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*Floodplain + Erosion Hazard
Management Ordinance
for Pima County*

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FLOODPLAIN AND **EROSION HAZARD** MANAGEMENT ORDINANCE NO. 1994-FC2

FOR PIMA COUNTY, ARIZONA

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS

SITTING AS THE BOARD OF DIRECTORS OF THE

PIMA COUNTY FLOOD CONTROL DISTRICT

AUGUST 19, 1994



DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL DISTRICT

201 N. STONE AVENUE
TUCSON, ARIZONA 85701

ANTONIO C. PAEZ

DIRECTOR AND COUNTY ENGINEER

*Ordinance No. 1988-FC2, as amended by Ordinance No. 1994-FC2

Setback: The minimum horizontal distance between a structure and a watercourse. On each side of a watercourse, the setback is measured from the top edge of the highest channel bank or edge of the base flood water-surface elevation, whichever is closer to the channel centerline.

Sheet Flooding: Those areas which are subject to flooding with depths of one-half foot or greater during the base flood where a clearly defined channel does not exist and the path of the flooding is often unpredictable and indeterminate.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to some foundation having a location on the ground.

Variance: 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: The failure of a structure or other development to be fully compliant with this ordinance.

Watercourse: Any lake, river, stream, creek, wash, arroyo, or other body of water or channel having banks and bed through which waters flow at least periodically.

Watershed: The drainage area above a point on a watercourse.

ARTICLE V

STATUTORY EXEMPTIONS: NON-CONFORMING USES

- A. As specified in Arizona Revised Statute (A.R.S. §48-3609, the provisions of this Ordinance shall not affect or prohibit:
1. Existing legal uses of property or the right to continuation of such legal use. However, if a non-conforming use of land, or a building or structure is discontinued for twelve consecutive months or destroyed to the extent of fifty percent of its value, as determined by a competent appraiser, any further use shall comply with this Ordinance.

- b. The pilings shall be placed in stable soil no more than ten feet apart, and
- c. Structures designed or utilized for human habitation, whether full or part-time, shall only be permitted where the product of the flow depth d , in feet, times the square of the flow velocity v , in feet per second, of the surrounding floodwaters of the base flood does not exceed the numerical value of eighteen ($dv^2 \leq 18$) for a period in excess of thirty minutes, and the surrounding floodwaters of the base flood do not exceed three feet in depth.

D. Certification

Certification that the installation of a manufactured home meets all of the requirements of this section is required. Such certification shall be provided by the person installing the manufactured home, the owner, the developer of the manufactured home park or subdivision, or an agency regulating manufactured home placement, whichever is deemed appropriate by the County Engineer. Certification of elevations listed on the Floodplain Use Permit shall be prepared by an Arizona Registered Land Surveyor and provided to the County Engineer prior to habitation of the structure.

ARTICLE XII

SUBDIVISION AND DEVELOPMENT REQUIREMENTS

A. Suitability of Land

Land may not be parceled or subdivided in such a manner as to create lots unsuitable for development because of flood or erosion hazards.

B. Delineation on Plats and Development Plans of Areas Subject to Flooding and Erosion

1. All tentative plats and development plans submitted 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. 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.
2. All tentative plats and development plans shall show proposed grading and improvements for areas which are subject to flooding or which have drainage problems, and shall also show a description and location of all facilities proposed to alleviate flooding or drainage problems within or outside the boundaries of the subdivision or development.
3. All development plans and tentative plats must be accompanied by conceptual grading plans and conceptual drainage improvement plans as necessary to demonstrate:
 - a. 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 to protect building foundations.
 - b. 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 property.
 - c. The methods of erosion and sediment control.
 - d. The methods of mitigating increased urban peak and volumetric flood water runoff or discharge on downstream properties created as a result of the development.

