



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 1/21/2025

*\*= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

Hearing – Code Text Amendment of Pima County Code Chapter 16.36

**\*Introduction/Background:**

Chapter 16.36 of the County Code prohibits the issuance of building permits for subdivisions and commercial development before the District approves as-built certifications for completed drainage and grading improvements. The Pima County Regional Flood Control District proposes a code text amendment to allow the approval of building permits in subdivisions and commercial development prior to the completion of drainage and grading improvements.

**\*Discussion:**

The District recognizes that in limited circumstances partially completed, or roughed-in, drainage and grading infrastructure mitigates adverse impacts. The proposed code text amendment will authorize the District to accept, review, and, at its discretion, approve a rough grading statement sealed by Arizona-registered civil engineer verifying that the current state of drainage and grading infrastructure construction is adequate to mitigate flood and erosion hazards to adjacent and downstream properties resulting from the development project.

**\*Conclusion:**

The amendments to Chapter 16.36 will authorize the District to approve a rough grading statement in lieu of as-built certifications prior to the issuance of the building permits. The changes will ease the regulatory burden on property owners without diminishing the District's floodplain management authority.

**\*Recommendation:**

District staff and the Flood Control District Advisory Committee recommend approval of the amendments.

**\*Fiscal Impact:**

None

**\*Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Pima County Regional Flood Control District

Telephone: 520-724-4600

Contact: Eric Shepp, P.E. Director and Chief Engineer

Telephone: 520-724-4610

Department Director Signature: \_\_\_\_\_

Date: 1/6/2025

Deputy County Administrator Signature: \_\_\_\_\_

Date: 1/7/2025

County Administrator Signature: \_\_\_\_\_

Date: 1/8/2025

**ORDINANCE 2025 – FC \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT AMENDING THE FLOODPLAIN MANAGEMENT ORDINANCE CHAPTER 16.36 (SUBDIVISIONS AND DEVELOPMENT) TO ALLOW THE ISSUANCE OF BUILDING PERMITS IN SUBDIVISIONS AND COMMERCIAL DEVELOPMENT PRIOR TO THE COMPLETION OF DRAINAGE AND GRADING IMPROVEMENTS AND TO ALLOW THE DISTRICT TO APPROVE ROUGH GRADING STATEMENTS.**

THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT, ARIZONA FINDS THAT:

1. Section 16.36.030(D) of the Floodplain Management Ordinance of the Pima County Code prohibits the issuance of building permits in subdivisions and commercial development until the District approves the as-built certifications for all “drainage and grading improvements that are required to mitigate adverse impacts to adjacent and downstream property due to the proposed development have been constructed.” This prohibition requires that the improvements be fully constructed before issuance of a building permit;
2. The District recognizes that in limited circumstances partially completed or roughed-in drainage and grading infrastructure is adequate to mitigate adverse impacts to adjacent property owners.
3. To reduce the regulatory burden on property owners, this ordinance will allow the issuance of building permits where property owners provide a rough grading statement sealed by an Arizona registered civil engineer verifying that the current state of infrastructure construction is adequate to mitigate flood and erosion hazards to adjacent and downstream properties resulting from that specific number of lots;
4. This ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell, or possess private real property.

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT AS FOLLOWS:**

**SECTION 1.** Pima County Code Chapter 16.36 is amended as follows:

**Chapter 16.36  
SUBDIVISIONS AND DEVELOPMENT**

...

16.36.010 Applicability.

...

- B. All subdivision plats, development plans and associated building plans and improvement plans are subject to the regulatory floodplain requirements in Chapter 16.26 and the design requirements for regulatory floodplains as specified under A.R.S. Section 48-3609 and this ~~title~~chapter.

16.36.020 Plan information.

All tentative plats and development plans submitted to the county shall show location, by survey or photographic methods, of streams, watercourses, canals, irrigation laterals, private ditches, culverts, lakes and other water features, including those areas subject to flooding or erosion, or that contain regulated riparian habitat. The plats/plans shall also include the direction of any flow and drainage area, as well as water-surface elevations and the limits of inundation for the base flood, if such a flood has a peak flow rate equal to or greater than 100 cfs, or is a FEMA Special Flood Hazard Area or Shaded Zone X ~~regulatory discharge with applicable FEMA information depicted on the adopted NFIP maps.~~

