



Report to the Flood Control Advisory Board

Prepared by the Flood Control District for Maricopa County

Title: Floodplain Regulations – Floodplain Management Delegations

Document Number: Text Amendment FCD 2014-001

Advisory Board Date: 4/23/2014

Supervisor Districts: All

Request: Text Amendment FCD 2014-001 to the Floodplain Regulations of Maricopa County, revising the limitations on floodplain management delegations to reduce a regulatory burden.

Discussion: The proposed text amendment authorizes the Chief Engineer & General Manager to delegate floodplain management responsibilities to Maricopa County staff or other individuals who are not employees of the Flood Control District. The Floodplain Regulations currently refer only to District staff performing delegated floodplain management responsibilities.

Previous Board Actions: The Board of Directors approved the current version of the Floodplain Regulations of Maricopa County under resolution FCD 2011R005 on November 30, 2011 (C-69-12-018-7-00). A text amendment regarding the appeals process was considered on April 9, 2014.

Staff Recommendation: Approve

Public Meeting Dates: An initial stakeholder meeting was held on April 2, 2014. Four external stakeholders attended.

Public Support/Opposition: No comments of support or opposition have been received.

Other Public Agency Involvement: Invitations to the stakeholder meeting were sent to representatives of all cities and towns in Maricopa County, and various federal and state agencies. No other public agencies attended, with the exception of Maricopa County Planning & Development staff. Floodplain management delegations to Maricopa County staff are being coordinated with Planning & Development.

Attachments: Proposed amendment; approval memorandum per Moratorium on Increased Regulatory Burdens; public meeting minutes, meeting agenda, meeting materials, and attendance roster.

Prepared by:
Christopher Fazio, Finance Manager

Reviewed by:
Ed Raleigh, P.E., Deputy Chief Engineer & General Manager
Kelli Sertich, Manager, Floodplain Management & Services Division

Proposed Amendment

Floodplain Regulations for Maricopa County Proposed Text Amendment FCD 2014-001

Paragraph A of Section 201, Designation of the Floodplain Administrator, is amended to read as follows:

The Floodplain Administrator as designated by the Board of Directors shall be the Chief Engineer and General Manager of the District who shall administer and enforce these Regulations. The Floodplain Administrator may delegate signature authority ~~to District staff~~ for permitting purposes.

Paragraph B (2) of Section 201, Substantial Improvement and Substantial Damage Procedures, is amended to read as follows:

- a. Develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
- b. Assure procedures are coordinated with other departments and divisions and implemented by District assigned staff.

The first paragraph of Section 202, Duties of Communities Dependent on the District, is amended to read as follows:

Communities in Maricopa County that have elected not to assume floodplain management responsibility as authorized in A.R.S. §48-3610 shall appoint a Community Floodplain Administrator who will be responsible for 1) coordinating with ~~District staff~~ the District Floodplain Administrator's designee in providing floodplain management responsibility, and 2) verifying that the Community's participation in the National Flood Insurance Program is maintained and remains in good standing through adoption and enforcement of these Regulations.

Paragraph C of Section 404, Permit Conditions, is amended to read as follows:

Permit Inspections are required as part of a Floodplain Use Permit and will be conducted in accordance with all statutory requirements.

1. All permitted work shall be inspected in accordance with the specific requirements of the permit stipulations in addition to any in-progress or follow up inspections as may be deemed necessary by the applicant and District-designated inspection staff during the course of construction.
2. Sites permitted for the extraction of sand and gravel or other materials shall be inspected every six (6) months to verify that the plan of development is followed and no violations of these Regulations, applicable laws, or permit conditions exist.

3. Re-inspection of sites permitted for the extraction of sand and gravel or other materials shall be conducted within thirty (30) days after the date set forth in the notice of violation to verify the correction of an alleged violation, or for cease and desist order, within ten (10) days after the notice of violation is served.

Paragraph A of Section 405, Elevation and Floodproofing Certificates, is amended to read as follows:

After obtaining a Floodplain Use Permit and prior to Final Inspection, a complete, correct, and current FEMA Elevation Certificate form prepared by an Arizona Registered Professional Engineer or Land Surveyor shall be submitted to the Floodplain Administrator prior to occupancy or use of any building within a Special Flood Hazard Area designated on the Flood Management Maps, except those uses exempted by applicable law. The [authority to complete the](#) required elevation certificate within a Zone AO may be ~~completed by District staff as approved~~ [delegated](#) by the Floodplain Administrator.

