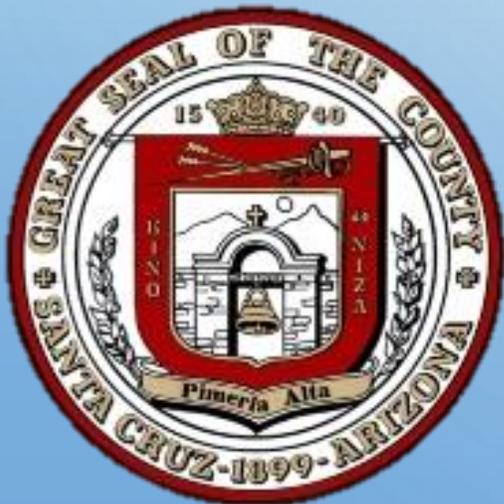


SANTA CRUZ COUNTY FLOOD CONTROL DISTRICT

FLOODPLAIN AND EROSION HAZARD MITIGATION ORDINANCE UPDATE 2019



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ORDINANCE HISTORY

- SANTA CRUZ COUNTY HAS HAD SEVERAL INCARNATIONS OF THE CURRENT FLOODPLAIN AND EROSION HAZARD MANAGEMENT ORDINANCE. THE MOST RECENT WAS PASSED IN MAY OF 2001, AND WAS CREATED TO ADDRESS NOT ONLY THE MINIMUM REQUIREMENTS OF THE STATE OF ARIZONA, WHICH ARE HIGHER THAN THOSE OF THE FEDERAL GOVERNMENT, BUT TO ADDRESS FLOOD ISSUES WHERE THE SANTA CRUZ COUNTY FLOOD CONTROL DISTRICT WAS EXPENDING FUNDS TO ADDRESS FLOODING CREATED BY A LACK OF PRIOR REGULATORY CONTROL IN FLOODPLAIN AREAS THROUGHOUT THE COUNTY.
- THE CURRENT ORDINANCE ALSO LEAD THE COUNTY TO BEING ABLE TO JOIN THE COMMUNITY RATING SYSTEM PROGRAM AND EARN A 15 PERCENT (NOW 10 PERCENT) DISCOUNT FOR ALL FLOOD INSURANCE PREMIUMS IN ANY ZONE BEGINNING WITH THE LETTER A.

PROJECT BACK GROUND

- SINCE 2008, THE DISTRICT HAS BEEN AWARE THAT CHANGES AND MODIFICATIONS TO THE EXISTING FLOODPLAIN AND EROSION HAZARD MITIGATION ORDINANCE WERE NEEDED.
- CHANGES NEEDED BECAUSE WHEN ORIGINALLY WRITTEN, THE ORDINANCE WAS EXPECTED TO ONLY APPLY TO A LESS DEVELOPED AND URBANIZED AREA. IN EARLY 2004, THE CITY OF NOGALES, ARIZONA, ABDICATED IT'S FLOODPLAIN MANAGEMENT RESPONSIBILITIES TO THE COUNTY. THIS CREATED A SITUATION WHERE ISSUES THE ORDINANCE WAS DESIGNED TO TRY TO PREVENT NOW EXISTED WITHIN THE AREA AFFECTED BY THE ORDINANCE, AND TRIGGERED A SERIES OF UNINTENDED CONSEQUENCES.

HISTORY

- DISTRICT STAFF PRODUCED AN UPDATE TO THE ORDINANCE IN 2011. IN A STUDY SESSION TO INFORM THE BOARD OF DIRECTORS OF THE FLOOD CONTROL DISTRICT (AKA BOARD OF SUPERVISORS), IT WAS DECIDED THAT THE BOARD WOULD RATHER HAVE A REVIEW COMMITTEE THAN A 90 DAY PUBLIC REVIEW AND COMMENT PERIOD.
- AT A LATER MEETING, THE BOARD TOOK ACTION TO CONSTITUTE A 9 MEMBER COMMITTEE THAT WAS TO BE BALANCED BETWEEN THE CITY OF NOGALES AND UNINCORPORATED AREAS OF THE COUNTY, AND BALANCED BETWEEN DEVELOPERS AND ENVIRONMENTALISTS.
- THE COMMITTEE WORKED FOR SEVERAL YEARS, GOING THROUGH THE ORDINANCE MAKING A FINAL RECOMMENDATION IN LATE 2014. HOWEVER, THE CHANGES WERE THEN PUT ON HOLD.

