

AGENDA

TUSAYAN TOWN COUNCIL WORKSHOP

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

Wednesday, April 6, 2016 at 5:00pm

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 and workshop 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 and A.4 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 WORKSHOP

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

MAYOR CRAIG SANDERSON
VICE MAYOR JOHN RUETER

COUNCILMEMBER AL MONTOYA
COUNCILMEMBER JOHN SCHOPPMANN
COUNCILMEMBER BECKY WIRTH

** One or two Councilmembers may attend by telephone*

3. DISCUSSION ITEM

Flood Plain Administration options

4. 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

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.

**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.

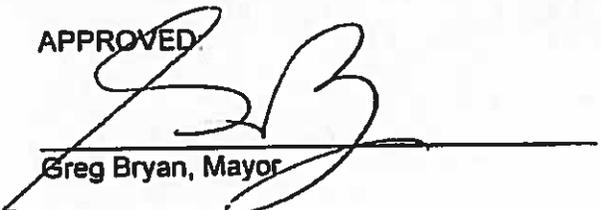
Section 4. Repeal of conflicting ordinances. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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.

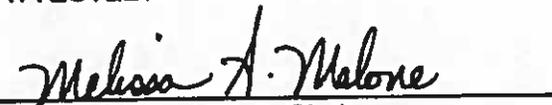
APPROVED:



Greg Bryan, Mayor

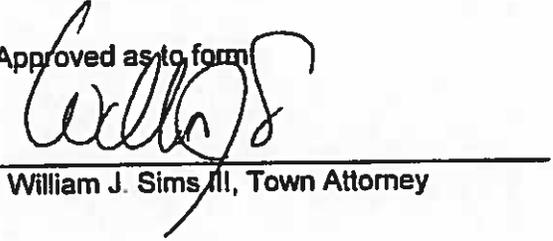
Date: 5/15/13

ATTESTED:



Melissa Malone, Town Clerk

Approved as to form



William J. Sims, II, 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.