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CAPTION HEADING:

Amendment to Gila County Floodplain Management Ordinance
Amended 4/15/08

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GILA COUNTY FLOODPLAIN MANAGEMENT ORDINANCE

December 22, 1986
Amended June 28, 1993
Amended November 4, 1997
Amended June 4, 2003
Amended April 15, 2008

Gila County Courthouse
1400 East Ash Street
Globe, Arizona 85501
(928) 425-3231

APPROVED AS TO FORM:

Bryan Chambers,
Chief Deputy County Attorney

4/15/08
Date

APPROVED BY:

for José Sanchez, Chairman, Vice-Chairman
Gila County Flood Control District

4/15/08
Date

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.

G. To insure that potential buyers are notified that property is in an area of special flood hazard.

H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

I. To maintain eligibility for State disaster relief.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure," for purposes of the wet-floodproofing provisions of this ordinance, means a structure which is limited to an "accessory use," detached from the primary structure, used solely for parking or limited storage, and is less than 500 square feet of enclosed area.

"Accessory Use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Administrative Special Flood Hazard Area," also known as "Administrative Floodplain" means an area officially designated as a special flood hazard area by the Board of Directors of the Gila County Flood Control District, or by this Ordinance, for areas not designated as a Special Flood Hazard Area on an effective Flood Insurance Rate Map or a Letter of Map Change issued by the Federal Emergency Management Agency. An "Administrative Special Flood Hazard Area" is to be regulated as a "Special Flood Hazard Area" pursuant to Section 3.2 of this Ordinance. Designation of administrative floodplains and revisions to such designations shall be made per section 7.0 of this Ordinance and all subsections thereof.

"Administrative Floodway" means an area officially designated as a floodway by the Board of Directors of the Gila County Flood Control District, or by this Ordinance, for areas not designated as a floodway on an effective Flood Insurance Rate Map or a Letter of Map Change issued by the Federal Emergency Management Agency. An "Administrative Floodway" is to be regulated as a "Regulatory Floodway" pursuant to Section 5.8 of this Ordinance. Designation of administrative floodways and revisions to such designations shall be made per section 7.0 of this Ordinance and all subsections thereof.

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"All-weather access" means the construction of roads and stream crossings in such a way that no more than one foot of water shall pass across them for brief intervals during a flood of 100-year frequency with the peak flow velocity not exceeding eight feet per second at any location. The 25-year event shall be conveyed underneath the crossing.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of jurisdiction" means the incorporated and unincorporated areas of the county, including public lands, excluding those incorporated areas of cities or towns which have elected to assume floodplain management powers and duties pursuant to A.R.S. §48-3610.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. These areas are designated as Zone A, AO, A1-30, AE, A99, AH or E on the FIRM, and "administrative floodplains."

"Backfill" means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the natural contours existing prior to excavation.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides. This includes areas having earthen floors (such as spaces designed for utility access or storage).

"Base flood " means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation" means the elevation of the water surface of the base flood. The base flood elevation may be expressed in terms of elevation above a specified datum or as a flow depth.

"Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which are not part of the structural support of the building and which are so designed as to break away during the base flood without damage to the structural integrity of the building on which they are used or any structures to which they might be carried by flood waters.

"Building" means any structure having a roof supported by columns or walls.

"Community" means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Critical Facility" means a public or private facility which provides critical services to emergency response and/or recovery efforts in the event of flooding. Critical facilities include, but are not limited to fire stations, police stations, hospitals, emergency operations centers, as well as facilities for parking, maintenance and fueling of vehicles and equipment used in flood response and recovery efforts.

"Critical Feature" means an integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials and equipment located within the area of special flood hazard.

"Dwelling unit" means a building containing one or more rooms, designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.

"Encroachment" means the advance or infringement of any use into the floodplain or floodway that will impede the flow capacity of the channel, cause any increase in the regulatory floodway elevation during the occurrence of the one hundred (100) year flood and/or divert, retard, or obstruct the flow of floodwaters.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the National Flood Insurance Program. (See Flood-related erosion).

"Erosion Setback, or Flood-Related Erosion Setback" means a setback for structures which are eligible for federal flood insurance, from a point along a watercourse, usually the top of the nearest bank, for purposes of preventing damages from flood-related erosion.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed before the effective date of the floodplain management regulations adopted by the community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Financial Assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance, other than general or special revenue sharing or formula grants made to States.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land area from:

(1) The overflow of flood waters and/or
(2) The unusual and rapid accumulation of runoff of surface waters from any source~~.~~, and/or
(3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

"Flood Boundary Floodway Map" means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Rate Zone" means a specific zone for flood insurance rating purposes as noted on the Flood Insurance Rate Map.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source – see "flooding".

"Floodplain Administrator" means the position appointed and authorized by the Floodplain Board to administer and enforce the floodplain management regulations. This position shall be the Chief Engineer of the Gila County Flood Control District.