4. Prior to commencement of any site improvements or grading, a grading plan must be submitted to the Pima County Department of Transportation and Flood Control District for review and approval. Detailed improvement plans for storm drains or channel improvements must also be submitted to the same Department for review and approval.
5. All final plats and development plans shall indicate the limits of the regulatory floodplains, erosion hazard boundaries and the limits of the federally established regulatory floodplains and floodways (if applicable), and be delineated in a surveyable manner and certified by an Arizona Registered Land Surveyor.
6. All final plats shall indicate both the drainage areas and their respective base flood peak discharges, with a note contained on the final plat that the drainage areas and base flood peak discharges are provided by the owner only for information purposes.
7. The District shall advise any city or town which has assumed jurisdiction over its regulatory floodplains in accordance with Arizona Revised Statute 48-3610 in writing and provide a copy of any development plan or any application which has been filed with the County for a Floodplain Use Permit or variance to develop land in a regulatory floodplain or floodway within one mile of the boundary between the District's area of jurisdiction of that city or town. The District shall also advise any city or town in writing and provide a copy of any development plan of any major development proposed within a regulatory floodplain or floodway which could affect floodprone areas or watercourses within that city's or town's area of jurisdiction. Written notice of a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three working days after having been received by the District.

C. Street Elevations

Streets required for paved permanent access shall be designed and constructed so that the flow depths over them do not exceed one foot in depth during the base flood. At least one paved permanent access shall be provided to each lot

over terrain which can be traversed by conventional motor vehicles in times of flooding. In specific instances at drainage crossings where it can be demonstrated that this requirement is either impractical, based upon low hazard to life and property, or where construction of a drainage crossing may create problems which override the corresponding benefits; this requirement may be waived by the County Engineer. Fill may be used for streets in areas subject to flooding provided such fill does not unduly increase flood heights. The developers may be required to provide profiles and elevations of streets for areas subject to flooding.

D. Building Sites

Land which contains areas within a regulatory floodplain or erosion hazard area shall not be platted for residential occupancy or building sites unless each lot contains a building site, either natural or man-made, which is not subject to flooding or erosion by the base flood.

1. It is preferred that building sites be located outside of the regulatory floodplain.
2. In regulatory floodplain areas where fill is to be used to raise the elevation of the building site, the building shall be located not less than twenty-five feet landward from any edge of the fill unless a study/analysis prepared by an Arizona Registered Professional Civil Engineer demonstrates a lesser distance is acceptable. No fill shall be placed in any regulatory floodplain or floodway, nor shall any fill be placed where it diverts, retards or obstructs the flow of water to such an extent that it creates a danger or hazard to life or property.
3. Any dwelling unit built within a regulatory floodplain shall be constructed so as to place the minimum floor elevation of the dwelling unit at or above the regulatory flood elevation.

E. Setbacks from Channels

Along reaches of watercourses where hazards from eroding banks or channel meandering are considered by the County Engineer to be severe, special engineering studies prepared by an Arizona Registered Professional Civil Engineer shall be required of the property owner or developer and requirements for setbacks from banks of watercourses and/or other protection measures shall be established in accordance with those approved studies. Also see Article XIII of this Ordinance.

F. Rights-of-Way for Drainage

Whenever a subdivision plat or development plan contains a watercourse which is regulated by this Ordinance, all right-of-way associated with the watercourse shall be designated "Drainageway".

1. If the watercourse is an improved major watercourse, the Drainageway shall include the channel, the channel improvements, and a fifty foot wide area measured outward from the front face of the top of the bank protection for Pima County or for Pima County Flood Control District uses.
2. If the watercourse is an improved minor watercourse, the Drainageway shall include the channel, the channel improvements, and necessary maintenance access.
3. If the watercourse is to remain natural, the Drainageway shall be the boundaries of the regulatory floodplain.
4. Along major watercourses where the peak discharge during the base flood is 10,000 cubic feet per second or greater, the Drainageway shall be dedicated in fee simple to the Pima County Flood Control District
5. Along other watercourses, the County Engineer shall determine whether it is necessary for Pima County or the Pima County Flood Control District to have control of the Drainageway. If the County Engineer determines that public control is necessary, the owner shall dedicate the Drainageway in fee simple or grant an easement.

