

hundredths of a foot (0.05'). This should be demonstrated using the HEC-RAS hydraulic model developed by the City and NRD for the Master Plan for the 2-, 10-, and 100-year storm events.

Hydrologic and hydraulic conditions both upstream and downstream of the project area should be evaluated along the channel to the point where water surface profiles and stream flows consistently meet the existing conditions.

2. **Water Quality.** Encroachments into the 100-year flood prone area generally increase impervious surface area and decrease vegetation that acts as a filter for pollutants. Encroachments into the 100-year flood prone area also reduce the number of potential wetland sites. Water quality wetlands located outside the 100-year flood prone area are expected to capture and filter a smaller drainage area since the wetlands would be located further up the watershed, and site constraints are likely to reduce pollutant removal efficiencies. The costs to achieve the same water quality benefits that would be facilitated by preservation of the 100-year flood prone area associated with Concept Plan A are expected to increase as floodplain encroachment increases.

Impacts to water quality from encroachments into the 100-year flood prone area should be mitigated by construction of wetlands, or an alternative Best Management Practice (BMP) where similar water quality functions can be demonstrated. Wetland or BMP surface areas should be designed and constructed based upon the watershed area draining to the encroached flood prone area and should capture runoff volume of 0.5 inches from impervious surfaces. Design of the wetland or BMP, including plant selection, residence time, depth, and sediment trapping efficiency, should be based upon the guidelines of the Master Plan and the Lincoln Drainage Criteria Manual for maximum pollutant removal. These water quality measures are specifically intended to offset encroachments to the 100-year flood prone area and are in addition to water quality wetlands identified as Master Plan Major Capital Components on Figure ES-1.

3. **Stream Stability.** Impacts to stream stability and geomorphology caused by encroachment into the 100-year flood prone area and resulting increases in velocity, flow, or duration of flow should be offset. Impacts to stream stability caused by encroachments into the 100-year flood prone area should be evaluated for the 1-, 2-, and 5-year storm events based upon the erosion forecast due to the action of water, as outlined in the Master Plan. Figure MP-1 "Allowable Velocities," should be utilized in conjunction with soil information from the Lancaster County Soil Survey to select correction factors for flow depth, sediment concentration, flow frequency, channel curvature, bank slope, and channel boundary soil properties. Selection of stream management alternatives to mitigate impacts to stream stability should be guided by the use of professionally accepted and widely use stream classification and restoration methods such as the Rosgen and NRCS methods outlined in the Master Plan.
4. **Multi-Use/Open Space Potential and Riparian Habitat.** The Master Plan recognizes the opportunity provided by the continuous, linear nature of the flood prone areas to conserve and enhance riparian habitat, open space, and recreation. Open space/riparian areas may be public or private, and may include such uses as stormwater

detention or flood storage, active or passive recreation, commercial setbacks, riparian buffers, trails, and habitat corridors. Encroachments into the 100-year flood prone area should be balanced with conservation or enhancement of other flood prone areas for riparian habitat and open space uses.

Concept Plan C is intended to provide flexibility to landowners and developers. Its general purpose is to allow those who wish to minimize the land area which would be left undeveloped under Concept A to implement the goals of the Master Plan through alternative means.

Concept Plan C will permit placement of fill within areas identified as "flood prone" to the extent it can be accomplished without increasing the water surface elevation and the water flow of the 2-, 10-, or 100-year storm either upstream or downstream of the project area and can address water quality and stream stability impacts. Wetlands which are within the jurisdiction of the U.S. Army Corps of Engineers will remain subject to §404(b) permitting, and new water-quality enhancement wetlands contemplated by the Master Plan will be calculated sub-basin by sub-basin. The goal for implementing water quality wetlands identified on Figure ES-1 is expected to be met by distributing wetlands throughout the watershed so that the area of wetlands is, as much as possible, proportionate to that portion of the watershed within any single ownership. Existing wetlands which are not filled will be counted toward the goal of 1.5 to 3% of each sub-basin being dedicated to wetlands to the degree it is demonstrated they provide the same level of function as the water quality wetland projects identified in the Master Plan with regard to pollutant removal.

Public funds identified for implementation of the Master Plan, whether for acquisition of conservation easements, or establishment of water quality or stream stability measures, will be utilized to assist in the implementation of Concept Plans A or C. Consideration for public funding of alternative measures will be based upon the degree to which efforts are also made to balance flood prone area encroachments with the goals of the Master Plan.

Capital project components identified in the master plan are generally included in order to meet City of Lincoln design standards and/or to accommodate future urban growth projected for the basins in the SEUSC Watershed. In some cases, the magnitude of the project also reflects the results of more detailed hydrologic and hydraulic modeling completed with HEC-1 and HEC-RAS. It is recognized that prior to areas within the watershed being annexed to the City, the county may have a need to construct improvements in these locations, and that these locations may not reflect the standards identified in the master plan. In these cases, it is anticipated that such components would be upgraded in the future by the City of Lincoln.

Estimated costs for potential bridge and culvert improvements are not included within the total costs estimated to implement the SEUSC Watershed Master Plan. Drainage improvements associated with arterial streets are anticipated to be completed with road projects as urban standards are met when these streets are improved from a rural to an urban cross-section in the future. Likewise, improvements associated with local streets within existing acreage developments are expected to occur when street improvements are made to these areas in the future. For information purposes, estimated costs for bridge and culvert improvements are included in Table MP-15 on pages 108-109, but these costs are not included within total costs listed in the SEUSC Master Plan Performance Matrix on page ES-5 and page 125.

Those areas identified as Low Density Residential in the Future Land Use Plan are already developed, and are expected to remain low density residential even beyond the 25-year planning period. While there may be individual 3-acre parcels in this area which are subdivided in the future, no significant redevelopment of this area into urban land use is anticipated. The Master Plan assumes that the ~~400-year floodplain~~ 100-year flood prone area within Low Density Residential areas is at low risk of being impacted by future land subdivisions, which would be anticipated to be generally compatible with continued preservation of the floodplain. Thus, costs for acquisition of ~~400-year floodplain~~ 100-year flood prone area within Low Density Residential areas is not included within the costs identified for implementation of the Master Plan. A more detailed comparison of Concept Plans A and B can be found in the Concept Master Plan Alternatives section, which begins on page 120.



Jean L Walker
08/20/2003 08:02 AM

To: Jean L Walker/Notes@Notes
cc:
Subject: Re: SE Upper Salt Creek Watershed Master Plan



Nicole Tooze
08/19/2003 05:38 PM

To: "Dan Marvin" <dmarvin@neb.rr.com>
cc: Marvin S Krout/Notes@Notes, Stephen S Henrichsen/Notes@Notes,
Benjamin J Higgins/Notes@Notes, jcambri@hdrinc.com,
drazavian@oaconsulting.com, glenn@lpsnrd.org, Allan L
Abbott/Notes@Notes
Subject: Re: SE Upper Salt Creek Watershed Master Plan

Dan, below please find responses to the questions you emailed regarding the SE Upper Salt Creek Watershed Master Plan (SEUSC MP). Please feel free to call me at 441-6173 if you need some further clarification.

Best, Nicole

1. QUESTION: Could you provide me with the easement payment schedule. I am interested in knowing what the various rates that the city uses in paying landowner for easements on property. You and Marvin indicated that there was some kind of standard rate schedule at our meeting the other week.

ANSWER: The Master Plan (MP) estimated the cost of conservation easements to be 50% of the total land value. However, this estimate assumed that developers would utilize the density from the preserved flood prone area elsewhere on the upland portions of site. We hear from many developers that no additional density is needed beyond that which is available through zoning, thus these estimates may be low. In some urban areas, conservation easements can be up to about 90% of the total value of the property. Ultimately, the value of the conservation easement would be determined on a site by site basis via an appraisal.

2. QUESTION: Second, I am confused regarding option C. At our meeting you indicated that option C would be LESS expensive for the taxpayer. But on the 7/16/03 draft report it says: "The costs to achieve the same water quality benefits that would be facilitated by preservation of the 100-year flood prone area are expected to be up to 1.9 million more than the cost to implement Plan A." I don't understand your statement from last week that option C was cheaper? Maybe I misheard you.

ANSWER: We have received several questions regarding this particular item. \$1.9 million is really the difference in cost for water quality measures between Concepts A and B. Because Concept C allows some encroachment into the flood prone area, we would expect there to be a higher cost for water quality measures, but since the Concept C approach is really proposing a balance between floodprone area encroachment and conservation, we wouldn't expect the full \$1.9 million in additional cost. Thus, we will be proposing the following additional text revision tomorrow to clarify this section:

"...The costs to achieve the same water quality benefits that would be facilitated by preservation of the 100-year flood prone area associated with (Concept Plan A) are expected to be up to \$1.9 million more than the cost to implement Plan A increase as floodplain encroachment increases."

Furthermore, our intention is not to spend more in the way of public funds for measures to offset floodplain encroachments on a sub-basin basis than we would have paid for conservation easements via implementation of Concept A. Additional costs for mitigation measures would be expected to be borne by the private sector. I plan to make this clarification verbally tomorrow.

3. QUESTION: Third, and this is a stupid question, but why did you go through and strike floodplain and replace it with flood prone. Is the "flood prone" area larger or smaller than the "floodplain" area.

ANSWER: In order to be consistent with the rest of the MP document, which makes a distinction between the 100-year floodplain (FEMA-mapped, regulatory floodplain), and the 100-year flood prone area identified by the MP, but not yet reflected on the official FEMA floodplain maps.

4. QUESTION: Forth, does the option C provide the same abatement of sediment to salt creek that option A does? In other words will option C put more sediments into Salt Creek than Option A.

ANSWER: No additional sediments would be expected with option C: there should be no additional sediments due to channel degradation because stream stability measures would be taken with Concept C to offset impacts. Construction site erosion and sedimentation potential would be the same for both and is regulated by the Zoning and Subdivision ordinances.

5. QUESTION: Finally, do you have the funds to do either. I was told by someone that the bond issue that we just did was to pay for this. That was a 10 million dollar bond issue so do you have the funds for A or C or not?

ANSWER: Of the \$10 mil bond issue approved in Spring 2003, \$1.7 is earmarked for the implementation of basin master plans. This would include the implementation of *all* types of MP projects, including water quality wetlands, channel stability, flood management, AND conservation easements ID'd in the Beal Slough MP and the SEUSC MP (if approved). We've just begun implementation of \$15 mil in projects needed in Beal Slough and \$8.4 mil more are ID'd for SEUSC. We propose stormwater bond issues only every other year. In addition, approximately \$200K is earmarked annually by the NRD. So the answer is, we have a small portion of the funds needed to implement the plans, but not nearly all funds needed. Approval of a Master Plan for SEUSC will, however, better enable us to seek grant funding to supplement local funds.

6. QUESTION: This question is in regards to economic development and the flood plain. It is my assumption that some may argue that restricting growth in flood plain restricts economic development.

What I would like to know is how many acres we are actually talking about here. I know that we are adding 25,000 acres in to the size of Lincoln over the next 25 years (40 miles times 640 acres). If someone could tell me how many acres we have that are in the flood plain, that the southeast Option A would restrict growth on, I might be able to get some kind of handle as to how restrictive this all is.

Of course no one is going to build right on the flood channel, so the acres that I think we are talking about, that could be developed, would those extra acres that can be put into play by option "C". How many of those acres are we talking about?

ANSWER: The 100-year floodprone area downstream of 70th Street is composed of 370 acres. Of that, 132 acres are required to be preserved as a 'Minimum Flood Corridor' through the Zoning and Subdivision ordinance. Thus, Concept A proposes the purchase of conservation easements over 238 acres. No conservation easements are proposed for purchase upstream of 70th due to the preservation of the 100-year floodprone area within the existing rural residential development and the Comp Plan designating this area for continued rural residential land use.



Laremmenga@aol.com

08/19/2003 04:13 PM

To: plan@ci.lincoln.ne.us

cc:

Subject: Comprehensive Plan Amendment No. 03004

To: Members of the Planning Commission
From: League of Women Voters of Lincoln/Lancaster County, Lois Remmenga, President
Re: Comprehensive Plan Amendment No. 03004
SE Upper Salt Creek Watershed Plan

The League of Women Voters of Lincoln/Lancaster County supports adoption of Concept Plan A as recommended by the Public Works and Utilities Department.

The League of Women Voters, formed in 1920, is a national nonpartisan political organization that encourages active and informed involvement of citizens in government, influencing public policy formation through education and advocacy. For many years the League, on a national, state and local level, has supported land-use planning that reflects conservation and wise management of natural resources.

League recognizes that the Commission must consider conflicting theories of best land use in determining public policy, but believes that the Commission's wisest community development decisions are based on the long-term interests of the community as a whole. We submit that Plan A best fulfills this objective.

Concept Plan A, as presented by the Public Works and Utilities Department, is the result of an extensive public process that involved the work of community development and floodplain management experts, as well as input from the public. If implemented, Concept Plan A would:

- Be the least expensive option for the City of Lincoln in a time of economic stress
- Best protect that reach of Salt Creek from continued erosion and water contamination
- Maintain wetlands to filter contaminants and retain floodwaters.
- Prevent further loss of natural habitat and resources in the Salt Creek floodplain;
- Provide the city with continued natural flood control in the 100-year flood-prone area; and
- Provide quality of life benefits to the community by affording recreation and educational opportunities along the Salt Creek corridor.

Thank you for the opportunity to provide input in this issue, which is important to all citizens of Lincoln. We believe that the public process through which the proposal was developed should be given consideration, and that Concept Plan A, as presented by the Public Works and Utilities Department, should be recommended to the City Council for adoption.

Testimony was approved by the board members of the League of Women Voters of Lincoln/Lancaster County, with one abstention.

cc: Planning Commission
Public Works
Lower Platte South NRD



"Todd W. Paddock"
<twp@nebrwesleyan.edu>

To: plan@ci.lincoln.ne.us
cc:
Subject: Please Support the Proposed Amendment to the Comprehensive Plan

07/22/2003 12:29 PM

Dear Planning Commission:

I would like to testify during the public hearing this Wednesday, but other responsibilities prevent me from doing so.

I urge you to support the proposed amendment to the Comprehensive Plan, which would place a portion of Lincoln's 100-year floodplain into the land use map of the Comprehensive Plan as protected Green Space, and add the Southeast Upper Salt Creek Watershed Plan into the Comprehensive Plan as a subarea study.

By helping protect the floodplain, preserving and constructing wetlands and retention ponds, and improving stream stability, this amendment would reduce the risk of flood, help manage urban water runoff, help reduce water pollution, help preserve streambeds and streambanks, and preserve and restore wildlife habitat.

As I understand it, developers and others are proposing two additional options (that the flood corridor be only 400 feet and that developers offset each intrusion they make into the floodplain). They also propose that this not be adopted as part of the Comprehensive Plan but as a sub-area study. I don't believe a 400-foot corridor is sufficient. Individual offset for any intrusion sounds fine in principle, but I don't believe there would be sufficient monitoring and enforcement to make it work in practice. And I definitely feel this amendment should be made part of the Comprehensive Plan.

By taking necessary steps now, we will save money in the future. Let's prevent or reduce future flooding, as well as the need for future projects similar to the very costly projects in Beal Slough and Antelope Creek.

Wilderness Park is unique in Lincoln because of the extremely important habitat it provides to plants and animals, and as a welcome place for people like myself. We need to protect what we have while we also plan the growth of our city.

Sincerely,

Todd Paddock
1508 Irving St.
Lincoln, NE 68521-1938
435-6655

IN SUPPORT

ITEM NO. 4.1: COMP PLAN AMENDMENT #03004
(p.175 - Cont'd Public Hearing - 7/23/03)

cc: Planning Commission
Lower Platte South NRD



"Amy Tuttle"
<atuttle@inebraska.co
m>

To: <plan@ci.lincoln.ne.us>
cc:
Subject: amendment to Comp Plan

07/22/2003 01:30 PM

I respectfully urge members of the Planning Commission to vote FOR the Comp Plan amendment scheduled to come before you tomorrow, which provides that part of Lincoln's 100-year floodplain be adopted into the land use map as protected green space, and that the Southeast Upper Salt Creek Watershed Plan be added into the Comprehensive Plan as a subarea study.

Lincoln has again been voted as one of the highest rated cities in the Midwest for quality of life. As a long-time resident of Lincoln, I am proud that much of the delightful quality of life in our city derives from wise and forward-looking decisions made by the Planning Commission decades ago. Please continue in this tradition of planning for the long-term quality of life of all our citizens.

cc: Planning Commission
Public Works, NRD



"K A Wells"
<thegecko34@hotmail.com>

08/02/2003 04:27 PM

To: mayor@ci.lincoln.ne.us, council@ci.lincoln.ne.us,
plan@ci.lincoln.ne.us, commish@co.lancaster.ne.us

cc:

Subject: SE Upper Salt Creek Watershed Plan-proposed comp. plan
amendment

To whom it may concern:

I support the adoption of the original wording of the amendment to the Comprehensive Plan which would add the Southeast Upper Salt Creek Watershed Plan to the Comprehensive Plan as a subarea study, and adopt part of the 100-year floodplain into the land use map of the Plan as a protected Green Space. I oppose text revisions.

The protection of our floodplains, and preservation of what is left of wildlife habitat in Lincoln, is vitally important to all citizens of Lincoln, and to me personally, as one who values the beauty, green space and the little bits of wild land in and around the city more than many aspects of living here, even economic opportunities.

Please support this amendment in its original wording.

Thank you for listening.

Kathryn Wells
1661 Pawnee St. #4

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"sandyk"
<sandyk@cornhusker.
net>

To: <plan@ci.lincoln.ne.us>
cc:
Subject: SE Upper Salt Creek Watershed Plan

08/05/2003 11:42 AM

To Members of the Planning Commission:

I am against any text revisions and would like to see the original wording of the amendment stand.

Thank you,

Sandy Anderson



"Watkins, Andrea"
<andrea.watkins@kenexa.com>

To: "plan@ci.lincoln.ne.us" <plan@ci.lincoln.ne.us>
CC:
Subject: SE Upper Salt Creek Watershed Plan

08/05/2003 01:11 PM

To Members of the Planning Commission:

I am against the text revisions and would like to see the original wording of the amendment remain.

Thank you,

Sincerely,

Andrea Watkins

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"Larson, DeAnna"
<DLarson@lincolnplay
house.com>

08/18/2003 09:21 AM

To: "plan@ci.lincoln.ne.us" <plan@ci.lincoln.ne.us>
cc:
Subject: SE Upper Salt Creek Watershed Plan - proposed comp. plan
amendmen t

To:

Greg Schwinn, Jon Carlson, Cecil Steward, Gerry Krieser, Steve Duvall, Tommy Taylor, Roger Larson, Dan Marvin

Re:

SE Upper Salt Creek Watershed Plan - proposed comp. plan amendment

On August 20, 2003 you have the opportunity to make a difference for the city and people of Lincoln . Please help us promote Concept A (the original wording) of the SE Upper Salt Creek Watershed Plan. Concept A is the most economical and ecological of the plans offered.

Leaving the existing floodplain and using bioengineering will improve stream stability and protect stream banks and beds.

It will improve the water quality in Salt Creek while protecting wild life and preventing flooding.

For further information on the benefits of flood plains, and how they work, please read the 'Sphere' section, August 14th, of the Lincoln Journal Star.

I hope you will take this opportunity to consider all options and choose Concept A as the plan that would best benefit the people of Lincoln and the quality of their life.

Thank you,

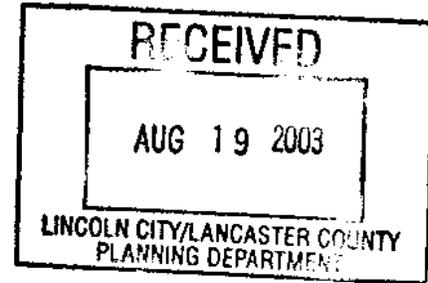
Deanna Larson
2148 S. 8th St.
Lincoln, NE 68502
402-435-1131

cc: Planning Commission
Nicole Fleck-Tooze, Public Works

August 17, 2003

TO: Marvin Krout
Director of Planning

FROM: Mary Roseberry-Brown,
President, Friends of Wilderness Park
1423 "F" Street
Lincoln, NE, 68508



RE: SE Upper Salt Creek Watershed Plan

The Friends of Wilderness Park strongly supports the approval of the original, Concept A version of the SE Upper Salt Creek Watershed Master Plan as a Comprehensive Plan Amendment.

1. Concept A is the least expensive.

Water Holding Function: Many studies show that vegetative flood control which protects the flood prone areas from development as in Concept A, is far more economical than structural control (Concept C). An example of a place similar to Lincoln is in Boston on the Charles River. After comparing costs, the Army Corps of Engineers concluded that it would be far less expensive to buy 8,000 acres of natural wetland and to use conservation easements to buy development rights on additional floodplain acreage than to build water holding structures. Another example is along the Missouri River where the Army Corps is buying thousands of acres of floodplain for flood control.

Water quality Function: Concept A wetland preservation and restoration would be at least \$1.9 million less than Concept C wetland mitigation.

Stream bank stabilization: Although stream bank procedures would be used in both Concept A and C, the stream banks would need more future stabilization with Concept C than with Concept A because of uneven flows created in the creeks.

If Concept C is implemented, city funds would be available to the developer for building storm water mitigation areas (detention ponds). Currently, developers pay to build their own detention areas.

