

# COUNCIL DECISION REQUEST

SUBJECT: McLane Park Preliminary Plat Extension

MEETING DATE: July 23, 2009

PAYSON GOAL: NEW: EXISTING:

ITEM NO.:

TENTATIVE SCHEDULE:

SUBMITTED BY: Ray Erlandsen   
Acting Comm. Dev. Dir.

AMOUNT BUDGETED: N.A

SUBMITTAL TO AGENDA

EXPENDITURE REQUIRED: N.A.

APPROVED BY TOWN MANAGER

CONT. FUNDING REQUIRED:



EXHIBITS: Letter from David Haines, applicant  
8"x11" Preliminary Plat Sheet  
Notice of Action to David Haines, dated February 27, 2007  
FEMA approval Letter dated June 5, 2009

## POSSIBLE MOTION:

"I move to approve the extension of the McLane Park Preliminary Plat for twelve (12) months through July 23, 2010."

## SUMMARY OF THE BASIS FOR POSSIBLE MOTION:

This preliminary plat was approved by Town Council on February 15, 2007, subject to fourteen (14) conditions. The approval expired on February 15, 2008. Several of the conditions (#2 & 3), required approval from the Federal Emergency Management Agency (FEMA). This approval process took a great deal of time, with FEMA Approval not occurring until June 5, 2009. Due to the time delays of this approval process; the applicant, David Haines, is requesting a twelve month extension from the date of the extension approval to complete the final plat process. Staff recommends approval of this request.

**PROS:** The extension would allow this owner more time to proceed to the final plat stage.

**CONS:** None noted.

## PUBLIC INPUT (if any):

## BOARD/COMMITTEE/COMMISSION ACTIONS/RECOMMENDATIONS (if any) (give dates and attach minutes):

The Town Council approved this preliminary plat on February 15, 2007 subject to 14 conditions.

## FUNDING:

Account Number:	Title:	Amount: \$
Account Number:	Title:	Amount: \$
Account Number:	Title:	Amount: \$
Account Number:	Title:	Amount: \$
		Total Cost: \$

JUL 23 2009 1.7\*

June 27, 2009

LaRon Garrett, Public Works Engineer  
Ray Erlandsen, Acting Community Development Director  
Town of Payson  
303 N. Beeline Highway  
Payson, AZ 85541

Re: McLane Park

I received a "Notice of Action" dated February 27, 2007 from the Payson Community Development Department stating that the Town Council had approved the McLane Park Preliminary Plat (S-130-06) on February 15, 2007 subject to 14 stipulations. After review of the conditions, I contacted Teodorico Gutierrez, P.E. of Desert Land Engineering, Inc. who had drawn up the original plat for McLane Park and asked him to proceed with stipulation #2: "Prior to final plan approval and final plat approval, the developer must obtain an Army Corps of Engineers 404 Permit, an Arizona Department of Water Resources 401 Permit, and a Conditional Letter of Map Revision (CLOMR) from FEMA. The CLOMAR must also address the effects of this project on the upstream and downstream properties".

I contacted Mr. Gutierrez a couple of months thereafter and asked him for a progress report. He told me that he was so busy that he had not even started. Over the next few months I contacted Civil Engineers in Payson, Show Low, Phoenix, Scottsdale, and Tucson who either turned down the job or gave me quotes that I could not afford. The highest quote was \$59,000.00. An engineer in Show Low called me back a few weeks after I talked to him and recommended talking to Wilson & Co., a large architectural engineering company based in Albuquerque with an office in Phoenix. The Phoenix office could not take on the job, but the Rio Rancho, NM office agreed to help me only because they had another job in our area. We finally got under contract September 17<sup>th</sup>, 2007. At the time, they told me that the process to get the CLOMR would take somewhere between one year to eighteen months. The FEMA approval, dated June 5, 2009, was mailed to Kenny Evans; Mayor of the Town of Payson, Certified Mail, Return Receipt Requested; and a copy was also delivered to Wilson & Co. and forwarded to me. The process took one year and nine months.

Please forward this letter to the Mayor and the Town Council along with my request to extend my Preliminary Plat Approval for one year from the date of the next Council meeting so that I may continue to go forward. Thank you.