G. Detention/Retention Systems

(See Article XV of this Ordinance)

H. Fees and Public Cost Recovery for Drainage or Flood Control Improvements

The Floodplain Management Board may establish a cost recovery system or fee system for the improvement or installation of public flood control systems. The purpose of the fee is to provide a method for off-site improvements necessary to mitigate the effect of urbanization and to provide a systematic approach for the construction of public flood control improvements. If such a system is adopted it shall demonstrate that the fee will in some manner benefit the property from which the fee is collected and be applied equitably to all property in proportion to floodwaters generated by urban use of the property. The fees will also be restricted to providing flood control improvements necessary for the allowed use of the properties from which the fee is collected, and the fees shall be reasonably related to the actual cost of providing flood control improvements beneficial to the site or surrounding area. The fees will be reviewed by the Flood Control District Advisory Committee prior to action by the Board of Directors of the Pima County Flood Control District.

ARTICLE XIII

EROSION HAZARD AREAS AND BUILDING SETBACK REQUIREMENTS

In erosion hazard areas where watercourses are subject to flow related erosion hazards, building setbacks are required as follows:

A. Major Watercourses

For major watercourses, with base flood peak discharges of 2,000 cfs or greater, the following building setbacks shall be required where approved bank protection is not provided:

1. Along the following major natural watercourses where no unusual conditions exist, a minimum building setback, as indicated below, shall be provided at the time of the development unless an engineering analysis which establishes safe limits is performed by an Arizona Registered Professional Civil Engineer and is approved by the County Engineer. Unusual conditions include, but are not

limited to, historical meandering of the watercourse, large excavation pits, poorly defined or poorly consolidated banks, natural channel armoring, proximity to stabilized structures such as bridges or rock outcrops, and changes in the direction, amount and velocity of the flow of waters within the watercourse.

- a. The building setback shall be five-hundred feet along the Santa Cruz River, Rillito Creek, Pantano Wash, Tanque Verde Creek and the Canada del Oro Wash downstream of the confluence with Sutherland Wash.
- b. The building setback shall be two-hundred and fifty feet along major watercourses with base flood peak discharges greater than 10,000 cfs.
- c. The building setback shall be one-hundred feet along all other major watercourses with base flood peak discharges of 10,000 cfs or less, but more than 2,000 cfs.

2. Along major watercourses where unusual conditions do exist, building setbacks shall be established on a case-by-case basis by the County Engineer, unless an engineering study which establishes safe limits is performed by an Arizona Registered Professional Civil Engineer and is approved by the County Engineer. When determining building setback requirements the County Engineer shall consider danger to life and property due to existing flood heights or velocities and historical channel meandering. Unusual conditions include, but are not limited to, historical meandering of the watercourse, large excavation pits, poorly defined or poorly consolidated banks, natural channel armoring, proximity to stabilized structures such as bridges or rock outcrops, and changes in the direction, amount, and velocity of the flow of waters within the watercourse.

B. Minor Washes

For minor washes with a base flood peak discharge of 2,000 cfs or less, the following building setbacks shall be required where approved bank protection is not provided.

1. Along minor watercourses where no unusual conditions exist, a minimum setback of fifty feet shall be provided at the time of development unless an engineering analysis which establishes safe limits is performed by an Arizona Registered Professional Civil Engineer and is approved by the County Engineer. Unusual conditions include, but are not limited to, historical meandering of the watercourse, large excavation pits, poorly defined or poorly consolidated banks, natural channel armoring, proximity to stabilized structures such as bridges or rock outcrops, and changes in the direction, amount, and velocity of flow of the waters in the watercourse.

2. Along minor washes where unusual conditions do exist, building setbacks shall be established on a case-by-case basis by the County Engineer, unless an engineering study which establishes safe limits is performed by an Arizona Registered Professional Civil Engineer and approved by the County Engineer. When determining building setback requirements, the County Engineer shall consider danger to life and property due to existing flood heights or velocities and historical channel meandering.

ARTICLE XIV

ACCESS REQUIREMENTS

A. Purpose

It is recognized that private vehicular access may become impassable to ordinary and emergency vehicles during times of flooding. It is the intent of this Article to allocate the responsibility for private vehicular access which crosses a regulatory floodplain.

