

## ***Payson City Planning Commission Staff Report March 8, 2017***

### ***Conditional Use Permit to construct a single family home within the Flood Plain Overlay Zone.***

#### **Project Information**

*Project Name:* Barben Single Family Home located in a FPO-Flood Plain Overlay Zone.

*Location:* NW Corner 300 East and 700 South

*Zone:* R 1-9

*Approvals:* Recommendation to City Council for a Conditional Use to build a single family home within the Flood Plain Overlay Zone

*Owner(s):* Alan G & Crystal Barben

*Applicant:* Alan G & Crystal Barben

*Surveyor/  
Engineer:*

#### **Background**

The applicant is requesting approval of a Conditional Use Permit in accordance with Chapter 19.13 Conditional Use Permits, and Chapter 19.6.23 Flood Plain Overlay Zone.

Payson City has a Flood Plain Overlay Zone applies to all areas that are designated by FEMA in the 100 year flood plain.

##### *19.6.23.3 Official Flood Plain Overlay Map*

*The FP-O applies to all lands within the City that have been shown as being located within the boundaries of the floodplain on the Official Zone Map of the City or on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency. It is reasonable to assume that the precise location of the one hundred (100) year floodplain is subject to change overtime. Therefore, it is hereby stated that it is the intention of the City Council by enacting the regulations of this Section to protect the one hundred (100) year floodplain. The boundaries of the floodplain shall be determined by scaling distances on the Official Zone Map, which is subject to change upon the presentation of new or more accurate data. Where interpretation is needed as to the exact location of the boundaries of the floodplain, the Planning Commission shall make the necessary interpretation. Any person contesting the location of the zone boundary shall be given a reasonable opportunity to present technical evidence. (7-6-05)*

##### *19.6.23.2 Permitted Uses*

*Uses permitted in the FP-O Zone are those permitted in the underlying zone except that all uses involving construction of permanent buildings or structures, or placement of fill materials shall require the issuance of a Conditional Use Permit in accordance with Chapter 19.13 herein. All uses established in the FP-O Zone shall meet the conditions and standards set forth in this Section using the following as criteria for any conditions:*

Conditional Use approval is a legislative action taken by the City Council. The Planning Commission is to review the application and recommend the conditional use permit be approved, approved with conditions or denied.

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This is being proposed as the construction of a single family home within the R-1-9 Residential Zone, on a parcel that is within the Flood Plain Overlay Zone.

## **Analysis**

The criteria of the Conditional Use approval in section 19.23.3 above are as follows.

1. *The proposal conforms to the legislative intent of this Section. (7-6-05)*
2. *All proposals for new construction or for substantial improvements to existing structures in the FP-O Zone must be adequately protected against flood damage, designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure. All construction methods and practices utilized will be designed to minimize potential flood damage. (7-6-05)*
3. *New construction or improvements to existing water supply systems will be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. (7-6-05)*
4. *New construction or substantial improvements of existing structures in the area of special flood hazards shall have the lowest floor (including basements) elevated to, or above, the level of the one hundred (100) year flood. (7-6-05)*
5. *Fill or encroachments within the designated floodway will not impair ability to carry and discharge the water resulting from the one hundred (100) year flood, except where the effect on flood heights is fully offset by stream improvements. (7-6-05)*
6. *Any use, placement of any structure, or any other modification of the floodway shall be consistent with the regulations of the Federal Emergency Management Agency. (7-6-05)*

The Barbens are proposing to build a home on the parcel they own located on the northwest corner of 300 East and 700 South. A portion of the property sits within the Flood Plain Overlay Zone. They are proposing to build their home on the east side of the parcel in order to build the home above the FEMA flood zone.

## **Recommendation**

Staff has reviewed the house plans, the home will not have a basement and the plans indicate that the homes lowest foundation will be above the designated flood zone. Staff feels that the requirement for approval are being met and the issuance of the building permit will be granted on a final review of the house and site plans.

## Options

1. Recommend approval of the Conditional Use Permit.
2. Recommend approval of the Conditional Use Permit, with conditions.
3. Recommend denial of the Conditional Use Permit.