

AGENDA

**FLAGSTAFF FLOODPLAIN BOARD
TUESDAY
FEBRUARY 25, 2020**

**COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:30 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 Flagstaff Floodplain Board and to the general public that, at this work session, the Floodplain Board 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 Councilmembers may be in attendance telephonically or by other technological means.

CHAIRWOMAN EVANS

VICE CHAIRMAN SHIMONI

BOARD MEMBER ASLAN

BOARD MEMBER MCCARTHY

BOARD MEMBER ODEGAARD

BOARD MEMBER SALAS

BOARD MEMBER WHELAN

3. **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

- A. **Consideration and Approval of Minutes:** Flagstaff Floodplain Board Meeting of August 25, 2015.

4. **REGULAR AGENDA**

- A. **Public Hearing and Consideration of Variance:** Request for a Variance of City Code Title 12 Floodplain Regulations by Katlon RV Entrance Gate Shed

STAFF RECOMMENDED ACTION:

- 1) Open the Public Hearing.
- 2) Receive staff input.
- 3) Receive citizen and applicant input, and receive additional staff input if needed.
- 4) Make Findings.
- 5) Close the Public Hearing.
- 6) Approve the variance, approve the variance with conditions, or deny the variance.

Both the Water Commission and City staff recommend approval of the variance.

5. **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 City Council with the City Clerk.

Dated this _____ day of _____, 2020.

Stacy Saltzburg, MMC, City Clerk

3. A.

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, City Clerk
Date: 02/19/2020
Meeting Date: 02/25/2020



TITLE

Consideration and Approval of Minutes: Flagstaff Floodplain Board Meeting of August 25, 2015.

STAFF RECOMMENDED ACTION:

Approve the minutes of the Flagstaff Floodplain Board Meeting of August 25, 2015.

EXECUTIVE SUMMARY:

Minutes of Flagstaff Floodplain Board meetings are a requirement of Arizona Revised Statutes and, additionally, provide a method of informing the public of discussions and actions being taken by the Board.

INFORMATION:

Attachments: [08.25.2015.FloodplainMinutes](#)

FLOODPLAIN BOARD MEETING
TUESDAY, AUGUST 25, 2015
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

ACTION SUMMARY

1. Call to Order

Chairman Nabours called the meeting of the City of Flagstaff Floodplain Board held August 25, 2015, to order at 6:00 p.m.

2. Roll Call

Board Members present:

CHAIRMAN NABOURS
VICE CHAIRMAN BAROTZ
BOARD MEMBER EVANS
BOARD MEMBER ORAVITS
BOARD MEMBER OVERTON
BOARD MEMBER PUTZOVA

Board Members absent:

BOARD MEMBER BREWSTER

Others present: Interim City Manager Jeff Meilbeck and City Attorney Michelle D'Andrea.

3. Consideration and Approval of Minutes: Flagstaff Floodplain Board Meeting of February 19, 2013.

Moved by Board member Scott Overton, **seconded by** Vice Chairman Celia Barotz to approve the minutes of the Flagstaff Floodplain Board Meeting of February 19, 2013

Vote: 6 – 0 – Unanimously

4. REGULAR AGENDA

- A. Public Hearing and Consideration of Variance:** Request for a Variance from the Floodplain Regulations for the Proposed Home Reconstruction in the Floodway of a Fire Destroyed Home at 504 S O'Leary St.

Chairman Nabours opened the Public Hearing.

Staff provided a presentation concerning the request.

There being no public comment, Chairman Nabours closed the Public Hearing

Moved by Board member Jeff Oravitz, **seconded by** Board Member Coral Evans to approve the variance as submitted with the following findings:

- a) Good and sufficient cause exists for the variance;
- b) Failure to grant the variance would result in exceptional hardship for the applicant;
- c) The use cannot perform its intended purpose unless it is located or carried out in close proximity to the water;
- d) The 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.

Vote: 6 – 0 – Unanimously

5. Adjournment

Flagstaff Floodplain Board Meeting of August 25, 2015, adjourned at 6:28 p.m.

CERTIFICATION

I, STACY SALTZBURG, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Action Summary is a true and correct summary of the Meeting of the Flagstaff Floodplain Board held on August 25, 2015. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 5th day of September, 2019.