"Floodplain Board" means the Board of Directors of the Flood Control District of Gila County at such times as they are engaged in the enforcement of this ordinance.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading/drainage and erosion control) and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. The design of such improvements must be certified by a Professional Engineer registered in the State of Arizona, and practicing within the field in which he is licensed. Within the "floodway," floodproofing shall, in addition to the above, mean the design and construction of improvements in such a manner as to prevent "encroachment", as defined herein.

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway" when shown on a Flood Insurance Rate Map. An "administrative floodway" shall be regulated using the same criteria as for a "regulatory floodway."

"Floodway Fringe" means the portion of the regulatory floodplain beyond the limits of the floodway.

"Fraud and victimization" as related to Section 6.3 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Board of Directors of the Gila County Flood Control District will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., the Gila County Flood Control District, that is empowered to adopt and implement regulation to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 6.0, Variances, 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. 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.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is: (1). Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or (2). Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or (3). Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: By an approved state program as determined by the Secretary of the Interior; or, Directly by the Secretary of the Interior if the state does not have an approved program.

"Improvements" means any man-made, immovable item which becomes part of, is placed upon, or is affixed to, real estate.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area including basement (see Basement definition). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance."

"Manufactured home" means a structure that is transportable in one or more sections, built on a permanent chassis, and is designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle", except that any recreational vehicle placed on a site for a period exceeding 180 consecutive days shall be considered a manufactured home for the purposes of this Ordinance.

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots or spaces for rent or sale.

"Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences. For purposes of "substantial improvement" calculations, the most recent appraisal of market value which has been performed by the Gila County Assessors office may be used as an alternate method.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mudslide" (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

"Mudslide (i.e., mudflow) area management" means the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including, but not limited to, emergency preparedness plans, mudslide control works, and floodplain management regulations.

"Mudslide (i.e., mudflow) prone area means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

"New construction" means, for purposes of determining flood insurance rates, structures for which the "start of construction" commenced on or after September 27, 1985, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after September 27, 1985, and includes subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 27, 1985.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One hundred year flood" means the flood having a one percent chance of being equaled or exceeded in any given year (see "Base flood").

"Person" means any individual or his agent, firm, partnership, association, corporation, or agent of the aforementioned groups.

"Program" means the National Flood Insurance Program authorized by U.S.C. 4001-4128.

"Public safety" as related to Section 6.3 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage of flood water.

"Reasonable Repair or Alteration" (a) Such activity to a building or structure that would serve to maintain it in a manner approximating its original condition. (b) A change or rearrangement of the interior construction of an enclosed or partially enclosed building which has not been damaged to an extent exceeding fifty percent (50%) of its market value. (c) A change or rearrangement in the exterior finish or openings in an existing building not altering its exterior dimensions, or (d) Any work necessary to bring a building or structure into compliance with applicable building or life safety codes, the cost of which does not exceed fifty percent (50%) of its market value before the repair or alteration. All repairs or alterations located within a regulatory floodway must comply with the requirements for new construction in floodways. (See also "Substantial Improvements").

"Recreational vehicle" means a vehicle which is:
(a) built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) designed to be self-propelled or permanently towable by a light duty truck; and
(d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

For floodplain management purposes, a vehicle of the type commonly referred to as a "park model" is not considered to be a recreational vehicle. For the purposes of this Ordinance, any "recreational vehicle" placed on a site for a period exceeding 180 consecutive days shall be considered a "manufactured home".

"Recreational vehicle park" means a plot of ground upon which two or more spaces with the required utilities and improvements are located and maintained for occupancy by recreational vehicles as temporary living quarters for recreation and vacation purposes.

"Regulatory flood elevation" (RFE) means an elevation one (1) foot above the base flood elevation or the floodway elevation, whichever is higher, for a watercourse for which the base flood elevation, as provided on the Flood Insurance Rate Map or adopted by the Board of Directors of the Gila County Flood Control District. For all other watercourses, the RFE shall be one foot above the base flood elevation determined using the criteria in the "State Standards".

"Regulatory Floodplain" means an "Area of Special Flood Hazard" delineated on an effective "Flood Insurance Rate Map."

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing County, State or Federal financial exposure with regard to the structure or other development.

"Repetitive loss structure" means a structure, covered by a contract for flood insurance issued pursuant to the National Flood Insurance Act, that has incurred flood-related damage on two occasions during any 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the structure a the time of each such flood event.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area" – see "Area of shallow flooding".

"Small Accessory Building" means a building with an enclosed area less than or equal to 200 square feet, for which a Gila County building permit is not required.

"Special flood hazard area" means the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. These areas are designated as Zone A, AO, A1-30, AE, A99, AH or E on the FIRM.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Standard" means a document defining standards for floodplain management as adopted by the Arizona Director of Water Resources pursuant to ARS 48-3605(A).

