

Ron & Donna Bunnell
3208 Kirkwood Drive
Rapid City, SD 57702

Subject: Appeal of Chop House Request #15PD009

Dear Mayor & Rapid City Council

Here it is - 7 AM on Sunday morning, the 10th of May, 2015. It is Mother's Day. It should be wonderful but it's not - not really.

For the last month, we have been working in the new Community Garden in Chapel Lane Village. More new raised garden beds have been built. Horse manure from Hermosa, mulch from the Landfill and dirt from here in Rapid City has all been hauled in our old 1972 Chevy pickup. The tulips in the community garden hillside built just last year were gorgeous! The deer can't get to them! Good planning! Good thing I took some photos!

Now as I look out on what should have been beautiful spring Mother's Day, it is truly like the Atlas Blizzard all over again! I just hope the snow weighted branches on the trees don't do them in. Of course it will do damage. It must be a tragedy because the Sunday morning edition of the Rapid City Journal came to us on Saturday evening! It was beautiful when the paper came - Saturday evening - just a few hours ago. Over night changed all that!

The Rapid City Flood is like that too. But the event was a much bigger deal. The aftermath was nearly overwhelming for those who were here. To gain perspective, it's important to consider what will be happening next time.

This document is written as an appeal to the RC Council Meeting for their Monday, May 18th Council Meeting as to the decision of the Planning Commission on April 23rd which is being appealed. The paper is about the factors as that need to be considered . We hope the purpose it serves is to stop, take a look around, see where we are now and move ahead.

That is surely what happened after mid- June 1972. The Rapid City leaders

stopped, looked around, evaluated the situation and moved ahead continuing for a number of years until memories began to fade. That is why the Big Thompson Flood is included in this perspective. Folks there looked to Rapid City in 1976. When the 500 year floods came *again* in 2013, just two years ago, almost no one lost their lives in the Canyon.

The situation leading to one tragedy is always a bit different than a similar problem later on. Mother Nature's role remains unpredictable. When Atlas Blizzard came - our entire next week was without electrical power. There would be another seven months of winter to follow. Not this time - not with this predicted one to two feet of snow in May. As everyone knows, next week is predicted for 70 degrees.

Best regards,

Ron & Donna Bunnell
3208 Kirkwood Drive
In Chapel Lane Village
Rapid City, SD 57702

PERSPECTIVE

Originally there was the Black Hills Flood also known as the Rapid City Flood of 1972. We wish that it had never happened and pray that nothing like it ever happens again. Getting A Perspective.

1) - The Rapid City Flood of 1972

According to *Wikipedia*, “On June 9-10, 1972, extremely heavy rains over the Black Hills of South Dakota produced record floods on Rapid Creek and other streams in the area. Nearly 15 inches of rain fell in about 6 hours near Nemo, and more than 10 inches of rain fell over an area of 60 square miles . According to the Red Cross, the resulting peak floods (Which occurred after dark) left 328 people dead and 3,057 people injured. In addition to the human tragedy, total damage was estimated in excess of \$160 million (about \$821 million in 2009 dollars), which included 1,335 homes and 5,000 automobiles that were destroyed. Runoff from this storm produced record floods (highest peak flows recorded) along Battle, Spring, Rapid and Box Elder Creeks. Smaller floods also occurred along Elk Creek and Bear Butte Creek. Canyon Lake Dam, on the West Side of Rapid City, broke the night of the flood, unleashing a wall of water down the creek. The 1972 flooding has an estimated recurrence interval of 500 years, which means that a flood of this magnitude will occur on average every 500 years. Every year there is a 0.2% chance (1 in 500) of experiencing a similar event. To prevent a similar tragedy from occurring in the future, the city’s flood plain is no longer allowed to be built upon. Today the flood plain features golf courses, parks, sports arenas, and arboretums where neighborhoods and businesses once stood.”

2) - Chapel Valley Area Reconstruction and HOA's

After the flood, the Canyon Lake Dam was re-constructed and the lake refilled. The Chapel Lane Bridge over Rapid Creek was also re-built. Once again Chapel Lane found its way to the Stav Kirke Chapel which was built a few years before the flood in 1969. (Note: At the Planning Commission meeting on April 23rd, one of the Commissioners said that the Stav Kirke Chapel was a commercial property like the Chop House. Since 1975, it has been a non-profit corporation.)

After the Chapel Lane Bridge was re-built, if a person heads south over the bridge and looks to the right, "...about 100 people lived here in the 40 houses that made up the Jackson Park subdivision. Over the course of one night, all but two of the buildings were destroyed. The Flood of June, 1972, took the lives of 238 people in Rapid City, including 20 in this very neighborhood." This insight as provide by website of *Black Hills To Go*. Today, this same property is nature park offering solitude to those who pass through it's trails. It is just across the street from the Chop House.

After the 1972 Flood, home construction abounded in western Rapid City. Chapel Lane Village, Chapel Valley, High Place, and Idlewilde were all created rapidly. Each of these areas has its own home owners association representing more than 500 homes in the combined associations. Historical research shows that tax income to the City was a clear motivation to annex these areas in Chapel Valley.