Once established as a protected area, the flood prone area of Concept A would not need much maintenance, while the storm water mitigation areas (detention ponds) of Concept C would need to be monitored and maintained forever. City funds would be needed to hire and pay staff to ensure that this be done.

City funds would be needed to hire hydrological engineering staff to assess each individual development proposal, negotiators to negotiate each development request, and inspectors to monitor construction in Concept C. This expense would not be necessary in Concept A.

2. Concept A Water Quality Programs would be more effective than those in Concept C.

Concept A wetlands would be on site, in the flood prone area, and filter specific pollutants from that development site. Concept C wetlands would not have to be on site or even in the flood prone area. They would not filter the runoff from the site in question and are expected to capture and filter a smaller drainage

area than those in Concept A. Their pollution removal efficiencies would be reduced

Studies show that mitigated wetlands (Concept C) often do not have the same function as restored wetlands (Concept A). A 2001 study by the National Research Council's Committee on Mitigation Wetland Losses found that often wetlands which were built as mitigation did not have the same quality of function as the original ones. The committee recommended that "whenever possible, restoration of a natural wetland should be chosen over creation of a new one." Dr. Joy Zedler of the University of Wisconsin has conducted many studies of wetland mitigation programs. She says, "We simply don't know how to restore or reconstruct all types of wetlands."

In Concept C, mitigated wetlands under the Army Corps of Engineers jurisdiction would be subject to 404(b) permitting. The above National Research Council Study found that the Corps rarely conducts compliance inspections and that there were significant violations of policy. In Indiana, the study found only 62 percent of required wetlands were actually built. In Florida, only about half of the required wetlands were actually built.

3. Concept A was put together with public input in a fair manner.

Concept A was written considering the public input of four open houses. Concept C was put together after the closing date for public input, behind closed doors, with the input of a developer's attorney. It focuses on the interests of immediate parties, shortchanging broader and long term societal interests.

4. The guidelines of Concept A will be more clear and easier to implement than those of Concept C.

Decisions regarding implementation of Concept C will be reached by negotiation between the developer/developer's attorney and city staff while Concept A guidelines are clear and easy to follow. Those landowners who hire the most aggressive attorney will gain the most financially while those who cannot hire such attorneys will come out behind with Concept C. Concept A will treat everyone the same.

With Concept C, developers could apply for exemptions as part of their negotiations. With Concept A, the area to be protected is already clearly drawn out.

Concept A provides for a natural absorption and holding area which will not need maintenance. The stormwater mitigation areas (detention ponds) in Concept C will fill with sediment (as all such areas do) and need maintenance. Currently in Lincoln, the Neighborhood Associations are supposed to maintain detention ponds but many have not been maintained.

5. Concept A will provide for maintenance of the stream banks and beds better than Concept C.

With Concept C, there could be more of an uneven flow of stream water depending on how a particular piece of property is developed. If one developer puts a in a lot of fill and his/her neighbors a different amount of fill, the water will flow unevenly along the properties causing more stream bank and bed erosion. With Concept A, much of the water will be absorbed or held in natural retention areas and released slowly.

5. Concept A will provide a linear Green Space and unbroken wildlife corridor which will not be provided in Concept C.

Page 80 of the Watershed Master Plan states, " The linear nature of a floodplain provides opportunity to develop recreational features in conjunction with urbanization of the watershed that can connect to the existing trail system and provide new multipurpose use potential between Wilderness Park and the rest of the watershed." Although it is difficult to measure dollar value of human happiness, many studies show health increases and crime rate goes down when green space is maintained.

Page 80 of the Watershed Master Plan also states, "Opportunities are provided for wildlife corridors along stream channels." Wildlife needs a continuous corridor both for foraging and for successful reproduction. Passage of Concept A would provide that corridor to and from Salt Creek and Wilderness Park. The current corridor would be lost with Concept C.

7. Procedural Matters: Is there any hint of a "government taking?"

There is no government taking in Concept A.

Landowners under Concept A will be compensated by the purchase of their development rights.

Land values under Concept A would most likely go up. Studies show that property values go up on properties the closer they are to a green belt.

Land values under Concept C would probably go down on those properties adjacent to those being filled as the floodplain would creep outward from the properties being filled.

Concept A is an extremely well thought out, researched plan. Compare the thoroughness of the original Master Plan Concept A with the wording of Concept C.

There is a clear link between Concept A and important public policy goals which include protecting the public from flooding.

Only part of a landowner's property would be regulated.

Regulation of the floodplain is not a new, unanticipated idea in Lincoln. Both the 1952 and 1960 Comprehensive Plans stated: "Lands which lie in the flood plains are designated to be part of the community's park system. This is provided for in the land-use plan and in the more detailed propose park system. Where it is not possible to include the land in the park system, the development of the land within the flood pain is to be kept at an absolute minimum." The 1994 Comprehensive Plan states as goals: maintain, preserve and enhance existing wetlands and restore degraded wetlands, protect natural stream corridors for the purpose of improving water quality and reducing flood damage and erosion while retaining open space.

The current Comp. Plan provides for a "system or network of areas preserved in an undeveloped state due to unique natural attributes, such as floodplains and associated riparian areas, saline and freshwater wetlands, and native prairies.

Thank you for your consideration of our concerns.

cc: Planning Commission
Nicole Fleck-Tooze
Allan Abbott
Glenn Johnson
August 10, 2003

Lincoln-Lancaster County Planning Commission

Commissioners,

This letter is in reference to Comprehensive Plan Amendment 03004, the Southeast Upper Salt Creek (SEUSC) Watershed Master Plan.

In 1996, Beal Slough flooded homes in the Tierra neighborhood, primarily as a result of ill-advised development in the flood plain and the lack of a comprehensive stormwater management plan. The Beal Slough Master Plan was completed in 1999, recommending \$15.3 million in Capital Improvements. As of July 2003, \$1,010,000 of those Capital Improvements had been funded, while the estimated cost of completing the balance has grown to \$15,050,000. In short: 1) one-fifteenth of the Capital Improvements recommended four years ago have been funded; 2) the cost of the remaining Capital Improvements is nearly as much as the original total; 3) funding for the remaining Capital Improvements does not appear imminent; and, 4) the property at risk in 1996 remains at risk. Environmentally, Beal Slough has experienced heavily accelerated erosion causing serious silt pollution in Salt Creek.

Beal Slough Master Plan lessons learned include:

- Stormwater management planning is a necessity, not an option to be added on later.
- It is one thing to have a master plan recommending Capital Improvements; it is quite another to obtain the funding to effect those Capital Improvements.
- Not developing in the flood plain in the first place is cheaper than developing in the flood plain and then trying to keep Mother Nature in check with expensive structures of questionable value and effect.
- Stormwater planning needs to be completed before a stormwater basin is developed.

In an effort to get ahead of development and have a stormwater management plan in place before an area was urbanized, the Public Works and Utility Department and Lower Platte South Natural Resources District went to work on the SEUSC Watershed Master Plan. After several years of study, and after holding three open houses and receiving input from the public, they crafted a plan with two options:

- Option A, **the recommended option**, would preserve the 100-year flood plain at a cost of \$8,425,000.
- Option B, presented as an alternative and specifically **not recommended**, would preserve a much smaller flood corridor at a higher cost of \$12,082,000.

I participated in those open houses and was singularly impressed with the dedication and tenacity with which Nicole Fleck-Tooze, Ben Higgins and their staff had attacked the challenge and had come up with a plan that did the best job of controlling stormwater at the least cost to the taxpayers. It was very clear from talking with them that they had "done their homework" and were working in the best interests of **all** the citizens of Lincoln.

However, the public hearing on the amendment, scheduled every two weeks since May 21st, has been rescheduled each time. These delays have been caused by intense behind-the-scenes lobbying by the developers and landowners in the watershed area who want to maximize their profits by urbanizing every square foot that they possibly can without due regard to the flood risks or to taxpayer costs. Trying to make a profit from ones investment is the nature of business; trying to unduly influence the development of public policy to enhance that profit before the policy has even had a public hearing is not good business, it ethically corrupt.

One of the lawyers responsible for the delays has had the audacity to propose an Option C, which would:

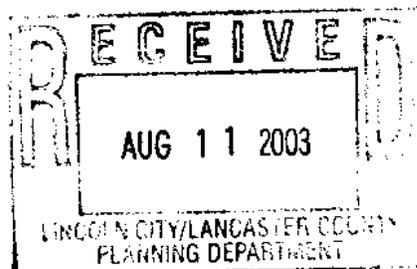
- Cost at least \$1.9 million more than Option A.
- Make city funds available to the landowners.
- States that if city funds were not made available to the landowners, "...some goals of the Master Plan may not be attained..."

Eventually, the Planning Commission will get to hold the public hearing on this amendment. I recommend that you look very hard at the differences between the very well-written original version of the plan and the watered-down (no pun intended) version that finally makes it to you. A lesson learned is not a lesson learned if you repeat the mistake—do not turn SEUSC into another Beal Slough. I urge you to adopt the original version of the plan, and to follow the advice of the impartial subject matter experts by adopting Option A.

Sincerely,

Michael Carlin
Friends of Wilderness Park
2700 West Paddock Rd
Lincoln, NE 68523

Copy To:
Marvin Krout
Director, Lincoln-Lancaster County Planning Department
Allan Abbott
Director, Public Works and Utilities Department
Nicole Fleck-Tooze
Special Project Administrator, Public Works and Utilities Department





Wachiska Audubon Society
4547 Calvert St Ste 10
Lincoln NE 68506-5643
(402) 486-4846

Lincoln-Lancaster County Planning Commission
122 South 11th Street
Lincoln Nebraska 68508

August 18, 2003

Dear Chair and Commission Members,

The Wachiska Audubon Society would like to state its support for Alternative A and its opposition to Alternative C as the preferred storm water management plan for the Southeast Upper Salt Creek Watershed. Our recommendation is that Alternative A be adopted because it is the least expensive, the fairest and the most easily understood and administered of the alternatives. We oppose Alternative C for the following reasons.

Alternative A is estimated to cost \$8,424,000 to complete and fairly compensates landowners for land in the flood prone areas. Alternative B is expected to cost \$12,082,000 because it is a largely structural approach. Alternative C is at least partially structural and could cost up to \$1.9 million more than Alternative A if the floodplain or flood prone areas are fully developed. That is only the start of the costs. Lincoln citizens will continue to pay for the water retention structures in Alternative C for a very long time in the future. The design of water retention structures called for in Alternative C will have to be approved, monitored as they are being built and monitored far into the future by city employees. Neighborhood associations will be given the responsibility for structure maintenance whether they like it or not. They will have this responsibility forever. The City of Lincoln now has the responsibility to make inspections on between 120 and 140 water retention structures and to require that each of them be properly maintained. If the approach in Alternative C is followed and becomes a precedent for other storm water management plans, we can expect many more structures to monitor and maintain each year as the city grows. How long will it be before these structures will need to be restored or rebuilt? Who will pay for their rebuilding?

