

ADMINISTRATIVE REGULATION NO. 2011-01

Zoning and Development Code

ISSUED BY: Lisa E Cox
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6-30-2011
Date

Topic:

Flood Damage Prevention

§21.070.010(d) – Provisions for Flood Hazard Reduction

Background and Purpose:

The purpose of this Administrative Regulation is to interpret, clarify and implement the provisions of §21.070.010(d) of the Grand Junction Zoning and Development Code (“GJZDC” or “the Code” or “Code.”)

Chapter 21.07 establishes special regulations for the use and development of land. Section 21.07.010 of that Chapter concerns *Flood Damage Prevention*.

By the adoption of the 2010 GJZDC and this administrative regulation, the City has undertaken an effort to generally clarify the relationship between, Federal, State and local regulation pertaining to flood damage prevention and mitigation in the very specific circumstance of the occupancy of a road ready recreational vehicle for 180 days or less in a Flood Hazard Area. The City has heretofore attempted to define the means and methods by which certain uses may occur in the defined Flood Hazard Areas of the City as the same are defined by the Federal Emergency Management Agency (FEMA) and the Flood Insurance Rate Maps (FIRM) promulgated thereby. This regulation is consistent therewith.

Generally uses are restricted and in some cases prohibited in Flood Hazard Areas in order to protect human life and health, to minimize the expenditure of public funds to control floods and respond to rescue and relief efforts associated with flooding and to minimize the direct and indirect social and economic damage that may result from allowing improper or unsafe uses of land in areas prone to flooding or inundation.

Administrative Interpretation:

Section 21.07.010(d)(2)(v) *Recreational Vehicles* provides that:

Recreational Vehicles occupied, as a temporary dwelling in a special flood hazard area shall:

- (A) be on the site for fewer than 180 consecutive days; or
- (B) be fully licensed and ready for highway use; or
- (C) meet the permit requirements, elevation and anchoring requirements for resisting wind forces.

Recently an owner of property that is situated in a Flood Hazard Area was prosecuted for storage of a recreational vehicle and other personal property in violation of the Code. Through the course of the investigation and subsequent prosecution the owner asserted that he has, under (A) §21.07.010(d)(2)(v), the right to occupy his recreational vehicle on the property designated as a Flood Hazard Area so long as the vehicle is on the site for fewer than 180 consecutive days or that is fully licensed and ready for highway use.

The Director hereby determines that such provision, for the purposes of effectuating the Code and the protection of the general health, safety and welfare of the community, does provide a limited and specific exception to the requirement of a special flood hazard development permit in areas of special flood hazard, as delineated by the FIRM maps.

Although a specific and limited exception to the requirement of a special flood hazard development permit is found to exist, any person claiming to exercise or exercising the privilege conferred by the exception shall do so in a manner that does not create an undue hazard. An undue hazard is created if the recreational vehicle is occupied in the floodway and/or if it is affixed to the ground without proper mitigation of the flood hazard and/or substantial improvements (porch, patio, shed, lean-to, etc.) are constructed and/or attached to the recreational vehicle.

At no time may this Administrative Regulation be offered, asserted or claimed to permit construction, improvement or development in a special flood hazard area. Any construction, improvement or development other than as expressly provided by §21.07.010(d)(2)(v) may occur, if at all, only after City review and approval. The purpose of the City review shall be to determine whether the applicant has obtained all necessary permits, authorizations and approvals from each and every federal, state and/or local government agency (ies) that has jurisdiction and/or from which approval is required.

As a condition of exercising the permit exception, the user shall contain and properly dispose of any and all waste generated, produced or created by the use/user on site.

Any use in accordance with this Administrative Regulation shall be subject to the continuing jurisdiction and regulatory authority of any other agency, department, division or branch of federal, state and/or local government that has jurisdiction over the administration of the special flood hazard area and/or the disposal of waste.

Following adoption hereof the owner may present a copy of this Administrative regulation as substantiation of the Director's interpretation of the 2010 Code requirements.