

STAFF REPORT

ITEM: Floodplain Permit Application for Improvements at 428 Laws Drive

APPLICANT: J. Mark Daniels, 428 Laws Drive

ENGINEER: J. Mark Daniels, P.E.

BACKGROUND

The applicant requests a floodplain permit for several improvements constructed in the backyard of 428 Laws Drive, adjacent to Muddy Boggy Creek in the Ten Mile Flats area. Improvements include a garden wall, retaining wall, circular patio slab, hot tub, and pergola columns. The site lies partially within the 0.1% Special Flood Hazard Area (SFHA). The floodplain elevation is approximately 1121.7 ft.

Improvements were constructed in phases (2020–2024). Significant erosion was documented during flooding events in spring 2025, prompting a City inspection and the requirement for a floodplain permit.

STAFF ANALYSIS

Site located in Ten-Mile Flat Creek (Muddy Boggy Creek) Floodplain.

Flood Zone: The site is within Zone AE. Interpolation of FEMA data identifies a BFE of approximately 1121.7 ft.

APPLICABLE ORDINANCE SECTIONS (36-533)

- (e)(2)(a) – Floodplain modification and fill restrictions
- (e)(2)(e) – Compensatory storage requirements
- (f)(3)(8) – No-rise condition requirements
- (e)(7) – Floodway restrictions (not applicable here)

DETAILED ORDINANCE ANALYSIS

(e)(2)(a) – Floodplain Fill Restrictions

Applicant provided detailed cut/fill calculations. Approximate volumes:

- Fill: ~420 CF
- Cut: ~303 CF

Net effect: approximately –117 CF (additional storage).

(e)(2)(e) – Compensatory Storage

Engineer's stamped certification confirms compensatory excavation behind the garden wall. Excavation depth of 11.25 inches provides ~117 CF of compensatory storage, and excavation to 16 inches yields ~237 CF, exceeding the required offset.

(f)(3)(8) – No-Rise Requirement

Engineer provided a No-Rise Certification showing that neither Phase 1 nor Phase 2 improvements increase the Base Flood Elevation (BFE). All excavated materials will be removed from the floodplain.

(e)(7) – Floodway Restrictions

The project is not located in a mapped regulatory floodway. No restrictions apply.

OTHER CONSIDERATIONS

Creek bank repair is not part of this permit and will require a separate floodplain permit, coordination with HOA, adjacent owners, and engineering design.

RECOMMENDATION

Staff recommends approval with the following conditions:

1. Complete compensatory excavation as shown in submitted documents and provide evidence in the form of as-builts and/or photo evidence.
2. Remove all excavated material from the 100-year floodplain.
3. No additional fill or creek repair is allowed under this permit.
4. Future creek bank stabilization requires a separate permit.

ACTION TAKEN:
