



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 6/17/2025

*= 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 Chapters 16.04, 16.08, 16.12, 16.16, 16.20, 16.34, 16.44, and 16.56

***Introduction/Background:**

The Pima County Regional Flood Control District proposes amendments to sections of the Floodplain Management Ordinance in response to a recent review of the ordinance by the Arizona Department of Water Resources (ADWR).

***Discussion:**

ADWR is the coordinating agency for the National Flood Insurance Program (NFIP) for the State of Arizona and routinely performs a Community Assistance Visit (CAV) for local jurisdictions that participate in the NFIP. In November and December of 2024, ADWR completed a CAV for Pima County. During the CAV, ADWR identified "minor deficiencies" in Pima County's Floodplain Management Ordinance. The proposed amendments resolve these minor deficiencies. The amendments will correct typos, eliminate defined terms that are not used, and simplify the text to align with state requirements and the District's current operations. The amendments will not create new regulations or change the District's policies or procedures.

***Conclusion:**

The amendments to the Floodplain Management Ordinance will resolve "minor deficiencies" identified by ADWR during the CAV.

***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: 5/21/25

Deputy County Administrator Signature: _____

Date: 6/3/2025

County Administrator Signature: _____

Date: 6-4-2025



Date: May 20, 2025

To: The Honorable Chair and Members
Pima County Flood Control District Board of
Directors

From: Eric Shepp, PE
Director and Chief Engineer

Re: Proposed Amendments to the Floodplain Management Ordinance for the Board of Directors Meeting on June 17, 2025

The Pima County Regional Flood Control District (District) has scheduled a hearing at the June 17, 2025 meeting of the Board of Supervisors, sitting as the Board of Directors, to consider amendments to the Floodplain Management Ordinance (Ordinance). The proposed amendments will address “minor deficiencies” that the Arizona Department of Water Resources (ADWR) identified during a recent Community Assistance Visit (CAV) for Pima County.

Arizona Revised Statute Section 48-3608(A) designates ADWR “as the state coordinator of the National Flood Insurance Program (NFIP) to assist local jurisdictions in complying with requirements of such programs and state law.” As the coordinating agency and under contract with the Federal Emergency Management Agency (FEMA), ADWR conducts a CAV, which is a comprehensive assessment of the floodplain management program for each community that participates in the NFIP. The CAV includes a review of the community’s floodplain management regulations to assess whether the community’s current regulations are compliant with minimum federal and state requirements. After the CAV, ADWR completes a written Community Assistance Visit Report (CAV Report) that documents its findings and assessment of the community’s floodplain management program.

ADWR completed a CAV for Pima County on November 13, 2024 and December 5, 2024 and completed the CAV Report on January 27, 2025. In the cover letter for the CAV Report, ADWR recognizes that “Pima County has demonstrated throughout this CAV a thorough understanding of NFIP and [State] requirements. This includes but is not limited to knowledgeable staff, adopted Technical Policies and Procedures, permitting, record keeping and flood map maintenance.” The CAV Report notes only minor deficiencies in the Ordinance. FEMA defines minor deficiencies as “need to be corrected but do not impede the community’s ability to enforce the NFIP floodplain management provisions.”

The District has reviewed the CAV Report with ADWR and proposes amendments to the Ordinance that will resolve these minor deficiencies. The proposed amendments are summarized as follows:

- The amendments to the following sections will correct typos where references are incorrect, redundant, or where an acronym is appropriate:
16.04.020 (Authority); 16.08.390 (Hardship); 16.12.010 (Exemptions from Title 16 Regulations); 16.12.020 (Review of Plans – Uses Authorized Without Permit); 16.20.020 (Permit – Information Requirements); 16.34.010 (Permit Requirements and Exemptions); 16.44.030 (Access Requirements – Property Owner Duties); 16.56.020 (Variances); 16.56.040 (Issuance of Variances – Required Findings).

Eric Shepp, P.E., Director

- The amendments to the following sections will delete terms because the terms are not used in the Ordinance or are no longer used in the NFIP or state requirements:
16.08.010 (Application of Definitions and General Usage); 16.08.270 (Flood Insurance Study); 16.08.130 (Critical or Balanced Drainage Basin Management Plan); 16.08.140 (Cumulative Substantial Damage); 16.08.200 (Dry Well); 16.08.730 (Waiver by the Chief Engineer); 16.08.750 (Watercourse Master Plan); 16.16.020 (Studies and Maps Adopted by Reference); 16.16.030 (Areas Subject to Revision)
- The amendments to the following sections will simplifying language consistent with state requirements and the District's current operations:
16.08.480 (Market Value); 16.08.670 (Structure); 16.08.690 (Substantial Improvement); 16.12.050 (Improvements to Nonconforming Uses); 16.20.015(Floodplain Use Permit – Exemptions).

Prior to placing the proposed amendments on the Board agenda, the District sought feedback from the community. On March 19, 2025, the Flood Control District Advisory Council voted unanimously to recommend the Board approve the proposed amendments. The District presented the proposed amendments to the Southern Arizona Home Builders Association (SAHBA) and its members on April 15, 2025 and the Metropolitan Pima Alliance and its members on April 22, 2025. The District posted notice of the hearing in the Daily Territorial on May 2, 2025. And the proposed amendments have been posted on the District's public website since April 30, 2025. The District has not received any comments on the proposed amendments.

The District recommends that Board of the Directors approve the proposed Ordinance Amendments.

c: Jan Leshner, County Administrator
Carmin DeBonis, Jr., Deputy County Administrator

ORDINANCE 2025 – FC_____

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT AMENDING THE FLOODPLAIN MANAGEMENT ORDINANCE CHAPTER 16.04 (GENERAL PROVISIONS) SECTION 16.04.020 (AUTHORITY), CHAPTER 16.08 (DEFINITIONS) SECTIONS 16.08.010 (APPLICATION OF DEFINITIONS AND GENERAL USAGE), 16.08.270 (FLOOD INSURANCE STUDY), 16.08.390 (HARDSHIP), 16.08.480 (MARKET VALUE), 16.08.670 (STRUCTURE), 16.08.690 (SUBSTANTIAL IMPROVEMENT), CHAPTER 16.12 (EXEMPTIONS AND NONCONFORMING USES) SECTIONS 16.12.010 (EXEMPTIONS FROM TITLE 16 REGULATIONS), 16.12.020 (REVIEW OF PLANS – USES AUTHORIZED WITHOUT PERMIT), 16.12.050 (IMPROVEMENTS TO NONCONFORMING USES), CHAPTER 16.16 (FLOODPLAIN MAPS AND BOUNDARIES) SECTIONS 16.16.020 (STUDIES AND MAPS ADOPTED BY REFERENCE), 16.16.030 (AREAS SUBJECT TO REVISION), CHAPTER 16.20 (USE PERMITS – GENERAL PROVISIONS) SECTIONS 16.20.015 (FLOODPLAIN USE PERMIT – EXEMPTIONS), 16.20.020 (PERMIT – INFORMATION REQUIREMENTS), CHAPTER 16.34 (MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND SUBDIVISIONS) SECTION 16.34.010 (PERMIT REQUIREMENTS AND EXEMPTIONS), CHAPTER 16.44 (VEHICULAR ACCESS) SECTION 16.44.030 (ACCESS REQUIREMENTS – PROPERTY OWNER DUTIES), CHAPTER 16.56 (APPEALS AND VARIANCES) SECTIONS 16.56.020 (VARIANCES), 16.56.040 (ISSUANCE OF VARIANCES – REQUIRED FINDINGS) AND TO REPEAL SECTIONS 16.08.130 (CRITICAL OR BALANCED DRAINAGE BASIN MANAGEMENT PLAN), 16.08.140 (CUMULATIVE SUBSTANTIAL DAMAGE), 16.08.200 (DRY WELL), 16.08.730 (WAIVER BY THE CHIEF ENGINEER), 16.08.750 (WATERCOURSE MASTER PLAN) TO CORRECT MINOR DEFICIENCIES IDENTIFIED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES.

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

1. Arizona Revised Statute Section 48-3608(A) designates the Arizona Department of Water Resources (“ADWR”) “as the state coordinator of the National Flood Insurance Program [(“NFIP”)] to assist local jurisdictions in complying with the requirements of such programs and state law.” As the state coordinator, ADWR conducts a Community Assistance Visit (“CAV”), which is a comprehensive assessment of the floodplain management program of each community in Arizona that participates in the NFIP;
2. The Pima County Flood Control District (“District”) participates in the NFIP and ADWR conducted a CAV for the District on November 13, 2024 and December 5, 2024;
3. In a report dated January 27, 2025, ADWR documented its findings during the CAV and completed an evaluation of the District’s floodplain management program;

4. During the CAV, ADWR found “minor deficiencies” in the Floodplain Management Ordinance in Title 16 of the Pima County Code. These deficiencies include typos, incorrect citations, defined terms that are not used in the ordinance, and language not consistent with state requirements.
5. Amendments to the Floodplain Management Ordinance are necessary to resolve the minor deficiencies that ADWR identified during the CAV.
6. 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.

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

SECTION 1. Pima County Floodplain Ordinance Chapter 16.04 (General Provisions), Section 16.04.020 (Authority) of the Pima County Code is amended as follows:

**CHAPTER 16.04
GENERAL PROVISIONS**

...

16.04.020 Authority

A. The state of Arizona has delegated the responsibility to each county flood control district to adopt floodplain regulations designed to promote the public health, safety and general welfare of its citizenry as provided under the Arizona Revised Statutes, Title 48, Chapter 21, Article 1, Sections 48-3601 through 3628. More specifically, A.R.S. 48-3609 directs county flood control districts to adopt floodplain regulations that:...

...

SECTION 2. Pima County Floodplain Ordinance Chapter 16.08 (Definitions), Sections 16.08.010 (Application of definitions and general usage), 16.08.130 (Critical or balanced drainage basin management plan), 16.08.140 (Cumulative substantial damage), 16.08.200 (Dry well), 16.08.270 (Flood insurance study), 16.08.390 (Hardship), 16.08.480 (Market value), 16.08.670 (Structure), 16.08.690 (Substantial improvement), 16.08.730 (Waiver by the chief engineer), and 16.08.750 (Watercourse master plan) of the Pima County Code are amended and subsequent subsections are renumbered accordingly as follows:

**CHAPTER 16.08
DEFINITIONS**

...

16.08.010 Application of definitions and general usage.

The following definitions and general usage shall apply to words and phrases used in Title 16 of this code.

...

D. When parts of the National Flood Insurance Program are adopted or referenced, the following terms shall be used:...

...

4. Community...

...

16.08.130 Cumulative substantial improvement...

...

16.08.180 Dwelling unit...

...

16.08.240 Flood insurance study.

"Flood insurance study" means an engineering study conducted through FEMA to identify certain flood hazard areas in an engineering study. For Pima County, the flood insurance study is a report entitled, "The Flood Insurance Study for the Unincorporated Areas of Pima County, Arizona," dated February 15, 1983, with accompanying FIRMs. This flood insurance study includes its accompanying maps along with all subsequent amendments by the federal government to the flood insurance study.

...

16.08.360 Hardship.

Hardship means, for the purposes of approving variances of regulation under the NFIP, the exceptional hardship which would result from a failure to grant the requested variance. The Board 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 disabilities, 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.

...

16.08.450 Market value.

"Market value" means the replacement cost of a structure less depreciation since construction.

...

16.08.640 Structure.

"Structure" means any walled and roofed building that is principally above ground, where walled is considered two or more outside rigid walls and roofed is a fully secured roof. The

term includes a gas or liquid storage tank or a manufactured home. The terms “structure” and “building” are used interchangeably in the NFIP regulations and this title.

...

16.08.660 Substantial improvement.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement as determined by:

A. The latest assessment rolls of the county assessor before the improvement or repair is started;

B. The market value as determined by a report prepared by an Arizona state-certified appraiser.

...

16.08.710 Watershed...

...

SECTION 3. Pima County Floodplain Ordinance Chapter 16.12 (Exemptions and Nonconforming Uses), Sections 16.12.010 (Exemptions from Title 16 regulations), 16.12.020 (Review of plans – Uses authorized without permit), and 16.12.050 (Improvements to nonconforming uses) of the Pima County Code are amended and subsequent subsections are renumbered accordingly as follows:

CHAPTER 16.12 EXEMPTIONS AND NONCONFORMING USES

16.12.010 Exemptions from Title 16 regulations.

As specified in A.R.S. Section 48-3609(I), the provisions of this title shall not affect or prohibit:...

...

16.12.020 Review of plans—Uses authorized without permit.

As specified in A.R.S. Section 48-3613(B), before construction of the following, plans are to be presented to the Board for review and comment; however, the following shall not be prohibited and shall not require a floodplain use permit or other written authorization from the Board. Prior to construction, the following may be subject to conditions under the NFIP and the Federal Clean Water Act, sections 401 and 404:...