"Structure" means a walled and roofed building, including a gas or liquid storage tank, whether installed on, above, or below the surface of land or water~~.~~, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either

(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Watercourse master plan" means a hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages, and establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the one hundred-year flood.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Gila County, Arizona, except those incorporated cities and towns which have adopted a resolution in accordance with A.R.S. §48-3610.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for Gila County, Arizona Unincorporated Areas" dated September 27, 1985, with accompanying Flood Insurance Rate Maps (FIRMs), and Flood Boundary and Floodway Maps (FBFMs), dated September 27, 1985, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study (FIS) and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Board, within its area of jurisdiction may delineate for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources. For development proposed in areas for which a detailed floodplain delineation has not yet been performed or adopted by the District, the developer shall provide a detailed floodplain and floodway delineation for the property on which development is proposed, prepared by a Professional Civil Engineer registered in the State of Arizona. Floodplain and Floodway delineations shall be in accordance with criteria in State Standard 2-96, "Requirement for Floodplain Delineation in Riverine Environments", or latest revision, State Standard 9-02, "Floodplain Hydraulic Modeling," or latest revision, and other applicable state standards as adopted by the State of Arizona, and all applicable federal, state and county delineation standards. Such information may include, but shall not be limited to, floodplain delineations presented in conjunction with subdivision plat submittal, special engineering studies, field calculations, and historic data. The FIS, FIRMs and FBFMs are on file at Gila County, 1400 East Ash, Globe, AZ 85501.

3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

A. considered as minimum requirements,

B. liberally construed in favor of the governing body, and

C. deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Gila County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.7 STATUTORY EXEMPTIONS

A. In accordance with A.R.S. §48-3609, nothing in this ordinance shall affect:

1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land, buildings, or structure is discontinued for twelve (12) months or destroyed to the extent of fifty percent (50%) of its value, as determined by a competent appraiser, any further use shall comply with all the provisions of this ordinance.

2. "Reasonable repair or alteration" (see definitions) of property to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and which do not change the purposes for which the building was legally used on December 22, 1986.

3. Reasonable repair of structures with the written authorization required by A.R.S. §48-3613.

4. Facilities constructed pursuant to a certificate of environmental compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2.

B. In accordance with A.R.S. §48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:

1. The construction of bridges, culverts, dikes, and other structures necessary to the construction of public highways, public roads, and public streets intersecting or crossing a watercourse .

2. The construction of storage dams for watering livestock or wildlife, structures on banks of a creek, stream, river, wash, arroyo, or other watercourses to prevent erosion of or damage to adjoining land, if the structure will not divert, retard or obstruct the natural channel of the watercourse, or dams for the conservation of floodwaters as permitted by A.R.S. Title 45 Chapter 6.

3. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard, or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Board pursuant to regulations adopted by the Board under this article.

4. Other construction if it is determined by the Board that written authorization is unnecessary.

5. Any flood control district, county, city, town or other political subdivision, from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1.

6. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision.

7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

C. These exemptions do not preclude any person from liability if that person's actions increase flood hazards to any other person or property.

D. Before any construction authorized by subsection B of this Section may begin, the responsible person must submit plans for the construction to the Floodplain Administrator for review and comment.

E. In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this article. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the Board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

3.8 DECLARATION OF PUBLIC NUISANCE

Every new structure, building, fill, excavation, or development located or maintained within any area of special flood hazard after December 22, 1986 in violation of this ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

3.9 ABATEMENT OF VIOLATIONS

After discovery of a violation of this ordinance, the Floodplain Administrator may take one or more of the following actions:

A. Take administrative action to abate the violation; or

B. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within thirty (30) days of such order, and he may submit a report to the Floodplain Board within twenty (20) days with a request that the Board either order abatement of the violation or grant a variance. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 6.0 herein; or

C. At the direction of the Board, record a notice of violation for the property; or

D. Proceed with a criminal referral to the County Attorney pursuant to Section 3.10; or

E. Request, or pass on a request from the property owner on which the violation occurred, that the Board issue a variance to this ordinance in accordance with the provisions of Section 6.0-herein; or

F. Submit to the Administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended; or

G. Issue a "Certificate of Apparent Compliance" as evidence that there are no obvious violations of floodplain construction standards which are required to be abated, where the only apparent violation is the failure to obtain a floodplain use permit prior to construction. The Floodplain Administrator may issue a Certificate of Apparent Compliance only if:

1. An Elevation Certificate is submitted by the property owner showing that the lowest floor elevation is at or above the regulatory flood elevation; <u>and</u>
2. If it appears, based on inspection, that the structure was built in substantial compliance with the current effective floodplain ordinance; <u>and</u>
3. If in a floodway, engineering calculations are submitted by the property owner showing that the construction did not result in any increase on flood levels during the occurrence of the base flood discharge; and
4. The property owner signs an affidavit stating that all information submitted for and in behalf of the land owner's request for a Certificate of Apparent Compliance is true and correct to the best of the land owner's knowledge and belief, and that the land owner consents to the Certificate of Apparent Compliance being recorded in the County Recorder's office.

