A RESOLUTION ESTABLISHING A RAPID CREEK FLOODPLAIN POLICY

WHEREAS on June 9 and the morning of June 10, 1972, a devastating flood occurred in Rapid City, South Dakota causing the deaths of 238 residents, causing $160 million in property damage and forever changing the community;

WHEREAS historically Rapid Creek in the Rapid City area has experienced flash flooding including significant and severe floods in 1907, 1920, 1927, 1949, 1952 and 1962 as well as 1972;

WHEREAS the City of Rapid City seeks to protect the lives and property of all of its residents as well as the many visitors to our community;

WHEREAS a Floodplain Boundary Policy Committee was appointed by the Mayor on July 20, 1992, to review the City's policies on the management of the Rapid Creek Flood Hazard Area and formulate a recommendation for the Planning Commission and City Council to consider;

WHEREAS the Rapid City Planning Commission and Rapid City Council adopted this resolution on May 20, 1993 and June 7, 1993 respectively;

WHEREAS the Floodplain Boundary Policy Committee was reconvened by the Mayor on July 1, 1996 and they met to review the previously adopted policy and recommended re-adoption of the policy with minor clarifications and amendments;

WHEREAS the Rapid City Planning Commission and the Rapid City Council re-adopted this policy with revisions on February 20, 1997 and March 3, 1997 respectively;

WHEREAS the Floodplain Boundary Policy Committee was once again reconvened by the Mayor on July 24, 2000 to review and clarify the previously adopted policies resulting in additional restrictions for festivals, carnivals and other temporary uses to protect the public health and safety of it's residents and visitors;

WHEREAS the Floodplain Boundary Policy Committee was again reconvened by the Mayor on August 6, 2007 to review the previously adopted policies and regulations;

WHEREAS for the purposes of this resolution the 100 year floodway shall be defined as the channel of Rapid Creek and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as identified on the currently adopted Flood Insurance Rate Map;

WHEREAS for the purposes of this resolution the 100 year floodplain shall be defined as the properties identified on the currently adopted Flood Insurance Rate Map;

WHEREAS for the purposes of this resolution the 500 year floodplain shall be defined as the properties identified on the currently adopted Flood Insurance Rate Map;

WHEREAS the Floodplain Boundary Policy Committee recommends adoption of the following Floodplain Boundary Policy to memorialize the events of June 9 and 10, 1972

and to insure that all necessary steps are taken to protect the lives and property of the residents of Rapid City as well as the many visitors to the Rapid City community:

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following policies be adopted to regulate the Rapid Creek Floodplain in Rapid City:

- The current requirements of Chapter 15.32 Flood Area Construction Regulations and Chapter 17.28 Flood Hazard Zoning District of the Rapid City Municipal Code not otherwise addressed under this policy shall remain the same.

- The Public Works Department shall install permanent pins and landscaping denoting the location of the 100 year floodway boundary at the following locations: Canyon Lake Park, Sioux Park, Roosevelt Park, Memorial Park, Founders Park and at the New York Street parking lot. This will inform park users and residents of the boundary of the 100 year floodway.

- The Public Works Department in conjunction with the Parks and Recreation Department shall install permanent fixtures throughout the Rapid Creek Greenway displaying photographs of the 1972 Flood Event to remind the residents of Rapid City and the many visitors to our community of the tragic events of June 9 and 10, 1972 and the potential risks of allowing encroachments into the floodplain.

- The Public Works Department shall install permanent markers at the Chapel Lane Bridge location denoting the boundary between the upstream Canyon environment and the downstream areas, and further identifying the 100 year base flood elevation to advise the community, the residents and the park users of the flood risks.

- In recognition of the canyon environment, the velocity of floodwater and the elevated risk to human life as well as real property associated with the area upstream of the Chapel Lane Road Bridge, the development of property located upstream of the Chapel Lane Road Bridge, both public and private shall be held to a more stringent standard.