...

16.12.050 Improvements to nonconforming uses.

A. Repairs, reconstruction, or improvements to existing nonconforming uses may only be permitted provided that:

1. The cumulative cost of improvements, repairs, or reconstruction is less than fifty percent of the value of the original structure as determined by:

a. The latest assessment rolls of the county assessor before the improvement or repair is started, or

b. The market value as determined by a report prepared by an Arizona state-certified appraiser.

...

SECTION 4. Pima County Floodplain Ordinance Chapter 16.16 (Floodplain Maps and Boundaries), Sections 16.16.020 (Studies and maps adopted by reference) and 16.16.030 (Areas subject to revisions) of the Pima County Code are amended as follows:

Chapter 16.16 FLOODPLAIN MAPS AND BOUNDARIES

...

16.16.020 Studies and maps adopted by reference.

A. The federal government through the NFIP has identified certain flood hazard areas in an engineering report entitled, "The Flood Insurance Study for the Unincorporated Areas of Pima County, Arizona," dated February 15, 1983, with accompanying FIRMs and flood boundary and floodway maps. This flood insurance study includes its accompanying maps along with all subsequent amendments and revisions by the federal government to the flood insurance study, including all new flood insurance studies and FIRMs adopted under the NFIP for the unincorporated areas and incorporated cities within the County, all of which are hereby incorporated by reference and declared to be a part of this title.

...

16.16.030 Areas subject to revision.

...

A. The regulatory floodplains and floodways for the Santa Cruz River, Canada del Oro Wash, Tanque Verde Creek, Agua Caliente Wash, Pantano Wash, San Pedro River, Rincon Creek, Cienega Creek, Lee Moore Wash, Brawley Wash, Black Wash, Rillito Creek, and all other major watercourses, shall be based upon FIRMs or, where such maps are not available, the best available technical data and floodplain maps, as prepared by the District or by an Arizona registered civil engineer, and approved by the Chief Engineer. As flood repair and flood control improvements are constructed, the Chief Engineer will prepare revised floodplain maps for the purpose of regulation.

SECTION 4. Pima County Floodplain Ordinance Chapter 16.20 (Use Permits - General Provisions), Sections 16.20.015 (Floodplain use permit – Exemptions), and 16.20.020 (Permit – Information requirements) of the Pima County Code are amended as follows:

Chapter 16.20 USE PERMITS—GENERAL PROVISIONS

Floodplain Management Ordinance Amendment
Chapters 16.04, 16.08, 16.12, 16.16, 16.20, 16.34,
16.44, & 16.56

...

16.20.015 Floodplain use permit—Exemptions.

A. A floodplain use permit shall not be required for any structure that is less than two hundred square feet provided that the improvements:...

...

16.20.020 Permit—Information requirements.

...

D. The Chief Engineer shall review the proposed development to verify that the applicant has requested permits from any other governmental agencies which are required by federal or state law to review or approve the proposed development.

...

SECTION 5. Pima County Floodplain Ordinance Chapter 16.34 (Manufactured Homes and Manufactured Home Parks and Subdivisions), Section 16.34.010 (Permit requirements and exemptions) of the Pima County Code is amended as follows:

Chapter 16.34

MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND SUBDIVISIONS

16.34.010 Permit requirements and exemptions.

A. From the effective date of this ordinance codified in this title, it shall be unlawful to place a manufactured home, install utility improvements to place a manufactured home, or make substantial improvements to existing manufactured homes within a regulatory floodplain, as described in Chapters 16.08, 16.24 and 16.26 of this title, or within erosion hazard areas, as described in Chapter 16.28 of this title, for more than one hundred eighty consecutive days without first applying for and obtaining a floodplain use permit from the Chief Engineer, and thereafter complying with state statutes and regulations for manufactured homes.

...

SECTION 6. Pima County Floodplain Ordinance Chapter 16.44 (Vehicular Access), Section 16.44.030 (Access requirements – Property owner duties) of the Pima County Code is amended as follows:

Chapter 16.44

VEHICULAR ACCESS

...

16.44.030 Access requirements—Property owner duties.

...

B. Execute and record a covenant, running with the land and enforceable by the County and the District, which contains the following:

...

3. A provision which either:

a. Requires the covenantor, successors and assigns to erect and maintain a sign(s) in a location(s) and size(s) acceptable to the County and the District stating "DO NOT ENTER WHEN FLOODED," or...