CITY CLERK

4. A.

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: James Janecek, Project Manager
Date: 01/09/2020
Meeting Date: 02/25/2020



TITLE:

Public Hearing and Consideration of Variance: Request for a Variance of City Code Title 12 Floodplain Regulations by Katlon RV Entrance Gate Shed

STAFF RECOMMENDED ACTION:

- 1) Open the Public Hearing.
- 2) Receive staff input.
- 3) Receive citizen and applicant input, and receive additional staff input if needed.
- 4) Make Findings.
- 5) Close the Public Hearing.
- 6) Approve the variance, approve the variance with conditions, or deny the variance.

Both the Water Commission and City staff recommend approval of the variance.

Executive Summary:

The property owner of an existing RV storage facility is requesting that a new structure be constructed in the floodway, which is prohibited by City Code Title 12 Floodplain Regulations. The proposed structure is a gate shed located at the entrance. The RV Park was originally approved for construction under a floodplain use permit issued in 1995 without a variance.

In its most summarized form, a floodplain variance requires the following:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- c. A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 12- 01-001-0003 of these regulations in the definition of "Functionally Dependent Use"; and
- 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

While any development in the floodway ought to be scrutinized and discouraged, the review of the circumstances for this project have led the Water Services - Stormwater Section and the Water Commission to recommend approval of this variance. The recommendation for approval comes from considering the following:

1. This is a backwater floodway area, similar to a lake rather than a river.

2. The shed has no adverse impacts to a community or adjacent properties, and there is no increase in flood elevation or hazard.
3. The shed is a simple accessory structure allowed in the flood fringe per our floodplain regulations.
4. The shed will be elevated above the 100-year flood.
5. The shed has negligible volume in the floodway.
6. City's Floodplain regulations are stricter than the Federal Emergency Management Agency's (FEMA).
7. There is a low risk of impacting the City's Community Rating System (CRS) rating.

Financial Impact:

None.

Policy Impact:

1. The potential for this variance to set a precedent to allow large scale development in the floodway is very low since this project is only for a single accessory shed.
2. The potential for this variance to impact our FEMA CRS rating is low since FEMA's National Flood Insurance Program (NFIP) development policies would allow this development, and conversations with the Arizona Department of Water Resources (ADWR) staff who audit communities for NFIP compliance agree that there is a low risk.

Connection to Council Goal, Regional Plan, CAAP, and/or Strategic Plan:

ECONOMIC DEVELOPMENT: Grow and strengthen a more equitable and resilient economy.

Has There Been Previous Council Decision on This:

No. However, there was another shed allowed in this area of the backwater floodway for the Continental Country Club through an approved variance in February 2013.

Options and Alternatives:

1. Approve the variance.
2. Approve the variance with conditions.
3. Deny the variance.

Background/History:

The property owner of an existing RV storage facility is requesting that a new structure be constructed in the floodway, which is prohibited by City Code Title 12 Floodplain Regulations. The proposed structure is a gate shed located at the entrance. The RV Park was originally approved for construction under a floodplain use permit issued in 1995 without a variance. This variance request was reviewed and discussed in previous Water Commission meetings on October 17, 2019 and November 21, 2019 once more research was completed on floodplain policy.

For this new variance request, the property owner, through a contracted civil engineering firm, Turner Engineering, Inc., has prepared a response (included as an attachment) to topics required by our variance process guidelines outlined in the City's floodplain regulations. The highlights of their response are that 1) the shed is ancillary to the operation of the storage yard gate and security appurtenances, 2) flood elevations will not increase, and 3) there will not be any adverse impacts to the community.

Below are excerpts from the City's floodplain regulations regarding the variance process and requirements:

Excerpt from SECTION 12-01-001-0007.2 VARIANCES, A. NATURE OF VARIANCES

"The variance criteria set forth in these regulations are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Ordinance would create an exceptional hardship to the applicant or the surrounding properties. Mere economic or financial hardship alone is not exceptional. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not the structure, its inhabitants, or the property owners. It is the duty of the Floodplain Board to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate."

Excerpt from SECTION 12-01-001-0007.1 APPEAL AND VARIANCE BOARD

"A. The Floodplain Board (the "Board") of the City of Flagstaff shall hear and decide appeals and requests for variances from the requirements of these regulations.

G. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
11. The costs 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."

Excerpt from SECTION 12-01-001-0007.2 VARIANCES, B. CONDITIONS FOR VARIANCES

1. "Variances may be issued for the repair, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- c. A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 12- 01-001-0003 of these regulations in the definition of "Functionally Dependent Use"; and
- 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.