HISTORY, CONTINUED

- IN 2017, THE STATE OF ARIZONA AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY NOTIFIED THE SANTA CRUZ COUNTY FLOOD CONTROL DISTRICT THAT THERE WERE NOW DEFICIENCIES WITHIN THE EXISTING (2001) ORDINANCE DUE TO CHANGES THAT HAD BEEN MADE IN FEDERAL REGULATIONS AND THE STATE STATUTES AND THAT CHANGES WILL NEED TO BE MADE TO THE ORDINANCE.
- STAFF TOOK THE DRAFT COMPILED BY THE PREVIOUS COMMITTEE AND USED IT AS A STARTING POINT TO MAKE THE NECESSARY CHANGES TO THE ORDINANCE TO SATISFY STATE AND FEDERAL REQUIREMENTS AND TO ADDRESS THE ISSUES OF UNINTENDED CONSEQUENCES THAT HAVE COME TO LIGHT.

HIGHLIGHTS OF PROPOSED CHANGES

- IN SECTION 1.3, SUBSECTIONS J AND K WERE ADDED IN PART TO REFLECT COMMENTS FROM THE PREVIOUS COMMITTEE AND TO REFLECT CHANGES AT THE STATE AND FEDERAL LEVEL, ESPECIALLY IN REFERENCE TO CLIMATE CHANGE AND UPDATED CONSIDERATIONS FOR FEDERAL GRANTS:
 - J. To qualify for the largest discounts possible in Flood Insurance Rate Premiums for the residents of unincorporated Santa Cruz County.
 - K. To protect, preserve, and maintain the natural and beneficial functions of the floodplain and associated riparian habitat.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- IN SECTION 2 A LARGE NUMBER OF DEFINITIONS WERE ADDED AT THE REQUEST OF THE PREVIOUS COMMITTEE TO BETTER DEFINE SPECIFIC TERMS. OTHER CHANGES WERE REQUIRED BY THE STATE OF ARIZONA TO BETTER REFLECT CHANGES TO STATE AND/OR FEDERAL REGULATIONS AND STANDARDS FOR EXAMPLE:
 - ABANDONED LAND AND ABANDONED STRUCTURE WERE ADDED TO TRY TO INSURE LAND OR STRUCTURES NOT USED BECAUSE OF REASONS BEYOND THE OWNER'S CONTROL, SUCH AS A RENTAL PROPERTY NO ONE RENTS FOR A PERIOD OF A YEAR OR MORE, ARE NOT CONSIDERED ABANDONED AND THEREFORE LOSE ANY GRANDFATHERING RIGHTS UNDER THE ORDINANCE.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- ACCESSORY STRUCTURE, ADDED TO REFLECT CHANGES AT THE FEDERAL LEVEL TO NO LONGER REQUIRE CERTAIN, SMALL, ACCESSORY STRUCTURES TO OBTAIN A FLOODPLAIN USE PERMIT PRIOR TO CONSTRUCTION.
- LIFE OF STRUCTURE ADDED TO CLARIFY THE REQUIREMENTS OF THE 50% RULE AND TO CHANGE THE MEANING FROM IN PERPETUITY TO 10 YEARS FOR STRUCTURES THAT DO NOT CHANGE THEIR EXTERIOR FOOT PRINT. THIS CHANGE MAINTAINS THE CURRENT CRS POINTS AWARDED FOR THIS REQUIREMENT.
- MINOR WORK, ADDED TO CLARIFY THAT CERTAIN NORMAL AND/OR ROUTINE MAINTENANCE, REPAIRS, OR UPKEEP DONE TO A STRUCTURE, NOT NORMALLY REQUIRING A BUILDING PERMIT, DO NOT NEED A FLOODPLAIN USE PERMIT.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 4 WAS RESTRUCTURED TO PROVIDE A MORE LOGICAL ORDER.
- SECTION 4.3 ADDS PROVISIONS SO MINOR WORK TO A BUILDING DOES NOT REQUIRE A FLOODPLAIN USE PERMIT, PROVIDED CERTAIN REQUIREMENTS ARE MET:

A FLOODPLAIN USE PERMIT IS NOT REQUIRED FOR MINOR WORK ON AN EXISTING STRUCTURE THAT DOES NOT EXPAND THE FOOTPRINT OF THE STRUCTURE, OR DOES NOT INVOLVE STRUCTURAL COMPONENTS OF THE BUILDING, AND WHERE THE VALUE OF THE WORK (MATERIALS AND LABOR) DOES NOT EQUAL OR EXCEED FIVE PERCENT (5%) OF THE SANTA CRUZ COUNTY ASSESSOR'S FULL CASH VALUE AT THE TIME THE APPLICATION IS APPLIED FOR.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.1.C.6 ADDED BECAUSE OF ISSUES WITH ATTACHED GARAGES BEING CONVERTED TO LIVING SPACES, CAUSING DRASTIC INCREASES IN FLOOD INSURANCE PREMIUMS AND MAKING THE STRUCTURES NON-CONFORMING. ALSO TO DEAL WITH A CONFLICT IN REQUIREMENTS BETWEEN STATE AND FEDERAL AGENCIES.
- 6. ATTACHED GARAGES, BECAUSE OF THE PROPENSITY TO BE REMODELED IN THE FUTURE AS PART OF THE BUILDING, ARE TO BE ELEVATED AT OR ABOVE THE REGULATORY FLOOD ELEVATION.

5.1.C.6 ISSUE AND OPTION

- THE STATE OF ARIZONA REQUIRED THAT ANY ENCLOSURE, SUCH AS AN ATTACHED GARAGE HAS OPENINGS TO ALLOW FOR THE FREE FLOW OF WATER. BECAUSE OF THE STATE REQUIREMENT THAT THE LOWEST FLOOR, NOT INCLUDING AREAS FOR PARKING, STORAGE OR BUILDING ACCESS, BE ONE FOOT ABOVE THE BASE FLOOD ELEVATION, THIS CREATES A SITUATION WHERE THE OPENINGS THE STATE WANTS CONFLICTS WITH THE OPENING REQUIREMENTS OF THE FEDERAL GOVERNMENT WHICH STATES THAT THE OPENINGS ONLY COUNT FOR AREAS BELOW THE BASE FLOOD ELEVATION.
- THE ALTERNATIVE IS TO EITHER REQUIRE THE STRUCTURES ELEVATION TO BE TAKEN IN THE ATTACHED GARAGE OR REQUIRE ALL RESIDENTIAL STRUCTURES TO BE ELEVATED 2 FEET ABOVE THE BASE FLOOD ELEVATION INSTEAD OF ONE.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.1.C.7 ADDED TO CLARIFY THE REQUIREMENTS FOR ACCESSORY STRUCTURES THAT DO REQUIRE A FLOODPLAIN USE PERMIT
 7. DETACHED GARAGES AND ACCESSORY STRUCTURES, AS DEFINED IN SECTION 2.0, USED FOR ONLY PARKING AND/OR STORAGE, SHALL EITHER BE CONSTRUCTED SUCH THAT THE LOWEST FLOOR IS AT OR ABOVE THE REGULATORY FLOOD ELEVATION OR MAY BE CONSTRUCTED SUCH THAT ITS FLOOR IS BELOW THE REGULATORY FLOOD ELEVATION, PROVIDED THE STRUCTURE IS DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
 - A. A MINIMUM OF TWO OPENINGS, IN LINE WITH THE DIRECTION OF FLOW ON OPPOSING WALLS, HAVING A TOTAL NET AREA OF NOT LESS THAN ONE AND ONE-HALF (1.5) SQUARE INCHES FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING SHALL BE PROVIDED.
 - B. THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER THAN THE INTERIOR FLOOR.
 - C. THE TOP OF ALL OPENINGS SHALL BE NO HIGHER THAN THE BASE FLOOD ELEVATION.
 - D. OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVER, VALVES, OR OTHER COVERINGS OR DEVICES PROVIDED THAT THEY PERMIT THE AUTOMATIC ENTRY AND EXIT OF FLOODWATERS.
 - E. ADEQUATELY ANCHORED TO PREVENT FLOATATION, COLLAPSE AND LATERAL MOVEMENT.
 - F. ANY MACHINERY OR EQUIPMENT SERVICING THE STRUCTURE MUST BE ELEVATED OR FLOODPROOFED TO OR ABOVE THE REGULATORY FLOOD ELEVATION.
 - G. COMPLY WITH FLOODWAY REQUIREMENTS IN SECTION 5.8
 - H. CERTIFIED TO MEET THESE STANDARDS BY AN ARIZONA REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR ON THE APPROPRIATE FORMS.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.1.J.3 ADDED TO TRY TO REDUCE SOME OF THE PAST INCREASES IN DISCHARGES CAUSED BY PAST DEVELOPMENTS CONSTRUCTED PRIOR TO THE CURRENT ORDINANCE.
- 3. REDEVELOPMENT OF ANY INDUSTRIAL, COMMERCIAL, OR RESIDENTIAL DEVELOPMENT APPROVED PRIOR TO JUNE 1, 2001, SHALL BE REQUIRED TO PROVIDE RETENTION/DETENTION THAT REDUCES THE ON-SITE PEAK OR VOLUMETRIC RUNOFF OF THE BASE FLOOD EVENT TO 90 PERCENT OF THE PRE-REDEVELOPMENT VALUE. THIS REQUIREMENT MAY BE WAIVED BY THE FLOODPLAIN ADMINISTRATOR IF AN ANALYSIS IS PROVIDED WHICH DOCUMENTS THAT THE RE-DEVELOPMENT DOES NOT IMPACT THE QUANTITY OF FLOW OR VELOCITY OF FLOW RECEIVED BY ADJACENT PROPERTY OR DOWNSTREAM CHANNELS..

