

FLOOD PLAIN PERMIT COMMITTEE MEETING  
*201 West Gray, Building A, Conference Room D*

*Monday, March 9th, 2015  
3:30 p.m.*

Minutes

---

PRESENT: Shawn O'Leary, Director of Public Works  
Scott Sturtz, City Engineer  
Ken Danner, Subdivision Development Manager  
Jane Hudson, Principle Planner  
Neil Suneson, Citizen Member  
Sherri Stansel, Citizen Member

OTHERS PRESENT: Todd McLellan, Development Engineer  
Joe Willingham, Storm Water Engineer/Fertilizer  
Rone Tromble, Staff  
Tom McCaleb, Engineer  
Sean Rieger, Attorney  
Joey Wishnuck, Applicant from Aria Development  
Ole Marcussen, Engineer

The meeting was called to order by O'Leary at 3:30.

**Item No. 1, Approval of Minutes:**

O'Leary called for a motion to approve the minutes from the meeting of January 20th, 2015. Motion to approve minutes by Scott Sturtz. Seconded by Ken Danner. Approved 6-0. It was noted that six members of the committee were present and a quorum was established.

**Item No. 2, Flood Plain Permit Application No. 556:**

O'Leary stated that the application was submitted by Aria Development, LLC and is a request for a road crossing and utilities as part of a new preliminary plat on a small tributary to Little River. The Vintage Creek residential development is proposed to be located in the North side of Tecumseh Road approximately ¼ to ½ mile east of 12<sup>th</sup> Avenue N.W. O'Leary introduced Todd McLellan, Development Engineer, who would be going over the Staff Report. McLellan introduced the applicant Joey Wishnuck, a representative from Aria Development, and his attorney Sean Rieger. The consultant for the project is SMC Consulting Engineers, P.C. The engineers Tom McCaleb and Ule Marcussen were also in attendance.

McLellan explained that this development indicates 185 lots on 82.4 acres with approximately 26 acres of open space. The N.E. corner of this development extends into the Little River floodway and floodplain, and consists of approximately nine acres. This area will not be developed but instead will be used as an open space and common area, which will contain a 10-ft. wide connection to Legacy Trail. This Legacy Trail construction will connect with

Greenleaf Trails to the south, and to the future Little River Trails addition to the east. The green area is the stream planning corridor for the Storm Water Master Plan.

According to McLellan, the area in concern includes the FEMA floodplain and the stream planning corridor, and Legacy Court, which is a 26-foot wide street, and Legacy Drive runs east and west throughout this proposed development and will provide access to lots 29-32 on Block 4. This is a back water area of Little River and 24-inch reinforced concrete pipe will be installed; approximately 200 cubic yards of fill material will be placed to complete the stream crossing, and this material will be excavated from within the floodplain. He also noted that this would be an area on the North side of the development that will extend with lots that will extend into the floodplain and fringe area. These are lots 26-29 on Block 4 and are located on the North side of Legacy Drive. This area extends into the floodplain but there is enough buildable area where they can still get houses in there, and then build the lots. The flood plain area on these lots will be protected with a conservation easement, a permanent deed restriction, or other similar mechanism. Utilities consisting of a water main and a sanitary sewer will also be constructed in the floodplain. Water mains will be constructed on the north side of Legacy Court, and a sanitary sewer will be constructed between lots 27 and 28 on Block 4 on the north side of Legacy Court.

The applicant and the engineer are working to provide a 50 foot buffer for the area along the stream channel, and again this site is located in the Little River basin, so there are special provisions of the ordinance that do apply to this application. This is a crossing of the cross section that shows the finger of the floodplain. This is the area of the flood plain that will be filled. This is a 24-inch culvert that will be installed, as you can see it will provide access to these 4 lots and there will be no lots constructed in this area, which will be left as green space or open space. The green space will be approximately one-third of the development.

The latest flood plain insurance map indicates the N.E. corner of the development will be in the floodplain of Little River, Zone AE. Approximately nine acres will be set aside as open space for a common area. The remainder of the development of the floodplain will consist of a roadway crossing over floodplain fringe for backwater areas since this development is going to occur in the Little River watershed the floodplain ordinance Section 429.1.24(h) is applicable to this project.

Applicable ordinance sections were noted to include:

4(b)(1)(b) Fill Restrictions in the flood plain, 4(b)(5) Compensatory Storage, 4(b)(11) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, 4(b)(12) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters, 4(b)(17) floodplain modifications, 4(h)(5) Lot Configuration and Building Envelopes, 4(h)(7) Floodplain Land Conservation, and 5(a)(viii) No Rise Considerations. Based upon the information provided, staff recommended Floodplain Permit application #556 be approved. McLellan then asked handed the conversation over to Sean Reiger.