Obtaining a Certificate of Apparent Compliance does not exempt the property owner from any penalties for not obtaining a permit prior to construction, and shall not create a liability on the part of the Gila County Flood Control District, its officers or employees, for any damages which may occur as the result of unseen factors. Obtaining a Certificate of Apparent Compliance does not relieve the property owner of any liability for damages occurring as a result of the construction, and does not exempt the property owner from future actions by the Gila County Flood Control District to abate violations which were unseen at the time the certificate was issued.

H. Pursue Civil Penalties pursuant to Section 3.10 upon the violator, and/or property owner as appropriate, for the violation of any section of this Ordinance, in accordance with a Penalty Schedule and Procedure per Section 3.10 of this ordinance.

3.10 CIVIL PENALTIES

A. Civil Penalties:
Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this Ordinance shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty.

B. Remedies:
All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or improvements nor prevent the enforcement, correction or removal thereof. In addition to the other remedies provided in this article, the Board of Supervisors, the County Attorney, the Inspector, or any adjacent or neighboring property owner who is damaged by the violation of any provision of this Ordinance, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

C. Procedure:
The alleged violator shall be sent notice of the violation and given a minimum of 30 days to correct the violation. If the violation a risk of loss of life, the 30 day minimum does not apply, but reasonable accommodations must be made for correction of the violation. The alleged violator shall be given the opportunity for a hearing before a hearing officer, whose shall decide the penalties to be imposed, within the guidelines contained in this Ordinance. Those aggrieved by the decision of the Hearing Officer may appeal that decision to the Floodplain Board.

D. Schedule of Civil Penalties for Violation of the Gila County Floodplain Management Ordinance:

The Board establishes the amounts of civil penalties for violations and authorizes the hearing officer to impose civil penalties for grading violations in the following amounts:

1. First Violation

For an individual person: Not more than $700 per day of continuing violation.

For an enterprise: Not more than $10,000 per day of continuing violation.

2. Subsequent Violations of the Same Provision:

For an individual person: Not less than $100.00 nor more than $700.00 per day of continuing violation.

For an enterprise: Not less than $200.00 nor more than $10,000.00 per day of continuing violation.

3.11 UNLAWFUL ACTS

A. It is unlawful for a person to engage in any development or to divert, retard, or obstruct the flow of waters in any watercourse regulated by this Ordinance if it creates a hazard to life or property without securing the written authorization of the Floodplain Board. Where the watercourse is a delineated floodplain, it is unlawful to engage in any "development" affecting the flow of waters without securing written authorization of the Floodplain Board.

B. Any person violating the provisions of section 3.11, paragraph A, shall be guilty of a Class 1 Misdemeanor.

3.12 SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 4.0
ADMINISTRATION

4.1 ESTABLISHMENT OF FLOODPLAIN USE PERMIT

Except for those uses specifically exempted under Section 3.7 of this Ordinance, a Floodplain Use Permit shall be obtained before construction or development, including placement of mobile homes, begins within any area of special flood hazard established in Section 3.2. Application for a Floodplain Use Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures; except in Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures. In Zone "A" or in administrative floodplains where base flood elevations have not been established, the proposed elevation above the flowline of all regulated watercourses potentially affecting the structure is required.

B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.

C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.1.C.3; and,

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator is authorized to administer, implement and enforce the provisions of this ordinance by granting or denying Floodplain Use Permits in accordance with its provisions. The Floodplain Administrator may delegate to others the duties and authority necessary to carry out these duties as outlined in Section 4.3.

4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

A. Review all Floodplain Use Permit Applications to determine that:

1. The permit requirements of this ordinance have been satisfied.

2. The site is reasonably safe from flooding.

3. The proposed development does not adversely affect the flood carrying capacity of the area of special flood hazard where a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other post-FIRM existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

4. All other required state and federal permits have been obtained.

B. Advise in writing and provide a copy of any multiple lot development plan, to any city or town having assumed jurisdiction over its floodplains in accordance with A.R.S. §48-3610, of any application for a floodplain use permit or variance to develop land in a floodplain or floodway within one mile of the corporate limits of such city or town. The District shall also advise such city or town in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways, or watercourses within such city's or town's area of jurisdiction.

C. Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from federal, state or other sources in order to administer Section 5.0. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Arizona Director of Water Resources and shall be submitted to the Floodplain Board for adoption.

D. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:

1. The certified elevation required in Section 5.1.C.1;

2. The certification required in Section 5.1.C.2;

3. The floodproofing certification required in Section 5.1.C.3; and

4. The certified elevation required in Section 5.4.B;

E. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the Arizona Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate means.

