AGENDA

TUSAYAN TOWN COUNCIL REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, April 6, 2016 at 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town council will hold a meeting open to the public on Wednesday, April 6, 2016 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

TOWN COUNCIL REGULAR MEETING AGENDA

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

2. **ROLL CALL** *One or two Council Members may attend by telephone*

MAYOR CRAIG SANDERSON
VICE MAYOR JOHN RUETER
COUNCILMEMBER AL MONTOYA
COUNCILMEMBER JOHN SCHOPPMANN
COUNCILMEMBER BECKY WIRTH

3. **CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**
Members of the public may address the Council on items not on the printed agenda. The Council may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.

Members of the audience who wish to speak to the Council on an item listed as Public Hearing should complete a Request to Speak Card and turn it into the Town Clerk. Speakers will be limited to three minutes each.

4. **CEREMONIAL AND/OR INFORMATIONAL MATTERS**
None

5. **CONSENT AGENDA**
Items on the consent agenda are routine in nature and will be acted on with one motion and one vote. Members of the council or staff may ask the mayor to remove any item from the consent agenda to be discussed and acted upon separately.

   A. **Minutes of the Town Council Meetings on March 23, 2016**

   B. **Accounts Payable Billings**

6. **WORK GROUP AND COMMITTEE REPORTS**

   A. **Update on the Sports Complex Work Group**

   B. **Update on the Planning and Zoning Commission**

   C. **Update on Affordable Housing**

   D. **Update on Broadband development**

7. **ACTION ITEMS**

   A. **Consideration, discussion, and possible approval of Resolution 2016-03 and Ordinance 2016-01 (Town of Tusayan Subdivision Code)**

   B. **Consideration, discussion, and possible approval of Flood Plain Administrator designation**

8. **DISCUSSION ITEMS**

   A. **Update of dirt relocation**

   B. **Housing authority guidelines update**

9. **TOWN MANAGER'S REPORT**

10. **FUTURE AGENDA ITEMS**

11. **COUNCIL MEMBERS' REPORTS**

12. **MAYOR'S REPORT**

13. **MOTION TO ADJOURN**

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this _____ day of April 2016, at _____ am / pm in accordance with the statement filed by the Tusayan Town Council.

_____

Signature of person posting the agenda

ITEM NO. 5A

TUSAYAN TOWN COUNCIL REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03
Wednesday, March 23, 2016 at 6:00pm
TUSAYAN TOWN HALL BUILDING
845 Mustang Drive, Tusayan Arizona

TOWN COUNCIL SUMMARIZED MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Sanderson called the meeting to order at 6:07pm and the Pledge of Allegiance was recited.

2. ROLL CALL

MAYOR CRAIG SANDERSON
VICE MAYOR JOHN RUETER
COUNCILOR AL MONTOYA - excused
COUNCILOR JOHN SCOPPMANN – via phone
COUNCILOR BECKY WIRTH

Also present were: Eric Duthie, Interim Town Manager
Melissa M. Drake, Town Clerk

3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

None

4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

None

5. CONSENT AGENDA

A. Minutes of the Town Council Workshop and Meeting on March 2, 2016

B. Accounts Payable Billings

Vice Mayor Rueter made a motion to approve the Consent Agenda. Councilor Wirth seconded the motion and it passed on unanimous vote.

6. WORKGROUP AND COMMITTEE REPORTS

A. Update on the Sports Complex Work Group

Manager Duthie showed some photos of the concrete work being done at the Sports Complex. He also stated that a plumber will be in town to work on the restroom facility later this week. He also stated that he plans to have a ribbon-cutting ceremony soon.

B. Update on the Planning and Zoning Commission

Manager Duthie stated that there will be a Planning and Zoning Commission on Monday, March 28th, where the Commission will appoint a Chair and review the revised Subdivision Regulations Draft. The meeting scheduled for earlier this month was postponed

C. Update on Affordable Housing

Will be discussed later in the meeting.

D. Update on Broadband development

The feasibility study has been completed and has been submitted to Commnet but is not yet available to us. He also stated that we continue to have vendors approach us on possibilities surrounding broadband access in town.

7. ACTION ITEMS

A. Consideration, discussion, and possible approval of joint Town of Tusayan / Grand Canyon School District letter notifying the US Forest Service of planned action at the Sports Complex

Manager Duthie stated that a copy of the letter is in the Agenda Packet and it was approved by the School Board on March 8, 2016. He then gave a brief summary of the project and the reasons for the letter related to moving an unpaved forest service access road on the property.

Vice Mayor Rueter made a motion to approve the joint letter to the US Forest Service. Councilor Wirth seconded the motion and it was approved on unanimous vote.

B. Consideration, discussion, and possible approval of Shuttle Bus Extension Agreement between the Town of Tusayan and the National Park Service

Manager Duthie stated that a copy of the agreement is in the Agenda Packet and it has been reviewed by the Town Attorney. Manager Duthie also gave a brief overview of the contents of the agreement which will extend shuttle service from the National Park to Tusayan and the Town of Tusayan will cover the costs which shall not exceed $75,000.

Councilor Wirth made a motion to approve the agreement to extend the shuttle bus service in 2016 on both ends of the season. Vice Mayor Rueter seconded the motion. Mayor Sanderson stated the benefits of the extension. The motion was approved on unanimous vote.

C. Consideration, discussion, and possible approval of Town of Tusayan Fiscal Year ended June 30, 2015 Financial Statements, Audit Report, Findings and Recommendations, and Annual Expenditure Limitation Report

Manager Duthie noted that all of the reports were in the Agenda Packet. The state requires that the Annual Expenditure Limitation Report is due to the Auditor General by March 31, 2016 and must also be on the Town website by that date.

He also covered deficiencies found and recommendations made by the auditor, Hinton Burdick.

Vice Mayor Rueter made a motion to accept the Town of Tusayan Fiscal Year ended June 30, 2015 Financial Statements and Audit Report. Councilor Wirth seconded the motion and it was approved on unanimous vote.

Vice Mayor Rueter made a motion to approve the Annual Expenditure Limitation Report. Councilor Wirth seconded the motion and it was approved on unanimous vote.

8. DISCUSSION ITEMS

A. Return of United States Forest Service Roadway and Easement application

Mayor Sanderson noted that the letter regarding the return of the Easement application was in the Agenda Packet and in the news. He stated that the Town is shocked and disappointed with the US Forest Service's decision to return the application without consideration. Mayor Sanderson stated that the Town's intent is to continue to strive for affordable housing in Tusayan and to continue to work with the developer as per agreement.

Manager Duthie noted the distinction of the "return" of the application, not a rejection or denial. He also noted that this is not an end to the project.

The Council discussed options for the contract and of law enforcement, including the possibility of creating its own police force.

B. Earth Day Community Activity

Manager Duthie stated that Councilor Wirth had spoken to him about sponsoring some Town activities. They discussed possible activities for Earth Day.

Councilor Wirth stated that her idea was to sponsor a community beautification event on Earth Day, April 22, 2016, and have the Council provide a cookout meal at the end of the day.

Clarinda Vail stated that a professional photographer will be in Town May 23-25 taking photos for CVB website so a cleanup event prior to that may be timely.

Manager Duthie stated that funds are available to sponsor an event.

Sandra Angat stated that she would be happy to help.

C. **Legal advice concerning the Housing Authority of Town of Tusayan Guidelines**

This item was tabled until a later date

9. TOWN MANAGER'S REPORT

Manager Duthie stated the following:

- The federal application for the 501c3 was completed yesterday and forwarded to the Town Attorney
- Manager Duthie and Vice Mayor Rueter met with Xanterra regarding using the railroad as a pathway for broadband internet. The proposal was favorably received.
- The Town will be assisting Grand Canyon National Park in acquiring signage permits for the parking lot on the north end of Town
- Had a community meeting here at Town Hall with all interested vendors planning to bid on the Grand Canyon Medical Clinic RFP. Two vendors responded and stated that they would attend. Only North Country Healthcare attended. Anavon Harris, Sandra Angat, and Marty Harris reported on their impressions of the meeting. Doug Lentz, GCNP, stated that the bidding is now closed and a committee will be reviewing proposals.

10. FUTURE AGENDA ITEMS

4/6/16 – budget proposal from Coconino County Sheriff's Department
4/6/16 – approval of bid packet for contract to move dirt from Grand Canyon National Park Airport to the Sports Complex

11. COUNCIL MEMBERS' REPORTS

Councilor Wirth reminded everyone of the Easter Egg Hunt at the school on Saturday, March 26th at 10am.

12. MAYOR'S REPORT

None.

13. MOTION TO ADJOURN

Councilor Wirth made a motion to adjourn the meeting at 7:14pm. Vice Mayor Rueter seconded the motion and it passed on unanimous vote.

Craig Sanderson, Mayor **Date**

ATTEST:

Melissa M. Drake, Town Clerk

CERTIFICATION

State of Arizona)
) ss.
Coconino County)

I, Melissa M. Drake, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Council of the Town of Tusayan held on March 23, 2016. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 23rd day of March, 2016

_____
Town Clerk

ITEM NO. 7A

TOWN OF TUSAYAN, ARIZONA

RESOLUTION NO. 2016-03

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK ENTITLED "CHAPTER 13 OF THE TOWN CODE -- DEVELOPMENT AND SUBDIVISION CODE."

WHEREAS, that certain document entitled "Chapter 13 of the Town Code – Development and Subdivision Code," attached hereto, three copies of which shall be filed in the office of the Town Clerk pursuant to this Resolution and have been ordered to remain on file with the Town Clerk

WHEREAS, ARS§ 9-802 permits the enactment and publication by reference of a code or public record, including statute, rule or regulation of the municipality, in the interest of economy, and

WHEREAS, the document entitled "Chapter 13 of the Town Code – Development and Subdivision Code," is a lengthy ordinance to be adopted by Ordinance 2016-01, and which would qualify for enactment by reference.

NOW THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF TUSAYAN HEREBY DECLARE THAT THE DOCUMENT ENTITLED "CHAPTER 13 OF THE TOWN CODE – DEVELOPMENT AND SUBDIVISION CODE," IS HEREBY DELCARED A PUBLIC RECORD FOR THE PURPOSE OF ADOPTION BY REFERENCE PURSUANT TO ORDINANCE 2016-01, AND ORDER THAT THREE (3) COPIES OF THE ORDINANCE BE PERMANENTLY FILED IN THE OFFICE OF TOWN CLERK AND AVAILABLE FOR PUBLIC INSPECTION

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Tusayan, Arizona this 6th day of April, 2016.

_____
Craig Sanderson, Mayor

ATTEST:

_____
Melissa M. Drake, Town Clerk

APPROVED AS TO FORM:

_____
William J. Sims, Town Attorney

TOWN OF TUSAYAN, ARIZONA

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE TOWN OF TUSAYAN, COCONINO COUNTY, ARIZONA, ADOPTING BY REFERENCE CHAPTER 13 OF THE TOWN CODE – DEVELOPMENT AND SUBDIVSION CODE

WHEREAS, after extensive public input and hearings before the Town of Tusayan Planning & Zoning Commission and the Town Council, as permitted by A.R.S. § 9-463.01.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:

Section 1. Adoption by Reference. Pursuant to A.R.S. § 9-802 the Town hereby adopts Chapter 13 of the Town Code – Development and Subdivision Code that is declared a public record pursuant to Resolution No. 2016-03 and is attached hereto.

Section 2. Effective Date. This Ordinance is to be effective when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section 3. Penalty Clause. As required by A.R.S. § 9-803, the following penalty clause contained in Chapter 13 of the Town Code – Development and Subdivision Code is set forth in its entirely herein.

13-5-3. Enforcement

A. **Fines/imprisonment:** Any person, as principal, owner, agent, tenant, employee, or otherwise found violating these Subdivision Standards, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in the Town Code. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is committed, continued or permitted. All remedies provided for herein shall be cumulative and exclusive. A finding of guilty or responsibility and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of these Subdivision Standards may institute any action in law or equity to prevent or abate such violation.

B. **Enforcement action:** Any division of property contrary to these Subdivision Standards is hereby declared to be a public nuisance and the Town Attorney may, upon order of the Town Council, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinment, and removal

thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating these Subdivision Standards.

Section 4. Copies of Chapter 13 of the Town Code – Development and Subdivision Code. At least three (3) copies of Chapter 13 of the Town Code, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk and on the Town website for public access. Additional copies may be purchased by the public. Copies placed for public access shall be readily available for public inspection during normal working hours.