16.36.030 Grading, storm water and drainage improvement.

- A. All tentative plats and development plans shall show proposed grading and improvements for areas that are subject to flooding, ~~or which have drainage problems, and~~ The tentative plat and development plan shall also show a description and location of all improvements facilities proposed to adequately convey drainage away from structures and alleviate flooding or drainage problems within or outside the boundaries of the subdivision or development.
- B. All tentative plats and development plans ~~and tentative plats~~ shall be accompanied by conceptual grading plans and conceptual drainage improvement plans, as needed, to demonstrate:
1. The methods for ~~flood proofing and/or~~ drainage control for the development, including sufficient lot grading information to demonstrate adequate finished pad elevations, ~~and/or~~ drainage slopes, and paths to guide water away from structures and protect building foundations including all structures within the regulatory floodplain zones A, AE, AO, AH and Shaded X;
  2. That improvements are compatible with the existing upstream and downstream drainage conditions and that any proposed grading ~~and/or~~ grade change will not have an adverse impact on surrounding properties. For development that is proposed in phases, the plans shall identify which infrastructure is needed to mitigate the adverse impacts for each phase of development;
  3. When development is proposed to encroach into a regulatory floodplain or is completely surrounded by floodwaters, maximum encroachment limits shall be shown;
  4. The methods of erosion and sediment control during construction and post construction; and
  5. The methods of mitigating increased urban peak and volumetric storm~~flood~~ water runoff or discharge on downstream properties created as a result of the development.

- C. District review and approval are ~~A floodplain use permit is required prior to commencement of any site improvements or grading associated with a subdivision development as a whole or for individual lot(s) within the subdivision. A grading plan must be submitted to the District for review and approval. Detailed improvement plans for storm drains or channel improvements must also be submitted to the District same department for review and approval. Where a grading plan or detailed drainage improvement plans are not provided, the Chief Engineer may require additional information and engineering plans prior to issuing a floodplain use permit. Certifications of elevation shall be required pursuant to 16.20.070, until the LOMR is approved by FEMA.~~
- D. Prior to the issuance of any building permits, except for model home permits and any permits necessary to build the drainage infrastructure, as-built plans shall be submitted to and approved by the District demonstrating that d~~Drainage and grading improvements that are required to mitigate off-site adverse impacts to adjacent and downstream property due to of the proposed development have been shall be constructed, and as-built plans prepared and submitted to the district. The as-built plans require the district's approval prior to the issuance of any building permits, except for model home permits and any permits necessary to build the drainage infrastructure. Prior to the completion of all of the drainage and grading improvements, the District may allow, at its discretion, the issuance of building permits for a specific number of lots when provided with a rough grading statement, sealed by an Arizona registered civil engineer, verifying that the current state of infrastructure construction is adequate to mitigate flood and erosion hazards to adjacent and downstream properties resulting from that specific number of lots.~~
- E. Prior to the final release of assurances for subdivisions, and prior to the issuance of the certificate of occupancy for development plans, as-built plans shall be submitted to and approved by the District demonstrating that d~~Drainage and grading improvements that are required to mitigate flood and erosion hazards that impact the development have been constructed on-site impacts shall be constructed, and as-built plans prepared and submitted to the district. The as-built plans require the district's approval prior to the final release of assurances for subdivisions, and prior to the issuance of the certificate of occupancy for development plans. The as-built and certification may be completed in phases at the discretion of the District.~~
- F. ~~All on-site and off-site~~ grading and construction shall comply with the federal Clean Water Act including providing construction and post-construction controls for storm water quality.
- G. Public utilities located within the proposed development shall be located and constructed so that the flood damage and erosion hazard potential is minimized.

...

**SECTION 2.** This Ordinance is effective 30 days from the date of adoption of this Ordinance.

**PASSED AND ADOPTED** by the Board of Directors, Pima County, Arizona, on January 21, 2025.

ATTEST:

\_\_\_\_\_  
Chair  
Pima County Board of Directors

A handwritten signature in blue ink, appearing to be 'ES', written over a horizontal line.

\_\_\_\_\_  
Eric Shepp, Director and Chief Engineer  
Pima County Flood Control District

\_\_\_\_\_  
Melissa Manriquez, Clerk of the Board

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to be 'Bobby Yu', written over a horizontal line.

\_\_\_\_\_  
Bobby Yu, Deputy County Attorney

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