Paragraph A of Section 707, Hearing Procedures, is amended to read as follows:

A. Parties

1. The owner or alleged violator and the District representative must appear before the Hearing Officer on the date, time and place designated for adjudication of the alleged violation.
2. An owner or alleged violator may be represented by an attorney or other designated representative. The District may be represented by the county attorney or by other counsel for the District, [or by a non-counsel representative](#) ~~or may be represented by District staff~~ if the alleged violator is appearing without counsel.
3. If a party desires to be represented by counsel or a designated representative at the hearing, that party must provide written notice of such representation to the Hearing Officer and opposing party a minimum of 24 hours before the scheduled date and time of the hearing. Representation by counsel may not be permitted at the hearing unless proof of notification is produced at the hearing.

**Stakeholder Meeting Agenda, Minutes, Materials and
Attendance Roster**



Flood Control District

of Maricopa County

STAKEHOLDER MEETING AGENDA

**Floodplain Regulations for Maricopa
County Text Amendment FCD 2014-001
Adobe & Harquahala Conference Rooms
April 2, 2014 10:00 am – 11:00 am**

1. Welcome and Introductions – Communities and Organizations
2. Purpose and Introduction – Kelli Sertich, AICP, CFM
3. Maricopa County Enhanced Regulatory Outreach Program Website
4. Proposed Amendment to Floodplain Regulations for Maricopa County
5. Discuss Issues and Next Steps



Flood Control District

of Maricopa County

STAKEHOLDER MEETING MINUTES

Floodplain Regulations for Maricopa County
Text Amendment FCD 2014-001 – Floodplain Management Delegation
Adobe & Harquahala Conference Rooms
April 2, 2014 10:00 am – 11:00 am

The meeting commenced at 10:05 am. District staff initiated the meeting with a welcome and introductions from all attendees. The stated meeting purpose was to review with stakeholders a proposed text amendment to the Floodplain Regulations for Maricopa County, authorizing the Chief Engineer & General Manager to delegate floodplain management responsibilities to others who are not employees of the Flood Control District.

District staff provided a walkthrough of the County's Enhanced Regulatory Outreach Program website. Staff walked through the proposed text amendment, reviewing the six areas where text amendment changes are proposed, and followed up with an open discussion.

One attendee had questions about the process that they underwent in trying to obtain an Elevation Certificate. The attendee was asked to meet with District staff following the stakeholder meeting to obtain the necessary information.

Another attendee came to the stakeholder meeting anticipating discussion of Section 409 (Appeals) that was addressed during the October 24, 2013 Stakeholder Meeting addressing Text Amendment FCD 2013-001. The attendee was informed that Section 409 was not impacted by the proposed amendment 2014-001, and that the amendment impacting Section 409 is scheduled for the Board Meeting on April 9th.

The meeting was opened for comments and questions. No opposition was indicated to the proposed text amendment. Attendees were informed that the next step would be presentation of the proposed text amendment to the Flood Control Advisory Board on April 23rd.

The meeting adjourned at approximately 10:24 am.



MARICOPA COUNTY'S ENHANCED REGULATORY OUTREACH PROGRAM



Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY · ENVIRONMENTAL SERVICES · FLOOD CONTROL · PLANNING & DEVELOPMENT · TRANSPORTATION

ENHANCED PUBLIC PARTICIPATION—STAY INVOLVED

Your comments are important! Feedback is compiled and presented to every voting body to help policymakers during the decision process. Submit comments for every proposed regulation going through this program by visiting:

<http://www.maricopa.gov/regulations/comments.aspx>.

RECEIVE UP TO DATE NOTIFICATIONS—STAY INFORMED

Sign-up today to receive notice from the five Maricopa County regulatory departments about calendar changes or where items are in the process by visiting: <http://www.maricopa.gov/regulations/Notifications.aspx>.

