

INTEROFFICE MEMORANDUM

Printed by: Suzanne Loomis
Date: 12-May-1995 04:50pm CDT
From: Suzanne Loomis
LOOMIS_S
Dept: Public Works
Tel No: 268-4498

TO: See Below

Subject: Davis Moore 12th Add.

In response to your questions of Steve regarding the referenced property, I have attached a letter we sent out to the DWR. The letter basically gives the history of the site. I also sent this information to Barry Carroll by EM on Dec. 28, 1994 due to questions from Mr. Huie.

The permit for the site went on public notice (10/24/94 to 11/24/94) for floodway fringe fill. And DWR then approved the permit application submitted for the property. I also understand that the final plat was approved by MAPC yesterday, and it goes to Council from there. According to Vicky Huang, O.C.I. had some concerns about the plat and wanted to provide an advisory comment to the applicant advising there may be unsuitable material on the site. However, the MAPC said this was not a platting issue, and opted not to consider the comments.

In light of DWR's permit approval for the site, I believe all state requirements are met concerning the site as associated with flood plain fill. However, I cannot comment about local concerns as related to O.C.I. and City Code.

If you have any further questions regarding this case or other flood plain issues, do not hesitate to call 4625.

Distribution:

TO: Jeanne Goodvin	(GOODVIN_J)
TO: Elizabeth Johnson	(JOHNSON_EB)
CC: Steve Lackey	(LACKEY_S)
CC: Kurt Schroeder	(SCHROEDER_K)
CC: Marvin Krout	(KROUT_M)
CC: Vicky Huang	(MORGAN_BJ)

November 2, 1994

Mr. David L. Pope, Chief Engineer-Director
Kansas State Board of Agriculture
Division of Water Resources
901 S. Kansas Avenue, Second Floor
Topeka, Kansas 66612-1283

ATTN.: Edward E. Byrd, P.E.

Re: Notice #94445, WS No.LSG-0093, Floodway fringe fill

Dear Mr. Pope:

This letter is in response to a public notice of application, dated 10/24/94, for a site in the floodway fringe of Cowskin Creek in West Wichita, bordered by US-54 highway on the south, Seville Ave. on the east, and Cowskin Creek on the West.

The applicant has placed a large amount of fill (including dirt, concrete, asphalt, tree limbs, etc.) in the floodway fringe at the location listed above without permission from the City of Wichita. In order for any activity such as this to take place, the Office of Central Inspection (O.C.I.) must issue a permit to the interested party. Therefore, O.C.I. is this community's regulating authority for these actions according to City Ordinance.

On August 17, 1994, O.C.I. issued a stop-work permit at the site ordering all filling activities to cease. The owner was notified in writing that the filling operation must cease until all appropriate State and local permits were obtained, including submittal of an engineer's soil report for local officials to review.

Upon request, on August 29, 1994, local officials met with the applicant's representative, Mr. M. S. Mitchell, to discuss the case. Local officials directed the applicant to proceed immediately with State permits, begin performing a soil analysis at the site, and block off the site to prevent further dumping of material.

On more than one occasion in September, there was evidence additional material was present at the site. The applicant's representative was contacted after each incident and stated it was unauthorized by the owner and the area would be barricaded once again. However, no effort

was made to remove any of the unauthorized material.

Therefore, prior to approval of this application, the following three pieces of information should be taken into consideration. First, several areas along the Cowskin upstream from this location have experienced flooding problems in the past, therefore, to allow placement of fill material in the flood plain at this location might add another restriction to the flow in this area and enhance the chances of flooding. However, some improvements have been made upstream and downstream within the basin which may help the situation. Due to less than perfect original May of 1986 flood plain maps (FIRM and FHBM) and continued development, approved and illegal (such as this case upto this point), the City is currently funding a flood insurance study to update the maps in this area. This study will determine the actual boundaries of the flood plain taking into consideration existing conditions.

Second, according to the applicant's representative, the soils analysis for the site is complete, but has not been submitted to the City yet. This information maybe beneficial for your review as well considering the types of material used for fill at the location, i.e. concrete, asphalt, tree branches, etc. I do not believe this material is acceptable fill for this area, nor would I expect it to meet compaction requirements.

And third, the applicant apparently made no effort to gain permission to perform the filling operation at the site. This means no inspection of material, methods, plans, etc. was ever reviewed prior to the existing fill. And after the City issued a stop-work permit at the site, it appears the applicant did not notify those who had permission to dump at the site concerning its closure. This was evident due to additional material which appeared at the site during September of this year. Approving a fill operation is one issue, but approving existing fill whose contents and placing methods is unknown is yet another.

We appreciate the opportunity to comment on this issue. Please consider these comments when reviewing this application. If you have any questions, please feel free to call our office at 316-268-4497.

Sincerely,

Steve Lackey, P.E.
Director of Public Works

cc: Kurt Schroeder, Acting Superintendent O.C.I.
Suzanne C. S. Loomis, Acting Storm Water Engineer