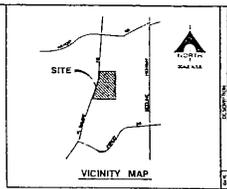
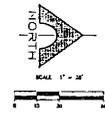
David Haines  
1539 W. Virginia Ave.  
Phoenix, AZ 85007

# PRELIMINARY PLAT McLANE PARK

LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 10 EAST  
OF THE GILA AND SALT RIVER MERIDIAN, GILA COUNTY, ARIZONA

### CURVE DATA

NO.	DELTA	RADIUS	LENGTH	NO.	DELTA	RADIUS	LENGTH
C1	75°00'00"	12.00'	18.51'	C13	68°32'33"	171.00'	39.14'
C2	100°19'23"	50.00'	87.29'	C14	17°19'28"	150.00'	43.34'
C3	85°34'48"	50.00'	74.68'	C15	68°32'33"	171.00'	39.14'
C4	51°55'15"	50.00'	49.81'	C16	01°55'41"	475.00'	32.32'
C5	18°51'18"	50.00'	15.75'	C17	28°11'53"	875.00'	50.84'
C6	82°02'14"	50.00'	47.11'	C18	25°07'24"	50.00'	23.88'
C7	78°50'14"	12.00'	18.51'	C19	258°37'24"	50.00'	23.88'
C8	12°51'14"	50.00'	108.09'				
C9	107°54'23"	50.00'	84.11'				
C10	37°04'17"	50.00'	20.25'				



### NOTES

- BENCH MARK ELEVATION = 4983.20 FEET  
TOP OF BRASS CAP IN ROCK W/OD. U.S.C.S. BENCHMARK "B" 20' ELEVATION 4985.20, 1935 - LOCATED 184' SOUTH OF INTERSECTION OF LOCUST DR. & N. McLANE ROAD & 27' EAST OF CL N. McLANE ROAD.
- ALL BEARINGS AND DISTANCES SHOWN ARE MEASURED VALUES FOR R.C.S. - M.L.S. MAP NO. 1206, C.C.A. - INDEPENDENT PROJ. 9600.
- OVERLAY CONSTRUCTION ON LOTS 1, 2, 3 AND 5 SHALL BE LOCATED SUCH THAT THE BUILDINGS AND FORESIS MUST BE IN FORWARD VISION FROM NORTH McLANE ROAD SPLIT.
- THE INDIVIDUAL PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE EXPOSURES ON THEIR LOTS.

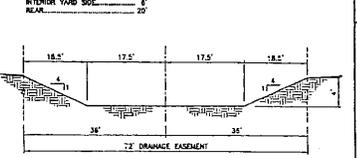
### LEGEND

- FOUND 1/2" METAL UNLESS OTHERWISE NOTED FOR PROJ. 9600
- SET 1/2" REBAR 4" ON 4" UNLESS OTHERWISE NOTED FOR PROJ. 9600
- SANITARY SEWER MANHOLE OR CLEANOUT
- WATER VALVE
- FIRE HYDRANT
- SEWER LINE
- WATER LINE
- UTILITY POLE
- DOWNPOUT
- OVERHEAD LINE
- CHAINLINK FENCE
- WIRE FENCE
- CORRUGATED METAL PIPE
- TRAFFIC SIGN
- ASPHALT PAVEMENT
- CONCRETE
- PROP. GROUND ELEVATION
- DRAINAGE FLOW
- EXIST. CONTOUR LINE
- PROP. CONTOUR LINE
- PROPERTY LINE
- D.E. DRAIN BREAK
- FLOODPLAIN AFTER CHANNELIZATION

### LOT AREAS

LOT NO.	NET AREA AC.	DEVELOP. AREA SF
1	20,486	12,486
2	13,977	8,481
3	16,288	7,743
4	18,806	8,410
5	8,874	3,180
6	15,724	8,822
7	10,902	5,883
8	13,822	4,353
9	13,822	7,108
10	13,822	7,108
11	13,822	7,108
12	13,822	7,108
13	13,822	7,108
14	13,822	7,108
15	13,822	7,108
16	13,822	7,108
17	13,822	7,108