Section 4. Severability. All ordinances, or parts of ordinances, adopted by the Town of Tusayan in conflict with provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by 5 members of the Council of the Town of Tusayan, on April 6, 2016, to be effective when publication and posting, pursuant to A.R.S. § 9-812, is completed.

_____
Craig Sanderson, Mayor

ATTEST:

_____
Melissa M. Drake, Town Clerk

APPROVED AS TO FORM:

_____
William J. Sims, Town Attorney

TITLE 13
SUBDIVISION STANDARDS - Draft

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CHAPTER 13-1. ADMINISTRATION

A. **Title:** These regulations shall be known as the Town of Tusayan Subdivision Standards, may be cited as such, and will be referred to herein as "these Standards."

B. **Purpose and scope:** The purpose of these Subdivision Standards is to ensure the orderly growth and harmonious development of the Town of Tusayan; to provide convenient traffic circulation on a coordinated street system with major thoroughfares adjoining subdivisions; to ensure the adequate provision of water, drainage facilities, sanitary sewerage, and other utilities; to provide adequate sites for schools, recreation areas, and other public facilities; and to facilitate the accurate conveyance of ownership of land by accurate legal description; and to provide procedures for the achievement of these purposes.

These regulations accommodate growth by considering the need for services generated by development together with public ability to provide and/or private willingness to contribute to the costs of these services. It applies to all properties proposed for subdivision, land split, or lot line adjustment within the Town limits. No building or other development permit required by the Town may be issued for property which has been divided or adjusted in violation of these Subdivision Standards.

A "Subdivision" is defined as improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded Plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but Plats of such projects need not show the buildings or manner in which the buildings or airspace above the property shown on the Plat are to be divided. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

C. **Application and Interpretation:** Circumvention of these Subdivision Standards is prohibited.

Except for land owned by the Town and planned to be developed for affordable housing (an "Affordable Housing Parcel"), no person may sell, offer to sell, or divide any portion of any lot or parcel of land, or change the location of a property line of an existing lot or parcel within the Town limits without obtaining the approval of the Town as required by these Subdivision Standards. No land may be divided, and no property line location may be changed, in a way that would result in the creation of a property that would not conform to the requirements of the Town of Tusayan Zoning Code or these Subdivision Standards. An Affordable Housing Parcel may be subdivided pursuant to A.R.S. § 9-463.01. S, as may be amended subject to certain exceptions to these Subdivision Standards as set forth herein.

The interpretation and application of the provisions of these Subdivision Standards shall be made by the Town Manager, (Manager). Where any provision of these Subdivision Standards imposes restrictions different from those imposed by any other provision, or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards controls. Nothing contained in these regulations shall be construed as releasing a Developer, as defined in Chapter 13-6 Terminology of these Subdivision Standards, from the requirements of the Arizona Revised Statutes.

D. **Administration:** The Town Manager is hereby authorized to receive, process, and otherwise act upon a Concept Plan, Preliminary and Final Subdivision Plats in accordance with these regulations. The Town Planning and Zoning Commission and Town staff are hereby designated as advisory agents to the Town Manager and to the Town Council and are charged with the duty of investigating and reporting upon matters referred to them in accordance with these regulations.

E. **Fees:** Fees for Town services provided in the administration of these Subdivision Standards shall be set by Resolution of the Town Council.

CHAPTER 13-2. APPLICATION PROCEDURES

13-2-1. General Provisions

A. **In general:** Every land division and lot line adjustment shall conform to the goals and objectives of the Town of Tusayan Zoning Code and other ordinances adopted by the Town Council and laws of the State of Arizona that specifically relate to subdivisions and the development of land.

B. **Reservation of public land:** Where a tract to be subdivided contains all or any part of a park, school, flood control facility or other area shown on the general plan as a public area, or required by Town Council as a public area, the Town may require such site shall be dedicated to the public or reserved for acquisition by the public within a specified time period.

The Town may reserve land within a proposed subdivision for public schools and parks, recreational facilities, open space, water and wastewater facilities and public safety annexes, subject to the following conditions:

1. The required reservations are in accordance with principles and standards adopted by the Town Council.

2. The land reserved shall be in the size and shape as to permit the remainder of the land area in which the reservation is located to develop in an orderly and efficient manner.

3. The public agency for whose benefit an area has been reserved shall have a period of one year or such extended period as may be mutually agreed upon after the recording of the Final Plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the Preliminary Plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the Developer in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area by such public agency and the Developer.

4. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in paragraph three above, within the agreed upon period of time, the reservation of such area shall terminate unless a mutually agreeable time extension is consummated.

C. **Owner/agent authorization:** Applications may only be submitted by property owners or their authorized representatives. The Town Manager may require proof of ownership or authorized representation prior to accepting an application.

D. **Mandatory Applicant Attendance:** Applicants, or their representative with authority to speak for and bind the Applicant, shall be present at all meetings and public hearings required under this Section. If the Applicant or the Applicant's representative failed to attend a meeting and public hearing required under these Subdivision Standards, the Town may conduct such meeting and public hearing without the attendance of the Applicant or the Applicant's representative.

E. **Representations of Applicant Binding:** All representations by the Applicant, or by the Applicant's authorized Representative, made in writing, or during any Town public meeting or public hearing or by any submitted plan, Plat, drawing, or other graphic depiction in support of the application, and designated in the record by the Planning and Zoning Commission and/or Town Council shall be deemed to be part of the project record.

F. **Zoning Standards:** Proposed Subdivisions must be designed to meet the specific requirements of the Zoning District in which they are located. In the event that a change in zoning is required to enable the development to be built as proposed, any necessary zoning amendment must be initiated by the property owner (or authorized representative) in accordance with the applicable procedures for processing applications for changes in zoning set forth in the Town of Tusayan Zoning Code. No subdivision Final Plat for which a zone change is required may be approved by the Town until the required zone change has been approved by the Town Council. Submission and review for the zone change and the subdivision Final Plat may occur concurrently.

G. **Outline of the review process:** The preparation, review and approval of Subdivisions within the Town limits shall proceed through the following progressive stages:

1. Pre-application conference with Town Manger (informal, non-mandatory, 13-2-2)

2. Concept Plan with the Development Review Committee (Sec13-2-3)

3. Development Master Plan (Sec 13-2-4, If required by Town Manager)

4. Preliminary Plat submittal considered by Planning and Zoning Commission and Town Council (Sec 13-2-5)

5. Subdivision technical review – considered and reviewed by Town staff in coordination with pertinent service providers. (Sec 13-2-6)

6. Final Plat submittal – considered by Town Council (Sec 13-2-7)

13-2-2. Pre-application Conference

The pre-application conference stage of the development planning process is an informal investigatory period which precedes actual preparation of plats or improvement plans by the Developer that is not mandatory. During this time, the Developer makes their intentions known to the Town, is advised of specific public objectives related to the subject tract, and is provided detailed information regarding platting procedures and requirements by the Town Manager.

13-2-3. Concept Plan

A. **Application Procedures and Requirements**
The Concept Plan stage of land subdivision involves general subdivision planning, submittal, review, and approval of the Concept Plan. The Concept Plan must be accompanied by payment of the prescribed fees. The Developer must provide all essential information outlined below to enable the Town to determine the character and general acceptability of the proposed subdivision

B. **Concept Plan Submission**

1. A non-refundable Concept Plan filing fee (See Tusayan Resolution, Fee Schedule);

2. A brief project narrative with a description of the proposed project.

3. The required number of copies as specified in the Town of Tusayan Subdivision Application packet.

4. Concept Plan shall show:

   a. Land use(s), street alignments, lot(s) arrangement and tentative lot sizes
   b. Concept locations of water, wastewater, solid waste, drainage and other applicable service providers. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, all locations may be based on estimates of likely approval for access by the U.S. Forest Service.

5. Preliminary Utility Statement: A sealed statement from a registered engineer that will address the proposed utility connections including sewer, water and dry utilities will be required. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, all utility connections may be based on estimates of likely approval for access by the U.S. Forest Service.

It will also specifically list the approvals that will be required to be obtained with the construction documents (i.e., ADEQ, Sanitary District or other service provider approvals and a determination if a Utility Impact Analysis is required per the Tusayan Design Standards.

6. Preliminary Traffic Statement: A sealed statement from a registered engineer that will address the impact of new subdivision on existing roadways, the condition and capacity of existing streets, typical cross-sections, and determine if a Traffic Impact Analysis is required per the Tusayan Design Standards. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the Traffic Impact Analysis may be based on estimates of likely approval for access by the U.S. Forest Service.

7. Preliminary Drainage Report: A sealed preliminary report from a registered engineer that addresses detention, floodplains, the proposed drainage system, the impacts of increased runoff due to development, the impacts to downstream property, and determine if a Drainage Impact Analysis is required per the Tusayan Design Standards.

C. Concept Plan Review and Approval Process:

1. The Development Review Committee will meet to discuss the proposal with the Developer and provide input and suggestions regarding procedural steps, public policy objectives, design and improvement standards, and general platting requirements. Then, depending upon the scope of the proposed subdivision, the Committee will:

   a. Check existing zoning standards applicable to the tract/property and advise if changes in zoning and/or variances are necessary.

   b. Determine per the Design Standards if Impact Analysis may be required to be submitted by the Developer to determine the adequacy of existing or proposed public places and facilities for servicing the proposed development.

   c. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and identify any unusual problems such as those related to topography, utilities, drainage, etc. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the inspection to determine the relationship to major streets and utility systems may be based on estimates of likely approval for access by the U.S. Forest Service.

   d. Identify the third party approvals that will be required prior to the approval of the Preliminary Plat, including but not limited to ADOT, the Forest Service, Sanitary District, Water Provider, and Fire District.

e. Determine whether a Development Master Plan (13-2-4) will be required prior to the preparation of a Preliminary Plat.

2. Review Timelines are specified in the Tusayan Subdivision Application Packet.

3. After the review of the Concept Plan by the Development Review Committee, the Town Manager will direct the Developer to the appropriate next step in the process.

   a. **Preliminary Plat:** If the Concept Plan involves a subdivision only, the Town Manager will advise the Developer to proceed with the preparation of a Preliminary Plat to be considered by the Planning and Zoning Commission and the Town Council.

   b. **Development Master Plan:** A Development Master Plan (DMP) may be required by the Town Manager prior to the preparation of a Preliminary Plat if there is not a zoning change required and one or more of the following conditions apply:

      i. The tract/property is sufficiently large to comprise an entire neighborhood,

      ii. The tract/property is to be developed in multiple phases,

      iii. The tract/property is a portion of a larger contiguous landholding of the Developer, or

      iv. The tract/property is part of a larger land area that is complicated by unusual topographic, utility, land use, land ownership, or other conditions.

13-2-4. Development Master Plan

A. Application Procedures and Requirements

1. If directed to prepare a Development Master Plan by the Town Manager, the Plan must be submitted within six (6) months of approval of Concept Plan. If this requirement is not met, the Developer may be required to resubmit a Concept Plan.

2. The Town Manager may require the Developer to prepare a Development Master Plan (DMP) if one of the conditions above is applicable to the site and a zoning change is not required for the project. If a zoning change is required, the requirements of the Town of Tusayan Zoning Code shall apply. The entire land area covered by the DMP need not be under the Developer's control.

B. Development Master Plan Submission

1. A non-refundable Development Master Plan filing fee (See Tusayan Resolution, Fee Schedule);

2. A brief project narrative with a description of the proposed project.
3. The required number of copies of the Development Master Plan as specified in the Subdivision Application packet showing:

    a. General street pattern with particular attention to collector streets and future circulation throughout the development.

    b. General location and size of existing and proposed school sites, parks, and other public areas.

    c. Location of shopping centers, multi-family residential or other non-residential land uses.

    d. Methods proposed for sewage disposal, water supply and storm drainage.

    e. Approximate densities and intensities of various land uses.

C. Development Master Plan review and approval

1. Review Timelines are specified in the Tusayan Subdivision Application Packet. Upon acceptance of an application for approval of a Development Master Plan, the Town Manager will advise the applicant if the submittal is complete

2. Copies of complete applications will be forwarded to the Town staff a n d other third party agencies and service providers their review and comment:

3. The reviewing agencies and departments may submit their comments and recommendations in regard to the application to the Town Manager. The Town Manager will then summarize the received comments and recommendations, prepare a staff report and present it to the Planning and Zoning Commission.

4. The Planning and Zoning Commission shall consider the proposed Development Master Plan at its next regularly scheduled meeting no sooner than twenty-one (21) calendar days after an application has been approved by staff. Upon a recommendation of approval, approval with conditions, or denial by the Commission on the Development Master Plan, the Town Council shall consider the proposed Development Master Plan within sixty (60) calendar days of the Commission's recommendation.