Upon completing additional in-depth research on FEMA floodplain regulations, two water Commission meetings, and several meetings with the property owner and the Stormwater Section to iterate the design of the shed, the Stormwater Section and the Water Commission are recommending approval of this variance with the following considerations:

1. The floodplain in this area is a backwater floodway which behaves like a lake instead of a river. The backwater condition is less dangerous than the flood fringe where our regulations allow development. Based on hydraulic studies performed for other proposed projects in this area, the shed is also outside of a *hypothetical* floodway for the Rio de Flag if the railroad ever had large culverts installed to allow the floodwaters to pass without backing up.
2. The applicant has demonstrated that the structure will not have any adverse impacts to the community or adjacent properties, and there is no increase in the flood elevation or flood hazard.
3. The shed is considered an accessory structure in the floodplain regulations as it is not greater than 200 square feet and is used primarily for storage. In this case the storage is for electrical and security equipment. The shed will not be allowed to serve as a home or office and therefore kitchen and bathroom facilities are prohibited.
4. The shed's finished floor elevation is elevated by piers 1 foot above the 100-year flood elevation which will address elevating the utilities in the shed. In general new structures in the floodplain are required to have the *bottom of the lowest horizontal structural member* be elevated 1 foot above the 100-year flood elevation, however this rule is not required for accessory structures used for parking and storage; Commercial accessory structures are allowed to be dry flood proofed or wet-flood proofed below the 100-year floodplain elevation.
5. Backwater floodways elevations will increase if development displaces floodwater volume, and therefore any development that displaces floodwater volume must have an equal or greater amount of excavation or removal of floodwater volume to compensate. Volume exchange for this proposed project is considered negligible if the structure is elevated on 4 piers, however volume exchange requirements will be reviewed when the structure is submitted with additional details under a building permit, and any necessary volume exchange will be addressed with conditions in the Floodplain Use Permit.
6. The City's floodway development standards are stricter than FEMA's standards. The City does not allow any floodway encroachments at all without a variance, however FEMA will allow floodway development if it can be shown that there are no adverse impacts to the community or adjacent properties, and there is no increase in the flood elevation or flood hazard.
7. Considering the aforementioned. This project has low risk of negatively impacting our CRS rating. The CRS is a FEMA program where communities participating in the NFIP can perform various floodplain management activities that give the community's residents who have flood insurance a discount on their premiums. Currently, the City of Flagstaff is a Class 5, which corresponds to a 25% discount in flood insurance premiums.

Attachments: Variance Request Letter Responding to Variance Requirements
 Katlon RV Floodplain Variance City Council Presentation 2-25-20



TURNER ENGINEERING INC.
CONSULTING CIVIL ENGINEERING

Paul W. Turner, P.E. CFM
Michael D. Kearly, P.E. CFM

August 19, 2019

Mr. Jim Janecek, P.E., C.F.M.
Stormwater Section Project Manager
Floodplain Administrator
City of Flagstaff, Water Services Division
2323 N. Walgreens St., Flagstaff, AZ 86004

RE: KATLON Boat and RV Storage Auxiliary Building Floodway Variance

Dear Jim,

Turner Engineering, Inc. has been retained by Mr. Lon Franklin who is the owner of the KATLON Boat and RV Storage Yard at 5900 E. Old Walnut Canyon Road in Flagstaff. Assessor's Parcel No. 117-02-011A. The following provides 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. And SECTION 12-01-001-0007.2 VARIANCES.

It is the intent of the Owner to place a 200 square foot prefabricated building on the parcel near the entrance gate to the storage yard. The purpose of this building is ancillary to the use of a storage yard and will contain those facilities normal, customary and incidental to operating a storage yard. The property on which this proposed building is to be located (as new construction) is located within the Floodway as designated by Federal Emergency Management Agency. Please see the attached FIRMette. 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 under SECTION 12-01-001-0007.1. We will cite each requirement (1-11) and respond to those requirements.

