

**ARIZONA
FLOODPLAIN MANAGEMENT
INFORMATION SERIES**



**PERMITS FOR
CONSTRUCTION
AND
DEVELOPMENT**

Bulletin No. 1

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INTRODUCTION

To participate in the National Flood Insurance Program (NFIP), communities must enact a code or ordinance which, at a minimum, meets the floodplain management requirements established by the Federal Emergency Management Agency (FEMA). This means that a participating community must regulate all new construction and substantial improvements and development within those areas of the community identified by FEMA before any construction or development takes place. This also ensures that the community has the opportunity to review all proposed activities for compliance with any applicable floodplain management regulations.

While it may sound rather simple and straightforward, it is not always an easy matter to distinguish between those activities which require a permit and those which do not. The following information is provided to help individuals and communities become more confident in making this determination. However, because permit requirements may vary between communities within Arizona, you should always check with state and local authorities before proceeding with any activity in a floodplain. Bulletin #4 in this series will help you determine if a site is located in a floodplain.

THE MEANING OF CONSTRUCTION AND DEVELOPMENT

Most communities are familiar with the term "construction." Local building codes and ordinances are designed to regulate the erection, alteration, repair, renovation, demolition or removal of any building or structure. However, the term "development" may be unfamiliar to many communities. Rather broad in scope, it is defined by FEMA as:

Development: Any manmade 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.

Therefore, in addition to buildings and other structures, the term also applies to most land development activities, such as the grading and paving of roads and the installation of water and sewer service and related facilities; site preparation activities, such as the placement of fill and excavation work including the installation of on-lot sewage systems; and, mining operations for the extraction of natural resources, such as sand and gravel, limestone gas and oil, coal and other minerals. It also covers the clearing of water obstructions and the dredging of stream channels. Some communities in Arizona also include the storage of equipment or materials in the definition of development.

PERMIT EXEMPTIONS

If the definition of "development" were taken literally, permits could be required for just about everything imaginable, from putting in a mail box to planting a tree. However, the intent of the NFIP regulations and of local floodplain management ordinances, in general, is to reduce future flood damages. Therefore, certain activities are declared exempt.

In Arizona, in accordance with ARS 48-3609, "nothing [in the NFIP regulations or local floodplain management ordinances] shall affect:

- a. Existing legal uses of property or the right to continuation of such legal uses. However, if a nonconforming use ...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 [require a permit];
- b. Reasonable repair or alteration of property for the purpose for which the property was legally used on August 3, 1973; except that any alteration, addition, or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty percent or more shall be either flood-proofed or elevated to or above the regulatory flood elevation."

In addition, in accordance with ARS 48-3613, "[Permits] shall not be required, nor shall [the following activities be prohibited], except that before any construction ...begins, ...construction plans [shall be submitted] to the [local] floodplain administrator for review and comment:

- a. Construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse.
- b. Dams for the conservation of flood waters as permitted by Title 45, Chapter 3 and construction of storage dams for watering livestock or wildlife and structures on the banks of a watercourse to prevent erosion of, or damage to, adjoining land so long as the structure will not divert, retard or obstruct the natural channel of the watercourse.
- c. Construction of tailing dams and waste disposal areas used in connection with mining and metallurgical operations. This ... does not exempt those sand and gravel operations which may divert, retard or obstruct the flow of water in any floodplain from ...[obtaining permits].
- d. 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.
- e. Construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility ...

"In addition to [these] exemptions, any other use or development [may be] determined by the Floodplain Administrator to be exempt if the applicant ...satisfies the Floodplain Administrator that such use is not prohibited by any other regulation, code or ordinance, and has a low flood damage potential, will not cause a change in watercourse mechanics including, but not limited to obstruction, diversion or other changes detrimental to the natural flow of water, and will not cause a hazard to life or property.

"Before any [exempted] construction ...may begin, ...construction [plans shall be submitted] to the Floodplain Administrator for review and comment and to determine whether any of the exemptions set forth [above] are applicable."

Granting exemption should not be taken lightly, however, as Arizona statutes specifically state that:

"These exemptions do not relieve any person from liability if that person's actions cause flood damage to any other person or property."

JUDGEMENT AND DISCRETION

While some distinctions can be made concerning different types of construction and development and the need for permits, it would be difficult to identify and classify every possible situation.