3) - Chapel Valley Areas not in Home Owners Associations

There are other areas in Chapel Valley south of the bridge that are not members of any home owner association. Most notably are: a) Red Rock Canyon, b) portions of the remaining Jackson Park Subdivision between Morningside Drive and Guest Street, and c) residences west on Guest Road between Rapid Creek and the Chapel Valley Home Owner Association boundary, and d) other.

As one progresses north from Guest Road the density of *overnight lodging* increases. Much of the occupancy here is seasonal, but *all of it is focused on overnight lodging*.

e) - Canyon Lake Village

From Guest Street on north is *Canyon Lake Village* with approximately 27 very small houses and cabins. Some of these are duplexes. These residences

are on a dirt and gravel street loop known as Tourist Street.

f) - Lake Park Campground & Cottages

Next as you move north to the Lake is *Lake Park Campground and Cottages* with over 40 RV sites. This area is very quaint with a nice old-style gravel lane, mature shade trees and close to the lake and creek. It also has camping areas and tent sites.

g) -Cattail Lodge

Included within Lake Park Campground and Cottages, the *Cattail Lodge* has nice reviews on the internet. A recent Cattail Lodge guest described their satisfaction in *Trip Advisor* like this:

“Cabin Convenience”

Reviewed July 18, 2014

“We stayed in a large lodge which is actually a converted home. It had a game room with a Pool table, Foosball and Ping Pong tables. A really large dining table and rock fireplace. It was summer so we didn’t test the fireplace. It did only have two bathrooms which was a drawback if you’ve got a lot of people staying there but the staff was very nice and accommodating. They provided coolers for us to use while we stayed at no additional cost.”

“Room Tip: This resort has lodges, cabins and camping so you can choose your level of amenity required”

“Manager of Canyon Lake Resort, responded to this review, September 30, 2014 - Thank you for taking the time to submit your review. Your review is very important to us. It was a pleasure having your group stay with us. Glad we could provide some coolers for your travels. We strive to make sure our guests have an enjoyable and memorable stay with us.”

Lynn Derby
Resort Manager

NOTE: The existing lodges (there are four) appear to be a smaller versions of the Chop House conversion of the “re-unification cabin” in the Major Planned Development being considered by the City. Groups can expand by renting additional cabins or camp grounds. Large family gatherings have been noticed by near by Chapel Valley residences. By all reports, there has never seemed to be a problem with excessive noise; however, it is obvious to neighbors that there have been significantly large families or groups.

The existing lodge is advertised as: 6 Queen Beds; 2 Baths & Showers; Dining Area; Full Kitchen; Living Area; Ping Pong Table; Entertainment Area; and Game Room.

h) - Canyon Lake Resort

The next rentals for over- night guests and nearest to Canyon Lake is the *Canyon Lake Resort* with approximately 32 units. These include stand alone cabins as motel rooms. There are also several other separate buildings in this grouping including a laundry building and several private homes. This does not include the Chop House which is discussed below.

This is a nice quiet unnoticed area of Rapid City that is relaxing and wonderful in it's sleepy little way. It is attractive to travelers who like to live outside of the mainstream. *Needless to say, in the time of a major emergency, the saturation of people in this bottle-neck area of the Chapel Lane Bridge is much more than 22 vehicles pulling out of the Chop House parking lot.*

According to the City's proclamation of no more than 40 units where there is a single street entrance/egress, that number would be quickly eclipsed in this little area from Guest Street to the Chapel Lane Bridge.

i) - Chop House Re-Unification Cabin complete written proposal

Proposal as received:

3/27/2015

"Derby Advertising Inc. is proposing to convert the Canyon Lake Chophouse to a Reunion Cabin similar to the one in Custer State Park. This facility will enhance and be synergistic with the existing Canyon Lake Resort next door."

"While the exterior and signage will remain the same, the interior will boast separate units (one up and one down) with the ability to connect for large reunions. There will be a total of 22 beds and with an allocation of 1 parking spot per bed, a total of 22 parking spots."

"All life and safety issues will be addressed and this represents the highest and best use for this property."

(Unsigned)

As submitted to Rapid City Community Planning and Development Service, date stamped Mar. 27,2015. This along with a site map,

date stamped, Mar. 26, 2015 is shown as an addendum is all that was available to the public on Monday, April 13th, 2015. When questioned on Apr. 17th, two other pages of plans were available and date stamped Apr. 16, 2015. They are also an addendum.

4) - Memorial to Rapid City Tragedy of 1972

While these commercial properties play out within several blocks of the Bridge, on the western side of Chapel Lane up to and even under the Bridge is the Rushmore Lion's Nature Park. In a *Black Hills to Go* article it is described as, "...tucked across Chapel Lane from Canyon Lake Park, the nature park couldn't be more different than its famous neighbor. Canyon Lake is often considered the jewel of the city park system, it's picturesque gazebo and manicured shores lined with fishermen, families and joggers"

The article about *Favorite Places* continues, ".....A sign at the park's trailhead reminds visitors of the tragic past. 'At various locations throughout the park and along the trail, one can see partial foundations and other remnants of those homes,' the sign reads, 'This evidence has been preserved to memorialize those who lost everything during that tragic event.'"

"After the flood, city leaders decreed that no one would be allowed to rebuild in the floodway in hopes of preventing a similar catastrophe in the future. The City purchased the land at some point, and it sat virtually unused for years, a spot known only to residents of Chapel Valley. That is, until the Rushmore Lions Club volunteered a few years ago to develop the parcel into a nature park that would be accessible to all people."