SECTION 12-01-001-0007 VARIANCE PROCEDURE

SECTION 12-01-001-0007.1 APPEAL AND VARIANCE BOARD

G. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:

1. REQUIREMENT - The danger that materials may be swept onto other lands to the injury of others; RESPONSE: The proposed building will be elevated above the 100 yr. floodway. No material storage will be within the floodway but contained within the building.
2. REQUIREMENT -The danger of life and property due to flooding or erosion damage; RESPONSE: The building is ancillary to the use of the property as a storage yard and not be used as a residence. Due to the nature of a 'backwater pool' erosion due to velocities is negligible.
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 building will be elevated above the floodway and therefore no flood damage to its contents is anticipated.
4. REQUIREMENT - The importance of the services provided by the proposed facility to the community; RESPONSE: This facility provides an important outlet for storage of boats and RV's. Continental County Club has CC&R's that prohibit storage on individual lots. This facility provides that service to the residents.
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, it can be seen that almost all of the adjacent property owned by KATLON, Inc. is inundated by the floodway backwater pool. Furthermore, the location of the proposed building is right next to the entry gate to provide for housing of components to operate the gate and security elements.
7. REQUIREMENT - The compatibility of the proposed use with existing and anticipated development; RESPONSE: Again, this building is ancillary to the storage yard. No anticipated development is expected to occur with 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 storage area, which is in existing plan as an existing use 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 and occupancy of this property during a 100 yr. flood 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 this is defined as 1% chance of flooding in any given year, aka as the 100 year event) the water will not inundate the building as the finish floor will be above the Base Flood. The velocity is expected to very low as it is a backwater pool. The duration doesn't matter due to elevation of the finished floor. Sediment transport would be minimal, however sediment laden floodwater would deposit some sediment on the site.

11. REQUIREMENT - The costs 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 the 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 pursuant to the request of Mr. Janecek, the recipient of the writing.

B. CONDITIONS FOR VARIANCES

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 requested variance is compliant with the determination, with the exception that pursuant to SECTION 12-01-001-0006.7 States in part: "The following are prohibited in, on, or over the regulatory floodway....." Even this small ancillary building fall under this prohibition as being over the regulatory floodway. The building itself is not in or on the regulatory floodway, it is over it, as it is elevated. This is where a variance is imperative to be able to place the building. No impact of any significance would be made to the regulatory floodway regarding impedance or elevation change to it, as this is a 'backwater pool'.

4. Variances shall only be issued upon:

a. CONDITION - A showing of good and sufficient cause; FINDING: As mentioned previously, the need to locate the building is ancillary to the operation of the storage yard gate and security appurtenances. A remote location would not work.

b. CONDITION - A determination that failure to grant the variance would exceptional hardship to the applicant; FINDING: Locating the ancillary building elsewhere out of the regulatory floodway (backwater pool) and still be within the storage yard property is not possible. Effectively there is no impact to the regulatory floodway. Only the Ordinance precludes the building location not sound engineering judgement.

d. CONDITION - 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: Granting a variance will not increase the regulatory flood elevation as the building will not reside in it. Footings of nominal dimensions will reside below grade and only the stem wall or piers will reside in the regulatory flood way to support the building above it. No threats to public safety and no public expense or nuisances are evident. No fraud or victimization of the public is made. The primary conflict with laws or ordinances is the fact the building would be 'over' the floodway as describe earlier under B. 3.

Sincerely,
Turner Engineering, Inc.

Paul W. Turner, P.E. CFM Digitally signed by Paul W. Turner, P.E. CFM
Date: 2019.08.19 13:23:40 -07'00'

