

Jesus J. Valdez, P.E.
General Manager

FLOOD CONTROL DISTRICT
AND
FLOODPLAIN ADMINISTRATION

SANTA CRUZ COUNTY
SANTA CRUZ COUNTY FLOODPLAIN AND EROSION HAZARD MANAGEMENT
ORDINANCE
PROCESS FOR APPEAL OF DECISION/ADMINISTRATION

“A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.” Section 6.1, Santa Cruz County Floodplain and Erosion Hazard Management Ordinance, No. 2001-03.

A Hardship is defined by the Ordinance “as related to Section 6, **Variations**, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The governing body requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. In addition, constraints, restrictions, etcetera, that are self-imposed do not, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.”

Section 6.4 of the Floodplain and Erosion Hazard Management Ordinance No. 2001-03 (the ordinance) for Santa Cruz County, Arizona states:

- A. Any property owner appealing any written decision concerning the interpretation or administration of this ordinance shall first appeal in writing to the Floodplain Administrator, within ten days of the written decision.
- B. The Floodplain Administrator shall make a written response within fifteen working days of receipt of the appeal. Within ten working days of receipt of the written appeal the Floodplain Administrator may request such additional information as deemed necessary in order to render a written decision.

Any such appeal should be addressed to:

**General Manager
Santa Cruz County Flood Control District
275 Rio Rico Drive
Rio Rico, Arizona 85648**

Section 6.4 of the Ordinance further states:

- C. Any property owner aggrieved by the written decision of the Floodplain Administrator may file with the Clerk of the Board a written appeal or request for variance, within ten days of the Floodplain Administrator’s written decision, which shall be heard by the Floodplain Board of Santa Cruz County.

Any such appeal should be addressed to:

**Ms. Melinda Meek, Clerk of the Board
Santa Cruz County Board of Supervisors
2150 N. Congress Drive, #120
Nogales, Arizona 85621**

An appeal to the Floodplain Board will be heard by the Santa Cruz County Board of Supervisors acting as the Flood Board (the Board). The Board will hear the appeal in compliance with Section 6.5 of the Ordinance, which states:

- A. The Floodplain Board shall hold a hearing concerning the appeal or request for variance within forty-five days after the written appeal or request for variance is received by the Clerk of the Board, and has been deemed to be complete. Continuance of the hearing may be granted for good cause.
- B. The appeal or request for variance shall contain a detailed explanation of all matters in dispute, and the Floodplain Board, through the Floodplain Administrator, may require the submission of such additional information it deems necessary.
- C. The hearing shall be conducted in an informal manner. The Floodplain Board shall not be bound by the technical rules of evidence in the conduct of such hearings. All parties to the hearing shall have the right to present evidence in support of or in opposition to the decision of the Floodplain Administrator.
- D. The Floodplain Board shall render its decision within thirty days of the close of the hearing.
- E. The Floodplain Board may meet monthly or as such times as it deems necessary for the transaction of business, including the hearing of appeals and request of variances.
- F. The Floodplain Board may refer matters of a higher technical nature, where an appeal or request for variance is made to the Floodplain Board, to a technical review board, which shall make findings and recommendations to the Floodplain Board for decision. The technical review board shall consist of three Arizona Registered Professional Engineers, in good standing, one named by the Floodplain Administrator, one by the applicant for appeal or variance, and one named by the members. This review board shall not be permanent in nature, but shall be formed as required to hear individual appeals or request for variance.
- G. Should a technical review board be appointed pursuant to subsection F of this section, the hearing required in section 6.5.A may be continued up to an additional forty-five days or such time as is necessary for the technical review board to make its findings and recommendations to the Floodplain Board.

Appellants will be notified in writing of the meeting date for the Board hearing.

Appeals and Variances are issued upon:

1. A determination that the variance is the minimum necessary, considering the flood hazards to afford relief;
2. A determination of good and sufficient cause;
3. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
4. A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 of this ordinance in the definition of "Functionally Dependent Use"; and
5. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, result in a threat to the physical safety of any individual, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.