5. Development Master Plan approval by the Town Council constitutes authorization for the Developer to proceed with the preparation and submittal of the Preliminary Plat.

6. Upon approval of the general design approach by the Planning and Zoning Commission and Town Council, the DMP shall be followed by the preparation of a Preliminary Plat. If development is to take place in several phases, the DMP must be submitted as a supporting document for each phase. The DMP must be kept up to date by the Developer as modifications take place.

13-2-5. Preliminary Plat

A. Application Procedures and Requirements

1. **In general:** The Preliminary Plat stage of land subdivision involves detailed subdivision planning, submittal, review, and approval of the Preliminary Plat. The Preliminary Plat must substantially conform to the Concept Plan and may only be submitted subsequent to the approval by Town Manager, and must be accompanied by payment of the prescribed fees. The Developer must provide all essential information outlined below to enable the Town to determine the character and general acceptability of the proposed subdivision.

2. Within six (6) months of approval of Concept Plan or the Development Master Plan (DMP), an applicant shall apply for a Preliminary Plat for a subdivision. If this requirement is not met, the Developer may be required to resubmit a Concept Plan.

3. **Diminution of fair market value waiver required:** An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by A.R.S. § 12-1134, must be submitted with the Preliminary Plat application. The Town may request an updated waiver at subsequent stages in the Town review and approval process, including following final Town Council approval.

B. **Preliminary Plat Submission:** In addition to a completed Preliminary Plat application form, a complete submittal shall include:

1. A non-refundable Preliminary Plat filing fee (See Tusayan Resolution, Fee Schedule);

2. A brief project narrative with a description of the proposed project.

3. The required number of copies of the Preliminary Plat as specified in the Subdivision Application packet showing:

   a. Identification and descriptive data

      i. Proposed subdivision name, location by township, range, and section, and reference by dimension and bearing to a section or quarter section corner.

      ii. North arrow, scale and date of preparation.

      iii. Name, address and phone number of the owner, and of the engineer, surveyor, landscape architect or land planner who prepared the Plat.

      iv. Professional Seal

      v. Vicinity map showing the relationship of the proposed subdivision to main traffic arteries and any other landmarks that would help to locate the project. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the relationship of the proposed subdivision to main traffic arteries may be based on estimates of likely approval for access by the U.S. Forest Service.

      vi. Assessor's parcel numbers for all abutting properties.

   b. Existing conditions data

      i. Topography by one- (1), two- (2) or five- (5) foot contour intervals adequate to reflect the character and drainage of the land as determined by the Town Engineer, and related to U.S. Coastal and Geodetic Survey (USC&GS) datum, or other approved datum.

      ii. Surveyed location of all existing improvements on public rights of way and private property including land use, structures and fences, walls, shacks, barns, utility lines, wells, streams, irrigation canals and structures, private and public culverts, ditches, washes, lakes, water features of all types, direction of flow, flow pattern, location and extent of areas subject to inundation, and whether such inundation is frequent, periodic, or occasional and data regarding frequency.

      iii. Location, width, and names of all platted or otherwise defined streets, drainage and utility easements, public areas, and municipal boundaries within, adjacent to, or extending from the property.

iv. Location of historic and archaeological sites, if any.

v. Acreage and zoning of the property and abutting properties.

vi. Complete boundary dimensions of the property.

vii. Evidence of legal access from an existing public right-of-way. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, evidence of legal access must include evidence of any existing access as well as estimates of access based on likely approval for access by the U.S. Forest Service.

c. Proposed conditions data

i. Proposed lot configuration, including approximate size and dimensions of each lot, and identification of each lot by number, and total number of lots; building setback lines; street light locations; hydrant locations; street layout, including location, width, curve radii, and proposed names.

ii. Identification of average and minimum lot size(s).

iii. Designation of all land(s) to be dedicated and reserved for public use with use and acreage for each indicated.

iv. Location of all proposed private, public and controlled access streets and identification of all access devices on local streets within the subdivision; their means of accomplishing access control (e.g. signage, traffic barriers, gates, etc.) and monitoring devices and facilities; and their hours of operation and standards and procedures for admittance. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the location of all proposed private, public and controlled access streets and identification of all access devices on local streets may be based on estimates of likely approval for access by the U.S. Forest Service.

v. If phasing is proposed, it must be indicated on the Preliminary Plat.

4. Statement of process to comply with ARS§ **9-463.01. Q** for the Determination of Water Adequacy shall be included.

5. Approvals from the pertinent service providers that state that the subdivision can be served.

6. **A Sewer and/or Water Impact Analysis**, if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.

7. **A Traffic Impact Analysis**, if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the traffic impact analysis may be based on estimates of likely approval for access by the U.S. Forest Service.

8. **A Drainage Impact Analysis,** if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.

9. **CCRs:** If necessitated by the subdivision (as determined by the Town Manager), a preliminary draft or outline of protective Covenants, Conditions and Restrictions (CCR's) that demonstrate the proposed theme and character of the proposed subdivision. The possible necessity of CCR's will be discussed at the Pre-Application Conference.

10. **Development Agreement:** If necessitated by the subdivision (as determined by the Town Manager), a preliminary draft of the Development Agreement (DA). The possible requirement of a Development Agreement will be discussed with the Concept Plan.

11. Such other information determined by the Town Manager to be necessary to complete a thorough analysis of the Preliminary Plat in terms of its compliance with all Town codes, ordinances, rules and regulations.

C. Preliminary Plat review and approval

1. Review Timelines are specified in the Tusayan Subdivision Application Packet. Upon acceptance of an application for a Preliminary Plat, the Town Manager will advise the applicant if the submittal is complete.

2. Copies of complete applications will be forwarded to the Town staff, pertinent service providers, a n d public safety agencies for their review and comment.

3. The Town staff, pertinent service providers, and public safety agencies will submit comments and recommendations in regards to the application to the Town Manager within 21 days. The Town Manager will then summarize the received comments and recommendations, prepare a staff report and present it to the Planning and Zoning Commission.

4. The Planning and Zoning Commission shall consider the proposed Preliminary Plat at its next regularly scheduled meeting no sooner than twenty-one (21) calendar days after an application has been determined to be complete. Upon a recommendation of approval, approval with conditions or denial, by the Commission, the Town Council shall consider the proposed Preliminary Plat within sixty (60) calendar days of the Commission recommendation.

5. Preliminary Plat approval constitutes authorization for the Developer to proceed with the preparation and submittal of engineering plans and specifications for public infrastructure improvements and the Final Plat. Preliminary Plat approval does not assure Final Plat approval and expires without further action of the Town if a Final Plat is not submitted within one year or such other period of time specified at the time of Preliminary Plat approval. An extension of up to one (1) year may be granted by the Town Manager provided an application for extension is approved by the Town Manager prior to the expiration date. If additional extensions beyond one (1) year are requested, Town Council must approve the extension. A request for extension must be submitted, at minimum, 30 days prior to the expiration of the approval.

13-2-6. Subdivision Technical Review

A. The Developer shall provide the Town Manager with complete sets of engineering plans and specifications prepared by a civil engineer who is currently registered in the State of Arizona. Such plans and specifications must be designed based upon the approved Preliminary Plat and may be prepared prior to or in conjunction with the Final Plat. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the engineering plans and specifications may be based on estimates of likely approval for access by the U.S. Forest Service.

B. Approval of engineering plans and specifications for the installations of required street, streetlight, sewer, electric and water facilities, drainage, flood control, adequacy of water and improvements are required prior to recordation of an approved Final Plat. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the engineering plans and specifications for the installations of required street, streetlight, sewer, electric and water facilities, drainage, flood control, adequacy of water and improvements may be based on estimates of likely approval for access by the U.S. Forest Service.

C. The Final Plat will not be considered by the Town Council until all engineering plans as noted above have been approved by the Town Engineer, the Fire District, and other pertinent service providers.

D. The Service Provider for the water and sewer mains must approve the design per their standards and agree to take ownership for operation and maintenance in accordance with their policies and regulations. The water and sewer mainline extensions must be constructed to meet the requirements of the Arizona Department of Environmental Quality. Prior to the approval of the engineering plans, the Town shall require written approval from the service providers and documentation of the ADEQ Approval.

E. Prior to approval of the engineering plans, the following ADEQ permits are required to have been obtained as applicable to the Subdivision: An Approval of Sanitary Facilities for Subdivision, an Approval to Construct Drinking Water Facilities, and a Construction Authorization for a Sewage Collection System/ Onsite Wastewater Treatment.

F. Street light design, as required by the Tusayan Subdivision Standards, Tusayan Zoning Code and the Tusayan Design Standards shall be included in the engineering plans and specifications and must be approved by the Town Engineer. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the street light design and the engineering plans and specifications related thereto may be based on estimates of likely approval for access by the U.S. Forest Service

13-2-7. Final Plat

A. **Application procedure and requirements:**

1. **In general:** The Final Plat stage involves the final design of the subdivision, submittal of engineering plans and specifications (if not already completed), final Covenants, Conditions and Restrictions (CC&Rs), satisfactory assurance documentation, and execution of a Development Agreement, if applicable.

2. No later than one (1) year after the approval of a Preliminary Plat, a Developer may apply for approval of a Final Plat. Failure to do so will automatically nullify the approval of the Preliminary Plat without any action by the Town unless the Town Manager has approved an extension prior to the expiration of one year. A request for extension must be submitted, at minimum, 30 days prior to the expiration of the approval.

3. **Zoning:** The zoning of a tract/property must permit the proposed subdivision. Zoning changes required to enable the property to be divided as proposed must be approved through the applicable process in the Tusayan Zoning Code by the Town Council prior to or in conjunction with the approval of a Final Plat.

4. In phased developments, the Final Plat shall show future phases as tracts subject to future platting. Assurances are only required for the current phase of development.

B. **Final Plat Submission** - In addition to a completed Final Plat application form and fee payment, a complete submittal shall include:

1. A non-refundable Final Plat filing fee (Tusayan Resolution, Fee Schedule);
2. A brief project narrative with a description of the proposed project.
3. The required number of copies of the Plat as specified in the Tusayan Subdivision Application packet.
4. In compliance with ARS 9-463.01, a determination on the adequacy of the Water Supply is required to be stated on the Final Plat.
5. A certificate or letter from each service provider indicating approval of the method of the proposed utility installations and confirming the availability of services. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the letters from service providers may condition service and the location thereof based on estimates of likely approval for access by the U.S. Forest Service

6. An Arizona Department of Transportation access permit, where required

7. If applicable and not already completed with the Preliminary Plat, the Development Agreement or Public Improvement Agreement between the Developer and the Town shall be recorded.

8. A completion date for the construction of the improvements shall be declared and notice given to the Town Manager, which date shall be approved by the Town Council. The completion date for the improvements shall not exceed two (2) years from the date of such approval. Failure to complete the improvements by the completion date may entitle the Town to draw on the assurances described hereafter, in Subsection (B) (12).

9. A Final Plat, in recordable form, on disk in digital format.

10. If applicable, a copy of the protective CC&Rs in the form for recording shall be submitted and recorded with the Final Plat. The CC&Rs shall include, at a minimum, a mechanism to allow the capability for home or property owners to establish or create a homeowners' association subsequent to the declarant conveying a majority of the subdivided properties to other parties. The CC&Rs shall state that notwithstanding any other provision of the CC&Rs a lot owners' association may be created by lot owners' majority vote thereof, subsequent to the conveyance of a majority of the platted lots by the declarant.

11. Right of Way and Easements: It shall be the responsibility of the Developer to provide on the Final Plat, prior to plat recordation, such Right of Way and easements in such location and width as required for public utility purposes or public access. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, such Right of Way and easements may be based on estimates of likely approval for access by the U.S. Forest Service. The following notation shall be placed on all Final Plats: "Construction within easements, except by public agencies and utility companies, shall be limited to utilities and wood, wire or removable section-type fencing and/or plantings or turf. It is understood that the utility companies will not be required to replace any obstructions or plantings that must be removed during the course of maintenance, construction, or reconstruction within any utility easement on private property."

