

TOWN OF PARADISE VALLEY

Floodplain Ordinance Update

Town Code, Article 5-11

Ordinance 2020-07

Town Council
June 11, 2020



BACKGROUND

On March 18, 2020 the Town received notice from the Federal Emergency Management Agency (FEMA) that the current Town floodplain ordinance, Town Code Article 5-11, would be subject to an audit by the Arizona Department of Water Resources (ADWR).

FEMA had tasked ADWR to conduct the audit based on the latest federal and state floodplain regulation requirements.

Failure to make changes to the Town regulations that are deemed necessary by FEMA would result in the Town being suspended from participation in the National Flood Insurance Program (NFIP).



BACKGROUND (CONTINUED)

The Town has a deadline of September 18, 2020 to make changes to its Floodplain Regulations.

Town regulations must be in concert with the latest model ordinance provisions from FEMA and ADWR.

The Town had to make similar amendments to its floodplain ordinance in September 2005.

ADWR has also suggested that if the Town were to adopt the 2018 IBC/IRC, that the floodplain provisions be excluded from the adoption as they may conflict with the new state standards incorporated into Ordinance 2020-07



BACKGROUND (CONTINUED)

ADWR has reviewed draft amendments to the current Town Floodplain Regulations with Town staff in an effort to make modifications that will bring the Town's regulations into compliance with the latest state "model ordinance for non-Colorado River communities" (Model Ordinance)

After exchanging a series of drafts the Town has received approval from ADWR to move forward with the process of adopting an ordinance that incorporates the required revisions to the current Town Floodplain Regulations



MAJOR CHANGES

Predefined language from the model ordinance is used for the following sections:

- Statutory Authorization
- Findings of Fact
- Statement of Purpose
- Methods of Reducing Flood Losses

5-11-2 Statutory Authorization

In A.R.S. § 48-3610, the Arizona State Legislature enabled the Town to assume the powers and duties for floodplain management and adopt regulations in conformance with A.R.S. § 48-3609 designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Council of Paradise Valley, Arizona, has adopted the flood hazard regulations contained in this Article.

5-11-3 Findings of Fact

- A. The flood hazard areas of the Town of Paradise Valley are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage, also contribute to flood loss.

5-11-4 Statement of Purpose

It is the purpose of this Article to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;



MAJOR CHANGES (CONTINUED)

- Additional definitions added are based on the 2015 Model Ordinance
- Town Staff did not include the manufactured home subdivision definition as it is not an allowed use in the Town Zoning Ordinance
- Removal of obsolete FEMA map designations



FEMA FLOOD MAPS

The Town has three areas where designated FEMA floodplains currently are mapped.

ADWR noted that there are currently 7 flood-insured properties within the Town's FEMA-designated floodplains, but 180 total properties in the Town with flood insurance

One FEMA-designated floodplain exists along the Indian Bend Wash on the northeast portion of the Town.

The other FEMA-designated floodplain runs along the Cudia City Wash on the southwest portion of the Town.



FEMA FLOOD MAPS (CONTINUED)

By cross referencing the FEMA Flood Insurance Rate Maps (FIRMs) and the Maricopa County Assessor's Maps, Staff determined that approximately:

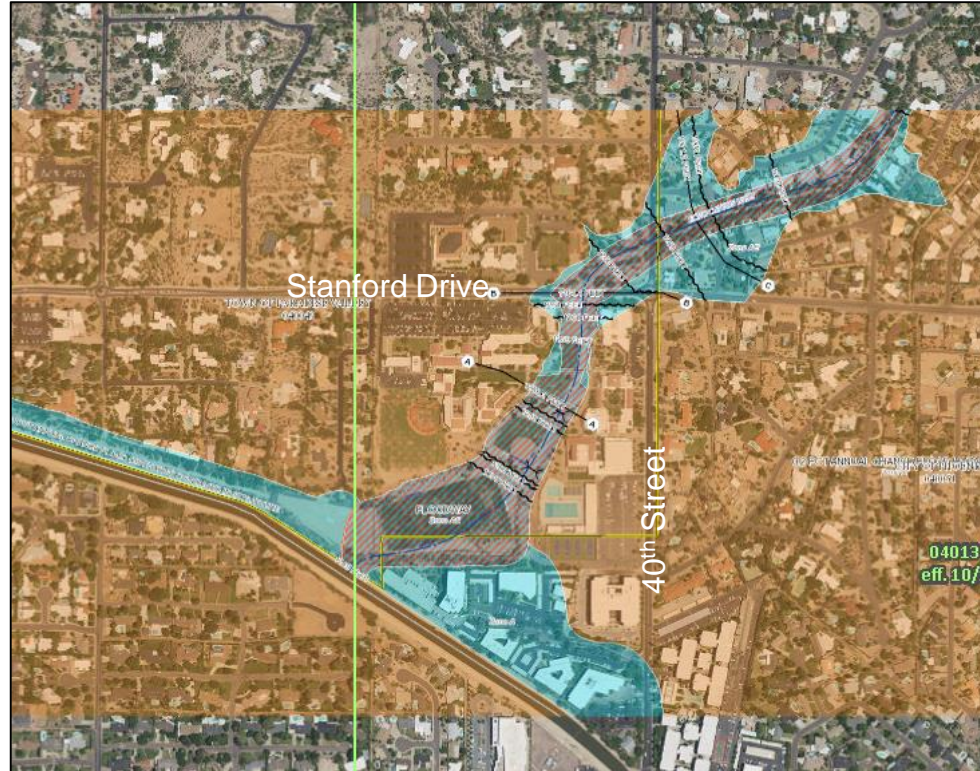
- Four-hundred and fifty (450) properties exist within the Indian Bend Wash floodplain area.
- Forty-six (46) properties exist within the Cudia City Wash floodplain area.

