

## NOTICE AND AGENDA

FLOODPLAIN BOARD MEETING  
TUESDAY  
FEBRUARY 19, 2013

COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
6:00 P.M.

1. CALL TO ORDER

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

*NOTE: One or more Board members may be in attendance telephonically or by other technological means.*

CHAIRMAN NABOURS  
VICE CHAIRMAN EVANS  
MEMBER BAROTZ  
MEMBER BREWSTER

MEMBER ORAVITS  
MEMBER OVERTON  
MEMBER WOODSON

3. **Public Hearing and Consideration by Floodplain Board:** Variance From the Floodplain Regulations to Construct an Accessory Structure in the Regulatory Floodway at 5600 E. Old Walnut Canyon Road.

**RECOMMENDED ACTION:**

Open the public hearing of the Floodplain Board.  
Receive staff, applicant and citizen input.  
Close the public hearing.

Both the Water Commission and City staff recommend approval of the variance provided the proposed accessory structure meets the specified conditions.

4. ADJOURNMENT

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the Floodplain Board with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Tom Hieb, Project Manager III  
**Date:** 01/24/2013  
**Meeting Date:** 02/19/2013



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### TITLE:

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### RECOMMENDED ACTION:

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### Policy Decision or Reason for Action:

#### Financial Impact:

There is no cost to the City associated with this variance.

#### Connection to Council Goal:

Retain, expand and diversify economic base

#### Previous Council Decision on This:

No.

#### Options and Alternatives:

1. Grant the variance request with the conditions proposed.
2. Deny the variance request. In this case the Continental Country Club would continue to operate the driving range as they have in the past.
3. Grant the variance request but with additional or lesser conditions attached. Staff does not recommend lesser conditions because this could result in a structure that does not meet the minimum National Flood Insurance Program requirements for construction in a floodway and may not protect the public and adjacent property owners.

**Background/History:**

The City of Flagstaff Floodplain Regulations prohibits new construction within a Regulatory Floodway (Section 12-01-001-0006.7). The property at 5600 E. Old Walnut Canyon Road is entirely within the Regulatory Floodway of the Rio De Flag. The Continental Country Club has operated a golf driving range on this property for more than 20 years. The Country Club Board of Directors is requesting a variance from the Floodplain Regulations in order to construct a 200 square foot masonry structure to be used to store and rent equipment that is customary and incidental to operating a golf driving range. A variance to the Floodplain Regulations can only be granted by the City Council acting as the Floodplain Board (Section 12-01-001-0007.1A). Council has requested that the Water Commission review all variance requests and make a recommendation. The Water Commission heard this request on January 17, 2013 and voted unanimously to recommend granting the variance, with the proposed conditions.

**Key Considerations:**

Proposed Conditions of Approval:

1. it is 200 square feet or less in size;
2. it is used only for storing and renting golf equipment;
3. it is constructed of flood-resistant materials per City and FEMA standards;
4. it is wet flood-proofed to allow automatic entry and exit of flood waters and the protection of electric and water systems;
5. it is not connected to the sewer system, and;
6. it is properly anchored to prevent collapse or movement of the structure during flooding.

The approximate location of the proposed structure is shown on the attached map. Continental Country Club has retained the services of Turner Engineering to design a structure that meets the requirements of this variance. Paul Turner, of Turner Engineering, has described the use of the building and the proposed construction methods and materials in the attached letter. Construction plans and building permit materials have not yet been developed because, as explained in the letter, the Country Club Board of Directors wants to be sure the structure is permissible before expending resources for building plans and specifications. The letter from Mr. Turner also addresses nineteen items that the Floodplain Regulations state shall be considered when granting a variance. Staff has reviewed Mr. Turner's responses to these items and generally agrees with his conclusions.