12. Final Plat Requirements;

    a. Identification and descriptive data

        i. North arrow, scale, and date.

        ii. A title which includes the name of the subdivision and its location by section, township, range and county.

        iii. Name, address, registration number, and valid seal of the registered land surveyor preparing the Plat.

    b. Survey data

i. The Final Plat shall identify all boundary lines and corners, together with courses and distances and all curve or angle data. Subdivision corners, other monuments, lot corners, and other survey points must be described and located. One tie must be made by true course and distance to a GLO corner, or, if none exists, to a corner of common acceptance. Proposed subdivisions adjacent to existing subdivisions must tie to the corners of the existing subdivisions. Adjoining property must be identified by subdivision name. Un-subdivided, and Forest Service lands must be noted. All connecting streets, private and public and Forest Service roads must be shown and named. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the Final Plat may show locations for connecting streets, private and public and Forest Service roads based on estimates of likely approval for access by the U.S. Forest Service

ii. The Final Plat shall include name, courses, length and width of all public streets, radii, points of tangency, and central angles of all curvilinear streets; radii of all rounded street line intersections; location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public; and a statement noting that the streets dedicated on the Plat will not be accepted for Town maintenance until they are brought up to minimum Town standards.

iii. A registered professional land surveyor must certify that all lots are staked, or will be staked within six months.

c. Existing conditions data

i. Utility easements intended to remain on the property. The notation as described in Section 13-2-5(A)3 above shall be on the Final Plat.

d. Descriptive data required

i. Name, right-of-way lines, courses, lengths, width of all public streets, crosswalks, utility easements; radii, points of tangency and central angles of all curvilinear streets and rounded street line intersections.

ii. Utility easements needed in conjunction with the new Plat to include the notation as cited in Section 13-2-5(A)3 above.

iii. Location and dimension of all lots, including identification of each lot by number and size of each lot, total number of lots and average and minimum lot sizes.

iv. All residential lots shall be numbered by consecutive

numbers throughout the Plat. "Exception", "tracts", and parks shall be so designated, lettered or named and clearly dimensioned.

v. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.

vi. Location of all adjoining subdivisions with date, map and page number of recordation noted, or if unrecorded or un-subdivided, so marked.

e. Dedication and acknowledgment - A statement dedicating all streets and easements for public use by the person holding legal title of record to the property. If the property contains any liens, all lienholders shall execute an appropriate release for all dedications. If the Plat shows private access ways, it must note that public utilities, including refuse collectors, shall reserve the right to install, conduct and maintain utilities in such access ways. The signatures following this dedication and acknowledgment shall be notarized.

C. Final Plat review and approval

1. Upon acceptance of an application for approval of a Final Plat, the Town Manager will have ten (10) calendar days to advise the applicant if the submittal is complete.

2. Copies of complete applications will be sent to the Town staff, service providers, and public safety agencies. When an application has been determined to be complete, the Town Council shall consider for approval the proposed Final Plat no sooner than twenty-one (21) calendar days after an application has been determined to be complete.

3. Town Council shall consider the Final Plat for approval. When the Final Plat is approved it will be forwarded to the Town Manager for recordation

4. If the Developer does not provide the required assurances and documents necessary to record the Final Plat within one (1) year after the approval by Council, the Final Plat approval will be nullified without any action by the Town unless the Town Manager has approved an extension prior to the expiration of one year. If additional extensions beyond one (1) year are requested, Town Council must approve the extension. A request for extension must be submitted, at minimum, 30 days prior to the expiration of the approval.

5. Recordation: Upon receipt of the required assurances, Town Council approval, **and notation on the plat as required by ARS § 9- 463. 01. Q regarding the adequacy (or lack thereof) of water supply**, The Town Manager will have the Final Plat recorded and provide a recorded copy of the Plat to the applicant.

13-2-8. Assurances for Public Improvements

In order to ensure proper installation of public improvements, the Developer shall designate the type of assurance in a form and method acceptable to the Town Attorney and approved by Town Council in conjunction with review of the Final Plat. Approved forms of assurance are available from the Town Manager. A final copy of said assurance shall be submitted to and approved by staff. If public Improvements are required for a project that is not part of a subdivision platting process, the assurances must be submitted to and approved by staff prior to the Town issuing a Construction permit. The amount of said assurance shall be based on a cost estimate prepared by a registered civil engineer in an amount to cover one hundred ten percent (110%) of the complete installation of the p u b l i c improvements. This assurance shall provide for its forfeiture to the Town in the event the improvements are not accepted by the Town by the declared completion date due to the default of the Developer or the appropriate real part in interest. Any portion of the forfeiture in excess of the expenses incurred by the Town in connection with the installation or repair of the improvements shall be returned to the Developer or the appropriate real party in interest at the end of the warranty period. The Developer must provide the Town with one of the following types of financial assurances for the completion of the construction of the public improvements required for the development of the subdivision:

A. Cash, surety bond, or letter of credit

1. The Developer shall deposit with the Town Clerk cash or surety bond, or an irrevocable letter of credit issued by an approved institution.
2. The surety bond shall be executed by the Developer with a corporation duly licensed and authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force, and shall provide that:
   a. The bond, cash, or letter of credit shall be released upon satisfactory completion of the work. Progress payments may be made in accordance with standards established by the Town Engineer.

b. The bond or letter of credit may be cancelled by the Developer, provided that other security, satisfactory to the Town Attorney has been deposited which will cover the obligations of the Developer which remain to be performed.

c. Any work abandoned or not completed by the Developer may be completed by the Town, which shall recover the construction and repair costs from the Developer, the bonding agent, or approved lending institution.

B. Assurance of construction through loan commitment

In lieu of providing assurance of construction in the manner provided above, the Developer may provide assurance of construction of all required utility and infrastructure improvements, by delivering to the Town in a manner described above, an appropriate agreement acceptable to the Town Attorney between an approved lending institution and the Developer, which provides:

1. A statement that funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements demanded by the Town in the course of development of the subdivision have been deposited with such approved lending institution by the Developer. The agreement shall provide that the funds in the approved amount are specifically allocated, and will be used by the Developer, or on his behalf, only for the purpose of installing the subdivision improvements.

2. That the Town shall be the beneficiary of such agreement, or the Developer's rights shall be assigned to the Town, and the Town Engineer shall approve each disbursement of such funds.

C. Alternative assurances: In lieu of providing a surety bond or an agreement between the Developer and an approved lending institution, the Town Attorney may approve and recommend to Town Council such alternative assurances that it deems sufficient to guarantee and assure construction and repair of the required public improvements.

D. An approved lending institution for purposes of these Subdivision Standards is an FDIC-insured bank or savings and loan association licensed and authorized to do business in Arizona.

13-2-9. Minor Land Divisions

A. Purpose and Intent of these regulations is:

1. To provide for the partitioning of land into two or three lots, tracts or parcels of land or the combination of lots, tracts or parcels through a process that is more expeditious than the subdivision process;
2. To assure that the proposed parcels are in conformance with the Town's Subdivision standards;
3. To obtain accurate surveying and permanent public record of the separate interests created and conveyed by the division of lands;
4. To assure adequate access and to provide a coordinated street system; and,
5. If a new street is involved, land that is divided into two or more lots is considered a subdivision and a minor land division is not applicable.

B. Land Split or Combination Procedures and Requirements

The preparation, submittal, review, and approval of all land splits or combinations located within the Town limits shall proceed through the following progressive stages, except as otherwise provided in this chapter:

1. Optional pre-application conference with the Town Manager.
2. Submittal by the Developer, and review and approval of the land split or combination application and map by the Town Manager.
3. Recordation of the approved land split or combination map and associated legal description with the Coconino County Recorder's office.

C. Pre-Application Conference

1. The pre-application conference stage of land split or combination review is an optional investigatory period preceding the preparation and submittal of the land split or combination application by the Developer. The Developer shall initially present the land split or combination proposal to the Town Manager who shall advise the Developer of specific public objectives, standards, and regulations related to the property and the procedure for land split or combination review.

2. An application for land split or combination approval shall include a sketch plan of the proposed land split or combination so that the Town Manager can determine whether the approval process authorized by this Section can and should be utilized. The Town Manager may require the applicant to submit additional information deemed necessary for making this determination, including, but not limited to, a copy of the Coconino County Assessor's Map showing the land being divided and all lots or parcels previously divided from that tract of land and all contiguous land under the same ownership for the 15 years prior to the date of submittal.

D. Land Split and Combination Applications

1. All submittals shall be checked by the Town Manager for completeness. If the application is determined to be incomplete, the submittal may be rejected and returned to the applicant for revision and resubmittal.

2. Application Submittal: All land split or combination applications shall include the following materials:

   a. The copies of the land split or combination map showing the proposed land split or combination, existing conditions including the location of all structures, and anticipated setbacks from existing and proposed property lines;

   b. Any information required as part of the land split or combination submittal shall be shown graphically, or by note, or by letter, or in combination on the plans, and may if necessary comprise several sheets showing various elements of the required data. All mapped data for the same map shall be drawn at the same engineering scale, said scale not to be greater than 100 feet to an inch;

   c. A completed land split or combination application form;

   d. Legal description in a form approved by the Coconino County Recorder's office;

   e. A non-refundable land split or combination application fee (See Tusayan Resolution: Fee Schedule), available as a separate document from the Town); and,

   f. Complete contact information for the Developer.

   g. Professional Seal of Surveyor/Engineer registered in the state of Arizona.

E. Application Approval Standards:

1. All land split or combination applications shall be designed to comply with the requirements of the specific zoning district within which it is located, including minimum lot area, lot depth, lot width and minimum access requirements.

2. No lot or parcel shall be divided in such a way that any division contains more density than are permitted by the zoning regulations in the district in which the lot or parcel is situated.

F. Process for Approval.

1. The Developer shall submit all of the documents, information, data, and other requirements for approval of a land split or combination to the Town Manager. The Developer shall also furnish to the Town Manager any additional information and materials relevant to the application that are reasonably believed to be necessary in order for the Town Manager to evaluate, analyze, or understand the subject matter of the application, and to ensure compliance with the requirements of this division. Compliance shall be determined by the Town Manager.

2. The procedures for approval, modification, or denial of land split or combination applications shall be as follows:

   a. The Town Manager shall approve or disapprove applications for land splits or combinations pursuant to the provisions of this Section and shall ensure compliance with any applicable conditions of approval.

   b. A Developer may appeal a final action of the Town Manager to the Town Council in accordance with Article 13-5, Appeals, of these Subdivision Standards.

13-2-10. Lot Line Adjustments

A. When a common lot line between two adjoining parcels requires adjustment, the submittal requirements and procedures for a land split provided in these Subdivision Standards, Land Splits or Combinations, shall be followed for review and approval by the Town manager.

B. In addition to the submittal requirements for a land split or combinations established in these Subdivision Standards, Land Split and Combination Applications, the written consent of all owners of the real property associated with the proposed boundary adjustment.

CHAPTER 13-3. DESIGN PRINCIPLES

13-3-1. Street Location and Arrangement

A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Town's General Plan and shall ensure public safety and convenience, and respond to existing natural features of terrain, vegetation, and drainage.

B. At a minimum, access to any subdivision must be capable of transporting fire and other emergency vehicles. The access must have all weather capability, minimum 14 feet overhead clearance, and a 20 foot or wider surface capable of supporting vehicles weighing 42,000 pounds or more. Nothing in this paragraph shall be construed as modification of the necessity to conform to the Tusayan Design Standards and good engineering practice. A Geotechnical Report shall be required to determine the bearing capacity of the roadway.

C. Street layout shall provide for the continuation of existing principal streets through new subdivisions. Principal streets typically follow section or mid-section lines, however, if the alignment is impractical then right-of-way shall be provided at least every ½ mile (2640 feet).

D. Certain proposed streets, shall be extended to the tract boundary to provide future connection with adjoining un-platted lands.

   1. Street connections to an adjoining platted tract shall be made only to those extended streets of the platted tract.
   2. Street connections shall be designed to accommodate the amount of increased traffic flow generated by the proposed subdivision, as determined by an engineered traffic study or as approved by the Town Engineer.

E. Cul-de-sac streets shall be constructed with a minimum unobstructed turn- around radius of forty-five (45) feet which shall be free from parked vehicles. The Town Engineer may recommend an equally convenient form of turning and backing areas where extreme conditions justify. The maximum length of cul-de-sac streets shall be one thousand two hundred (1,200) feet, as measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline or a maximum of twenty-five (25) lots.

F. Any subdivision exceeding fifty (50) lots shall require a minimum of two (2) access points, one of which shall be the applicable street section required by the Tusayan Design Standards. An exception may be made where topography or geographical constraints may justify.

