



Legislation Text

File #: 20-233, **Version:** 1

TO: Mayor and Town Council

FROM: Andrew Miller, Town Attorney

DATE: May 28, 2020

CONTACT:

Paul Mood, 480-348-3573

AGENDA TITLE:

Discussion of Draft Ordinance No. 2020-07, amending Chapter 5, Building and Construction, Article 5-11, Floodplain Administration of the Town Code

BACKGROUND:

On March 18, 2020 the Town received notice from the Federal Emergency Management Agency (FEMA) that the current Town floodplain ordinance, Town Code Article 5-11, would be subject to an audit by the Arizona Department of Water Resources (ADWR). FEMA has tasked ADWR to conduct the audit based on the latest federal and state floodplain regulation requirements. Failure to make changes that comport with the floodplain management regulations deemed necessary by FEMA would result in the Town being suspended from participation in the National Flood Insurance Program. The Town has a deadline of September 18, 2020 to make changes to its Floodplain Regulations so that they are in concert with the latest model ordinance provisions from FEMA and ADWR. The last time the Town had to make similar amendments to its floodplain ordinance was in September 2005.

The Town has worked closely with ADWR floodplain specialists to update the Floodplain Regulations in Article 5-11. ADWR has reviewed draft amendments to the current Town Floodplain Regulations with Town staff in an effort to make modifications that will bring the Town's regulations into compliance with the latest state "model ordinance for non-Colorado River communities" (Model Ordinance). After exchanging a series of drafts the Town has recently received approval from ADWR to move forward with the process of adopting an ordinance that incorporates the required revisions to the current Town Floodplain Regulations.

The draft ordinance attached hereto, Ordinance No. 2020-07, includes four new sections that now coincide with the Model Ordinance:

- Statutory Authorization
- Findings of Fact
- Statement of Purpose
- Methods of Reducing Flood Losses.

Other major changes include a number of new definitions, the removal of obsolete FEMA map designations and the inclusion of the latest mapping requirements. Ordinance 2020-07 also adds

new state statute references per the Model Ordinance and numerous language revisions that more closely mirror the Model Ordinance. ADWR has recommended that with future updates to the International Building Code (IBC) and International Residential Code (IRC), the floodplain provisions of these model codes be excluded as they may conflict with the new state standards.

Although the Town currently has approximately 500 properties within designated FEMA flood hazard areas, only 7 properties were reported as having flood insurance. It is important for those 7 properties that the Town maintain an up to date set of Floodplain Regulations that comply with FEMA requirements. Staff will answer any questions that the Council may have regarding Draft Ordinance No. 2020-07.

NEXT STEPS

Provide comments on draft Ordinance No. 2020-07 and advise whether the Ordinance should be scheduled for Council adoption at a future meeting.

ATTACHMENTS:

Draft Ordinance No. 2020-07