The Floodway where the building will be located is not a typical riverine floodway, which is defined as the channel of a watercourse, and the adjacent land areas, that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot. Instead, flooding in this area is the result of flood waters that are detained and "pond" behind the old Route 66 roadway embankment where it crosses the Rio de Flag just east of the Flagstaff Auto Mall. Thus, the 100-year flood water velocity is very low at the building site (0.25 ft./sec.) but the depth of water is 11 feet. As a result, there is no concern about creating an obstruction to flow, as is typically the case with development in a floodway, but the building may be totally submerged. The building design will need to account for these conditions. Flooding did occur at this site in 1993 and substantially damaged an older wooden building that was being used for the same purpose as the proposed building. Additional details for the building and the variance process will be available at the meeting.

The proposed building is "new construction" in a Floodway and therefore does not comply with the city's Floodplain Regulations. However, if the structure meets all proposed conditions of this variance, then it meets all minimum requirements of the National Flood Insurance Program, does not worsen existing flooding conditions, does not create dangerous conditions, does not allow any new uses at the site, and minimizes the potential for flood damage and loss.

## Community Involvement:

This item is a Public Hearing intended to inform, consult and involve the public in the decision. Notice of this hearing has been published a minimum of 15 days in advance of this meeting.

**Attachments:**     Applicant Letter  
                              Site Map

December 26, 2012

Mr. Malcolm Alter, P.E., CFM  
Stormwater Manager  
City of Flagstaff  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

RE: Driving Range Auxiliary Building Variance

Dear Malcolm,

Turner Engineering, Inc. has been retained by the Board of Directors of Continental County Club to provide the technical and other data to request a variance from the flood plain regulations. The variance applied for is pursuant to SECTION 12-01-001-0007 VARIANCE PROCEDURE, specifically SECTION 12-01-001-0007.1 APPEAL AND VARIANCE BOARD.

It is the intent of the Board of Directors of Continental County Club (CCC Board) to construct a 200 square foot masonry structure on a parcel of land south and adjacent to the existing driving range along Old Walnut Canyon Drive. The purpose of this building is ancillary to the use of a driving range and will contain those facilities normal, customary and incidental to operating a driving range. The property on which this proposed building is to be erected (as new construction) is located within the Floodway as designated by Federal Emergency Management Agency. Please see the attached DFIRM. The Map Number is 04005C6829G, Panel 6829, Effective Date: September 3, 2010. The Floodway designation was made due to the fact that this area is actually a "backwater pool" that is created by a restriction to the Rio de Flag watercourse at Route 66 downstream. This area is also known as Big Fill Lake. It is not in the scope of this variance to identify all the parameters of the conditions or consequences of this backwater pool. We are recognizing it exists and will respond to the relevant factors for seeking a variance.

The following is a response to the qualifying requirements for passing on an application. Specifically Item G. We will cite each requirement (1-11) and respond to those requirements.

1. REQUIREMENT – The danger that materials may be swept onto other lands to the injury of others. RESPONSE – The proposed building will be constructed of Concrete Masonry Units (CMU) on a concrete footing approximately one foot above adjacent ground level. Due to the backwater pool small velocities are expected and movement of the building is unlikely.
2. REQUIREMENT – The danger of life and property due to flooding and erosion damage. RESPONSE – The building is ancillary to the use of the driving range. No overnight occupancy shall be permitted. Storage of property normal, customary and incidental to operating a driving range would be subject to inundation during a flood. This will be the sole responsibility and liability of the CCC Board.
3. REQUIREMENT - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. RESPONSE –The CCC Board, the owner agrees to accept all responsibility and liability for damage to the building and its contents.
4. REQUIREMENT – The importance of the services provided by the proposed facility to the community. RESPONSE – The primary function of the building is to provide those ancillary needs to operating a driving range.

