

FLOOD REVIEW BOARD

Date: November 19, 2020

Time: 8:30 am, MST

Location: Remote (Zoom Meeting)

Contact: Devin Traff, Larimer County Engineering Department

MEETING MINUTES

Staff Present: Devin Traff, Frank Haug (attorney)

Board Members: Chad Morris, John Hunt, Bets Ervin-Blankenheim, Chris Thornton

Applicant(s) Present: Brad Eaton, Brad Grasmick (attorney), Matt Clark, Scott Parker

Public Members: Amy Greenwell, Harry Nequette

Mr. Morris opened the meeting at 8:35 a.m., MST

Introductions

Item #1. LTWD Water Line Replacement FPSR

Mr. Traff introduced the item. The item was filed on behalf of the Little Thompson Water District for Floodplain Special Review regarding the replacement of three underground water lines within the Little Thompson Floodway Zoning District. The three water lines cross the Little Thompson River at CR 21, SH 287, and CR 17. They were damaged during the 2013 Flood and replaced following the flood. All the lines were bored under the channel at a minimum depth of 9 feet. Construction plans were completed after the project and locates were performed to determine the depths and profiles of each line. Also, scour analyses were performed indicating that the pipes were not at risk of exposure.

Brad Eaton from Little Thompson Water District presented. They performed locates as part of this project with a locate team with specific locate equipment. The depth that was found was provided with confidence of +/- one foot. Most of the pipes were found to be about 10 or more feet deep under the river where it crosses.



Mr. Morris opened discussion for questions.

Mr. Hunt asked Mr. Traff if this replacement in 2013 was an emergency type of project following the 2013 flood event. Mr. Traff mentioned that the emergency permits were issued for about five years following the flood on the conditions that it would eventually go through the Flood Review Board (FRB). Mr. Eaton said that they were pursuing recovery funding from Federal Emergency Management Agency (FEMA) and one pipe was replaced in 2013, another in 2014, and another in 2015.

Dr. Thornton asked what the depth of the pipes were before the 2013 flood and Mr. Eaton did not know as he did not work there then and that following the flood it was the norm for them to be 10 or more feet below ground. Dr. Thornton also asked about the scour report and if the pipe at one crossing is deep enough to resist the scour. Mr. Morris added that it was important to know what depth the pipes were at before the 2013 flood.

Mr. Hunt stated that county road 21 pipe crossing should also consider a bridge contraction scour report for the crossing that is up stream of the pipe. There was subsequent conversation regarding the calculations provided by Mr. Eaton and how the calculations led to the table of values. The data was difficult to comprehend by the Board and they continued to ask Mr. Eaton of what the previous depth of the lines were. Mr. Eaton received new information and stated that the depths of the lines were unknown as this was a very old pipe system and they were most likely quite shallow.

Mr. Hunt reiterated that this report is not very easy to understand and comprehend which needs clarification. Also, a bridge contraction scour report would be beneficial to add to the general scour at the CR 21 pipe crossing. Conversation ensued on if this item should be tabled or recommended with conditions. The Board decided to continue the conversation and create conditions with their recommendation.

The Board found that this is the property owners water line who is the applicant, and it is unlikely to be damaged in a large flood event with 9 feet of depth. It was decided the applicant should make the report more comprehensive, discuss uncertainties of the locating equipment, and make bridge contractive scour calculations for the 25 and 100 year flood events at the CR 21 crossing. Mr. Hunt asked Mr. Traff if he could review the previous conditions and ensure that the conditions are met by the applicant. Mr. Traff said yes but asked if mitigation will be required as a result of the calculation changes. It was determined mitigation would not be required, but the responsibility would be placed on the property owner/applicant.

MOTION:

- *Ms. Ervin-Blankenheim made a motion to recommend the approval to the Board of County Commissioners for the LTWD project under the condition that the following clarifications are made by the applicant: (1) The applicant supports Table 3 with the calculations in a more comprehensive manner (2) The report discuss the uncertainties associated with locating the water lines and these might relate to the scour calculations (3) bridge contractive scour*



calculations be made for the County Road 21 crossing for the 25-year and 100-year flood events. Dr. Thornton seconded the motion. Motion passed 4-0.

Item #2. Little Cache Headgate FPSR

Mr. Traff introduced the project. The item is a continuation from the August's FRB meeting. The project was filed on behalf on the Larimer and Weld Reservoir company for a Floodplain Special Review (FPSR) regarding construction work from 2007 and 2008 at the Little Cache Ditch headgate. The work was completed along the Cache La Poudre River West of Overland Trail just south of CR 54G.

