

STAFF REPORT  
August 26, 2004

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**No. 04SE001 - Special Exception to the Flood Area Construction Regulations**      **ITEM 35**

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GENERAL INFORMATION:

PETITIONER	Ferber Engineering Company, Inc. for South Dakota Game Fish & Parks - Cleghorn Springs State Fish Hatchery
REQUEST	<b>No. 04SE001 - Special Exception to the Flood Area Construction Regulations</b>
EXISTING LEGAL DESCRIPTION	Lot F-2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.67 acres
LOCATION	4725 Rimrock Highway
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	Low Density Residential District
East:	Flood Hazard District
West:	Flood Hazard District/Park Forest District
DATE OF APPLICATION	7/27/2004
REVIEWED BY	Rich Wells

RECOMMENDATION:

Staff recommends that the Special Exception to the Flood Area Construction Regulations be approved.

1. The plan presented for review is of preliminary nature.
2. At the time of Building Permit a Floodplain Development Permit shall be obtained. Any changes to the preliminary plan shall be required to be identified and if any adverse impacts beyond those noted in the preliminary report shall also be identified.
3. Construction details shall be required at Building Permit.

GENERAL DESCRIPTION: The South Dakota Game Fish & Parks is evaluating scenarios for continued fish production at the site. The proposed improvements at the site were modeled by Ferber Engineering to determine their impact on the Base Flood Elevations and also to determine the necessary floodproofing measures needed for the proposed improvements.

The purpose of the Special Exception is to allow for "Option 2, Preliminary Full Build Out Plan" as shown on the Ferber submittal.

No construction details have been provided since the plan is only preliminary at this time. These details would be required prior to issuance of a Building Permit.

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GENERAL COMMENTS:

- Rapid City Municipal Code 15.32.020 states that “The flood hazard areas of Rapid City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards (emphasis added) which increase flood heights and velocities and, when inadequately anchored, damages uses in other areas....”
- Rapid City Municipal Code section 15.32.240-D states that in passing upon applications for special exceptions, the Council and Planning Commission shall consider relevant factors, these factors are outlined and addressed in an attachment here.
- Rapid City Municipal Code section 15.32.24-E-2-e states that “variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances,...
- In addressing 15.32.240.D item 1b, the applicant has stated there are increases in the flood elevations due to the proposed improvements. It should be noted that these increases result in Base Flood Elevations below that shown on the official Published Flood Insurance Rate Map, thus no Letter of Map Revision will be necessary. The applicant intends to floodproof improvements using the Base Flood Elevations published in the Flood Insurance Rate Maps, thus compliance with ordinance requirements will occur.