5) -Bottle Neck at the Bridge Exiting Chapel Valley

The Chapel Lane Bridge is clearly the bottle neck for all who come in or leave the entire area. Once in the Valley there is only one way out. That only way out is over the Bridge. The number of soles in Chapel Valley at any given time is conservatively estimated at between 2500 to 4000 persons. In a 24 hour period, the largest number of residents in the Valley is always at night time no matter what time of year. A notable exception might be for the High School Prom photo opportunity a Stav Kirke Chapel in April each year.

The promotion of more travelers and guests on over-night stays especially at the edge of Rapid Creek and the Bridge only heightens the probability of loss of life. It is clearly a Public Safety issue.

When Officer Danny Wickerd was asked to go across the bridge and warn the people of the flood waters, he would have telling them to *seek higher ground*. As stated by the Planning Department during the Planning Commission Hearings, the guests of the Chop House would have an *Evacuation Plan*. It would consist of: 1) *Go to the parking lot, 2) Drive to the street (Chapel Lane) and turn right, then 3) Cross the Bridge and turn right again and move on into town.* Any reputable safety person will tell you this exactly what not to do in case of a flood.

6) - Hydrology, Flood Predictions and Public Safety

At the Planning Commission Hearing on April 23rd, Commissioner Jan Swank said, “As a new Commissioner, I was invited, as were all commissioners, to a meeting to explain the Hydrology Report.” He went on to say, “The flood event of 1972 would occur much more often than 100 years. More like 30 years.” He said, “the City needs a better plan to deal with floods in Chapel Valley.”

It is remarkable that on Rapid City Maps, you can find a line that represents a boundary for a 100 year flood on the map and then snap it to change to a 500 year flood line event. What is even more remarkable is how close these lines are from one to the other. In the case of the Chop House, a snap of one way or the other made a difference of whether it could be built in the first place. Whether it was or was not above the 500 year flood plain line became the sole basis for the political decision whether building was allowable or not. In this case, the difference could easily be difference between life and death. This scientific suggestion of probability was used to determine whether people should sleep over-night by the creek that took so many lives on June 9th so many years ago.

The 100 year and 500 year flood plain statistics were approved by the newly formed Federal Emergency Management Agency (FEMA) in 1981 less than two years after its creation by the Carter Administration. At that time, much of the Chop House property resided in both the 100 year and the 500 year Flood Hazard District. In 1992, there was a Plan Review by the Core of Engineers and the property apparently fell within the 500 year and not the 100 year flood plain. The line had been re-snapped. This was followed in 1994 with a Re-zoning

Application and approval for the property to become General Commercial. In 1997, the Chop House Restaurant was approved. Part of this consideration was that the Restaurant property was not housing over-night guests. Everyone up and down the line seemed pleased with the new arrangements.

In the Planning Commission minutes from April 23rd, Fletcher Lacock, a Planner in the Community Planning Office noted that, “.....the property was found to be *relatively safe* and was not acquired by the City as part of the Greenway Tracts....” following the 1972 Flood. We know that it was not acquired by the City but *relatively safe* surely means *relatively unsafe* as well. There is surely some regret that it was not purchased as part of the Greenway Tract.

In those same minutes, Mr. Lacock stated that, “..... the property is in the 500-year flood plain not the 100-year flood plain and was *relatively safe* from flood hazard.” The chance of a 500-year flood in any given year is (0.2%) and the chance of a 100-year flood is (1.0%). Hydrologists are not all in agreement on those estimates. It is clearly *relatively unsafe* to be there especially asleep in the dead of night. When a police officer, fire fighter or any individual whether a child or senior citizen, handicapped or perfectly fit is involved with a 100-Year or a 500- Year, they will not be able to tell the difference. They are equally life consuming if appropriate preparations and precautions are not made.

7) - Planning Commission Votes 7-0 “Against” in 2008 and 9-0 “For” in 2015

In regard to the Planning Commission Meeting on April 23rd, 2015., the minutes show that the vote was 9-0 in favor of the changes requested in #15PD009. The single biggest difference in this decision and item #07PD102 before the Planning Commission on August 21, 2008 is the size of the project and the number of persons who would be sleeping near to the Chapel Lane Bridge. All interested persons should review the video-taped discussion of that 7-0 vote to deny the resort which had been planned. (Note: Mike Derby had abstained himself from the vote) The link is: <http://www.rcgov.org/meetings/planning-commission-meetings.html> The time frame of this discussion is from 11:52 - 1:26:00.

At the Planning Commission hearing on April 23rd, Commissioner Jan Swank pointed out that when he started serving on the Planning Commission, “....I was invited, as were all other commissioners, to a meeting to explain the Hydrology Report.” He said, “..... that the only ones taking notice about the report, other than

Ritchie Nordstrom and myself were County Extension Agents and Hydrologists.”

Commissioner Swank went on to say that the discussion revealed that , “The Flood Event would occur much more often than 100 years - more like 30 years.”

He stated that, “.....with no change in the area between Pactola Reservoir and Canyon Lake since 1972, seventeen inches of rain would have the same result” He said, “.....it’s a large problem for Chapel Valley.”

