

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

Monday, July 20, 2015
3:30 p.m.

Minutes

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

OTHERS PRESENT: Todd McLellan, Development Engineer
Rachel Warila, Staff
Sean Rieger, Attorney
John Sill, DCP Midstream
Bret Cabbiness, Cabbiness Engineering
Carol Hobbs, Stoneridge Enterprises
David Woods, Oil and Gas Inspector
Dirk O'Hara, Applicant
Stephanie O'Hara, Applicant
Sandy Taylor, Home Owner
Mary Anne Tullius, Home Owner

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

Item No. 1, Approval of Minutes:

O'Leary called for a motion to approve the minutes from the meeting of June 15th, 2015. A motion was made to approve minutes by Scott Sturtz, and it was seconded by Sherri Stansel. Neil Suneson abstained because he had not attended the previous meeting. Approved 6-0. It was noted that seven members of the committee were present and a quorum was established.

O'Leary then made a request to change the item order to start the meeting with Item #4 which is Flood Plain Permit Application No. 557 in the interest of time for applicants Dirk and Stephanie O'Hara who wanted to request a postponement of their application.

Item No. 2, Flood Plain Permit Application No. 557:

This is an application for a new residence at the south end of Echo Trail. The application was originally considered by the floodplain permit committee on May 18th, 2015 and at that time the committee voted to postpone the application to June 15th to allow for more material to be submitted. At the June 15th, 2015 meeting, the committee again voted to postpone until July 20th, 2015 to allow the applicant more time to gather documentation.

O'Leary asked McLellan if there were any questions from the applicant at this time and McLellan then stated that he had a memo stating why the applicant was requesting postponement of the application and that their attorney Sean Rieger was in attendance and would like to speak on their behalf. Rieger then commented that they would like to request a postponement until January of 2016 to have enough time to redesign the project, because some recent issues had arisen since the last meeting that they would like an opportunity to redesign for. O'Leary then replied that January was a long time from now and that in the best interest of the applicant, he suggested that the committee postpone the application

indefinitely until it is complete, and then schedule a new meeting date. Rieger then agreed to this suggestion, and O'Leary asked the committee if there were any further questions on this matter. Committee member Neil Suneson then questioned whether or not it would be possible for a committee member prior to a meeting to request a postponement of the application for an additional two weeks to review the application information once a date was requested. Rieger replied that he had never known of a precedent where a committee member would be able to make a request such as this, and O'Leary agreed that it would probably violate the Open Meetings Act. O'Leary then stated that the information packets are usually put together a few days ahead of the following meeting, and if the committee needed more time to review the application before the meeting then staff might be able to accommodate that.

Suneson then asked if the committee received everything that the applicant turned in, and Danner replied that indeed they do. Suneson then asked if there were any engineering calculations provided in this information, and McLellan stated that normally there would be but that they did not receive them because of the requested meeting postponement. O'Leary added that there has been some discussions about a drainage report for a plat application and that only some parts of the drainage report apply to the floodplain permit application. He then commented that he may need to get some clarification as to what the committee is requesting, and in this case, when the applicant turns in material after the deadline it is the committees' prerogative to postpone the application at that meeting. O'Leary said the reason for this was to provide the committee more time to review the material because the ultimate goal is to get a full packet and get it to the committee members and to anyone else who wants the material prior to the meeting.

O'Leary then said that he would like to take a few more comments from the committee, but that the current action on the table was postponement of a date certain, or an indefinite postponement of the application. O'Leary then asked if the neighbors had any questions regarding the motion for a postponement, and there were none. The action was then brought back to the committee for a motion. Susan Connors then made a motion to postpone application #557 indefinitely and Ken Danner seconded the motion. Approved 7-0.

Item No. 2, Flood Plain Permit Application No. 559:

Application #559 is an application for a new addition to a single family residence located at 1429 Quail Hollow Court. McLellan stated that the applicant for this addition is Steve and Judy Day and they were not in attendance for this meeting. The engineer J.W. Dansby from Dansby Engineering, PLC was also not in attendance, however, the builder Carol Hobbs was present, representing Stoneridge Enterprises. He then stated that this application is for an addition to a 1800 square foot house, which is located on the south side of Brookhaven Creek just north of Robinson Street and east of 36th Avenue N.W., and that the new addition would be two stories and approximately 15x20 feet, for a total square footage of 300 square feet in footprint. He stated that the elevation of the new floor slab will meet the elevation of the existing floor slab of the house, which is approximately 1156.0 feet and part of the proposed addition is located in the Brookhaven Creek floodplain fringe area; a new air conditioner unit will also be installed but its exact location had not yet been determined. McLellan then noted that if the unit is installed in the floodplain, it will need to be installed so that it located 2 feet above the base flood elevation (BFE). He also said that a deck may also be constructed in the future, which will be elevated to allow water to pass below it, and plans for the new deck will have to be reviewed by the committee and if this floodplain permit is granted, it will have to be amended to allow for the deck. He remarked that according to the floodplain ordinance if the total cost of the addition exceeds 50% or more of the value of the original structure, the entire structure must be upgraded to meet current floodplain ordinance standards.

According to the appraisal performed by Tracie Reel Real Estate in May of 2015, the cost of the addition is approximately \$68,800 and the market value of the existing house is approximately \$140,000, and since the value of the addition is 49.1% of the value of the existing structure, this

project does not meet the 50% substantial improvement threshold of the ordinance. The new addition will not have to meet the current floodplain ordinance requirements, which would require the new addition to be elevated 2 feet above the BFE. At the proposed addition location the BFE is 1155.7 feet, which is approximately 0.3 feet below to 0.7 feet above the ground elevation in the area based on GIS contours, and that there is a possibility that a Letter of Map Amendment could be obtained for the house to remove it from the floodplain and then flood insurance could be purchased by the applicant at a lower premium.

