

Procedures of the Floodplain Review Board for Appeal, Interpretation, Variance Floodplain Regulations for Maricopa County Section 409. Appeals

- A.** Appeals may be taken to the Floodplain Review Board pursuant to A.R.S. §48-3612(B) and A.R.S. §48-3642. Any person, if there is a dispute between the person and district employees or if location of a floodway or floodplain is in doubt, may file an appeal seeking an interpretation of the regulations if the meaning of a word, phrase or section is in doubt. After substantively complying with A.R.S. §48-3649, an applicant for a license may file an appeal seeking an interpretation of the regulations if the meaning of a word, phrase or section is in doubt; or an applicant may file an appeal challenging a denial of a permit. A regulated person, if there is a dispute between the regulated person and district employees of a final decision of a district based on the results of an inspection, may file an appeal to the Floodplain Review Board seeking an interpretation of the regulations if the meaning of a word, phrase or section is in doubt.
- B.** Appeals to the Floodplain Review Board shall be filed with the Floodplain Administrator within thirty (30) calendar days of the receipt of notice of the decision to be appealed, or sixty (60) calendar days from the date of the decision whichever is earlier. The notice of appeal shall be in writing on a form provided by the Floodplain Administrator and shall state the name and address of the person requesting the interpretation, the regulation that requires clarification, any facts relevant to the requested interpretation and the person's proposed interpretation of the applicable regulation.
- C.** Any interpretation of the regulations issued by the Floodplain Review Board shall only affect the dispute between the appellant and district employees. If the district wants to expand the application of the Floodplain Review Board's interpretation of the regulations, the district shall follow the procedures required by Maricopa County's Enhanced Regulatory Outreach Program Policy.
- D.** The Floodplain Review Board shall fix a time for hearing the appeal and give notice to the parties in interest and to the public as set forth herein. The Floodplain Review Board shall hear and decide the appeal within a reasonable time.
- E.** Property shall be posted pursuant to procedures adopted by the Floodplain Review Board.
- F.** Any appellant aggrieved by a decision of the Floodplain Review Board may, within thirty (30) days of such decision, appeal to the Board of Directors by filing a written notice of appeal with the Clerk of the Board on a form provided by the Floodplain Administrator. Said notice shall state the name and address of the person requesting the interpretation, the regulation that requires clarification, any facts relevant to the requested interpretation and the person's proposed interpretation of the applicable regulation.
- G.** Any appellant aggrieved by a decision of the Board of Directors may file a special action in Superior Court of the State of Arizona.