Alternative A and Alternative B were arrived at through a lengthy and open public process. Four public meetings have been held over a period of almost two years to explain the need for storm water retention and ask for public comment on alternative storm water plans for the Upper Salt Creek South area. Alternative A and Alternative B were developed with that input. Alternative C has only been developed at the last minute, under pressure and without public input. Concept C should not be considered because it short-circuits the public participation process. It leaves a bad taste in the mouths of those that followed the rules and participated in the public process. Will the public want to participate in such a process next time?

Alternative C relies on the building of water retention structures and artificial wetlands as mitigation areas so that developers can fill and develop flood prone areas. This proposed policy is exactly backwards. Alternative C may even involve the use of public money to assist the development of these structures and involve a great number of meetings, design reviews and inspections to assure the structures are adequate. Why follow such a complex and time-consuming policy when the simple, easily understandable policy of Alternative A will solve the problem and compensate the landowners as well.

We urge you to reject Alternative C and support the fair, simple and less expensive alternative, Alternative A on August 20th.

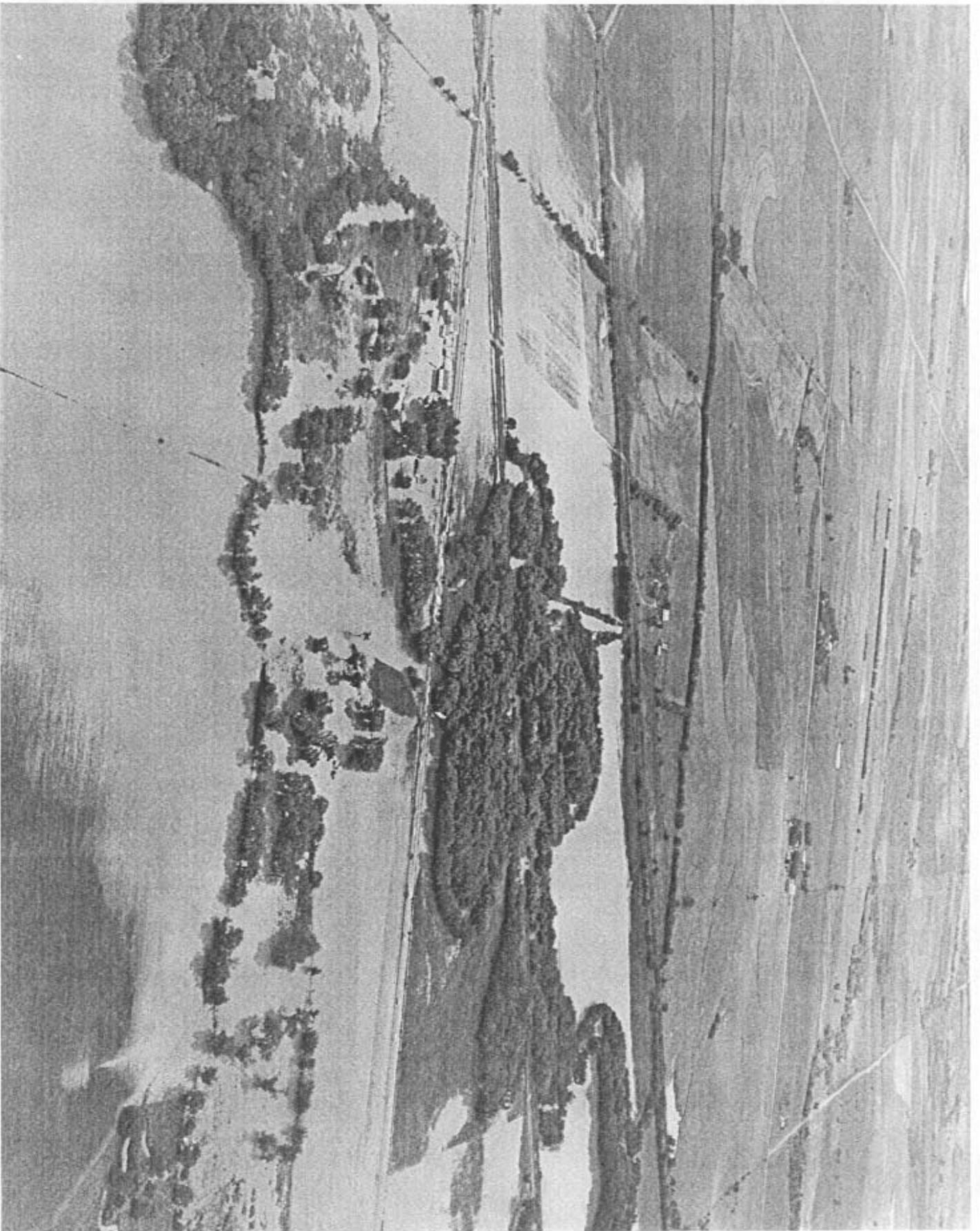
Sincerely,

Tim Knott, Chair - Conservation Committee
Wachiska Audubon Society

060



11---View looking southeast showing flooding in Salt Creek bottoms Skyline Dairy and Memorial Park Cemetery at left center of picture. Area inundated is proposed Wilderness Park Area, obviously not suitable for construction of homes. 10 a.m. June 29, 1965.



19. Salt Creek crossing of Highway 77 five miles south of Lincoln. U.P. and C.B. & Q railroad tracks in background. Highway 77 traffic open through water approximately 6 inches deep. 10 a.m. June 29, 1965.

Spring 2001
27th + Salt Lake



PLAN A

Preserves 100 year floodplain

Land rights bought: 405 acres

3 detention facilities

water quality wetlands
IN the floodplain only

PLAN C

Some parts of Plan A--
What parts?

PLAN B

preserves 400 foot flood
Corridor

396 acres

1 regional storage
facility
4 additional detention
facilities

water quality wetlands
OUTSIDE floodplain OK

\$3.7 million paid for by
private developers--water
quality improvements

costs \$3.7 million more
than A

protects ^{minimum} ~~400 foot~~ flood
Corridor

Water quality wetlands
OUTSIDE floodplain OK

\$ _____ paid for by
private developers

Costs \$1.9 million more
than Plan A if filled
floodplain

"Consideration for public funding of alternative measures
will be based upon the degree to which efforts are also
made to balance flood prone area encroachments with the
goals of the Master Plan." Meaning?

Marilyn McNabb
1701 West Rose St.
Lincoln, NE 68522

**GREENSPACE BENEFITS, NEEDS
AND OPPORTUNITIES FOR
LINCOLN AND LANCASTER CO.**

May 1993

**Prepared by the Lincoln-Lancaster Co.
Ecological Advisory Board**

• Greenspace Benefits, Needs and Opportunities for Lincoln and Lancaster Co.

Abstract— Green and open space provide many benefits for Lincoln-Lancaster Co. that deserve greater recognition including the interdependent relationship between intrinsic greenspace value, economic value and quality of life values. We review these benefits by examining recreation opportunities; the role of greenspace in sustainable economic development including property values, corporate relocation, resident expenditures and public cost reductions; and the intrinsic values of green and open space to water quality, landscape integrity and educational benefits. We review mechanisms for obtaining and maintaining greenspace including tax incentives, outright purchase approaches, protection by law, voluntary registration and other examples. Finally, we discuss the greenspace potential in our area and make recommendations for action.

I. Introduction

- The city of Lincoln and Lancaster County presently stand on the threshold of decision - decision as to what the city and county will look like and what amenities are available to residents in the years beyond 2000.
- At present a number of natural features and human-developed areas are scattered through the city and surrounding county. These include the Salt Valley series of lakes which ring the city to the south, the west, and the northwest. Wilderness Park along with Antelope creek Park stand out as linear areas of greenspace within and close to the city. Corridors for citizen movement and recreation are characterized by the Rock Island and rights-of-way, now converted to multipurpose trails. With these and other natural features, Lincoln and Lancaster County possess some physical underpinnings which can provide the basis for a high quality-of-life far past the year 2000.
- How these natural features will be retained, used, managed or integrated into the current thoughts on planning for the city and county are the critical focus for what kind of life quality residents, present and future, can expect from the city and its environs.
- If the past can provide any significant value to the future, the history of other cities, here and abroad, should be heeded and examined critically if Lincoln is to retain its livability on into the future. Those cities which retained greenspace and diligently worked to preserve greenspace in advance of city growth are those which are viable cities today. Those cities that allowed greenspace to diminish are those that face insurmountable problems of livability today. In essence, great cities are those which have persevered and managed greenspace; those that did not are examples of failed sites - for business, for education, for people.
- ~~The natural features of Lincoln and Lancaster County do not represent greenspace valuable only for recreational use. The corridors, drainage ways, flood plains,~~

~~watersheds and wetlands serve as a potential fabric into which values for flood control, soil and water conservation, transportation, natural area preservation, and wildlife values can be interwoven.~~ Each one of these values enhance the quality of life in a fashion that intermixes with a wide array of other values. Planning and integrating these values into the city and county of tomorrow will take vision, innovation and creativity. The foundation for accomplishing such positive and responsible actions is already there. To not build responsibly on this quality base will see population growth erode it away and reduce our life quality to mediocre or below. Lincoln deserves to stand above, with a quality of life that remains far above average - a city that can point to greenspace and responsible planning as its greatest reason for success.

II. A closer look at the benefits of greenspace

• Recreation Benefits

- Good, diverse recreational opportunities have been repeatedly shown to be at the core of a satisfied population and separate great cities from mediocre ones. Nationwide the population has been increasingly seeking out low-impact recreational activities like nature watching, and seeking exercise (biking, hiking) or mental release in natural settings away from the city congestion. Our own ~~Wilderness Park attests to the popularity of these activities~~ and is now under such pressure from overuse that the experiences sought after are increasingly difficult to obtain.
- Interviews have shown high percentages of people even in cities enjoy seeing wildlife in their yards or nearby. As the area of habitat suitable for wildlife increases, so to will the opportunity to see native wildlife.

• Sustainable Economic Development (After National Park Service, 1990)

- Real Property Values

- ~~Properties closer to green space have a higher value than properties distant.~~ For example in Boulder, CO, housing prices declined an average of \$4.20/ft. for a distance from the greenbelt of up to 3,200 feet. In one neighborhood the price was \$10.20/ft. Greenbelt held land, where greenbelt zoning in Salem, Oregon was in effect, was worth \$1,200 more per acre than urban land 1,000 ft. away from the greenbelt boundary. In Dayton, Ohio, proximity to a park and arboretum accounted for approximately 5 percent of the residential selling price. In Columbus, Ohio, nearby park and river were estimated to account for 7.35% of selling prices. In Philadelphia, a 1,300 acre park accounted for 33% of the value of a plot of land when located 40 ft. from the park, 9% when located 1,000 ft. away and 4.2% when located at a distance of 2,500 ft..
- ~~Property value increases are likely to be highest near greenbelts that have open space rather than highly developed facilities,~~ have limited vehicular access but

COMPREHENSIVE PLAN AMENDMENT NO. 03004 THE SOUTHEAST UPPER SALT CREEK WATERSHED MASTER PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 21, 2003

Members present: Carlson, Larson, Duvall, Taylor, Steward and Schwinn; Krieser and Bills-Strand absent.

