

**PLANNING AND DEVELOPMENT SERVICES REPORT**  
**Zoning Code Text Amendment**

**PUBLIC HEARING**  
**PZ-21-00021**

**DATE:** September 26, 2022  
**MEETING DATE:** October 12, 2022  
**REPORT BY:** Tiffany Antol, AICP

**REQUEST:**

This request is for a Zoning Code Text Amendment to amend Section 10-90.40.030 of the Zoning Code, the Rural Floodplain Map, to change the map designation of approximately 7.76 acres from Rural Floodplain to Urban Floodplain on eight parcels of land (APNs 101-01-020A, 101-01-020B, 101-28-005G, 101-28-005H, 101-28-005K, 101-28-013A, 101-28-013B, and 101-28-013D) located generally between W Forest Avenue and N San Francisco Street.

**STAFF RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, make a recommendation to the City Council for approval of the Zoning Code Text Amendment.

---

**I. PROJECT INTRODUCTION**

**A. Background**

The Zoning Code includes a Resource Protection Overlay (RPO) that was originally adopted in June 1999 and applied to vacant parcels greater than five acres at the time of adoption. The purpose of the RPO is to provide standards for the protection of natural resources, including floodplains, steep slopes, and forest. The requirements are meant to ensure that proposed development is consistent with the character of its natural surroundings. Floodplains (both Rural and Urban) are the highest priority resource to be protected on a site. Floodplains are categorized as either urban or rural based on the descriptions below.

1. **Urban Floodplains.** All watercourses and associated floodplains not defined as rural floodplains are urban floodplains. Urban floodplains are typically located in urbanized areas and have typically been altered from their natural state by channelization. Urban floodplains may be altered to address conveyance and erosion concerns, provided that all necessary requirements of the City's *Stormwater Regulations* as administered by the Stormwater Manager are addressed. However, certain urban floodplains that have characteristics conducive to water quality, wildlife habitat, and stream ecology should be preserved. Proposals for any disturbance of these watercourses shall be reviewed by the Stormwater Manager and must address these attributes and provide for mitigation if necessary. Undergrounding of urban floodplains is strongly discouraged, and a justification must be provided prior to any approval of undergrounding.

2. **Rural Floodplains.** Rural floodplains are natural undisturbed open spaces that are unsuitable for development purposes due to periodic flood inundation and the need to preserve the stream corridor for beneficial uses such as the preservation of important ecological resources. Rural floodplains are delineated in Section [10-90.40.030](#), Rural Floodplain Map, and defined as areas of delineated 100-year floodplain that cannot be disturbed or developed except for roadway and utility crossings. Rural floodplains cannot be altered through a floodplain map amendment or revision and must remain undisturbed (i.e., 100 percent protection). The extension of rural floodplains beyond the limits of the delineated floodplains, both upstream and laterally, may be required based on more current or extended floodplain studies, master plan documents or other studies or documents related to hydrology, hydraulics, stream geomorphology, wildlife habitat, or wildlife corridors.

**B. Proposed Amendment**

The proposed amendment is to change the map designation of approximately 7.76 acres from Rural Floodplain to Urban Floodplain. The applicant's request is specific to their parcel APN 101-28-005H. The Rural Floodplain encumbers approximately 1.96 acres of the applicant's 3.35-acre parcel. The applicant contends that the existing

floodplain has been altered by adjacent development making the Rural Floodplain designation incongruent with the description provided in the Zoning Code. The applicant states that the correct designation is Urban Floodplain. The applicant is only requesting this designation be changed on their property. Staff believes that if the adjacent floodplain areas have been altered as is described in this application, they also no longer meet the description of Rural Floodplain and have included these areas as part of the Zoning Code Text Amendment.

This area of Rural Floodplain is bounded on the north by W Forest Avenue. The floodplain bisects two parcels of land owned by Northern Arizona Healthcare (NAH). The floodplain is primarily located on land owned by the City of Flagstaff running in between the NAH properties, however, portions of the floodplain still overlap one of the parcels owned by NAH. As the floodplain moves further south it encumbers another parcel owned by NAH. NAH has provided written support to join this application (see attachment). Beyond the NAH parcels is a parcel that is occupied by the Flagstaff YMCA. A portion of this parcel (most of which is encumbered by the floodplain) has been dedicated to the City of Flagstaff as right-of-way. The applicant's parcel is directly south of the YMCA and the City right-of-way. There are two additional vacant properties (owner has also submitted a letter to be included in this application) and the Northland Hospice site at the southern extent of this floodplain.

