



**DATE:** August 31, 2010

**TO:** Gila County Board of Supervisors

**FROM:** Steve Sanders

**REQUEST/SUBJECT:** Proposed Amendment to Gila County Floodplain Management Ordinance

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Background Information:

The proposed amendment is to the Gila County Floodplain Management Ordinance which was approved on March 12, 2008.

Evaluation:

This amendment revises the following:

**Addition/Change to Section 2.0 Definitions;**

- **Accessory Structure**, references where it is used in the Ordinance, and raises the size limit from 500 to 600 square feet, before a variance is required to wet-floodproof the building (negotiated with State NFIP Liaison at ADWR).
- **Flood Insurance Study**, corrected a map title.
- **Flood-Resistant Materials**, provides a definition to avoid ambiguity in application of the regulations.
- **Small Accessory Building (Accessory Building changed to Enclosure)**, terminology is changed to avoid confusion with "Accessory Building" definition, and to broaden the scope to include not just sheds, but small fenced patios, dog runs, etc. This allows for an exemption to the engineering requirement to allow small sheds and enclosed areas in a floodway without the extensive engineering costs which would otherwise be needed to show compliance of a structure in a floodway.
- **Substantial Damage**, the definition in the Ordinance is changed at FEMA's request, to include the procedure for calculation of substantial damage and substantial improvements. This procedure is already being used, and is per a computation form that was approved by FEMA several years ago. The substantial damage or substantial improvement calculations are mainly used to justify exemptions to some of the FEMA floor elevation requirements for minor improvements and additions.
- **Substantial Improvement**, the reasons for the change are the same as for substantial damage.
- **Waste Disposal System**, is a new definition. Section 5.4.C prohibits "waste disposal systems" in a floodway, based on ARS 49-3609.C, but the term "waste disposal system" is not defined in either place. This definition allows highly treated effluent to be considered a resource rather than waste. This has the effect of allowing building on floodway lots (subject to meeting the floodway development criteria in the Ordinance) if an alternative wastewater treatment system is installed which meets the water quality criteria, in lieu of a standard septic system. It also allows alternative treatment systems to be installed to replace existing septic systems to improve water quality in our creeks.

**Deletion/Change to Section 3.9 Abatement Violations G.1. – G.4. deleted.**

The "Certificate of Apparent Compliance," a form of permit for work done initially without going through the permit process, is being deleted at the request of ADWR.

**Addition/Deletion to Section 3.10 Civil Penalties A., C.**

The Hearing Officer procedures were finalized and adopted after the last floodplain ordinance revision. These modifications reference the hearing officer ordinance, instead of repeating the procedure in this ordinance. It also provides for automatic adoption of any revisions to the hearing officer rules and procedures.

**Addition to Section 4.2 Designation of the Floodplain Administrator.**

This amendment clarifies the process for delegating floodplain responsibilities, and is being changed at the request of ADWR.

**Addition/Change to Section 4.3 Duties and Responsibilities of the Floodplain Administrator D.1. – D.5., E.3., I., J.**

These changes are being done at the request of ADWR to correspond to language in FEMA's regulations.

**Addition/Deletion/Change to Section 5.2 Standards of Construction C., D., E.**

These are wording changes to clarify ambiguities and make the requirements easier to understand. The requirements are substantially the same as before, except for the following:

- 1) There is a non-engineered method that can be used under certain conditions in lieu of engineering to establish a flood elevation where none is given on the FEMA maps, which can result in less cost to comply with the floodplain regulations. This is consistent with FEMA rules.
- 2) The size of a detached accessory building (such as a garage) that can be built below the flood elevation by using flood vents is increased slightly. Larger buildings using flood vents in lieu of elevation still require a variance from the Board. Flood vents are used to equalize water pressure on both sides of the wall, to minimize flood damage. The FEMA requirements that such structures be constructed of flood resistant materials below the regulatory flood elevation, and for providing certification upon completion, are also added into the Ordinance.

**Change to Section 5.4 Standards for Utilities C.**

Quotes are added around the term "Waste disposal systems" to be consistent with that notation used elsewhere in the Ordinance where a term is defined in Section 2.

**Change to Section 5.5 Standards of Subdivisions B. and G.**

Corrects the "floodway" reference to be "floodplain and floodway," since the floodplain is part of the floodway analysis. The wording is also rewritten to clarify the meaning of parts of it.

**Change to Section 5.6 Standards for Manufactured Homes and Manufactured Home Parks and Subdivisions B.1. and B.2.**

If an anchoring method other than the standard frame ties or over the top ties in the Ordinance is proposed, engineering is required to show that the anchoring system meets the existing performance specifications.

**Addition/Deletion to Section 5.9 Flood Related Erosion-Prone Area C., D., E.**

- This makes the erosion area of jurisdiction the same as the floodplain area of jurisdiction, i.e., the Ordinance will not regulate erosion if the structure is being built outside of the floodplain, such as on a high bank close to a river. For example, citizens may propose erosion protection as they see fit if the building is outside of the floodplain, and such erosion protection will not be reviewed for adequacy to protect a structure outside of the floodplain, but only for its impact on the floodplain in which it is built.
- This section also allows creative erosion protection for a building, such as footings and piers below the scour depth, with the building bridging between the piers, as an alternative to traditional channel bank lining for protecting a building from damage if a channel bank erodes back to the building.

**Addition/Change to Section 6.3 Conditions for Variances F.**

- The size of accessory building is raised from 500 to 600 square feet before a variance is required.
- The standard FEMA requirements are clarified for the case where the building is proposed in a floodway, and states that the variance for wet floodproofing in lieu of elevation cannot be issued until the other floodway requirements are also satisfied.
- The reporting of these variance to ADWR is also required, by ADWR.
- Clarification that the FEMA Elevation Certificate is still required to certify the actual floor elevation, and the size and location of the flood vents used for wet floodproofing.

**Addition/Change to Section 7.1 Flood Limits Shown on Subdivision Plats.**

One-hundred year flood limits delineated as part of subdivision plats, are only treated as regulatory floodplains (i.e., regulated by this Ordinance) if the drainage area is over 640 acres (1 square mile).

**Addition/Deletion/Change to Section 7.4 Determination of Regulatory Flood Elevations A.**

(This section is for floodplains not on the FEMA maps, such as floodplains adopted as part of subdivision plats, or floodplains determined by flood studies adopted by the Board, but not published on FEMA's maps). This deletes a sentence that does not apply, and adds an option for a non-engineered determination of the flood depth under certain conditions, consistent with the changes proposed in Section 5.2

**Addition to Section 7.7 Administrative Floodways E.**

A section is added to clarify that waste disposal systems ARE allowed in floodways that are NOT on the FEMA maps. That situation is not regulated by ARS 49-3609.C.

**Addition of Index.**

Conclusion:

Much of the amendment addresses ADWR's concerns with regards to FEMA's regulations. Parts of the amendment help facilitate a better understanding of the Ordinance and helps to clarify floodplain responsibilities.

Recommendation:

The Deputy Public Works Director and Floodplain Administrator will commence with the re-advertisement of the Notice of Public Hearing for the final adoption of the amended Ordinance upon the Board of Supervisor's review of the proposed changes.

Suggested Motion:

N/A

List of Attachments:

Gila County Floodplain Management Ordinance with proposed changes in red/blue, as presented to the Board of Supervisors on July 6, 2010.