

An Interpretation of the Planning Commission
(May 7, 2001)

1. Section 5.2-4, Balanced Cut and Fill Standards, was added to the Rivergrove Flood Damage Prevention Ordinance (Ordinance # 52) by Ordinance 62-98. It reads, in part, as follows:

"5.2-4. Balanced Cut and Fill Standards"

(1) All development, excavation and fill in the areas of special flood hazard (i.e., the flood plain) shall conform to the following balanced cut and fill standards:

(iii) Any excavation below bankful stage shall not count toward compensation for fill since these areas would be full of water in the winter and not available to hold storm water;

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2. The term "bankful" is not defined in Ordinance 62-98 or in Ordinance # 52. The term "bankful" is not defined anywhere in the Rivergrove Land Development Ordinance.

3. Ordinance 69-2000, which has been recommended by the Planning Commission to the City Council for adoption, has a balanced cut and fill standard which reads, in part, as follows:

"Section IV. Water Quality Resource Areas"

G. Development Standards

All development, excavation and fill in the floodplain shall conform to the following standards:

3. Any excavation below the 10 year flood elevation for the property shall not count toward compensating for fill.

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4. While Ordinance No. 69-2000 has not yet been adopted by the City Council, the Planning Commission wishes to currently interpret the term "bankful" in Section 5.2-4(1)(iii) consistently with the way balanced cut and fill requirements will be implemented by Section IV.G.3. of Ordinance 69-2000 above with respect to the limitations placed upon excavation below a certain level not counting toward compensating for fill in the floodplain. [Note: When Ordinance 69-2000 is adopted, the balanced cut and fill standards in Section 5.2-4(1)(iii) of Ordinance # 52 will be replaced by the balanced cut and fill requirements in Section IV.G.3. of Ordinance No. 69-2000.]

5. The Planning Commission applied this interpretation on March 5, 2001, to its evaluation of the Development Permit Application for Land Division (18-Lot Subdivision) (Stark's Landing Incorporated) (5050 SW Childs Road - Consolidated Application).

6. In accordance with RLDO Section 3.090, this interpretation is hereby made in writing and will be available with copies of the applicable ordinance (Section 5.2-4, Balanced Cut and Fill Standards, as added to the Rivergrove Flood Damage Prevention Ordinance (Ordinance # 52) by Ordinance 62-98).

INTERPRETATION

Section 5.2-4(1)(iii) of Ordinance # 52

The Planning Commission hereby interprets Section 5.2-4(1)(iii) of Ordinance # 52 as follows:

The bankful stage referred to in Section 5.2-4(1)(iii) of Ordinance # 52 shall be equal to the 10-year flood elevation for the property as that phrase is used in Section IV.G.3. of Ordinance No. 69-2000.