There will be instances where the local permit officer will have to use discretion in deciding whether or not a permit is required. Basically, permits are required if an activity can affect flooding conditions or can be damaged by flooding. This will primarily be determined by three factors: type, location, and magnitude of the activity. The different types of construction and development have already been discussed. As for location, the chances of any activity affecting flood heights is much greater in the floodway than in the other areas of the floodplain. As such, it may be necessary to require permits for activities in the floodway which would not ordinarily require a permit if located within other portions of the floodplain.

In situations where there is some question as to whether or not a permit is required, it will be the magnitude or size and extent of the proposed activity which will most likely be the deciding factor. The larger the activity, the greater the potential for flood damage and for affecting flooding conditions. Small scale activities such as planting a tree or installing a mail box are insignificant compared to constructing flood protection dikes or to changing existing ground contours through grading.

Another factor is the local ordinance. Communities may require permits for all activities regardless of size. Others may exempt activities under a certain cost. The permit officer should be familiar with any ordinance provisions which limit or otherwise establish minimum criteria for requiring

permits. A final factor is federal permit requirements. Some activities in the floodway require approval from the Army Corps of Engineers under Section 404 of the Clean Water Act.

The purpose of the permit system is to promote safe development of the floodplain and to give communities an opportunity to review construction and development proposals for compliance with local floodplain management regulations. If there remains a question, it is usually better for all parties involved to err on the side of caution and to require a permit. This would include any amount of fill, fencing, retaining walls, or any other development activities which may obstruct flood flows.

GETTING THE WORD OUT

While most individuals understand the need for permits, some people simply are not aware that they need a permit. Resolving compliance problems after a structure or project is underway or completed is costly and time consuming. Periodic efforts to inform the community of the need for permits can help cut down on the number of unauthorized activities. A common means of informing the general public of the need for floodplain use permits is to include a floodplain clearance section on all building or zoning permit applications. Some communities place articles or advertisement in local newspapers once or twice a year to inform the community of the existence of floodplain management regulations and the need for permits. Others include a notice with monthly water or sewage bills to get the information directly in the hands of property owners.

FOR FURTHER INFORMATION AND ASSISTANCE

For more information, contact the Arizona Department of Water Resources at the address printed on the back of this pamphlet, or call your local floodplain administrator at the number listed on the following pages.

CALL: (602) 542 - 1541

ARIZONA FLOODPLAIN INFORMATION LIST

COMMUNITY	COUNTY	DEPARTMENT	TELEPHONE
Apache County	Apache	Engineering	602-337-4364
Apache Junction	Pinal	Flood Admin.	602-982-8002
Avondale	Maricopa	City Admin.	602-932-2400
Benson	Cochise	Zoning	602-586-2003
Bisbee	Cochise	City Admin.	602-432-3312
Buckeye	Maricopa	Building	602-935-4532
Bullhead City	Mohave	City Admin.	602-763-9400
Camp Verde	Yavapai	Planning Dept.	602-367-6621
Carefree	Maricopa	Public Works	602-488-3686
Casa Grande	Pinal	Public Works	602-836-7413
Cave Creek	Maricopa	Town Manager	602-488-1400
Chandler	Maricopa	City Admin.	602-899-9711
Chino Valley	Yavapai	Town Admin.	602-636-2646
Clarkdale	Yavapai	Town Admin.	602-634-7733
Clifton	Greenlee	Town Admin.	602-865-5175
Cochise County	Cochise	Engineering	602-432-5471
Coconino County	Coconino	County Admin.	602-779-6716
Col. Rvr. Indian Tribes	-----	Building	602-669-9211
Colorado City	Mohave	Flood Admin.	602-875-2646
Coolidge	Pinal	Public Works	602-723-5361
Cottonwood	Yavapai	Town Admin.	602-634-5505
Douglas	Cochise	Town Admin.	602-364-7501
Duncan	Greenlee	Town Admin.	602-359-2791
Eagar	Apache	Public Works	602-333-4128
El Mirage	Maricopa	Town Admin.	602-972-8116
Eloy	Pinal	City Admin.	602-466-7352
Flagstaff	Coconino	Flood Admin.	602-779-7650
Florence	Pinal	Town Admin.	602-868-5889
Fredonia	Coconino	Town Admin.	602-643-7421
Gila Bend	Maricopa	Town Admin.	602-683-2255
Gila County	Gila	Engineering	602-425-3231
Gilbert	Maricopa	Town Admin.	602-892-0800
Glendale	Maricopa	Engineering	602-435-4152
Globe	Gila	City Admin.	602-425-7991
Goodyear	Maricopa	Town Admin.	602-932-3910
Graham County	Graham	County Admin.	602-428-0410
Greenlee County	Greenlee	Board of Sup.	602-865-4762
Guadalupe	Maricopa	Town Manager	602-730-3080
Hayden	Gila	Town Admin.	602-356-7801
Holbrook	Navajo	Planning	602-534-6225
Huachuca	Cochise	Town Admin.	602-456-1354
Jerome	Yavapai	Town Manager	602-634-7943
Kearney	Pinal	Town Admin.	602-363-5547
Kingman	Mohave	City Admin.	602-753-5561
La Paz County	La Paz	Planning	602-669-6138
Lake Havasu	Mohave	Planning	602-453-4148
Litch Field Park	Maricopa	Engineering	602-935-5033
Mammoth	Pinal	Public Works	602-487-2391
Marana	Pima	Planning	602-682-3401
Maricopa County	Maricopa	Flood Control	602-262-1501

