

Subject: Letter of Opposition — Proposed Fill and Drainage Plan

The Rational method is not appropriate for this site. The Rational method is intended for estimating peak discharges only for small drainage areas (up to about 200 acres) with no significant flood storage. It provides a single peak discharge value but does not produce a time series of flow or total flow volume.

Assumptions and Limitations of the Rational Method

Use of the Rational method relies on several assumptions and limitations:

- It is applicable only if the time of concentration for the drainage area is less than the duration of the peak rainfall intensity.
- Calculated runoff is assumed to be directly proportional to rainfall intensity.
- Rainfall intensity is assumed uniform throughout the storm duration.
- The frequency of the peak discharge is assumed to match the frequency of the rainfall event that produced it.
- Rainfall is assumed to be uniformly distributed over the drainage area.
- The minimum duration used for rainfall intensity computations is 10 minutes; if the computed time of concentration is less than 10 minutes, adopt 10 minutes.
- The method does not account for storage in the drainage area; available storage is assumed to be filled.

Because of these assumptions, the Rational method is limited to watersheds of 200 acres or smaller. If any of these conditions do not hold for the watershed of interest, an alternative method should be used.

Why the Rational Method Is Inappropriate Here

Our area and street were affected by tidal surges and by water attempting to egress during Hurricane Katrina. The flooding here was driven by tidal surge and floodplain dynamics, not by the frequency of a rainfall event. Runoff in this area is not directly proportional to rainfall intensity; it is strongly influenced by tidal surge and floodplain storage that the original swale was designed to handle. The submitted model and analysis do not assume that floodplain storage is filled. Moreover, the current fill proposal will further reduce floodplain storage.

The Rational method represents a steady inflow–outflow condition during the peak intensity of a design storm. Any storage features that do not completely fill and reach steady inflow–outflow during the storm—such as detention ponds, channels with significant volume, and floodplain

storage—cannot be properly represented by the Rational method. When such features are present, a time-varying rainfall–runoff method (hydrograph method) is recommended.

Fill to Be Added Is Not Allowed in the Floodway

The drawings indicate a Base Flood Elevation (BFE) of **19.5 ft**. The original topographic map dated July 2, 2026, shows existing elevations of roughly **10–11 ft**, meaning the proposal would raise the site by approximately **9–10 ft**.

Photographs and field stakes show proposed fill in the range of **8–9 ft**. The retaining wall is located roughly 6–10 ft from the old oak tree shown in the photos. These changes represent a substantial encroachment into the floodplain.

City ordinance on floodways states:

- **Encroachments, including fill, new construction, placement of manufactured homes, substantial improvements, and other development, are prohibited.**
- Permissible uses within the floodway are limited to activities that do not employ structures or fill and that do not cause any increase in flood levels during the base flood discharge. Permissible uses may require certification by a registered professional engineer demonstrating no increase in flood levels.

Given the proposed volume of fill and the location within a floodway swale, this project appears to violate the ordinance and should not be permitted.

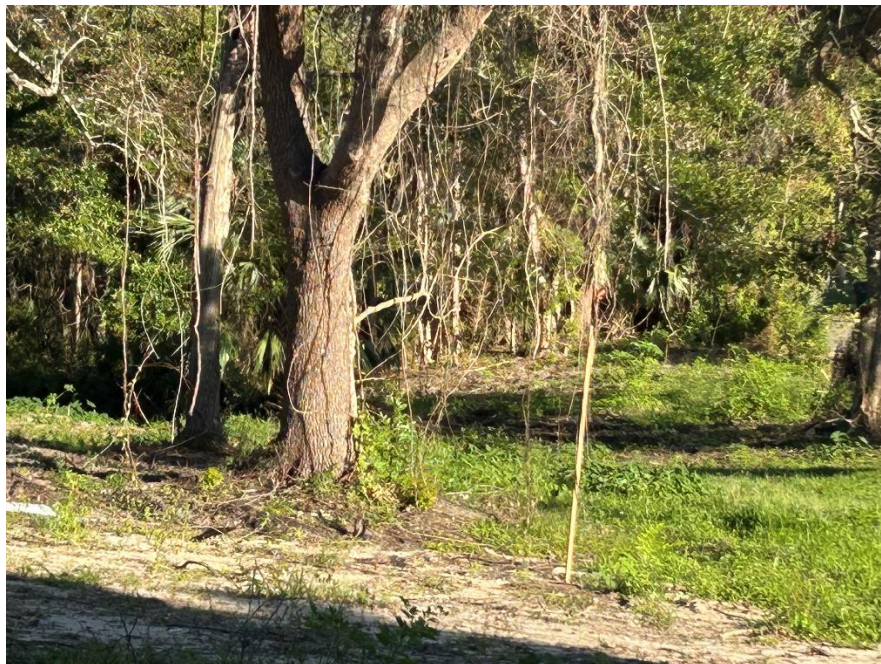


Figure 1: 9-8ft of fill proposed. Stake is roughly where retaining wall is depicted on the drawing submitted. Picture is from the perspective of looking down Webster Street.