Staff recommendation: Approval.

Proponents

1. **Nicole Fleck-Tooze** of Public Works requested that this amendment be held over to the June 11th meeting of the Planning Commission for continued public hearing and action. This is a joint project between the city and the Lower Platte South NRD, covering an area southeast of Wilderness Park, generally bound by Pine Lake Road on the north, Saltillo Road on the south, Wilderness Park on the west and 70th Street to the east. This is the second step toward development of a watershed master plan for Lincoln. This is a phased multi-year project identified as a strategy in the Comprehensive Plan. It is being completed basin by basin and will ultimately be tied together into an integrated comprehensive unified master plan.

The Southeast Upper Salt Creek Watershed Master Plan evolved from a public process that began in the spring of 2001, and included four open houses and multiple meetings with landowners. The purpose is to identify the needs for southwest in floodplain management prior to development; to provide a data base of watershed information and computer modeling to be used as analysis tools; and to identify capital projects that address water quality, flood control issues and stream stability issues. The existing conditions included are identification of the 100 year flood prone areas along the tributaries that drain to Salt Creek today, which are not mapped by FEMA. The proposal is to amend the land use plan to change the designation of properties to "green space" and "agricultural stream corridor" to be consistent and to reflect the identification of the flood prone area. Urban development will be outside of this area. Future conditions project that we would have significant pollutants from urban stormwater runoff; that we would have an increase in channel velocities; and that we would see increased flow rates, especially if the floodplain storage is lost.

The master plan examined two alternative concepts to address stormwater quality, stream stability and flooding, and the recommended plan includes the preservation of the 100 year floodplain through purchase of conservation easements.

Fleck-Tooze indicated that the purpose of the request for deferral until June 11, 2003, is to continue discussions with some of the landowners.

Steward noted that in an earlier briefing for the Planning Commission, there was brief discussion about the match, or the fit, or the disconnect between designation of these stream corridors as green space and a longer term thought process about using all of the stream

corridors possibly to create a more elaborate park system ring around the east and southern parts of our future urban boundary. Where is that headed? Fleck-Tooze assured that Public Works is thinking in that direction and beginning to look at how to get multiple benefits out of these corridors. In this particular master plan, the staff has looked for opportunities for that, perhaps dovetailing the trail system. As there are additional master plans, there will be greater opportunity to integrate with the Greenprint plan, etc. Steward would hope that the revisions would make reference to those meshing characteristics and not just be a description of a single issue such as flood protection.

Schwinn commented that he noted a lot of indications in the CIP for future expenditures to move forward on this project.

There was no testimony in opposition.

Duvall moved to defer, with continued public hearing and administrative action scheduled for June 11, 2003, seconded by Taylor and carried 6-0: Carlson, Larson, Duvall, Taylor, Steward and Schwinn voting 'yes'; Krieser and Bills-Strand absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 11, 2003

Members present: Larson, Steward, Carlson, Duvall and Krieser; Schwinn, Bills-Strand and Taylor absent.

Staff recommendation: Approval.

Ex Parte Communications: Duvall reported that he had a call from Mark Hunzeker to talk about the engineering issues.

Steve Henrichsen of Planning staff submitted a memorandum from Nicole Fleck-Tooze of Public Works & Utilities, offering an amendment to the Master Plan.

Proponents

1. **Glenn Johnson, Lower Platte South NRD**, discussed the watershed master planning process. Several years ago, the city and NRD jointly embarked on a program to develop a stormwater comprehensive master plan for the entire city and its growth areas outside the city. This more comprehensive approach was needed to replace the site specific, problem specific responses to localized flooding problems, runoff from new subdivisions, floodplain changes, channel degradation, erosion, water quality impairments and other after-the-fact retrofit projects. Watersheds are dynamic systems and what happens in one location can affect other locations in the watershed. The comprehensive planning looks at the entire watershed, what and where the known problems are; develops interactive hydraulic and hydrologic models to look at the changes in the future; looks at the future planned conditions to evaluate and predict what those impacts would be; and then identifies applicable projects or programs to either alleviate the problem that exists there now or hopefully avoid some of the problems in the future.

Johnson explained that the ultimate goal is to have one comprehensive integrated stormwater plan. They began with the Beal Slough Basin Master Plan as the pilot program, which has been completed and adopted and efforts are being made to implement those recommendations. That was followed by the Southeast Upper Salt Creek Watershed and preliminary work on Little Salt Creek. Next is Stevens Creek east of Lincoln and Cardwell Branch southwest of Lincoln. It is an opportunity to be proactive by getting into the basins on the edge of the city.

The public process involved in this particular plan went on about 2 years, with four public open houses at various stages in the study; it has gone through a number of specific meetings on site or one-on-one meetings with property owners within the watershed. The staff has tried to encourage input at each level of the study.

2. John Cambridge, HDR, explained that this watershed is on the south side of Lincoln, approximately 8.3 miles in size and it is largely undeveloped in the lower portion, being ag land, and in the upper portion it has been developed as large lot acreages, starting 35 years ago. It is projected that the only undeveloped area near 70th and Rokeby Road will develop in a like manner. The projected land use downstream of what would be 48th Street is in the Tier I development area that is likely to develop in the next 25 years. The staff has looked at that projected land use and what would happen if there were no master plan in place and found that on the main stem, the two-year storm would increase by about 45%; 10-year by 20% and 100 year by 15%. On the tributaries larger than that, the two-year would increase between 50-70% and 30-45% for the 100 year storm. Currently, there are about 10 houses that are in or near the existing 100 year floodplain and those will be addressed in the master planning process. There are about 5,000 lineal feet of stream that are currently at risk of having some sort of channel instability. If we don't do anything, we will have another 10,000 lineal feet of channel to deal with.

Cambridge further explained that the plan as proposed would eliminate flooding to the existing houses, except for one, by preserving the existing 100 year floodplain and building detention ponds. Consideration has also been given to a compromise between the minimum corridor and the existing 100 year floodplain. Water quality improvement is a significant portion of the master plan. As areas urbanize, the water quality impacts are felt. The plan proposes 11 constructed stormwater wetlands at the bottom of each subbasin to help improve water quality. If the 11 sites were located outside the watershed, the land rights would increase. The plan also proposes 3 detention ponds, two located near 70th & Yankee Hill Road, that would address flooding for the existing houses; another site is located by So. 38th Street. Two of those would be undersized culverts with no permanent pool. The third site would have a permanent pool and additional flood storage and is not a road structure.

Cambridge advised that the estimated cost for the master plan is about 8.4 million dollars. The compromised plan with additional detention ponds with reduced floodplain preserved would be 3.7 million dollars more.

3. Nicole Fleck-Tooze, of Public Works & Utilities, advised that there are two components of the amendment proposed today: 1) to adopt the watershed plan as an approved subarea plan of the Comprehensive Plan; and 2) to amend the land use plan to change the designation of the area identified as 100 year floodplain to "green space" and "agricultural stream corridor" to be consistent with how other floodplain areas are shown in the Comprehensive Plan. The

watershed master plan really has three parts: generally to identify the needs for stormwater and floodplain management, to identify capital projects needed to address flood control, water quality and stream stability, and to provide a database of watershed information and computer modeling to be used as analysis tools to respond to future growth within the basin.

Fleck-Tooze advised that the staff team has had some conversations with individual landowners within the watershed boundary and tried to respond to their concerns. In response to some of those discussions, she proposed adding the following text to the proposed amendment at the end of page ES4:

Concept Plan A, as reflected in the components of the Southeast Upper Salt Creek Watershed Plan, is intended to be a goal to provide guidance for future development and capital projects in the SEUSC watershed. Specific Master Plan components are identified to address the impacts of future development upon water quality, stream stability and flood hazards. As the basin develops, individual sites are expected to utilize the Master Plan as a guide and to be in general conformance with the Plan. It is anticipated that encroachments into the floodplain may occur, as evaluated on a case by case basis, if the developer meets the spirit and intent of the Master Plan. This would include offsetting impacts of the development upon flood storage and conveyance, water quality and stream stability.

Fleck-Tooze believes the staff has had great success in working with the property owner between 27th and 40th, Yankee and Rokeby, in trying to develop a concept that provides flexibility for development but yet meets the spirit of the plan. There are other concerns that have been raised.

Fleck-Tooze again advised that this proposal has gone through a public process with four open houses and notices were sent to the property owners in the watershed for each meeting. The staff has also met with individual property owners. Fleck-Tooze does respect that there have been some changes in ownership and representation since the process began, and there was also a problem with the assessors records in terms of addressing. She believes that there may be a request for a lengthy delay; however, this process began two years ago and the staff would prefer only a two or four week delay to allow time for some additional meetings and evaluation. There is an approved stormwater bond issue that includes some funding for the capital components of the master plan. This is a window of opportunity to provide some flexibility prior to development.

In addition to strong emphasis on water quality, stream stability and flood hazards, Steward noted that other planning issues in watershed planning come to mind, which are sanitary sewer easement locations, public access to the natural environment and potential, or certain designated possibilities for public recreation. Does the plan at this stage cover these elements? Fleck-Tooze believes that it does. It speaks to multiple opportunities and riparian corridors being opportunities for multiple benefits and potential public access. She indicated that this approach will be followed as we move toward implementation. It makes sense to purchase the sanitary sewer easement at the same time we purchase the conservation easement. For example, there have been discussions about including some trails, park space, etc., on the Jerry Maddox property between 27th and 40th.

4. Tim Knott, appeared on behalf of himself, the **Audubon Chapter** and the **Friends of Wilderness Park**. He believes this is the kind of thing we need to be doing in the future in Lincoln to avoid problems regarding development of the floodplain. We need to plan ahead. It looks like the floodplain is respected in these smaller stormwater plans and he thinks this plan should be supported.

5. Mark Hunzeker appeared in a neutral position on behalf of **John Sampson, the Lococo property and Don Oelling**, and maybe one or two others. The Lococo property is located roughly at 38th and Saltillo Road. He thought there had been an agreement to a four-week deferral in his conversation with Steve Henrichsen of the Planning Department today. He would like a longer delay but he understands the desire to keep moving. It is important to understand that a lot of people who went to some of the public meetings did not come away with the understanding or the impression that large amounts of their land were going to be delineated or designated as open space. Nor did he. His clients have hired an engineer who will be verifying the information in the study. He believes there is reason to believe that we can at least reach some compromises that may very well bring us all back here in four weeks in agreement. He would appreciate a four week deferral and he believes Planning staff is in agreement.