...

SECTION 7. Pima County Floodplain Ordinance Chapter 16.56 (Appeals and Variances), Sections 16.56.020 (Variances) and 16.56.040 (Issuance of variances – Required findings) of the Pima County Code are amended as follows:

Chapter 16.56 APPEALS AND VARIANCES

...

16.56.020 Variances.

A. Variances within adopted special flood hazard areas as designated by FEMA shall conform to the variance requirements of the NFIP as provided within 44 CFR 60.6.

...

16.56.040 Issuance of variances—Required findings.

...

F. Variances within special flood hazard areas as designated by FEMA shall conform to the variance requirements of the NFIP as provided within 44 CFR 60.6.

...

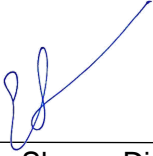
SECTION 8. This Ordinance is effective 30 days after the date of adoption.

PASSED AND ADOPTED by the Board of Directors, Pima County, Arizona, on June 17, 2025.

ATTEST:

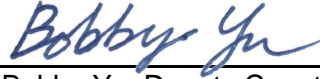
Rex Scott, Chairman
Pima County Board of Directors

Melissa Manriquez, Clerk of the Board



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

APPROVED AS TO FORM:



Bobby Yu, Deputy County Attorney

ORDINANCE 2025 – FC_____

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE PIMA COUNTY FLOOD CONTROL DISTRICT AMENDING THE FLOODPLAIN MANAGEMENT ORDINANCE CHAPTER 16.04 (GENERAL PROVISIONS) SECTION 16.04.020 (AUTHORITY), CHAPTER 16.08 (DEFINITIONS) SECTIONS 16.08.010 (APPLICATION OF DEFINITIONS AND GENERAL USAGE), 16.08.270 (FLOOD INSURANCE STUDY), 16.08.390 (HARDSHIP), 16.08.480 (MARKET VALUE), 16.08.670 (STRUCTURE), 16.08.690 (SUBSTANTIAL IMPROVEMENT), CHAPTER 16.12 (EXEMPTIONS AND NONCONFORMING USES) SECTIONS 16.12.010 (EXEMPTIONS FROM TITLE 16 REGULATIONS), 16.12.020 (REVIEW OF PLANS – USES AUTHORIZED WITHOUT PERMIT), 16.12.050 (IMPROVEMENTS TO NONCONFORMING USES), CHAPTER 16.16 (FLOODPLAIN MAPS AND BOUNDARIES) SECTIONS 16.16.020 (STUDIES AND MAPS ADOPTED BY REFERENCE), 16.16.030 (AREAS SUBJECT TO REVISION), CHAPTER 16.20 (USE PERMITS – GENERAL PROVISIONS) SECTIONS 16.20.015 (FLOODPLAIN USE PERMIT – EXEMPTIONS), 16.20.020 (PERMIT – INFORMATION REQUIREMENTS), CHAPTER 16.34 (MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND SUBDIVISIONS) SECTION 16.34.010 (PERMIT REQUIREMENTS AND EXEMPTIONS), CHAPTER 16.44 (VEHICULAR ACCESS) SECTION 16.44.030 (ACCESS REQUIREMENTS – PROPERTY OWNER DUTIES), CHAPTER 16.56 (APPEALS AND VARIANCES) SECTIONS 16.56.020 (VARIANCES), 16.56.040 (ISSUANCE OF VARIANCES – REQUIRED FINDINGS) AND TO REPEAL SECTIONS 16.08.130 (CRITICAL OR BALANCED DRAINAGE BASIN MANAGEMENT PLAN), 16.08.140 (CUMULATIVE SUBSTANTIAL DAMAGE), 16.08.200 (DRY WELL), 16.08.730 (WAIVER BY THE CHIEF ENGINEER), 16.08.750 (WATERCOURSE MASTER PLAN) TO CORRECT MINOR DEFICIENCIES IDENTIFIED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES.