Figure 2: Same stake indicating 9-8ft of fill, but from the perspective of looking across Webster Street. Arrow is closer to actual retention wall, approximately 6 to 10ft from Oak in the picture.



Figure 3: Shows rough visual representation of proposed fill.

“(8) Floodways. Located within the areas of special flood hazard adopted by reference in [section 26-8](#) are areas designated as floodways. Since **the floodway is an extremely hazardous area** due to the velocity of floodwaters which **carry debris, potential projectiles, and has erosion potential**, the following provisions shall apply:

a. **Encroachments, including fill, new construction, placement of manufactured homes, substantial improvements, and other development, are prohibited.**

b. **Permissible** uses within the floodway may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also lawns, gardens, athletic fields, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, **provided that they do not employ structures or fill**. These permissible uses may require certification (with supporting technical data) by a registered professional engineer demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. The uses in this subsection are permissible only if and to the extent that they do not cause any increase in flood levels during the base flood discharge. ”

(Ord. No. 615-04-2017, art. 5(§ B), 4-13-2017)

Concerns with the Proposed Drainage Plan

A July 2, 2026 map shows current buildable areas, existing drainage flow, and areas of concern:

- **Green shaded areas** on the plat indicate portions above 18 ft (BFE) and considered buildable.
- **Green arrows** show existing drainage flow across the property. After the July 4 land disturbance, the property's topography changed: the rear of the lot has become a pit, and the area above 18 ft has been reduced by roughly half.
- **Orange areas** indicate locations of erosion and pooling and show where flow changes could affect adjacent properties. Two water staking locations are noted along the protruding top-left corner of the site.

The back-left corner of the development contains a **2–3 ft depression** adjacent to an old oak tree. This depression is a likely collection point for runoff and sediment.

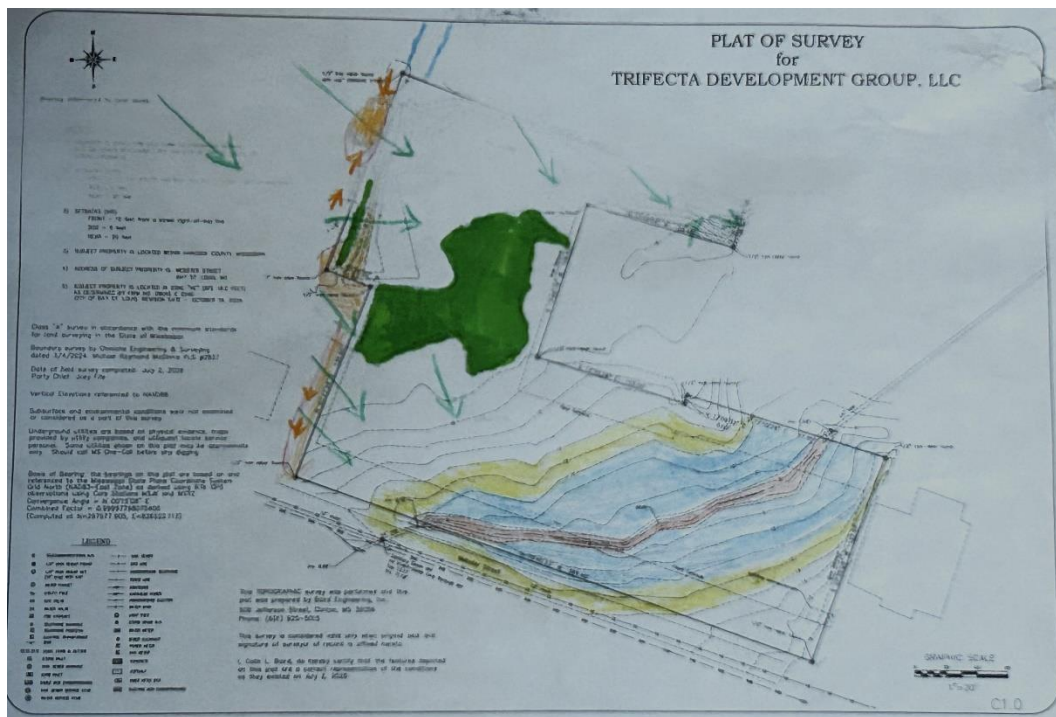


Figure 4: July 2, 2026 map showing current buildable areas, existing drainage flow, and proposed drainage concerns. Green Shaded Area – Buildable Area. Green Arrows – current drainage flow. Orange areas of concern – erosion and pooling.