As stated in the Appeal to the City Council as submitted on April 29, 2015, “On August 21, 2008 a nearly identical item was considered on the Planning Commission Agenda. It was #07PD102 - Kashmir Subdivision. It was Item #40. On that morning, the Planning Commission listened to the citizens, promoters and themselves and determined that people should not be put in harms way especially while sleeping in the middle of the night.”

“This appeal was made in the name of Reserve Officer, Danny Wickard who was discussed in that meeting” as this Appeal states. Danny was carrying out his duties as a police officer to “serve his community” and yet his name appears right along with the other 238 victims of this tragedy. What is one human life worth?

8) - The 40 Unit Limit Rule by the City of Rapid City

For those uninitiated, this rule is a key ingredient for citizens of the Chapel Valley Communities to seem upset.

The rule was *made up* years ago when concern arose somewhere in Rapid City that was expanding . A single dead-end street somewhere in Rapid was being quickly developed with housing when someone asked the question what about potential problems with persons and emergency vehicles getting in & out of there?

So, the problem was resolved. It is quite simple. Limit the number of vehicles traveling in and out of that single point. That will do the trick, but how do you do that? Well, again, it is really simple, limit the number of *single-family structures* to 40 units - that will control the traffic and protect against the plugging up of the single ingress/egress point for vehicular traffic.

Read what one long time Rapid City resident had to say in her e-mail sent to a Planning Commissioner on April 22, 2015:

“My name is Debra Watson and I am a home owner in Chapel Lane. I reside at 3714 Serendipity Lane. I am writing to oppose the Major Amendment to a Planned Development to the Canyon Lake Chophouse. As I understand the City’s 40-unit requirement, no more than 40 dwellings is to exist in an area with only one in-and-out access point. There are more that 500 homes in Chapel Lane/Chapel Valley area with only one access road. Why would the City consider adding a problem without solving the underlying issue? With the wooded area around the Valley, the most likely disasters would be by fire or flooding. Should a major fire occur, this would be a nightmare getting emergency vehicles into the area and residents out of the area. Adding up to 47 overnight guests to the equation congesting the immediate area which is our only exit is frightening. This is a life and death issue to our residents. I adamantly oppose any development that involves more individuals sleeping in the Chophouse. We have a good chance of evacuating during daytime but nighttime would be very hazardous. I own one of the last developable lots in Chapel Lane and was told by the City that I could not sell it for a residence due to the safety issue. If one more family can’t be added to the area, how can we add up to 47 overnight guests? The City needs to remedy the issue of only one road before we allow expansion for lodging. I will be out of town tomorrow and thus unfortunately not able to attend your Commission Meeting. I would support a delay in your consideration to allow us time to better inform you of our critical safety concerns. Thank you for your consideration.”

Respectfully,
Debra Watson

This issue was discussed in 2008, when the 75 Unit Resort was being considered. The Planning Commission Minutes from August 21, 2008 include the following: “.....Bulman reviewed the rule for 40 dwelling units. Bulman further commented that the hotel/motel does not fall under 40 dwelling unit classifications and the proposed units are not dwelling units. Discussion followed.”

This year in the April 23, 2015 Minutes of the Planning Commission, Fletcher Lacock, Planner II covered the issue by stating: “Regarding the 40 unit limit for a single access, Lacock stated that that the use is not considered a *single-family structure* and therefore the limit does not apply to this facility.”

Later in the meeting on April 23rd, the minutes reflect that, “.....Fisher addressed the 40 unit rule noting that as a commercial property, the structure is sprinkled which provides an additional level of protection and that is why the requirements only refers to *single-family residents*. Fisher also noted that this use reduces the

overall use and that any future changes to this property would require an additional review before the Planning Commission.”

This needs to be fixed!

9) - Second Point of Access for Chapel Valley

During the April 23rd Commission Meeting, Commissioner, Steve Rollinger said, “.....I was here during the flood. I remember talking about another access. I told Derby, if there is another flood, you’re going to be stuck there - you will need to get over the hill or something.”

Mr. Rollinger went on to say that “.....it is time that someone does something ...” about the single street in and out of Chapel Valley. He suggested that the consultants evaluation be brought back onto the table and reviewed. He further suggested not re-inventing the wheel. Take a look at a few of the best solutions as brought forward by the consultants and work out a solution.

According to the Rapid City Journal on April 24th, “ City Planning Manager Vicki Fisher said, “Council was prepared to act on that, but there were residents with the development that did not want the second point (of access), thinking it would have created some cut-through traffic and have other negative impacts of their community.”

A resident of Chapel Valley responded to Ms. Fisher’s statement:

“Greetings Ms. Fisher,

Point of Clarification: The Journal quoted you as stating “the residents with the development did not want the second point (of access)...” In being told what the access could do for Chapel Valley at that time, it would be another egress, but, it would place more traffic on ONE bridge! The decision of the commissioners, at that time, revolved around bringing in developers to build up the area (Prestwick and Bethpage). That would place more family dwellings in the area in order to help pay for the very expensive road! The traffic would use the route to get to highway 44 and be closer to Stevens High School.

One bridge is not sufficient for this community - two bridges would make more sense for evacuation but was struck down due to expense and inevitability of being consumed in a flood. It is my thought that fire would be the main reason for evacuation for a greater percentage of the Valley residents. Flooding effects fewer residents and would be done by early warning and mandatory evacuation for those in harms way of the waters

Thank you for your time.

