



**PIMA COUNTY  
REGIONAL FLOOD CONTROL DISTRICT  
97 EAST CONGRESS STREET, THIRD FLOOR  
TUCSON, ARIZONA 85701-1797**

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June 25, 2009

Bill Arnold, Chairman, Public Affairs Committee  
Tucson Association of REALTORS  
2445 N. Tucson Blvd.  
Tucson, Arizona 85716

**Subject: Floodplain and Erosion Hazard Management Ordinance – Proposed Revisions**

Dear Mr. Arnold:

The Regional Flood Control District (District) has received your comments dated June 4, 2009 on the proposed revisions to the Floodplain and Erosion Hazard Management Ordinance (Ordinance). We appreciate the time and effort you and your members have spent reviewing the revisions, and hope that the constructive dialogue will improve the clarity and thoughtfulness of the proposed revisions. Below is the District's response to your questions and concerns:

**1) 16.08.150 "Cumulative Substantial Improvement"- Refer to letter for details of comment.**

Response: The District has not encountered the situation where a residence has multiple permits for kitchen and/or bathroom remodels likely due to the fact that these improvements seldom obtain permits prior to their construction. This provision is not intended to apply to that scenario, and it has been modified to exempt multiple remodels of the same facility.

**2) 16.08.350 "Floodway Area" – Will there be a mechanism to allow for property owners who will be affected by the new restrictions to discuss "creative" solutions (e.g., the language is general enough to appear to allow a "conversation" between the District and property owners, but that is not explicit?)**

Response: The existing language in the Ordinance allows for discussion of options. In addition, as with all other permitting decisions, the Floodplain Administrator's decision can be appealed to the Chief Engineer and the Chief Engineer's written finding can be appealed to the Floodplain Board. This provision is found in Section 16.24.050 of the Ordinance. No change to the Ordinance.

**3) 16.36.030 "Grading, Storm Water and Drainage Improvement" – The "as-built plans" requirement adds considerable costs to an individual property owner building a home. Is there a mechanism for this requirement to be waived in these cases?**