Figure 5: Back left corner of the development - 2-3ft depression next to old Oak tree.

Erosion and Sediment Control Are Missing

The submitted plans indicate erosion and sediment control measures are required, but no current measures are in place. The city has spent grant funds and staff time cleaning sediment and debris from stormwater systems in this area. The developer's prior work—disturbing land without permits and failing to implement erosion controls—reduces confidence that the project will be properly managed.

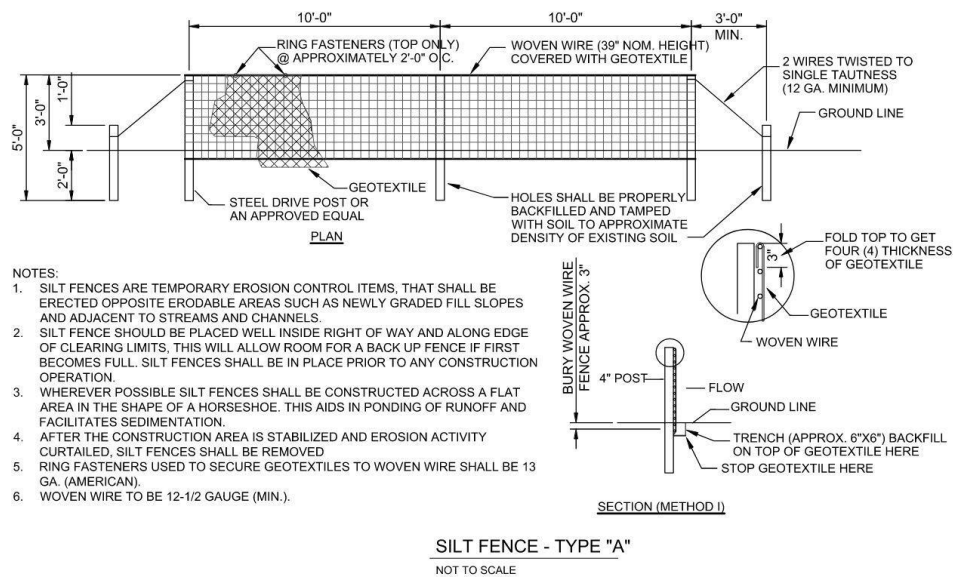


Figure 6: Erosion Control indicated in Packet submitted by Trifecta.

Permitting and Process Concerns

City code requires a permit for land disturbance and specific application materials for multi-family developments of four or more units on sites under one acre, including a stormwater management plan and a stormwater maintenance agreement. The developer proceeded with land disturbance without a permit and began work over the July 4 weekend without proper review.

I was not invited to the developer workshop despite reaching out to city staff. The public and adjacent property owners must have meaningful opportunities to participate.

An **No Adverse Impact (NAI)** letter should be submitted and reviewed before permits are approved or before the Planning Commission acts. This analysis is essential given the scale of the proposed fill in a Special Flood Hazard Area and floodway swale.

Clarification Needed on Major Site Plan Review

The agenda references a **Major Site Plan Review**, but that term does not appear in the city's published ordinances. The ordinances reference sketch plats, initial site plans, preliminary plats, and final plats, but not a "Major Site Plan Review." Before proceeding, the Commission should clarify:

- Where **Major Site Plan Review** fits within the city's official approval process.
- What standards apply to this review.
- Whether the process is properly codified.

A development cannot be reviewed under a process that is not defined in ordinance. The Commission should require full documentation, ensure compliance with all floodplain and infrastructure standards, and provide the public with the information necessary to participate meaningfully.

Variances may only be issued when there is good cause, exceptional hardship, and no increase in flood heights or public risk. None of those conditions are met here. **There are alternatives that require no variances and maintain the same building footprint**—closer to what the developer advertises on its billboard. **But are not considered here.**

Requested Actions

1. Require a runoff analysis (hydrograph method) that accounts for floodplain storage and tidal influences.
2. Deny any permit or approval that would allow fill within the floodway until a No Adverse Impact analysis is completed and accepted.
3. Require immediate implementation of erosion and sediment controls and verification that prior disturbances are remediated.
4. Provide transparent documentation of the review process and invite affected residents and experts to participate in any workshops or hearings.
5. Clarify the legal basis and standards for the "Major Site Plan Review" before any action is taken.

Thank you for your consideration. I urge the Commission to protect the floodplain, neighboring properties, and public infrastructure by requiring full compliance with floodplain regulations and by ensuring a transparent, ordinance-based review process.

Sincerely,

Josh Magee

