

REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: July 11, 2017

Common Council Public Hearing Date: August 2, 2017

Item: Zoning Ordinance Text and Map Amendment – Floodplain Zoning relating to Section 23-206(b) Official Maps and Revisions and Flood Insurance Rate Map Panel Number 55087C0336D

Case Manager: Don Harp

STAFF ANALYSIS

Background: The City has received notification from the Federal Emergency Management Agency (FEMA) that Flood Insurance Rate Map (FIRM) Panel No. 55087C0336D (see attached) was revised and will go into effect September 29, 2017 by Letter of Map Revision (LOMR). The revisions to this panel were based on additional study information prior to the approval of the Pond View Estates development project located on the south side of East Glenhurst Lane. The study area includes the AAL Tributary from just downstream of Lighting Drive to approximately 200 feet upstream of East Glenhurst Lane.

The flood study found the AAL Tributary had land not mapped as being within special flood hazard areas such as Regulatory Floodway and Base Flood Plain Elevations (*The base flood plain elevation is commonly referred to as a 100-year flood, which is also the same as the 1% annual change flood*) that should be but were not identified on the current FIRM panel issued by FEMA.

Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, the City is required to adopt and enforce the new FIRM Panel No. 55087C0336D and provide evidence that its floodplain ordinance meets the standards of Paragraph 60.3(d) in the National Flood Insurance Program (NFIP) before September 29, 2017. The attached Ordinance revisions and FIRM Panel will accomplish this FEMA directive.

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined.

ARTICLE X. FLOODPLAIN ZONING

DIVISION 1. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS.

Sec. 23-206. General provisions.

(b) Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Appleton Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Division of Inspections of the Department of Public Works for the City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) Official maps based on the FIS:

- a. Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study (FIS), dated February 2009, volume number 55015CV000A.
- b. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0304E, and 55087C0308E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated January 20, 2016, volume number 55087CV000B.
- c. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D dated July 22, 2010; with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A.
- d. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.

- e. LOMR Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.
- f. LOMR Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
- g. City of Appleton Kensington Pond Dam Break Analysis Hydraulic Shadow, Per Figure F-9 of Dam Failure Analysis and Assignment of the Hazard Rating for Kensington Pond Dam, by Earth Tech, dated January 2008, on file with City of Appleton Department of Public Works.
- h. LOMR Case #17-05-1963P. Floodplain revisions on Outagamie County
 Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie
 County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective
 September 29, 2017. This reflects changes along the AAL Tributary from
 just downstream of Lightning Drive to approximately 200 feet upstream of
 East Glenhurst Lane.

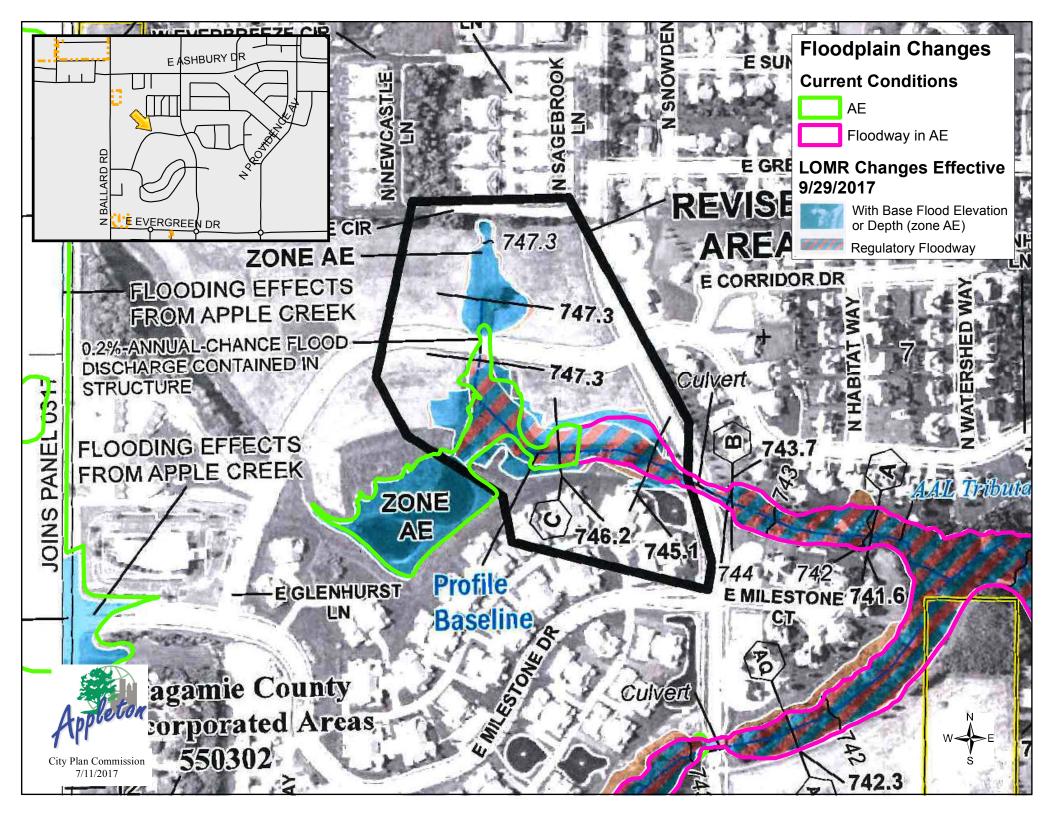
Proposed Amendment to Flood Insurance Rate Map Panel Number 55087C0336D:

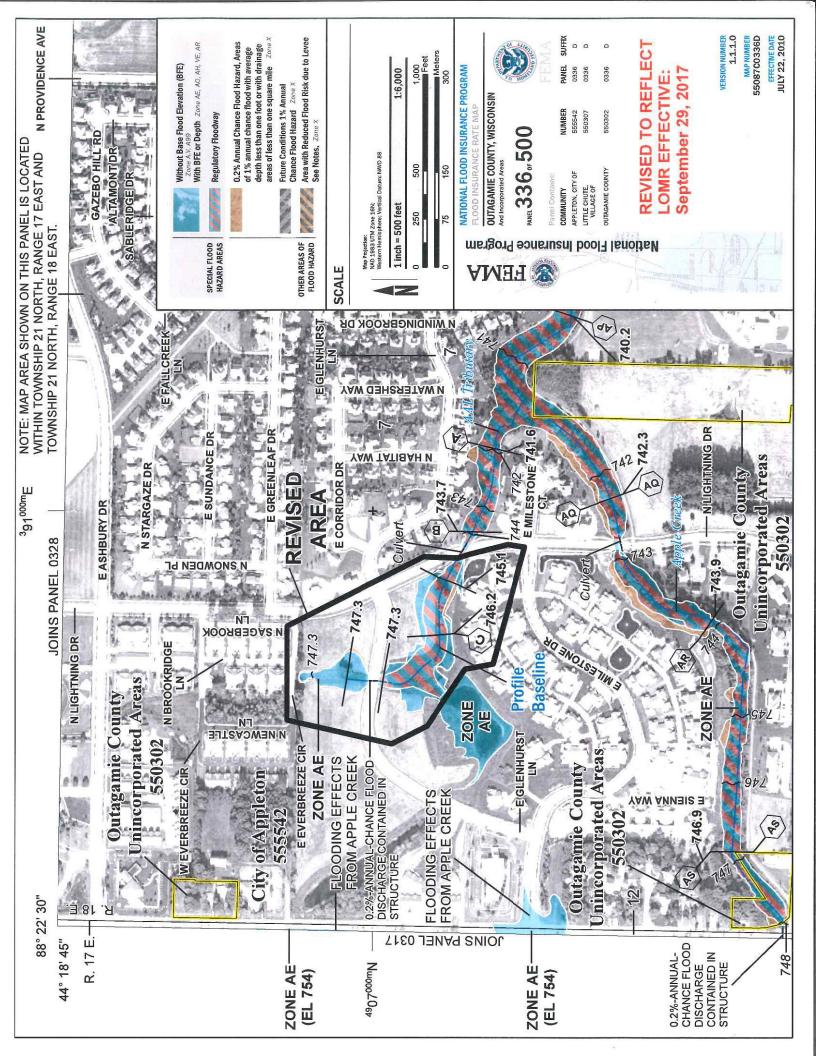
See attached maps.

Technical Review Group Report (TRG): This item was reviewed at the June 20, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION PENDING INFORMAL PUBLIC HEARING TESTIMONY:

The proposed text and map amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-206 (b) (1) h. Official maps and revisions, as identified in this staff report, **BE APPROVED**.







May 18, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Timothy Hanna Mayor, City of Appleton 100 North Appleton Street Appleton, WI 54911 IN REPLY REFER TO:

Case No.:

17-05-1963P

Community No.:

City of Appleton, WI 555542

Effective Date of

This Revision

September 29, 2017

Dear Mayor Hanna:

The Flood Insurance Study Report and Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Flomeland Security's Federal Emergency Management Agency (FBMA) in Chicago, Illinois, at (312) 408-5500, or the FEMA Map Information exchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at http://www.fenia.gov/business/hfip.

Sincerely,

Patrick "Rick" F. Sacbibit, P.B., Branch Ghief

Engineering Services Branch

Federal Insurance and Mitigation Administration

List of Enclosures:

Letter of Map Revision Determination Document Annotated Flood Insurance Rate Map: Annotated Flood Insurance Study Report

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Ms. Paula Vandeltey
Director of Public Works
City of Appleton

Ms. Michelle Staff, CFM NFIP Coordinator Wisconsin Department of Natural Resources

Mr. John Davel, P.B. President Davel Engineering and Environmental, Inc.