Respectfully submitted,
Patricia Braun
3661 Serendipity Lane

In the minutes of April 23rd, “Lacock reviewed the access and alignment study that was done by the City, which advised that a second access be provided for the Chapel Valley area. However, this advisement was voted down based on neighborhood input, and the Chapel Valley Task Emergency Management Task Force was formed.” So good judgement and sound development decision making trumped by *neighborhood input*?

Editorial Note: The Emergency Management Task Force was never considered to be an “end” to the design problems of Chapel Valley.

10) - Wildfire and Urban Forest Management

A similar e-mail to this was written by Ron Bunnell shortly after hearing that the Chop House was seeking over- night lodging next to Rapid Creek and Canyon Lake. It was largely in response to a comment from Community Planning & Development about an inquiry about *Wildfire* and the response was that the Re-unification cabin would have a *sprinkling system*.

People just don't understand WILDFIRE and CHAPEL VALLEY. It is not a matter of having 50 or 100 people sleeping down by the Chapel Lane Bridge with smoke detectors in their rooms. It's more like the Hot Springs Fire that got away in April 2015. The smoke was bordering on being a problem for those with respiratory problems even though the fire was 50 miles away. Imagine happening here or near in Rapid City. THERE IS ONLY ONE WAY WAY IN AND OUT OF HERE! The Evacuation efforts during the 1988 Westberry Fire were described as pure chaos with smoke everywhere, parents not being able to find families, police trying to direct traffic, and people basically scared to death!

We in Chapel Lane Village have been working to safe-guard against WILDFIRE all winter long in 2014-2015. Please read what it takes to live here in this piece submitted in a contest by the National Fire Protection Association in March of 2015:

"Our Home Owner's Association is small and consists of about 90 homes in western Rapid City, South Dakota. We became a Firewise Community in 2014. Last fall, we put our completed Fire Mitigation Plan out for bid to contractors who specialize in forest thinning and work with Fire Department fire mitigation work.

Our association owns 20 acres of urban forest. Our forest lies entirely on a west facing

side hill running north and south. It stretches out nearly one half mile in length and ranges from a few hundred feet wide to several blocks in width. Twenty Eight back yards of homes in our Association interface with this property at the base of the hill in Chapel Valley.

At the top of the hill and totally out of site of homes in our association are many other private residences in one of the most affluent neighborhoods in Rapid City. The costs of our efforts totals \$33,000 with partial reimbursement anticipated from the City and State once all is done and paid for in advance by us.

That brings me to this year's Wildfire Preparedness Day on May 2nd. We will be working on a "Junk the Juniper" program with the Rapid City Fire Department as well as a tree, bush and branch disposal dumpster and a chipper in our neighborhood to chip and remove tree materials which have been cut and moved to the street in front of each residence.

If we are successful with this contest, we would like to have an "open house" of our newly transformed Forest Commons. I would like to advertise it to all of the surrounding homes who likely know nothing about what our little HOA has done to mitigate the likelihood of a fire coming up the hill and right into their neighborhood. By doing this, I believe that we would serve as a great example as to what they should be doing as well. I would also like to have a portion of the funds directed to our Associations website at chapellanevillage.com which has been paid for out of pocket by one our home owners. Our newly formed Firewise Community Board would decide how that would be done. By the way, our new forest looks great and will look better in the years to come! We are working with the city forester and others to promote deciduous trees there. Our Association receives no funding of any city services other than police protection. None. We are proud to be a Firewise Community.
Thanks for your consideration."

Out of 365 national entries, our community was one of the top national winners. We were a winner because of what we are doing to prevent urban forest wildfires. For part of our winning efforts as a Firewise Community, we received four large banners that will be posted throughout our Chapel Valley Communities leading up to the May 2nd Event. Two of these WILDFIRE PREPAREDNESS Day banners will be immediately across from the Chop House near the bridge on Chapel Lane. Everyone in ALL OF THE CHAPEL VALLEY COMMUNITIES will see them there as they come and go. This is the only way in and out of here and the thousands of people who live here will see them. And they will understand!

The people across the street in the large parking lot will be clueless! It is not their Fault!

The Rapid City Fire Department will be joining us on May 2nd with the "Jump the Junipers" cut down and chipping program. They understand that this is the ONLY WAY IN AND OUT. In the event of a wildfire - even a large fire that is nearby - the fire department knows that this area will likely have to be evacuated. THAT EVACUATION MAY COME IN THE MIDDLE OF THE NIGHT as did the flood.

With all that has gone on with this over many years since 1972, it is impossible to believe that we are so short sighted as to tell any guests to our community - GO AHEAD - BRING YOUR MONEY AND PUT YOUR FAMILY (AND NOW RE-UNITED EXTENDED FAMILY) TO SLEEP NEXT TO THE CHAPEL LANE BRIDGE.

I will attach a copy of that NFPA entry for anyone wanting it. I am out of town all of next week and not available I hope that the requested extension of time for consideration by the Planning Commission will be granted - not to stall but to re-educate ourselves on the impact this decision has on human lives! The change of the Chop House to overnight lodging request needs to be denied - again.