ARIZONA FLOODPLAIN INFORMATION LIST

COMMUNITY	COUNTY	DEPARTMENT	TELEPHONE
Mesa	Maricopa	Engineering	602-644-2512
Miami	Gila	Town Admin.	602-473-2281
Mohave County	Mohave	Flood Admin.	602-757-0910
Navajo County	Navajo	Fiscal Coord.	602-524-6161
Nogales	Santa Cruz	Engineering	602-287-6571
Oro Valley	Pima	Town Admin.	602-797-9797
Page	Coconino	Manager	602-643-8861
Paradise Valley	Maricopa	Engineering	602-948-7411
Parker	La Paz	Town Admin.	602-669-9265
Patagonia	Santa Cruz	Town Admin.	602-394-2958
Payson	Gila	Engineering	602-474-5242
Peoria	Maricopa	City Admin.	602-878-5499
Phoenix	Maricopa	Flood Admin.	612-262-4960
Pima	Graham	Town Admin.	602-485-2611
Pima County	Pima	Flood Admin.	602-740-3490
Pinal County	Pinal	County Admin.	602-868-5801
Pinetop-Lakeside	Navajo	Planning	602-368-8883
Prescott	Yavapai	Planning	602-445-3500
Prescott Valley	Yavapai	Town Admin.	602-775-5512
Quartzsite	La Paz	Town Manager	602-927-4333
Safford	Graham	City Engineer	602-428-2762
San Luis	Yuma	Town Manager	602-627-8143
Santa Cruz County	Santa Cruz	Flood Admin.	602-281-4695
Scottsdale	Maricopa	Records	602-994-7652
Sedona	Yav./Coconino	Comm. Develop.	602-282-3113
Show Low	Navajo	Planning	602-537-5724
Sierra Vista	Cochise	Engineering	602-458-3315
Snowflake	Navajo	Town Admin.	602-627-8868
South Tucson	Pima	City Admin.	602-792-2424
Springerville	Apache	Town Admin.	602-333-2656
St. Johns	Apache	City Admin.	602-337-4517
Superior	Pinal	Town Admin.	602-689-5752
Surprise	Maricopa	Town Admin.	602-977-8369
Taylor	Navajo	Public Works	602-536-7366
Tempe	Maricopa	Engineering	602-731-8200
Thatcher	Graham	Town Admin.	602-428-2290
Tolleson	Maricopa	City Admin.	602-936-7111
Tombstone	Cochise	City Admin.	602-457-3562
Tucson	Pima	Flood Admin.	602-791-4251
Wickenburg	Maricopa	Flood Admin.	602-684-5451
Willcox	Cochise	Building	602-384-4271
Williams	Coconino	Building	602-635-4451
Winkleman	Gila	Town Admin.	602-356-7854
Winslow	Navajo	Engineering	602-289-2422
Yavapai County	Yavapai	Planning	602-771-3196
Youngtown	Maricopa	Town Admin.	602-933-8286
Yuma	Yuma	Planning	602-783-1271
Yuma County	Yuma	Public Works	602-726-5408



Arizona Department of Water Resources
Engineering Division
15 S. 15th Avenue
Phoenix, Arizona 85007
(602) 542-1541



Arizona Floodplain Management Association
c/o ADWR - Engineering Division
15 S. 15th Avenue
Phoenix, AZ 85007



Federal Emergency Management Agency
FEMA REGION IX
Building 105
Presidio of San Francisco
San Francisco, CA 94129
(415) 923-7179