Note: Properties that touch the floodplain limits were included in the counts.

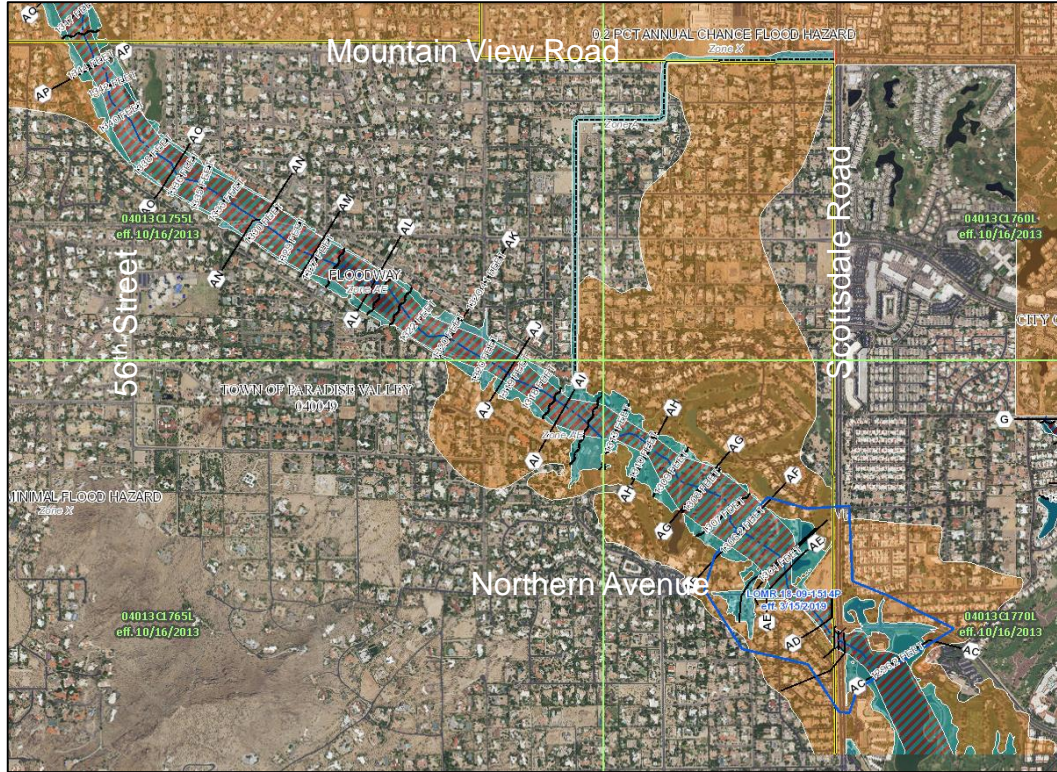




FEMA FLOOD MAPS (CONTINUED)



FEMA FLOOD MAPS (CONTINUED)



NATIONAL FLOOD INSURANCE PROGRAM

Important information from FEMA (<https://www.fema.gov/national-flood-insurance-program>) :

- If you are a renter or homeowner (residential policy); or business owner (non-residential policy) and your property is located in a NFIP-participating community, you can purchase a policy.
- Floods can happen anywhere--More than 20 percent of flood claims come from properties outside the high risk flood zone.
- Congress has mandated federally regulated or insured lenders to require flood insurance on mortgaged properties that are located in areas at high risk of flooding. But even if your property is not in a high risk flood area, your mortgage lender may still require you to have flood insurance.



QUESTIONS?

Does the Council desire to adopt Ordinance No. 2020-07?