6. Sonja Heckel, 8031 Arrow Ridge Road, is a co-trustee on two family trusts that own land that she now finds is greatly affected by this study. She supports Mr. Hunzeker's request for a delay. She did attend one of the meetings held at the new South Branch Library. She thought it was an open house (come and go) and she walked in about half-way through the presentation. She is not an engineer and does not understand all the maps. After the presentation, they opened it for questions. She asked the representative from Olsson about the impact this will have on her property. He helped her find the property on the map. It is located at 27th and Rokeby Road and she was told the study would not have any impact on her land. But now, when she sees the map, it takes about one-third of her quarter section and she is very frustrated. Had she been told this at the open house, she would have been more active in the process.

7. Peter Katt appeared on behalf of **Janet Jodias**, property owner of 1/4 section on the south side of Saltillo Road on 38th Street. He believes that, in general, the property owners did not realize the significant impact this would have on their property until it was presented in this format. He believes that a delay will be beneficial.

Staff questions

Steward asked whether staff agrees with the request for a four-week deferral. Steve Henrichsen indicated that this is acceptable to the city.

Larson moved to defer, with continued public hearing and administrative action scheduled for July 9, 2003, seconded by Carlson.

Carlson appreciates the work staff has done to this point. It is really important to get out in front on these issues and he understands there are impacts, but we should be talking about it while it is cornfields and before it becomes the city.

Motion carried 5-0: Larson, Steward, Carlson, Krieser and Taylor voting 'yes'; Schwinn, Bills-Strand and Taylor absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 9, 2003

Members present: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward; Schwinn absent.

Staff recommendation: Approval, as revised.

Ex Parte Communications: None.

Steve Henrichsen of Planning staff indicated that the city staff met yesterday with several property owners and continues to work on compromised language. Henrichsen requested an additional two-week deferral.

Larson moved to defer two weeks, with continued public hearing and administrative action scheduled for July 23, 2003, seconded by Bills-Strand and carried 7-0: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 23, 2003

Members present: Larson, Bills-Strand, Taylor, Marvin, and Carlson; Duvall, Krieser, Schwinn and Steward absent.

Staff recommendation: Approval, as revised.

Ex Parte Communications: None

Proponents

1. **Steve Henrichsen** of Planning staff submitted two letters in support.
2. **Nicole Fleck-Tooze** of Public Works submitted a work-in-progress draft of some revised text for the executive summary and requested a two-week deferral to continue some discussion and negotiation with landowners within the basin. They have reached agreement on a number of items and she believes they are getting closer to a resolution. The additional information also includes revisions proposed by Mark Hunzeker on behalf of the landowners and they are in the process of working out some of the final issues in the draft language.

Nicole Fleck-Tooze then outlined the approach that is being attempted. The watershed master plan, as originally brought forward in May, identified two potential alternative approaches: #1 was Concept A, which generally proposed preservation of the 100-year floodplain, and #2 was Concept B, which proposed the preservation of land near a corridor with some additional detention. The executive summary talked about implementing Concept A because it preserved the 100-year foodplain and there was less cost than Concept B. Since then, the staff has had continued discussion with landowners to come up with another alternative, which is being called Concept C, which is composed of some criteria that would allow for some encroachment into

the 100-year floodplain if the impacts are offset by certain measures. If there is encroachment into the 100-year floodplain, there are three major areas that must be addressed: flood storage and conveyance; impacts to water quality; and impacts to stream stability. In June, the staff presented a memo outlining this concept. The text submitted today outlines some more specific criteria to provide a comfort level about the expectations in meeting this standard. The staff and the landowners agreed yesterday to request a two-week deferral to work out the remaining issues.

Bills-Strand moved to defer, with continued public hearing and administrative action on August 6, 2003, seconded by Taylor and carried 5-0: Larson, Taylor, Marvin, Carlson and Schwinn voting 'yes'; Duvall, Krieser, Schwinn and Steward absent.

Public Testimony

1. **Steve Larrick**, 920 So. 8th Street, resident of South Salt Creek neighborhood for over 25 years, stated that when he moved to the neighborhood, it was safe and outside of the 100-year floodplain, and Salt Creek was within the banks of the levy in a 100-year rain. But, since new development has come to Lincoln, the neighborhood is now in the 40-year floodplain and he wonders how much further we want to go in threatening neighborhoods in lower lying areas of the city. Developers have had too much reign in building in the floodplain. The water goes right into the older areas. It will flood the Haymarket, South Bottoms and North Bottoms. South Salt Creek has been ignored completely. We need to do more and do the most we can to protect the Salt Creek floodplain. Larrick encouraged that Concept A be adopted. The strictest possible measures to try to protect Salt Creek are needed today and for future generations. Larrick serves on the NRD and they are trying to find ways to reduce the threat of flooding -- it is very expensive and very difficult. If we give an inch, the developers will take a mile. We need to allow green space where there is good potential of flooding. There are 400 homes in South Salt Creek. We need more retention to protect the areas that are wilderness and not fill them up with fill and development.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2003

Members present: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Approval, as revised.

Ex Parte Communications: Carlson, Steward, Marvin, Schwinn and Taylor reported that they had received telephone calls from representatives of the Friends of Wilderness Park.

Proponents

1. **Nicole Fleck-Tooze** of Public Works and Utilities presented additional information for the record, including two emails requesting that no text revisions be approved--that the original proposal be adopted. She also submitted a memorandum attaching revised draft revisions to the text of the Executive Summary for the Master Plan. As discussed at the last meeting, the staff has tried to work toward some revisions to include an alternative plan known as Concept C. Fleck-Tooze requested an additional two-week delay until August 20, 2003, to provide

additional time to the various property owners and time for the public and the Commission to review the revised text. The staff does plan to make a presentation on the alternative Concept C at the next meeting.

Steward moved to defer, with continued public hearing and administrative action scheduled for August 20, 2003, seconded by Bills-Strand and carried 9-0: Bills-Strand, Larson, Duvall, Carlson, Krieser, Taylor, Marvin, Steward and Schwinn voting 'yes'.

Schwinn pointed out that none of the Commissioners have seen the new information prior to today so they don't even know what's on the table. Fleck-Tooze also announced that the new information would also be on the website today.

There was no other public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 20, 2003

Members present: Krieser, Larson, Duvall, Carlson, Bills-Strand, Taylor, Marvin, Steward and Schwinn.

Staff recommendation: Approval, as revised on August 20, 2003.

Ex Parte Communications: Taylor reported that he had a discussion with Marilyn McNabb. Marvin disclosed that he visited with Bob Hampton, Mark Hunzeker and Mike Carlin.

Proponents

1. **Steve Henrichsen** of Planning staff submitted additional information, including a revised staff report and revised Executive Summary, a letter in support of Concept A from the League of Women Voters, a response to six specific questions which had been asked by Commissioner Marvin, and a letter in support of Concept A from the Friends of Wilderness Park.

The revised Executive Summary dated August 20, 2003, is almost identical to the summary distributed on August 6, 2003, with one minor change on page 5, item 2, in regard to water quality and the question raised as to cost difference. The last sentence of the first paragraph under point #2 was revised.

The revised staff recommendation still recommends approval of the study. The only amendment is the adoption of the Watershed Study, as amended, with the new Executive Summary including the adoption of both Concept A and Concept C, with Concept C as an option within Concept A that could be utilized on a case-by-case basis. The amendment eliminates the amendment to the land use plan.

2. **Glenn Johnson, Lower Platte South NRD**, made a presentation, beginning by stating that approximately six years ago the city and the NRD began the cooperative process of developing a master plan for each of the drainage basins to address current and future stormwater flooding issues. Watersheds are dynamic and they react to changes within their boundaries. Rural and urban land use changes bring about changes in the amount and timing of stormwater, impacts downstream, impacts to the floodplain and flood prone areas, and changes in water quality.

These issues don't need to be inevitable and adverse. Through the master planning, those are some of the goals that they have tried to address and manage to avoid some of those problems. A few examples of adverse changes that accompany watershed changes when going from rural to urban are that streams become unstable and deepen; side slopes erode; concrete liners unravel; stream bank erosion gets close to utilities and close to some of the public infrastructure; increases in runoff quantities and velocities; the floodplains expand; water quality becomes impaired; sedimentation can increase. Even some of the smaller drainage ways are affected. These are the kinds of both main channel and tributary channel problems being addressed in the master planning.

Beal Slough was done first. The Southeast Upper Salt Creek Watershed Master Plan (hereinafter SEUSC), east of the Salt Creek line between Yankee Hill Road and the South Beltway is before the Commission today. The next two basins being studied are the Cardwell Branch on the west side of Salt Creek coming into Wilderness Park, and the Stevens Creek Watershed on the east side of Lincoln.

Johnson explained that current aerial photographs, current topo mapping, and updated hydrologies are used to develop a computer stormwater runoff model. The existing conditions are evaluated; problem areas are identified; and solutions are offered. The future conditions then are modeled using that stormwater runoff model, which acts interactively with changes in land use and other changes such as structure or detention or retention. As to the SEUSC, there was public involvement solicited in several stages and the results were incorporated. Four public open house meetings were held with all property owners invited, interest groups and the general public. Also one-on-one landowner meetings were held. The public input helped identify the existing conditions and problems, evaluate options on future project conditions and to get feedback on proposed master plan components.

The following goals were identified through public involvement process: 1) preserve stream bed and banks that are stable, and improve stability of those at risk; 2) reduce flood hazard to existing and future buildings and to infrastructure; 3) coordinate components to provide multi-purpose use potential; 4) improve water quality and preserve or restore instream and riparian habitat; and 5) identify funding opportunities.

3. Nicole Fleck-Tooze of Public Works and Utilities explained that after the goals were established, they set about evaluating the existing conditions and future conditions based upon projected growth. We are looking at how the watershed will change in the future and what we can do to offset the impacts – flooding, water quality and stream stability. Nine homes in the basin are at risk today. If the 100-year floodplain were approached today, we would have increases in flood heights of about 3-4 feet in the downstream portions of the basin and significant increases in flow. We also looked at stream stability and expect to have about 8,800 ft. more "at risk" stream channels if we don't do something in advance. Two different concepts were evaluated with public input, Concept A and Concept B. Concept A was evaluated at a cost of about 8.5 million. Generally, Concept A preserves the existing floodplain area below 70th to Salt Creek; it includes three smaller detention facilities; water quality wetlands; bioengineering for stream stability; and replacement of undersized bridges and culverts.

Concept B is estimated at a cost of 12.1 million and includes the same elements, except that it only identified preservation of a 400' corridor below 40th Street, and identified one large regional

stormwater storage facility west of So. 40th and four other detention facilities. The costs would be funded over many years' time.