The applicant states as part of their concept plan narrative that the project site is challenging due to constraints across the entire parcel including man-made slopes from the Switzer Canyon Road fill slope as well as moderate to dense tree coverage and 1.96 acres of the total site are within the Rural Floodplain. This leaves approximately 1.39 acres to hit a minimum density of 34 units. The applicant's property is currently zoned High Density Residential and is located within the RPO. The minimum density required is 10 units per acre ( $3.35 \times 10 = 33.5$  or 34 units). The maximum density allowed for a parcel outside of an activity center and within the RPO is 22 units per acre ( $3.35 \times 22 = 73.7$  or 74 units). The applicant is proposing to develop approximately 0.36 acres of the designated Flood Fringe (within the 100-year floodplain outside of the floodway) leaving the remaining 1.37 acres as undisturbed open space. Residential development within the 100-year floodplain is required to be constructed so that the finished floor of livable space is a minimum of one foot above the 100-year floodplain as determined by the FEMA flood maps. The applicant's proposed residential design includes two floors of livable space above a bottom floor garage which would assist with these elevation requirements.

Existing and potential development on the surrounding parcels based on existing zoning includes the following:

- APN 101-01-020A – Owned by Northern Arizona Healthcare (NAH), zoned Highway Commercial (HC), currently vacant; this site could allow either commercial or residential development. This zoning category allows one of the highest density and intensity of development.
- APN 101-28-005G – Owned by NAH, zoned High Density Residential (HR), currently vacant, 4.86 acres; could be developed with 107 residential units or medical offices with a conditional use permit.
- APN 101-28-005K – Owned by Valley of the Sun Young Men's Christian Association; has been developed with the current Flagstaff YMCA facility.
- APN 101-28-013A – Owned by Testan Properties LLC, zoned Single-Family Residential (R1), currently vacant, .72 acres; could have four residential units.
- APN 101-28-013B – Owned by Testan Properties LLC, zoned Single-Family Residential (R1), currently vacant, .71 acres; could have four residential units.
- APN 101-28-013D – Owned by Northland Hospice, zoned Single-Family Residential (R1), currently developed with Northland Hospice facilities.

## II. ZONING CODE TEXT AMENDMENT

An application for a Zoning Text Amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director's recommendation shall be transmitted to the Planning and Zoning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall include: an evaluation of the consistency and conformance of the proposed amendment with the goals and policies of the General Plan and any applicable specific plans; the grounds for the recommendation based on the standards and purposes of the

zones set forth in Section 10-40.20 (Establishment of Zones) of the Zoning Code; and whether the amendment should be granted or denied.

A Zoning Code Text Amendment shall be evaluated based on the following findings:

**A. Finding #1:**

- **The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan.**

The proposed amendment is to resolve a conflict in the Rural Floodplain Map. The existing Switzer Wash within the subject area has been significantly altered through various development projects over time and no longer meets the intent and purpose of the Rural Floodplain. This amendment will change the designation from Rural Floodplain to Urban Floodplain. The Regional Plan does not specifically address Rural versus Urban Floodplain as described in the Zoning Code.

Floodplains in general are considered environmentally sensitive lands which are covered in the Regional Plan on page IV-16. The plan states, "These areas contain critical resources and require special consideration in the development design and review process." The following goals and policies apply to this application:

Goal E&C.7 Give special consideration to environmentally sensitive lands in the development and review process.

Policy E&C.7.1. Design development proposals and other land management activities to minimize the alteration of natural landforms and maximize conservation of distinctive natural features.

Policy E&C.7.2. Favor the use of available mechanisms at the City and County level for the preservation of environmentally sensitive lands, including but not limited to public acquisition, conservation easements, transfer of development rights, or clustered development with open space designations.

Development in Floodplains is regulated by Title 12 of the Flagstaff City Code entitled Floodplains, which is managed through our Stormwater Program as part of the Water Services Division. No new structure or development is permitted to be constructed without full compliance with these regulations. Development standards in the flood fringe include proper anchoring (if necessary), flood resistant materials and construction methods, and elevation and flood proofing requirements. If the applicant's proposed development moves forward, they will be required to comply with all portions of these standards which are intended to protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions. The applicant's development proposal is also in alignment with the above referenced policies as they attempt to avoid most of the floodplain by clustering the development outside of the Flood Fringe. This causes an additional burden on the applicant with the remainder of this site outside of the Flood Fringe impacted by slopes and forest resources.

The Environmental Planning & Conservation Chapter of the Regional Plan includes two maps that help identify concentration of natural resources in Flagstaff. Map 7: Significant Natural Resource: Wildlife, Vegetation, Hydrology and Geology identifies the subject areas as a potential site for Riparian Vegetation. A visit to this site shows only Ponderosa Pine and native grasses and typical riparian vegetation. Map 8: Concentration of Natural Resources shows the subject area in the moderate range of resource concentration without further indication of the resource identified in this area. The area is not identified as a Watchable Wildlife Area. Both maps include notes that the indication of natural resources does not preclude private development entitlements.

Other provisions of the Regional Plan that apply to this application are found in the Stormwater and Watershed Management section covered on page VI-14. This section identifies that watercourse preservation and restoration is a critical and necessary part of stormwater and watershed management. The following goals and policies apply to this application:

Goal WR.5. Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.