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

1. Arizona Revised Statute Section 48-3608(A) designates the Arizona Department of Water Resources (“ADWR”) “as the state coordinator of the National Flood Insurance Program [(“NFIP”)] to assist local jurisdictions in complying with the requirements of such programs and state law.” As the state coordinator, ADWR conducts a Community Assistance Visit (“CAV”), which is a comprehensive assessment of the floodplain management program of each community in Arizona that participates in the NFIP;
2. The Pima County Flood Control District (“District”) participates in the NFIP and ADWR conducted a CAV for the District on November 13, 2024 and December 5, 2024;
3. In a report dated January 27, 2025, ADWR documented its findings during the CAV and completed an evaluation of the District’s floodplain management program;

4. During the CAV, ADWR found “minor deficiencies” in the Floodplain Management Ordinance in Title 16 of the Pima County Code. These deficiencies include typos, incorrect citations, defined terms that are not used in the ordinance, and language not consistent with state requirements.
5. Amendments to the Floodplain Management Ordinance are necessary to resolve the minor deficiencies that ADWR identified during the CAV.
6. 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.

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

SECTION 1. Pima County Floodplain Ordinance Chapter 16.04 (General Provisions), Section 16.04.020 (Authority) of the Pima County Code is amended as follows:

**CHAPTER 16.04
GENERAL PROVISIONS**

...

16.04.020 Authority

A. The state of Arizona has delegated the responsibility to each county flood control district to adopt floodplain regulations designed to promote the public health, safety and general welfare of its citizenry as provided under the Arizona Revised Statutes, Title 48, Chapter 21, Article 1, Sections 48-3601 through 362829. More specifically, A.R.S. 48-3609 directs county flood control districts to adopt floodplain regulations that:...

...

SECTION 2. Pima County Floodplain Ordinance Chapter 16.08 (Definitions), Sections 16.08.010 (Application of definitions and general usage), 16.08.130 (Critical or balanced drainage basin management plan), 16.08.140 (Cumulative substantial damage), 16.08.200 (Dry well), 16.08.270 (Flood insurance study), 16.08.390 (Hardship), 16.08.480 (Market value), 16.08.670 (Structure), 16.08.690 (Substantial improvement), 16.08.730 (Waiver by the chief engineer), and 16.08.750 (Watercourse master plan) of the Pima County Code are amended and subsequent subsections are renumbered accordingly as follows:

**CHAPTER 16.08
DEFINITIONS**

...

16.08.010 Application of definitions and general usage.

The following definitions and general usage shall apply to words and phrases used in Title 16 of this code.

...

D. When parts of the National ~~Federal~~ Flood Insurance Program are adopted or referenced, the following terms shall be used:...

...

~~4. "FBFM" means Flood Boundary and Floodway Map as adopted by FEMA to delineate areas of special flood hazards including floodways.~~

~~5. "FHBM" means Flood Hazard Boundary Map as adopted by FEMA for areas of flood hazards.~~

46. Community...

...

~~16.08.130 Critical or balanced drainage basin management plan.~~

~~"Critical or balanced drainage basin management plan" means a site-specific plan for a balanced or critical basin or watershed which has been prepared for and approved by Pima County, and provides a conceptual plan for orderly development of flood control, floodplain management, and associated erosion hazard control measures that may be necessary as a result of urbanization within the basin or watershed.~~

~~16.08.140 Cumulative substantial damage.~~

~~"Cumulative substantial damage" means the total cost of all repairs to a structure that has incurred repetitive loss or damage in order to determine the applicability of the substantial improvement provisions of this title. When the total cost of all repairs to the repetitive loss structure equals or exceeds the fifty percent substantial improvement threshold, the structure must be brought into compliance.~~

16.08.1350 Cumulative substantial improvement...

...

~~16.08.200 Dry well.~~

~~"Dry well" means a deep hole covered and designed in such a manner so as to hold storm water runoff until it infiltrates into the ground.~~

16.08.2180 Dwelling unit...

...

16.08.2470 Flood insurance study.

"Flood insurance study" means an engineering study conducted through FEMA to identify certain flood hazard areas in an engineering study. For Pima County, the flood insurance study is a report entitled, "The Flood Insurance Study for the Unincorporated Areas of Pima County, Arizona," dated February 15, 1983, with accompanying FIRMs ~~and flood boundary and floodway maps~~. This flood insurance study includes its accompanying maps along with all subsequent amendments by the federal government to the flood insurance study.

...

16.08.3690 Hardship.

Hardship means, for the purposes of approving variances of regulation under the NFIP, the exceptional hardship which would result from a failure to grant the requested variance. The Board 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 disabilities, 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.

...

16.08.4580 Market value.

"Market value" means the replacement cost of a structure less depreciation since construction ~~determination of the estimated cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that 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.~~

...