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6 FLOODPLAIN AND EROSION HAZARD MANAGEMENT ORDINANCE NO. 1994-FC__

7
8 FOR PIMA COUNTY, ARIZONA

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10 PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS

11
12 SITTING AS THE BOARD OF DIRECTORS OF THE

13
14 PIMA COUNTY FLOOD CONTROL DISTRICT

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19 JULY 19, 1994

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22 EFFECTIVE AUGUST 19, 1994

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35 DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL DISTRICT

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38 201 N. STONE AVENUE

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40 TUCSON, ARIZONA 85701

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42
43 JOHN M. BERNAL

44
45 DIRECTOR AND COUNTY ENGINEER

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47
48 *Ordinance No. 1988-FC2, as amended by Ordinance No. 1994-FC__

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ARTICLE X

WATERCOURSE AND RIPARIAN HABITAT PROTECTION AND MITIGATION REQUIREMENTS

A. Purpose.

The purpose of this Article is to enhance wildlife and recreation values where appropriate by preserving riparian vegetation along watercourses and floodplains and:

1. Protect the valuable, limited and endangered natural riparian habitat resources of Pima County;
2. Provide an ecologically sound transition between riparian habitat communities and developed areas;
3. Assure the continuation of existing or natural functions, values and benefits provided by riparian habitat resources;
4. Promote an economic benefit to Pima County by providing the aesthetic, recreation and wildlife values of riparian habitat for the enjoyment of residents and visitors; and
5. Promote natural erosion control.
6. Promote continuity of xeroriparian habitat.

B. Description

For purposes of this Article, Riparian habitat is defined as plant communities occurring in association with any spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water, either surface or subsurface, or channel having banks and bed through which waters flow at least periodically. These habitats are generally characterized or distinguished by a difference in plant species composition or an increase in the size and/or density of vegetation as compared to upland areas. These communities represent a continuum of plant species' response to available moisture and can be subdivided into hydroriparian, mesoriparian, and xeroriparian.

1. **Hydroriparian.** Riparian habitats generally associated with perennial watercourses. Plant communities are dominated by obligate or preferential wetland plant species such as willow and cottonwood. The Cottonwood/Willow Forest is a typical example of this habitat type.
2. **Mesoriparian.** Riparian habitats generally associated with perennial or intermittent watercourses or shallow ground water. Plant communities may be dominated by species that are also found in drier habitats (*e.g. mesquite*) but contain some preferential riparian plant species such as ash or netleaf hackberry. The mesquite bosque and sycamore-ash association are examples of this community type.

1 3. Xeroriparian. Riparian habitats generally associated with an ephemeral water supply.
2 These communities typically contain plant species also found in upland habitats, however,
3 these plants are typically larger and/or occur at higher densities than adjacent uplands.
4 Xeroriparian habitat is further divided into 4 sub-classes based on total vegetative volume
5 (TVV):
6

7 a. Xeroriparian A: TVV greater than 0.850 cubic meters per square meter (m^3/m^2).
8

9 b. Xeroriparian B: TVV less than or equal to $0.850 m^3/m^2$ and greater than 0.675
10 m^3/m^2 .
11

12 c. Xeroriparian C: TVV less than or equal to $0.675 m^3/m^2$ and greater than 0.500
13 m^3/m^2 .
14

15 d. Xeroriparian D: TVV less than or equal to $0.500 m^3/m^2$.
16

17
18 C. Application of this Article
19

20 This Article shall apply whenever a development plan or subdivision plat, which contains
21 riparian habitat as delineated on riparian habitat maps adopted by the Floodplain
22 Management Board, is submitted for development review. This Article shall apply to Pima
23 County and parties acting on behalf of Pima County. This Article shall not apply to individual
24 building permits issued under zoning existing as of the effective date of this Article or lot
25 splits which are not subject to subdivision regulation. All requirements of this chapter shall
26 apply to Hydroriparian, Mesoriparian and Xeroriparian classes A, B, and C. Xeroriparian
27 Class D habitat shall not be included in the riparian habitat areas which, when altered, will
28 trigger mitigation plan requirements under section E of this Article. At the option of the
29 property owner, Xeroriparian Class D habitat may be included in the preserved area for the
30 purpose of relying on flexible development standards identified in Chapter 18.070.080 of the
31 Pima County Code.
32