2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

F. Within 120 days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Arizona Director of Water Resources.

G. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.0.

H. Take actions on violations of this ordinance as required in Section 3.9 herein. The Floodplain Administrator shall not knowingly issue permits for structures built without first obtaining a floodplain use permit, where such a permit should have been issued.

SECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 DESIGN STANDARDS

The "State Standards" as defined in this Ordinance, and subsequent revisions, shall serve as the basic design criteria, unless the Gila County Flood Control District Board of Directors adopts specific design criteria to supplement or supersede the State Standards.

5.2 STANDARDS OF CONSTRUCTION

In all areas of special flood hazard, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes shall meet the anchoring standards of Section 5.6.B.

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed using materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilating, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Require within Zones AH or AO that adequate drainage paths around structures on slopes guide flood waters around and away from proposed or existing structures.

C. Elevation and Floodproofing

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in Section 5.2.C.3. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or surveyor and provided to the Floodplain Administrator.

2. New construction and substantial improvement of any structure in Zone AO (only) shall have the lowest floor, including basement higher than the highest adjacent grade at least one foot higher than the depth number on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in Section 5.2.C.3. Upon completion of the structure, a registered surveyor or civil engineer shall certify that the elevation of the structure meets this standard and provide such certification to the Floodplain Administrator.

3. Commercial or industrial structures which do not include any residential uses shall either be elevated in conformance with Section 5.2.C.1 or 5.2.C.2 or, together with attendant utility and sanitary facilities:

   a. Be floodproofed so that below the regulatory flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

   c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator.

4. Require, for all new construction and substantial improvements of non-residential structures, that attached fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   a. A minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

   b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

5. Detached "accessory structures" (see definitions) may be permitted with the lowest floor below the regulatory flood elevation under the provisions of Section 5.2.C.4(a through c).

6. Detached buildings designed for "accessory uses" (see definitions) which exceed the 500 square feet size limit in the definition of "accessory structure," and which are used solely for parking and storage, may be permitted with the lowest floor below the regulatory flood elevation under the provisions of Section 5.2.C.4(a through c , if a variance is obtained per Section 6.3.F.

7. Structures meeting the definition of "small accessory building" (see definition) which are exempt from a Gila County Building Permit, are exempt from a Floodplain Use Permit if located within a floodway fringe, or if within a floodway and constructed per Section 5.8.D.

8. Manufactured homes shall meet the above standards and also the standards in Section 5.6.

9. Construction of new "critical facilities" shall be, to the maximum extent possible, located outside the limits of the 500-year floodplain (0.2% probability of occurrence) or protected from damage or loss of access from a 500-year flood. Construction of new critical facilities shall be permissible within the 500-year floodplain if no feasible alternative site is available.

5.3 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT

A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

B. Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

5.4 STANDARDS FOR UTILITIES

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

5.5 STANDARDS FOR SUBDIVISIONS

A. All subdivision proposals shall identify the limits of special flood hazard area, the elevation of the base flood, and the floodway.

B. All final subdivision plans will provide the regulatory flood elevation for all lots located within the regulatory floodplain and for all lots on watercourses having a contributing drainage area of 640 acres or more, and shall also provide a floodway delineation for such watercourses. All lots located partially within the floodway shall have adequate building envelopes shown outside of the floodway. If the site is to be filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All proposed subdivisions shall be designed in a manner consistent with the need to minimize flood damage.

D. All new subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

E. All new subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

F. All new subdivisions shall make provisions for "all-weather access" both within the subdivision boundary and along access routes.

G. Proposals for all new developments greater than 50 lots or 5 acres, whichever is the lesser, shall provide regulatory flood elevations and floodway delineations for regulatory floodplains and watercourses having contributing drainage areas of 640 acres or more, whether or not the development falls under the jurisdiction of the Gila County Subdivision Regulations. This includes subdivisions, mobile home parks, and land divisions where any alteration of the land is proposed, including, but not limited to as new roadways, utility installation, drainage channel improvement, or drainage channel crossings. The base flood elevation and floodway information shall be provided at the expense of the developer if such information, developed according to current standards and acceptable to the Floodplain Administrator, is not already available as public information.

5.6 STANDARDS FOR MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND SUBDIVISIONS

A. Placement of Manufactured Homes

A manufactured home may be located or replaced within the floodplain either in a new or existing space, lot or parcel provided that the manufactured home is either:

1. Elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation, or

2. In existing manufactured home parks with no substantial damage, the manufactured home must be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade. The lowest point of all attached appliances and equipment must be no less than 36 inches above grade.

B. Anchoring

All manufactured homes and additions to manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by one of the following methods:

1. By providing an anchoring system designed to withstand minimum horizontal forces of twenty-five pounds per square foot and uplift forces of fifteen pounds per square foot.