FOLLOW MARICOPA COUNTY'S REGULATORY ADOPTION PROCESS—STEP-BY-STEP

- Step 1** County Manager Briefed Board of Supervisors
- Step 2** Conduct Stakeholder Workshop
- Step 3** Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 4** Public Meeting to Initiate Regulatory Change
- Step 5** Specific Departmental Processes
- Step 6** Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
- Step 7** Public Meeting to Make Recommendation to Board of Supervisors
- Step 8** Schedule BOS Public Hearing
- Step 9** Board of Supervisor Public Hearing
- Step 10** Item Adopted





Flood Control District of Maricopa County

REGULATORY OUTREACH WEBSITE – WWW.MARICOPA.GOV/REGULATIONS

Building Relationships

“Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rule-making decisions, discussions, and meetings can be confusing, we have developed this web-site to allow citizens to easily monitor and engage in the adoption and amendment of all regulations.”

Monitor and engage in regulatory actions



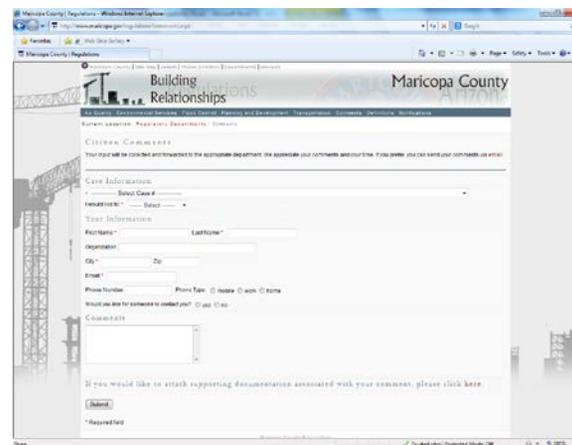
Select agency for applicable information



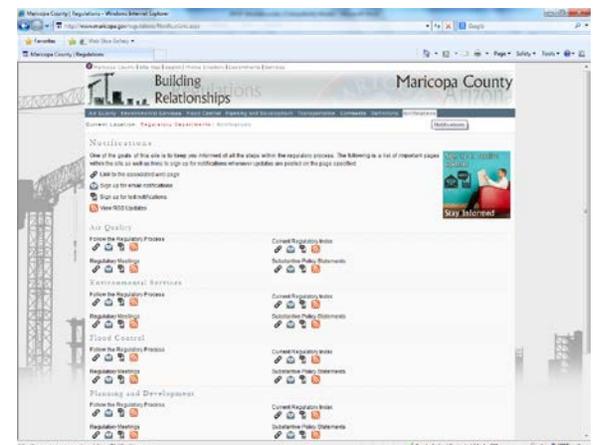
Follow the process for proposed actions



Provide comments directly



Subscribe for notifications



**Maricopa County Enhanced Regulatory Outreach Program
Initialization Form**

Department: Flood Control District

Contact: Kelli Sertich

Date Entered in Process: February 26, 2014

Item Name and Number: TA FCD 2014-001 – Floodplain Management Delegations

Step No.	Process	Date	Comments
1	County Manager brief Board of Directors	Week of March 10, 2014	Amendment related to floodplain management delegation
2	Notification Two Weeks Prior to Stakeholder Workshop	March 18, 2014	Notice via County web page and stakeholder list
3	Stakeholder Workshop	April 2, 2014	Stakeholder workshop to review proposed amendment and gather input
4	Notification Two Weeks Prior to Citizens' Board Meeting	Tentative April 3, 2014	Notice/staff report via County web page, stakeholder list, and advisory board agenda
5	Public Meeting to Initiate Regulatory Change	Tentative April 23, 2014	Flood Control Advisory Board; following meeting, evaluate suitability of Expedited Process
6	Notification 30 Days Prior to Board of Directors Meeting	Tentative May 15, 2014 <i>Assumes Expedited Process</i>	If requirements for Expedited Process are met; May 7, 2014 BOD, SOLAR deadline April 17, 2014
7	Board of Directors Public Hearing	Tentative June 25, 2014 <i>Assumes Expedited Process</i>	If requirements for Expedited Process are met; SOLAR deadline June 5, 2014
8	Item Adopted	Tentative June 25, 2014 <i>Assumes Expedited Process</i>	Publish copy of revised Floodplain Regulations to County web site



**Floodplain Regulations
for Maricopa County**
Text Amendment FCD 2014-001
Floodplain Management Delegation
Stakeholder Meeting