I have gotten to know Mike Derby. We are not his enemy. The situation he is in with his property is regrettable and untenable. So - if the Planning Commission feels strongly that individual rights of Mike Derby are being infringed upon - then the City needs to make him an offer and buy the property. It will go well with our City Park and our City Lake where he is marketing to bring people in to sleep - next to the City Bridge - the bottleneck to all ingress and egress. Seriously, please think about it - or maybe, just maybe, this is what this latest effort has all been about in the first place!

With my best regards,
Ron Bunnell, Home Owner

11) -Major Planned Amendment Approval Process

Background: Ten years ago, a Rapid City man wanted to build a second garage attached to his house in Chapel Lane Village. This job would require zero set-backs and a full set of Plans. Growth Management of Rapid City who would guide the man in obtaining approvals. 1) A "Major Plan Development" sign on an 8 foot tall steel post had to be posted in front of the house for *one month*. 2) All surrounding home owners of the entire home owners association would have to be notified with a certified letter. 3) Growth Management supplied the addresses on gummed labels at \$? 4) There were would be more than 220 certified letters @ \$4.50 each - a total of more than \$1,000. 5) The receipts for these were returned to Growth Management. 6) All addresses within the Association would need the same letter sent 1st Class. Cost about \$40. 7) Request would go to Planning Commission for a recommendation to City Council, then 8) to City Council for the final approval. Total time was 1 ½ to 2 months and over \$1,000 before turning a shovel. In this man's case, the entire project would also have to be approved by the Architectural Control Committee of his Home Owner's Association.

Chop House in 2015: 1) A "Major Plan Development" sign with no 8 foot tall steel post to be attached to your existing sign for *one week*. (For Mike Derby, the plan was to start on April 15th and come down on April 22nd . 2) Mail 1st Class letters to addresses

within 250 feet of the Chop House and 3) Take this to the Planning Commission for final approval. That's it - done.

12)- Time frame concerning Chop House “Major Planned Development”

Somewhere along the line the Major Planned Development process got “streamlined” - too much! Massive Public Safety issues like this need to be flagged. When the Community Planning & Development Services Division of Current Planning office was contacted in person on Monday, April 13th, Fletcher Lacock showed the three paragraphs from Derby Advertising and the site map and said, “.....that Mike Derby was planning a re-unification cabin for the Chop House and the Staff approves!” That was going to be it. We then spent nearly two hours out in the hallway reviewing the history as it relates to this property.

Mike Derby deserves credit for courtesy calls he made to the leaders of several Chapel Valley Community Home Owner Associations and the Emergency Management Task Force on or about April 8th or 9th to discuss his plan to convert the Chop House into a re-unification cabin.

A three week extension of time was requested by the home owners on Wednesday, April 15th and was communicated to Mike Derby on the phone. There was no response to the request.

During this time period, everyone's attention in Chapel Valley is on the complete re-construction of Jackson Blvd. and the intersection to Chapel Lane. Some residents had noticed that the large “for sale” sign had come down. The rumor was that the building had been sold or leased to a law firm, which was held as a good thing by residents in day-to-day conversation. It is likely that the Major Planned Development sign would not have been seen. There was no other notification other than the phone calls Mike Derby made.

13 - The Big Thompson Canyon Flood of 1976 - Estes Park, CO to Loveland, CO

Here is a major flood that occurred 50 months after the Rapid City Flood. It was also close by - about 400 miles distant. There are many similarities and worthy of comparison. This brief is provided by Wikipedia:

“On July 31, 1976 during the celebration of Colorado’s centennial, the Big Thompson Canyon was the site of a devastating flash flood that swept down the steep and narrow canyon, claiming the lives of 143 people, 5 of whom were never found. The flood was triggered by a nearly stationary thunderstorm near the upper section of the canyon that dumped 12 inches of rain in less than 4 hours (more than 3/4 of the average annual rainfall for the area). Little rain fell over the lower section of the canyon, where many of the victims were.”

“Around 9 p.m., a wall of water more than 20 feet high raced down the canyon at about 14 mph destroying 400 cars, 418 houses and 52 businesses and washing out U.S. Route 34.

The flood was more than 4 times as strong as any in the 112-year record available in 1976, with a discharge of 1,000 cubic meters per second.”

Additional note:

“Bodies were being searched for and found as much as 25 miles away in these farm communities. Our Volunteer Fire Department was called out to search for bodies along the Big Thompson River for days after the flood in Loveland and up the canyon” ,
Recounted by then resident and teacher in Johnstown, Colorado.

14) - The Big Thompson Canyon Flood of 2013 - Estes Park, CO to Loveland, CO

Here is a re-occurrence of the flood down Big Thompson Canyon in Colorado. This time, the flooding was much wider spread over many counties in Colorado causing an estimated \$2 Billion of damage. Highway 34 down the canyon was taken out again. The main difference was that many life saving measures had been

taken. Two lives were lost in the canyon down from the 143 lost in 1976.

“The 2013 Colorado floods was a natural disaster occurring in the U.S. state of Colorado, clashing with warm humid monsoonal air from the south. This resulted in heavy rain and catastrophic flooding along Colorado’s Front Range from Colorado Springs north to Ft. Collins. The situation intensified on September 11 and 12. Boulder County was worst hit, with 9.08 inches recorded September 12 and up to 17 inches of rain recorded by September 15, which is comparable to Boulder County’s average annual precipitation.”