Fleck-Tooze noted that as the study was brought forward in May, there were some concerns raised by landowners in the basin. Since then, the public process has continued and there have been about 13 meetings just with landowners and their representatives with additional correspondence, and the revisions to the Executive Summary provided today reflect the inclusion of a Concept C.

Fleck-Tooze explained that Concept C represents a significant commitment of time and effort on both sides to work through the issues and arrive at some middle ground. We don't have a FEMA floodplain map with open space land use designation. The information for this area is evolving even as development is already taking place. Concept C is a tool to implement the master plan. It is intended to provide greater flexibility for development. It allows for flood prone area encroachment as long as the site meets the goals of the Master Plan. Page 4 of the Executive Summary sets forth the four criteria for Concept C.

Fleck-Tooze stated that Concept A is still very much a part of this master plan. In the short term, our needs exceed our funding in the basin, so Concept C might facilitate some implementation of the goals through public/private partnerships. Consideration for public funding for Concept C measures would be based upon the degree to which efforts are also made to balance the areas of flood prone encroachment.

Fleck-Tooze further explained that an approved master plan opens up the opportunity to seek other funding sources, i.e. grants, interagency partnerships, public/private partnerships. The city does have funding available to begin to implement some of the elements of the plan. This has been a 2.5 year process.

Support

1. **Mark Hunzeker** appeared on behalf of **Sundance L.L.C., Lococco Joint Venture and Sonja Heckel**, all property owners within the watershed affected by this master plan. They have discussed the possibility of adding this Concept C. The intent is pretty well stated in the Executive Summary as one of providing additional flexibility and allowing for some encroachment into the 100 year flood prone area, if the spirit and intent of the master plan is met and if floodplain encroachments are offset by measures to address both flood storage and conveyance, water quality and stream stability as they relate to the master plan goals. To the extent that there is any degree of discomfort by some who think that this is undermining the goals and the intent of this plan, the property owners who have participated in this process are a little uncomfortable, too, because the generality of the language leaves a lot to the imagination in terms of what these things mean. There is a great deal of detailed engineering work that is going to have to be done by any property owner who intends or wants to make any encroachment into those 100 year flood prone areas, and, in accordance with Concept C, those things will require not only extensive work on the flood storage and conveyance issues (which require extensive modeling, etc. to not only store the 100 year storm but also to assure that the conveyance of that 100 year storm is at the same rate as would be in Concept A), but it is also going to require an awful lot of work to determine where and how various wetlands may be needed or constructed to address water quality issues, where and how we address areas of open space and multi-use potential as well as the very broad term "riparian habitat". Hunzeker

is confident this document at least provides an opportunity to utilize land in a way that makes sense, both for the purpose of preserving flood control capacity and water quality, and to try to make some sense out of the use of that land in what will be an urban environment.

Hunzeker stated that there was a very significant concern on the part of landowners with Concept A in that all of this area would simply be off-limits to anything. Without a little bit of flexibility, we think it would be very difficult to implement and the cost of acquiring conservation easements over that area would be much greater if implemented solely under Concept A as opposed to having the flexibility of Concept C.

Hunzeker supports the revised staff recommendation and Executive Summary as submitted today.

2. **Janet Jodias**, 2425 Folkways Blvd., owns land on 38th & Saltillo. She is looking at this land to provide some retirement money. Concept A stresses land acquisition for these areas. It seems like there is a limited amount of money to meet the wastewater requirements. If the city acquired the land rights and had to make some of the development, it seemed like that would be much more expensive than if they worked together with the landowners on these developments and did not have to spend extra money to gain the land rights. She believes this would be better handled by landowners working with the NRD and the other complements of government so that the costs can be spread out.

Opposition

1. **Mike Carlin**, 2700 W. Paddock Road, testified in support of Concept A, stating that a very potentially serious precedent could be set by adopting Concept C. Whatever format you choose for this basin is what you will see in the other basins. As part of this amendment, the wording to include the master plan in the land use plan portion of the Comprehensive Plan is being removed. And the reason for that is that they can't have that wording in the land use plan and have Concept C at the same time because it would be classified as green space in the land use plan and in Concept C, the development would be allowed to encroach into green space. They also would like to not include the watershed master plan as part of the Comprehensive Plan, but make it a subarea plan. That's also scary. If you have read the Wilderness Park Subarea Plan, you would know that it is unenforceable, and he believes we could find that in every subarea plan. Back in May, Concept A was great. But it got delayed for three months as negotiations were held and about mid-way through there Concept C emerged. There was some verbage in there about Concept C costing 1.9 million more than Concept A. The 1.9 million isn't in the text anymore.

Carlin believes there are several other concerns with Concept C. The stated purpose is to provide greater flexibility to landowners and developers. One at a time, they can come in and petition to encroach upon the floodplain. Carlin foresees that they will stay underneath the maximum, but the cumulative effect will exceed the maximum. Concept C is a compromise to what was already a compromise. In fact, Concept A is a compromise. The taxpayers will pay 8.7 million to offset the development in that basin. He understands that the landowners and developers have an interest in maximizing their profit off their land. But nobody is going to lose money with Concept A. They may not make as much, but no one is going to lose money.

2. Steve Larrick, 920 So. 8th Street, who was elected to serve on the NRD in Subdistrict 5, testified in support of Concept A. There are a lot of residents and businesses along the Salt Creek floodplain area, including South Bottoms, North Bottoms and Haymarket. They will begin to get some protection under Concept A. We need the added flood protection structures that are planned under Concept C even without any development in the floodplain. Larrick believes that Concept C is a big mistake. Concept A allows development over a long public process and is a very good plan. We need to stop filling in the floodplain. If we continue to allow development in the floodplain, it will just get worse.

3. Tim Knott, representative of the **Wachiska Audubon Society**, submitted a letter in support of Concept A and in opposition to Concept C. They are primarily concerned about the precedent setting nature of this decision. If encroachment is allowed into the floodplain, we will have a host of problems to deal with in the future. Concept A is the least expensive, the fairest and most easily understood and administered. Concept C costs are not clear, but he understands that up to 230 acres of the floodplain area in Upper Salt Creek could be developed, and that certainly will cost money if that happens. Lincoln will continue to pay the cost for this structural method of preventing flooding for a long time to come.

Knott is concerned about the fact that the public process that selected Concept A and Concept B was open and lasted for two years. Concept C was done with very little public input and leaves a bad taste in the mouths of those that followed the rules and participated in the public process.

4. Marilyn McNabb, 1701 West Rose Street, who has served on environmental committees and the Floodplain Task Force, testified in support of Concept A. It is effective and the least expensive. She is also worried that Concept C is too vague, obscure, fuzzy and general as to exactly what measures are included. Concept A and Concept B have a number of very specific components, whereas, Concept C gets pretty mushy. Concept C protects only the minimum flood corridor, not the whole floodplain and may include provisions of Concept A. Concept B was very specific about what part of costs developers pay for quality wetlands. That is not specified in Concept C. She believes the following sentence is most obscure: "Consideration for public funding of alternative measures will be based upon the degree to which efforts are also made to balance flood prone area encroachments with the goals of the Master Plan". How would this be applied as projects came in? Would it be measured by area, by cost, by affect on wildlife? What is an "alternative measure"? Does every parcel call for its own balancing test? How much staff time will that require? Under Concept C, public funds would be used to permit encroachments in the floodplain—it would be part of the package. In other places in the country, units of government are paying to get people out of the floodplain. This seems to actually channel public money to mitigation that under this plan would permit encroachments into the floodplain. Concept A does not. Concept A preserves the 100 year floodplain; it locates the water quality wetlands in the floodplain; it is a definite plan; it is backed by detailed study and it should be amended into the Comprehensive Plan.

5. Mary Roseberry Brown, 1423 F Street, President of Friends of Wilderness Park, pointed out that protecting the floodplain and preserving it is not a new unanticipated concept in Lincoln. The 1952 and 1960 comprehensive plans state that lands which lie in the floodplain are designated to be part of the community's park system. Where not possible to include in the

park system, the development of the land within the floodplain is to be kept at an absolute minimum.

Roseberry Brown urged that the Commission approve Concept A, not just as a subarea study, but as incorporated into the Comprehensive Plan wording and into the land use map. Many studies show that vegetative food control is far less expensive than building structures. Vegetative control is Concept A. The Army Corps of Engineers did a study on the Charles River and determined it would be far less expensive to buy 8,000 acres of natural wetland and use conservation easements to buy development rights on additional floodplain acreage than to build structures. Further expenses would have to be paid for streambank stabilization. We know that in the future Concept C would need constant maintenance for streambank stabilization because there would be uneven flows created by development. Also in economics, currently developers pay for their own detention ponds. Under Concept C, city funds would be available for stormwater mitigation areas.

Also, we know that these detention areas are going to need constant maintenance and constant monitoring forever. City funds would be needed to maintain and make sure those detention areas are cleaned out regularly or they would lose all flood benefit. City funds would also be needed to hire additional hydrological engineering staff to monitor and negotiate each individual development. Another big difference between Concept A and Concept C is that the water quality programs would be very, very different. Concept A wetlands would be on the site, in the flood prone area and would filter specific pollutants coming off of that specific site. Concept C wetlands can be anywhere in the watershed. Concept C encourages building in the floodplain.

Roseberry Brown believes that property values would go way up if this is passed. Property that is in close proximity to green space goes way up in value.

Roseberry Brown stressed that Concept A is far superior.

She held up petitions from 5 years ago (6,337 petitions) gathered by Friends of Wilderness Park calling for no building in the floodplain.

6. Rusty Banks, 5411 So. 37th Street, agreed with the previous testimony opposed to Concept C. Wildlife corridors are important to maintaining genetic diversity among wildlife. You can have a lot of little green spaces that are islands in and of themselves but do nothing for wildlife habitat unless connected. Concept C would allow for development that would fragment that wildlife corridor. Keeping encroachment out of the floodplain can be valuable to sportsmen. Building a wildlife corridor is extremely expensive. But if you already have one, maintaining it is almost free. All you have to do is keep the zoning such that they do not get developed.

Concept C endangers the usefulness of a wildlife corridor. It allows a greater fragmentation of the wildlife corridor. Having acres and acres of green space is useless if it is not connected. Concept C is problematic from an economic standpoint. Concept C is problematic from a taxpayer standpoint. Concept A is a significantly lower cost and has so much more public input. Why would you have two years of public hearing so that in a handful of meetings you can undo it?