16.08.6470 Structure.

"Structure" means any walled and roofed building that is principally above ground, where walled is considered two or more outside rigid walls and roofed is a fully secured roof.; ~~this~~ The term includes a gas or liquid storage tank or a manufactured home. The terms "structure" and "building" are used interchangeably in the NFIP regulations and this title. Habitable structures are those structures intended for human occupation, whether utilized on a full or part-time basis, as defined under County Code, Title 15, Building Codes. For purposes of this title, a private drainage improvement is considered a structure.

...

16.08.6690 Substantial improvement.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement as determined by:

A. The latest assessment rolls of the county assessor before the improvement or repair is started;

~~B. The market value as determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that 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 Arizona state-certified appraiser and supported by a written explanation of the differences.~~

...

~~16.08.730 Waiver by the chief engineer.~~

~~—"Waiver by the chief engineer" means to modify or substitute one technical requirements or standard for another where provisions in this title allow the chief engineer to exercise technical judgment in establishing permit requirements, for example, waiving erosion setback requirements based on geotechnical evidence.~~

...

~~16.08.750 Watercourse master plan.~~

~~—"Watercourse master plan" means a master plan adopted by the District Board that provides uniform, but separate, rules for watercourses where a higher level of protection is warranted for public safety or to preserve the integrity of the watercourse, as provided for in A.R.S. Section 48-3609-01.~~

~~16.08.7160 Watershed...~~

...

SECTION 3. Pima County Floodplain Ordinance Chapter 16.12 (Exemptions and Nonconforming Uses), Sections 16.12.010 (Exemptions from Title 16 regulations), 16.12.020 (Review of plans – Uses authorized without permit), and 16.12.050 (Improvements to nonconforming uses) of the Pima County Code are amended and subsequent subsections are renumbered accordingly as follows:

CHAPTER 16.12 EXEMPTIONS AND NONCONFORMING USES

16.12.010 Exemptions from Title 16 regulations.

As specified in A.R.S. Section 48-3609(l), the provisions of this title shall not affect or prohibit:...

...

16.12.020 Review of plans—Uses authorized without permit.

As specified in A.R.S. Section 48-3613(B), before construction of the following, plans are to be presented to the Board for review and comment; however, the following shall not be prohibited and shall not require a floodplain use permit or other written authorization from the Board. Prior to construction, the following may be subject to conditions under the NFIP and the Federal Clean Water Act, sections 401 and 404:...

...

16.12.050 Improvements to nonconforming uses.

A. Repairs, reconstruction, or improvements to existing nonconforming uses may only be permitted provided that:

1. The cumulative cost of improvements, repairs, or reconstruction is less than fifty percent of the value of the original structure as determined by:

a. The latest assessment rolls of the county assessor before the improvement or repair is started, or

b. ~~The market value as determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that 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 Arizona state-certified appraiser and supported by a written explanation of the differences.~~

...

SECTION 4. Pima County Floodplain Ordinance Chapter 16.16 (Floodplain Maps and Boundaries), Sections 16.16.020 (Studies and maps adopted by reference) and 16.16.030 (Areas subject to revisions) of the Pima County Code are amended as follows:

Chapter 16.16 FLOODPLAIN MAPS AND BOUNDARIES

...

16.16.020 Studies and maps adopted by reference.

A. The federal government through the NFIP has identified certain flood hazard areas in an engineering report entitled, "The Flood Insurance Study for the Unincorporated Areas of Pima County, Arizona," dated February 15, 1983, with accompanying FIRMs and flood boundary and floodway maps. This flood insurance study includes its accompanying maps along with all

subsequent amendments and revisions by the federal government to the flood insurance study, including all new flood insurance studies; and FIRMs, ~~and flood hazard boundary maps~~ adopted under the NFIP for the unincorporated areas and incorporated cities within the County, all of which are hereby incorporated by reference and declared to be a part of this title.

...

16.16.030 Areas subject to revision.

...

A. The regulatory floodplains and floodways for the Santa Cruz River, Canada del Oro Wash, Tanque Verde Creek, Agua Caliente Wash, Pantano Wash, San Pedro River, Rincon Creek, Cienega Creek, Lee Moore Wash, Brawley Wash, Black Wash, Rillito Creek, and all other major watercourses, shall be based upon FIRMs~~flood insurance study flood hazard boundary maps~~ or, where such maps are not available, the best available technical data and floodplain maps, as prepared by the District or by an Arizona registered civil engineer, and approved by the Chief Engineer. As flood repair and flood control improvements are constructed, the Chief Engineer will prepare revised floodplain maps for the purpose of regulation.