### SETBACK INFORMATION

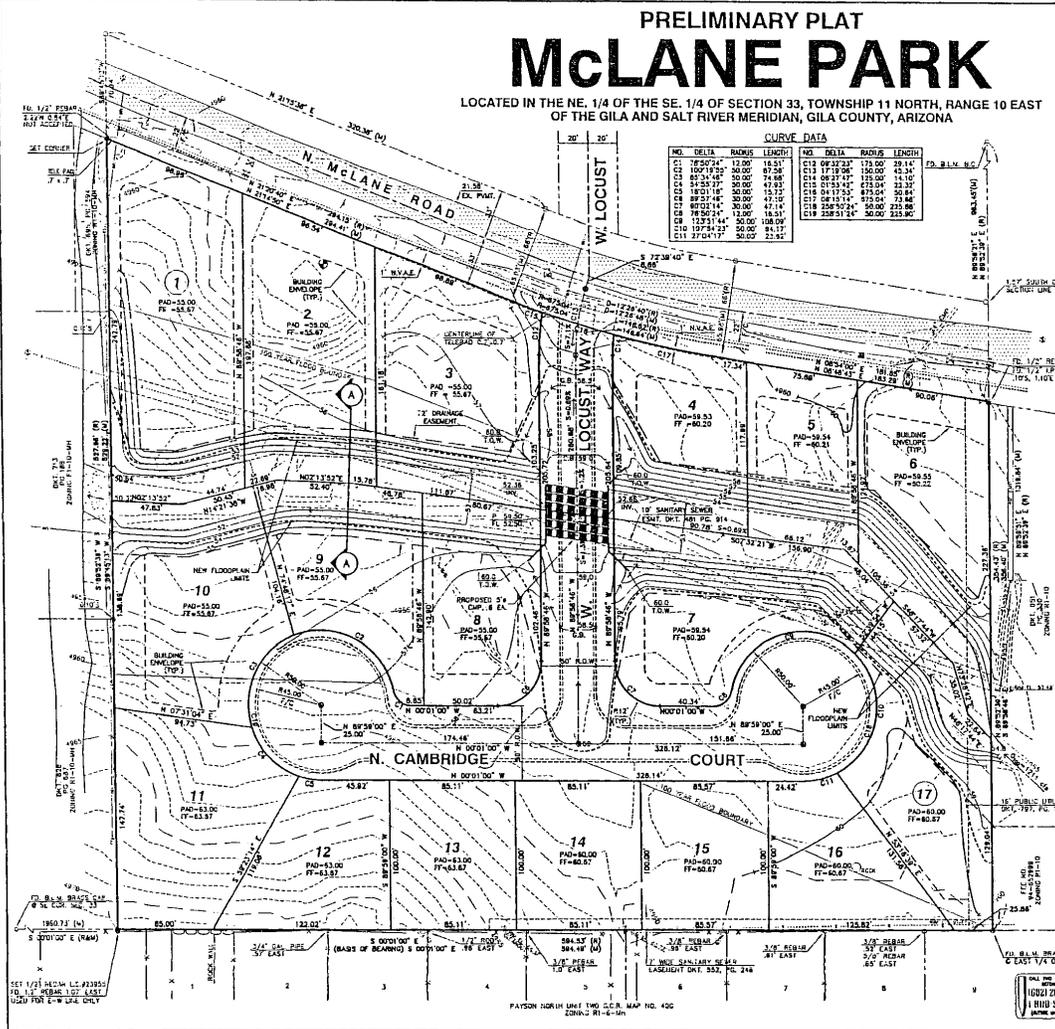


### SECTION A-A TYPICAL CHANNEL CROSS SECTION



OWNER: DAVID S. HANNES  
1336 N. WINDHAM AVE.  
PHOENIX, ARIZONA 85007  
TEL. NO. (602) 942-1410  
FAX NO. (602) 923-4808  
E-MAIL: dhannes@aznet.net

ENGINEER: DESERT LAND ENGINEERING, INC.  
8101 E. CAMBRIDGE AVE.  
SCOTTSDALE, ARIZONA 85257  
CONTACT PERSON: ROGER GUERRERO, P.E.  
TEL. NO. (480) 428-1700  
FAX NO. (480) 428-1701  
E-MAIL: rguerrero@deserter.com



DESERT LAND ENGINEERING, INC.  
 8101 E. CAMBRIDGE AVE., SCOTTSDALE, ARIZONA 85257  
 TEL. (480) 428-1700 FAX (480) 428-1701  
 E-MAIL: dhannes@deserter.com  
 SHEET 1 OF 1  
 DATE: NOVEMBER 2, 2004



COMMUNITY DEVELOPMENT DEPARTMENT  
TOWN OF PAYSON

303 N. BEELINE HIGHWAY  
PAYSON, ARIZONA 85541-4306

PHONE: (928) 474-5242 X. 263 • FAX: (928) 472-7490 • TDD: (928) 472-6449

**NOTICE OF ACTION**

February 27, 2007

David Haines  
1539 West Virginia Avenue  
Phoenix AZ 85007

Re: S-130-06, Preliminary Plat – McLane Park

Dear David,

This letter serves to inform you that the Town Council approved the McLane Park Preliminary Plat (S-130-06) on February 15, 2007, subject to the following conditions:

1. The final plat shall be in substantial conformance with the preliminary plat as submitted.
2. Prior to final plan approval and final plat approval, the developer must obtain an Army Corps of Engineers 404 Permit, an Arizona Department of Water Resources 401 Permit, and a Conditional Letter of Map Revision (CLOMR) from FEMA. The CLOMR must also address the effects of this project on the upstream and downstream properties.
3. Prior to final project acceptance and the issuance of building permits, the developer must obtain a Letter of Map Revision (LOMR) from FEMA. The LOMR must also address the effects of this project on the upstream and downstream properties.
4. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District.
5. The final subdivision plat shall indicate a minimum finish floor (FF) or minimum building pad (PAD) elevation for all lots based on the approved CLOMR.
6. Developer to provide all subdivision improvements, including storm water detention in accordance with the Town of Payson Requirements.
7. Channel access shall be designed to allow emergency vehicle access to cul-de-sac lots in the event of a 100-year storm.

8. All hydrant supply lines shall be a minimum of 8" diameter. Hydrants to be installed east of McLane Road at northern boundary of proposed subdivision and on the south side of West Locust Way, east of the channel and adjacent to lot 8.

9. The final plat shall grant a drainage easement enclosing all drainage channels on this project and a note shall be included on the cover sheet of the final plat stating: "This subdivision includes storm water conveyances within drainage easements. The property owners are responsible for all required maintenance of those drainage conveyances and easements on private property. The Town of Payson or other public agencies having jurisdiction, possess right of access for clearing, cleaning, or channelizing if not properly maintained by the property owner. All funds expended for this maintenance by the Town of Payson or other public agency will be charged to the individual property owner." The property owners are responsible for all required maintenance of those drainage conveyances and easements on private property and for any damage caused by the failure to properly maintain the same.

10. If a subdivision sign is planned, a sign easement shall be created on the lot where the subdivision sign will be placed.

11. A note shall be included on the final plat stating, "Driveway construction on lots 1, 2, 5 and 6 shall be located such that the ingress and egress must be in forward motion towards North McLane Road only."

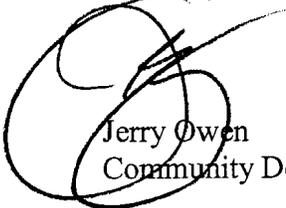
12. A 1' non-vehicular access easement shall be depicted on lots 1, 3, 4, 10, and 11 along the full length of the property lines abutting North McLane Road.

13. Lot Areas, in square feet, shall be depicted on the final plat.

14. A 4 foot minimum wide sidewalk shall be installed on both sides of North Cambridge Court and West Locust Way within this subdivision.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Owen", is written over a circular stamp or seal.

Jerry Owen  
Community Development Director



# Federal Emergency Management Agency

Washington, D.C. 20472

June 5, 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
Case No.: 08-09-1160R

The Honorable Kenny Evans  
Mayor, Town of Payson  
303 North Beeline Highway  
Payson, AZ 85541

Community: Town of Payson, AZ  
Community No.: 040107

104

Dear Mayor Evans:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Gila County, Arizona and Incorporated Areas (the effective FIRM and FIS report for your community), in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated May 16, 2008, Mr. Daniel S. Aguirre, P.E, Wilson & Company, Inc., Engineers & Architects, requested that FEMA evaluate the effects that a new hydraulic analysis, updated topographic information, and a proposed project along American Gulch Tributary From North would have on the flood hazard information shown on the effective FIRM and FIS report. The proposed project will consist of construction of six 5-foot by 5-foot box culverts at the proposed West Locust Way Road, placement of fill, channelization, and grading along American Gulch Tributary From North. As a result of the new hydraulic analysis, updated topographic information, and proposed project, the proposed area of revision will extend from approximately 900 feet upstream to approximately 1,800 feet upstream of West Forest Drive.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Eugenio E. Valdez, P.E., also with Wilson & Company, Inc., and Mr. Aguirre.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions HEC-RAS hydraulic computer model, dated February 4, 2009, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the submitted plans entitled "Proposed Sections and Tie-in Locations," prepared by Wilson & Company, Inc., dated January 27, 2009, and the data listed below are received, a revision to the FIRM would be warranted.

Updated topographic information and additional cross sections were incorporated into the effective hydraulic analysis for American Gulch Tributary From North to develop an existing conditions hydraulic model. Our review of existing conditions revealed that the Base (1-percent-annual-chance) Flood Elevations (BFEs) increased and decreased compared to the effective BFEs. The maximum increase in BFE, 0.4 foot, occurred approximately 1,300 feet upstream of West Forest Drive. The maximum decrease in BFE, 0.6 foot, occurred approximately 1,700 feet upstream of West Forest Drive.