G. Where a proposed subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access, frontage streets, and/or turning movements or for reverse frontage combined with a one-foot non-access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from function of the major route. In the case of an Affordable Housing Parcel requiring access through U.S. Forest Service land, the amount of right-of-way for required access, frontage streets and/or turning movements may be based on estimates of likely approval for access by the U.S. Forest Service

H. Where a subdivision abuts or contains the right-of-way of a limited access highway or an irrigation canal or abuts a commercial or industrial land use, the Town Engineer may require location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

I. Streets shall be of reasonable gradient and shall facilitate adequate drainage.

J. No alleys may be constructed in subdivisions, except that the Town Council may waive the requirements in certain areas because of topography, open area provided or service access.

K. A minimum of two (2) permanent reference survey monuments shall be required for a street as a recoverable point for future surveys. These monuments shall have a geometric tie to the Town of Tusayan geometric coordinate system.

13-3-2. Streets

All streets in the Town, public or private, unless otherwise specified in these Subdivision Standards, shall be designed to the requirements in the Town of Tusayan Design Standards and as follows:

A. Minimum required right-of-way width

1. Arterial streets as indicated by Tusayan Design Standards shall be no less than one hundred (100) feet.

2. Collector streets as indicated by current Tusayan Design Standards shall be no less than eighty (80) feet.

3. Local streets as indicated by current Town standards shall be no less than sixty (60) feet.

a. Cul-de-sac streets shall terminate in a circular right-of-way fifty (50) feet in radius with a minimum improved traffic turning circle forty-five (45) feet in radius. The Town Engineer may approve an equally convenient form of space where extreme conditions justify.

b. Dead end streets will not be approved except in locations designated by the Town Engineer as necessary to future extension in development of adjacent lands. A dead end street serving more than four lots shall provide a temporary turning circle with a forty-(40) foot radius or other acceptable design to accomplish adequate access.

4. Access or frontage streets - As required by a Traffic Impact Analysis or as needed for principle arterials.

5. All streets shall be paved in accordance with the Town of Tusayan Design Standards.

B. Private Streets

1. Private streets shall be constructed to conform to current Town of Tusayan street standards, including but not limited to right-of-way widths, sidewalks, trails, street lights, signs, roadway geometric criteria, and pavement structural section.

2. If private streets are proposed for a subdivision, then the following additional requirements must be met:

   a. A homeowner's association shall be established at the time the Final Plat is approved.

   b. An emergency rapid entry system for unrestricted entry of police and fire emergency vehicle at all gated location shall be provided.

   c. Finally, a note shall be placed on the Final Plat that states, "All private streets that are identified as a "tract" or "common areas" shall be maintained by the homeowner's association. The Town shall not maintain these roads.

3. Any deviation or variance from these requirements shall require Town Council approval.

C. Trails

The Town may require a Developer to dedicate trail easements for public access to maintain and/or replace existing social trails and encourage pedestrian connectivity to the community. An easement with a minimum width of 10' shall be dedicated to the Town for maintenance of the trails. The location must meet with the written approval of the Town Engineer.

13-3-3. Blocks

A. Blocks shall not exceed one thousand three hundred and twenty (1,320) feet in length between street centerlines. Variation from this requirement may be justified where topography or optimal lot configurations are achieved or when lot sizes average one-half acre or greater. Variations shall be approved by the Town Engineer.

B. Blocks shall have sufficient width for an optimal layout of two tiers of lots of the size required by the Town of Tusayan Zoning Code Development Standards (unless located on a collector road).

C. Where practical, pedestrian ways with a minimum easement/right-of-way width of ten (10) feet may be required at mid-block and/or internal connection locations where essential for access to schools, playgrounds, common open space or other community facilities. Pedestrian ways may be used for utility purposes.

13-3-4. Lots

A. Lot width, depth, and area shall comply with the minimum development standards of the applicable zoning district in the Town of Tusayan Zoning Code.

B. Lots having double frontage should be avoided except where necessary to provide separation of the residential development from traffic collectors and arterials. A symbol establishing which side will be driveway accessible is required for each double-fronting lot. A non-vehicular access (NVA) easement shall be shown on the opposite side of the lot.

13-3-5. Easements

Generally, a Public Utility Easement (PUE) shall be sixteen (16) feet in width. In cases of steep [greater than a six percent (6%) slope] or unusual topography, the PUE may be increased or decreased in width as needed. The Town Engineer and the owner of the utility lines must approve the reduction of the easement width. Additional width may be required for depths over eight (8) feet or additional utility lines. Easements must be able to accommodate the separation of utilities in accordance with utility requirements and the AAC R18-5-502 Minimum Design Criteria for Water and Sewer Mains.

13-3-6. Water, Sewer and Reclaimed Water Facilities

A. Water, Sewer and Reclaimed Water Facilities shall be designed by the developer and approved by the Service Provider. The design must meet the Service Providers' standards and requirements. The approval of the design by the Service Provider must be submitted in writing to the Town of Tusayan before the Town shall approve the engineering plans.

B. Subdivision utility facilities will conform to the standards of the Building Codes, and Arizona Department of Environmental Quality(ADEQ).

C. If the utility system is providing fire flow, the Developer must obtain approval of the design from the Fire District.

D. The Town will not issue any certificates of occupancy until the subdivision utility improvements are completed to the requirements of ADEQ and are accepted for maintenance and operation by the service provider.

13-3-7. Drainage

A. Any development that contains a floodplain must meet the requirements of the Floodway Overlay Zone from the Tusayan Zoning Code and get the approval from the Floodplain Management Agency, as determined by A.R.S Section 48- 3610.

B. Drainage and topography shall be a primary consideration of any subdivision.

C. The preservation of natural flood areas, streams, washes, arroyos, rivers or ephemeral drainage courses shall be maintained, if possible, in their natural riverine environment. The only exceptions, if approved by the Floodplain Management Agency, are for roadway crossings and utility lines, if no other alternative exists.

D. Subdivision improvements that propose grading and/or grade changes shall not have an adverse impact on surrounding property. At the boundaries of the subdivision, all drainage and floodwaters shall be accepted and released so that the flow characteristics are minimally disturbed by providing appropriate entrance and exit transitions.

E. A Drainage Report which addresses the hydrologic and hydraulic components relating to onsite and off-site drainage shall be developed and prepared by a registered Arizona Professional Engineer. The Drainage Report shall be approved before the street improvement plans and Final Plat are approved. If the subdivision will be developed in phases, a master drainage plan will be required.

F. An operation and maintenance manual shall be provided for storm water detention facilities. Operation and maintenance (O&M) shall be the responsibility of the homeowner's association and the O&M manual shall be an attachment to the CC&Rs for the development. If a development does not have a homeowner's association, the O&M manual will be required in the form of a recorded agreement. This agreement shall assign permanent responsibility for the operation and maintenance of the facility.

13-3-8. Street Lights

A. Street lights shall conform to the Town of Tusayan Zoning Code and Town of Tusayan Design Standards.

B. Where street light lines are to be installed, the Developer shall provide adequate easements for public utilities (to include side lot lines if necessary).

CHAPTER 13-4. IMPROVEMENT REQUIREMENTS

13-4-1. Public Improvement Requirements

A. Purpose: It is the intent and purpose of this section to set forth the minimum acceptable standards for public improvements; to define the responsibility of the applicant in planning, constructing and financing public improvements; and to set forth the Town's responsibilities in the review and acceptance of public improvements.

B. Development of plans and specifications

1. The "Uniform Standard Specifications and Details for Public Works Construction" as published by the Maricopa Association of Governments (MAG Specifications) are recognized as acceptable construction specifications and standard details. Because of variations in climate, soils, and availability of materials, modifications to the MAG Specifications may be implemented by the Town. The MAG Specifications shall be utilized at the direction and approval of the Town Engineer.

2. Other pertinent manuals for the development of plans and specifications include "A Policy on Geometric Design of Highways and Streets" as distributed by AASHTO; all design manuals, specifications, and standard details as distributed by the Arizona Department of Transportation; all engineering bulletins as distributed by the Arizona Department of Environmental Quality; "Manual on Uniform Traffic Control Devices for Streets and Highways" as distributed by the U.S. Department of Transportation, Federal Highway Administration; and the various design manuals, procedures, and guidelines as published by professional organizations and governmental agencies.

3. The documents described in Subparagraphs B.1 and B.2 are adopted by reference pursuant to A.R.S. § 9-802 and at least three (3) copies of the documents described above, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk. All copies shall be readily available for inspection, including any supplementary pamphlets or explanatory booklets for distribution to the public.

4. All design and construction for public and private grading shall be in accordance with these standards and:

    1. The currently adopted International Building Codes.
    2. The Town of Tusayan Zoning Code.
    3. The Engineered soils report (if applicable)

C. Responsibilities: It shall be the responsibility and duty of the applicant to plan, construct, and finance all public improvements associated with subdivisions and land development, unless a Development Agreement specifically provides otherwise. These public improvements must be completed to the standards required by the Town and formally accepted for maintenance and operation before the Town will issue a certificate of occupancy for any building or structure within the subdivision or on the property. The applicant must have an engineer registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans shall be based on the approved Preliminary Plat, zoning case, Site Plan, and/or staff approval stipulations. The applicant must prepare these plans in conjunction and in conformance with the Final Plat. Improvement plans shall be subject to Town approval prior to recordation of the Final Plat.

D. Public Improvements Defined: Public improvements mean any right-of-way, easement, access right or physical improvement which, upon formal acceptance by the Town, becomes the responsibility of the Town for ownership, maintenance and repair. Such public improvements may include, but are not limited to, roadways and alley sections including pavement, base course, street lights, curbs and gutters, sidewalks or trails, traffic control improvements, right-of-way landscaping and irrigation systems, drainage facilities, fire hydrants and utilities, including water, sewer, gas, electric power, telephone, and cable television, and all other improvements, which upon completion, are intended to be for the use and enjoyment of the public.

E. Public improvement Agreement: If, pursuant to Section C, Responsibilities, above, the applicant's subdivision, zoning change or development, either new development on existing, vacant or undeveloped property or an addition or expansion to existing developed property, creates the need for the dedication, acquisition, installation, construction or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvement agreement prior to the Town's approval and/or issuance of the Preliminary Plat, site plan or Building Permit. The Developer shall provide assurances in accordance with 13-2-7 of these Subdivision Standards for public improvements. The public improvement agreement shall be in a form approved by the Town and shall provide for the dedication and/or construction of necessary public improvements by the applicant. If appropriate, the terms of the public improvement agreement may be incorporated into a Town-approved Development Agreement. The public improvements agreement may, if approved by the Town Engineer, provide that the installation, construction or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this division shall apply to each phase as if it were a separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained development consisting of all public improvements necessary to serve the property to be developed as part of said phase.

Construction of a single-family detached residence or a duplex residence of any value or an addition or alteration to an existing single-family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the Tusayan Zoning Code are exempt from offsite Public Improvements. All requirements of the Town of Tusayan Zoning Code and the DRO still apply.

F. Impact Analysis Required

1. Pursuant to the Tusayan Design Standards, the Town Engineer shall require the applicant to furnish impact studies to assess the impact of new development on the existing streets, utilities and drainage infrastructure.

2. When an impact study identifies impacts to the infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.

3. If impacts are determined to occur within utilities, an agreement for mitigation must be reached between the Developer and the service provider to facilitate service to the subdivision.

G. Minimum Requirements

The public improvements required pursuant to these Subdivision Standards shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision as determined by the studies described in Section F, Impact Analysis Required, above. The presumptive minimum requirements that are required for public improvements are:

1. Right-of-Way. If, as determined by the Town Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate proposed or contemplated public improvements, then necessary right-of-way shall be granted to the Town. The Town Engineer may impose special requirements to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.

   a. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remaining portion shall be considered a legal nonconforming lot.

   b. When it is necessary for a development to improve a street and, sufficient right-of-way is not available from other area property owners not subject to the provisions of these Subdivision Standards, the Town Manager, with the approval of the Council, may pursue all legally permissible steps in order to obtain the property necessary for the right-of-way provided there is a demonstrated public need for the additional right-of-way.

2. Water System

   a. Water system improvements shall be sized and located as required by and approved by the Service Provider

   b. Water mains shall be extended to the property being developed.

   c. Water lines shall be extended by the Developer to and across the full front, side, and/or rear boundaries of the property being developed where needed, as determined by the Service Provider.

d. Additionally, where needed as determined by the Service Provider, water lines sized in accordance with established criteria and protocols to accommodate future development shall be extended through the property being developed to the property boundaries to provide future connection with adjoining lands.