    - When applying the Flood Hazard Zoning District to private property, the boundaries of the Flood Hazard Zoning District shall match the boundaries of the 100 year floodway on private properties downstream from the Chapel Lane Road Bridge and shall match the boundaries of the 500 year floodplain (including the floodway and 100 year floodplain as well as the 500 year floodplain) on all private properties upstream of the Chapel Lane Road Bridge.

    - When applying the Flood Hazard Zoning District to public property, the boundaries of the Flood Hazard Zoning District shall match the boundaries of the 100 year floodway on public properties downstream from the Chapel Lane Road Bridge and the boundaries of the 500 year floodplain (including the floodway and 100 year floodplain as well as the 500 year floodplain) on all public properties upstream of the Chapel Lane Road Bridge.

    - In the area upstream of the Chapel Lane Road Bridge, fill shall not be located on property to elevate the property out of the floodplain and the installation of fill shall not be used to justify the rezoning of the property.

- All proposed uses within the Flood Hazard Zoning District which involves a structure shall be reviewed under the Conditional Use provisions addressed in Section 17.54.030 of the City of Rapid City Municipal Code. The technical criteria for reviewing proposed projects on the public property within the Flood Hazard Zoning District shall be the standards for the 100 year storm event. It is the intent of the City to preclude the location of structures within the 100 year floodway to the greatest degree possible. Camping shall be prohibited in the 100 year floodplain and the 100 year floodway.

- Wherever possible, all private lands within the 100 year floodway and 100 year floodplain shall be purchased or otherwise acquired for public ownership. Whenever property in the 100 year floodway and 100 year floodplain is offered for sale, the City of Rapid City shall examine the costs and other priorities associated with the sale and if possible, purchase or otherwise acquire the land in an effort to eventually remove all privately held land in the 100 year floodway and 100 year floodplain. The determination to purchase land located in the 100 year floodway and 100 year floodplain shall be based on the following criteria: life safety, excessive hydrologic consequences, flood management and conditions, land use and preservation, multiple use, potential for development, cost to acquire, cost to maintain, loss of tax revenues, City liability, park management, proximity to public lands and potential for park usage and/or open space.

- In seeking to acquire the 100 year floodway and 100 year floodplain, the following alternatives to fee simple purchase should be considered: partial lot acquisition, donation of permanent drainage easements, partners in purchase such as foundations, private land donation of park lands with at-grade memorial markers, land trades and the use of alternative funding sources.

- The City shall develop a Management Plan for Rapid Creek including all land areas in the 100 year floodway, 100 year floodplain and 500 year floodplain.

- The City shall seek to rezone the following publicly owned properties to Flood Hazard for consistency purposes:
  Lot 1A, Block 3, Jackson Park, owned by Pennington County/Rapid City;
  Lot 1B, Block 3, Jackson Park, owned by Rapid City; and,
  Lots 5-6, Block 1, Jackson Park, owned by Rapid City.

- The City Staff shall work with the owners of private property located upstream of the Chapel Lane Bridge to investigate the viability of replatting the property to reduce the flood insurance costs to the landowners and facilitate the donation of the undevelopable areas to the City to promote the preservation of the property as open space and protect the area from floodplain encroachments.

- The City Council shall adopt ordinance revisions implementing an increased freeboard standard for all new structures located within the existing 100 year floodplain boundary requiring the base floor elevation to be 1½ feet above the base flood elevation; however the remodeling of existing structures located within the 100 year floodplain boundary shall be required to meet the current standard providing the base floor elevation to be located one foot above the base flood elevation.

- The City Council shall adopt a resolution dedicating as park land the publicly owned property listed on Exhibit A, List of Public Land to be Designated Park Land and as shown on Exhibit B, Maps of Public Land to be Designated Park Land.

DATED this 7 day of July, 2008.

THE CITY COUNCIL

Mayor

ATTEST:

Finance Officer

(SEAL)

Approved By: CITY ATTORNEY'S OFFICE

Initials: MCS 7/22/08
Attorney Date