Paul W. Turner, P.E. CFM
President

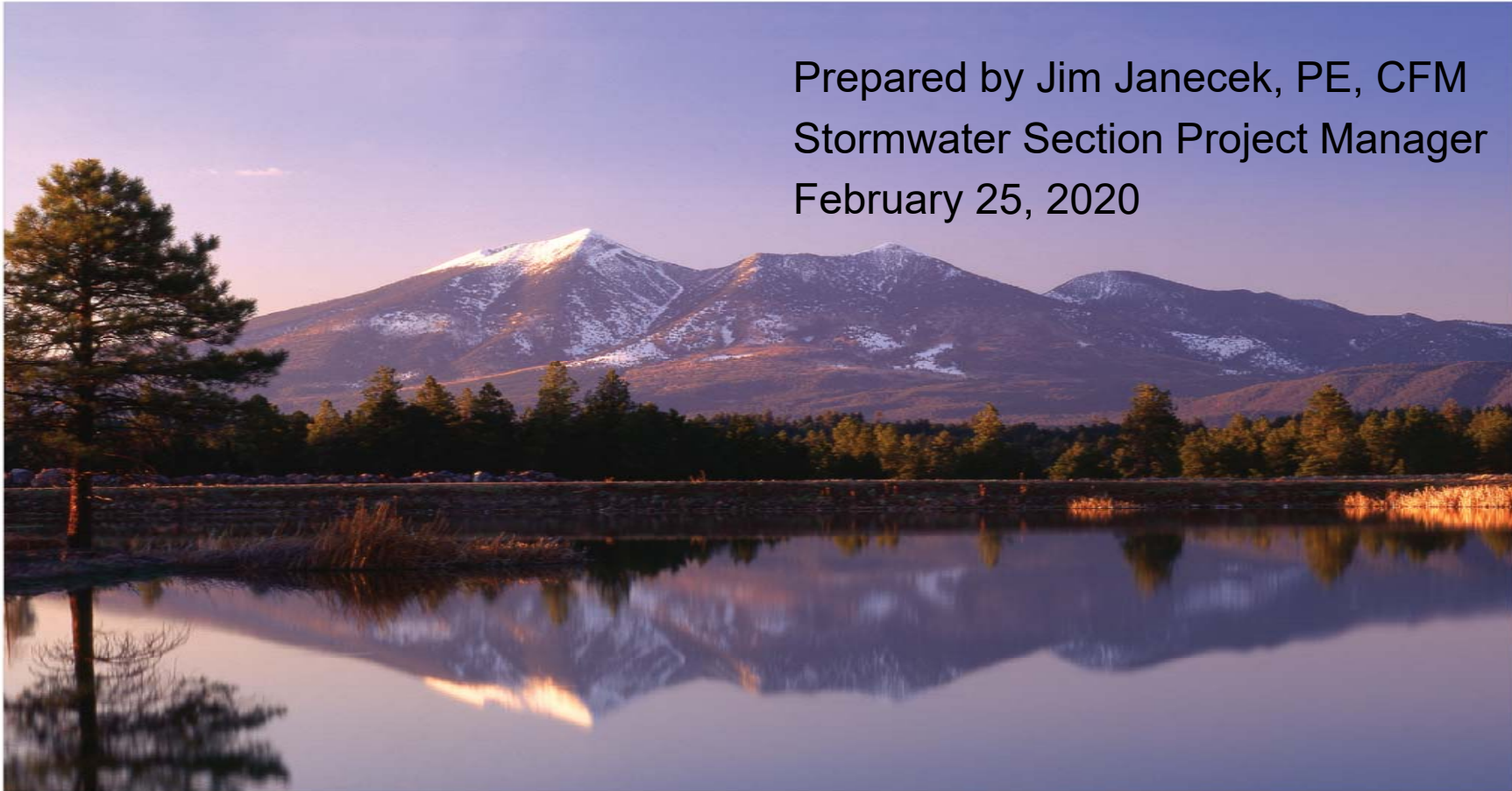
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FIRMette with location