3. Sanitary Sewer System

a. Sanitary sewer system improvements shall be sized and located as required by and approved by the Service Provider.

b. Sewer mains shall be extended to the property being developed.

c. Sewer lines shall be extended to and across the full front, side, and rear boundaries of the property being developed where needed, as determined by the Service Provider.

d. Additionally, where needed as determined by the Service Provider, sewer lines sized in accordance with established criteria and protocols to accommodate future development shall be extended through the property being developed to the property boundaries to provide future connection with adjoining land.

4. Drainage.

a. Any development that contains a floodplain must meet the requirements of the Floodway Overlay Zone from the Tusayan Zoning Code and get the approval from the Floodplain Management Agency, as determined by A.R.S Section 48-3610.

b. When developments are required to perform a Drainage Impact Analysis (DIA) and the approved DIA identifies impacts to the public drainage system as a result of the proposed development, impact mitigation by the applicant is required. Design and construction of improvements that mitigate the impacts attributable to the development, as identified in the approved DIA, shall be the sole responsibility of the applicant.

c. Public drainage improvements are applicable to adjacent right-of-way and on-site based on the findings of required drainage reports, applicable Storm water master plans and General Plan improvements or other documents that clearly demonstrate the need for drainage facilities.

5. Franchise Utilities. All telephone, electric power, cable television, natural gas, or other wires or cables necessary to serve the subdivision in accordance with the Service Provider requirements and the Tusayan Design Standards are required.

6. Alley/Lane Improvements. When property access is necessary or proposed via an alley/lane, full width alley/lane improvements along the full property frontage in accordance with the Town of Tusayan Design Standards. Alley/lane improvements shall also be extended to the nearest public street if no improved alley or lane connection presently exists.

7. Trails System Improvements. Full width trail improvements may be required in accordance with the Tusayan Design Standards along alignments as required by the Town Engineer.

8. Traffic Control Related Improvements. When subdivisions or land splits are required to perform a traffic impact analysis (TIA) in accordance with the Tusayan Design Standards, and the approved TIA identifies impacts to the public road system as a result of the proposed development, impact mitigation by the applicant is required. Design and construction of improvements that mitigate the impacts attributable to the development, as identified in the approved TIA, shall be the sole responsibility of the applicant.

9. Street Improvements. Street improvements shall be constructed to and across the full front, side and rear boundaries of the property being developed where needed, as determined by the Town Engineer, as follows:

   a. Any multi-residential or non-residential construction shall be required to construct a minimum 24-foot wide street to accommodate two-way traffic and emergency vehicles as well as if required, on-street parking or bike lanes for the full frontage(s) of the subdivision property boundaries which abut existing or proposed public streets.

      i. Street types adequate to serve the anticipated traffic volumes generated by the subdivision and the projected neighborhood growth patterns resulting in future developments as may be contemplated under the existing General Plan or other approved land use documents will be required.

      ii. Street Design Standards for required roadway elements are in the Tusayan Design Standards. The Average Daily Traffic (ADT) determines the street section requirements.

      iii. If the property being developed is not adjacent to an existing improved public street, Subsection b, below, shall apply.

b. Where the property being developed is separated from an existing improved public street by an unimproved section of Public Street; if the first phase of the development generates less than 250 ADT, then the access to the subdivision will be the minimum required improvement for Emergency Access as outlined in 13.3.1B. After the 250 ADT is reached (generally equivalent to 25 dwelling units) the applicant will be required to construct the Roadway typical section required by the Design Standards for the proposed traffic generation. Nothing in this paragraph shall be construed as modification of the necessity to provide Emergency Access and good engineering practice. If there are additional undeveloped properties adjacent who could benefit from the improvements in the future, a Recapture Agreement (See Section 13-4-3) could be created.

c. Full width pavement improvements shall be required for adjacent streets. Curb and sidewalk shall be installed on adjacent side only. A fee in lieu of improvements may be substituted as approved by the Town Council.

d. In a phased development, the street improvements can be built in stages that are adequate to the proposed traffic generation. A Traffic Impact Analysis is required to demonstrate that the roadway is sufficient to the proposed ADT. Emergency Access must be provided to a development regardless of the phasing of a project.

10. The Developer is required to mitigate impacts of the subject subdivision or land split. If at the time of development, the Town wishes to make improvements to its general public infrastructure capacities, the Town may bear the additional cost(s) associated with the upgrading of capacities of those improvements. The limits of the Town's participation shall be determined by the difference in the approved design and actual construction costs with and without mitigated capacity increases of those improvements.

H. Inspection and Acceptance of Public Improvements

1. The Town Engineer shall provide for inspection of required public improvements during construction to ensure their satisfactory completion.

2. If the Town Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the Tusayan Design Standards and the approved construction plans, the applicant shall be responsible for completing or replacing such improvements as to the specifications of the Town.

3. Final inspection of public improvements will be scheduled with the Town Engineer prior to their acceptance.

4. The Town Engineer must receive approval of the improvements from applicable Service Providers prior to final acceptance.

5. The Town will not accept the required public improvements nor release any assurance (See 13-2-7 Assurances) until the development is accepted by the Town Engineer. The Town Engineer shall issue a letter of completion upon final acceptance.

6. The Town will not issue any certificates of occupancy until the public improvements are completed to the standards in these Subdivision Standards and in the Tusayan Design Standards required by the Town and accepted for maintenance and operation by the Town Council.

I. Appeals
Any person, firm or corporation may appeal the dedication or exaction required as a condition of granting approval for the use, improvement or development of real property, in accordance with the appeal provisions established in Article 13-5 Modifications, Appeals and Enforcement.

J. Warranty Period
The sub divider shall warrant and guarantee that required public improvements constructed under the Public Improvement agreement will remain in good condition and meet operating specifications for one (1) year, commencing with probationary acceptance of such public improvements or until such improvements have been granted final acceptance by the City Council. Such warranty includes defects in design, workmanship, materials and any damage to improvements caused by the Developer, its agents or others engaged in work to be performed under the subdivision agreement.

13-4-2. Development Agreement

A. Purpose: The purpose of this section of the Subdivision Standards is to provide procedures for the processing of Development Agreements in compliance with A.R.S. § 9-500.05. An application for a Development Agreement may only be filed by a person owning or having a legal interest in the subject real property, or a person authorized to act on the owner's behalf.

B. Contents of Development Agreements

1. Provisions Allowed: A Development Agreement may include any of the provisions specified in A.R.S. § 9-500.05, as applicable to the development proposal that is the subject of the Development Agreement as determined by the Town.

2. Provisions Required: A Development Agreement must include, but are not limited to, the following provisions:

   a. The duration of the Development Agreement;

   b. Provisions for the protection of environmental resources, if applicable;

   c. The public benefit offered by the applicant as consideration for entering into the Development Agreement; and,

   d. A waiver of claims for diminution in value for any changes in land use law relating to the subject property and the related proposed development.

3. Provisions Prohibited: A Development Agreement shall not include requirements for the City to exercise its legislative or quasi-judicial powers in a particular way, except to vest certain rights as permitted by ARS Section 9-500.05.

C. Consideration and Decision

1. Staff Responsibilities

   a. The Town Manager in consultation with the Town Attorney and Town Engineer shall direct the negotiations with the applicant regarding terms of the Development Agreement.

   b. Once negotiations are completed, the Town Manager shall schedule the proposed Development Agreement for approval by the Council in compliance with this division.

2. Planning Commission Recommendation: When considering a development proposal at a public hearing for a Zoning Map amendment, Pre- annexations, Preliminary Plat, or other development proposal for which a Development Agreement is proposed, the Planning Commission may, but is not required to, make a recommendation on the contents of a draft Development Agreement for that development.

3. Council Determination

a. The Council shall consider approval of the Development Agreement at a public meeting. When also considering a development proposal for a Zoning Map amendment, Pre-annexations, subdivision Preliminary Plat, or other development proposal for the subject property, approval of the Development Agreement may be made conditional upon approval of the related application.

b. When approving the Development Agreement, the Council shall make the following findings:

i. The Development Agreement provides benefit to the Town;

ii. The Development Agreement is consistent with the purpose, intent, goals, policies, programs and land use designations of the General Plan, any applicable specific plans, The Town of Tusayan Zoning Code, and these Subdivision Standards; and,

iii. The Development Agreement complies with the requirements of A.R.S. § 9-500.05.

c. Approval of the Development Agreement shall be by resolution or ordinance and shall not be enacted by emergency clause. The effective date of the agreement may be more but not be less than 30 calendar days after the Council's approval of the Development Agreement.

4. Execution and Recordation

a. The persons authorized to sign the Development Agreement on behalf of the applicant(s), owner(s), and all persons having an interest in the subject property shall execute the Development Agreement prior to approval by the Council.

b. If changes are made at the Council meeting where the Development Agreement is considered, the persons authorized to sign the Development Agreement on behalf of the applicant(s), owner(s), and all persons having an interest in the subject property shall execute the revised Development Agreement prior to the City signing the Development Agreement and an updated Proposition 207 waiver.

c. Within 10 calendar days after all parties, including the City, have executed the Development Agreement, the City Clerk shall record a copy, at the applicant's expense, of the Development Agreement with the County Recorder. Recordation of the Development Agreement constitutes notice of the Development Agreement to all persons.

5. Amendment and Cancellation: A Development Agreement may be amended or cancelled, in whole or in part, by mutual consent of the parties to the Development Agreement or by their successors in interest or assigns using the same procedure for entering into the agreement in compliance with Subsection C, above.

13-4-3. Recapture Agreement

A. Recapture Agreements are only applicable to Town owned infrastructure. Improvements to Sanitary District or water provider systems must be coordinated with the owner of the infrastructure.

B. If a Developer extends a roadway, water or sewer main across undeveloped property to reach his development or property, and wishes to be reimbursed for the cost of installing said extension by future customers along the length of the lines, he may request a recapture agreement be drawn up by the Town. Developers may request a recapture agreement when an improvement is constructed across the frontage of parcels not currently receiving service from the Town. When the owner of the designated parcel requests service, a pro-rated cost of the line is collected by the Town and returned to the developer. Recapture agreements are set up through the Town Manager. For questions or details on the procedure to initiate an agreement, contact the Town Manager.

C. The maximum period of time of the recapture agreement shall be ten (10) years.

CHAPTER 13-5. MODIFICATIONS, APPEALS AND ENFORCEMENT

13-5-1. Modifications

A. Modification of Standards

The Town Engineer may approve a waiver of the requirements in these Subdivision Standards as they apply to a particular property when there exist unusual conditions of topography, land ownership, adjacent development or other circumstances which would not be able to be addressed to best serve the interests of the citizens of the Town if the requirements of these Subdivision Standards were strictly applied.

B. Modification of Final Plat

No change, erasure, modification or revision shall be made on or of any Final Plat after approval by the Town Council unless the Town Council first approves any proposed alteration; and any alteration shall be void unless approval thereof is endorsed upon the Final Plat by the Town Council.

13-5-2. Appeals

A. **Appeals:** Any decision, or interpretation, of these Subdivision Standards may be appealed to the Town Manager; decisions of the Town Manager may be appealed to the Town Council. The agency to which a decision has been appealed may either: (a) uphold, (b) reverse, (c) modify, or (d) refer the decision back to its author for reconsideration. Zoning Amendments must follow the procedure in the Town of Tusayan Zoning Code.

B. **Time limits:** Appeals will only be considered if they are filed within ten (10) calendar days of a decision. Decisions are final after the ten- (10) day appeal period has passed, if no appeal has been filed.

C. **Stays of proceedings:** An appeal suspends the action taken and stays all proceedings in the matter, unless the Town certifies that a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order as injunctive relief granted by a court of record on application and notice to the Town. Proceedings shall not be stayed if the appeal requests relief which has been previously denied except pursuant to a special action in Superior Court.

13-5-3. Enforcement

A. **Fines/imprisonment:** Any person, as principal, owner, agent, tenant, employee, or otherwise found violating these Subdivision Standards, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in the Town Code. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is committed, continued or permitted. All remedies provided for herein shall be cumulative and exclusive. A finding of guilty or responsibility and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of these Subdivision Standards may institute any action in law or equity to prevent or abate such violation.

B. **Enforcement action:** Any division of property contrary to these Subdivision Standards is hereby declared to be a public nuisance and the Town Attorney may, upon order of the Town Council, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinment, and removal thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating these Subdivision Standards.

13-5-4. Severability

It is the intention of the Town that the provisions of these Subdivision Standards are separable such that if any court of competent jurisdiction shall adjudge invalid: (1) any provision of these Subdivision Standards, such judgment shall not affect any other provision of these Subdivision Standards not specifically included in said judgment; or (2) the application of any provision of these Subdivision Standards to a particular property, or structure, such judgment shall not affect the application of said provision to any other property, or structure, not specifically included in said judgment.

