Floodplain Management in Arizona

An Unusual Situation

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Unique Arizona

Grand Canyon

Arizona Department of Water Resources

Arizona fruits and food
AZ Revised Statutes (ARS)

- This presentation will describe the unusual relationship between County Flood Control Districts and some of the communities located within the counties.
ARS Title 48, Chapter 21, Article 1

- Describes the organization of County Flood Control Districts throughout the State (ARS 48-3602)

- 15 counties, hence 15 Flood Control Districts
County Flood Control Districts

• County Board of Supervisors = Board of Directors

• Powers and duties of County Flood Control Districts
  • Floodplain delineations
  • Development
  • Violations
  • Advisory boards and more

• But where do CITIES and TOWNS fit into this structure?
• 91 incorporated Cities and Towns

• They all participate in the NFIP except for 1
  • Small city near Yuma, protected by certified levees along the Colorado River

• 91 cities, towns + 15 counties = 106 NFIP communities

• One tribe in the NFIP

• Bonus Question
"Assumption of powers and duties by cities and towns; resolution; definitions."

- ARS 48-3610

- If a city or town participates in the NFIP and wants to manage their own floodplains, they can do so, without any involvement from their local County Flood Control District.
• But what about those cities and towns who DON’T want to manage their own floodplains?

  • These communities participate in the NFIP but have opted to have the County Flood Control Districts (FCD) manage their floodplains.

• What exactly does that mean, and who does what?
  This is where the (flood)waters get muddy...
“District Dependent” communities

- These communities are referred to as “District Dependent,” or DD
- How many DD communities in AZ?!
Quick Review:

According to Arizona state law:

- Every county (15 of them) has a County Flood Control District (FCD) which has its own taxing authority
- The county Board of Supervisors is the Board of Directors of the County FCD
- Incorporated cities and towns can assume the powers and duties of floodplain management OR
- By default, they can have the County FCD do their floodplain management
- We refer to these cities and towns as being “District Dependent”
Floodplain Management Ordinances

If Tombstone does its own Floodplain Management, then:

- Full ordinance
- 30-50 pages
- Based on the state model FPM ordinance
- Meets the minimum NFIP requirements and AZ state law
Floodplain Management Ordinances

- But if Tombstone is DD, then:

- District Dependent ordinance:
  - 2-3 pages
  - Declares when they joined the NFIP
  - States who their Floodplain Administrator is
  - Cites FIS and FIRMs by name and date
  - Refers to County FCD regulations
  - And more...
Details...

- How does a community decide to do its own FPM or become DD?
- What does it mean to “Flip Flop”?
- Do all of the DD communities stay current with their FCD’s floodplain regulations (per their ordinance)?
- What does FEMA think about all of this?!
Standard Operating Procedures (SOPs)

- ADWR and FEMA now require SOPs or some sort of informal (but detailed) agreement between DD communities and their FCDs
- Spell out specific duties
- Customized to fit each community’s needs
- It takes time to touch all these communities and get SOPs in place
SOPs continued

• Clearly define:
  Responsibilities
  Timelines
  Staffing
  Processes

• For instance, who reviews building permits and signs LOMRs and CLOMRs in a DD community?
Legal issues

- Can a County FCD refuse to have DD communities?

- What do the County FCD attorneys and the DD community attorneys think about this and who is liable if there’s a problem? Are the attorneys even aware of the potential issues?
The Pros and Cons

• Advantages of DD communities
  • FCDs (sometimes) have more staff and resources
  • FCDs more familiar with NFIP (DFIRMs, LOMCs)

• Disadvantages of DD communities
  • FCDs and higher regulatory standards
  • Sometimes a “Hands Off” approach
  • Too easy to “Flip Flop”
  • FCDs not in the development loop
Complications... (of course!)

- 7 DD communities straddle county lines
- And finally, is the DD arrangement unique to Arizona?
15 Unique Counties

- Each of the FCDs is unique:
  - Land area and SFHAs
  - Tax base and financial structure
  - Staff resources
  - Political support for Floodplain Management
  - Population density and number of incorporated communities (ranges from 2 to 24!)
  - 3 counties are fortunate enough not to have any DD communities (and they want to keep it that way)
Making it Work

- Communication
- Regular contact
- Common goals
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