Mr. Morris allowed Mr. Clark to present. Mr. Clark presented that his group modeled the 10 and 50-year events that were included in the previously effected model. They found that the headgate project did not create a negative impact to the water surface elevations in this area. The topographic map also was examined to see how much fill was placed at the area. They found the project did not impact the 10-year flood event and there was no impact to floodplain elevations.

Mr. Parker said that the goal of the project was to repair the headgate. Mr. Parker said access was bad for large machinery to get to the flood gate, so a crane had to be used to reach the headgate. There are wing gates left on the eastern side in case of emergency for a crane to operate there. The wing walls on the west side were added to prevent the bank from sluffing into the gates. Mr. Parker reiterated that the project was important to the headgate and safety of those living in the area.

The public was given opportunity to speak. Mr. Nequette stated that the ditch company broke the rules by placing fill and concrete eco-blocks on his property in the floodway in 2006 and 2007. Mr. Nequette complained that the ditch company is not taking responsibility for their actions and placing a berm which allows the water to flow into the neighborhood. Mr. Nequette wants the board to protect the neighborhood and area from the flood water and to make the company return the area to conditions from 1978.

Ms. Greenwell reiterated the grievances that Mr. Nequette stated. She also claimed the ditch company is not being transparent and minimized how much fill was placed on the eastern bank. Ms. Greenwell also noted that the work was completed in 2006 to 2007 not from 2007 to 2008 as the ditch company stated.

Mr. Morris opened the discussion for questions from the Board.

Mr. Hunt reminded Mr. Nequette and Ms. Greenwell that the role of the Flood Review Board is to determine whether the project meets the criteria for approval as a Floodplain Special Review.

Mr. Hunt asked the public if they are contesting that the as-built plans are inaccurate. Mr. Nequette stated that the plans are correct, but that the area north of the headgate was incorrect. He also argued that the Board needs to consider the change from the past as the Board does not know what the past conditions were like. Mr. Nequette stated that there is not enough evidence of no-rise for the Board to approve the project.

Dr. Thornton asked if the 2005 topographic data was available and Mr. Clark said that the data does not exist. Mr. Clark's team was forced to use the 2002 contour data which was the only data available at the time period. Dr. Thornton asked the rest of the Board what they should be focused on with this



project. Mr. Hunt stated that for the approval of previous similar projects, the applicant must have a hydraulic analysis be performed showing that the 100-year flood profile is not affected by the project for approval. However, this is a special case as there has not been public members that believe they are being affected negatively by the project.

Mr. Hunt discussed the stability of the eco-wall that is leaning according to Mr. Nequette. Mr. Clark confirmed that the wall is tilting, and the ditch company is ready and willing to fix the wall, but they do not have the best relationship with the property owners.

Mr. Hunt asked Mr. Clark if the best evidence regarding the hydraulic analysis for this project has been provided. Mr. Clark confirmed that they have provided all relevant information from the project showing that there is not a rise created by their construction. Ms. Greenwell said that the neighborhood drainage plan will have evidence of changing contour information after the construction took place.

Discussion followed regarding the fill that was placed in the floodway north of where this project took place. Mr. Morris said that there are apparently more evidence or documents for review according to the public present. Mr. Clark argued that if the fill that is in question is unrelated to this project then it should not be addressed for this project. Mr. Haug restated the goal of the FRB is not to investigate allegations but receive the evidence and apply the approval criteria in the code.

Mr. Hunt asked the engineers if they compared 2013 and 1999 data and concluded that there was no reason to reconfigure the model to extend the cross-section along the East bank of Little Cache as there would be no impact. Mr. Clark responded yes. They used the contour maps to show where the fill was placed.

Mr. Grasmick introduced himself as the attorney for the Larimer Weld Reservoir Company and the Little Cache Ditch Company. There was previous litigation regarding the work done at the ditch with the two companies.

Mr. Hunt said that this item needs to be closed and the public safety problem involving the eco-blocks should be fixed.

The Board determined that this item should be tabled for a following FRB meeting. It was also determined that when this item comes to the Board a third time a condition will be made to require the ditch company to address the public safety concern regarding the interior eco-block wall.

Further discussion followed overviewing the entire project and what kind of time period everyone needs to bring forward evidence.

MOTION:

- *Dr. Thornton motioned to table the request for approval upon pending further analysis of local topography changes and impact assessment at the Greenwell and Nequette properties. Table not to exceed 90 days from the meeting and will be revisited at the February FRB meeting. Mr. Hunt seconded the motion. Motion passed 3-0.*