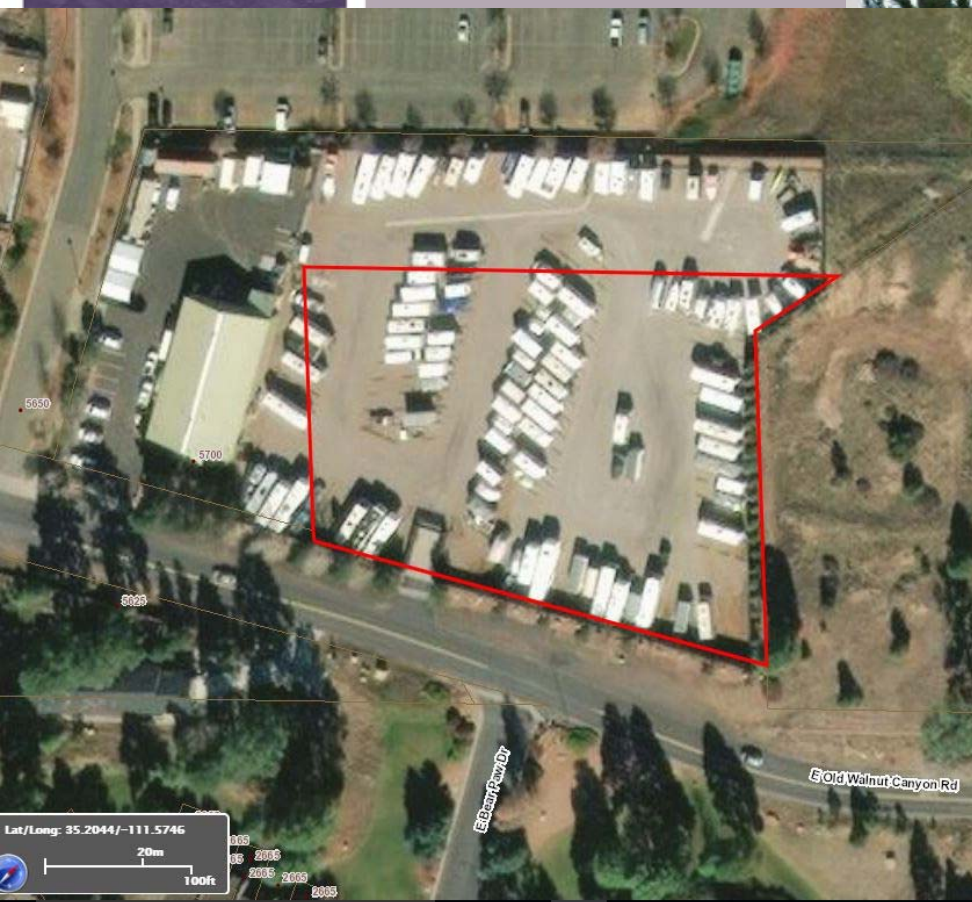


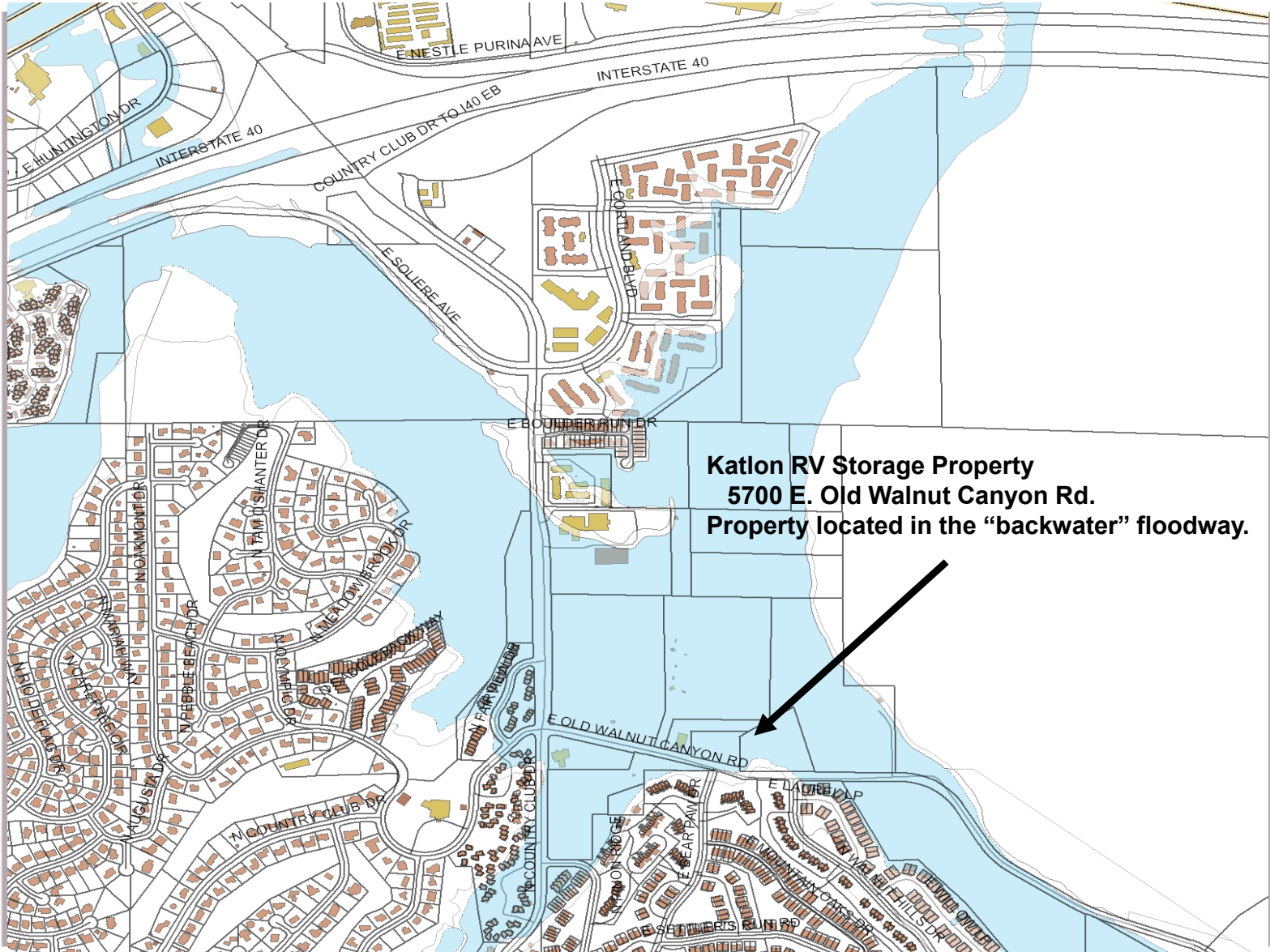
Katlon RV Entrance Gate Shed, Request for Floodplain Variance



