



Flood Control District of Maricopa County

maricopa.gov/floodcontrol

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SUBSTANTIVE POLICY STATEMENT 2021-01:

Variance from Regulations Where Letter of Map Revision to Remove a Floodplain is Pending

ISSUED BY:

A blue ink signature of Michael A. Fulton, written over a horizontal line.

Michael A. Fulton
Director

April 28, 2021

Date

ORIGINAL DATE: April 28, 2021

PURPOSE

To inform the regulated community of the conditions under which the Flood Control District of Maricopa County (District) may issue a Floodplain Use Permit (FUP) for development when a Letter of Map Revision (LOMR) that removes a floodway/floodplain is forthcoming from the Federal Emergency Management Agency (FEMA).

REFERENCE

Floodplain Regulations for Maricopa County (Regulations); Arizona Revised Statutes Title 48, Chapter 21

APPLICABILITY

This Policy applies to unincorporated Maricopa County and communities within Maricopa County that have not assumed floodplain management duties as authorized by A.R.S. §48-3610 and as listed in Appendix B of the Regulations (Communities Dependent on the District).

POLICY

At times development is planned in a floodplain where a LOMR application is under review by FEMA for removal of the area to be developed from a delineated floodplain. It is the policy of the District that once FEMA has approved the technical merits of the LOMR and issues a future effective date in the form of a LOMR Determination Document, the District may consider an application for a Variance for relief from the Regulations and may issue a FUP under the following conditions:

1. The lowest floor elevations of buildings in the floodplain may be below the pre-LOMR (effective) Regulatory Flood Elevation, but not below the pre-LOMR (effective) Base Flood Elevation when in an effective floodplain and/or;
2. Development in an effective floodplain will be permitted without additional determination (beyond the LOMR analysis) provided that the project will not increase flood heights or obstruct flood flows.
3. No Certificate of Occupancy / Final Inspection will be issued to allow occupancy of the building(s) until the LOMR becomes effective.
4. Where applicable, the Community Dependent on the District for floodplain management is in agreement with the Variance.