CHAPTER 13-6. TERMINOLOGY

13-6-1. Usage

For purposes of these Subdivision Standards, certain terms, phrases, words, and their derivations shall be construed as specified herein. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory and the word "may" is permissive, except when used in the negative. When not inconsistent with the context, the present tense includes the future, the singular includes the plural, and the plural includes the singular. Where terms are not defined, they have their ordinarily accepted meanings within the context in which they are used. Webster's Dictionary of American English provides the ordinarily accepted word meanings referred to above.

13-6-2. Definitions

Abutting – The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner(s).

Access point – Emergency or permanent all-weather access.

Affordable Housing Parcel -- land owned by the Town and planned to be developed for affordable housing.

Alley – A public way, other than a street, which affords a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

All-weather road – Roadway capable of transporting fire and other emergency vehicles. The access must have a minimum 14 feet overhead clearance, and a 20 foot or wider surface capable of supporting vehicles weighing 42,000 pounds or more.

ARS - The Arizona Revised Statutes as they may be amended from time to time.

Basin, drainage – A geographical area that contributes surface runoff to a particular concentration point.

Block – A piece or parcel of land or group of lots entirely surrounded by public or private streets, streams, washes, parks, or a combination thereof of sufficient magnitude as to interrupt the continuity of development.

Building setback line – The required minimum distance, as prescribed by the Town of Tusayan Zoning Code, between the property line and the closest point of any building or structure.

CC&Rs - Covenants, Conditions and Restrictions placed on the ownership of the property.

Commission - The Town's Planning and Zoning Commission.

Concept Master Plan – The planning level master plan submitted for first review of a large-scale development with multiple phases.

Concept Plan – A preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern.

Council – The Town Council of the Town of Tusayan.

Dedication - The intentional conveyance appropriation having the effect of conveyance of land by its owner for any general or public use, with no special rights reserved to said owner.

Design Standards, Town of Tusayan – The Design Standards are a section of the Town Code, adopted by the Town Council that provides specific design standards for Public Improvements.

Developer –A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company or other legal entity, including the Town or a Housing Authority operating within the jurisdiction of the Town who desires to improve or otherwise engage in any development of property within the Town, including the owner of the property.

Development – The utilization of land for public or private purposes.

Development Review Committee – An informal review panel as designated by the Town Manger to review submittals consisting primarily of town staff, service providers, and other stakeholders. This may include but is not limited to the Sanitary District, the Fire District, Water Provider, ADOT, Forest Service and the school district.

Easement – A grant by the owner of the use of land by the public, a corporation or person for the specific uses designated.

Exception – Any parcel of land that is not owned by the Developer or not included in the recorded Plat.

Fill – Soil, rock, or other material deposited at a location by man that raises the grade at that location.

Final Plat – A Final Plat of a subdivision, including supporting data, in substantial conformance to an approved Preliminary Plat and all stipulations or conditions placed upon it by the Commission or Town Council, prepared by an Arizona registered land surveyor, in accordance with these Subdivision Standards and the Arizona Revised Statutes.

Finished grade – The final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

Fire District – The Tusayan Fire District provides fire protection for the Town and will be involved in the review process

Floodplain – Low lands adjoining the channel of a river, stream or watercourse, lake or other body of water, which have been or may be inundated with floodwater, and those other areas subject to flooding. A floodplain may be that area further defined as shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Plats (FIRM) or an approved flood control study.

Floodplain Administrator –the person responsible for implementing the requirements of the Floodplain Management Agency.

Floodplain Management Agency- The agency responsible for floodplain management pursuant to ARS Section 48-3610.

Highway – A roadway owned, operated and maintained by the Arizona Department of Transportation.

Improvements – Required installations, pursuant to these Subdivision Standards and any zoning stipulations, including, but not limited to, grading, sewer, water, utilities, streets, curbs, gutters, sidewalks, trails, street lights, traffic control devices and landscaping as a condition to the approval of the Final Plat, before recordation.

Improvement Plans – A set of plans setting forth the profiles, cross-sections, details, specifications, instructions and procedures to be followed in the construction of public or private improvements in the Town that are prepared and bear the seal of an Arizona-registered land surveyor, engineer, architect or landscape architect in accordance with the approved Preliminary Plat, and zoning stipulations and in compliance with standards of design and construction that are to be approved by the Town Engineer, other Town departments and all applicable utilities.

Improvement standards – A set of regulations and exhibits setting forth the details, specifications and instructions to be followed in the design and construction of required improvements.

Land division - Any change in an existing property line involving subdivision, a regulated land split or a lot line adjustment.

Land split - A division of a property of 2½ acres or less, which does not involve a subdivision, into two or three separate lots.

Lot - A single piece of property having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the Town and which has been established by a recorded subdivision Plat or otherwise established by some legal instrument of record which is described and noted as such.

Lot corner – The intersection of two (2) or more lot lines, or angle point or change in direction of a lot line.

Lot, corner – A lot located at the intersection of two (2) or more streets (corner lot).

Lot, interior – A lot other than a corner lot.

Lot line – A line dividing one (1) lot from another or from a street or any public place.

Lot, through - A lot that abuts a street along its front and rear property lines.

Lot line adjustment - The relocation of a line dividing two properties.

Notice to Proceed - A notice issued by the Town Manager informing the applicant for approval to proceed with the next stage in the subdivision process.

Open space – Any parcel or area of land or water, natural or improved and set aside, dedicated or reserved for the use and enjoyment of all the residents of the subdivision or the public in general. Open space does not include vacant or undeveloped lots, bike lanes or sidewalks attached to the back of the curb.

Owner – The person or persons holding title by deed to land, or holding title as a vendor under a land contract, or holding any other title of record.

Parcel - A property described by metes and bounds or aliquot description by the government rectangular survey system, and not included in any subdivision.

Plat – A plat meeting the provisions of this chapter that provides for changes in land use or ownership.

Preliminary Plat – A Plat including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with these Subdivision Standards and the Arizona Revised Statutes.

Preliminary Utility Statement – A letter or report submitted with the Preliminary Plat from a registered engineer that will address the proposed utility connections including sewer, water and dry utilities. It will also specifically list the approvals that will be required to be obtained with the construction documents (i.e., ADEQ, Sanitary District or other private utility approvals.

Pre-application conference – An initial meeting between Developer and Development Review Committee that affords the Developer the opportunity to present his proposals informally with a Concept Plan and discuss the project and address any items of controversy or requirements before the Preliminary Plat is submitted.

Public Improvements - Any right-of-way, easement, access right or physical improvement which, upon formal acceptance by the Town, becomes the responsibility of the Town for ownership, maintenance and repair. Such public improvements may include, but are not limited to, roadways and alley sections including pavement, base course, street lights, curbs and gutters, sidewalks or trails, traffic control improvements, right-of-way landscaping and irrigation systems, drainage facilities, fire hydrants and utilities, including water, sewer, gas, electric power, telephone, and cable television, and all other improvements, which upon completion, are intended to be for the use and enjoyment of the public.

Recorder – The recorder of Coconino County.

Recorded plat – A Final Plat bearing all certificates of approval required by these Subdivision Standards and the Arizona Revised Statutes and duly recorded in the Coconino County recorder's office.

Replat – Re-subdivision.

Re-subdivision - A change in the boundaries of a lot or tract of land which has previously been described in a recorded subdivision.

Review Agencies – Include but are not limited to the Fire District, Private Water Provider, Sanitary District, ADOT, franchise utilities, School District, etc.

Right-of-way – Any public or private access way required for ingress or egress, including any area required for public use pursuant to any official plan; rights-of-way may consist of fee title dedications or easements.

Service Provider – The entity that owns and operates a utility system or provides a public service.

Sidewalk – A pedestrian way constructed of Portland cement concrete or other material approved by Town Engineer. Width shall be determined based on the classification of the adjacent roadway in the Tusayan Design Standards.

Street - As defined in ARS §9-463(8), as amended.

Street, arterial - As shown on the Town's General Plan, or a heavily traveled street of considerable continuity and used primarily as a traffic artery for intercommunication between areas.

Street, collector - As shown on the Town's General Plan.

Street, cul-de-sac – A local street having one (1) end permanently terminated in a vehicular turnaround, or an equally convenient form of turning, with backing areas as may be recommended by the Town Engineer.

Street, frontage – A local street parallel to an arterial or collector street or road which intercepts the residential traffic and controls access to the arterial and collector roads.

Street, local – Provides for direct access to residential or other abutting land and serve local traffic movement with connections to roadways of higher classification.

Street, private – Any road or street that is not publicly maintained providing access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded. Design of which must meet the Town design and construction standards.

Street, public - A street that has been dedicated by easement or deed to the Town for public access and meets Town design and construction standards.

Subdivision - Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or manner in which the buildings or airspace above the property shown on the Plat are to be divided. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

Technical review – The detailed review of the Development Master Plans, site plans, Preliminary Plats, improvement plans and Final Plats by the Development Review Committee, for compliance with Town codes, ordinances, standards or conditions of approval by the Commission or Town Council. Other utilities and public agencies are invited to review the Plat as it relates to their conditions of service or need.

Town Engineer - The Town's Engineer or a designee.

Tract – A parcel of land in a subdivision which is dedicated for a specific use other than as a lot. Uses may include common areas, private roads, drainage facilities, recreation sites, parks, open space or other uses.

USC&GS – The United States Coastal and Geodetic Survey.

Utility easement – A public easement for the installation of public utilities; also known as a public utility easement, or "PUE."

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.

Water supply, adequate - The Water Adequacy Program implements A.R.S. § 45-108, requiring a developer of subdivided land outside an AMA to obtain a determination from the Arizona Department of Water Resources regarding the availability of water supplies before the land may be marketed for sale or lease to the public. In some cases, developers are required to disclose a determination that the water supply is inadequate to potential buyers as required by A.R.S.§9-463.01. Q

Zone – A District classification established by the Town of Tusayan Zoning Code that limits or permits various or specific uses.

Zoning District – A zone area in which the same Zoning Ordinances apply throughout the District.

ITEM NO. 7B

TOWN OF TUSAYAN

at the entrance to Grand Canyon National Park

To: Mayor Sanderson and Town Council

From: Town Manager Eric Duthie

Date: March 30, 2016

Re: Floodplain Administration

Recently, the Coconino County Flood Control District requested the Town reaffirm, reject, or modify the delegation of Floodplain administration, within the Town, to the District (see Town Ordinance 2013-01, attached).

Discussion has also occurred recently about the benefits and drawbacks of the Town assuming this role and responsibility. There are points of value to each side of the discussion

The Floodplain administrator has numerous specific responsibilities that must be maintained or the potential injury, damage, and liability can be significant. Most small and medium size communities delegate this responsibility to their County Flood Control District, as they usually have the expertise and staff to maintain the duties appropriately, as well as they have more resources to address potential liability. I attached a few examples of the job assignment, duties and responsibilities of Floodplain Administrators in various communities as an example of the intensity of this assignment.

At current, based on my professional experiences and the potential liability of assuming these responsibilities within the Town administration, I respectfully request the Town Council reaffirm the current agreement with the Coconino Flood Control District and continue to delegate that duty and responsibility to them.

(928) 638-9909 PO Box 709, 845 Mustang Drive, Tusayan, AZ 86023 www.tusayan-az.gov

TOWN OF TUSAYAN, ARIZONA
ORDINANCE 2013-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, COCONINO COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town of Tusayan, Arizona is joining the National Flood Insurance Program (NFIP) as a separate community; and,

WHEREAS, the Town of Tusayan, under the National Flood Insurance Program, is the entity responsible for floodplain administration within the Town; and,

WHEREAS, the continued participation in the National Flood Insurance Program is in the best interest of the citizens of Tusayan; and,

WHEREAS, the Federal Emergency Management Agency published a Flood Insurance Study on September 3, 2010, and Flood Insurance Rate Map on September 3, 2010, for the Town of Tusayan; and,

WHEREAS, each community that participates in the National Flood Insurance Program is required to adopt floodplain management regulations consistent with Federal criteria; and,

WHEREAS, the Town of Tusayan has delegated the responsibility of floodplain management to the Flood Control District of Coconino County as provided for in ARS 48-3610; and,

WHEREAS, the Flood Control District of Coconino County has adopted Floodplain Regulations that meet the requirements of the National Flood Insurance Program; and

WHEREAS, those certain documents entitled "Flood Insurance Study for Coconino County" effective September 3, 2010 and Flood Insurance Rate Maps effective September 3, 2010 and "Floodplain Management Regulations for Coconino County" effective August 1981 and all subsequent amendments and/or revisions are hereby designated as public records.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Tusayan, Arizona, as follows:

Section 1. The Town of Tusayan continues to delegate the responsibility of floodplain management to the Flood Control District of Coconino County as provided for in ARS 48-3610. The Town Manager is designated as the National Flood Insurance Program Floodplain Administrator for the Town and is responsible for coordinating with the Flood Control District of Coconino County and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials.

