

**ITEM:** This Floodplain Permit Application is for various agricultural projects in the Little River Floodplain at 4701 N. Porter Ave.

**BACKGROUND:**

APPLICANT: Austin Jackson

ENGINEER: SMC Consulting Engineers

The applicant has received multiple floodplain notices of violation related to various construction and excavation activities at Jackson Freedom Farms located at 4701 N. Porter Avenue. The latest was in January 2025. After the January 2025 violation letter and permitting holds on the property, the applicant began working with City Staff to address the various violations on his property. The violations are specifically for two separate ponds created on the property and three structures. Each will be addressed individually in staff analysis.

**STAFF ANALYSIS:**

Site located in Little River Basin or its Tributaries? Yes ☒ No ☐

According to the latest FIRM, the site of the proposed work is located in the Little River Floodplain (Zone AE). The BFE for each project will be included in the description below.

Agriculture Structure West – This is one of two structures built in the northeast corner of Jackson Freedom Farms. The building plans for this structure indicated that it would be built further to the north than the actual location and would have been out of the floodplain. This is a steel building used for vehicle maintenance and various agricultural purposes. Included with the application is an elevation certificate (EC) indicating that the BFE at this location is 1106.0' and the finished floor of the structure is 1106.54'. Therefore, while the building shows on maps as being in the floodplain, the structures finished floor is in fact higher than the BFE. The engineers report indicates that 1.11 cubic yards (CY) of fill were used to raise the FFE above the BFE.

Agriculture Structure East – This is the second of the two structures built on the northeast corner of Jackson Freedom Farms. Like the other, the site plans for this structure indicated that it would be built further to the north and out of the floodplain. It is a steel building lean-to structure that is open on the south side. The submitted EC for this structure indicates that the BFE is 1106.0' and the FFE is 1107.0'. The engineer's report indicates that 3.31 CY of fill were used to elevate raise the FFE above the BFE.

Agriculture Structure South – This structure was constructed sometime in 2020. No permits were obtained for the building of this structure. The structure is a steel building used to store various ag equipment. Most of the structure is open on the west side. The north side of the building is completely enclosed but all electrical equipment is located approximately 3 feet above grade. Electrical service for this structure is a trailer mounted generator. The attached EC for this structure shows that the BFE at this location is 1105.36' and the FFE is 1106.17'. The engineer's report indicates that 1.45 CY of fill was used to level the surface.

Aesthetic Pond Excavation West – This pond was created when the PUD for the ag wedding venue was built. The site plan for this pond indicated that it would be excavated further to the west, out of the floodplain. This pond was instead created by damming a small tributary to the Little River. The USACE has indicated that since the pond is used for ag purposes and no flooding as been reported upstream, they are allowing the use, even though it was not properly permitted. The BFE at this location is approximately 1107.0' and the wet pool is 1106.0'. The engineer's report for this location is attached with the application. Notable elevations from that report include the elevation of the head wall on the west side of Porter in the creek channel is 1118.48', 112.48' is the benchmark used on the downstream (east) side of porter, 1111.93' and the spillway crest of the pond is 1105.0'. The top of the berm itself on the pond is approximately 1110.0'. This would indicate that the pond is draining before water elevations would begin

to rise on upstream properties, especially as there is a about a 2 foot drop from the channel under Porter to flowline of the stream on the downstream side. The applicants engineer has indicated that approximately 28 CY of comp storage is required grading and filling that occurred in the creation of the pond.

Farm Pond Excavation East – This pond was created earlier this year for agricultural purposes. Soil was excavated from the approximate 3 acre pond and stored on site. Some of this fill has been moved offsite for various construction projects, but the remaining fill, according to the applicant, will be consolidated and moved out of the floodplain. Ag ponds are allowable under the ordinance, assuming that negative impact to adjacent properties will occur.

All other structures identified from aerials were inspected by staff were determined to be lean-to type ag dwellings to provide shelter for cattle and keep equipment and hay dry during inclement weather or trailers of various types. All of these structures are on skids or wheeled and capable of being moved in an expedient manner if required during a flooding emergency.

Applicable Ordinance Sections:	Subject Area:
36-533	(e)2(a)..... Fill restrictions
	(e)2(e)..... Compensatory storage
	(e)3(d)..... Agricultural buildings
	(e)(3)(j)..... Fencing in the floodplain
	(f)(3)(8) ..... No rise considerations

(e)2(a) and (e)2(e) Fill Restrictions in the Floodplain and Compensatory Storage – Fill is restricted because storage capacity is removed from floodplains, natural drainage patterns are adversely altered, and erosion problems can develop. Compensatory storage must be provided within the general location of any storage that is displaced by fill or other development activity and must serve the equivalent hydrologic function as the portion which is displaced with respect to the area and elevation of the floodplain.

The applicant's engineer has supplied a floodplain analysis with calculations for each structure project. Overall, there 28.0 CY of comp storage required for the buildings and aesthetic pond. The excavated material from the larger farm pond on the east will be removed from the floodplain.

(e)(3)(d) Agricultural buildings – New agricultural buildings not intended for human occupancy may be granted a variance by the Floodplain Permit Committee to the requirements of subsection (e)(3)c of this section, requiring fill and a finished floor elevated two feet above base flood elevation, provided that there is no off-site adverse impact on abutting properties, all utility services are floodproofed, and the requested variance is reasonably related to the principal agricultural use of the property.

The buildings indicated in this permit application are for agricultural use only and two of the three are open on at least one side. Therefore, the two foot freeboard requirement does not apply

(e)(3)(j) Fencing in the Floodplain – All new fences or replacement of existing fences in the SFHA require a floodplain permit. Approved fences shall be designed and installed to be breakaway or in some other manner so that flows will not be impeded.

The applicant has installed a chain-link fence meeting this ordinance requirement.

(f)3(a)(8) No Rise Considerations – For proposed development within any flood hazard area (except for those designated as regulatory floodways), certification that a rise of no more than 0.05 ft. will occur in the BFE on any adjacent property as a result of the proposed work is required. For proposed development within a designated regulatory floodway, certification that no increase in the BFE on any adjacent property as a result of the proposed work is required.

The project engineer has submitted a No Rise statement and floodplain analysis report indicating that this project will not cause a rise in the BFE at this location, meeting the ordinance requirements.

**RECOMMENDATION:** Staff recommends Floodplain Permit Application #726 be approved with the following conditions:

- 1- Flood venting shall be installed in the enclosed portion of “agriculture structure south”.
- 2- As-builts survey of comp storage area to verify that appropriate storage has been created prior to final acceptance.

**ACTION TAKEN:** \_\_\_\_\_