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.1.J.6 AND 7 ADDED TO REFLECT WHAT HAS BEEN STANDARD PRACTICE OF THE DISTRICT.
6. DETENTION/RETENTION SYSTEMS WILL INCLUDE BEST MANAGEMENT PRACTICE (BMP) ELEMENTS TO HELP IMPROVE/PROTECT STORM WATER QUALITY. BMPS SHOULD COME FROM REFERENCED SOURCE SUCH AS THE PRACTICES LISTED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, SUCH AS GRASSED SWALES, INFILTRATION TRENCHES, RIPARIAN BUFFERS, ETC., OR RAIN GARDEN TECHNIQUES.
 7. FOR DEVELOPMENTS COVERING LESS THAN ONE ACRE IN SIZE, USE OF A RAIN GARDEN IS ALLOWED IN LIEU OF AN ENGINEERED RETENTION/DETENTION SYSTEM.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.1.M ADDED TO REFLECT THAT THE MAJORITY OF THE REQUIREMENTS FOR RIPARIAN HABITAT ARE FOR NEW DEVELOPMENTS.

M. RIPARIAN HABITAT

1. SANTA CRUZ COUNTY AND THE SANTA CRUZ COUNTY FLOOD CONTROL DISTRICT RECOGNIZE THE ENVIRONMENTAL, RECREATIONAL, AND BENEFICIAL FUNCTION OF RIPARIAN VEGETATION ALONG WATERCOURSES AND FLOODPLAINS. WHEREVER POSSIBLE, RIPARIAN VEGETATION SHOULD BE LEFT AS UNDISTURBED AS POSSIBLE. IF IT IS NECESSARY TO DISTURB RIPARIAN VEGETATION, THE PROPERTY OWNER, OR DEVELOPER, SHALL, AT THE DISCRETION OF THE FLOODPLAIN ADMINISTRATOR, MITIGATE THE DISTURBANCE BY REPLANTING THE APPROPRIATE FLORA IN AN AREA, ADJACENT TO THE EXISTING UNDISTURBED HABITAT, EQUAL IN SIZE TO THE AREA OF DISTURBANCE.
2. RIPARIAN HABITAT MAPS SHALL BE ADOPTED BY RESOLUTION OF THE BOARD OF DIRECTORS AND INCORPORATED INTO THIS ORDINANCE. IN AREAS WHERE MAPPING HAS NOT BEEN COMPLETED, RIPARIAN HABITAT SHALL BE DEFINED AS A MINIMUM TOTAL VEGETATIVE VOLUME OF 0.500 CUBIC METERS PER SQUARE METER, WITHIN THE GEOLOGIC FLOODPLAIN.
3. DISTRICT STAFF WILL UTILIZE THE ADOPTED RIPARIAN HABITAT MAPS TO RECOMMEND PRESERVATION OF HIGH VALUE RIPARIAN HABITAT WITHIN ANY PROPOSED REZONING CONDITIONS.
4. RIPARIAN AREAS BEING SEGREGATED ON A PLAT OR RECORD OF SURVEY FROM INDIVIDUAL PROPERTIES SHALL BE LABELED AS "NATURAL AREA".
5. THIS SECTION DOES NOT APPLY TO SINGLE RESIDENTIAL PROPERTIES, WHICH ARE COVERED UNDER SECTION 5.12.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.8 MODIFIED TO PROVIDE AN ALTERNATIVE FOR STRUCTURES THAT END UP MAPPED INTO THE FLOODWAY BY MAP CHANGES SO THEY DO NOT HAVE TO BE REMOVED AUTOMATICALLY WITH THE 50% RULE.

5.8 FLOODWAYS. LOCATED WITHIN SPECIAL FLOOD HAZARD AREAS ESTABLISHED IN SECTION 3.2 ARE AREAS DESIGNATED AS FLOODWAYS. SINCE THE FLOODWAY IS AN EXTREMELY HAZARDOUS AREA DUE TO THE VELOCITY OF FLOODWATERS WHICH CARRY DEBRIS, POTENTIAL PROJECTILES, AND EROSION POTENTIAL, NO STRUCTURES OR FILL OF ANY TYPE WILL BE ALLOWED TO BE CONSTRUCTED OR PLACED EXCEPT FOR:

- A. OPEN STRUCTURES CONSISTING OF ONLY VERTICAL POSTS AND A ROOF, DESIGNED TO PROVIDE SHADE.
- B. STRUCTURES EXISTING PRIOR TO THE MAPPING OF THE FLOODWAY ARE EXEMPT FROM THE ABOVE LISTED CRITERIA AS LONG AS THE REPLACEMENT STRUCTURE OCCUPIES THE SAME FOOTPRINT AS THE ORIGINAL STRUCTURE AND MEETS ALL OTHER REQUIREMENTS WITHIN SECTION 5 OF THIS ORDINANCE AS WELL AS THE FOLLOWING CRITERIA.
 1. WORK TO BE PERFORMED QUALIFIES UNDER SECTION 3.7 OF THIS ORDINANCE AS A SUBSTANTIAL IMPROVEMENT OR REPAIR.
 2. PROOF OF CONSTRUCTION DATE MUST BE PROVIDED ALONG WITH FLOODPLAIN USE PERMIT APPLICATION.
 3. THE USE OF THE STRUCTURE HAS NOT BEEN ABANDONED OR THE STRUCTURE HAS NOT BEEN RENDERED UNINHABITABLE AND OR DESTROYED FOR A PERIOD EXCEEDING ONE CALENDAR YEAR. IN THE EVENT OF A DECLARED DISASTER, THE FLOODPLAIN ADMINISTRATOR MAY REASONABLY EXTEND THIS TIME FRAME.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

4. BOTTOM PORTION OF THE STRUCTURE IS TO BE CONSTRUCTED IN AN OPEN MANNER SUCH THAT THERE IS NO IMPEDANCE TO THE FLOW OF FLOODWATERS THROUGH THE LOWER PORTION OF THE STRUCTURE. TYPICALLY, THIS WILL MEAN THE STRUCTURE IS ELEVATED ON PIERS, PILINGS, OR POSTS AND THERE ARE NO WALLS OR ENCLOSURES OF ANY TYPE, EXCEPT WHAT IS NECESSARY FOR ACCESS TO THE STRUCTURE, IN THE LOWER LEVEL. THE LOWEST STRUCTURAL SUPPORT FOR THE FLOOR OF THE STRUCTURE ABOVE THIS OPEN AREA IS TO BE AT OR ABOVE THE REGULATORY FLOOD ELEVATION.
5. THE BOTTOM PORTION OF THE STRUCTURE MAY ONLY BE USED FOR PARKING, BUILDING ACCESS, OR OTHER APPROVED OPEN USES.
6. BOTTOM PORTION OF THE STRUCTURE IS TO BE CONSTRUCTED SOLELY OF FLOODPROOF/FLOOD RESISTANT MATERIALS.
7. STRUCTURES EXISTING PRIOR TO THE MAPPING OF THE FLOODWAY ARE ONLY ALLOWED ONLY ONE USE OF THIS EXEMPTION. ONCE THIS EXEMPTION HAS BEEN INVOKED FOR A STRUCTURE, THE STRUCTURE MAY NOT BE GRANTED THIS EXEMPTION AGAIN FOR ANY REASON. IF THE EXEMPTION HAS BEEN GRANTED ONCE, AND THE STRUCTURE SUSTAINS SUBSTANTIAL DAMAGES DUE TO ANY EVENT (FLOOD, FIRE, EARTHQUAKE, ETC.) THE USES ON THE PROPERTY SHALL THEREAFTER BE LIMITED TO OPEN USES.
8. CRITICAL FACILITIES AND CRITICAL STRUCTURES ARE NOT ELIGIBLE FOR THIS EXEMPTION.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.12 MODIFIED TO CLARIFY WORK IN A RIPARIAN HABITAT THAT DOES NOT HAVE TO BE MITIGATED FOR.

WATERCOURSE AND RIPARIAN HABITAT. SANTA CRUZ COUNTY AND THE SANTA CRUZ COUNTY FLOOD CONTROL DISTRICT RECOGNIZE THE ENVIRONMENTAL, RECREATIONAL, AND BENEFICIAL FUNCTION OF RIPARIAN VEGETATION ALONG WATERCOURSES AND FLOODPLAINS. WHERE EVER POSSIBLE, RIPARIAN VEGETATION SHALL BE LEFT AS UNDISTURBED AS POSSIBLE. IF IT IS NECESSARY TO DISTURB RIPARIAN VEGETATION ON PROPERTIES EXISTING IN SUBDIVISIONS PREDATING THIS ORDINANCE, THE PROPERTY OWNER, OR DEVELOPER, MAY DISTURB ONLY THE MINIMUM AMOUNT OF HABITAT NECESSARY TO CONSTRUCT THE STRUCTURE, NECESSARY CLEAR ZONES FOR WILDFIRE PROTECTION, DRIVEWAY, AND INSTALLATION THE UTILITIES FOR THE STRUCTURE, AND SHALL, AT THE DISCRETION OF THE FLOODPLAIN ADMINISTRATOR, MITIGATE THE DISTURBANCE BY REPLANTING THE APPROPRIATE FLORA IN AN AREA, ADJACENT TO THE EXISTING UNDISTURBED HABITAT, EQUAL IN SIZE TO THE AREA OF DISTURBANCE, MINUS THE AREA REQUIRED FOR THE STRUCTURE, SERVICES, UTILITIES, AND WILDFIRE PROTECTION ZONE, PER THE DIRECTION OF THE FLOODPLAIN ADMINISTRATOR. FOR THE PURPOSE OF THIS SECTION, THE REMOVAL OF DEAD AND DOWN VEGETATION BETWEEN THE WILDFIRE PROTECTION ZONE AND A DISTANCE UP TO 125 FEET FROM THE PERIMETER EDGE OF A STRUCTURE SHALL NOT REQUIRE A PERMIT OR MITIGATION.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

FOR NEW SUBDIVISIONS, AND COMMERCIAL AND/OR INDUSTRIAL DEVELOPMENTS, REFER TO SECTION 5.5.M OF THIS ORDINANCE. RECREATIONAL USES, SUCH AS TRAILS, WILL REQUIRE A REVIEW ON A CASE BY CASE BASIS TO DETERMINE IF MITIGATION IS WARRANTED. RECREATIONAL USE OF MOTORIZED VEHICLES IN PUBLICALLY OWNED AREAS OF REGULATORY FLOODPLAINS DEDICATED AS NATURAL AREAS, OPEN SPACE, OR PRESERVATION AREAS IS PROHIBITED UNLESS PERMITTED IN WRITING BY THE PUBLIC ENTITY OWNING THE AREA. FOR THE PURPOSE OF THIS SECTION, THE REMOVAL OF DEAD AND DOWN VEGETATION BETWEEN THE WILDFIRE PROTECTION ZONE AND A DISTANCE UP TO 125 FEET FROM THE PERIMETER EDGE OF A STRUCTURE SHALL NOT REQUIRE A PERMIT OR MITIGATION. FOR NEW SUBDIVISIONS, AND COMMERCIAL AND/OR INDUSTRIAL DEVELOPMENTS, REFER TO SECTION 5.5.M OF THIS ORDINANCE. RECREATIONAL USES, SUCH AS TRAILS, WILL REQUIRE A REVIEW ON A CASE BY CASE BASIS TO DETERMINE IF MITIGATION IS WARRANTED. RECREATIONAL USE OF MOTORIZED VEHICLES IN PUBLICALLY OWNED AREAS OF REGULATORY FLOODPLAINS DEDICATED AS NATURAL AREAS, OPEN SPACE, OR PRESERVATION AREAS IS PROHIBITED UNLESS PERMITTED IN WRITING BY THE PUBLIC ENTITY OWNING THE AREA.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- SECTION 5.13 ADDED TO INCORPORATE LANGUAGE FROM A STANDARD USED SINCE 2001.
 - 5.13 STANDARDS FOR CRITICAL FACILITIES/CRITICAL SERVICES.
 - A. CRITICAL FACILITIES AND SERVICES ARE PROHIBITED FROM BEING CONSTRUCTED, OR FOR EXISTING FACILITIES IMPROVED OR REPAIRED BY AN AMOUNT EQUAL TO OR GREATER THAN FIFTY PERCENT (50%) OF THE PRE-IMPROVEMENT/REPAIR MARKET VALUE WITHIN THE FLOODWAY.

HIGHLIGHTS OF PROPOSED CHANGES, CONT.

- B. CRITICAL FACILITIES AND SERVICES SHOULD NOT BE LOCATED IN THE REGULATORY FLOODPLAIN. IF A CRITICAL FACILITY/SERVICE MUST BE LOCATED IN A REGULATORY FLOODPLAIN, IT MUST BE DEMONSTRATED THAT THERE IS EITHER A CRITICAL NEED TO LOCATE THE CRITICAL FACILITY/SERVICE WITHIN THE FLOODPLAIN, OR THAT THERE IS NOT SUITABLE ALTERNATIVE SITE, AS DETERMINED BY A RIGOROUS ALTERNATIVE SITE EVALUATION REPORT, PERFORMED BY AN ARIZONA REGISTERED CIVIL ENGINEER. ANY SUCH FACILITY OR SERVICE LOCATED WITHIN A REGULATORY FLOODPLAIN MUST BE PROTECTED FROM THE FIVE-HUNDRED-YEAR EVENT. SUCH PROTECTION IS TO INCLUDE, BUT NOT LIMITED TO A FINISHED FLOOR ELEVATION A MINIMUM OF ONE FOOT ABOVE THE FIVE-HUNDRED-YEAR FLOODPLAIN WATER SURFACE ELEVATION, ELEVATED ACCESS RAMPS, UTILITIES AND MECHANICAL SERVICES, AND ADEQUATELY PROTECTED FROM BOTH LATERAL AND VERTICAL EROSION ASSOCIATED WITH THE FIVE-HUNDRED-YEAR FLOODPLAIN.
- C. IMPROVEMENTS AND/OR REPAIRS TO EXISTING CRITICAL FACILITIES OR CRITICAL SERVICES BY AN AMOUNT EQUAL TO OR GREATER THAN FIFTY PERCENT (50%) OF THE PRE-IMPROVEMENT/REPAIR MARKET VALUE MUST BE PROTECTED FROM THE FIVE-HUNDRED-YEAR FLOOD EVENT. SUCH PROTECTION IS TO INCLUDE, BUT NOT LIMITED TO A FINISHED FLOOR ELEVATION A MINIMUM OF ONE FOOT ABOVE THE FIVE-HUNDRED-YEAR FLOODPLAIN WATER SURFACE ELEVATION, ELEVATED ACCESS RAMPS, UTILITIES AND MECHANICAL SERVICES, AND ADEQUATELY PROTECTED FROM BOTH LATERAL AND VERTICAL EROSION ASSOCIATED WITH THE FIVE-HUNDRED-YEAR FLOODPLAIN

QUESTIONS?