As a result of the proposed project, the BFEs will increase and decrease compared to the existing conditions BFEs for American Gulch Tributary From North. The maximum increase in BFE, 2.0 feet, will occur just upstream of the proposed West Locust Way Road. The maximum decrease in BFE, 1.1 feet, will occur just downstream of the proposed West Locust Way Road.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for American Gulch Tributary From North. The maximum increase in BFE, 2.1 feet, will occur just upstream of the proposed West Locust Way Road. The maximum decrease in BFE, 0.9 foot, will occur just downstream of the proposed West Locust Way Road.

As a result of the proposed project and updated topographic information, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, will increase in some areas and decrease in other areas throughout the proposed area of revision compared to the effective SFHA width along American Gulch Tributary From North. The maximum increase in SFHA width, approximately 80 feet, will occur at the proposed West Locust Way Road. The maximum decrease in SFHA width, approximately 130 feet, will occur approximately 250 feet upstream of the proposed West Locust Way Road.

As a result of the proposed project and updated topographic information, the width of the regulatory floodway will increase in some areas and decrease in other areas along American Gulch Tributary From North. The maximum increase in floodway width, approximately 40 feet, will occur approximately 160 feet upstream of the proposed West Locust Way Road. The maximum decrease in floodway width, approximately 40 feet, will occur approximately 100 feet upstream of the proposed West Locust Way Road.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- With this request, your community has complied with all requirements of Paragraph 65.12(a) of the NFIP regulations. Compliance with Paragraph 65.12(b) also is necessary before FEMA can issue a Letter of Map Revision when a community proposes to permit encroachments into the effective regulatory floodway that will cause increases in BFE in excess of those permitted under Paragraph 60.3(d)(3). Please provide evidence that your community has, prior to approval of the proposed encroachment, adopted floodplain management ordinances that incorporate the increased BFEs and revised floodway boundary delineations to reflect post-project conditions, as stated in Paragraph 65.12(b).
- Detailed application and certification forms, which were used in processing this request, must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview & Concurrence Form," must be included. (A copy of this form is enclosed.)
- The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

Form 2, entitled "Riverine Hydrology & Hydraulics Form"

Form 3, entitled "Riverine Structures Form"

Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent-, 2-percent-, and 0.2-percent-annual-chance floods; and the regulatory floodway, together with a topographic work map showing the revised floodplain and floodway boundaries, must be submitted with Form 2.

- Effective October 1, 2007, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is \$4,800 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). The payment, along with the revision application, must be forwarded to the following address:

FEMA National Service Provider  
3601 Eisenhower Avenue  
Alexandria, VA 22304-6425

- As-built plans, certified by a registered professional engineer, of all proposed project elements
- A copy of the public notice distributed by your community stating its intent to revise the regulatory floodway, or a statement by your community that it has notified all affected property owners and affected adjacent jurisdictions
- An annotated FIRM, at the scale of the effective FIRM, that shows the revised boundary delineations of the base floodplain, 0.2-percent-annual-chance floodplain, and regulatory floodway, as shown on the submitted work map, and how they tie into the floodplain and floodway boundary delineations shown on the effective FIRM at the downstream and upstream ends of the revised reach
- A copy of each notification sent to property owners who will be adversely affected by any increase in width and/or shifting of the base floodplain and/or any increases in BFE along American Gulch Tributary From North within the limits of revision

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the BFEs would change as a result of the project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

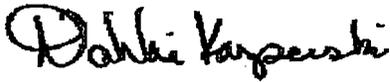
The basis of this CLOMR is, in whole or in part, a channel-modification/culvert project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel and culverts rests with your community.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in

the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP criteria.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Mitigation Division, of FEMA in Oakland, California, at (510) 627-7175. If you have any questions regarding this CLOMR, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Dahlia Kasperski, P.E., CFM, Program Specialist  
Engineering Management Branch  
Mitigation Directorate

For: William R. Blanton Jr., CFM, Chief  
Engineering Management Branch  
Mitigation Directorate

Enclosures

cc: Mr. LaRon G. Garrett, P.E.  
Town Engineer  
Town of Payson

Mr. Brian Cosson, CFM  
NFIP State Manager  
Flood Mitigation Section  
Arizona Department of Water Resources

Mr. Eugenio E. Valdez, P.E.  
Wilson & Company, Inc.

Mr. Daniel S. Aguirre, P.E.  
Wilson & Company, Inc.

Mr. David Haines