7. Tom Paddock, 1508 Irving Street, lived in southern Ohio where 13 inches of rain fell in 24 hours. The consequences of that flood were economically disastrous for the county. It was a loss of bridges and roads and sewers more than anything else. FEMA came in and made it clear to this county that unless they had clearly delineated floodplains and enforced zoning that prevented building in the floodplains, they would not receive a federal bail out the next time a flood came. He believes we are possibly taking the same risk. We should not build in the floodplains. Concept C does sound good on paper but he does not think the reality would be the same. The Army Corps would be inspecting these encroachments into the floodplain and, according to the National Research Council, the Corps rarely conducts compliance inspections. He is very concerned about the process – not the two years that did involve lots of public input – but it's the last couple months where suddenly Concept C has come about. This is frustrating – trying to be a part of it and suddenly up comes a concept that he did not know about and did not think was a part of a public process. He does not see enough evidence that Concept C is going to work or equal in cost to Concept A.

8. Marge Schlitt, 2600 C Street, referred to an article in last Thursday's paper about floodplain restoration. We need floodplain preservation, not restoration. Right now, the Planning Commission needs to take the leadership to go with the right plan for our future. As far as she can tell, the difference between Concept A and Concept C is "follow the money". Where is it coming from? The people who are going to get the benefits and going to make the money should be the ones who pay for mitigation of the downstream.

9. Larry Tue(sp), 1345 H, testified in support of Concept A from the perspective of a user of these wild spaces, particularly Wilderness Park. He is interested in any measure that will preserve green spaces and open spaces. His concern is overuse of the same areas. Property values contiguous to green space have higher value than properties more distant. The challenge for the Planning Commission is, how do we see tomorrow? How do we see the future? How do you preserve the character of our community? It is being done in other areas of the United States.

Tue believes it is common sense to say that you have an area of green space and open space that exists in Wilderness Park and others in the floodplain, and that they are desirable to all kinds of users for different reasons and it is common sense to keep them in their current condition for present and future uses.

10. Roxanne Smith, 711 Peach Street, urged that the Planning Commission not follow the staff recommendation but to follow the desire of citizens who attended the meetings which developed the Comprehensive Plan. Citizens spoke very strongly about the need to preserve floodplains and to stop filling with development of the floodplains. Citizens should not be expected, as Concept C suggests, to spend our tax money to enable developers to circumvent the public's desire to protect the functioning and integrity of the Upper Salt Creek floodplain. Please enact the least cost alternative which will provide the most protection for the floodplain and set the precedent that citizens' desire to save money and protect water quality is more important than short term profit. Please adopt Concept A.

Response by the applicant

Steve Henrichsen responded to the testimony, clarifying that the staff recommendation is that this Master Plan be listed under the subarea plans, but also that we create a category under watershed studies that lists all of the watershed studies. These would be equal in terms of emphasis and implementation of the Comprehensive Plan.

Nicole Fleck-Tooze believes that the staff recommendation does support the goals and objectives of the master plan. She clarified that any additional costs that might be a result of a Concept C approach on a particular site, which are above and beyond what was projected to implement Concept A, would be expected to be borne by the private sector.

Fleck-Tooze responded to the comment about stormwater detention and clarified that the stormwater detention requirements would still be the responsibility of the developer in terms of runoff on the site. One of the things that Concept C has the potential to do is to provide the flexibility we talked about in trying to reach a little bit of a balance between the goals and objectives that we are trying to achieve and the concerns of property owners and the environment. Concept C also recognizes the reality that we do have limited funding for implementation and there may be some opportunities that are afforded by Concept C. She agrees that Concept C is more complex, and probably more subjective, and in order to have the flexibility on the site you are going to have greater complexities and some subjectivity. The recommendation has outlined some very specific criteria and there is some very specific modeling to be done. Any additional costs to comply with the criteria outlined in the master plan for meeting water quality standards would be borne by the private sector.

Fleck-Tooze further clarified that there would be some negotiation on site and this would be folded into the development negotiation process.

Henrichsen noted there to be a lot of concerns about this permitting encroachment in the floodplain. This plan is coming forward based on where we are today. Our own floodplain regulations do allow encroachment in the floodplain, not the floodway. This recommendation provides that there may be some encroachment, but the developer needs to make up for that encroachment. It is clear that this is a compromise and neither side is 100% satisfied, so he believes it is a pretty good compromise.

Steward suggested that technically, any subarea plan that is accomplished and approved by this body is a part of the Comprehensive Plan. Henrichsen concurred.

Steward asked Fleck-Tooze to explain how the process would work for a major development that did propose something to be constructed within the floodplain. Would we be looking at something like our staff review of the development proposal where the criteria would be enumerated as stated in this document? Fleck-Tooze stated that the staff would certainly "walk through" the criteria given what is proposed. She anticipates that as there was negotiation and discussion, some of those things would change as it becomes a staff report. This would be public information in every case.

Marvin wondered whether the hydrology studies, due to changes to the terrain in Concept C, would require more staffing costs. Fleck-Tooze stated that one concern is that the review of

those studies will cause need for additional review by staff. There is also a concern about the cost to monitor. She did advise that once the master plan is adopted, there is a computer model and the staff intends to evaluate each development based upon the model. She does not believe looking at Concept C alone is going to cause a greater amount of time. The city also has the ability to require bonds for some of these measures to make sure they are constructed as they are shown on the plan.

Marvin asked staff to contrast Concept A with Concept C. Fleck-Tooze explained that under Concept A, the proposal is to purchase conservation easements over the 100 year flood prone area outside of the minimum flood corridor. If we don't have funding available to purchase, we risk losing an opportunity to protect because we don't have the ability to purchase the easements. Concept C gives the city the ability to still ask that these things be addressed if there is encroachment into the flood prone area. There is still an expectation that impacts be offset. Henrichsen added that Concept C gives us another tool to work with to implement the same goals of the master plan.

Marvin also inquired about the minimum flood corridor. Fleck-Tooze explained that the minimum flood corridor is required by our current zoning and subdivision ordinances. There is a formula used to determine how wide the flood corridor has to be – basically 60' wide, plus the width of the channel bottom, plus six times the channel depth.

Marvin has concerns about Concept C because there are ideas that you can do some land swapping. Is there any limit to what a person could do? Fleck-Tooze responded that Concept C is really trying to achieve a balance. If you reduced a 40 acre floodplain area to only 5 acres of storage, one of the criteria is open space potential and riparian habitat. If open space and riparian habitat were not provided, it would be suggested by the staff that the criteria had not been met and that's part of the balance. The staff would bring forward a recommendation and the Commission would make a recommendation to the elected officials. Henrichsen added that because the minimum flood corridor is already in our regulations, there will already be an area that is basically preserved. Fleck-Tooze noted that there are a lot of subjective elements that go into negotiations on any individual development site. There is no hard and fast point and it would be up to the staff to evaluate the proposal based on the information submitted and to provide a recommendation to the Commission. Henrichsen pointed out that in order to have the encroachment, the developer still must address the conveyance, the water quality and stream stability. The more you encroachment, the more difficult it is going to be to meet the other goals.

Marvin asked the staff to walk through the mechanics of how to negotiate the cost. For example, if he had 5 acres but it's in the wrong location, could he fill it and swap it? Do I still get paid an easement on 5 acres? Fleck-Tooze explained that the conservation easement is only for the protection of floodplain areas that are left open in perpetuity. Marvin then assumed that once he touches the area, he loses the right to the easement. Fleck-Tooze agreed.

Speaking purely in terms of the environmental benefits and stormwater benefits, Marvin believes that Concept A is a better practice than Concept C in that narrow focus. Fleck-Tooze suggested that in an ideal world, the ultimate would be to preserve the entire 100 year floodplain area. This recommendation tries to reach a balance.

Fleck-Tooze clarified that the total basin is 8.1 square miles (approximately 5,184 acres). Carlson then asked how many acres would eventually be impacted by this need to do some sort of engineering or offset. Fleck-Tooze stated that under Concept A, there are 132 acres within the minimum flood corridor. The 100 year flood prone total area, including the minimum flood corridor, is 370 acres, so the difference between those would be the area that under Concept A is proposed for purchase of conservation easements, i.e. 240 acres.

Fleck-Tooze further clarified that the staff will be looking to the Comprehensive Plan for guidance in making a recommendation. Theoretically, the ordinance could be written based on the Comprehensive Plan, further delineating the requirements. If Concept A is implemented, it does not mean we lose the opportunity for negotiations. Henrichsen further explained that with Concept A, there will still be areas where we will need to encroach in the floodplain for roads, utilities and other things.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 20, 2003

Schwinn moved to approve the staff recommendation, as revised on August 20, 2003, seconded by Bills-Strand.

Carlson moved to amend to strike those portions of the recommendation that refer to Concept C, seconded by Marvin.

Henrichsen believes that, in essence, this would be the staff recommendation proposed in May, which reflected Concept A.

Carlson pointed out that this is a Comprehensive Plan amendment. It is an attempt to be proactive and do things in the new areas and undeveloped areas. We have rules right now and he has voted for projects he would have preferred not to because of the rules that exist. We have an opportunity to try to be proactive and set aside areas that are ripe for conflict and get a tangential benefit of water quality and environmental quality, in addition to the stormwater preservation. From an engineering standpoint, Carlson is very attracted to this idea that we can use mitigation techniques. But at some point we lose the secondary benefits and get to a point where we undercut what we're trying to achieve in the first place. If we are trying to give guidance to the future and best practice, he believes the answer is Concept A--to stay out of those areas--that is important and it should be supported. To Carlson, the 240 acres that represent the area in play here (and not all of that would even come up) versus the 5100-5200 acres that are in the basin--that tips the balance. He will lean toward the best stormwater and best environmental practice.

Bills-Strand sees it as an opportunity to get some private funding involved. We have to be willing to compromise and negotiate sometimes and we need to leave the door open a little bit.

Marvin is all for flexibility, but he just thinks what is being done with Concept C allows people to make huge modifications in the terrain, even though that may not be the intent. He believes that Concept C allows for a lot of change and does not provide the protection.

Taylor stated that he will support Concept A.

Steward stated that he will support the motion to amend (in support of Concept A), guided by large principles. There are no natural disasters. There are only human disasters within the natural environment. As long as we continue to build and have a document which suggests that it is okay to build in nature's most devastating and dynamic influences on this particular environment, then we are derelict in helping the community to keep those disasters from happening. Secondly, since these performance specifications have been developed in the search for compromise, he believes they are going to be forever in our language. If not, they should be in terms of the negotiations that will inevitably take place. The Comprehensive Plan is only advisory in any event. And every project that comes through the Comprehensive Plan process will have negotiation. He is just concerned about backing off too far from the standards and expectations, which should be in every way possible keep development out of the floodplain.

Motion to amend carried 5-4: Krieser, Carlson, Taylor, Marvin and Schwinn voting 'yes'; Larson, Duvall, Bills-Strand and Steward voting 'no'.

Main motion, as amended, which removes any reference to Concept C from the recommendation, carried 5-4: Krieser, Carlson, Taylor, Marvin and Steward voting 'yes'; Larson, Duvall, Bills-Strand and Schwinn voting 'no'.

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