation and ordinance and records the nature of the emergency and the reason for the adoption in its minutes. Not later than sixty (60) 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.

# Flood Control District Fee Schedule/Regulation Modification Procedure



Per Arizona Revised Statute ARS §48-3609(E)

# Expedited Flood Control District Fee Schedule/Regulation Modification Procedure



Per Arizona Revised Statute  
ARS §48-3609(E)