LETTER OF MAP REVISION DETERMINATION DOCUMENT

	COMMUNITY AND REVISION INFORMATION	PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of Appleton Outagamle County Wisconsin	FILL	BASEMAP CHANGES FLOODWÂY HYDRAULIC ÁNALYSIS NEW TOPOGRAPHIC DATA
	срмминту но.: вёбёй2:		
IDENTIFIER	Pond Vlow Estates	APPROXIMATE LATITUDE: 8: LONG SOURCE: Other DATUM: N	TUDE: 44.304, 488.366 ND 83
 	ANNOTATED MAPPING ENOLOSURES	ANNOTATED S	TUDY ENCLOBURES
TYPE: FIRM'	NO.1 55087C0338D DATE: July 22, 2010	DATE OF EFFECTIVE FLOOD INSUI PROFILE(S): 01P FLOODWAY DATA TABLE: 11	RANCE STUDY: Februáry 04, 2009
inclosures reflect	changes to flooding sources affected by this revision.		
FIRM - Flood In:	nrance Hala wap		
	FI CODING BOURG	E(8) & REVISED REACH(ES)	

AAL Tribulary - From Just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhutet Drive

	SUMMAR ¹	Y OF REVISIONS			
Flooding Source AAL Tribulary	Effactive F Zone AE Zone X (stu BFEs Fidodway	Zone AE	increases YES YES YES YES	Depresses YES YES YES YES	E)

· BFEs - Base Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described apover. Using the information submitted, we have determined that a revision to the flood hezarda depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood date presently available. The enclosed documents provide additional information regarded this determination. If you have any questions about this document, please contact the FEMA Map information exchange toll free at 1,677-338-2827 (1-877-FEMA MAP) or by letter addressed to the Engineering Library, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-5428. Additional information about the NFIP is available on our website at http://www.fema.gov/nip.

Patrick 'Rick' F. Sachibil, P.E., Branch Chief Engineering Shrildes Branch Federal Insurance and Miligation Administration

17-05-1983P

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LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128; and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended; communities participating in the NFP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP enteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or focal requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us; must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive residue of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety; may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents of morigage lenders, instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent annual-change floodplain to reflect the placement of fill.

However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any similar placed within the subject area be elevated to or above the Base (1-percent-annual-change) Flood Elevation.

This determination is based on the flood data presonly available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the HEMA Map Information exchange to the Engineering Library, 3601 Elsentiower Avenue, Suite 500; Alexandria, VA 22304:6426. Additional Information about the NFIP is aveilable on our website at hillp://www.ferra.gov/infip.

Patrick Rick F. Sachibli, P.E., Branch Chief Engineering Services Branch Federal insurance and Miligation Administration

17-06-1963P

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Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Christine Stack
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The anclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map information exchange toll free at 1-877-338-2627 (1-877-FEMA MAP) or by letter addressed to the Engineering Library, 3501 Elsenhower Avenue, Suite 500, Alexandria, VA 22304-6428. Additional Information about the NFIP is available on our website at hillp://www.fema.gov/hilp.

Pairick "Rick" F. Sacbibli, P.E., Branch Chlei Engineering Services Branch Federal Insurance and Miligation Administration

17-05-1968P

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LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the Federal Register. This information also will be published in your local newspaper on or about the dates listed below, and through FBMA's Flood Hazard Mapping website at https://www.floodmaps.fema.gov/thm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: Post-Crescent

Dates: May 25, 2017 and June 1, 2017

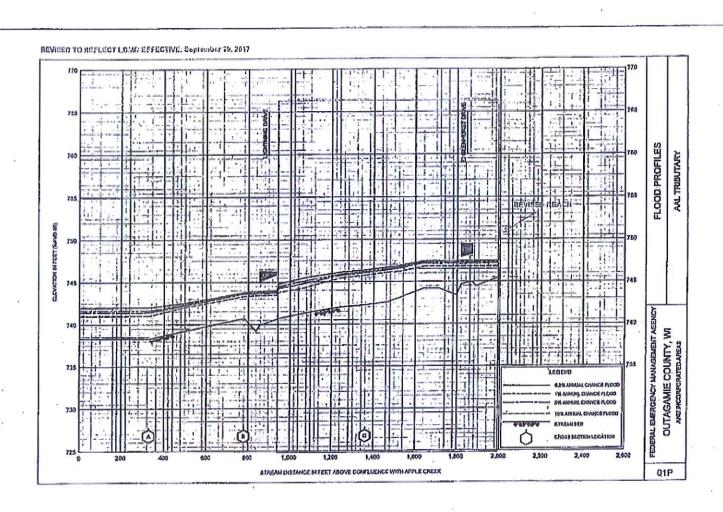
Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has clapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The piclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the PEMA Map Information exchange toll free at 1-877-336-2827 (1-877-FEMA MAP) or by fetter addressed to the Engineering Library, 3601 Elsenhower Avenue, Suite 500, Alexandria, VA 22304-8426. Additional information about the NRIP is available on our website at http://www.fema.gov/infip.

Patrick "Rick" F. Sacbibil, P.E., Branch Gfilef Englneering Services Branch Federal insurance and Miligation Administration

REVISED TO REFLECT LOWR EFFECTIVE: September 29, 2017

REVISED AREA



REVISED TO REFLECT LOWR EFFECTIVE: September 29, 2017

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