



APPEAL OF THE FINAL DECISION AND ORDER OF CHIEF ENGINEER
MADE PURSUANT TO SECTION 16.64.070 OF THE
FLOODPLAIN AND EROSION HAZARD MANAGEMENT ORDINANCE



FORM TO BE COMPLETED BY APPELLANT (PLEASE PRINT CLEARLY):

DATE: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_ SECTION: \_\_\_\_\_ TAX CODE: \_\_\_\_\_

PROPERTY OWNER INFORMATION

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_

DAYTIME PHONE #:( ) \_\_\_\_\_ HOME [ ] WORK [ ] CELL [ ] ALTERNATE PHONE #:( ) \_\_\_\_\_ HOME [ ] WORK [ ] CELL [ ]

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

APPELLANT INFORMATION

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_

DAYTIME PHONE #:( ) \_\_\_\_\_ HOME [ ] WORK [ ] CELL [ ] ALTERNATE PHONE #:( ) \_\_\_\_\_ HOME [ ] WORK [ ] CELL [ ]

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

16.64.070

APPEAL OF THE FINAL DECISION AND ORDER OF CHIEF ENGINEER

A. The following hearing procedures apply to an appeal of a final decision and order of the chief engineer to the board of hearing review:

- 1. The violator may appeal the final decision and order of the chief engineer to the board of hearing review by providing a written request on forms approved by the district to the chief engineer and the clerk of the board within fifteen business days following receipt of the chief engineer's decision.
2. The written request may require technical evidence that disputes the findings of the chief engineer, and contains a concise explanation of all matters in dispute including any pertinent maps, drawings, data, or other information in support of the appeal petition. If required, the technical evidence must be prepared and sealed by an Arizona registered civil engineer, or for mitigation plans, by an Arizona registered landscape architect or other qualified professional.

PLEASE INDICATE FLOODPLAIN VIOLATION NUMBER, IF APPLICABLE:

PLEASE PROVIDE THE REASONS FOR YOUR APPEAL (attach additional sheets if needed):

PLEASE DESCRIBE THE SPECIFIC RELIEF OR ACTION YOU REQUEST (attach additional sheets if needed):

APPELLANT SIGNATURE:

WHEN COMPLETED PLEASE SEND TO:

PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT
CHIEF ENGINEER, C/O FLOODPLAIN MANAGEMENT DIVISION
201 N. STONE AVE., 9th FLOOR
TUCSON, ARIZONA 85701-1797

## 16.64.070

### Appeal of the Final Decision and Order of Chief Engineer

- A. The following hearing procedures apply to an appeal of a final decision and order of the chief engineer to the board of hearing review:
1. The violator may appeal the final decision and order of the chief engineer to the board of hearing review by providing a written request on forms approved by the District to the Chief Engineer and Clerk of the Board within 15 business days following receipt of the Chief Engineer's decision.
  2. The written request may require technical evidence that disputes the findings of the Chief Engineer, and contains a concise explanation of all matters in dispute including any pertinent maps, drawings, data or other information in support of the appeal petition. If required, the technical evidence must be prepared and sealed by an Arizona registered civil engineer, or for mitigation plans, by an Arizona registered landscape architect or other qualified professional.
  3. Incomplete petitions shall not be accepted.
    - a. The Chief Engineer shall notify the applicant within 5 working days of receipt whether or not the application is complete.
    - b. If the application is determined to be incomplete, the applicant shall submit additional materials and information as may be determined to be reasonably necessary by the Chief Engineer.
  4. The Chief Engineer shall prepare a final report and present the findings to the applicant and the Clerk of the Board within 15 days of receipt of the petition. The applicant shall have 30 calendar days to respond to the findings of the Chief Engineer. If the response includes new technical evidence, the Chief Engineer shall prepare a revised report, and present these findings to the applicant and the Clerk of the Board within 30 days of receipt of the new technical information.
  5. The board of hearing review meeting scheduled within 30 days after the Chief Engineer's final report. After the meeting has been scheduled, no new technical information can be submitted. The board of hearing review shall meet at such times as it considers necessary for the transaction of appeals of any final decisions and orders of the Chief Engineer.
  6. The board of hearing review's public hearing process shall include the following:
    - a. A mailed notification to all parties who received the final decision and order, as well as all other parties who attended the violation hearing at which the Chief Engineer took action,
    - b. An opportunity for property owners and residents that are impacted by the violation to make comments on the appeal, and
    - c. Review by the Chief Engineer of the appeal by the appellant, the final staff report, and the circumstances and testimony presented at the hearing when such hearings are held.
  7. The board of hearing review shall render its decision within 30 calendar days of the close of the hearing.
- B. If a person alleged to be in violation continues the violation after the Chief Engineer has issued a final decision and order or after the board of hearing review has completed its review, the Chief Engineer may apply for a temporary restraining order or preliminary or permanent injunction from the superior court in accordance with the rules of civil procedure.