2. By providing over-the-top and frame ties to ground anchors.

All components of the anchoring system be capable of carrying a force of 4,800 pounds.

Unless manufacturer's or engineer's calculations are provided to show that the proposed tie-downs meet criteria (1) above, one of the following methods shall be used:

a. Over-the-top ties to be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, except that manufactured homes less than fifty (50) feet long require one additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, except that manufactured homes less than fifty (50) feet long require only four additional ties per side.

C. Manufactured Home Parks and Manufactured Home Subdivisions
In addition to those standards set forth in the Gila County Zoning Ordinance, the following standards are required for (a) manufactured homes not placed in manufactured home parks or subdivisions, (b) new manufactured home parks or subdivisions, (c) expansions to existing manufactured home parks or subdivisions, and (d) repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

1. Adequate surface drainage and access for a hauler shall be provided.

2. All manufactured homes shall be placed on pads or lots elevated on compacted fill or in pilings so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation.

   If elevated on pilings:

   a. The lots shall be large enough to permit steps;

   b. The pilings shall be placed in stable soil no more than ten feet apart; and

   c. Reinforcement shall be provided for pilings more than six feet above the ground level.

   d. The pilings shall meet building code requirements in effect in Gila County at the time of permit issuance, as determined by the Gila County Building Official.

D. Any manufactured home placed within a floodway shall, in addition to the requirements of this section, meet all the requirements of Section 5.8.

5.7 STANDARDS FOR RECREATIONAL VEHICLES

A. All recreational vehicles placed on site will either:

1. Be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or

2. Meet the requirements of Section 4 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.6.

B. The following additional requirements shall apply to a recreational vehicle park:

1. Occupants shall be given notice on a form acceptable to the Floodplain Administrator that their recreational vehicle is being placed within a flood hazard area.

2. No units are stored.

3. If a unit is to be left unoccupied for a period exceeding twenty-four hours, the park owner or his designated agent is notified.

4. The owner of the park is fully responsible for the removal of recreational vehicles from spaces within the floodplain in the event that an evacuation is ordered.

5. A site plan of the park and an emergency action plan must be submitted to and approved by the Gila County Department of Emergency Services, and the Floodplain Administrator. The site plan shall show those spaces designated for the exclusive occupancy of recreational vehicles.

6. Recreational vehicle parks shall not be placed in areas subject to flash flooding.

7. An adequate flood warning system shall be established, if one does not already exist.

5.8 FLOODWAYS

Located within areas of special flood hazard 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, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. If Section 5.8 is satisfied, all new construction and substantial improvements shall also comply with all applicable flood hazard reduction provisions of Section 5.

C. If no floodway is identified, then a minimum setback of twenty (20) feet from the top of the nearest bank(s) of the watercourse will be established where encroachment will be prohibited, unless a lesser setback is justified using methodology from the "State Standards," or by detailed hydraulic modeling of the floodway performed by a Professional Engineer registered in the State of Arizona. The maximum allowable rise in the determination of the floodway shall be the lesser of 1) one foot; or 2) the maximum rise which would not impact existing structures eligible for federal flood insurance.

D. A small enclosure shall be considered to be in compliance with the floodway encroachment criteria if:
   1. The sides of the enclosure are constructed of breakaway materials;
   2. The sides of the enclosure must be anchored to prevent flotation and to prevent parts from being carried downstream by floodwaters; and
   3. The enclosed area does not exceed 200 square feet.

E. A structure shall be considered to be in compliance with the floodway encroachment criteria if the entire structure is shown to be within an ineffective flow area created by an existing grandfathered or legally permitted structure where the floodway encroachment issues have been adequately addressed.

F. A structure shall be considered to be in compliance with floodway encroachment criteria if it is shown that the 1) the structure is elevated in a manner that provides the minimum practical obstructions to flow below the regulatory flood elevation, 2) no fill is placed in the floodway, and 3) the loss of hydraulic conveyance due to the structure is mitigated.

5.9 FLOOD RELATED EROSION-PRONE AREA

A. The Floodplain Administrator shall require floodplain use permits for proposed construction and other development within all flood-related erosion-prone areas known to the community.

B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed development is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvements shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard, and to protect the development.

D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

E. Within or adjacent to flood hazard zones designated by codes beginning with the letter "A" on the Flood Insurance Rate Map, or within or adjacent to an administrative floodplain, the Floodplain Administrator may determine an erosion setback for a particular watercourse or parcel, based on State Standard 5-96 and subsequent revisions, geology, geomorphology, topography, history of erosion processes, visual observations of erosion, or other evidence of flood-related erosion or flood-related erosion potential. In no case shall the erosion setback be reduced to less than twenty (20) feet, unless adequately engineered, constructed and maintained erosion protection measures are in place or are to be installed as part of the development, or unless a lesser setback is justified by appropriate engineering analysis.