Section 2. Those public records entitled "Flood Insurance Study (FIS) for Coconino County" effective September 3, 2010 with accompanying Flood Insurance Rate Maps (FIRMs) effective September 3, and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the Town of Tusayan. The special flood hazard areas documented in the Flood Insurance Study and Flood Insurance Rate Maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

Section 3. That public record designated as the "Floodplain Management Regulations for Coconino County" effective August 1981, and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, is hereby adopted as the legal basis for implementing floodplain management in this community.

Section 4. Repeal of conflicting ordinances. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Severability. If any portion of this ordinance is determined by a court of competent jurisdiction to be invalid, all remaining portions of this ordinance shall remain in full force and effect.

Section 6. Abatement of violations shall be per "Floodplain Management Regulations for Coconino County" effective August 1981, and all subsequent amendments and/or revisions.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the Town of Tusayan, Coconino County, Arizona, this 15th day of May, 2013.

APPROVED:

Greg Bryan, Mayor

Date: 5/15/13

ATTESTED:

Melissa Malone, Town Clerk

Approved as to form:

William J. Sims III, Town Attorney

GOODYEAR

16-4-3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties of the Floodplain Administrator shall include, but not be limited to the following.

(A) Permit review. Review all development permits to determine that:

(1) The permit requirements of this chapter have been satisfied;

(2) All other required state and federal permits have been obtained;

(3) The site is reasonably safe from flooding;

(4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, ADVERSELY AFFECTS means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(B) Use of other base flood data. When base flood elevation data has not been provided in accordance with § 16-3-2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer Article 16-5. Any such information shall be consistent with the requirements of FEMA and the Director of Water Resources and shall be submitted to the Floodplain Board for adoption.

(C) Information to be obtained and maintained. Obtain and maintain for public inspection and make available the following:

(1) The certified regulatory flood elevation required in § 16-5-1(C)(1);

(2) The Zone AO certification required in § 16-5-1(C)(1);

(3) The flood proofing certification required in § 16-5-1(C)(2);

(4) The certified opening elevation required in § 16-5-1(C)(3).

(D) Alteration of watercourses. Whenever a watercourse is to be altered or relocated:

(1) Notify adjacent communities and ADWR prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA through appropriate notification means; and

(2) Require that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.

(E) Written notice of development plan. Advise the district of Maricopa County and any adjunct jurisdiction having responsibility for floodplain management in writing and provide a copy of the development plan of all applications for floodplain use permits or variances to develop land in a floodplain or floodway within one mile of the corporate limits of the city. Also, advise the district of Maricopa County in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the district's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to the district no later than three working days after having been received by the city.

(F) Interpretation of firm boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 16-6.

(G) Actions on violations. Take actions on violations of this chapter as required in § 16-3-10.

(H) Notification. Notify FEMA and ADWR of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

(I) Delineation of floodplains. Within 120 days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources.

(J) Submission of data. Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify FEMA of the changes by submitting technical or scientific data in accordance with 44 CFR § 65.3. Such a submission is necessary so that upon

confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Prior Code, § 16-4-2) (Am. Ord. 05-956, passed 8-22-2005)

PHOENIX

32B-18 Duties and responsibilities of the Floodplain Administrator. +1

A. Permit review. Review all development permits to determine that:

1. The permit requirements of this chapter have been satisfied;

2. All other required State and Federal permits have been obtained;

3. The site is reasonably safe from flooding;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, adversely affect means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

B. Substantial improvement and substantial damage procedures.

1. Using FEMA Publication 213, "Answers to Questions about Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "market value."

2. Ensure procedures are coordinated with other departments and divisions and implemented by community staff.

C. Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 32B-7, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Article V herein. Any such information shall be consistent with the requirements of FEMA and the Director of the Arizona Department of Water Resources and shall be submitted to the Floodplain Board for adoption.

D. Obtain and maintain for public inspection:

1. The certified regulatory flood elevation required in Section 32B-20.C.1;

2. The floodproofing certification required in Section 32B-20.C.2;

3. The flood vent certification required in Section 32B-20.C.3;

4. The elevation certification required for additional development standards, including subdivisions, in Section 32B-23.A.2;

5. The floodway encroachment certification required in Section 32B-26.A;

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to FEMA; and

7. Obtain and maintain improvement calculations.

E. Notification of other entities.

1. Whenever a watercourse is to be altered or relocated:

a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to FEMA through appropriate notification means; and

b. Ensure that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.

2. Base flood elevation and rate of flow due to physical alterations.

a. Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify FEMA of the changes by submitting technical or scientific data in accordance with 44 CFR Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

b. Within 120 days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources.

3. Corporate boundary changes. Notify FEMA and the Arizona Department of Water Resources of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

F. Map determinations. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI.

G. Remedial actions. Take actions on violations of this chapter as required in Section 32B-14 herein.

H. Biennial report. Complete and submit a biennial report to FEMA.

FLAGSTAFF

12-01-001-0005.2 FLOODPLAIN ADMINISTRATOR

The Stormwater Manager is hereby appointed as Floodplain Administrator. The Floodplain Administrator may delegate to others the duties and authority necessary to carry out the duties outlined in this Section. The Floodplain Administrator shall administer and implement these regulations by granting or denying Floodplain Use Permit applications in accordance with the provisions herein. The Floodplain Administrator shall have the authority to establish methods and standards for constructing the flood protection measures required by this Ordinance when the details of such methods and standards have not been specified by the Ordinance. The various Technical Bulletins published by FEMA are considered to be acceptable methods and standards, provided they are not less restrictive than requirements already established by other City standards and regulations. (Amended, Ord. No. 2011-11, 09/06/2011)

A. Duties of the Floodplain Administrator shall include, but not be limited to the following:

1. Administer and enforce the provisions of these regulations.

2. Require Floodplain Use Permits for all proposed construction and other developments including the placement of manufactured homes and fill within areas of special flood hazard as identified in the FIRM.

3. Review all Floodplain Use Permits applications to determine that:

a. The permit requirements of these regulations have been satisfied;

b. All other required State and Federal permits pertaining to construction in floodplains and watercourses have been obtained;

c. The site is reasonably safe from flooding; and

d. The proposed development does not adversely affect the carrying capacity of areas of special flood hazard. For purposes of these regulations, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood at any point.

4. Establish the criteria and policy by which consistent technical evaluations of the floodplain are made.

5. Formulate overall comprehensive floodplain management and watercourse master plans.

6. When base flood elevation data has not been provided in accordance with Section 12-01-001-0004.02, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, including data developed pursuant to paragraph 12-01-001-0006.04, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the FIRM meet the provisions of these regulations. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Arizona Department of Water Resources.

7. Delineate or by rule require developers of land located in Zones "A", or along watercourses that constitute a flood hazard as determined by the criteria established by the Arizona Department of Water

Resources (ADWR) in State Standard 2-96 that do not have base flood elevation or floodway data, to delineate for areas where development is ongoing or imminent, floodplains and floodways consistent with criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. (Amended, Ord. No. 2011-11, 09/06/2011)

8. In those areas along a watercourse where the channel width, topography, and/or channel gradient clearly vary from the cross-section and profile data in the FIS, FIRM, and/or FBFM, the Floodplain Administrator may require a floodplain delineation re-study to ensure that the base flood elevation data and horizontal location of the floodway and flood fringe are correctly shown on any property prior to development.

9. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies or affecting Increased Cost of Construction Coverage:

a. The certified regulatory flood elevation required for residential structures in Section 12-01-001-0006.1.A.3.c;

b. The certification required for manufactured homes in Section 12-01-001-0006.5.A.1;

c. The flood proofing certification required for floodproofed non-residential structures in Section 12-01-001-0006.1.A.3.d.3.

d. The certified elevation required for subdivisions in Section 12-01-001-0006.4.E;

e. The flood vent certification required in Section 12-01-001-0006.A.3.f

f. Permit records for repair of flood-related damage to structures on a cumulative basis improvements, modifications, and additions to existing buildings are counted cumulatively for the 10 years prior to the date of application for construction.

g. The Floodplain Administrator shall require that the above certifications are provided using the most current version of the FEMA elevation certificate and Floodproofing certificate forms.

h. Obtain and maintain improvement calculations.

i. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the biennial report submitted to the Federal Emergency Management Agency.

j. Complete and submit a Biennial Report to the Federal Emergency Management Agency.

(Amended, Ord. No. 2011-11, 09/06/2011)

10. Whenever a watercourse is to be altered or relocated:

a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA) through appropriate notification means;

b. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

c. Base flood elevation and rate of flow due to physical alterations:

(1) Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency (FEMA) of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(2) Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources. (Amended, Ord. No. 2011-11, 09/06/2011)

11. Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the base flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person, or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineations shall be done according to the criteria adopted by the Federal Emergency Management Agency (FEMA), the Director of the Arizona Department of Water Resources and the City of Flagstaff. (Amended, Ord. No. 2011-11, 09/06/2011)

12. Advise the Flood Control District of Coconino County (the "District") and any adjacent jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of all applications for Floodplain Use Permits or variances to develop land in a floodplain or floodway within one mile of the boundary between the City's area of jurisdiction and the area of jurisdiction of the District. Also, advise the District and any jurisdiction having responsibility for floodplain management in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses outside the City's area of jurisdiction.

13. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 12-01-001-0007.1.

14. Take actions on violations of these regulations as required in Section 12-01-001-0004.10 herein.

15. Notify the Administrator and Director of the Arizona Department of Water Resources of acquisition by means of annexation, incorporation, or otherwise, of additional areas of jurisdiction.

(Ord. 2001-06, Amended, 04/03/2001); (Amended, Ord. No. 2011-11, 09/06/2011)

B. Substantial Improvement and Substantial Damage Procedures.

Develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value." Assure procedures are coordinated with other departments and divisions and implemented by city staff.

COCONINO COUNTY

Floodplain Management

The Engineering Division's Floodplain Management responsibilities include:

- Responding to property owners and potential property owners of parcel floodplain status
- Administering the requirements of the Floodplain Management Overlay Zone, adopted as part of the Coconino County Zoning Ordinance, in order to minimize the public and private losses due to flooding
- Responding to inquiries about Federal Emergency Management Agency (FEMA) floodplains NFIP Publications
- Reviewing drainage studies and Floodplain Permit Applications
- Coordinating with FEMA to ensure Coconino County maintains its flood insurance rating

Flood Control District

Options for the Town of Tusayan:

Town of Tusayan Elects to Remain in the Flood Control District (current status)

If the town elects to remain in the Flood Control District (FCD), then the FCD will conduct an Initial Engineering Assessment, which will include an in-depth hydrologic analysis and a two-dimensional hydraulic analysis of the floodplains affecting the Tusayan Special Flood Hazard Area. A preliminary review of the existing analyses by an independent and highly regarded civil engineer with expertise in hydrologic analyses indicated that it is likely that the volume of flow through the Tusayan SFHA will increase significantly beyond what has been projected by the town's engineer and the historic FEMA flood risk maps.

There are three possible outcomes from the new analyses:

1) New FEMA Flood Risk Maps
2) New Local Floodplain
3) No change in regulations, which we believe to be unlikely

Timing – the FCD plans to budget to conduct the Initial Engineering Assessment (IEA) in Fiscal Year 2017. However, this is contingent upon the availability of funds and approval by the Board of Directors. If the IEA is pursued, then we expect the process to take approximately six months.

Town of Tusayan Leaves the Flood Control District

If the town elects to leave the Flood Control District, then the FCD will not proceed with the IEA. The town will then be responsible for regulating within the FEMA Special Flood Hazard Area. No FCD taxes will be collected within the town limits.

Town of Tusayan Remains in the Flood Control District but Takes over all Regulation

Town of Tusayan Remains in the Flood Control District, but is responsible for regulation of the FEMA Special Flood Hazard Area and all other existing or future flood risks within the town limits. The County would remit to the town annually the property taxes collected by the FCD within the town limits.

Requested Decision Timeframe

The Flood Control District requests that the Tusayan Town Council make a decision regarding its status with regard to the FCD within 60 days so the FCD can budget and plan appropriately for FY2017.