33
34 D. Permits
35

36 1. As part of the Floodplain Use Permit process for property subject to provisions of this
37 Article, the proposed development will be reviewed for impacts to existing riparian habitat.
38 A Floodplain Use Permit shall be required:
39

40 a. when a total of one acre or 10%, whichever is less, of the riparian area of a subject
41 property is to be altered; or
42

43 b. when, in order to avoid such alteration of the riparian habitat area on the subject
44 property, a modification of development standards under Chapter 18.07.080 of the Pima
45 County Zoning Code is necessary.
46

47 2. Submittals: permit applications shall include:
48

49 a. A map delineating riparian habitat boundaries and the areas where riparian
50 habitat will be altered;
51

52 b. A description of the vegetation that will be altered;

1 c. Evidence that the impact on vegetation will be minimized and that no reasonably
2 practicable alternative to the impact exists;

3
4 d. Such additional supporting information as the District determines necessary to
5 carry out review under this Article.
6

7 3. Permit conditions: Conditions may be placed on the permit that, to the extent reasonably
8 practicable, require preservation of or mitigate the impact on riparian habitat. If mitigation
9 is required, compliance with an approved mitigation plan shall be made a condition of the
10 permit.
11

12
13 E. Mitigation
14

15 1. Mitigation plan: If an applicant demonstrates to the satisfaction of the District that
16 alteration of riparian habitat areas exclusive of Xeroriparian D cannot reasonably be avoided,
17 a mitigation plan shall be submitted for approval by the District.
18

19 2. Mitigation plan requirement: The mitigation plan shall delineate all mitigation measures
20 to be taken by the owner and shall include a schedule of completion. The mitigation plan
21 shall be consistent with any riparian habitat mitigation standards adopted by the Floodplain
22 Management Board, and shall be prepared in accordance with best available scientific or
23 management practices. Mitigation may be incorporated into measures taken to satisfy other
24 requirements of the District. Where appropriate, the mitigation plan shall at a minimum
25 provide for:
26

27 a. Construction methods that identify and protect riparian habitat that is to be left
28 unaltered;
29

30 b. Selective clearing or other habitat manipulation;
31

32 c. Replacement of affected vegetation with appropriate plant species in ratios
33 which will result in simulation of the prealteration vegetation within five years;
34

35 d. Irrigation with passive water harvesting where possible, or installation and
36 maintenance of irrigation methods, until plantings are established;
37

38 e. Periodic monitoring of mitigation features;
39

40 f. Maintenance and replacement of damaged plantings.
41

42 3. Mitigation banking. At the request of the property owner and with District Board
43 approval, the mitigation plan requirement under this Article may be waived by contributing
44 funds to an account established and administered by the District solely for the purpose of
45 purchasing high value riparian habitat which shall include hydroriparian, mesoriparian, and
46 xeroriparian class A.
47

48 F. Review Process
49

50 Review: The application and any proposed mitigation plan shall be evaluated by their
51 effectiveness in:
52

- 1 1. Avoiding the impact;
2
3 2. Minimizing the impact;
4
5 3. Rectifying the impact;
6
7 4. Reducing or eliminating the impact over time;
8
9 5. Compensating for the impact.

10
11
12 G. Variances and Appeals

13
14 (See Articles XVII and XVIII of this Ordinance.)
15

16
17 SECTION 2. All ordinances and parts of ordinances in conflict with with this Ordinance are
18 hereby repealed to the extent of the conflict.
19

20 SECTION 3. This Ordinance shall become effective 31 days after its adoption.
21

22
23 PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this _____
24 day of _____, 1994.
25

26
27
28
29
30
31 _____
32 Chairman, Board of Supervisors

33 ATTEST:
34

35
36 _____
37 Clerk of the Board of Supervisors
38

39
40 APPROVED AS TO FORM:
41

42
43 Chintini L. Costa - 7-6-94
44 Deputy County Attorney
45

46
47 John W. Bernal
48 Director, Department of
Transportation and Flood
Control District