SECTION 4. Pima County Floodplain Ordinance Chapter 16.20 (Use Permits - General Provisions), Sections 16.20.015 (Floodplain use permit – Exemptions), and 16.20.020 (Permit – Information requirements) of the Pima County Code are amended as follows:

Chapter 16.20 USE PERMITS—GENERAL PROVISIONS

...

16.20.015 Floodplain use permit—Exemptions.

A. A floodplain use permit shall not be required for any structure that is less than two hundred square feet, ~~or for the repair or alteration of an existing structure for which the value of the materials and labor thereon does not exceed seven thousand five hundred dollars~~ provided that the improvements:...

~~C. For the purpose of determining the value of any such repairs or alterations, the normal retail value of materials and the reasonable value of the labor performed shall be used. Repairs or alterations shall not be done in a piecemeal fashion for the purpose of avoiding applying for a permit when the total cost of said work is in excess of seven thousand five hundred dollars.~~

16.20.020 Permit—Information requirements.

...

D. The Chief Engineer shall review the proposed development to verify that the applicant has requested permits from any other governmental agencies which are required by federal or state law to review or approve the proposed development ~~including any permits required by the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1134.~~

...

SECTION 5. Pima County Floodplain Ordinance Chapter 16.34 (Manufactured Homes and Manufactured Home Parks and Subdivisions), Section 16.34.010 (Permit requirements and exemptions) of the Pima County Code is amended as follows:

Chapter 16.34

MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND SUBDIVISIONS

16.34.010 Permit requirements and exemptions.

A. From the effective date of this ordinance codified in this title, it shall be unlawful to place a manufactured home, install utility improvements to place a manufactured home, or make substantial improvements to existing manufactured homes within a regulatory floodplain, as described in Chapters 16.08, 16.24 and 16.26 of this title, or within erosion hazard areas, as described in Chapter 16.28 of this title, for more than one hundred eighty consecutive days without first applying for and obtaining a floodplain use permit from the Cehief Engineer, and thereafter complying with state statutes and regulations for manufactured homes ~~each and every written term of the permit, as well as with state regulations for manufactured homes as established by the Office of Manufactured Housing under A. R. S. Title 41, Chapter 16, Article 2.~~

...

SECTION 6. Pima County Floodplain Ordinance Chapter 16.44 (Vehicular Access), Section 16.44.030 (Access requirements – Property owner duties) of the Pima County Code is amended as follows:

Chapter 16.44

VEHICULAR ACCESS

...

16.44.030 Access requirements—Property owner duties.

...

B. Execute and record a covenant, running with the land and enforceable by the County and the District, which contains the following:

...

3. A provision which either:

a. Requires the covenantor, successors and assigns to erect and maintain a sign(s) in a location(s) and size(s) acceptable to the County and the District stating "DO NOT ENTER WHEN FLOODED," or...

...

SECTION 7. Pima County Floodplain Ordinance Chapter 16.56 (Appeals and Variances), Sections 16.56.020 (Variances) and 16.56.040 (Issuance of variances – Required findings) of the Pima County Code are amended as follows:

**Chapter 16.56
APPEALS AND VARIANCES**

...

16.56.020 Variances.

A. Variances within adopted special flood hazard areas as designated by FEMA shall conform to the variance requirements of the NFIP ~~Federal Flood Insurance Program~~ as provided within 44 CFR 60.6.

...

16.56.040 Issuance of variances—Required findings.

...

F. Variances within special flood hazard areas as designated by FEMA shall conform to the variance requirements of the NFIP ~~Federal Flood Insurance Program~~ as provided within 44 CFR, 60.6.

...

SECTION 8. This Ordinance is effective 30 days after the date of adoption.

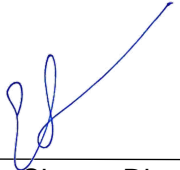
PASSED AND ADOPTED by the Board of Directors, Pima County, Arizona, on June 17, 2025.

ATTEST:

Rex Scott, Chairman
Pima County Board of Directors

Melissa Manriquez, Clerk of the Board

APPROVED AS TO FORM:



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



Bobby Yu, Deputy County Attorney