April 2, 2014

AGENDA

1. Welcome and Introductions – Communities and Organizations
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Kelli Sertich, AICP, CFM
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Purpose & Introduction

- Several Text Amendment to the Floodplain Regulations for Maricopa County have been proposed
- Amendments are administrative and do not increase regulatory requirements
- Text Amendment following the Enhanced Regulatory Outreach Process
✓ Step 2 Stakeholder Meeting



Regulatory Outreach Program

<http://www.maricopa.gov/regulations/fc/>



Proposed Amendments

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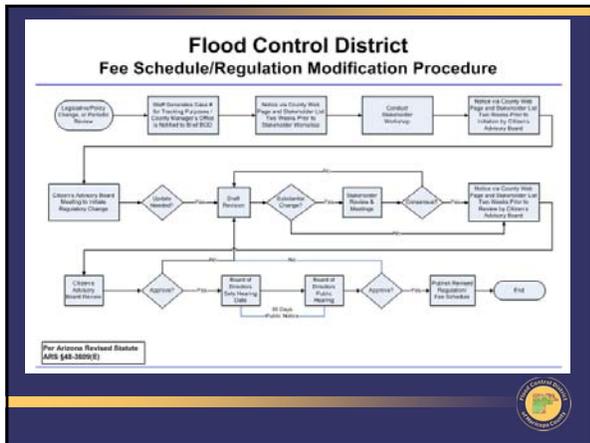


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Flood Control District of Maricopa County

FLOODPLAIN REGULATIONS AMENDMENT 2014-001 – STAKEHOLDER MEETING SIGN-IN – APRIL 2, 2014

Name	Agency	Email	Phone
<u>Lynn Favour</u>	<u>MC P+D</u>	<u>lynnfavour@mail.maricopa.gov</u>	<u>602.506.8508</u>
<u>JERI KISHIYAMA</u>	<u>ABC</u>	<u>another.jeri@gmail.com</u>	<u>(602)997-0857</u>
<u>Dave Waltemath</u>	<u>ABC</u>	<u></u>	<u>(602) 212</u>
<u>TONY BEUCHE</u>	<u>FCDMC</u>	<u>TONYBEUCHE@MAIL.MARICOPA.GOV</u>	<u>602.506.2329</u>
<u>Sean Barberian</u>	<u>White Barberian</u>	<u>S.Barberian@wbazlaw.com</u>	<u>480-626-8713</u>
<u>Ed Raleigh</u>	<u>Flood Control</u>	<u>ear@mail.maricopa.gov</u>	<u>602 506 4704</u>
<u>Peggy Wilkinson</u>	<u>self.</u>	<u>(w) peggy wilkinson@arizona board.us wilkinson.peggy@yahoo.com</u>	<u>w 602 364 0144 623 393 9721</u>
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Flood Control District

of Maricopa County

Date: February 26, 2014
To: Tom Manos, County Manager
Via: Joy Rich, Deputy County Manager
From: Tim Phillips, Chief Engineer & General Manager
Subject: Text Amendment FCD 2014-001 to Floodplain Regulations for Maricopa County

In accordance with the "Moratorium on Increased Regulatory Burdens" (C-44-13-104-M-00), the Flood Control District of Maricopa County requests your approval to pursue a text amendment to the Floodplain Regulations for Maricopa County (TA FCD 2014-001). Consistent with the moratorium, the amendment is proposed to lessen a regulatory burden.

Floodplain management is statutorily the responsibility of the Flood Control District, and the Board has designated the Chief Engineer & General Manager of the District as the Floodplain Administrator. The Floodplain Regulations authorize the Chief Engineer & General Manager to delegate authority to District staff and include other references to District staff. As the County works to enhance customer service by consolidating certain permitting functions under the One Stop Shop, these references in the Floodplain Regulations need to be broadened to recognize that floodplain permitting functions may be performed by District staff, County staff or, conceivably, consultant staff under authority granted by the Chief Engineer & General Manager.

Staff recommends advancing this text amendment through the Enhanced Regulatory Outreach Process.

Approved by:

A handwritten signature in black ink, appearing to read "Tom Manos", is written over a horizontal line.

Tom Manos, County Manager

Public Comments and Responses

No public comments to report