SECTION 6.0
VARIANCE PROCEDURE

6.1 NATURE OF VARIANCES

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. 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.

It is the duty of the Gila County Flood Control District to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the Gila County Floodplain Management Ordinance are rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore the variance guidelines provided in this Ordinance are detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.2 APPEAL BOARD

A. The Floodplain Board of Gila County shall hear and decide appeals and requests for variances from the requirements of this ordinance.

B. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

C. Those aggrieved by the decision of the Floodplain Board, or any taxpayer, may appeal such decision to the Superior Court of Gila County.

D. In passing upon variance applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed uses with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

12. The potential legal liability of allowing development to occur in a manner that could pose a hazard to life or property.

E. Upon consideration of the factors of Section 6.2.D and the purposes of this ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

F. Any applicant to whom a variance is granted shall be given written notice over the signature of the Chairman of the Floodplain Board that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and;

2. Such construction below the base flood level increases risks to life and property.

3. Such notification shall be maintained with a record of all variance actions required in Paragraph 6.2.G of this ordinance. Such notice will also state that the land upon which the variance is granted shall be ineligible for exchange of land pursuant to any flood relocation and land exchange program. A copy of the notice shall be recorded by the floodplain Board in the office of the Gila County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

G. The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance, and report any variances to the Federal Insurance Administration upon request.

6.3 CONDITIONS FOR VARIANCES

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the procedures of Sections 4 and 5 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional "hardship" to the applicant;

3. 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

4. A determination that the granting of a variance will not result in increased flood heights, additional threats to "public safety," extraordinary public expense, create nuisances, cause "fraud" on or "victimization" of the public, or conflict with existing local laws or ordinances.

F. A variance to allow wet floodproofing of a structure detached from the main building, and larger than 500 square feet, may be granted, if the Floodplain Board verifies that 1) elevation of the structure to the regulatory flood elevation would make the intended use unfeasible, 2) the proposed structure is designed for "accessory uses," 3) the proposed structure meets the floodproofing requirements of either Section 5.2.C.3 or meets the wet floodproofing ("flood venting") requirements of section 5.2.C.4, and 4) the building is to be constructed of flood resistant materials below the regulatory flood elevation. Records of these variances and the justification for their issuance shall be maintained indefinitely.

G. Variances cannot be granted to section 5.4.C of this ordinance.

SECTION 7.0

ADMINISTRATIVE SPECIAL FLOOD HAZARD AREAS

Also Known as (ADMINISTRATIVE FLOODPLAINS and ADMINISTRATIVE FLOODWAYS)

7.1 FLOOD LIMITS SHOWN ON SUBDIVISION PLATS.

Any 100-year floodplain containing base flood elevations shown on a subdivision plat which has been approved by the Gila County Board of Supervisors after the effective date of this ordinance are hereby designated as Administrative Special Flood Hazard Areas and shall be regulated as Special Flood Hazard Areas pursuant to Section 3.2 of this Ordinance, for those watercourse reaches not covered by a Special Flood Hazard Area designation on an effective Flood Insurance Rate Map or Letter of Map Change issued by the Federal Emergency Management Agency. A map based on more detailed information than what was used in the floodplain delineation on the subdivision plat, when adopted by the Floodplain Board, shall supersede the floodplain delineation on the subdivision plat.

7.2 ADOPTION OF OTHER ADMINISTRATIVE FLOODPLAINS

Any floodplain delineation performed in accordance with methodologies in State Standard 2-96 et. Seq., other applicable State Standards, or county, state, or federal floodplain delineation standards, including special engineering studies, field calculations and historical data may be adopted by Board action as administrative floodplains, where such delineation is deemed beneficial to the goal of minimizing flood damage within Gila County. Floodplains delineated per section 5.5.G of this Ordinance shall become Administrative Floodplains when delineated according to criteria in Section 3.2 and accepted by the Floodplain Administrator.

7.3 AUTOMATIC SUPERSEDENCE.

Any Administrative Special Flood Hazard Area shall be automatically superseded by one of the following:

A. A revision by the Federal Emergency Management Agency to the effective Flood Insurance Rate Map for the reach of the regulatory watercourse for which the revision is applicable. Such revision types include, but are not limited to Physical Map Revisions, Letters of Map Amendment or Letters of Map Revision, on the effective date of such revision; or

B. The adoption by the Board of Directors of the Gila County Flood Control District of an Administrative Special Flood Hazard Area by the Board for the same reach of the regulatory watercourse based on a more detailed hydraulic study or other acceptable methodology as described in Section 3.2 of this Ordinance.