5. REQUIREMENT – The necessity to the facility of a waterfront location, where applicable. RESPONSE – Not applicable.
6. REQUIREMENT – The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage. RESPONSE – From the DFIRM attached is can be seen that almost all of the adjacent property owned by the CCC Board is inundated by the Floodway. The ancillary use and the need to be on the driving range is a requisite for this building.
7. REQUIREMENT – The compatibility of the proposed use with existing and anticipated development. RESPONSE – Again, this building is ancillary to the driving range. No anticipated development is expected to occur within the Floodway without further variances and approval.
8. REQUIREMENT – The relationship of the proposed use to the comprehensive plan and floodplain management program for that area. RESPONSE – Again, this building is ancillary to the driving range, which is in the comprehensive plan and is under the purview of the Floodplain Regulations.
9. REQUIREMENT – The safety of access to the property in time of flood for ordinary and emergency vehicles. RESPONSE – The use of the property during a flood event is not possible, therefore access and safety is not an issue.
10. REQUIREMENT – The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site. RESPONSE – It is anticipated, that during a Base Flood event (An event that is defined as a 1% chance of flooding in any given year, aka as the 100 year flood event) the water will completely inundate the building. The velocity is expected to be very low as this area is a backwater pool. The duration and rate of rise are unknown, and depending upon the actual duration of the storm event that would occur. Sediment transport would be minimal, however sediment laden floodwater would deposit sediment on the site.
11. REQUIREMENT – The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system, and streets and bridges. RESPONSE – The building and its utility appurtenances' are all privately owned. The government would not be responsible or liable for restoring such facilities.

Furthermore in SECTION 12-01-001-0007.2 VARIANCES, the following is applicable.

Under A. NATURE OF VARIANCES:

This variance pertains to a piece of property and the construction of one 200 square foot building on it to house the ancillary uses of the driving range, contiguous to it. The driving range has been in existence for over 20 years and services the general public. The building material will conform to the FEMA Technical Bulletin 2 / August 2008. Materials to be used include, Concrete block, Preservative-treated, alkaline copper quaternary (ACQ) or copper azole (C-A) board, decay resistant or preservative treated lumber. Doors shall be metal, either wood core or foam-filled core. The roof structure shall be anchored to the block walls to prevent floating. No potable water connection is part of this variance. Electrical service shall be installed at the highest accessible location and all circuits shall be GFIC protected. Flood vents (2) shall be installed within one foot of the exterior grade. Smart Vents© may be used for this purpose and sized accordingly.

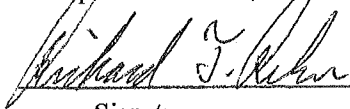
Details of the building shall be submitted (by others) to the Stormwater and Building departments prior to issuing a building permit. The intent of applying for a variance from the Floodplain Regulations now, is know the CCC Board is vested in the ability to move forward prior to expending resources for building plans and specifications.

Under B. CONDITIONS FOR VARIANCES:

The following items (1-8, as may be applicable) are address and the findings are identified:

1. CONDITION - Listing on National Register or Historic Places. FINDING - Not applicable
2. CONDITION - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. FINDING - Since this proposed new building will have flood vents installed, no displacement of flood waters will occur.
3. CONDITION - Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. FINDING - The maximum size building allowable within the designated floodway is 200 square feet. This is the minimum amount of square footage to accommodate the ancillary needs for the driving range facility.
4. CONDITION - Variances shall only be issued upon a.) A showing of good and sufficient cause: FINDING - The proximity of the building to the driving range is vital to its operation. A remote building would not serve the purpose intended. b.) A determination that failure to grant the variance would result in exceptional hardship to the applicant. FINDING - Operating and managing the operation of the driving range requires close visual over-site of the activities. A remote building would not afford this requirement. c.) Proximity to water. FINDING - This facility is not located near a perennial water course. d.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances. FINDING - As stated hereinabove, the building is afforded flood vents that will allow water to fill the inside of the building during an event and not causing an increase in flood heights. Public safety is not an issue as the facility will be closed during a flood event. Not public expense will be incurred as all of the facilities are private. No nuisances will occur as the building is secured to a foundation and will remain in place in the event of a flood. No fraud or victimization of the public will be incurred.
5. CONDITION - (paraphrased) Size of lot generally not to exceed one-half acre. FINDING - This site is several acres in size as it is a driving range. However, the sighting of the driving range building is adjacent to both the parking area and the range itself. We feel this condition is not applicable for this variance.
6. CONDITION - (paraphrased) Floodplain Board may attach any conditions it deems in its best interest. FINDING - Agreed.
7. CONDITION - Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that: a.) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage, and b.) Such construction below the base flood level increases the risks to life and property. FINDINGS - This is understood by the CCC Board as acknowledged below.
8. CONDITION - (paraphrased) Violation of conditions or stipulations. FINDING - CCC Board understands and agrees to comply with conditions and stipulations of this document and any other requirements of the Floodplain Board and in not doing so will accept revocation of this variance.