Policy WR.5.1. Preserve and restore existing natural watercourse corridors, including the 100-year floodplain, escarpments, wildlife corridors, natural vegetation, and other natural features using methods that result in a clear legal obligation to preserve corridors in perpetuity, where feasible.

Policy WR.5.3. Identify downstream impacts as the result of development and provide for mitigation measures to address impacts. When possible, mitigations should be non-structural in nature.

If this floodplain's watershed were impacted by fire in the future increasingly the likelihood of flooding in the area, beyond what has already been identified, the City would be limited in managing this floodplain area because of the Rural Floodplain designation. Staff believes the best possible result for this area would be to see the existing floodplain restored and preserved. The possibility of making that a reality due to land ownership, parcel configuration, and existing development is limited. Lastly, any new construction will be required to comply with existing Floodplain regulations that would address the issues with downstream impacts.

The proposed amendment can be found consistent and conforms to the objectives and policies of the Regional Plan. There are no specific plans that cover this area.

**B. Finding #2**

- **The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City.**

The proposed amendment is not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. This amendment will resolve a conflict in the Rural Floodplain Map.

**C. Finding #3**

- **The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.**

The current indicated area is inconsistent with the description of Rural Floodplains. Rural floodplains are described as "...natural undisturbed open spaces that are unsuitable for development purposes due to periodic flood inundation and the need to preserve the stream corridor for beneficial uses such as the preservation of important ecological resources." The Zoning Code describes the Urban Floodplain as watercourses "...in urbanized areas [that] have typically been altered from their natural state by channelization." The applicant has provided a biological evaluation of the Switzer Wash in the subject area prepared by Natural Channel Design, Inc. in 2003. The report states the following: "The primary limiting factors to the biological and physical functions of Switzer Creek are direct manipulations of the channel and floodplain during past construction of surrounding roads, utility pipelines, and other infrastructure. In several places the channel and floodplain have been significantly narrowed and/or completely realigned. Large rock has been added to the banks and channel presumably to minimize erosion. Extensive spoil piles limit access to the active floodplain. Steep road embankments contribute to increases sediment supplies. Channel realignments have pushed the channel into dense thickets of Ponderosa pine. The cumulative impact of these modifications limits the function of the riparian system." The proposed amendments enhance the Zoning Code's internal consistency by resolving a conflict on the Rural Floodplain Map pertaining to the subject property.

**III. CITIZEN PARTICIPATION**

In accordance with State Statute and the Zoning Code, the Planning and Zoning Commission work session and public hearing for this amendment was advertised in the Arizona Daily Sun on September 10, 2022. Also, persons of interest that are on file with the Planning and Development Services Section were notified of the work sessions and hearings via first class mail. The applicant also held a neighborhood meeting inviting all property owners within 300 feet. The meeting was held on August 25<sup>th</sup> from 10:00 a.m. to noon on the parcel. Approximately 24 members of the public attended the meeting but only 11 attendees signed in. Concerns presented included the following:

- Concerns that a change from Rural to Urban would open the possibility of further channelization of water through the area and prevent it from soaking into the water table that provides our drinking water.
- Concerns that a change from Rural to Urban would create flooding concerns for businesses and residencies downstream from the location.
- Concerns that a change from Rural to Urban would impact wildlife that uses the area as a corridor.

Staff was contacted by several community members requesting additional information about the application. As of the preparation of this report, staff has received seven public comments via email, which are attached to this report.

**IV. PLANNING AND ZONING COMMISSION WORK SESSION**

At the September 28, 2022, Planning and Zoning Commission Work Session, staff and the applicant reviewed the text amendment applications with the Commission. The Commission had general and informational questions about the ownership of the applicant's property and the timing of adjacent construction. Staff will be following up with additional information of when the water and sewer lines were constructed and information on the floodway versus flood fringe areas.

**V. STAFF RECOMMENDATION**

Staff believes that the findings for this amendment can be met for this request. The proposed amendment conforms to and is in general compliance with the Flagstaff Regional Plan 2030. The proposed amendments should not be detrimental to the public interest, health, safety, convenience, or welfare of the City based on existing requirements for the regulation of development within designated floodplains and stormwater management. Lastly, the proposed amendment is internally consistent with other provisions of the Zoning Code as it has been demonstrated that the Rural Floodplain designation is no longer consistent with the existing conditions on the subject property.

**Attachments:**

1. Application
2. Zoning Code Text Amendment Narrative
3. Floodway – Flood Fringe Map
4. Concept Development Plan Narrative
5. Concept Development Plan
6. Letter from Northern Arizona Healthcare
7. Letter from Testan Properties LLC
8. Regional Plan Map 7 – Significant Natural Resources
9. Regional Plan Map 8 – Concentration of Natural Resources
10. Draft of the Modification to the Rural Floodplain Map
11. Citizen Participation Plan
12. Comment Emails