7.4 DETERMINATION OF REGULATORY FLOOD ELEVATIONS.

A. For Special Flood Hazard Areas without base flood elevations shown on the Flood Insurance Rate Map, and for Administrative Special Flood Hazard Areas without base flood elevations available, Regulatory Flood Elevations used to set lowest floor elevations for new development and substantial improvements shall be submitted by the applicant with an Application for a Floodplain Use Permit or Floodplain Clearance. The calculations and reports which are submitted to the Floodplain Administrator to establish the regulatory flood elevation must be sealed by a Professional Engineer registered in the State of Arizona, in accordance with Rule R4-30-304(D)(1) of the Arizona State Board of Technical Registration, et. seq. The acceptable methodology for the determination of the regulatory flood elevation shall include State Standard 2-96, "Requirement for Floodplain Delineation in Riverine Environments", or latest revision, all other applicable state standards as adopted by the State of Arizona, and all applicable federal, state and county delineation standards. Such information may also include, but shall not be limited to, floodplain delineations presented in conjunction with subdivision plat submittal, special engineering studies, field calculations, and historic data.

B. The applicant may agree in writing to use the best information available to the Gila County Floodplain Administrator at the time the application is being processed, in lieu of submitting the required information described above.

C. If the information available to the Floodplain Administrator is not acceptable to the applicant, the applicant may then sign a refusal to use the best available information and will be required to submit engineering calculations to determine the regulatory flood elevation, as described above, before a Floodplain Use Permit or Floodplain Clearance may be issued.

7.5 REQUIREMENT FOR PERMIT OR CLEARANCE.

A Floodplain Use Permit pursuant to Section 4.1 or a Floodplain Clearance per Section 7.6.B of this Ordinance is required prior to development on parcels lying partially or entirely within the Administrative Special Flood Hazard Area.

7.6 CRITERIA FOR ISSUANCE OF FLOODPLAIN USE PERMIT OR FLOODPLAIN CLEARANCE.

A. A Floodplain Use Permit is required for development on parcels lying partially or entirely within Administrative Special Flood Hazard Areas if the information submitted by the applicant (or the best information available to the Floodplain Administrator, if that option is chosen by the applicant), shows that the proposed new development or substantial improvement will be on ground partially or entirely inundated by floodwaters below the base flood elevation, if excavation is proposed below the base flood elevation, or if elevation information is not yet available at the time of the application for a permit.

B. An expedited process, the Floodplain Clearance, may be used in lieu of a Floodplain Use Permit for development on parcels lying partially or entirely within the special flood hazard area for which the information submitted by the applicant (or the best information available to the Floodplain Administrator, if that option is chosen by the applicant), shows that the proposed new development or substantial improvement will be entirely on ground having an elevation above the regulatory flood elevation, outside the boundaries of a special flood hazard area, and for which no excavation is proposed below the regulatory flood elevation. The Floodplain Clearance documents the type, location and extent of the development and the regulatory flood elevation.

7.7 ADMINISTRATIVE FLOODWAYS

Located within administrative areas of special flood hazard may be areas designated as administrative floodways. Since the administrative floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. All provisions of Section 5.8 applicable to regulatory floodways shall apply to administrative floodways.

B. If Section 5.8 is satisfied, all new construction and substantial improvements in administrative floodways shall also comply with all applicable flood hazard reduction provisions of Section 5, using the same provisions as if in a regulatory floodway and regulatory floodplain.

C. If no administrative floodway is identified, then a minimum setback of twenty (20) feet from the top of the nearest bank(s) of the watercourse will be established where encroachment will be prohibited, unless a lesser setback is justified using methodology from the "State Standards," or by detailed hydraulic modeling of the floodway performed by a Professional Engineer registered in the State of Arizona. The maximum allowable rise in the determination of the floodway shall be the lesser of 1) one foot; or 2) the maximum rise which would not impact existing structures eligible for federal flood insurance.

D. Floodways delineated per section 5.5.G of this Ordinance shall become Administrative Floodways when delineated according to criteria in Section 3.2 and accepted by the Floodplain Administrator.

7.8 VARIANCES WITHIN ADMINISTRATIVE AREAS OF SPECIAL FLOOD HAZARD

The variance procedures within Administrative Areas of Special Flood Hazard are identical to those in any Area of Special Flood Hazard, as prescribed in Sections 6.1 through 6.3 of this Ordinance.

SECTION 8.0
AMENDMENTS

8.1 ORDINANCE MAY BE AMENDED, ETC.

The provisions of this Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed at the initiation of the Gila County Floodplain Board by said Board following a public hearing at which parties in interest and other citizens have an opportunity to be heard.

8.2 HEARING BEFORE THE GILA COUNTY FLOODPLAIN BOARD AND PROVISIONS.

A. Upon initiation of a hearing to amend, the Floodplain Board shall set a date, time and place and cause notice of same to be published in a newspaper of general circulation in the County at least thirty (30) days prior to the date of said hearing.

B. Full text of any proposed amendments to the Ordinance shall be available for inspection by the public at the office of the Floodplain Administrator at least thirty (30) days prior to the amendment hearing.