“On September 10, 2013 a historic flood affected numerous areas in Colorado. It rained heavily for 4 consecutive days, causing most creeks and rivers to overflow their banks. This caused a lot of water to be released out of the dam causing the Big Thompson River to swell. The flooding River caused sections of U.S. Highway 34 to collapse. Route 34 is one of the main highways from Loveland to Estes Park. The Big Thompson caused major flooding in Loveland and caused numerous road closures because of flood waters. The Loveland/Fort Collins area received about 4 inches, which is relatively less significant compared to the amount of rain other places received. This flood is said to be worse than the Big Thompson Flood of 1976. It also being called a 500 year flood. Two people were killed in the floods from the Cedar Cove neighborhood in the Big Thompson River Canyon.”

15) - The Day a Storm Stunned Cheyenne, Wyoming - 1985

Another city that Rapid City residents travel to or through fairly often. Imagine driving south on I-25 seeing this cloud that was later said to reach 60,000 feet towering over Cheyenne where you are heading. After a short three hours of massive amounts of hail, flooding and a tornado the storm went its way. What would you do when you got to town? Today measures have been taken to prevent the loss of life from flooding in that City - Like Pando Lake and a Greenway through their City. They look to places like Rapid City, SD for *best practices*. This story is by Wyoming Tribune Eagle in 2010;:

“25 years later, residents remember the night a flood rushed through their city, killing 12 people.” This storm rose high over the City of Cheyenne Wyoming on August 1, 1985. What follows are short clips from the people who lived through the storm that pounded this high plains Wyoming state Capital for several hours. The remembrances were published on August 1, 2010.

“The Cheyenne Frontier Days Rodeo had ended just days before, so all the tourists had left, and a lull had settled over the town.”

“ In all 12 people died; 70 were hurt.”

“ A super-cell thunderstorm parked over the Capital City, towering higher than any peak of the Rocky Mountains, and over three hours, from 6-9 p.m., dumped as much as 7 inches of rain in Cheyenne.”

“ Large hailstones stripped the leaves off the trees. As the rain kept falling, the leaves, hail and debris clogged the overwhelmed drainage system.”

“The tornado sirens went off, sending people scurrying for their basements.”

“Window wells filled with water until either its weight or the hail shattering the windows, and then the basements filled.

“One of the victims was Laramie County sheriff’s deputy Robert Van Alyne. He had rescued two children from a car that was swept up in the water and was trying to rescue a third. They both drowned.”

“Another man died of a heart attack while bailing out his basement.”

“It was a flash flood in the truest sense, not like the floods you see on the evening news where residents learn days in advance that the river is rising.”

“Griffith rattled off other big flash floods that came from similar storms: Rapid City, S.D., in 1972; Big Thompson canyon near Loveland, CO, 1976; Fort Collins, CO, 1997; Kaycee, WY, 2002. All from quick and heavy rain storms that dumped on populated areas.”

Additional Note:

“I remember August 15, 1985 in Cheyenne well. My wife and two boys, aged 15 and 12 had a red brick ranch style house north-western Cheyenne. First came the hail. Then the winds of the tornado spotted near the airport where we lived. We went under the house into the crawl space. Water was soon coming in through any crack it could find between the concrete foundation and brick walls. We lived on a hillside.”

“We learned that a woman had gone into a basement to rescue belongings from a bedroom. Water was pouring into the bedroom window. The door slammed behind her. She was trapped in the basement room as it filled with water and she drowned.”

”A man driving a Ford Bronco was stopped in rushing water. He got out, was swept under the vehicle where he was trapped and drowned at that spot,” *recounted by then Cheyenne resident Ron Bunnell*

Moving Ahead Expectations & Recommendations

Public Safety, in the face of past deaths and tragedy is why this paper has been researched and written. It is meant to share and make some improvements for the future of all of Chapel Valley and the City of Rapid City. We will be judged by how we make things better for our future. We need to continue to lead into the future. These items are directly related to changing the Chop House from daylight and evening activity to overnight lodging. This issue has been hanging over the Chapel Valley area of the City for a long time. Action is needed to change them for the better.

1) Chapel Valley needs another exit. As Planning Commissioner Steve Rollinger said, we need to pull up the past consultant's work, look again at the best possibilities and figure out how to get it done. (See text for more details on pages 10&11).

2) By the same token as with a roadway in #1 for the entire valley, we need to clearly identify and approve several emergency routes to/from the top of the ridge where they join city streets. If travel is blocked so that rescue personnel can not get in or out. This is especially true with the extensive expanding summer time crowd of visitors who are sleeping in the low lying area of the bottleneck at the bridge(identified as e), f),g),h), and i) under Chapel Valley Areas in the Table of Contents.)

3) We need to eliminate the City's **40 Unit Rule** from any further consideration about Chapel Valley. (This is discussed in detail on pages 8&9 of this paper) . It simply does not apply and interferes with any intelligent conversation about constructive change in the area. Everytime something comes up about positive changes, we are beaten up with some rule about 40 houses or less in an area of town. Moreover, it evolves in a political diatribe about the difference someone has come up with between a **re-unification cabin** (which does not need to meet the Rule because it has sprinklers) and **the single-family structure** (which falls under the Rule because people live there with no spinklers). Nonsense.