With all due respect for the Floodplain regulations, related FEMA Bulletins and City Ordinances the applicant, CCC Board of Directors, concurs with the statements made herein, and will enforce conditions and stipulations herein, and therefore hereby request a variance.



Signature

RICHARD T. REHN

Printed Name

12/20/2012

Date

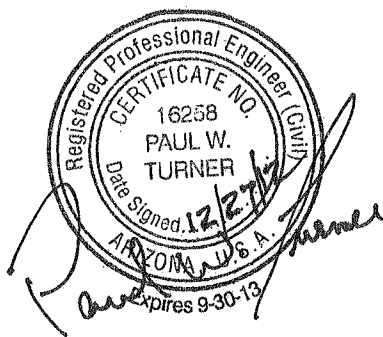
Continental County Club for the Board of Directors

Authorized Signature

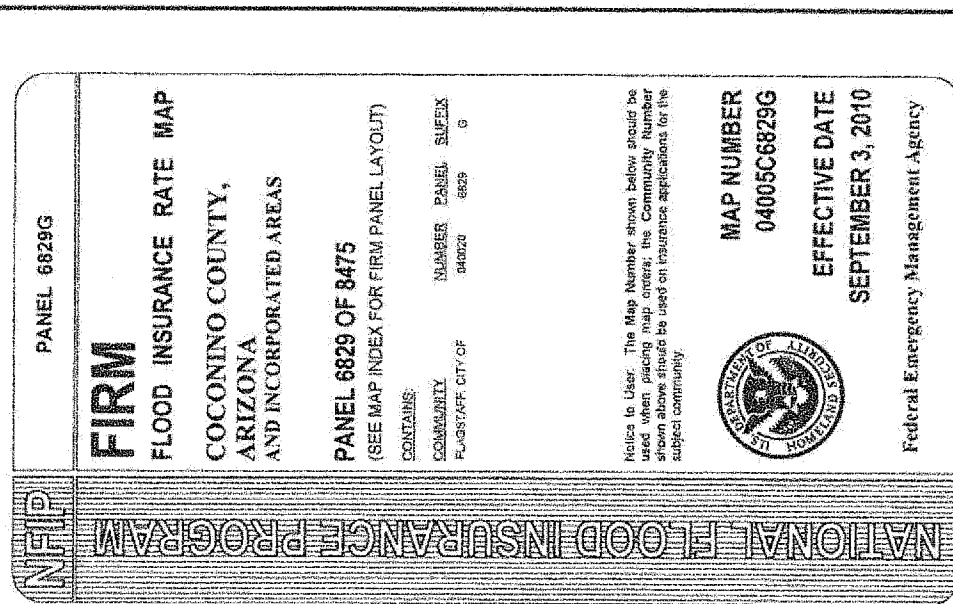
This document was prepared by Turner Engineering, Inc. for purpose of seeking a Floodplain Variance.