Prepared by Jim Janecek, PE, CFM
Stormwater Section Project Manager
February 25, 2020







February 1993 Flooding

Katlon RV



Concept Plan shows elevated,
pre-fabricated shed

Example shed

Example structure elevated on piers



2010 © Palm Harbor Homes, Inc.

Pick Your Finish

Urethane Finish

An impermeable barrier between your building and the elements is created when our Urethane Finish is added to your building. Our brand new Urethane Finish is highly durable and is much more resistant to water, abrasion, and impacts than our traditional stain. The finish adds a unique richness, shine, and depth to your building while protecting it from scratches and weather.



Traditional Stain

Painted Colors

Painted Colors

Urethane Finish

Brochure colors are only intended as a guide and may vary from actual color on building. Check actual building samples before making final selection. Some colors shown in this brochure are upgrades to our standard features, some finish options are not available in all areas. Speak to your local representative for more information.

We offer a variety of paint colors to fit the needs of our customers. Our paint helps protect your building from fading over time along with adding color to your backyard! With excellent color retention, outstanding coverage, and unmatched durability our buildings are sure to catch your neighbor's attention. For additional information on available paint colors, speak to your local GraceLand representative.



Lofted Barn Garage

| 12' | 14' |
|---------|---------|
| 12 x 20 | 14 x 20 |
| 12 x 24 | 14 x 24 |
| 12 x 28 | 14 x 28 |
| 12 x 32 | 14 x 32 |
| 12 x 36 | 14 x 36 |



B3 of 4

New development is prohibited in the floodway.

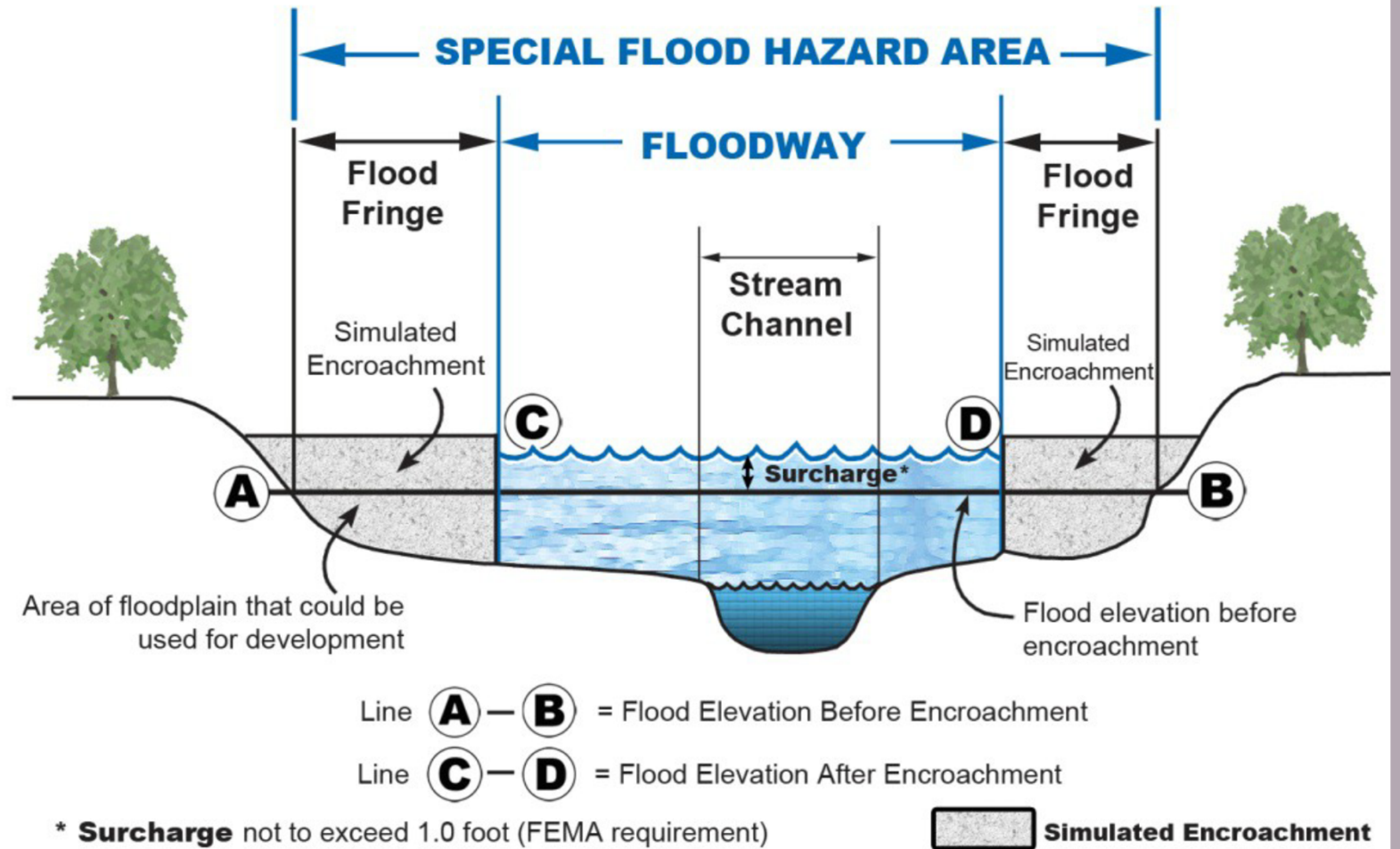
City Code Title 12 Floodplain Regulations, Section 12-01-001-0006.7 states,