Reiger then asked Tom McCaleb or Ole Marcussen if they could specifically show the changes from the filing point until now, since there have been significant changes from the moment of filing. Marcussen then explained that the first plat submitted to staff was a proposal to fill in the entire floodplain, and that they had went back to the drawing board and returned with a new preliminary plat where all of this area was avoided, with exception of the stream crossing. He also mentioned that the lots were redesigned, and then built out from the cul-de-sac and into the common area, leaving the rest of the floodplain all-natural. McCaleb then remarked about how they had met with staff several weeks prior to this meeting, and the staff had asked them to reconsider due to the timing and an issue with the storm drainage bin, so a pretty significant change was made, so that there would not be any lots in the floodplain. Marcussen then commented that there are indeed lots in the floodplain but that there would not be any fill in this area, and that is why it is called a backyard no-build area.

Reiger also commented that it was noted on the plat that way and that it states that it is a “no house buildable area” so that a title attorney, a reviewer, or staff can see that and realize that they cannot build anything there. He then stated that it was a pretty significant change from what was originally filed, and that since the road had been straightened out, it was more or less a perpendicular crossing. Reiger also mentioned that the only thing that had been presented was a road crossing, because everything else would be allowed without a permit, and with the permit the request is basically a provision which is always allowed for roads and crossings that the City does fairly routinely with roads that go across the floodplain. Reiger then said that they do try to do this as minimally as possible; that they were happy to answer any questions, and that he appreciated the work of the applicant.

O’Leary then commented that they were having this meeting at an odd time because they were not able to meet the deadline for the March 2<sup>nd</sup> meeting, and that having the meeting on March 9<sup>th</sup> with those changes they were able to make allowed the Planning Commission to make the schedule for the following Thursday.

Sherri Stansel then asked if there was any idea of where the fill was going to come from? McCaleb answered her question with the explanation that anything that you dig from out of the floodplain is going to be topsoil, which is not proper street fill, and that the idea was to cut an area and let the soil drain out, and then put this soil somewhere else and fill it with proper soil in for a street crossing. The idea was to then turn that location into a type of playground, or something similar.

Neil Suneson then asked about the terms backwater and fringe that he was not familiar with, and wanted an explanation from the committee about how these terms applied to the FEMA floodplain. Marcussen answered his questioned stating that the rising stream that spills out and backs up into a little channel is deemed “backwater”, and the flood plain fringe channel is the first area of the fringe where the water is very shallow. Suneson then asked if that great big long channel was an old irrigation channel, and then Sturtz explained that the old channel, 57, was no longer really 100% present. Suneson then explained that he did not want the terms backwater and fringe to lose the fact in later discussions that it was still FEMA floodplain. Marcussen then stated that it was not affecting the floodplain, and that filling would not

change that circumstance. Suneson then remarked about the soil survey, and was concerned about a number of areas in the development that are going to be built on soil with a really high shrink swelling mix. He then questioned as to whether or not the builder will do any special things when building on a high shrink swelling index soil? McCaleb then answered stating that they could, and that there was a post tension foundation with a cable system where they would build a monolithic board with cables located within the concrete that they would come and tighten before beginning framing a house.

O'Leary then thanked the committee, and asked if there were any further questions, comments, or motions on the application. Danner then made a motion to approve the application. Susan then seconded motion. O'Leary asked if there was any further discussion on that motion. There was none.

Motion for application 556 was approved 6-0.

**Item No. 3, Miscellaneous Discussion:**

1. O'Leary stated that there were no applications for the 3/16/15 Floodplain Permit Committee Meeting and that they had replaced the meeting with this meeting.
2. O'Leary mentioned that the filing deadline for the 4/6/15 meeting was coming up, and that currently there are no pending applications.
3. Suneson discussed earthquake insurance in Oklahoma and the controversy as to how a lot of companies are refusing to recognize it unless the earthquake was naturally caused and not from water injection wells, so he wanted to bring this information to the meeting to make the members more aware of this issue.
4. Sturtz then mentioned that he invited Joe Willingham to the meeting to congratulate him for passing the Floodplain Manager test and he is now a Certified Floodplain Manager.

O'Leary asked if there was anything else from the committee and there was not, Sturtz called for a motion to adjourn. Connors motioned to adjourn, seconded by Marcussen. Motion was approved 6-0. Meeting adjourned at 4:03 p.m.