

MINUTES
FLOODPLAIN BOUNDARY POLICY COMMITTEE
July 25, 2005

MEMBERS PRESENT: Tom Johnson, Ron Kroeger, Malcom Chapman, Scott Nash, Doug Andrews, James Kjerstad

OTHERS PRESENT: Tracy Parris, Marcia Elkins, Ted Vore, Dion Lowe, Karen Bulman, Sharlene Mitchell

Call to Order

Johnson called the meeting to order at 1:19 p.m. with a brief introduction of the Committee members, staff and visitors.

Request to Revise Policy Provisions for Upstream of Chapel Lane Road Bridge

Johnson briefly reviewed the Council directive with regard to reviewing the Rapid City Creek Floodplain Policy as it affects those properties located upstream of the Chapel Lane Road bridge.

At Johnson's request, Elkins provided a brief history of the development of the Floodplain Policy noting the specific recommendations from committee members with regard to the manner in which property upstream of the Chapel Lane Road Bridge are addressed. Elkins indicated that the impact of the 1972 flood was a prominent factor in the committee recommendations with regard to the final policy document. Elkins indicated that Parris is requesting that the policy be amended to have all properties, upstream and downstream, treated equally based on the flood boundaries established by the FEMA flood maps and the Flood Area Construction Regulations of the Rapid City Municipal Code.

Johnson requested that all discussion be directed to the language of the Floodplain Policy being reviewed.

Parris expressed his opinion that the Floodplain Policy misapplies the 100 year floodplain restrictions to 500 year floodplain properties. Parris indicated that the Policy is also a misapplication of the Rapid City Zoning Ordinance resulting in discrimination against those property owners upstream of the Chapel Lane Road Bridge. Parris indicated that the Policy establishes unlawful zoning noting that the City has not amended their policies to comply with the subsequently completed scientific flood studies.

Elkins advised that it is the opinion of the City Attorney that the City has the right to adopt a more stringent policy noting that the scientific studies were reviewed when developing the Policy. Elkins indicated that the City Council is seeking direction from the Committee with regard to the manner in which the upstream properties are addressed.

Nash addressed the loss of life and property damages incurred upstream as a result of the 1972 flood noting that he worked in the Dark Canyon and Cleghorn Canyon areas after the flood. Nash commented on the impact the floating debris from these areas had on blocking downstream bridges and expanding the flood waters destruction. Nash indicated that there was damage directly attributable to upstream debris noting that the first priority of FEMA was to clear the debris from the bridges in anticipation of further rains and flooding.

Parris indicated that as the populations of the Dark Canyon and Cleghorn Canyon areas are reduced from the 1972 levels the loss of life and property would be less in a similar flood event.

Nash addressed the expansion of properties that have occurred since the 1972 flood. Nash commented on the wild land fire maintenance issues which also impact specific property owners noting that country living dictates different requirements from city living.

Elkins briefly reviewed the development of the flood boundaries noting that the flood hazard damage boundaries were mapped immediately following the 1972 flood event flood. Elkins indicated that a subsequent engineering flood study was completed by the Corps of Engineers.

Parris stated his opinion that it should be the City's responsibility to facilitate the rezoning of the affected properties to bring them into compliance with the 1981, 1990 and 1996 hydrology studies. Elkins noted that the City Attorney's staff has advised that while the City is required to comply with the minimum requirements established by FEMA and City Ordinance, the City can adopt a more stringent policy if deemed necessary for the protection of life and property.

In response to a question, Elkins addressed the manner in which the floodplain and flood hazard boundaries are determined. Lowe voiced his concurrence with Elkins in that the City must follow the FEMA guidelines but also has the option to adopt more stringent policies.

Nash recommended that the policy be made more stringent to address debris cleaned up and maintenance similar to that followed for wild land fire issues.

Andrews commented on his experience with canyon flood issues noting that based on the discussion he could not support changing the policy for the upstream properties.

Elkins indicated that the policy does place more stringent development demands on the upstream property owner. Elkins stated that initially the policy placed the same 500 Year standard on City lands noting that there have been amendments to the policy easing the development requirements on downstream City lands in order to meet increased demand for recreational development.

Parris stated that he felt the policy was not consistent with Chapter 15.32 of the Rapid City Municipal Code noting the resulting impact on the development of his property. Parris indicated that the City policy does not avoid development but restricts it.

In response to a question, Elkins indicated that the nation wide standards are the 100 Year and 500 Year flood boundaries, noting that to her knowledge studies for intermediate flood events have not been developed by FEMA.

In response to a question from Nash, Elkins indicated that should a variance or rezoning be approved for the Parris property, the City's flood insurance rating would not be adversely impacted as the City would be meeting the minimum standards required by FEMA. Elkins indicated that the adopted policy does not apply to Chapter 15.32 of the Rapid City Municipal Code and modification of the policy should not endanger the City's flood insurance rating.

Discussion followed regarding the initial recommendations for application of the Floodplain Policy.

In response to a question from Johnson, Elkins clarified that the City is in compliance with the FEMA standards with or without the Floodplain Policy. Elkins continued that the intent of the Policy is to provide an additional level of protection for life and property in flood events.

Vore voiced support for the policy noting that the intent of the policy is to protect and serve the general public.

In response to a question from Johnson, Elkins reviewed how the application of the statistical data to the Policy would impact a property owner's rezoning request.

Lowe suggested contacting FEMA to determine if a LOMR (Letter of Map Revision) could be secured to remove the Parris property from the 500 Year Floodplain. Elkins indicated that there is no history of LOMR's being issued for 500 Year Floodplain properties.

In response to a question from Chapman, Lowe addressed the process and site improvements required by the property owner to remove a site from the designated floodplain. Parris commented on the time requirements to process a LOMR noting that he would not seek this avenue of relief. Parris stated that amending the Policy to comply with FEMA requirements and Chapter 15.32 would provide the requested relief.

Johnson clarified that the intent of the Committee is not to deal with an individual property with regard to the policy but address the policy as it impacts the City as a whole.

Nash moved to recommend that the Rapid Creek Floodplain Policy provision with regard to properties upstream of Chapel Lane Road Bridge remain unchanged as follows:

When applying the Flood Hazard Zoning District to private property, the limits of the zoning district shall match the boundaries of the 100 year hydraulic floodway on private properties downstream from the Chapel Lane Road bridge and the boundaries of the 500 year floodplain on all private properties upstream of the Chapel Lane Road bridge.

Andrews seconded the motion.

Chapman commented on the importance of minimizing the impact on the loss of life and property not if, but when, another flood event occurs.

In response to a question from Kjerstad, Johnson indicated that the City retains copies of the FEMA flood maps which identify the flood elevations and boundaries. Nash recommended that the FEMA flood maps be utilized to inventory the upstream areas with regard to debris removal and maintenance. Parris advised that on Magic Canyon Road the City is the major offender with regard to debris.

In response to a question, Lowe addressed the flood development standards required to place structures in designated flood boundaries.

The motion to recommend that the Rapid Creek Floodplain Policy provision with regard to properties upstream of Chapel Lane Road Bridge remain unchanged as follows:

When applying the Flood Hazard Zoning District to private property, the limits of the zoning district shall match the boundaries of the 100 year hydraulic floodway on private properties downstream from the Chapel Lane Road bridge and the boundaries of the 500 year floodplain on all private properties upstream of the Chapel Lane Road bridge carried unanimously.

Adjourn

There being no further business the meeting was adjourned at 2:03 p.m.