“The following are prohibited in, on, or over the regulatory floodway unless removed by a FEMA map revision:
Encroachments, including fill, new construction, additions to existing structures which increase the building footprint, storage of materials or equipment, manufactured homes, recreational vehicles, or other development are prohibited.”

History: RV Park was allowed in 1995 under a floodplain use permit with no variance.



Floodplain Hydraulics 101



This floodway is “backwater” floodway that behaves differently than a traditional flood conveyance backwater condition, however FEMA provides no definitive guidance on backwater floodways.

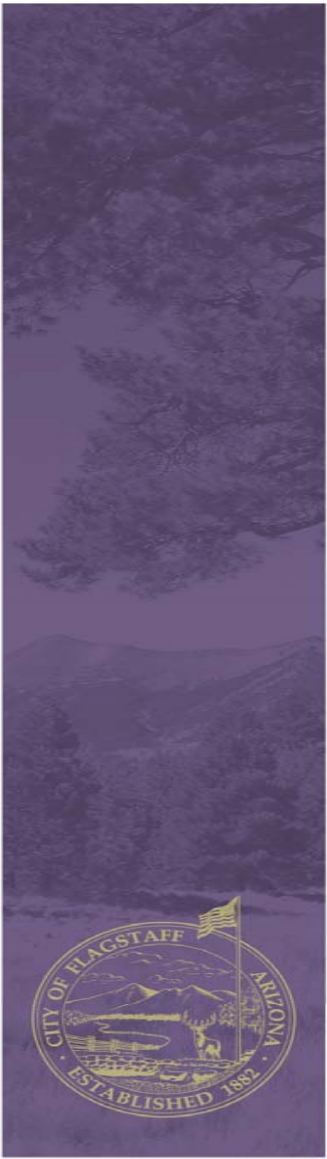


SECTION 12-01-001-0007.2 VARIANCES, B. CONDITIONS FOR VARIANCES

Variances shall only be issued upon:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- c. A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 12- 01-001-0003 of these regulations in the definition of "Functionally Dependent Use"; and
- 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.





Turner Engineering, Inc., submitted a letter (attached in the staff summary) to the Stormwater Section to address these conditions.

Stormwater Staff and the Water Commission recommend approval of this variance request with the following considerations:

1. This is backwater floodway area, similar to the flood fringe.
2. Shed has no adverse impacts to community or adjacent properties, and there is no increase in flood elevation or hazard.
3. Shed is an accessory structure allowed in the flood fringe per our floodplain regulations.
4. Shed will be elevated above the 100-year flood.
5. Shed has negligible volume in floodway.
6. City's Floodplain regulations are stricter than FEMA's.
7. Very low risk of impacting our CRS rating.