Paul W. Turner, P.E., CFM  
President  
528 West Aspen Avenue  
Flagstaff, Arizona

Attachment: DFIRM





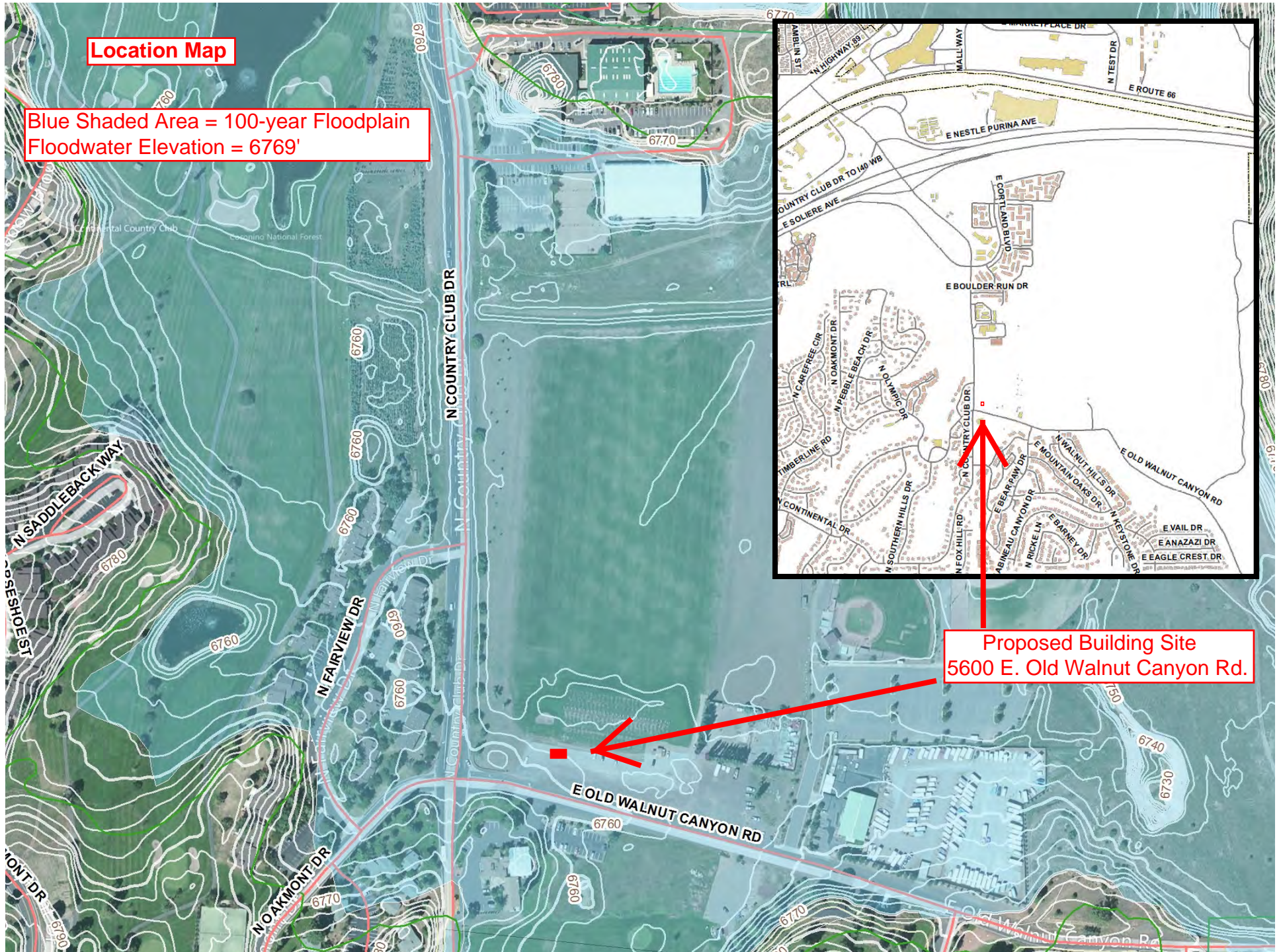


This is an official copy of a portion of the above referenced flood map. It was extracted using FMIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.nsc.fema.gov](http://www.nsc.fema.gov)



### Location Map

Blue Shaded Area = 100-year Floodplain  
Floodwater Elevation = 6769'



Proposed Building Site  
5600 E. Old Walnut Canyon Rd.