4) The Hydrology Reports for this area need to be reviewed and/or updated. Pages

6 & 7 discussing these issues more clearly and with greater detail. Question: What do you do with Commercial Land when it is in the 500 Year Plain and snaps back into the 100 Year Plain with a subsequent hydrological interpretation? The back-to-back 500 year events in Colorado in 1976 and 2013, just 37 years apart sets the stage for Public Safety. If the City is to error, it needs to include what is called the 100 year and 500 Year Flood Plain for determining the Greenway. This needs to be an evolving practice - not one that was set in 1981 or 1994. If there is an error to be made, it should always be made in light of Public Safety.

5) Recognize and realize that ***overnight stays*** and people sleeping in or near a flood zone is a public safety issue. This is not a matter of how many cars on the street. It must be recognized that catastrophic storms and loss of life are a potential for the area. ***Overnight stays*** and ***relative safety*** are “chemically incompatible” terms. A history of catastrophic events is a good predictor of the probability of future events. When the next catastrophic flooding event occurs in this area where so many lives were lost 1972, we should not knowingly allow others to suffer the same circumstance.

6) The “Major Amendment to a Planned Development” approval system as administered by the Community Planning & Development Services Department needs to be reviewed so that public input can be obtained. That should be the whole point of going through the motions. It is stated more clearly and with greater detail in this document on pp.13 & 14, the system needs to hit the mark . For example: in cases of Public Safety and Evacuation Plans such as in Chapel Lane has in place by decree of the City Council, a First Class letter about such a plan should go to every affected home owner with a thirty day notice of the Public Meeting.

7) In regard to the Derby proposal, it states that, “While the exterior and signage will remain the same.....” Some sincerity and sensitivity needs to be provided by Derby Advertising, Inc. in renaming the “Chop House” to something a little more conducive to having over night guests coming to our community. This is particularly true if any evacuation efforts are needed for wildfire, smoke, flooding, high winds, etc. It is clear that the Derby Advertising, Inc. is interested in selling the property and that the current signage is creative and attractive. The name was fine for a steak house, unfortunately, it really does not portray peace and tranquility for those many people who plan to sleep there.

8) Because of all the Safety concerns and the memory of so many tragedies, it is difficult to support this change of Major Plan and occupancy. By the same token, a person who owns private property should have the right to do with it as he wants. In the Chapel Valley communities, individuals and home owner associations have regularly and routinely been denied the right to build on their own property. We need to change that by eliminating the 40 Unit Limit Rule for all of Chapel Valley. It is an impossible set of circumstances. (see pages 8&9).

Overnight stays are a huge deal when it comes to evacuation, but because of this rule, overnight stays of visitors do not count. When you go out there at 2:00AM, with smoke so thick you can't see or breath, those same visitors may be cross ways in the road with 20 others on their heels. The Community Planning person states to the Planning Commission on April 23rd, these people don't count ***"the use is not considered a single family structure and therefore the limit does not apply to this facility."*** Say what? This nonsense needs to go away. The Chapel Valley Area needs to be exempted from it!

Secondly, the bottleneck situation at the bridge continues. From Guest Street to the Chop House, there are hundreds of tourists during the peak seasons every year who are not oriented to the area. Day-to-day there is no problem with that. The problem comes with the Emergency Evacuation that will one day come in the middle of the night when nearly everyone in this entire area is home in their residences asleep. In the case of fire and smoke inhalation, we will all need to get out of here. In the case of floods, we should all be staying - not crossing the bridge - and heading for higher ground. We will specifically need know and coordinate the plans. (For Bottleneck see pages 5-6)

We hope that items contained in these considerations and recommendations will read, discussed and approved. We are fairly certain that this is a short term fix and that other requests will follow either with Derby Advertising, Inc. or a new owner. If the City Council takes this information and these changes seriously, we will have a pathway out of tthis dilemma with the Chophouse Property.

9) Finally, after a great deal of thought about where we are and where we are going, I think that a last option should be carefully thought through. Looking back, the Chophouse Property should have been in the Greenway all along. It is not.

When the Planned Development was accepted about 20 years ago, it was for the purpose of a restaurant. During the day and evening, vehicles would come and go - but during the night there would be no one there except for a few people who might be working. No one was sleeping there.

The request that went before the Planning Commission on April 23rd and appealed now to The Rapid City Council is for the very first time, ever, to have people and extended families stay over-night at that location. We believe that most safety professionals, with the possible exception of Pennington County Emergency Management, would oppose the increased risk in this way.

So, in all sincerity, it is recommended that the City of Rapid City look into the possibility of purchasing this property at fair market value and bring it into the list of Greenway Properties owned by the City. The uses can be many and varied. Who else but the citizens of Rapid City to receive the beauty of the City's Canyon Lake in an office OR museum OR meeting space OR..... Sometimes, there comes a fork in the Roadand to us, it looks like going down the same old road isn't really a good choice. It's all about Rapid City's future and what will be happening on down the road.

We truly appreciate everyone who puts so much time and energy into making our Rapid City home a better place. Mother Nature is alive and well here. She is at the table with us all - in good times and bad. We must never forget.

In this review and appeal process *we have had to stop* a few moments. This paper and the time that went into preparing it, and reading it, is our chance to *look around* and *see where we are* right now. It is *time to move ahead* in a very positive way.

Thank you