McLellan then stated the applicable ordinance sections that included fill restrictions in the floodplain, compensatory storage requirements, substantial improvement, and no rise considerations and outlined how the applicant met each ordinance section.

Stansel then asked why the actual floodplain application that Dansby originally filled out had the estimated cost of the project at \$91,000 that was later reduced to \$68,765 and if the bid was submitted higher at one point. Carol Hobbs then responded that it was based on a preliminary bid for a scope of work that her assistant gave the client when she was on vacation. Stansel then commented that several times in the past they had this type of situation, where the numbers are just below the threshold and that it concerns her when the numbers are right at 49%. Suneson then asked if the applicant would need to do an amended floodplain application if they wanted to build a deck in the future? McLellan responded that yes they would need to. Suneson then asked if a deck would increase the cost of the project.

Stansel then remarked that if it were included with this application, it is probably one of the reasons they are not doing it right now. Sturtz then responded that if this work were completed, they would bring back a new floodplain application for the deck.

Suneson then stated that it was his guess that they were not including the deck on this floodplain application because that would push it over the 50% level. Danner responded by asking if the deck would be attached to the house. McLellan said he believed that the deck would be considered an addition to the house and that the city ordinance did not have a cumulative substantial improvement provision, so, if they came back at a later date they would start over with a new application. He also said that is something for the committee to think about in future ordinance updates. Hobbs then commented that the homeowner doesn't know what kind of deck they want to have until after they have the addition completed and would later decide what they want to do. Their building permit requires a landing outside the exit door, and that may be all that the applicants opt to do permanently.

Suneson then asked questions about an applicable cross-section adjacent to the addition and McLellan responded that it wasn't applicable to this particular project because it was on the fringe area. Suneson then argued that it thought it should be applicable and requested that the committee be given data and calculations including the engineer's calculations to support this kind of study. McLellan then told Suneson that the calculations were an approximation based on GIS contours and to provide the information requested that would require a full blown flood study.

Suneson also asked for the cross-section through the project area, the profile of the stream and what material or protective measure would be used to protect the pad. Suneson also asked what the extra costs would be for the material? Hobbs responded that there would be a high stem wall and dirt would be put in the space around the wall. Suneson replied that he was concerned about a structure potentially moving into a body of water because of erosion and eddy effects, and that if there is protective material added then the applicant would be adding an extra cost to the project that was not addressed in the application.

Stansel then asked about the appraisal of the house which was appraised in the amount of \$165,000 but McLellan stated that it was \$140,000 and she wanted to know why it was different? McLellan then responded that the value of the land is \$25,000 and subtracted from the total amount.

O'Leary then asked for a motion on this application. Suneson then requested a motion to request a postponement to require the applicant to provide a more complete floodplain application that includes a complete cross-section across the channel through the project area, a profile showing the slope of the bottom of the channel or flow line of the stream, a copy of the calculations showing that there will not be a 0.05 foot rise in the BFE, and a more thorough description of what type of protective measures are going to be undertaken to protect the pad and include this additional cost in the cost of the estimate. Stansel then seconded the motion to postpone application #559 indefinitely. Approved 7-0.

Item No. 3, Flood Plain Permit Application No. 560:

This application is for emergency repair of a natural gas aerial pipeline crossing of Little River that will be replaced with an underground bore that was damaged by debris from recent flooding.

McLellan introduced John Sill who was in attendance representing DCP Midstream, the applicant. McLellan then stated that this project was for an aerial crossing that was damaged on the north side of East Franklin Road west of 12th Ave NE, and that it needed to be repaired in order to prevent possible contamination of Little River because of the pipeline. The applicant has proceeded with emergency repairs, which consisted of replacing the aerial crossing with an underground bore and this new section of pipeline will consist of 4-inch poly pipe and will be a minimum of one grade higher than the existing poly pipe that was installed in the late 1980's. He noted that the previous pipeline has a normal operating pressure of 45 psi and the new pipe has a pressure rating of 200 psi and will be pressure tested to Department of Transportation requirements, prior to going into service. He also stated that this is going to be an underground bore that will be ten feet below the creek channel with a bore pit on each side and that each one is located within the floodplain.

McLellan detailed the applicable ordinance sections which included Fill Restrictions in the Floodplain, No Rise in the BFE considerations, and Emergency Authority of the Floodplain Administrator.

- Item #11 Emergency Authority: the floodplain administrator does have the authority during times of flooding to approve any temporary measures in his judgment is necessary to protect life, property and the community from the eminent threat of any associated flood hazards. Any approved temporary measure in a floodplain development and subject to this ordinance shall be subject to review by the floodplain committee under the requirement of this ordinance for approval or disapproval as a permanent floodplain development. Staff recommends that application #560 be approved.

McLellan then asked the engineer if the work had been completed and John Sill stated that at this time it had not been completed. They still needed to do work to remove the old A-frame structure. O'Leary then asked if there were any additional comments from the applicant and there were none. Ken Danner then motioned to recommend approval of application #560 and was seconded by Scott Sturtz. There was no further discussion. Approved 7-0.

Item No. 3, Miscellaneous Discussion

O'Leary stated that the next scheduled meeting would be on August 3rd but there are no applications. He was not yet certain about the August 17th meeting because the application deadline is July 29th. There was no other business for the committee. Sturtz motioned to adjourn the meeting, seconded by Suneson. Motion was approved 6-0. Meeting adjourned at 4:15 p.m.