

FLOOD PLAIN PERMIT COMMITTEE MEETING

*201 West Gray, Building A, South Conference Room
June 20, 2011
8:30 a.m.*

Minutes

PRESENT: Shawn O'Leary, Director of Public Works
Susan Connors, Director of Planning/Community Development
Bob Hanger, Storm Water Engineer
Ken Danner, Development Manager
Doug Koscinski, Current Planning Manager
Sherri Stansel, Citizen Member
Marion Hutchison, Citizen Member

OTHERS PRESENT: Todd McLellan, Development Engineer
Julie Shelton, Staff
J.W. Dansby, Consulting Engineer
William Hansmeyer, property owner

O'Leary began the meeting by asking the committee for approval of the minutes of the May 16, 2011 meeting. Motion for approval from Connors. Seconded by Koscinski. Approved 7-0.

Item No. 1, Flood Plain Permit Application No. 485:

O'Leary introduced the permit application from William Hansmeyer who is the property owner at 3927 12th Avenue NW to place fill in the Little River floodplain. McLellan introduced Dansby and Hansmeyer. A brief history of events was given by McLellan as follow:

- On May 18, 2011, it was discovered that Sysco's contractor had been dumping material from their new construction project as several trucks had been seen driving onto Hansmeyer's property.
- On May 18, 2011, City staff informed the Stellar Group, the contractor for the Sysco project, and confirmed that material from the project was being dumped on the Hansmeyer property without a floodplain permit. The contractor agreed to shut down the operation immediately.
- A notice was sent out on May 18, 2011 to the contractor and Hansmeyer notifying them of the flood plain violation that gave them 10 days to remove the material from the flood plain or to apply for a flood plain permit.
- On May 31, 2011, an inspection of the property was done, and it was observed that fill was still in the flood plain and it was confirmed that no flood plain applications had been submitted.
- On June 1, 2011, charges were filed against Hansmeyer for violating the Flood Plain Ordinance.
- After violation notice was received, Hansmeyer met with City staff on several occasions stating that he was only trying to correct an erosion control problem caused by the 12th Avenue NW Bridge ODOT project.

McLellan showed to the committee the location of the fill area, the Little River and the new three span bridge on 12th Avenue NW which was constructed by ODOT. This project also straightened out the channel to improve the hydraulic flow. It was noted that a flood plain permit had been issued by the City of Norman for the bridge work. Hansmeyer stated that the realignment has caused his property to flood more frequently and has eroded part of the land that he uses for farming. It was noted that as part of the bridge construction project, riprap was placed on the ODOT right of way. During major flood events a few years ago, the water was flowing across Hansmeyer's land. On March, 2009, a Flood Plain Permit was issued from the City of Norman to stabilize the north Little River creek bank with rip rap just east of the bridge. The bank stabilization was part of the original bridge project plans to address erosion of the north bank. In 2006, only ¼ of the rip rap was placed and the ODOT contractor completed the remaining bank stabilization in April, 2009. The applicant submitted a flood plain permit application on June 3, 2011 for this work. McLellan stated this permit request is to leave the 100 cubic yards of material in place dumped from Sysco and bring an additional 3,900 cubic yards of fill which would total approximately 4,000 cubic yards.

The committee reviewed the location maps showing the berm and the fill. McLellan showed the committee a copy of the new DFIRM which was done as part of the FEMA Risk Map Study which indicates new base flood elevation data and floodway data. Discussion ensued about the area of fill and the applicants engineer submitted an aerial photo from 2010 showing the proposed location for placement of the materials. Information discussed included the contours, how the river flowed prior to the bridge construction, and the low areas on the property that are in the flood plain, specifically where the materials had been placed. During discussion, it was noted that staff's opinion is that the area proposed to be filled was already a low area prior to construction of the new bridge, and the resulting ODOT bridge is not causing erosion to the property. O'Leary asked for clarification from Hanger if there was an environmental assessment done with the bridge project and Hanger confirmed. McLellan noted the applicable ordinance sections and made staff recommendations that the proposed fill area was already a low area and adding the fill would cause adverse impacts downstream and the permit application should be denied with removal of the 100 cubic yards of material already placed in the flood plain. It was then stated that upon completion of these requests and if the applicant is found to be in compliance with the Flood Plain Ordinance, charges would be dropped at that time.

O'Leary asked for any comments or questions from staff. Dansby gave a brief history of events which included discussion of the low areas on Hansmeyer's property. Dansby continued by noting the areas that Hansmeyer would like to fill and included an estimate of quantities of fill and noted the areas that had been previously flooded. Question from Hutchison about the areas of erosion. Dansby clarified the areas that were being requested to fill and also noted that the additional material to be brought in could be used as compensatory storage. Discussion ensued among the committee, Hansmeyer, and Dansby. Decision by the committee to postpone the application until the next scheduled flood plain permit committee in order for the engineer to obtain a topographical survey of the eroded low areas. Dansby asked for a contingent approval and O'Leary suggested that the action be postponed until the topographical survey has been obtained. Discussion continued again among the committee. Motion by Koscinski for postponement of application in order to submit additional technical information to leave the 100 cubic yards of material on the property. Seconded by Hutchison. Approved 7-0.

Miscellaneous Discussion:

Miscellaneous discussion from committee.

Meeting adjourned at 9:25 a.m.